



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 8 Deireadh Fómhair 2014

Wednesday, 8 October 2014

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Schools Data

1. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of primary schools with only one mainstream class teacher in the current academic year; the way this number compares with the number of one-teacher primary schools in the academic years 2013-14, 2012-13 and 2011-12; and if she will make a statement on the matter. [38280/14]

Deputy Charlie McConalogue: I seek information on the number of primary schools with only one mainstream class teacher in the current academic year and how this number compares with the number of one-teacher primary schools in the previous three years since this Government came into office.

Minister for Education and Skills (Deputy Jan O’Sullivan): This is my first time taking Priority Questions in the House as Minister for Education and Skills. I thank the Opposition spokespersons for their questions and I look forward to working with them in a constructive way.

My Department publishes statistics annually including information on school size. In the last school year there were 29 one-teacher schools and 11 in each of the previous two years. The number of one-teacher schools in the current school year is expected to be around 40 but the final position will not be known until the teacher allocation and appeals processes have fully concluded in the coming weeks. The pupil threshold for a two-teacher school was 12 pupils which gave an average class size of just six pupils. As part of budgetary measures the pupil threshold was increased, on a phased basis, to 20 pupils. This puts the staffing arrangements for small schools on a more affordable and sustainable basis.

Deputy Charlie McConalogue: I note the last comment of the Minister, that this puts the situation of small schools “on a more affordable and sustainable basis”. There was no reference in the Minister’s reply to educational standards, the needs of children or the needs of schools

and communities. Instead, it is about money and affordability. That is a disappointing response.

It would be remiss of me not to wish the Minister well in her new role, which is a very important one. I congratulate her on her appointment. We have met at committee and I wish the Minister well over the coming period.

The Minister's predecessor introduced changes to school staffing thresholds which have had very damaging effects on small schools. Half of national schools in this country have four teachers or fewer and they are the schools which have been targeted. The Minister has indicated in her reply that her Government has overseen a fourfold increase in the number of one-teacher schools. There will be 40 such schools in this academic year. I ask the Minister to comment on how she views the situation facing students and teachers in those schools. How feasible is it for them to be in the situation created by this Government?

Deputy Jan O'Sullivan: The last element of the budgetary measures that were taken came into effect this September. The process took place over a number of years and is completed. All decisions are made on the basis of ensuring schools are sustainable, and that is the basis of the decisions made with regard to numbers. Some one-teacher schools are newly established and did not grow as quickly in their initial year of operation as had been anticipated. Not all one-teacher schools were previously multi-teacher schools. In some cases they are new schools that have not achieved anticipated enrolment levels.

As Deputy McConalogue knows, the intention is to ensure schools are sustainable. We are always available to discuss these issues. I have had some discussions on the specific issue of small schools. I intend to engage with Deputy McConalogue and other members of the Opposition on the issue.

Deputy Charlie McConalogue: The Minister's response is very disappointing. She indicated that her policy is to make schools sustainable, but I argue that her policy will make them unsustainable. I question the sustainability of the 40 one-teacher schools this Government has created. The number of such schools has increased from only 11 when this Government came into office. The Government is not making those schools more sustainable. Rather, it is making the situation difficult, if not impossible for them. This is not just an issue for one-teacher schools. The cuts have also had a negative impact on two, three and four-teacher schools.

There is no honesty from the Minister with regard to what her Department is doing. In fact, she is denying what it is doing. She is talking about sustainability when the Department is making the schools unsustainable. Meanwhile, the Minister refuses to publish the value for money report which was with her predecessor for 18 months. There has been no honest appraisal of the educational impact of what this Government is doing. Will the Minister address that point in her response and stop ignoring the reality of the difficulties being created for schools?

Deputy Jan O'Sullivan: I am very much aware that the value for money report was with my predecessor and is now with me. I have engaged in reading the report. My Department is also engaged in discussions with the Catholic Primary School Managers Association and the Irish National Teachers Organisation on the proposals and on the general issue of smaller schools, not just one-teacher schools but also two, three and four-teacher schools. I am also discussing this issue with Government colleagues. I intend to publish the report as soon as those discussions have concluded. As the Deputy will appreciate, I am not in this job very long but I have started the discussion process.

Deputy Charlie McConalogue: The Government is the same.

Deputy Jan O’Sullivan: I intend to publish the report when those discussions have been completed. I intend to address the issue in that context.

Social Welfare Schemes

2. **Deputy Jonathan O’Brien** asked the Minister for Education and Skills if she has met the Department of Social Protection on the issue of employing primary schoolteachers through the JobBridge scheme. [38014/14]

Deputy Jonathan O’Brien: I congratulate the Minister on her promotion and look forward to working with her constructively over the remainder of this Government’s term. I seek clarification on what discussions the Minister has had with the Minister for Social Protection on the use of the JobBridge scheme in the education sector.

Deputy Jan O’Sullivan: I indicated that I would engage with my colleague, the Tánaiste and Minister for Social Protection, Deputy Joan Burton, to make sure the principles of the JobBridge scheme were maintained and that there was no abuse of the scheme. I can confirm that I have spoken to her about this matter. We have had quite detailed discussions on the issue. We also discussed the potential for the scheme to allow newly qualified teachers gain valuable experience and facilitate the probationary process. I intend to work closely with the Tánaiste to ensure that, in as far as possible, the above objectives are achieved. That discussion is ongoing.

As the Deputy knows, the Department of Social Protection monitors JobBridge advertisements and proposals daily, including those in the education sector.

Deputy Jonathan O’Brien: Does the Minister agree that using JobBridge to advertise teaching positions is a form of exploitation by schools? Positions for SNAs and teachers have been advertised on JobBridge, but the purpose of that scheme when first announced was as a pathway to work. People were to have a realistic opportunity of gaining employment after participation in a JobBridge scheme. Can the Minister provide any figures on the number of people who have taken up JobBridge schemes within the education sector and secured full-time employment as a result? I would imagine that figure is zero.

Deputy Jan O’Sullivan: The general figures for JobBridge are positive, in terms of people moving on from it to full-time employment. I do not have the figures in regard to the Department of Education and Skills because they are held by the Department of Social Protection. I am not sure the specific figures are available, but will get them if I can.

There are clear rules in regard to JobBridge and positions offered under the scheme cannot displace jobs. The Department of Education and Skills monitors this in regard to jobs in the sector. It is a decision for schools as to whether to employ people under JobBridge, for example as SNAs, and those jobs advertised are additional to the schools’ SNA allocation. There has been a steady increase in the allocation of SNAs in recent years because of need, but the JobBridge positions must be additional to posts already allocated. The position is similar in regard to teaching. Any position advertised cannot displace a teacher job. We do not allow JobBridge positions in schools for caretakers and cleaners.

It is vital to ensure that JobBridge positions are not displacements and that they provide op-

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portunities for moving on into full-time, permanent employment. The statistics for JobBridge in general are quite positive in that regard. If I can, I will get the specific statistics on the education sector and send them to the Deputy.

Deputy Jonathan O'Brien: I am interested in seeing those figures, because the last time we asked about the number of teachers and SNAs engaged in JobBridge schemes who went on to full-time employment, the figure was zero. I am interested in seeing whether there has been any progress on that.

I believe filling positions in schools through JobBridge is a form of exploitation. The reason schools are being forced into advertising through JobBridge is the lack of investment in education over the past number of years. There is no doubt there is an increased number of students in need of an SNA, but the increased number of SNA posts allocated by the Department fails to meet that need. As a result, schools are being forced to advertise through JobBridge to make up for the reduced number of teachers and SNAs available for front-line services. The use of JobBridge in education is a form of exploitation, not a pathway to work. The figures bear this out.

Deputy Jan O'Sullivan: The National Council for Special Education allocated over 10,900 special needs assistant posts for the 2014-15 school year. This significant number of posts is an increase on previous years. The Department makes clear that JobBridge is not a substitute for those posts and it in no way interferes with a school's normal allocation of either SNAs or teachers.

I do not have the statistics the Deputy said he received previously, but I will try to get those figures. In some cases, a person might not get a full-time job immediately after being on a JobBridge scheme, but might get one some months later. We will try to get as broad based figures as we can on the statistics.

Pupil-Teacher Ratio

3. **Deputy Finian McGrath** asked the Minister for Education and Skills if she will support a reduction in class size. [38016/14]

Deputy Finian McGrath: I congratulate the Minister on her new portfolio and the Minister of State, Deputy English, on his. A good reforming Minister for Education and Skills will always listen to pupils, teachers and parents to build and plan for the future.

Today, I ask the Minister to listen to me and to tell us whether she will support a reduction in class size. This is a major issue for education. One third of pupils in parts of Dublin are in classes with more than 30 pupils. Class size here is back to where it was ten years ago and one out of every four children in primary school is squeezed into a class of 30 or more. Will the Minister look at the option of reducing class size in primary schools?

Deputy Jan O'Sullivan: I will always listen to the Deputy and his colleagues.

My main priority for any additional resources for the foreseeable future will be to cater for the continuing increase in demographics at all levels in the education system. We have a growing population of young people in this country and despite the difficult financial circumstances we face as a country, we prioritised education so the number of teachers we have in the system has also grown in order to protect existing pupil-teacher ratios. There were 1,000 more teachers

employed in schools around the country in the past school year than there was the previous year. There will be a further increase of approximately 1,300 teachers in the current school year.

This is an increase of approximately 2,300 teachers within a two year period, which is a significant investment at a time of scarce resources. My focus in preparing for budget 2015 must be to seek the funding necessary to meet this demographic growth and not on additional spending measures such as that proposed by the Deputy. If in future years there is funding available to reduce class sizes, my preference is that it would be targeted at reducing class sizes at infant years.

Deputy Finian McGrath: I strongly disagree with the Minister. I accept that her focus must be on dealing with the number of new children starting in our schools, but that ignores the broader point that she has choices in the forthcoming budget. The Government can put money into health and education or into tax breaks for wealthy people. It is not acceptable if that is the kind of budget we get from the Labour Party.

On class size, in the first week of September this year we had 135,000 pupils in super-sized classes. That is an increase from 96,000 in 2006-07. If we look deeper into the figures, some 27,400 pupils are in classes greater than the EU average of 20. We must look into this. More seriously, some 7,100 pupils are in classes of over 30. Will the Minister accept we have a major problem in regard to class size? Will she accept the principle that when one has choices to make in a budget, moneys should be put into services such as health and education rather than given to people who are financially well off?

Deputy Jan O'Sullivan: I share the Deputy's concern that we should reduce class size as soon as we can. However, we are still in a tight budgetary situation. In terms of the education budget, even if we receive the same amount as last year, we will need more because of the increased pupil numbers. This must be our priority. We must have teachers for the extra children.

One of the issues in regard to the figures for the rest of the European Union is that, by and large, those countries do not have growing populations and increasing numbers of children. The Deputy is correct that our class size is above the European average. We are also slightly above the OECD average of 21.3. The average class size here is 24.4. As the Deputy knows, the pupil-teacher ratio is not as high as the figure he gave for the larger classes, because of the variety in class numbers. In DEIS schools we have a lower pupil-teacher ratio and I support that.

The projected number of pupils for the current school year is 544,762 at primary level and 338,046 at post-primary level. We have a large population in that age category and must cater for them. I would like to reduce class size and the pupil-teacher ratio as soon as possible, but we remain in a tight budgetary situation as a country.

Deputy Finian McGrath: I am pleased to see the Minister has accepted that our primary class sizes are the most crowded in the European Union. I strongly believe it is time to reduce them.

Deputy Jan O'Sullivan: I said we were above the average. I did not say we had the most crowded classes.

Deputy Finian McGrath: We have to reverse class sizes and plan for a sustainable network of education in schools.

There is another important issue. We spend millions every year training young teachers in our colleges of education but then they are forced to emigrate or go to different countries. We must consider that as well. If we employed them and gave them the extra jobs in our schools, they would be contributing through their taxes and they would be making a contribution to the economic growth we all seek.

Another often ignored issue is the number of children with disabilities in large mainstream classes. For example, there are 200 children with Down's syndrome in our primary schools who are not getting an adequate service. How can schools give them a quality service in large classes? That is another serious issue the Minister should consider.

Deputy Jan O'Sullivan: I reiterate that we have had an increase of 2,300 mainstream teachers in the past two years. Deputy McGrath referred to children with special needs. The Deputy is probably aware that the National Council for Special Education has issued a draft document on how we might review the system. It is out for public consultation at the moment. The council is keen to get responses and hear the views of parents and is interested in perhaps changing the model. There is an assessment at the moment. Certain categories of children need an assessment to get the supports they need. The idea is to try to find a better way of doing that. There are discussions in several of these areas around improving the situation generally and we will engage in those discussions in the coming year.

Minor Works Scheme Restoration

4. **Deputy Charlie McConalogue** asked the Minister for Education and Skills to set out her views on a permanent restoration of the minor works grant; and if she will make a statement on the matter. [38281/14]

Deputy Charlie McConalogue: What is the Minister's views on the permanent restoration of the minor works scheme given its importance to every primary school in the country?

Deputy Jan O'Sullivan: At the publication in November 2011 of the Government's medium-term infrastructure and capital investment framework, the emphasis in the education sector was focused on major school projects and smaller projects devolved to schools to meet demographic demands. Given the requirement to meet the need for additional school places over the years 2012 to 2016, it was deemed unlikely that minor works grant funding would be available during that period. However, the grant issued to schools in November 2011 for the 2011-12 school year and last November for the 2013-14 school year. The advice that accompanied the grant to schools last November made it clear that the grant will only be paid in future years as funding permits. I cannot give any commitment to restore the payment on an annual basis. As the Deputy is aware, we are in a pre-budgetary situation and discussions are ongoing. I therefore cannot give Deputy McConalogue a definite decision one way or the other at this stage.

Deputy Charlie McConalogue: Anyone involved in a primary school who has been listening to the Minister's answer will be disappointed that she has not given any assurances in that respect. I hope when it comes to the crunch in the budget on 14 October there will some good news for them in respect of the grant.

I was hoping for a response from the Minister to indicate she is aware of the importance of the grant to schools. We are well aware of the financial situation the country is in and the diffi-

culties in terms of budgets. Perhaps the Minister could indicate an awareness of the importance of this payment to the budgets of schools. It is worth a minimum of €5,500 to every school in the country. The grant could be worth €8,000 or €9,000 to a three-teacher school with 80 pupils. As a result of the grant not being paid, schools have had to ask for this money from the community and parents. This has led to a major increase for financially strapped parents in the cost of sending their children to school. The Government is overseeing a situation where far more financial pressure is put on these parents as a result.

Will the Minister indicate whether she comprehends the importance of this? During the coming week as she negotiates with the Minister for Finance, she should ensure the restoration of the grant to national schools is at the top of her priority list.

Deputy Jan O'Sullivan: I realise how valuable this grant is to schools. As Deputy McConalogue noted, the basic grant is €5,500 per school. There is €1,850 per mainstream pupil and €74 per special needs person. The grant is useful to schools for practical purposes like physical infrastructure such as items of furniture and equipment, including information technology equipment.

Decisions have been made over the years in situations where it has not been possible to pay the grant, and these decisions have been very difficult. As Deputy McConalogue is aware, it was paid last year. I assure the Deputy that I recognise the value of the grant to all schools. One benefit is that there is a basic grant for all schools which increases on the basis of the number of mainstream students and the number of special needs pupils. I recognise the need, but I am not in a position today to indicate whether we will be able to pay it in the next school year.

Deputy Charlie McConalogue: I understand that the Minister is not in a position today to give a commitment on the matter. However, I draw her attention to the record of her Government in respect of payment of the grant. Of the three budgets the Government has introduced, the minor works grant was paid in only one, last year's budget. The Minister outlined the rates. This has left a huge hole in the budget of every primary school in the country. The burden has fallen back on cash-strapped families. Let us consider this with the fact the summer works scheme was not paid for two of the past three years and that each of these three years saw reductions in capitation allocations to schools. Let us consider also the actions of the Minister's Cabinet colleague and now party leader, the Tánaiste and Minister for Social Protection, Deputy Burton, in halving the back-to-school payment for secondary school students and cutting by one third the back-to-school payment for primary school students. All in all, the Government has taken in excess of €100 million per year from supports to schools and families of schoolchildren. This funding must be raised by families who are among the most hard-pressed in the country in recent years. This is an unacceptable increase for families in the cost of sending children to school. I emphasise the importance of trying to relieve that pressure and the need to change the approach by delivering a decision in the budget next week which will see that payment given to every school in the coming year.

Deputy Jan O'Sullivan: As the Deputy well knows, difficult decisions have had to be made in all Departments in recent years because of the economic collapse and specific agreements on the level of cuts each Department has had to take. One of the priorities decided upon in the Department of Education and Skills was that the pupil-teacher ratio would be protected. That meant difficult decisions had to be made. As I have indicated, I recognise how valuable this grant is to schools. I will bear that in mind in terms of the discussions we will be having in the coming days.

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Capitation Grants

5. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills if she will provide a commitment to secure the financial feasibility of schools by not proceeding with the proposed 1% cut in the capitation grant, as announced in budget 2012; and if she will make a statement on the matter. [38015/14]

Deputy Jonathan O'Brien: This question relates to capitation grants, which, as the Minister is aware, are the main source of funding for schools. The effect of the year-on-year reduction in the capitation grant on schools has been significant. Will the Minister give a commitment that the planned reduction due to take place next year will not now go ahead?

Deputy Jan O'Sullivan: The Government's focus in recent years has been on operating a budgetary programme that is designed to return Government finances to a sustainable basis. I appreciate that the measures taken impacted on schools, including the reduction in capitation, and are not sustainable in the longer term. The multi-annual reduction in the funding for capitation and related grants involved a 2% reduction in 2012 and 2013 and a further 1% reduction in 2014 and 2015. I do not envisage any change to the 2015 element of the multi-annual savings measure but I regard capitation funding as one of the priority areas to be considered for improved funding as the public finances improve on foot of economic recovery.

Deputy Jonathan O'Brien: I am a little confused by the Minister's answer. Last week during Question Time we raised with the Minister for Finance the issue of a neutral budget. We were trying to get some clarity on previously announced cuts, such as the capitation grant cut, which was announced in 2012. Given that we are looking at a neutral budget, will those cuts take place next year?

10 o'clock

The Minister for Finance in his answer stated:

If the effective date was 2014, the Minister responsible would have to provide for it within the 2014 Estimates... If, on the other hand, the changes are with effect from some date after 1 January 2015, it is not in the base and must be provided for in the Book of Estimates...

The Minister for Finance is saying that anything previously announced does not kick in until 2015 and does not now have to take place. The capitation grants are paid twice a year on 31 January and 1 June, as will be the case in 2015. Will the Minister confirm that this cut will proceed as she said it would? I am a little confused given the Minister for Finance is saying there is no need for it to proceed now because we are looking at a neutral budget, whereas the Minister for Education and Skills is saying she does not see any change in the proposed cut for 2015.

Deputy Jan O'Sullivan: The figures I have includes capitation. In fact, the 2015 element of the multi-annual saving will result in an estimated saving of €3.3 million per annum. Those are the figures which have been presented to me and with which I have had to work. As I said, the main pressure with regard to the education budget is the demographics. We are constantly struggling, even with a neutral budget, in terms of catering for the extra number of children. Nonetheless, the Deputy has raised a point of discussion I was not aware of because, obviously, I was not present for those questions. I will certainly check to see whether that has relevance to the decisions I have to make.

Deputy Jonathan O'Brien: I would appreciate that because the Minister for Finance was pretty clear in his answer, stating that any proposed cuts which take effect in 2015 would not have to be considered in terms of a neutral budget.

On the capitation grant, like all new Ministers, when she entered office the Minister got a briefing document from her Department. It was a fairly extensive document, which I read. Page 89 of the document touches on the issue of capitation grants, where it states:

The adequacy of the capitation funding for schools is a critical issue. Any further reduction, if it were to prove necessary for budgetary reasons, may create a risk that some schools would not be able to cover critical costs, such as insurance, heat and light, the absence of which could trigger school closures.

The Minister's own senior officials, including the Secretary General of the Department in his briefing document to the Minister in July, told her that any further reduction in capitation grants may lead to schools closing. It baffles me that she would even consider proceeding with a further 1% reduction in the capitation grant when her senior officials in the Department are telling her of these consequences. Something has to give.

Deputy Jan O'Sullivan: I said in my initial response that I am very conscious that we need to address this issue as soon as we can. I can confirm that was in the briefing document and I agree we need to address it. Clearly, there are specific issues schools have to address and they use the capitation money for that.

In regard to the Deputy's point that anything to be spent in 2015 would not have to be implemented, the figures that were intended to be spent over the next school year would be built into the base figures that our Department had to work with. While I do not doubt what the Deputy said in regard to what the Minister for Finance said, I imagine that would be additional spending for 2015 rather than something that was already built into the base figures.

Deputy Jonathan O'Brien: That is not what was said.

Deputy Jan O'Sullivan: I will check it for the Deputy.

Other Questions

Schools Building Projects Status

6. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills the number of schools which will remain in prefabricated accommodation outside of her Department's five-year plan; if she will provide an update on her Department's site acquisition processes; and if she will make a statement on the matter. [37921/14]

Deputy Jonathan O'Brien: The question relates to the progress and the delays with the five-year plan for the school building programme.

Deputy Jan O'Sullivan: My Department's overriding objective is to ensure that every child has access to a physical school place and that our school system is in a position to cope with increasing pupil numbers. To ensure this is achieved, the delivery of major school projects to meet significant demographic demands nationally will be the main focus for capital invest-

ment in schools in the coming years. However, even despite the enormous financial challenges which have been faced in recent years, two iterations of the prefab replacement scheme were funded by my predecessor. Under the prefab replacement initiative 2012 and 2013, approval was given to 217 schools - 209 primary and eight post-primary - to replace 614 prefab units with permanent accommodation. In excess of €56 million has been allocated to these initiatives. Information in regard to the number of schools which will still have purchased prefabs at the end of the five-year capital programme is not readily available.

Where the need for a school site is identified, in general the Department requests the assistance of the local authority under a memorandum of understanding whereby the local authority acts on behalf of the Department. Sites have also been acquired by direct negotiation with landowners, through the education and training boards or, occasionally, working with OPW. The focus is always on due diligence in regard to technical assessment and conveyancing, achieving the best value for money for the Exchequer, while also having regard to the timeframe for delivery of the school.

Deputy Jonathan O'Brien: I will be the first to acknowledge there has been increased funding in this area and that we are seeing a number of new schools coming on stream, although obviously, not at a quick enough pace to address the under-funding of capital projects down through the years.

On the issue of long-term planning, which I touched on in committee while the Minister was present, I do not believe the five-year plan is adequate as it is too short term. When we are planning for demographic change, we can tell what the population trends and the needs will be ten years down the line. I raised the possibility of not just developing a five-year plan but of looking at five, ten, 15 and 20-year plans for capital projects in education.

At the committee, the Minister, Deputy Jan O'Sullivan, said the Minister for the Environment, Community and Local Government was due to bring forward some proposals around the planning process. As she is aware, one of the biggest issues for school building programmes is the planning aspect and the delays in that. Can the Minister give us a further update on that?

Deputy Jan O'Sullivan: On the planning issue, the Minister, Deputy Kelly, proposed the general scheme of a planning Bill, some elements of which address some of the problems in terms of speeding up the process.

Deputy Jonathan O'Brien: I have not seen that.

Deputy Jan O'Sullivan: He also announced that he is going to review An Bord Pleanála on the basis that it has not been reviewed since it was established.

With regard to the five-year plan, as the Deputy knows, that comes to an end at the end of next year and I have already started to look at how we might move towards the next five-year plan. I intend to work on that early next year in particular so we are in a position to announce it at some point during 2015 in time to ensure that schools can then move forward with all of the planning and preplanning they have to do.

With regard to planning, it is helpful that there is a memorandum of understanding with the local authorities because it means they can engage in a proactive way to identify appropriate sites that are properly designated for educational purposes. By and large, that is a positive move. We are all aware of situations where, for one reason or another, an education project

is held up and does not proceed as quickly as we would like. Wherever we can iron out those issues, we should do so, although without changing the quite correct approach to planning that we have in terms of the right to appeal.

Deputy Jonathan O'Brien: In her response, the Minister might touch on the possibility of extending the five-year plans and looking at even longer-term planning for school capital projects.

I cannot let this issue go without touching on the whole area of the workers involved in building schools. The Minister is well aware, as I am sure every Deputy is, of the ongoing issue in regard to the dispute at Kishoge Community College. It is unacceptable that the Department of Education and Skills would in effect wash its hands of this issue-----

An Ceann Comhairle: Sorry, this is Question Time.

Deputy Jonathan O'Brien: Yes, and I am going to ask the question. It is unacceptable it would wash its hands of this issue by stating that the contract which the Department takes out is with the main contractors and it has no responsibility over the subcontractors which are employed by that main contractor. The Department should have a responsibility to ensure every worker working on a school building project is being paid adequate rates, is unionised and the proper terms and conditions are in place. Any other response from the Department is washing its hands of the issue.

Deputy Jan O'Sullivan: With regard to the longer-term plan, one issue is changes of government. In the past, new governments of whatever hue came in when previous governments had promised things but not provided funding. We do not want to go back to those days. Whatever plans are in place, we want to make sure funding is in place to go with them.

With regard to the sites, I will meet the Minister of State, Deputy Gerald Nash, today to discuss the work of his Department in respect of registered employment agreements and a number of general issues arising in this context. I cannot comment on the specific situation of one particular site. I am anxious to see what can be done.

Deputy Jonathan O'Brien: Does the Minister agree it is unacceptable?

Deputy Jan O'Sullivan: I want to see what can be done. New legislation in the area is promised and we all agree that we want to see it on the Statute Book as soon as possible.

Special Educational Needs Service Provision

7. **Deputy Clare Daly** asked the Minister for Education and Skills if she will fully implement all articles of the EPSEN Act 2004 without further delay. [37929/14]

Deputy Clare Daly: The EPSEN Act was supposed to provide for the education of children with special needs and referred also to further and adult education. That has not happened and we do not have an inclusive or needs-based education system for special needs. Against the backdrop of the report of the outgoing Ombudsman for Children criticising the Government and referring to the large number of complaints the office handled because of the lack of resources, poor decision-making should not be justified on economic grounds. What are the plans of the Minister to fully implement all articles of the Act?

Deputy Jan O’Sullivan: A significant number of sections of the Education for Persons with Special Educational Needs Act, EPSEN, have been commenced, principally those establishing the National Council for Special Education, NCSE, and those promoting an inclusive approach to the education of children with special educational needs. In light of the very difficult economic situation and the significant costs involved in fully implementing the EPSEN Act, the previous Government deferred the full implementation of the EPSEN Act. While awaiting the full implementation of the EPSEN Act, the NCSE has made a number of recommendations aimed at developing a better or more effective alternative to the current resource allocation model, which aims to move the system towards ultimate implementation of the EPSEN Act. It is intended to bring into effect many of the good ideas contained in the EPSEN Act, on a non-statutory basis initially, through policy developments across a range of areas, in conjunction with NCSE policy advice.

Deputy Clare Daly: The Act is ten years old and the reality for families and children with special needs is that they are going backwards. The National Council for Special Education was supposed to provide for resources and meet the requirements of children with special educational needs but, in reality, it has been used to implement the cap on SNA posts in 2010 rather than the original aims of the Act. It has had a devastating impact on the children involved. For the current school year, 2014-15, some 40% of the applications for SNAs made by schools were rejected and 20% of applications for resource teachers were refused. These decisions on economic grounds are eroding the education of children with special needs. The Act was supposed to ensure these children’s needs were met in an inclusive environment. Does the Minister accept that many children capable of mainstream education are finding themselves put into special schools or special units because the resources are not being made available to meet their needs? They are being left behind and the next generation of schoolchildren are being lined up in the same way unless the Act is fully implemented.

Deputy Jan O’Sullivan: The policy direction is moving towards the full implementation of the Act but finance is an issue. We had a tight financial situation and the National Council for Special Education suggested an additional investment over a period of years, up to €235 million per year across the education and health sectors, would be required to implement the Act. My Department believes the sum is a good deal more than that. We are moving gradually towards it. If we had more funding, we would move faster.

There has been a large increase in the number of resource teachers and SNAs in recent years. The NCSE is proposing new ways of allocating that are up for discussion and it would allocate resources in line with the level of need rather than by disability category. It would get rid of the medical model and ensure the resources are in the schools before the child comes in so that parents do not have to pay for expensive assessments.

Deputy Clare Daly: That will be cold comfort to the parents involved. A right to an education is a fundamental human right for all children to achieve to the best of their ability. If a few corporations paid the effective rate of corporation tax, not to mind increasing it, we would have extra resources. Rather than trying to reduce the tax rate for the top earners, if we collected a bit more we would have plenty of resources.

Parents are being excluded. Non-cost measures in the Act, such as the involvement of parents in the education and decision-making for their children, is not being implemented. Parents are not being involved and SENOs are making decisions without meeting parents and taking on board their viewpoints. There is supposed to be an independent appeals mechanism in the

Act but no right to appeal is in place. Presumably, these measures would not be costly. Does the Minister agree we waste millions of euro every year in legal actions that parents are forced to take in order to achieve through litigation their legal rights in the area? Would we not be far better off, rather than enriching the legal profession, guaranteeing the rights at source?

Deputy Jan O’Sullivan: Thankfully, the economy is recovering and we are in a position to have more money to spend on these areas. I am in favour of ensuring we focus on social, as well as economic, recovery. With regard to parental involvement, schools are encouraged to use individual education plans. In that context, discussion with parents should be part of it. The information we have is that more schools use some form of individual planning for children with special needs. If there is an appeal system, I am not sure that it would cost no money. It will involve further diagnosis and assessment and further professional opinions. There is a cost to an appeal system.

Site Acquisitions

8. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the progress on the provision of funds for the purchase of a site by her Department in Buncrana, County Donegal, for the new three school Crana College campus; and if she will make a statement on the matter. [37961/14]

Deputy Charlie McConalogue: This seeks an update on the progress on the provision of funds by the Department for the purchase of a site in Buncrana, County Donegal, for a new three school Crana College campus. This involved the purchase of the site for the development of the site for the Crana College campus, a secondary school, the Irish secondary school *Coláiste Chineál Eoghain*, and Buncrana Gaelscoil.

Deputy Jan O’Sullivan: Officials in my Department have been in contact with officials from Donegal education and training board, ETB, about identifying and securing a suitable site in the Buncrana area for a campus development. A number of potential sites were previously considered over the past number of years but were deemed unsuitable for various reasons. The Deputy is more aware of the reasons than I. A potential site has been identified by the ETB. A technical assessment of the site has been carried out and this is currently under consideration. The Department is liaising with the local authority and the ETB with a view to securing a site as soon as possible to facilitate the progression of the project. Once a suitable site has been acquired, the Department will be in a position to progress the project concerned into the architectural planning process.

Deputy Charlie McConalogue: I thank the Minister for the update. I emphasise the importance of ensuring the purchase of the site moves along. In order to develop the campus and ensure progress, the first step is to secure the site.

Three schools will be housed in the new site when it is completed. Buncrana Gaelscoil was established in 1999 and now houses 183 students, with the kind co-operation of Buncrana Youth Club, in the youth club. This is not an ideal premises but great work is done under the circumstances. The Gaelscoil, *Chineál Eoghain*, is housed in a renovated mill. Crana College is in a tight site with 11 prefabs that cannot be transferred into permanent accommodation because of a lack of room. It has over 500 students. It is crucial that we see progress in regard to the purchase of the site. Perhaps when the Minister reverts to me in a further response she

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might indicate within what sort of timeline she hopes her Department may be able to make a decision on the proposed site and, it is to be hoped, see the project move on.

Deputy Jan O’Sullivan: As I said to Deputy O’Brien, engagement with the local authority usually takes place in terms of identifying sites and local knowledge can often be helpful in that regard. The ETB would also have local knowledge. According to my note, given the complexities involved it is not possible to provide a definite timeframe for the completion of the acquisition. My officials will endeavour to bring the process to a conclusion as soon as possible. I appreciate a number of schools are to be accommodated on the site and people living locally are anxious to see the project progress.

Deputy Charlie McConalogue: I can inform the Minister that the ETB and the schools involved have worked very closely with the local authority to assess previous sites and this site. I am hopeful there would be no delay in the Department’s engagement with the local authority because of the amount of joined-up work which has already taken place in Buncrana between the schools, the ETB and the relevant authorities. I thank the Minister for the update. An architect from the Department visited the three schools and the proposed site last May. I ask the Minister for an update on whether the architect’s report following that visit has now been completed and provided to the property management section. I thank the Minister for agreeing to keep a close eye on this project and ensure it is progressed as quickly as possible. It is crucial for the educational needs of Buncrana and will provide proper facilities for the three schools concerned.

Deputy Jan O’Sullivan: I will inquire about the architect’s report from the visit in May. I am not aware of what has happened with the report, but I will revert to the Deputy.

School Staffing

9. **Deputy Ruth Coppinger** asked the Minister for Education and Skills if she will replace three lost posts in a school (details supplied) in Dublin 15, due to the difficulties in the provision of education in this disadvantaged area; the loss of posts include an assistant principal post and other vital duties such as organising of a care team for students, library, discipline, social, bereavement, IT and a range of subject coordination. [37872/14]

Deputy Ruth Coppinger: My question asks the Minister whether she will replace three lost posts in a school in Dublin 15 located in an extremely disadvantaged area. It relates to St. Philips senior national school. It is a carbon copy of every other school in the country which have lost serious posts of responsibility. In this case it includes the loss of an assistant principal post, the organisation of a care team for students, library, discipline and a whole range of vital posts without which the school cannot function.

Minister for Education and Skills (Deputy Jan O’Sullivan): The staffing in the school referred to by the Deputy has reduced from 22 teachers to 20 teachers. This was due to a reduction in the overall enrolments in the school and a reduction in the number of eligible pupils in the school for English language support. A teacher in the school who had an assistant principal allowance retired. While this teacher was replaced for the purposes of teaching duties, the school did not qualify under the Department’s alleviation arrangements to have an assistant principal allowance assigned to another teacher. These alleviation arrangements at primary level are limited and are targeted at schools that have lost at least three assistant principal posts.

It is important to recognise that this school as a DEIS band 1 school continues to receive enhanced staffing and grants from my Department. In the current school year the ratio of pupils to teachers is about 15:1 in DEIS band 1 schools.

Deputy Ruth Coppinger: The last Government began the gutting of education, but now it looks like this Government seems to be continuing it. Class sizes have increased and there are fewer teachers, but the loss of posts of responsibility is under-reported and has a serious impact. Schools are about more than just chalk-and-talk. They cannot function unless there are teachers assigned to carry out events, pastoral care, organise IT, young scientists, the library and social and bereavement follow up. This case involves the loss of a teacher to organise a care team, something which is vital for students in a disadvantaged working class area. I ask the Minister to breach the moratorium in place for vital posts in this case and stop the continuous gutting of education. The Government keeps telling us we are in recovery. Why is the Minister continuing to make schools and children suffer as a result of the loss of serious posts of responsibility?

Deputy Jan O'Sullivan: We are not gutting education. In fact, we have managed, despite the growing demographics, to maintain pupil-teacher ratios. I have discussed the general issue of the loss of these posts with a number of education partners. It is a concern which we want to address. I appreciate that the school to which the Deputy refers is in a very disadvantaged area and is DEIS band 1, but it has a principal and deputy principal post. It also has one assistant principal post and six special duty posts in the current school year. Due to the retirement of a teacher in the school, the number of assistant principal posts reduced from two in 2013 to one in 2014. I acknowledge it has lost one post. It has a number of other similar posts.

I am aware of the difficulties within which DEIS band 1 schools operate. There is a system which allows posts to be retained in certain situations. Unfortunately this school does not fit into that category. It has an extra post which DEIS band 1 schools retain. The various partners in education I have met in recent months have made me aware of the fact there are issues around management and middle management posts in primary and post primary schools, and I want to address that as soon as I can.

Deputy Ruth Coppinger: My information is that the school has a deputy principal, an assistant principal and four, rather than six, posts. Perhaps the Minister could check the details with her officials. People would have expected a lot more from a Labour Party Minister for Education and Skills, in particular when the economy is supposed to be improving. It would be expected to restore the lost posts in schools, something which is having a detrimental impact on education. Is it now a conscious policy to have work on the cheap in schools? As was referred to earlier, building workers and bricklayers are on strike at Kishogue Community College in Lucan. They object to the rates of pay and the practice of the black economy-----

An Ceann Comhairle: Deputy, stick to the question.

Deputy Ruth Coppinger: It is very relevant. It is a serious loss of revenue to the State. It has been ongoing for about two years-----

An Ceann Comhairle: No, Deputy.

Deputy Ruth Coppinger: -----and the Labour Party Minister is standing over it. Is there a conscious policy of a race to the bottom which is encouraged by the Government? Would it not get revenue in by charging big developers and building owners like Rhatigan the proper-----

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An Ceann Comhairle: Deputy, do not start naming people here in the Chamber.

Deputy Ruth Coppinger: They should be checked to make sure they pay their taxes. Maybe then we would have enough money for education.

An Ceann Comhairle: Deputy, resume your seat. You are over time. You know perfectly well that you do not name people in the Chamber.

Deputy Ruth Coppinger: It is very relevant to the point I am trying to make.

An Ceann Comhairle: It is very relevant to the Standing Orders of this House.

Deputy Jan O'Sullivan: I absolutely reject what the Deputy just said about Labour Party policy. She knows we restored the minimum wage as soon as we got into government. She knows we are working on the REA legislation and we believe in decent wages for work. That is Labour Party policy. We have also had to live in a very real and difficult world for the past few years. The Deputy is lucky as she does not have to worry about things like that because she can be against everything. We had to make responsible decisions in government which were extremely difficult. In the area of education my predecessor worked really hard and managed to protect the core elements of the education budget. I do not take any criticism from the Deputy in that regard. I have already said I will meet the Minister of State, Deputy Nash, today with regard to REAs. I will not comment on individual cases.

Deputy Ruth Coppinger: Will the Minister ask how this employer can undercut every other developer?

Deputy Jan O'Sullivan: We will address the issues as quickly as we can.

Deputy Ruth Coppinger: Bricklayers are working for €10.

Deputy Jan O'Sullivan: I am not standing over anything the Deputy is alleging.

An Ceann Comhairle: Through the Chair please, Deputy Coppinger. You do not shout across the Chamber; you speak thorough the Chair.

Deputy Mick Wallace: On schools in deprived areas, principal Liam Turner, of St. John of God school in The Faythe, Wexford-----

An Ceann Comhairle: Do not go into individual cases.

Deputy Mick Wallace: -----contacted me about the fact that in the censuses of 2006 and 2011 The Faythe was the most deprived area in Wexford. He points out there has been no review of the DEIS scheme for nine years. In fact, things have fallen behind because there has not been a review of the DEIS system.

An Ceann Comhairle: The Deputy should table a question about it.

Deputy Mick Wallace: A review is necessary as soon as possible.

An Ceann Comhairle: Deputy, you have tabled a question and I am anxious that when Deputies come into the Chamber that we try to reach the question. If you go over time on other questions we will never get to yours. That is why I cut you off. I am not trying to be rude or unco-operative.

Deputy Jan O’Sullivan: We are undertaking a DEIS review. It has not been reviewed since 2006. The evidence would suggest DEIS is working well in terms of the outcomes for children in those schools. However, certain schools are in while others are not. It is time for a review, given that DEIS has been in place since 2006. We will carry out that review during the next year.

An Ceann Comhairle: As Deputy Bannon is not present, Question No. 10 cannot be taken.

Question No. 10 replied to with Written Answers.

School Curriculum

11. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if she will provide an update on her discussions on junior cycle reform with the teacher unions; her views on the fact that 10% of English teachers had not undertaken training on the new curriculum in advance of the introduction of English in schools last month. [37960/14]

Deputy Charlie McConalogue: My question asks the Minister to provide an update on her discussions on junior cycle reform with the teacher unions and to give her opinion on the fact that 10% of English teachers had not undertaken training on the new curriculum in advance of her decision to proceed with its introduction last month.

Deputy Jan O’Sullivan: Since entering office, I have met parents, teachers, school management and student representatives to discuss junior cycle reform. At my invitation, the teacher unions have outlined to me their concerns about aspects of the proposed reforms. In doing so, the unions underlined teacher support for the reforms that will lead to better quality teaching and learning experiences and, thence, outcomes for students. I am considering the concerns raised by teacher representatives and what different forms of engagement might be considered to facilitate an overall agreement. I look forward to meeting the teacher unions again later this month to progress these discussions further. As the Deputy will appreciate, out of respect for the process I do not intend that this engagement should be pre-empted in a public setting, as the ASTI only made a decision yesterday.

As the Deputy pointed out, just under 90% of English teachers have attended the first day of continuing professional development, CPD. A further 172 English teachers have attended elective workshops in their own time. By any standard, this is a high level of take-up and is among the highest rate of attendance at Department-provided CPD.

Deputy Charlie McConalogue: This has turned into a sorry saga, one that could have been avoided had it been handled differently by the Minister’s predecessor or had she taken a more hands-on approach after taking up the reins. The former Minister, Deputy Quinn, took a bullish and single-minded approach to reform but if reform is to be delivered appropriately, it is important that it be undertaken in partnership with education providers. Deputy Quinn decided to move away from the recommendations of the National Council for Curriculum and Assessment, NCCA, on how the junior certificate should be assessed. This is one of the main concerns expressed about the reform by many in education, including teachers and parents.

The current Minister had an opportunity to address this issue much sooner. We should not be in a situation where the unions’ industrial action has been extended. The Minister stated

that she had met the unions once since entering office. How does she plan to engage with them and what structure will she put in place before Christmas to try to ensure an acceptable way forward, one that will deliver a good reform of the junior cycle for students, is agreed?

Deputy Jan O’Sullivan: I met all of the partners. The other partners should have equal respect, those being, the parents, school management representatives and students, whose group I also met. As soon as I could following my appointment, I wrote to the unions and met the ASTI and TUI together on this issue. I have also met each of the unions separately on general issues. At our joint meeting, we agreed to meet again. That will probably be later this month or early next month, although I hope the former. We are seeking diary dates. At the time, I stated that I would respect the ASTI’s process, which has only just been completed. The ASTI has made its decision, as is its right. We agreed that we would not seek to meet during that process, but we can now arrange diary dates as soon as possible to discuss how we might move the process forward.

Deputy Charlie McConalogue: I thank the Minister. She also replied to my question on the issue of the take-up of professional development in advance of the introduction of the new curriculum. She indicated that she believed 90% was a high rate. However, in advance of the introduction of a new school curriculum, all teachers who will teach it should take up and complete professional development and training on it. A figure of 90% is not acceptable.

The Minister had the option to delay the introduction of the reform of the English junior cycle curriculum until next year, although there would have been the same completion date. The Minister could have used that time to get a grip on this issue and get everyone going in the same direction. It is unfortunate that she decided to plough ahead. It is incumbent on her to ensure that everyone can be brought together to achieve a result. It is important that a different approach be taken during the coming months than the one we have seen to date.

Deputy Jan O’Sullivan: In making the decision to move forward, I must take the interests of all partners into account, not just the teachers’. It was my view that we needed to commence in September as intended because this has been planned for a long time.

Regarding the rate of CPD uptake, we cannot force teachers, although the Deputy can correct me if I am wrong. Almost 90% of English teachers have attended the first day and approximately 2,300 science teachers from more than 500 schools have registered for science CPD, which is the next subject to be introduced in 2015. We will encourage more teachers to engage in the process. A CPD team recently recruited 15 additional staff and is working to ensure that professional development is available to teachers.

Third Level Funding

12. **Deputy Charlie McConalogue** asked the Minister for Education and Skills her views on the fall in rankings of Irish universities in the recent Times Higher Education university rankings; her plans to proceed with a further 1% reduction in capitation payments to third level institutions in the upcoming budget; and if she will make a statement on the matter. [37963/14]

An Ceann Comhairle: Deputy McConalogue should buy a national lottery ticket.

Deputy Charlie McConalogue: My question asks the Minister for her views on the fall by

Irish universities in the Times Higher Education, THE, university rankings. It also asks about her plans to proceed with a further 1% reduction in capitation payments to third level institutions in the upcoming budget in light of this fall.

Minister of State at the Department of Education and Skills (Deputy Damien English): The Deputy will probably be aware that there is substantial debate around the reliability of the various commercial global rankings and their capacity to capture the quality of higher education institutions. All international league tables vary greatly in how they rank universities and none captures the level of performance information that we are now tracking for the first time. The first ever performance report on the higher education system was published this year. Despite the challenges faced by third level colleges, it showed that the system was performing well. Having established a baseline performance, we will now be able to track whether the system gets better or worse on an annual basis. Overall, it is important to note that every university in Ireland ranks in the top 600 universities across each of the league tables, putting all of our universities in the top 5% of universities across the world.

Regarding the 1% reduction, this is already part of the budgetary figure for 2015 that was published in 2014. The Deputy will appreciate that in line with normal practice, we are unable this week to comment on issues relating to the budgetary process, although we might be able to discuss it more next week. I have been clear, however, in that we are seeking to secure funding to meet the significant demographic growth in our education system and not to reverse previous budgetary measures.

Deputy Charlie McConalogue: I thank the Minister of State. I wish him well and congratulate him on his appointment. This is his first Question Time, although we have met at a committee.

League tables and rankings are not an exact science, but the consistent message coming out is that our colleges have been sliding down a number of the rankings. Last week, Trinity College, Dublin, fell out of the THE's top 100 and UCD fell out of its top 200. This has implications for the standing of our education in international eyes and for attracting investment. It also has implications for the quality of education provided to students. This is no surprise given the consistent reduction in funding for the third level sector in the past number of years. The Government has continually put off making a decision on how to ensure adequate funding so as to prevent a further slide in the rankings. The CEO of the Higher Education Authority, Mr. Tom Boland, suggested that the Government's planned €250 increase in the student registration fee should this year be left with the institutions to which it is paid. Can the Minister of State revert to me with a reply as to whether the Government will agree to do that?

Deputy Damien English: I again thank Deputy McConalogue for his comments at the outset. To work back through his questions, I naturally cannot answer his last question, as the Government is in the middle of a budgetary process for the next week or two and consequently, I cannot go into that at present. To clarify the positions and rankings of the universities, the QS World University Rankings show that seven universities in Ireland feature in the top 200. That is the top 1% out of 15,000 universities across the world and one should put this into perspective. As for the Times Higher Education rankings, Trinity College has lost ground slightly and has dropped from 129th to 138th place. UCD has slipped considerably from 161st to 220th place but NUIG has greatly improved its position. I note NUI Maynooth also has dropped slightly, while UCC has remained within the top 300. On being prone to exaggeration, the Deputy is correct that there are different league tables, all of which are assessed slightly differ-

ently. Overall, however, one should bear in mind that one is talking about the top 1% out of 15,000 universities.

The Deputy is correct to state that funding has been cut. I will not explain to him why that has happened, as I believe he is aware how we got here. While there have been cuts in funding in recent years, the Government will attempt to close that gap as things improve. The Deputy also referred to the Government delaying the decision. As he is aware, the expert working group on this area, chaired by Peter Cassells, is currently preparing the report on the future of funding policy for higher education. That group is due to make its internal report to the Government and to the Department by the end of 2014. It also will produce its public report early in 2015.

An Ceann Comhairle: Thank you. I will let the Minister of State back in.

Deputy Damien English: This will detail and will consider different ways to fund higher education in a sustainable way in the future and will involve industry, as well as Departments.

Deputy Charlie McConalogue: I thank the Minister of State, Deputy English, and acknowledge there are many fine universities in the State. I do not wish to suggest in any way that they are not so. However, the amount of funding provided to them is crucial to them being able to maintain the standards they have built up over many years. There has been significant pressure on them, which has been reflected in a number of slides in the rankings recently, particularly by UCD and Trinity College, which while marginal, definitely constitute a reduction. There is no doubt but that this reduction goes back to funding levels. Over the past three years, the Government has introduced each year an increase of €250 in the student registration fee. Despite increasing this charge to students, that money has not been left within the system, as the amount of money being given to the third level system has been reduced at the same time. This cannot continue without leading to a reduction in the quality at third level. I again emphasise that the Government intends to proceed with a further €250 increase.

An Ceann Comhairle: Thank you Deputy, we are over time.

Deputy Charlie McConalogue: At the very minimum, will the Government agree to leave that within the system, in order that universities are allowed to try to maintain the standards they built up so well over many years?

Deputy Damien English: Again, I cannot go into details of the budget this week as the Government is in the middle of negotiations on it. To clarify, however, the amount allocated last year through the Higher Education Authority for this area was €939 million, while in 2013 it was just over €1 billion. While I acknowledge there undoubtedly has been a slight reduction in this regard, the Deputy might understand this if I point it out the reason. When the present Government came into office three years ago, it was €20 billion short of the sum it needed to run the country. One should be clear on this point, as this shortfall of €20 billion was not of the Government's doing but was the position it inherited. It has been obliged to try to make sure that in the meantime, while the country recovers, it spends the money it has as best it can. Moreover, the Government has targeted it as best it can towards education and in most areas, it has protected the funding to education. To be clear, however, the Deputy has quoted tables and has stated the universities are slipping down while still trying to state they are doing well. They are doing extremely well, compared with the 15,000 universities against which they are competing throughout the world. The Government's own reports and evaluations suggest that in general, industry sources - an important viewpoint - are very satisfied with what is coming

through the education system and the universities. Their graduates are employment-ready and are succeeding very well as graduates in employment. This also is how one judges the success of an education system within a recovering economy in which one also is trying to build an enterprise-driven economy.

An Ceann Comhairle: The Deputy is not present for Question No. 13.

Question No. 13 replied to with Written Answers.

Schools Review

14. **Deputy Charlie McConalogue** asked the Minister for Education and Skills when the value for money report on small schools will be published; and if she will make a statement on the matter. [37959/14]

Deputy Charlie McConalogue: This is to ask the Minister when the value for money report on small schools will be published.

Deputy Jan O’Sullivan: As I indicated earlier, I am reviewing the value for money report for small schools along with my Government colleagues. I intend to publish the report as soon as those considerations have been finalised.

Deputy Charlie McConalogue: I thank the Minister and acknowledge we discussed this matter briefly previously. This report rested on the desk of the Minister’s predecessor for more than 18 months but I am now hearing the same story from the Minister as I heard from him during those 18 months, namely, the Minister intends to consider it but she is not setting a deadline regarding its publication. Meanwhile, the number of one-teacher schools has been increased fourfold by the Minister. Moreover, the pressure on the finances of those schools has put many of them in a position in which they are not sustainable, despite all the Minister’s talk about sustainability. I ask the Minister one final time for a clear answer. Can she at least tell Members that this report will be published by Christmas? I believe it is not good enough to hear the same story for more than two years, which is that the Minister is considering the report.

Deputy Jan O’Sullivan: First, I do wish to consider the report carefully. It is an issue of great concern to Members of this House and to people in many parts of the country. I have started to read it but I can tell the Deputy I have not yet finished reading it. As stated previously, I have also begun to discuss it with some of the partners in education and with some Government colleagues. While I intend to publish it, I do not wish to give the Deputy a deadline because I wish to make sure the Government has enough time to consider the recommendations and make its own decisions thereon. The Government may not agree with them - I do not know - but it must make its own decisions and must ensure that these decisions are sustainable. I acknowledge the Deputy has stated that I have used that word earlier but we genuinely need sustainable schools that are able to operate appropriately for their local communities.

Deputy Charlie McConalogue: After 18 months of this report being on the Department’s desk, the fact that the current Minister is merely in the process of reading it demonstrates this is an issue about which the Government has no real intention of having an honest debate or of publishing, in order that everyone can address it. I reiterate that a key feature of the Government has been the pressure it has mounted on four, three and two-teacher schools, as well as

the number of one-teacher schools it has created as a result. Members hear nothing from the Minister about the issue of educational quality in these schools as a result of the measures the Government has been taking. Instead, the Minister talks about sustainability, as she goes about making schools unsustainable. I urge the Minister to publish the report and to have no more of the same old story to which Members have been listening for almost two years and to which it appears they also will be listening for the next 18 months until the next general election. An honest debate is needed in this regard. The Government must front up and the Minister should publish the report in order that a real debate can be held to ensure the education of children and how that is done will be put at the centre of this Dáil.

Deputy Jan O’Sullivan: The Government does wish to put children at the centre and that is precisely what all its members wish to do. However, I intend to read this report in its entirety very carefully. I do not intend to rely on any official to tell me what it contains but wish to ascertain this for myself. It is quite complex and contains a great deal of detail. While I believe it deserves that level of respect, I give Deputy McConalogue an undertaking that I will not allow this to drag on indefinitely. I believe it is necessary to have a proper debate on it and to have that as soon as possible.

Written Answers follow Adjournment.

Workplace Relations Bill 2014: Order for Second Stage

Bill entitled an Act to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments governing the employment relationship between employers and employees; for that purpose, to provide for the establishment of a body to be known as the Workplace Relations Commission; to provide for the dissolution of the Labour Relations Commission and the transfer of its functions to the aforementioned body; to provide for the dissolution of the Employment Appeals Tribunal and the transfer of its functions first instance to the aforementioned body and its appellate functions to the Labour Court; to provide for the transfer of the functions of the Director of the Equality Tribunal to the aforementioned body; to provide for the repeal of certain enactments; to provide for the amendment of certain enactments; and to provide for matters connected therewith.

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

Question put and agreed to.

Workplace Relations Bill 2014: Second Stage

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I move: “That the Bill be now read a Second Time.”

This Bill is the culmination of a huge amount of work that has occurred in my Department and across the number of agencies that are involved in this new structure. It is a great example of public service reform, one of the developments that many people have sought to deliver, to examine systems that perhaps are not performing to the standard that they should and reform them to bring something that would be best in class. That is what we are on the road to do. It is a tribute to many people who have worked tirelessly to bring this to the point where it is and I pay tribute to all of those involved.

The system that was in place when we started this process and when I came into office first had become far too complex, far too hard to use and too legalistic. It resulted in long delays for people. It was frustrating for people within the system to work. Essentially, many committed people were trapped in a process that was letting them down. There was a universal desire for a change to be made but that did not mean that the road of change would be easy. Clearly, integrating multiple different systems, even at the ICT level, is challenging but in every way it is challenging and I refer to the processes, the forms and the approach. It has involved considerable work to get this right. While I get the opportunity to present this Bill a huge amount of work has gone on. The Bill is the tip of the iceberg one sees over the surface of the water but much of the underpinning of it is attributable to many people who have made it work.

What we have produced here, and I hope this is what it proves to be in practice, is something where the obligations of both sides in the workplace are easily understood. It fosters a compliance culture in the workplace whereby people recognise that performing to high standards, delivering to the best of those standards and meeting legal obligations is part of running a good business and working in a good enterprise. It builds on our strong voluntarist tradition that has been a great stand-by to us in terms of managing industrial relations over a long period. It will allow complaints, and complaints arrive even in the best of systems, to be dealt with at the earliest and most effective point in the process. It will also ensure that where there are those who will not meet their obligations, there is effective enforcement and that the enforcement can deliver to the people who have been the victims of wrong practices. A good deal of work must be put in to make those different steps in the chain be effective.

That is the backdrop to this legislation. It is legislation that will remove the deficiencies we saw, which cause complexities for practitioners and users of the service. They included multiple points of entry to the system, forum shopping, long delays in scheduling hearings and issuing decisions. Key to addressing those is what we are doing in this Bill, which will see the existing five State bodies replaced by two. The Labour Relations Commission, the National Employment Rights Authority, the Equality Tribunal, the first instance functions of the Employment Appeals Tribunal, EAT, and the first instance functions of the Labour Court will be replaced by the new workplace relations commission, WRC, and the appellate functions of the EAT will be transferred to a new expanded Labour Court. We will have a much simpler structure in place.

My objective is to deliver a world-class workplace relations service providing an integrated industrial relations, adjudication and enforcement service which is simple to use, independent, effective, impartial, cost-effective and provides for workable means of redress and enforcement, within a reasonable period of time. From an industrial relations point of view, Ireland operates a voluntarist system of collective bargaining comprising non-intervention by the State in disputes but the State does provide dispute settling institutions and frameworks for local level and sectoral wage settling. I am satisfied that the State's industrial relations machinery has worked very successfully and effectively over the years and it is for this reason that it has not been necessary to make any significant changes in this Bill in terms of the manner in which this system operates. The functions of the WRC will comprise all those currently undertaken by the Labour Relations Commission, including industrial relations conciliation, advisory services, information and research. These services, as currently operated by the Labour Relations Commission, have made a magnificent contribution to the industrial relations environment and will be incorporated into the WRC without change. We are privileged to have such an amount of experience and knowledge in managing extremely difficult industrial relations situations and we have seen many of them even during my term in office. Even the most intractable have been

capable of being managed by the sort of experience and commitment we have in those services.

During the preparatory stage of this legislation we have had quite extensive consultation. We had extensive public consultation exercises and published two policy papers, which have helped to improve, redesign and deliver the best we can make in terms of this legislation. There was a strong consensus right across the system that reform was timely and necessary. That was very encouraging and it helped to deliver this Bill. We have had many meetings with interested parties, representatives of both sides, the employees, employers, equality interests, including IBEC and ICTU, to get their input into the process. Like any consultation exercise, not everyone will be happy with every aspect, but we have tried to understand the spirit of people's comment and make sure that we have incorporated those as best we can into the legislation that has been developed.

In advance of the legislation, officials in my Department have been working on the process, technology, staffing and administrative matters required to underpin the reform programme and make it easier for users to do business. This goes back to January 2012, although it is not that everything has been waiting for this Bill but this is a very important final piece in the building structure. There has been a single reception and registration of complaints on behalf of the five workplace relations bodies by a single portal, known as the workplace relations customer services. It was complemented by a single complaints form; there had been 30 separate forms but now there is only one and it became an e-complaint form from September 2013. Complaints are now acknowledged and the respondent is notified within three working days. People who have a complaint made against them will know that within three working days. In the worst of cases it had been taking up to 80 days in the past. This gives the employers, who usually are those complained of, the opportunity to engage at an early stage with a view to resolving the issue. The earlier people understand the challenge that is made, the quicker a solution can be got if there is goodwill.

The post-registration functions associated with complaints management, including the scheduling of adjudication hearings, are from this month being managed by another shared services unit. We have also established an early resolution service, which has enabled complaints and disputes to be dealt with as close to the workplace as possible. There is no point in having every complaint simply swept along to a hearing if it can be managed at an earlier point. As soon as possible after receipt, registration and validation, this early resolution service is available and mediation is also available which builds on the experience of the Equality Tribunal, which had a track record in operating mediation, and we have incorporated that learning into the Bill.

In terms of savings, people will always look at not only the improved service we are delivering but whether savings are possible. I am glad to say that there will be fewer staff numbers required to deliver the new service.

11 o'clock

It is estimated that annual savings due to staff reductions and efficiencies will amount to approximately €2 million. The main drivers of the reduction in staff costs will be the centralisation of administration and case management services and the automation of business processes.

Before I outline in detail the main provisions in the Bill, I will outline the key measures that will be provided for in the legislation. The services of the Equality Tribunal, National Em-

ployment Rights Authority, NERA, Labour Relations Commission, LRC, and the first instance functions of the Employment Appeals Tribunal, EAT, will come together under the remit of the WRC. It will be the first port of call. The appellate functions of the EAT will be amalgamated into a single reconfigured Labour Court, which will be the appellate body for all matters. The Bill will establish the Office of Director General of the WRC, the appointment of the director general by the Minister on specified terms of appointment, and the statutory powers and functions of the director general. It will establish the WRC board with responsibility for strategy and annual work programme. It will transfer the existing functions provided by the LRC, including conciliation, workplace mediation and advisory services, to the WRC. It will provide for workplace relations information and advisory services. To encourage the compliance culture we need, it is crucial that we understand not only the information, but also the body of decisions that the courts have made over the period, which is a very important source of information and understanding.

The Bill will provide a statutory basis for the use of innovative measures such as compliance notices and fixed charge notices to enhance the compliance functions of the WRC. These are tried and tested approaches that speed up and encourage a compliance culture rather than the “gotcha” culture of finally catching and prosecuting people. It has been shown in other areas that this builds a compliance culture and it is correct to bring it into such legislation. The Bill will introduce the sharing of employment related and other specified information between the WRC, Labour Court and other official agencies in the context of promoting compliance with employment legislation. It is important that a body of decision precedent is built up as it is an important element of delivering a quality service. The Bill provides for the appointment of additional members to the Labour Court to facilitate the increased workload of the court in the new system. It provides for a more transparent system of appointment of adjudicators of the WRC and chairmen, vice chairmen and ordinary members to the Labour Court. It will standardise certain procedural matters such as limitation periods, the length of the period within which a first instance adjudicator’s decision may be appealed, etc., across the full range of employment rights legislation. Thus all pieces will work to the same standard. It will ensure better enforcement of employment rights awards and better compliance and enforcement measures for employment rights.

The Bill consists of seven Parts comprising 82 sections and 6 Schedules. For the convenience of Deputies, a detailed explanatory memorandum has been published and it provides a synopsis of the provisions. Part 1 comprises sections 1 to 7 of the Bill. Sections 1 to 5 contain the Short Title, collective citation, commencement provisions, interpretation and measures relating to the service of documents. Section 6 outlines the penalties which will apply when a person is found guilty of an offence under this Bill. Section 7 refers to Schedule 2 which details the provisions repealed by this Bill and makes transitional arrangements for complaints or disputes referred to a rights commissioner before the commencement of Part 4.

Part 2 comprises sections 8 to 24 and makes provision for the establishment of the WRC. The LRC, NERA, Equality Tribunal and the first instance functions of the EAT would be replaced by the new WRC and the appeals functions of the EAT would be incorporated into the Labour Court. Sections 8 and 9 make provision for the establishment day of the new WRC. Section 10 sets out general functions of the WRC that are additional to other functions conferred on it by specific sections by the Act. The WRC will be tasked with taking positive steps to ensure high standards of compliance with employment legislation and equally high standards in the conduct of industrial relations generally and with the provision of the necessary services

to facilitate the speedy resolution of industrial relations disputes at as early a stage as possible. Simultaneously, the WRC will have responsibility for providing the means whereby complaints under employment rights legislation can be investigated, resolved by early intervention or adjudicated, as appropriate, by competent personnel. Where the WRC suspects continued non-compliance with employment legislation on the part of workers or employers, it may resort to prosecution of the parties in question. The functions of the WRC will comprise all those currently undertaken by the LRC, including industrial relations conciliation, advisory services, information and research. The WRC adjudication service will continue the dispute resolution role of the rights commissioners as provided for in the Industrial Relations Act 1969 as well as employment rights adjudication functions.

Sections 11 to 15 make provision for the appointment, resignation or removal from office and functions of the director general of the WRC. The director general of the WRC will be appointed by the Minister following the holding of an open competition by the Public Appointments Service other than in the case of the first appointee to the office of director general. The Accounting Officer for the commission will be the Secretary General of the Department of Jobs, Enterprise and Innovation. Section 16 makes provision, on standard lines, that the director general is accountable to committees of the Houses of the Oireachtas, other than the Committee of Public Accounts. Section 19 provides that the commission shall have a statutory basis, in consultation with the Minister, for the preparation and publication of codes of practice for the improvement generally of workplace relations. Section 20 provides for the regular production of a strategy statement by the board of the WRC to be approved by the Minister and laid before the Houses of the Oireachtas. Section 21 provides that the board shall prepare an annual work programme in consultation with the director general for submission to the Minister. Section 22 requires, on standard lines, the director general of the commission to make an annual report to the Minister for Jobs, Enterprise and Innovation. Section 24 provides for the appointment of a qualified and experienced lawyer to act as registrar to the commission.

Part 3 comprises sections 25 to 35 and makes provision for the compliance procedures that will be introduced under the new workplace relations structures. The functions undertaken by NERA to date in promoting a culture of compliance with employment legislation will be continued by the compliance service of the new WRC. However, new mechanisms such as compliance notices and fixed charge penalties will supplement the existing statutory powers of labour or NERA inspectors. Sections 25 and 26 restate and consolidate in one location the powers of inspectors which are at present provided for under a range of individual enactments.

Section 27 makes provision for the use of compliance notices to promote higher levels of compliance with employment legislation. Such notices may issue when an inspector forms an opinion that a scheduled contravention of employment law, which the employer concerned fails or refuses to rectify, has occurred. The compliance notice will set out the steps the employer concerned must take to effect compliance. An employer may appeal against all or any aspect of the notice to the Labour Court. The Labour Court, following a hearing upon appeal, shall affirm the compliance notice, withdraw the compliance notice or withdraw the compliance notice and require the employer to whom the notice applies to comply with such directions as may be given by the Labour Court. This section also makes provision for an appeal of the Labour Court decision to the Circuit Court. Failure to comply with a compliance notice may result in the Circuit Court, following a hearing, issuing a binding order. Failure to comply with such an order of the Circuit Court would be a prosecutable offence. This will give a more effective route to prosecution and enforcement.

Section 28 is intended to remove any doubt about the admissibility of the written report of an inspector in any proceedings under employment legislation to which the employer whose records are the subject of the report is a party. Section 30 will allow the WRC and its inspectors and adjudication officers to share certain employment-related information with other statutory enforcement authorities and with the Labour Court. Section 31 enables the WRC and other statutory enforcement authorities to advise each other of suspected offences under their respective remits which come to the notice of any of them. Section 32 is designed to safeguard the wages and other statutory entitlements of employees who are working under public construction or other public contracts, while also ensuring competitive tendering and value for money in public expenditure. Section 33 provides for the development of co-operation agreements between the WRC, the Labour Court and other specified official bodies.

Section 34 is intended to provide a statutory basis for administrative co-operation and the exchange of information between employment law compliance authorities of other states and the compliance section of the WRC. Section 35 provides for the use of fixed payment notices in respect of a specified range of acts of non-compliance on the part of employers. The use of this mechanism is intended to encourage compliance and reduce the need to rely on expensive and time-consuming prosecution procedures for the scheduled acts of non-compliance.

Part 4 comprises sections 36 to 51, inclusive, and makes provision for the new dispute resolution and adjudication structures. Sections 36 and 37 provide for the appointment of case resolution officers to the WRC. The WRC will offer an early resolution service in certain cases where complaints are lodged, generally in less complex disputes. Sections 38 and 39 provide for the appointment of mediation officers to the Workplace Relations Commission and the provision of a mediation service to facilitate the resolution of employment rights disputes where possible at an early stage and without recourse to adjudication. It is envisaged that mediation - unlike the early resolution service - will be offered to the parties in the more complex disputes, such as cases under the Employment Equality Acts and the Unfair Dismissal Acts requiring face-to-face mediation.

Participating in early resolution or mediation is entirely voluntary. Parties availing of the early resolution or mediation service will neither lose the right to have their issues in dispute dealt with by means of inspection or a hearing, as appropriate to their case, nor be disadvantaged in relation to their waiting time for inspection or a hearing. Should early resolution or mediation yield a compromise or settlement between the parties or a withdrawal of the complaint, the outcome will be confidential to the parties. Likewise, if the early resolution or mediation process is unsuccessful, anything divulged by the parties in the process cannot be used subsequently in the adjudication or inspection process.

Section 40 makes provision for the appointment of adjudicators to the Workplace Relations Commission. All first instance cases will be heard by the WRC in a fair and transparent manner in accordance with the law and the principles of natural justice. To hit this high standard, adjudicators must be suitably skilled and trained for the role.

On the establishment of the WRC, the current cohort of equality officers and rights commissioners will be appointed as WRC adjudicators. They will be supplemented by a panel of external adjudicators, comprising experienced industrial relations and HR practitioners and employment lawyers with appropriate skills and experience appointed by the Minister. The Public Appointments Service has agreed to undertake the selection process for WRC adjudicators and advertisements for the competition were published on 26 September 2014. Those selected for

appointment on the panel of external adjudicators will then have to complete an accredited training programme and pass the associated examination.

Section 41 provides for standardised time limits of six months, extendable to 12 months for reasonable cause. All first instance complaints requiring adjudication will be heard by WRC adjudication officers. The adjudication officer will convene a hearing where both parties are given the opportunity to be heard and to decide the matter. Parties will be free to represent themselves or choose their own representation. All appeals will lie to the Labour Court, except in the case of complaints under the Equal Status Acts where the appeal will lie to the Circuit Court. Adjudication officers will be required to conduct cases in accordance with the principles of constitutional and natural justice. This obligation will include affording parties the right to cross-examine.

Section 41(11) has been subject to adverse comment in that it is alleged that it gives an adjudication officer the power to refuse a lawyer or other representative of a party access to proceedings. This is not my intention and I propose to introduce a Committee Stage amendment to clarify this matter.

Section 42 empowers an adjudication officer to dismiss a complaint in circumstances where he or she forms the opinion that it is frivolous or vexatious. Such a decision can be appealed to the Labour Court.

Sections 43 and 45 provide for a streamlined and more effective enforcement procedure for complainants whose complaints have been upheld at first instance by an adjudication officer of the WRC or upon appeal by the Labour Court. The current system of enforcement of employment rights awards is cumbersome, expensive and not fit for purpose. In my view, the difficulty experienced by successful complainants in enforcing awards made by those bodies in their favour is unsatisfactory. Enforcement proceedings generally involve recourse to the civil courts and possibly the relevant sheriff's office, often without a successful outcome.

One of the central planks of my reform is to establish a new and robust enforcement regime which will provide successful complainants with an accessible and inexpensive means to enforce the award of the WRC adjudication service or of the Labour Court, as the case may be. For this reason, I make provision in the Bill for a new mechanism for enforcing awards of the WRC adjudicators and Labour Court determinations. The general scheme of the Bill, as approved by the Government in July 2012, provided for an improved and more robust system of enforcement of compensation awards under employment legislation via the District Court. The scheme provided that non-compliance with an order of the WRC or the Labour Court, as the case may be, would be an offence prosecutable summarily in the District Court. The enforcement provisions in the Bill, within sections 43 and 45, as published, do not currently make provision for an offence in such circumstances; however, this issue is the subject of further discussion between my Department, the Office of the Parliamentary Counsel and the Office of the Attorney General and I hope to table an amendment for consideration on Committee Stage which will satisfactorily address this issue. I am confident that the introduction of these new measures will provide for more appropriate, efficient and effective enforcement of employment law.

Section 44 provides that either party to a first instance hearing will have the right to appeal the decision of a WRC adjudication officer to the Labour Court. The Labour Court will act as a court of final appeal for all adjudication decisions of the WRC. Appeals to the Labour Court

will be *de novo* hearings held in public. The Labour Court will have the power to establish its own procedures in relation to specified matters. A consistent time limit of 42 days from the date of the first decision will apply to all appeal applications across all legislation.

Section 47 provides that the only route of appeal that parties will have from a decision of the Labour Court will be on a point of law to the High Court. This provision does not impact on the supervisory role of the superior courts which may be exercised by way of judicial review. Section 49 provides that the director general of the WRC and the Labour Court may strike out cases for want of prosecution where the director general or the Labour Court is satisfied that the complainant or appellant has not pursued the complaint or appeal within the period of one year. Section 51 makes provision for the necessary consequential amendments to other employment enactments as a result of the new structures introduced by this Bill. Details of the amendments to individual employment enactments are provided for in Schedule 6 of the Bill.

Part 5, comprising of sections 52 to 60, inclusive, makes provision for a range of technical and transitional issues consequential on the dissolution of the Labour Relations Commission, LRC. Section 55 provides for the transfer of all functions from the LRC to the Workplace Relations Commission. The functions which are currently vested in the Labour Relations Commission, including the industrial relations conciliation, advisory, training and research services, will transfer to the Workplace Relations Commission.

Part 6, comprising sections 61 to 66, inclusive, makes provision for a range of technical and transitional issues consequential on the dissolution of the Employment Appeals Tribunal, EAT. The tribunal will continue to function for a limited period after the establishment of the WRC to dispose of all legacy first instance complaints and appeals referred to it prior to the establishment date of the WRC, including cases which a division of the EAT had commenced hearing. The decision to extend the period of operation of the EAT beyond the establishment of the new framework is predicated on the assumption that complainants and respondents in matters referred to the EAT prior to the establishment of the WRC would have a legitimate expectation of having the case disposed of before a tripartite tribunal, sitting in public and operating with the degree of procedural formality currently applied by the EAT.

Section 64 provides for the transfer of functions from the Employment Appeals Tribunal to the Labour Court. This does not include the first instance functions which the tribunal currently carries out under the Unfair Dismissals Acts, Redundancy Payments Acts and the Minimum Notice and Terms of Employment Acts which will transfer to the WRC.

Part 7 comprises sections 69 to 82, inclusive. Section 69 enables the Minister to provide by regulation for the levying of fees and charges on the users of services to be provided by the Commission or the Labour Court. I have decided not to introduce charges on parties for access to the WRC services for many reasons, chief among which is the belief that so-called forum shopping will not be a feature in the new system. I am proposing, however, the introduction of a fee in one particular instance, namely, where a party who failed to appear at a first instance hearing of the WRC without good cause wishes to appeal the decision to the Labour Court, in which case that party will have to pay a fee of €300 when lodging their appeal. If the Labour Court determines that the party in question had good cause for failing to attend the first instance hearing, the fee will be refunded.

Sections 73, 75 and 77 provide for appointment to the positions of chairman, deputy chairman and ordinary members of the Labour Court. The Labour Court has three divisions and

nine members, a chairman, two deputy chairs and six ordinary members, and it sits in divisions of three. The Bill will provide that the expanded Labour Court will have four divisions but restructured for greater efficiency to allow the court deal with double the appeals with only one additional division. The Bill provides that the appointments of chairman and deputy chairman to the court by the Minister shall in future be through the Public Appointments Service. The new arrangements will not apply to the persons who, immediately before the enactment of the Bill, stood appointed as chairman and deputy chair, and the present incumbents will continue to serve in these positions for the unexpired period of their respective terms of appointment.

Regarding the appointment of ordinary members, the Minister was obliged to appoint a person nominated by either an organisation representative of trade unions or a trade union representative of employers. The change proposed will require those bodies to put forward three names of candidates for appointment in respect of each vacancy for an ordinary member. The Minister will then choose one person from the panel for appointment.

An Leas-Cheann Comhairle: I apologise for interrupting the Minister but he is slightly over time. Is it agreed that we will allow the Minister to continue? Agreed.

Deputy Richard Bruton: I apologise for that. Section 76 provides for the making of regulations by the Minister, after consultation with the chairman, whereby certain functions of the Labour Court may be performed by the chairman or a deputy chairman sitting alone. In particular, such regulations may provide that certain specified preliminary applications or procedural matters can be dealt with by the chairman or a deputy chairman sitting alone.

Section 78 provides for the consequential amendments to the Unfair Dismissals Acts as a result of the new adjudication structures being introduced by the Bill. I propose to introduce an amendment on Committee Stage to make it clear that all referrals under the Unfair Dismissals Acts made after the commencement of Part 4 will be subject to Part 4, that is, these referrals will be dealt with by the WRC rather than the EAT.

I will comment briefly on the six Schedules to the Bill. Schedule 1 contains a list of the relevant employment Acts, the provisions of Acts of the Oireachtas and statutory instruments that are included in the definition of “employment enactments”. Schedule 2 contains a list of the provisions within individual Acts of the Oireachtas that will be repealed upon the commencement of the Bill. Schedule 3 sets out details of the corporate structure of the new WRC, including the appointment of a statutory board to the WRC. Schedule 4 sets out details of the list of contraventions of employment enactments for the purpose of compliance notices. Schedule 5 sets out details of the individual employment enactments under which a person will be able to present a complaint or refer a dispute to the WRC. Schedule 6 sets out the consequential amendments it will be necessary to make to other employment enactments as a result of the new structures.

My Department is in discussion with the Office of the Parliamentary Counsel on a number of issues where the Bill does not fully reflect the policy as set out in the heads approved by Government. There are also more minor drafting points and consequential amendments to other employment Acts under discussion which I propose to address with amendments on Committee Stage. As a result, I will bring forward a number of Government amendments on Committee Stage. I know I will get considerable co-operation from the committee and its Chairman, who is present.

The key issues which I propose to address by way of amendments to the Bill on Committee Stage include powers of inspectors in section 66, to ensure they have appropriate powers to carry out their duties, subject to the constitutional rights of employers and employees. On adjudication, I propose to put forward amendments to the provisions governing the Unfair Dismissals Acts, Redundancy Payment Acts and Minimum Notice and Terms of Employment Acts to clarify that such cases referred after the commencement of Part 4 will be subject to Part 4. Under enforcement, as I mentioned, I propose to introduce amendments to the enforcement provisions in sections 43 and 45 to provide that non-compliance would be an offence, prosecutable summarily in the District Court. Schedules 2 and 6 do not yet fully provide for the consequential amendments and repeals required to other enactments which come within the definition of “employment legislation” and the amendments will reflect the change. The Office of the Parliamentary Counsel will continue to review and re-draft the Schedules, in consultation with the Department. Amendments to sections 73 and 77 are to ensure appropriate provisions are included in the Bill on the appointment and re-appointment of deputy chairmen and members of the Labour Court.

I look forward to the contributions of Deputies. The Bill will be significant, modernising legislation. It is a good example of public service reform which will deliver better value for money to the users of the scheme. The system will be easier to use, will be better, will encourage compliance and early settlement and will have a more effective system of enforcement. I commend the Bill to the House.

Deputy Robert Troy: I apologise on behalf of my colleague, Deputy Dara Calleary, who cannot be present, and who asked me to contribute to the Bill on his behalf. Fianna Fáil welcomes the Government’s decision to reform the State’s existing employment rights and industrial relations structures, a process which was commenced by my colleague, Deputy Calleary, in the previous Government. Ireland has a stellar reputation internationally in the area of workplace relations. One of the reasons we remain a location that is highly favoured by foreign direct investment is that, compared with our competitors, the number of industrial disputes in Ireland is notably lower. We must, however, remain vigilant in the face of increasing competition internationally. We must ensure our employees and employers are provided with the proper workplace mechanisms to ensure disputes which will inevitably arise will be addressed in an effective manner. We must remain ahead of the game when it comes to improving our structures within the State. We believe the Bill will be a first step in guaranteeing the structures needed for the coming years.

It has been put forward that the current system for resolving individual disputes related to the workplace is wasteful, both in terms of State resources and those of users. It has also been said that there has been significant frustration for employers, employees and professionals representing them in how the current mechanism is structured. We in Fianna Fáil support the Government’s objective to deliver a world-class workplace relations service which is simple to use, independent, effective, impartial, cost-effective and provides for workable means of redress and enforcement, within a reasonable period. A cost-effective system which delivers for employer and employee alike would result in significant benefits for the economy overall. The system that developed over the past 60 years, while serving a purpose as the structures developed, may indeed have become unwieldy, complex, inconsistent, slow and, in some cases, expensive for users. We support a streamlining of those structures to deliver a better service to those who find themselves having to rely on the mechanisms of the State to broker a compromise.

The Bill before the House marks a new departure in the sense that it provides a statutory ba-

sis for a new structure which will see the existing five State bodies replaced by two. That makes sense in the context of reduced budgets for all State agencies, but also in terms of simplifying the bodies dealing with an area which needs less complication and more effectiveness. We welcome that the Labour Relations Commission, LRC, the National Employment Rights Authority, NERA, the Equality Tribunal, the first instance functions of the Employment Appeals Tribunal, EAT, and the first instance functions of the Labour Court will be replaced by the new Workplace Relations Commission, WRC, and the appellate functions of the EAT will be transferred to a new expanded Labour Court.

We welcome that the Bill seeks to create a modern, user-friendly, world-class employment workplace relations system that will provide significant benefits for its users and society as a whole. The focus must be on resolving workplace disputes as quickly and inexpensively as possible. The State must also commit to providing the necessary resources to ensure the new structures work and work well. It is notable how all institutions, agencies and bodies in the State struggle to provide the services they are required to provide on an increasingly reduced budget. Many State institutions are struggling. Whether it is the National Library, the Courts Service or any hospital in the country, the message is clear. They can take no further reductions in budget to do their job. In that regard, I urge the Government to ensure that with a streamlined mechanism for workplace relations, the reduction in bodies will not result in a higher proportion of cuts to the budgets required to deliver the new services.

I acknowledge the key measures that are contained in the Bill. The fact that the services of the Equality Tribunal, the National Employment Rights Authority, NERA, the Labour Relations Commission and the first instance functions of the Employment Appeals Tribunal, EAT, are to come together under the remit of the workplace relations commission, WRC, is a sensible move. The same can be said of moving the appellate functions of the Employment Appeals Tribunal to be amalgamated into a reconfigured Labour Court. What we on this side of the House would like to see clarification on, however, is how the officers of the respective bodies are to be integrated and the Minister might outline this in his response. I also assume there will be some savings made through the streamlining of services, the sharing of services and the reduction in facilities costs. Again, this is something on which I would welcome clarification from the Minister.

The current scenario where disputes or complaints are addressed by means of a rights commissioner, the Employment Appeals Tribunal, an equality officer, the Labour Court or NERA inspection, depending on the legislation involved, is far too complex and not conducive to an effective mechanism for resolution. This Bill, replacing the existing complex system of five different bodies with a straightforward, two-tier system for employment rights and industrial relations disputes, must be welcomed. It makes sense for the workplace relations commission to deal with all cases in the first instance and subsequently for the Labour Court to deal with all cases on appeal.

We also welcome the creation of the position of director general of the workplace relations commission, ensuring a single point of leadership rather than the four that exist in NERA, the Labour Relations Commission, the Employment Appeals Tribunal and the Equality Tribunal. I would, however, ask the Minister to clarify why he has decided that the staffing of the workplace relations commission will in future come from officials from the Department of Jobs, Enterprise and Innovation. This is an interesting move but one which could prove controversial if the independence of the workplace relations commission is undermined through supposed political interference. I would welcome hearing the Minister's rationale for this move.

This Bill will be judged either as a success or a failure not on whether the structures look well on paper or even on how much money the streamlining of services will save. It will be judged as a success only if it provides the citizens and companies of Ireland with a more effective and cost-effective service in finding resolutions to disputes, vindicating the rights of workers and employers and securing Ireland as a great place to invest and do business into the future. Employees in Ireland are entitled to receive certain basic employment rights and those rights often need to be guarded. We hope that the Bill will make those rights easier to guard than previously.

I reaffirm my party's support for the Bill. We hope to offer constructive criticism as the Bill goes through the Oireachtas and we look forward to the Minister's response.

Deputy Pádraig Mac Lochlainn: I apologise on behalf of Deputy Peadar Tóibín who could not attend today as he has a funeral in his constituency.

It is important to state from the outset that it is a shared objective of the Members of this House to reform the current industrial relations structures. From Sinn Féin's perspective, we have stated from the start of the Minister's consultations with stakeholders that we will support progressive proposals aimed at strengthening workers' rights, streamlining and simplifying employment rights bodies and procedures, ensuring satisfactory resolutions of workplace disputes and the robust and fair enforcement and compliance with employment rights legislation. As the Minister has acknowledged, promoting and supporting harmonious relationships in the workplace is an important element in achieving lasting economic growth and creating and sustaining jobs. It is our strong view that the best way to achieve this is through mutual recognition, respect and the creation of a level playing field.

Aiming for lasting economic growth built on a foundation of sustainable jobs means the Minister and his Cabinet colleagues must confront issues such as trade union recognition, compliance with and enforcement of existing employment legislation, underemployment, excessively low pay and the myriad issues facing vulnerable workers such as informal insolvencies, blacklisting and the rogue actions of subcontractors who are forcing workers into registering as sole traders. Reforming employment rights structures is a good move but it will mean little at the end of the day if fundamental flaws in employment rights are not dealt with. On most of the issues mentioned the Minister's silence has been deafening.

Some 129,700 workers in this State are underemployed and some 300,000 workers, or one in five, are earning less than the living wage of €11.45 an hour. To put this meagre salary into context, a worker on a living wage earns just 14% of the Minister's current salary. One in ten working families is in receipt of a family income supplement payment. Of course, low pay is not just the preserve of the private sector as nearly one in ten recipients of family income supplement payments are public servants. We should not forget that hundreds of JobBridge participants work in Government Departments each year never to be offered a full-time position, despite the critically important work that they do. Some 120,000 workers are living in poverty - those working in hospitality are most at risk and, not surprisingly, those working in the financial sector are least so.

Prior to the local and European elections we were promised a low pay commission but the necessary legislation remains languishing on the C list of the Government's legislative programme despite the fact the Government had the summer to draft what must be a straightforward piece of legislation. In addition to establishing the commission on a statutory basis and

progressing the legislative process, the Minister said consideration is being given to establishing the commission on an interim administrative basis to carry out its functions as early as possible. When will we see progress on this and why is there a delay in publishing the draft heads of the bill? The challenges facing workers in a deeply competitive employment market mean we believe it is critical that, in enhancing workers' rights, the issues of trade union recognition and the right to collective bargaining be addressed. This is perhaps a debate for another day but underpinning all employment rights legislation must be a commitment by the Government that such rights will be defended and upheld.

Sinn Féin's workers' rights spokesperson, Senator David Cullinane, raised a number of areas of concern in his submission on behalf of the party to the Government consultation process on the proposed changes to the industrial relations structures. We welcome the Minister's decision to constructively engage with our submission and in a number of instances he has heeded our concerns. We hope that on Committee Stage of the legislation amendments tabled by Opposition Deputies will be given the same consideration.

The right to take a case, have it heard and adjudicated upon fairly by an independent third party and the right to an appeal must be the cornerstone of the broad area of employment rights. We welcome proposals to reform the structures of the employment rights bodies and the delivery of a more efficient, fair, simple and user-friendly system is also to be welcomed. It is also good that employees attending the various services of the WRC, be it the early resolution service, the mediation service or attending before the commission, will be entitled to trade union representation at all times.

Concerns were raised by many trade unions and others in their submissions regarding the role of the registrar as set out by the Minister at the start of the process. In effect, he or she will act as a filtering mechanism deciding which cases should or should not proceed. We note that the Minister likened the role of the registrar to that of the legal advisor to the Equality Tribunal and we note too the case law the Minister quoted in responses to parliamentary questions. Of course, a small number of cases will fall before they begin for technical reasons but transparency regarding these decisions by the registrar will be critically important.

An adjudicating officer may dismiss a complaint on the opinion that it is frivolous or vexatious and anxiety is always heightened when officialdom uses this language - too often we are not aware of how such charges are measured. We welcome the Minister's decision to provide for an appeals process to the Labour Court where an adjudicator dismisses a case in these circumstances. Again, in the Minister's initial proposals he indicated his intention to remove the right to an appeal - a measure we absolutely opposed in our submission. The right to an appeal must be an absolute entitlement, an integral part of due process, and we are not alone in this view.

Concern was raised regarding the Minister's proposed introduction of fees for access to WRC services. He also sought a reduction in the time limit for making complaints - he wishes the limit to be six months. We recommended a time limit of years and the right to seek to extend the date where there is reasonable cause. While the legislation enables the Minister, through regulations, to levy fees and charges on users of the WRC and the Labour Court, it appears the Minister only intends to do so where a party fails, without good cause, to appear at the first instance hearing of the WRC and then wishes to appeal the decision to the Labour Court. When lodging the appeal the party will have to pay a fee of €300 which will be refunded if the Labour Court determines good cause. It would appear that while the Minister may not intend

to introduce fees for accessing the Workplace Relations Commission at this time, the legislation enables him or a future Minister to do so at any time. It is worth noting that in their submissions to the Government's workplace relations blueprint review, employer representative groups such as the American Chamber of Commerce and ISME sought the introduction of fees when making an initial complaint. The legislation imposes a time limit of six months within which to make a complaint, beginning on the date of the contravention to which the complaint relates, which is clearly not sufficient.

Deputy Tóibín asked the Minister in a parliamentary question last month to set out the checks and balances that have been put in place to ensure equality rights will not be eroded as a result of the subsuming of the Equality Tribunal into the WRC. There are a number of concerns regarding the upholding of equality legislation within the legislation as it is presented. Equality officers in the Equality Tribunal will transfer to the Workplace Relations Commission to become part of a wider pool of adjudicators. It does not appear that specialist adjudicators trained in the complex area of equality law will be assigned to equality or equal status cases. It appears the legislation does not specifically outline how equal status cases will be dealt with. When complaints are lodged with the Equality Tribunal currently, its officers apply the legislation to the case to determine the issues and how the case should proceed. Concern has been raised that the commission's adjudication process may require complaints to lodge a more legally robust case in the first instance, and this enhanced requirement may act as a barrier to future cases.

Enforcement and compliance remain two key areas of concerns pre and post the consultative process. We raised concerns in our submission regarding the proposed compliance notices, fixed charge notices and Labour Court orders to enforce compliance by employers to reduce the need to resort to prosecution. While employers who are generally compliant with employment rights law should not be unfairly punished for unintentional breaches, a balance must be struck where serious or consistent breaches occur. Deputy Tóibín asked the Minister last month what further action will be taken in the event an employer pays in full and in time a fixed payment notice but does not discharge in part or in full the outstanding award to a current or former employee to whom the notice relates. As is often the case, the Minister did not answer the question. We are no clearer as to what happens in such a circumstance. Almost all workers and employment rights bodies were unanimous in their opinion that a hefty fine and the imposition of a fixed charge notice should not rule out the possibility of prosecution. As the Minister noted, if the person on whom the notice is served pays the charge, the matter will not proceed to court. Arguably the monetary figure provided for in the legislation could result in an employer hedging his or her bets, coughing up the cash for a fixed payment notice, avoiding prosecution and having more money in his or her pocket where the notice amounts to less than the outstanding award.

It does not appear the Minister has struck a balance in these provisions. It is important to state why enforcement is necessary in the first place; it is because employers regularly breach employment law. It is that simple. I hope the Minister will engage constructively with Opposition Deputies on Committee and Report Stages of the legislation and will consider amendments put forward.

An Leas-Cheann Comhairle: The next speaker is Deputy Joan Collins who is sharing time with Deputies Richard Boyd Barrett and Finian McGrath.

Deputy Joan Collins: Like many people I welcome the fact we are discussing the Workplace Relations Bill and the Workplace Relations Commission. We should include in our dis-

cussion the context of what is happening in communities. According to the 2014 OECD employment outlook report, Ireland has the second highest percentage of low paid jobs after the US. Portugal has the lowest percentage. Yesterday was world day for decent work and the Mandate union announced a dramatic reduction in the quality of employment in recent years. Since 2008 it has seen a 60% increase in involuntary part-time working, which is where workers want more hours but do not have access to them.

Mandate will be in the Labour Court on 29 October and it hopes the employer in the case will turn up. This is indicative of workers' rights at present. Frequently companies and employers do not attend the State mechanism for dealing with workers' and employers' rights. To my mind, employers have too many rights. We have seen very disturbing incidents recently, such as the Paris Bakery workers who were left high and dry for weeks on end without any income from social welfare. The company moved out and tried to take all the machinery with it. The workers tried continually to go to the Labour Court and use State machinery to resolve the issue. Eventually it was resolved with intervention, but outside of the State mechanism.

We also had the Greyhound workers, who were locked out from 17 June. In the process involving the Labour Court and the Labour Relations Commission, the employer did not recognise the recommendations given and contrived to lock out 78 workers. Those men were on the streets outside the workplace for three months. It was only resolved with court intervention, through the solicitors for SIPTU and Greyhound who came to an arrangement for the workers either to take voluntary redundancy or return to work, as 24 of them did under worse conditions than those from which they were locked out. This highlights the necessity to examine working conditions and pay and how the industry operates and cut across the race to the bottom. I do not know whether the Bill has the robustness to deal with some of the issues raised in the dispute.

We have another situation with 17 workers at Kishoge community college in Lucan. The contractor was paid €95,000 but only €35,000 has been paid to the workers. Issues arise with regard to relevant contract tax and the workers having to be self-employed subcontractors. The money trickling down to the brickies means they are being paid only €5 an hour, which they can prove with their bank accounts and what they receive in their wages. The company was able to lock out the workers on 1 September. The workers have no recourse and their union is trying to get into the Labour Court to resolve the issue and get them back to work. In the meantime, other workers are being brought in to do the work. Scab labour is being brought in, as happened at Greyhound. It is very difficult for workers on a picket line to see their work being done by people earning less money than they should be.

These projects were supposed to be about putting money back into the economy. I spoke to the workers in Lucan on Monday and they told me all the equipment and parts, including the concrete and machinery, are being brought down from the North, so there is no benefit to the local economy from these public contracts. We know the pension fund is being raided for the projects, with €770 million being taken from it two weeks ago. A total of €2 billion has been taken from the pension fund for these projects, which are supposed to be for the benefit of the economy. If the workers in the industries are not paid enough money to earn a living, how is it of benefit to the economy? It will do no good whatsoever.

The Minister for Education and Skills stated during Question Time today that she will meet the Minister of State, Deputy Nash, to examine the Lucan workers' registered employment agreement and see whether the issue can be resolved. It must move much more quickly than this because the workers have not been paid since 1 September. This is a very difficult situa-

tion for men who want to work. Some of them had to leave this country a short time ago to go to Australia and have returned home hoping to get decent work in the local economy. They have been left stranded for the past five weeks. The legislation needs to be much more robust. How can an employer going through with a process with a union and workers' representation unilaterally move to lock out these workers and sack them? I do not believe this legislation is robust enough to deal with that.

The previous Deputy spoke about the fixed-payment notices. There is a time limit on the process of going through the Circuit Court. However, the other aspects of labour law need to be brought in - the minimum wage commission. All those areas need to be strengthened to protect workers from rogue employers. Most employers will go through the process, but there are a series of rogue employers who unilaterally do not even recognise the Labour Court or the structures within the State.

This is a public school being paid for by the pension fund being raided, which is the people's money. The 70 workers still outside the gate need the matter to be resolved and need an intervention by the Government to be able to resolve the issue. JJ Rhatigan & Company claims it has subcontracted the work and does not employ brickies. It does not employ brickies, but it employs a subcontractor to employ brickies who work on an RCT rate.

These are the issues that need to be dealt with through the Workplace Relations Bill.

Deputy Richard Boyd Barrett: Obviously it is positive to be discussing any measure that will improve workplace relations and streamline the Labour Court and the Employment Appeals Tribunal, and the whole area of workers' rights and conciliation in cases of dispute. However, I am not sure that what the Minister is proposing here will achieve that aim. I am not against - I would be broadly for - streamlining the system, making it more accessible, speeding it up because of course there have been major delays, and allowing people to understand clearly how to access the industrial relations and the employment rights machinery of the State. From that point of view, the aims are reasonably laudable but there is probably a big gap between the aims and the means by which the Minister is proposing to deliver on those aims.

I wish to take up from where Deputy Joan Collins left off. It is not just about the machinery we have to vindicate the rights of people; it is also about identifying the rights of people. The context of this is that workers' rights in terms of the legal protection workers have are completely inadequate. The pitch is tipped very much in favour of employers as we discovered in some of the recent disputes and disputes going back over a number of years in which workers have been shafted by rogue employers with very little recourse or great difficulty getting recourse.

One dispute, which I have to encounter literally day because the venue of the dispute is right next door to my constituency office and which I have raised with the Minister on a number of occasions, is the Connolly Shoes dispute. Those workers are still picketing four years later. It is extraordinary. When they were eventually able to access the Employment Appeals Tribunal, Labour Court and the whole lot, their case was completely vindicated and the employer was shown to be in the wrong. He had not paid them moneys owed and had unfairly dismissed them. All of this was established and he has just completely refused to engage and refuses to pay them.

When the representatives of the workers have pursued the money through the courts and so on, he has hidden the money behind shelf companies he owns. Suddenly workers who thought

they were working for Connolly Shoes discovered they were not working for Connolly Shoes but working for some other outfit, which happens to be owned by exactly the same guy, but apparently has no assets. So he has a range of different companies, some of which have the money insulated from any recourse for the workers to get hold of the money that the industrial relations machinery has determined they are owed. Everybody is throwing their hands up, claiming there is nothing they can do. It has taken four years and it looks as if they may have just about got there now. It is extraordinary to have workers picketing and in dispute for four years after essentially being turfed out by a rogue employer who refuses to pay them their entitlements.

These are real problems. We had something similar with the Vita Cortex dispute and the occupation that took place in Cork. We have a number of these instances where our laws allow rogue employers to hide from their responsibilities and obligations to their workers by essentially playing fast and loose with company law which allows them to do that. We need to do something about that.

The Department of Jobs, Enterprise and Innovation has to address this. I do not claim it is an easy matter, but if a series of companies have the same directors and owners, and one of those companies has been found to be abusing the rights of those workers and has an obligation to pay them, there must be some way to prevent that person from hiding their assets with other companies. That just has to stop, as must hiding money offshore, as Deputy Joan Collins mentioned. There seems to be no political will on the part of the Government to make it stop. I want the Government to outline what it will do on that front.

What happened in the Greyhound dispute - we are now seeing it with JJ Rhatigan - is just not acceptable. Something needs to be done where employers decide they want something and if they do not get it they can just lock workers out. There was much hoo-ha and criticism by certain quarters about workers who were blockading the Greyhound depot. However, not mentioned enough in those discussions was that those workers arrived at work at 7 o'clock one morning and without any warning, discussion, consultation or negotiation there was a guy outside with a new contract with a 30% pay cut. He said, "Sign this or get lost." The workers said they would not accept that and were told, "Sorry, you're out. We have a bus-load of scabs we're going to bring in to do your job." Those workers were then forced to go through eight or nine weeks of a dispute in order to force him even into negotiation. Laws need to be changed to make it impossible for employers to treat workers in that way.

Debate adjourned.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Pat Breen and Kieran O'Donnell - the need to alleviate the overcrowding in the accident and emergency unit at University Hospital Limerick; (2) Deputies Robert Troy and James Bannon - the need to address the funding crisis currently being experienced by St. Christopher's care centre, Longford; (3) Deputy Jim Daly - the need to reconsider and reduce the water charges for adult dependants; (4) Deputy Niall Collins - the need to address the increase in anti-social behaviour in Dublin city centre; (5) Deputy Terence Flanagan - the need to introduce a cap on the interest that can be charged by moneylender loans; (6) Deputy Derek Nolan - the urgent need for a new emergency department unit at University Hospital Galway; (7) Deputy Noel Coonan - the position regarding the Templemore flood relief scheme; (8) Deputy Róisín

Shortall - the need to update regulations under the misuse of drugs legislation to curb the open street trading of benzodiazepines and Z-drugs; (9) Deputy Patrick O'Donovan - the need for immediate works to be carried out on the Newcastle West Garda station; (10) Deputy Brendan Griffin - the importance of the retention of the 9% rate of VAT for tourism services; (11) Deputy Timmy Dooley - the need for a resolution of the Irish airlines superannuation scheme; (12) Deputy Peadar Tóibín - the need for an investigation into exploitative worker and tax practices at the publically funded new Kishoge community college project in Lucan, County Dublin; (13) Deputy Brian Stanley - the shortcomings in services for autistic children and their families in County Laois; (14) Deputy Martin Heydon - the national broadband plan with reference to rural areas particularly in County Kildare; (15) Deputy Michael Moynihan - the need to address the difficulties families face in paying their energy bills; (16) Deputy Billy Kelleher - the alleged manipulation of hospital waiting lists; (17) Deputy Colm Keaveney - the funding for disability organisations being reduced on the basis of value for money; (18) Deputy Robert Dowds - the ongoing industrial dispute at the Kishoge community college construction site; (19) Deputy Arthur Spring - the non-adherence to legislation in respect of State Airports (Shannon Group) Act 2014; (20) Deputy Martin Ferris - Irish Water's position regarding old council houses with lead piping; (21) Deputy Mick Wallace - Part V of the Planning Act regarding the delivery of social housing; (22) Deputy Caoimhghín Ó Caoláin - the alleged manipulation of hospital waiting lists; (23) Deputy Catherine Murphy - the worsening disparity in average class sizes from county to county; and (24) Deputy Richard Boyd Barrett - the EU Commission's investigation into the corporate tax rate here and possible deals with certain multinational companies.

The matters raised by Deputies Pat Breen and Kieran O'Donnell, Robert Troy and James Bannon, Noel Coonan and Arthur Spring have been selected for discussion.

12 o'clock

Leaders' Questions

Deputy Micheál Martin: When I asked the Taoiseach a number of questions yesterday about Irish Water, following Deputy Fergus O'Dowd's comments that it has been an unmitigated disaster, an abject failure and much more, the Taoiseach responded that, in his view, Deputy O'Dowd was simply saying it had teething problems. That response illustrated how out of touch the Taoiseach is with the situation on the ground and with people's attitudes. Deputy O'Dowd was certainly right in saying there is an intense dislike of the entire process and that people feel angry and intimidated.

The fundamental aspect that is absent from the water rates regime that is being introduced via Irish Water and via the regulator is the ability to pay principle. Deputy O'Dowd said yesterday that as Minister of State, he pleaded with his senior Minister and with other Government members that there be exemptions for disadvantaged groups including, in particular, the unemployed. There is absolutely no protection under this regime for the more than 370,000 people on the live register. The households benefits package does not include those who are out of work. Second, there is no protection for low-income earners, of whom we have the second highest proportion in the OECD. Consumption taxes are by their nature regressive, but nothing has been built into this charging regime to protect low-income workers, one in five of whom, we are told, are earning below the living wage. Third, we have families with three, four and five adults who will face very significant bills. The estimated charge is €380 for a three-adult

family, €482 for a four-adult household, and €584 where there are five adults in the home. We are talking here about dependent young people in full-time education or unemployed. Those families are being screwed by this regime. The estimates are extraordinarily high, with no mitigation whatsoever. To add insult to injury, those on boil water notices will receive a bill and will have to pay for the water-out element of the regime, notwithstanding the significant expenditure they have faced as a result of having to boil water.

Will the Taoiseach amend the legislation to enshrine at its heart an ability to pay clause? That would have an impact in terms of the intense dislike of the process to which Deputy O'Dowd referred and in terms of people feeling angry and intimidated.

The Taoiseach: Deputy Martin raised this issue yesterday. I notice that he has not yet submitted his budgetary proposals, in which I understand there is a €3.4 billion black hole.

Deputy Richard Boyd Barrett: The Taoiseach will not give us the costings.

The Taoiseach: Deputy Martin has some neck to come in here and say what he is saying. His party in government proposed the introduction of water charges at a minimum charge of €400 per household with no allowances.

Deputy Micheál Martin: That is not true.

The Taoiseach: It is true.

(Interruptions).

An Ceann Comhairle: The Taoiseach, without interruption. Deputy Martin is well able to answer for himself.

The Taoiseach: Deputy Martin subsequently rejected that proposal and is now opposed to the introduction of water charges. If he were in Government, however, he would have to do it. There is a €3.4 billion hole in his party's budgetary estimates and he needs to explain what he proposes to do regarding the €4 billion adjustment he has objected to in recent years.

(Interruptions).

An Ceann Comhairle: I remind Deputies on that side of the House that Deputy Martin is a big boy and does not need their help at all.

The Taoiseach: The country is coming out of a recession. I do not accept the comments from the former Minister of State who piloted the relevant Bill through the House that Irish Water is as he says. I do accept, as everybody does, that some of the issues that were raised in the initial stages of the establishment of Irish Water were not as they should be. Clearly, there was not the clarity of explanation and understanding given to people as to what this was about. What it is about is putting in place one of the largest and most fundamental entities in the history of our State to provide proper water structures and proper water quality for households, businesses and industry. Yes, there is a contribution to be made. Deputy Martin's colleagues in Sinn Féin do not want any domestic water charges and are putting it back on the public bill at a cost of €850 million in taxes or whatever without any explanation.

This issue must be dealt with. We cannot go on paying €1.2 billion per year for the production of water, with 40% of it leaking away, thousands of people on boil water notices, dozens of

treatment works not up to standard and kilometres by the thousand of inferior pipe work. All of that has to be dealt with, and it never was dealt with because the Deputy and his party, for the main part, during its time in government over the past 25 years, did not deal with it. Irish Water will be able to borrow to invest and fix these problems, and a contribution is being asked of people. That is why the Government gave a direction to the regulator such that there would be an allowance per household and per child, with extra to be given for those living alone. The 340,000 people on the household benefits package will receive extra allowances, and those with particular medical needs will have a cap put on what they pay.

I recognise that any charge that is put on people is not easy to accept, but this is an issue that simply must be dealt with. As the Deputy well knows, in huge areas of the country people have been paying for water for 50 years, by way of regional water schemes and whatever else. Where water goes out, if it goes into a public sewer, that must be paid for because it has to be treated. If it goes into a septic tank for which there is a charge and a monitoring system, it will not have to be paid for because it does not go back into the public system. There are many multiples of thousands of households in that situation. It is not nice to have to pay a charge. It has not been easy for any member of the Government in the past three years to have to stand up and impose charges in order to get us out of the catastrophe in which the Deputy's party left us. I am glad to see that economic commentators are now projecting growth for this year and next of between 4.5% and 5% and in the following years in the mid-threes. These are positive things.

The Government will consider very carefully the question of the structure of payments, namely, how payments can be made and when they can be made. We must help people to understand that water is an absolutely essential commodity and something not to be wasted. As I said, 40% of it is leaking away every day. If the Deputy filled his oil tank in Cork every Monday only to find that 40% of it was gone by Wednesday, what would he say? He would say the problem must be fixed. Everybody can contribute to fixing the problems with our water supply, in one way or another. There are allowances built in for the categories of people who need them most.

(Interruptions).

An Ceann Comhairle: Before I call Deputy Martin, I wish to point out that I get complaints into my office every day that the same people are causing a disturbance in the Chamber. If they think they are impressing the public, they are not. People know all about them. I ask those individuals to allow the Member who has the floor to speak.

Deputy Micheál Martin: It is typical of the Taoiseach that he never answers the questions he is asked in this House but instead makes false assertions and makes it up as he goes along. He is incorrect on a specific point. There never was a proposal for a €400 charge in any document produced by my party.

Deputies: There was.

Deputy Micheál Martin: The central point I am trying to make, and which the Taoiseach deliberately refuses to deal with, was set out clearly by the previous Government in the EU-IMF agreement and the national recovery plan, namely, that water charges would be introduced on the basis of "ensuring that lower-income groups remain supported". The Taoiseach has not done that in the regime his Government is introducing. Deputy O'Dowd - who, as Minister of State, introduced the legislation - said as much yesterday.

I asked the Taoiseach about the situation for the 370,000 people who are out of work. The household benefits package does not cover the unemployed. Will he answer my question? Does he think the unemployed are in a position to afford these charges? Will he answer my question about the nearly €400 charge for a family with three adults, which may well include children in full-time education, with the additional costs that involves? That charge will be nearly €500 for a four-adult family. I am not making these figures up; they were given out by the regulator. It is incomprehensible to me that households on boil water notice should have to pay anything at all, given that their water is not fit for consumption. That is the central point. The Nevin Economic Research Institute has done work on this, which we have read. We have done our research in order to be constructive. We believe those categories merit a substantive response and not the false assertions and the usual stuff the Taoiseach goes on with. Can the Taoiseach specifically speak to the unemployed in terms of water charges? Can he speak to the families with children over 18 years of age who are going to college or who are unemployed? Will he address the questions asked of him, because he has neglected them? In fairness to Deputy O'Dowd, out of office he has had the honesty to say that a poverty analysis was done by the Department but it has never been published. Why has it not been published? The Taoiseach rammed all this through the Dáil before last Christmas with no debate and when some of these issues-----

An Ceann Comhairle: Sorry, Deputy, we are way over time. Thank you.

Deputy Paul Kehoe: What about Deputy Martin's time in office?

The Taoiseach: The former Minister of State, Deputy O'Dowd, brought this Bill through the House with the specific Government direction to put in place Irish Water to deal with a situation that was neglected for years. We were one of the most inferior countries in terms of the quality and supply of water-----

Deputy Micheál Martin: That is not true.

The Taoiseach: -----with so many different systems. Deputy Martin comes into the House every week with a barrage. He, on behalf of his party, put forward a €400 charge with no allowances.

(Interruptions).

The Taoiseach: The Government set directions for the regulator-----

(Interruptions).

An Ceann Comhairle: Sorry, would Deputies please stay quiet?

The Taoiseach: -----of an average charge of €240 per household, an allowance per household and an allowance per child. That means a person living alone will have 40% of his or her water needs provided by the allowance-----

Deputy Micheál Martin: I asked about the unemployed.

The Taoiseach: -----which means his or her average charge is approximately 50 cent per day. There are 411,000 recipients of the household benefits package, including pensioners, carers and those with a disability. They will receive an extra €100 per year to assist them.

Deputy Martin never wants to know about what he left behind. Some 18,000 people on

public water supplies-----

Deputy Barry Cowen: No answers.

The Taoiseach: -----have a boil water notice or other restrictions in place. The Deputy left that situation behind him. The Environmental Protection Agency reports that remedial action is required on 16% of supplies for almost 1 million people, including large schemes, such as the Dublin city supply and the Cork city supply. They are badly in need of proper remedial treatment.

There are significant constraints in this city and the Deputy knows what happened in Ballymore Eustace last year put this city on the edge. I got many complaints from restaurant owners, business people and consumers, asking what we were doing about the water. There has never been enough money to invest in it and to fix it. Some 40% of water is leaking through pipes.

We have put in allowances for the different categories. Some 36% of water treatment plants do not meet the needs. Of course, it is not easy on any category, in particular on the unemployed and those with families. Children who are over 18 are treated as adults if they stay or work at home. That is a difficulty but everybody must make a contribution and the Government has tried to make this as fair, equitable and affordable as possible. It is about dealing with the problem which has been around for so long and which, like so many other issues, was swept under the carpet by Deputy Martin's Administration and those of his party.

Deputy Gerry Adams: I am sure the viewers will be interested to hear Fine Gael, the Labour Party and Fianna Fáil swapping back and forth on the way the Government is approaching this whole issue of water charges because it is a Fianna Fáil proposition. The Taoiseach asked yesterday about Sinn Féin's budget, which I sent to him this morning. I hope he has had the chance to read it.

Deputy Paudie Coffey: Fairy tales.

Deputy Gerry Adams: It contains proposals to rebuild the economy, renew society and to repair the damage done to the community by the Government and by Fianna Fáil before it. It contains a proposal, which I commend to the Taoiseach, to lift the burden on low and middle income households by scrapping domestic water charges. It tells him how to do this and how to pay for it.

However, I want to concentrate on another crisis, the crisis in housing. Our budget proposals include a proposal to build 6,000 new homes over the next 18 months and it tells the Taoiseach how this should be funded. I do not know if the Taoiseach has noticed but there are 20,000 applications for housing in Dublin City Council, which is an increase of 3,000 since last year. The real number is higher but this particular Dublin council list verifies that all of these citizens have had their need for housing established by the council. More than one third are living in overcrowded conditions or have particular medical or welfare needs. Some 1,136 applicants are homeless in this city, and that is repeated throughout this State.

In addition to the main waiting list, 5,645 tenants are already living in social housing but are seeking to transfer because one quarter of them are living in overcrowded conditions and others need to move out of flats because they do not have wheelchair access. Some 100 of these people need to change their accommodation because of changed family circumstances. In my constituency, there are more than 5,000 on the housing list.

What is the Government's plan to deal with this ongoing crisis? The ESRI has called on the Government to make a major investment in social housing in the next week's budget instead of making the tax cuts it has been promising. Will the Taoiseach accept our proposition? If he has not had the chance to read it, I would commend it to him. Will he accept the proposition from the ESRI to invest in social housing instead of making the tax cuts the Government has been proposing?

The Taoiseach: I thank Deputy Adams. In regard to his comment on the water charges, I understand Sinn Féin proposes that domestic water charges should be abolished and that this would then go back on the public pay bill. This would impose a charge of €850 million to be raised. I understand from its submission that it has left aside something like €300 million, leaving a hole in that particular area of €550 million, which it would need to explain.

I also understand that Sinn Féin wants to increase employers' PRSI by 5% and increase the top rate of income tax by 7%. That is an additional 12 percentage point tax on jobs. I am not sure if Sinn Féin is serious about this because if it is, it would drive every employer and every potential investor out of the country in terms of the creation of jobs. That would leave us with Sinn Féin's proposition of a 48% income tax rate, raising €365 million three years in a row. By implementing a 7% tax increase three times, it would raise the top income tax rate to more than 62%, leaving an incredible total tax rate of 73% when USC and PRSI are included. If it wants to close down the country, that is the kind of economics it should be proceeding with because it is not credible or real.

Deputy Adams raised a very important issue about housing. I want him to understand that the Government will respond to this, alongside the budget next week and in the time ahead. Clearly, there is a serious supply and demand issue, in particular in the greater Dublin area. The issue of homelessness, of those who have been put out of apartments and houses because of rent increases and of the demand for housing - a demand which is rising very rapidly - is a cause of great concern. The recently published planning Bill, being dealt with by the Minister for the Environment, Community and Local Government, provides for a vacant site levy of 3% to encourage development, a new Part 5 to deliver 4,000 additional units by 2020, changes to development contributions and the use it or lose it approach to planning permissions. These are all designed to make an impact on the construction sector.

Deputy Adams knows contractors will not build houses unless it is profitable for them to do so. The Government is acutely aware of the fact we need an income stream for contractors to build and for buyers to purchase and a planning process in place to allow for that to happen. There are many thousands of houses for which planning permission has been approved under the old regulations, some of them in the wrong place, but we will look at the incentives that might be brought in to make an impact on how this can happen.

The Government will publish shortly a five-year social housing strategy, which is the key commitment of the Construction 2020 document that we published. The need for social housing based on last year's assessment is very well documented and accepted by everyone. The Housing Agency has admitted that to meet housing need over the next five years, we need 35,000 housing units to be provided. The Government's challenge is to meet social housing need in an innovative and cost-effective manner. The ESRI has put forward its view, as some of the others have as well. The Government has to make a decision on this, and the strategy being finalised will take into account budget 2015 and will be published by the Minister, Deputy Kelly, very shortly after the budget. Deputy Adams should know that we are acutely conscious

of it, as are the people looking for housing who will be accommodated in social housing. Government will produce its specific strategy and plan, alongside the budget, in the very near future taking into account all these very valid submissions.

Deputy Gerry Adams: We made a very valid submission which the Taoiseach misrepresented, deliberately and maliciously, in what he said. All our propositions have been costed. The Taoiseach might not like them because he thinks the people should serve the economy whereas those of us on this side of the House believe in a republican vision where the economy serves the people. That means those who are most in need.

I raised the issue of housing not to indulge in the Taoiseach's Walter Mitty-type approach to these serious propositions but to bring to his attention that there is a huge housing crisis. There are 89,000 households in housing need. There are also 76,000 families in receipt of rent supplement. Riddle me this, Taoiseach. Failing to house these families costs the State €30 million in emergency accommodation. That is his brand of economics. We spend €500 million annually in subsidising private rents. Who are the rent racketeers? Who are the landlords? Does cronyism have anything to do with the failure of this Government to put in rent controls because it has refused to put rent controls in place?

An Ceann Comhairle: Thank you, Deputy. We are over time.

Deputy Gerry Adams: The cost of renting has risen by more than one quarter in Dublin alone. The average rent for accommodation in the city is in excess of €900 a month. That is the reality. When we bring forward propositions, the Taoiseach might not like them. He might disagree with them or want to take issue with them-----

An Ceann Comhairle: Would you put your question, Deputy?

Deputy Gerry Adams: -----but he should at least give them the serious consideration that we put into them on behalf of those we represent, and others we do not represent, in putting them forward.

The Taoiseach did not answer my question, which is, and this is not a Sinn Féin proposition, if he will heed the call of the ESRI to move away from tax cuts and to invest in social housing. Will he accept its proposition, and will he give those families in need a very clear indication that he will do that?

The Taoiseach: I accept the principle referred to by the ESRI and many others that there is a need to meet social housing demand. Clearly, this is an issue Government has reflected upon in terms of Construction 2020-----

A Deputy: Stop reflecting and start doing.

The Taoiseach: -----and the new planning Bill and the issues that pertain in terms of Part V, incentivising contractors and builders-----

Deputy Róisín Shortall: Incentivising builders.

The Taoiseach: -----to be able to get back to the business of providing houses.

Deputy Róisín Shortall: Have we learned nothing?

The Taoiseach: We hope that 5,000 homes will be added to the social housing stock this

year.

Deputy Róisín Shortall: You should be doing your job.

The Taoiseach: For the Deputy's information, the Government made available €68 million to the local authorities as a construction initiative.

Deputy Dessie Ellis: You said there was no housing emergency.

An Ceann Comhairle: Would you stay quiet please? Thank you.

(Interruptions).

An Ceann Comhairle: Would you stay quiet?

The Taoiseach: That funding will restart the local housing authority scheme directly. We put forward €15 million to restore up to 1,800 vacant units, particularly here in Dublin, designed to reduce pressure on the housing lists. There is no reason many of these units have been boarded up for years when they could be turned into comfortable warm homes for people to live in.

Deputy Róisín Shortall: You did not provide the funding to do it.

Deputy Richard Boyd Barrett: You have been saying that for two years.

The Taoiseach: The €68 million injection to the local authorities will provide almost 500 homes over the next two years. They have to be built.

Deputy Gerry Adams: Why not 6,000?

The Taoiseach: Thirty-five million euro was also brought forward this year for people who have a disability-----

Deputy Richard Boyd Barrett: Five thousand more will be joining the list.

The Taoiseach: -----people without a home and the elderly. There has been a €30 million investment in 2014 to improve the energy efficiency of local authority housing-----

Deputy Dessie Ellis: You cut €70 million from the budget from the start. Will you stop?

The Taoiseach: -----and a €10 million investment this year to kick-start the resolution on the remaining unfinished housing development. NAMA and the Government will respond in parallel to the budget to deal with the question of social housing.

Deputy Gerry Adams: The answer is "No". The Taoiseach says "No".

The Taoiseach: The issue raised by the ESRI, which has been raised by many other housing agencies, is very clear. There is a real demand. No matter who is in government, even the Deputy's party, they would have to have contractors and builders provide blocks, foundations and houses. It takes time to build them.

Deputy Pearse Doherty: The Taoiseach has had four years.

(Interruptions).

The Taoiseach: The Deputy, with his fantasy economics, cannot put these houses on the ground just like that.

Deputy Dessie Ellis: It took an election for you to-----

The Taoiseach: We will deal with it next week and the week after.

Deputy Gerry Adams: That is totally pathetic, Taoiseach.

The Taoiseach: But real, Gerry.

Deputy Catherine Murphy: Yesterday, the former Minister, Deputy Fergus O'Dowd, expressed the view that Irish Water has not communicated its message properly. That was followed later in the day by the Minister of State, Deputy Dara Murphy, stating that Irish Water could have done better to get its message across. Given the amount of our money that has been spent by Irish Water on public relations, that should be surprising, but what it fails to acknowledge is that it is not the delivery of the message that is at the heart of the problem. It is the substance of the message that people have a problem with. No one, regardless of how good a communicator they are, can convince families with adult children living at home, some of whom are full-time students, those on jobseeker's payments or the more than 30% of people who cannot pay their utility bills that they will have the ability to pay another bill. They are already struggling, and they know that daily struggle better than anyone. Who is selling the message? It appears there is a virtual golden circle of personnel who are linked from one controversial project to the next. It strikes many of us as odd that the former Dublin city manager and now head of Irish Water, who had a close relationship with RPS consultants during the Poolbeg incinerator fiasco, should have two directors of RPS-----

An Ceann Comhairle: Sorry, you cannot go into that.

Deputy Catherine Murphy: -----as his closest allies in Irish Water in the form of the head of asset management and the head of communications.

An Ceann Comhairle: Sorry, you cannot make allegations of that nature in the House.

Deputy Catherine Murphy: They are not allegations. They are facts.

An Ceann Comhairle: No. You are not going to do it.

(Interruptions).

A Deputy: They are not allegations. They are facts.

An Ceann Comhairle: They are not facts. It is not in accordance with Standing Orders.

Deputy Catherine Murphy: It is also odd that the former Minister, Phil Hogan's Department turned down Siemens' offer to foot the bill for water meter installation, choosing instead to opt for the far more expensive option offered by Siteserv, a company operated by the person who had the great fortune to obtain the second mobile licence in this country, Denis O'Brien.

Given the striking similarity of the team playing the game, how on earth does the Taoiseach expect people to trust Irish Water? Does he accept that the very large cohort of the population who are stretched to breaking point will not be able to pay another utility bill when the ability to pay is not at the centre of this issue? Yesterday, the Taoiseach spoke about teething problems.

Has he considered that Irish Water is the teething problem?

The Taoiseach: I accept from Deputy Murphy that any charge imposed on people is always difficult to deal with and difficult to accept. That is why, under the structure of Irish Water, the policy directions were given by Government to the regulator and are being implemented by the regulator. Appropriate allowances for the different categories of people that I have outlined on a number of occasions will apply.

In respect of the Irish Water entity, Deputy Murphy will be aware that this will become Ervia, which is an amalgamation of Irish Water and Bord Gáis, where a completely independent analysis of the competencies and the specialties required to run a major entity like this will apply. Those discussions will take place about the creation of Ervia very shortly.

Deputy Micheál Martin: When was that announced?

The Taoiseach: This is a massive organisation which has a fundamental and important part to play in the economy for the future. Without mentioning some of the issues the Deputy referred to it is a question of putting in place an entity that can borrow off the Government balance sheet to invest in infrastructure and provide quality water for people and for business and deal with the leaks, the treatment works and boil water notices and so on. Yes, of course, it is always difficult when a new charge is imposed. That is accepted.

Deputy Richard Boyd Barrett: What if someone cannot pay?

The Taoiseach: There is a need for a contribution from people across the country with a view to dealing with this problem which has been neglected for years.

Deputy Catherine Murphy: The Taoiseach said Irish Water is a huge organisation. That is what frightens people. It what they feel they are paying for. The one group that the citizens did not expect to create a super quango was Fine Gael, when one considers what was said in the run up to the last general election. This does not address the issue of ability to pay. If one earns €188 a week on jobseeker's payment it is a challenge to exist. If one is trying to keep a few young adults in college and has bills to pay it is a challenge. The Taoiseach repeatedly mentions the figure of €800 million but the take is projected to be €370 million next year. That reinforces the point people make that the bills will be substantially higher than is predicted. They are very fearful. It is the only utility people will pay for and not consume because they will be responsible for a leak in a pipe between the meter and the house, except for the first leak. That frightens them. They do not know what they are likely to face.

The former Minister of State, Deputy O'Dowd said he went to the Taoiseach because he was concerned about ability to pay. What did the Taoiseach say to him? Did he give him a hearing? Did the Government consider the ability to pay in respect of those categories?

Deputy Finian McGrath: The Minister of State, Deputy Kevin Humphreys, will be gone by teatime.

The Taoiseach: There are several things the Deputy needs to bear in mind. The water regulator has determined that the average bill will be less than €240 per year, has confirmed that 80% of all bills will be less than €24 per month, given the allowances already laid out, and ordered that there be a reduction in the cost base of Irish Water of €170 million by 2016, that is, a reduction of 8% and includes a substantial element of pay. The household allowance will cover

40% of the water supplied to a person who lives alone. That person will pay approximately 50 cent per day for water, which is approximately €138 per year. Over 400,000 recipients of the household benefit package will get an extra €100 a year for that. In many cases of special medical requirements, where a lot of water must be used for particular complaints and circumstances, that will be capped.

Deputy Michael Healy-Rae: What complaints?

The Taoiseach: The regulator sets the conditions.

Deputy Catherine Murphy: The Government sets the parameters for the regulator.

Deputy Richard Boyd Barrett: What if a person cannot pay?

The Taoiseach: He is determined that the average bill will be less than €240 and that 80% of bills will be less than €24 per month.

Order of Business

The Taoiseach: It is proposed to take No. 6, Workplace Relations Bill 2014 - Second Stage (resumed) 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 (resumed) to conclude at 9 p.m. tonight, if not previously concluded.

Tomorrow's business after Oral Questions shall be No. 1, Civil Registration (Amendment) Bill 2014 [*Seanad*] - Second Stage (resumed); No. 7, Irish Collective Asset-management Vehicles 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: There are no proposals to be put to the House. I call on Deputy Martin.

Deputy Micheál Martin: The Taoiseach will recall that I asked a series of questions about the legislative commitment in the programme for Government about the health service and universal health insurance, UHI. I did so in the light of comments made by the new Minister for Health, Deputy Varadkar, about delaying or deferring the abolition of the Health Service Executive and the officials saying the construct was simply unworkable. I asked about the legislative commitment to the hospital insurance fund, and when the legislative basis for UHI would be enacted. The programme for Government says it will be enacted in the first term and, "The HSE's function of purchasing care for uninsured patients will be given to a Hospital Care Purchase Agency" and so on.

An Ceann Comhairle: Where is the Deputy going?

Deputy Micheál Martin: Promised legislation. It goes on, "The Patient Safety Authority will introduce a national licensing system for hospitals, and will oversee the transition of hospitals from the HSE to independent local control".

The reply I received is a masterpiece of penmanship from a system that wants to change track but is hoping people will not spot that. It states that there will be no patient safety author-

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ity. For three and a half years I have been asking the Taoiseach about the patient safety authority on the Order of Business and he has assured me that it is coming, it is on the way and so on. The reply states that the Department of Health is not developing any legislative proposals that would establish a patient safety authority on a statutory basis. The HSE intends to establish a patient advocacy agency initially within its own structures.

An Ceann Comhairle: We will not go into all of this on the Order of Business.

Deputy Micheál Martin: This is important.

An Ceann Comhairle: I know it is important but not on the Order of Business. That is the big difference.

Deputy Micheál Martin: It is central to the Order of Business because it concerns the programme for Government and we can ask about legislation. The fundamental question is who wrote this because not a bit of it will be implemented. The most honest thing the Taoiseach could do is to at least rewrite and admit that. It states that the Future Health document, which the Government published, referred specifically to the “reform – learn – reform” approach. I love that. It “will allow us to make changes to the proposed approach while simultaneously making progress towards the final structures and delivering tangible improvements as we go”. Can someone explain that to me? Is that what the Minister for Health, Deputy Varadkar, said when he was changing the tack set by the former Minister, Deputy James Reilly, that he would take the “reform – learn – reform” approach?

An Ceann Comhairle: We are not going through the whole programme for Government on the Order of Business.

Deputy Micheál Martin: There is more legislation mentioned here. It states what the Minister and the Department are now doing. That is significant, what they are now doing.

An Ceann Comhairle: That is all very interesting but perhaps the Deputy would find some other way of relating it.

Deputy Micheál Martin: Will the Taoiseach explain where stands the programme for Government?

An Ceann Comhairle: There are Members waving at me all over the Chamber wanting to raise issues and I have to listen to a repeat of-----

Deputy Micheál Martin: This is the programme for Government.

An Ceann Comhairle: We can all read it if we get a copy of it.

Deputy Micheál Martin: I have read it.

An Ceann Comhairle: Not on the Order of Business.

Deputy Micheál Martin: It is an Order of Business question. It is central to the legislative programme.

An Ceann Comhairle: The Deputy should respect his colleagues.

Deputy Micheál Martin: There are another 27 minutes to go on the Order of Business,

with the greatest of respect, so there is plenty of time.

An Ceann Comhairle: The Deputy has just taken up three minutes of it.

Deputy Micheál Martin: This is a very serious matter because the health service is crumbling. Where stands all of this, two and a half to three pages of legislative commitments made by the Government? It is a fairy tale. It was an untruth peddled to the people before the last general election and has been peddled for the past three and a half years.

An Ceann Comhairle: What legislation exactly is the Deputy inquiring about?

Deputy Willie O’Dea: It is on the first three pages of the letter.

Deputy Micheál Martin: This letter illustrates that.

An Ceann Comhairle: I am not dealing with letters on the Order of Business.

Deputy Micheál Martin: It is done in the nicest way possible from the Government’s perspective, whoever put it together. The Taoiseach should please not tell us he is going to do it all in the next five years, or the five years after that because that is the new trick. Whatever the Government could not do in this four years it says it will do in the next five years. It was a con job. The Taoiseach repeated the soundbites “money follows the patient” and the “Dutch model”. Does he remember the Dutch model? The Dutch model has disappeared. She is nowhere to be found in the health system. It is an appalling con job on the Irish people.

The Taoiseach: I thank the Deputy for his-----

Deputy Willie O’Dea: Analysis.

The Taoiseach: -----response. He asked a load of questions. I answered them in my letter.

Deputy Micheál Martin: The Taoiseach did not answer them.

The Taoiseach: The Deputy did not mention the section of the letter in which I was happy to report that good progress is being made with many aspects of the reform programme, including the introduction of new governance and management structures in the HSE following the enactment of the Health Service Executive (Governance) Act 2013.

Deputy Róisín Shortall: There is no independent board.

Deputy Paul Kehoe: The Deputy did not have the courage to stay where she was.

Deputy Thomas P. Broughan: The Minister of State is not even in the Cabinet.

The Taoiseach: I mentioned that chairpersons are in place for six of the hospital groups, with the role being filled on an interim basis in one case. The legislation for the disestablishment of the HSE has passed through the Oireachtas and will take effect from 1 January 2015. The health care pricing office has been established in the HSE. The implementation of the “money follows the patient” approach has commenced. The Deputy did not refer to any of that.

Deputy Micheál Martin: I ask the Taoiseach to read the next paragraph.

The Taoiseach: The Government has also decided that the second phase of the roll-out of universal GP care will involve people aged 70 years and over.

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Deputy Micheál Martin: He has skipped over it. He should have read the next paragraph.

The Taoiseach: The Government has approved the drafting of a Bill to provide a GP service without fees to all people aged 70 years and over. The drafting of the legislation in question has commenced.

Deputy Róisín Shortall: Their medical cards are being taken away.

Deputy Micheál Martin: Medical cards have been taken from the over-70s.

The Taoiseach: Discussions on the subject are ongoing between the Department and the Office of the Attorney General. The expectation is that the health (general practitioner service) (No. 2) Bill will be published shortly. The Deputy chose not to mention that. Obviously, he is aware that the Government published a White Paper on universal health insurance in April of this year. The Department initiated a consultation process on that White Paper. An independent thematic analysis on the submissions has been awarded. The Minister will receive that analysis back shortly.

Deputy Micheál Martin: Absolutely.

The Taoiseach: The Department has also initiated a major costings exercise.

Deputy Micheál Martin: It is winding down the clock to the next general election.

The Taoiseach: It will estimate the cost of universal health insurance for households.

Deputy Micheál Martin: Four years on and there are no costings.

The Taoiseach: The Exchequer and the Department are working with the ESRI and the Health Insurance Authority. Does the Deputy not think it is appropriate that we should be able to set out the overall costing of the introduction of universal health insurance?

Deputy Micheál Martin: I would have thought the Taoiseach and his colleagues would have had that information before they put this proposal to the people.

The Taoiseach: I might add that it is not based on the Dutch model.

Deputy Willie O'Dea: It should have been done at the beginning rather than at the end.

An Ceann Comhairle: Sorry, Deputy, would you please respect the Chair?

The Taoiseach: The Dutch model has faded.

Deputy Micheál Martin: Has it? Hallelujah.

Deputy Willie O'Dea: That is a newsflash.

The Taoiseach: This is an Irish version of universal health insurance for Irish circumstances.

Deputy Micheál Martin: I remember the pre-election debates in which the Taoiseach ploughed on about the Dutch model for all she was worth.

The Taoiseach: The Dutch model of universal health insurance was never going to be the

one that would be suitable for Irish circumstances.

Deputy Micheál Martin: She has faded into oblivion now.

Deputy Ray Butler: A bit like the Deputy.

Deputy Willie O’Dea: We have the Danish model now.

The Taoiseach: Deputy Martin does not want to acknowledge that a great deal of work is taking place.

Deputy Willie O’Dea: Perhaps we will have the Soviet model next.

The Taoiseach: He asked the questions and I responded to him. It is okay that he is not happy with some of the responses.

Deputy Micheál Martin: The Minister, Deputy Varadkar, has said he is developing structures to replace the HSE.

The Taoiseach: A great deal of work has been done.

Deputy Micheál Martin: That is being done after it has been abolished.

An Ceann Comhairle: If the Deputy is not happy with the responses, I suggest he write back to the Taoiseach.

Deputy Micheál Martin: New structures to replace the HSE have yet to be developed even though the HSE has been abolished. One could not make this up.

Deputy Gerry Adams: The programme for Government promised that universal health insurance would “provide guaranteed access to care for all in public and private hospitals”. My presumption is that this includes the right to midwifery services. I want the Taoiseach to give us clarity on this if he can. I have just learned that 25 pregnant women have been told that no midwifery services will be available to them because the HSE has revoked midwives’ licences. These women have not been informed of alternative arrangements. Does the commitment in the programme for Government include the right of pregnant women to these essential services?

The section of the same programme for Government dealing with passports, citizenship, immigration and asylum promised to “introduce comprehensive reforms of the immigration, residency and asylum systems” and to set out the “rights and obligations in a transparent way”. When will the Government fulfil this commitment? There is anything but transparency for these people. I note that an tUachtarán, Michael D. Higgins, was stopped from visiting an asylum accommodation centre recently. Will some of the Government’s time be set aside for the Minister to come to the House to explain why the President was barred from visiting asylum accommodation? I have visited the Mosney centre. Some of the people have been there for more than a decade. Will the Government honour its promise to give certainty to these people, to end direct provision and to close the centres associated with it? We should be given an opportunity to listen to an explanation of why the Head of this State was denied the right to visit one of these accommodation centres.

An Ceann Comhairle: I want to make it clear what is in order on the Order of Business. Promised legislation is in order. To be clear, the programme for Government is not a catch-all for raising matters on the Order of Business. It is in order to raise items covered in the pro-

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gramme for Government only if they have been elevated to the status of promised business such as legislation. In other words, we cannot have a debate every day on something in the programme for Government. This is not suitable for the Order of Business.

Deputy Micheál Martin: When did that come in?

An Ceann Comhairle: If the Whips want to come up with some other arrangement for how we can deal with these issues, by all means I will obey those new rules. I have to apply the rules as they are. I ask for the co-operation of Deputies in doing so. I call the Taoiseach to reply.

Deputy Gerry Adams: I would like the Ceann Comhairle to give me some guidance. I am asking the Government to make space on the clár for the Minister to explain why an tUachtarán was denied access to an accommodation centre.

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

Deputy Gerry Adams: Is it not?

An Ceann Comhairle: No, it is not.

Deputy Mary Lou McDonald: Why not?

Deputy Gerry Adams: Why not?

An Ceann Comhairle: It is not in order on the Order of Business. It is not catered for.

Deputy Ray Butler: It is not promised legislation.

An Ceann Comhairle: There are many other ways for Deputy Adams to raise this issue.

Deputy Gerry Adams: It is called the Order of Business.

An Ceann Comhairle: He could raise it during Leaders' Questions or ordinary questions.

Deputy Paul Kehoe: He could raise it as a Topical Issue matter.

An Ceann Comhairle: His spokesperson could submit a priority question on the matter. There are numerous other ways to raise this.

Deputy Gerry Adams: It is called the Order of Business.

An Ceann Comhairle: Please resume your seat.

Deputy Micheál Martin: On a point of guidance, we do not-----

An Ceann Comhairle: Hold on a minute.

Deputy Micheál Martin: In previous Dáileanna, questions were always asked about programmes for Government.

An Ceann Comhairle: Many other Deputies wish to raise issues.

Deputy Micheál Martin: That was always facilitated.

An Ceann Comhairle: I am sorry-----

Deputy Micheál Martin: Questions on programmes for Government were allowed in previous Dáileanna.

An Ceann Comhairle: Under my chairmanship, I will apply the rules.

Deputy Micheál Martin: That is what I want to find out about. When did this change?

An Ceann Comhairle: It did not change.

Deputy Micheál Martin: It did. In the previous Dáil-----

An Ceann Comhairle: Would you please resume your seat?

Deputy Micheál Martin: I just want guidance.

An Ceann Comhairle: I will suspend the sitting if you do not resume your seat.

Deputy Micheál Martin: With the greatest respect, if we cannot ask questions about legislative commitments-----

An Ceann Comhairle: Resume your seat, please.

Deputy Micheál Martin: -----in the programme for Government, it is a sick joke.

An Ceann Comhairle: I will suspend the sitting if you do not resume your seat.

Deputy Gerry Adams: A Cheann Comhairle, I am asking-----

Deputy Micheál Martin: Is the programme for Government in order?

Deputy Gerry Adams: I want-----

An Ceann Comhairle: I promise you I will suspend the sitting if you do not resume your seat.

Deputy Gerry Adams: That is up to you, a Cheann Comhairle.

An Ceann Comhairle: Resume your seat. You are totally out of order.

Deputy Gerry Adams: These citizens are being treated in an awful way.

An Ceann Comhairle: Sorry, Deputy. You are out of order. Would you please resume your seat and show some respect?

The Taoiseach: I do not know the details of the 25 good people about whom Deputy Adams spoke.

An Ceann Comhairle: We are not going into it either.

The Taoiseach: We are not, a Cheann Comhairle.

Deputy Dessie Ellis: It is a major crisis.

The Taoiseach: Universal health insurance is about providing equal access to medical treatment for all citizens and bringing an end to the discriminatory two-tier system we have now. That is what universal health insurance will deliver. The White Paper and the consultation are

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all part of the process. It cannot happen until all the building blocks are in place. The effect of universal health insurance is that everyone will be treated the same in respect of their medical needs. It is based on their medical needs as distinct from their incomes.

On the other matter mentioned by Deputy Adams, it would not be appropriate to draw Uachtarán na hÉireann into any debate in the House.

An Ceann Comhairle: That is correct. Please do not do so.

Deputy Gerry Adams: The Minister did.

The Taoiseach: My understanding is that there would not be any reason to prevent the President of our country from visiting any place on the island.

Deputy Gerry Adams: He was prevented.

The Taoiseach: I am not sure the Deputy has the detail of that right.

Deputy Gerry Adams: The Taoiseach can give me that detail.

The Taoiseach: If the Deputy takes the advice of the Ceann Comhairle-----

An Ceann Comhairle: It is not in order on the Order of Business.

The Taoiseach: -----obviously the Minister will be very happy to respond to that. I ask the Deputy to believe me when I say it would never be intended to prevent Uachtarán na hÉireann from visiting a facility on this island.

Deputy Barry Cowen: Can I ask the Taoiseach about some of the responses he has given to Leaders' Questions over the past two days? He mentioned the amalgamation of Ervia and Irish Water. I do not see any proposed legislation to deal with such an amalgamation.

An Ceann Comhairle: If there is no proposed legislation, the Deputy should not raise it.

Deputy Micheál Martin: The Taoiseach just raised it.

Deputy Barry Cowen: Will the Taoiseach elaborate on this? Is it the first step along the road to privatisation that many of us have feared? Despite our best efforts, we never got to discuss this in the sort of detail that was required. As others alluded to, the Government closed down all proper scrutiny of the legislation that was introduced.

The Taoiseach: A new board must be appointed to the amalgamated entity, which is to be called Ervia. Discussions with NewERA about the specialist skills that will be required will get under way in order that the amalgamated entity will have absolute competencies in respect of the people who will serve on it and will do a major job for the years ahead.

Deputy Micheál Martin: The Taoiseach just dropped that in. Is that how legislation gets proposed? What is he up to?

Deputy Róisín Shortall: I have two questions on legislation, the first of which relates to water charges. We know that for the next nine months-----

An Ceann Comhairle: That is not in order on the Order of Business. The Deputy knows that as well as I do.

Deputy Róisín Shortall: I am asking about legislation.

An Ceann Comhairle: What legislation?

Deputy Róisín Shortall: Will the Taoiseach legislate to give Irish Water access to data-----

An Ceann Comhairle: No. It has to be promised legislation.

Deputy Róisín Shortall: -----in order that it can validate the assessed charges?

An Ceann Comhairle: Not on the Order of Business.

Deputy Róisín Shortall: How else will it establish how many people are living in each house? That is my first question.

An Ceann Comhairle: I assure the Deputy that it will not be answered on the Order of Business.

Deputy Róisín Shortall: My second question relates to the proposed public health (alcohol) Bill. The Taoiseach said on many occasions in this House that the Bill would be ready by the middle of this year. We have gone beyond that, yet I noticed that it is not on the A or B list. What has happened to the public health (alcohol) Bill and when can we expect to see it?

An Ceann Comhairle: The latter is in order.

The Taoiseach: The heads of that Bill are being worked upon. Quite a deal of work has been done, Deputy Shortall. I expect the heads to be published in the not-too-distant future and we will proceed from there to the development of the Bill itself.

Deputy Róisín Shortall: Is there a realistic timescale?

The Taoiseach: I will give the Deputy a time update.

Deputy Pearse Doherty: The Government promised to introduce legislation on a mortgage guarantee scheme. That promise was contained in the Construction 2020 document. Under it, the State would guarantee 5% of the loan-value ratio of mortgages, allowing people to take out mortgages at a higher ratio. Given the Central Bank's announcement yesterday of a consultation process on people not taking out loans greater than 80% of a property's value, is the legislative proposal gone and has the rug been pulled out from under the Government or is this legislative option still live?

The Taoiseach: The issue will be considered in the context of the consultation put out by the Central Bank. Clearly, the conditions announced yesterday by the Central Bank to apply in the future are a consultation document and I have no wish to get into any row with the Governor of the Central Bank, but clearly the Government's proposals in respect of mortgages will obviously have to be considered in the light of that consultation paper. I will advise Deputy Doherty.

Deputy Michael Healy-Rae: Regarding the Water Services (Taking in Charge of Estates by Local Authorities) (Amendment) Bill 2014, the proposed section 12(2A) states: "No delay on the taking in charge of private housing estates by a local authority shall occur as a result of a transfer of property by a local authority to Irish Water." That is not happening on the ground. An extraordinary-----

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An Ceann Comhairle: I am sorry, but the Deputy knows as well as I do that he is not allowed to raise these matters on the Order of Business.

Deputy Michael Healy-Rae: It has to do with-----

An Ceann Comhairle: We will find some other way of raising it.

Deputy Michael Healy-Rae: The amendment Bill-----

An Ceann Comhairle: I am sorry, but the Deputy does this every day and I must correct him.

Deputy Michael Healy-Rae: I do not.

An Ceann Comhairle: The Deputy can ask about promised legislation.

Deputy Dessie Ellis: There are individuals with severe disabilities who cannot access public transport for various reasons. A commitment was given that a contribution would be made to help them offset the significant extra costs. When will the health (transport support) Bill be before the House to address this issue?

The Taoiseach: That is due for early next year.

Deputy Noel Grealish: I will be brief. An increasing number of burglaries across the country are being carried out by gangs from eastern Europe. I know of one situation in which many of those involved had criminal records in their home countries and one who was on the run.

An Ceann Comhairle: It sounds like a Topical Issue matter to me.

Deputy Noel Grealish: One had a murder conviction and was in Ireland. When will No. 47, the criminal records information system Bill, be before the House? It is an important Bill.

The Taoiseach: It is an important Bill, Deputy Grealish, and it will be early next year before it is published.

Deputy Peter Fitzpatrick: When can we expect the building control Bill, which will place Construction Industry Register Ireland, CIRI, on a statutory footing and, therefore, provide in law for the registration of builders, contractors and specialist subcontractors, to be before the House?

The Taoiseach: That is June next year.

Deputy Finian McGrath: Regarding No. 64, does the Taoiseach share my major concerns about a nuclear plant, costing £16 billion, that is proposed to be located 250 km from our coast?

An Ceann Comhairle: What Bill is the Deputy referencing?

Deputy Finian McGrath: There is a major public safety issue.

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

Deputy Finian McGrath: No. 64, the energy (miscellaneous provisions) Bill. My major concern-----

An Ceann Comhairle: That may be the Deputy's major concern, but we will deal with it some other way.

Deputy Finian McGrath: -----is about a £16 billion nuclear plant that is about to be built just 240 km off the Irish coast.

An Ceann Comhairle: Resume your seat.

Deputy Finian McGrath: This is not acceptable. It is absolutely-----

An Ceann Comhairle: Will you resume your seat and stop raising your voice? Cool down.

Deputy Finian McGrath: A lot of people have major concerns about this and we need action. I would like the Taoiseach to respond.

An Ceann Comhairle: He will not respond to it on the Order of Business. It is as simple as that.

Deputy Finian McGrath: The energy (miscellaneous provisions) Bill.

The Taoiseach: I see the Deputy has a new argument to develop in the time ahead.

Deputy Micheál Martin: At least he has one. The Taoiseach is looking for one.

Deputy Bernard J. Durkan: Deputy Martin does not need to look for one.

The Taoiseach: I understand that the European Commission gave its endorsement for this particular proposal this morning. The energy provisions Bill, No. 64, is due next year, so the Deputy will have plenty of opportunity to make his case.

An Ceann Comhairle: There must have been something in the cornflakes this morning. I have never seen such an angry membership in my life.

Deputy Ray Butler: The cheaper brands are driving them mad. They should go back to Kellogg's Cornflakes.

Deputy Bernard J. Durkan: Feed the two-----

An Ceann Comhairle: Deputy Finian McGrath should cool down.

Deputy Micheál Martin: There is something in the water in Dublin Bay.

(Interruptions).

Deputy Bernard J. Durkan: Hallucination.

A Deputy: The ozone is affecting people.

An Ceann Comhairle: Deputy Finian McGrath is not getting any younger. He should cool down. This is bad for the ticker.

(Interruptions).

Deputy Ray Butler: He should go back on the Kellogg's Cornflakes.

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Deputy Peter Mathews: There was a full moon last night.

An Ceann Comhairle: Thanks very much.

Deputy Micheál Martin: Is Deputy Mathews about to make an entrance?

Deputy Robert Troy: He has not even spoken yet.

Deputy Timmy Dooley: Is that why he is calm?

A Deputy: There is a full moon when he is in flow.

Deputy Jerry Buttimer: In light of the forthcoming Finance Bill and the tax appeal commission establishment Bill, I am sure Deputy Martin will join with me in asking the Taoiseach to raise the importance of our corporation tax rate with other EU leaders-----

An Ceann Comhairle: The Deputy should have a chat with the Taoiseach after the Order of Business.

Deputy Jerry Buttimer: -----in the context of the jobs in Cork city at Apple.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Seán Ó Fearghail: No. 11 on the A list is the promised planning and development Bill. When will it be published and will it address the issues raised by the chief executive of the housing agency in the past week? He was quoted as proposing that the size of apartments and local authority dwellings should be reduced.

An Ceann Comhairle: That is a different issue.

The Taoiseach: The heads of that Bill were cleared a couple of weeks ago, Deputy Ó Fearghaíl. It is now proceeding ahead for publication and development.

Deputy Ray Butler: When is publication of the health (transport support) Bill to provide a scheme to make individual payments-----

Deputy Dessie Ellis: The Taoiseach just said that. The Deputy is not listening.

Deputy Ray Butler: -----to people with severe disabilities who cannot access public transport to help with their transport costs expected?

The Taoiseach: That is early next year.

Deputy Robert Troy: There is a serious issue with petrol stretching.

The Taoiseach: Yes.

Deputy Robert Troy: It affects the Taoiseach's constituency and many others. Hundreds, if not thousands, of people have suffered damage to their vehicles and undue financial pressure through no fault of their own. Petrol stretching is dealt with under the Finance Act 1999. There are penalties if the person who carries out this offence-----

An Ceann Comhairle: Table a parliamentary question.

Deputy Robert Troy: -----is caught, but the Act contains no mechanism to compensate

those who have been affected.

An Ceann Comhairle: The Deputy knows that this is out of order.

Deputy Robert Troy: Does the Government have any plan to introduce amendments to the 1999 Act to ensure that these people-----

An Ceann Comhairle: The Deputy has made his point.

Deputy Robert Troy: -----are compensated for the serious damage to their vehicles?

An Ceann Comhairle: Is there promised legislation?

The Taoiseach: No.

An Ceann Comhairle: There is no promised legislation.

Deputy Micheál Martin: The Finance Bill.

An Ceann Comhairle: The matter can be raised under the Finance Bill.

Deputy Micheál Martin: When is the Finance Bill?

Deputy James Bannon: In milder tones, I was happy to be involved in considering a range of issues that were debated at the Constitutional Convention, an important forum that was set up by the Taoiseach and the then Tánaiste. When can we expect some of the recommendations passed by the convention to be before the Dáil, for example, the amendment of the Constitution to lower the voting age to 16 years and the eligible age of candidates in a presidential election to 21 years?

An Ceann Comhairle: I do not believe legislation is promised on those matters.

The Taoiseach: There is, a Cheann Comhairle, in the sense that the Government is committed to a number of referenda next year. Ones that we are committed to are two of those that the Deputy raised, so legislation will have to be produced. Obviously, we will have to set up a referendum commission. We also committed, of course, to the marriage equality referendum.

An Ceann Comhairle: I thank Deputies. That completes the Order of Business.

Deputy Peter Mathews: A Cheann Comhairle.

Deputy Bernard J. Durkan: Wait, a Cheann Comhairle.

An Ceann Comhairle: I am sorry.

Deputy Bernard J. Durkan: I will have to wear a white coat in future.

Deputy Robert Troy: He has a nice one.

An Ceann Comhairle: I did not see the Deputy. I normally hear him, but I did not see him.

Deputy Noel Grealish: No one could miss him.

Deputy Barry Cowen: The coat he had was too small.

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Deputy Bernard J. Durkan: Even Homer nodded.

Deputy Peter Mathews: Following on from the matter Deputy Pearse Doherty raised regarding the legislation for credit policy that the Government has under consideration, I will offer the Taoiseach an operational template for best lending practice and mortgage lending policy to avoid a credit-fuelled residential property bubble.

An Ceann Comhairle: The Deputy can have a chat with him after the Order of Business.

Deputy Peter Mathews: I prepared the template approximately six months ago and it could be helpful. It is a one-pager.

An Ceann Comhairle: Give it to the Taoiseach after the Order of Business.

Deputy Bernard J. Durkan: I am thinking of wearing a lighter coloured coat in future to be more visible in the House.

An Ceann Comhairle: No, you are all right.

Deputy Bernard J. Durkan: I am worried about it, but I thank the Ceann Comhairle.

Deputy Micheál Martin: Normally when the Deputy rises, it signals the end of the Order of Business.

Deputy Bernard J. Durkan: I wish to ask about promised legislation. I have asked this question previously, as have others. The mediation Bill is important and has implications for a wide area.

1 o'clock

Can the Taoiseach indicate the present state and status of the Bill, when it is likely to come before the House, whether it been agreed fully by the Cabinet and whether changes are being made in the course thereof?

A couple of weeks ago, I again raised the question of the bail Bill. The bail Bill is also important legislation and while the Taoiseach has indicated previously that there is no definite time for its introduction, given the number of instances in recent years in which different bail laws might have had a much more positive impact to protect citizens of the State, might it be possible to consider again the implications and the importance of the aforementioned Bill and to bring it before the House at the earliest opportunity?

The Taoiseach: The heads of the mediation Bill were cleared and work is proceeding on it, although it will be early next year before it is published. In respect of the bail Bill, the draft heads are at an advanced stage but I cannot give Deputy Durkan a date for publication. Nevertheless, it is moving in the right direction.

Sitting suspended at 1 p.m. and resumed at 2 p.m.

2 o'clock

Dáil Éireann
Topical Issue Debate

Accident and Emergency Departments Waiting Times

Deputy Pat Breen: I welcome this opportunity to raise the issue of overcrowding in the emergency department at University Hospital Limerick, especially the incident that happened last week. The concern is not only about what happened last week but the care before the horse approach that has been taken to the reconfiguration of health services in the mid-west. I thank the Minister for being present to reply to this matter that I and my colleague, Deputy O'Donnell, are raising.

Last June, the Health Information and Quality Authority, HIQA, warned that the emergency department at Limerick regional hospital was not fit for purpose as overcrowding there had reached critical proportions. According to the INMO trolley figures, 561 patients were on trolleys in the hospital in September. That is the highest figure recorded since statistics on this were first gathered back in 2007. A comparison of the figures for September 2014 and 2013 shows a 60% increase, which is an alarming increase.

I visited the emergency department at the hospital last Tuesday to see at first hand the numbers there. Before I describe what I saw, I pay tribute to the dedicated and hard-working staff who have to work in such an appalling and stressful environment having regard to what they have to endure, day in, day out. What I saw was disturbing. It was not a pretty sight. When I arrived, 23 patients were being treated on trolleys. It was almost a nightmare. Trolleys were lined up in the narrow corridors with family members gathered around their loved ones and many other patients were on their own wondering when a bed would become available. There was no dignity afforded to patients and little room for staff to treat them. It was bordering on unsafe. My thoughts turned immediately to the previous day when 50 patients were being treated on trolleys. I saw the emergency department when there were 23 patients on trolleys and it was a nightmare. At 7.30 a.m. on the previous Monday, 50 patients being treated on trolleys in the emergency department and they were waiting to be admitted.

The alarm bells are ringing on this issue. That is the reason Deputy O'Donnell and I are raising this issue. The trolley figures are a concern. Having regard to what happened throughout the summer with high trolley figures and with the influx of patients coming through in the winter period, the situation in the accident and emergency department will be unsafe. It will have to be closely monitored.

What would have happened if an emergency had occurred in the region on that morning where such a large number of patients were being treated on trolleys? It would have led to a serious situation in the region. I hope an interim solution can be found to the overcrowding in the department between now and when the new emergency department opens. We have been told some spare beds are available in the hospital. Will the Minister clarify the position with regard to the availability of spare beds? When I was there I was told that there were no spare beds as those beds were being used.

Deputy Kieran O'Donnell: I thank the Minister, Deputy Varadkar for being present to take this matter. He is fully aware of the difficulties. I have had discussions with him in recent weeks on a particular issue related to the gross overcrowding at the University Hospital

Limerick. An interim solution is needed to this problem. We know a new state-of-art accident emergency department will not be ready and open to take admissions until early 2016. We have two winters to overcome between now and then. My main concern is for the patients in the accident and emergency department and the staff working there and dealing with this persistent problem. It has arisen due to the reconfiguration of services whereby 18 beds were taken from the accident and emergency departments at Ennis, Nenagh, and St. John's hospitals, the number of accident and emergency beds were almost halved to seven, and 17 beds are in operation in Limerick regional hospital. The emergency department there cannot deal with the numbers coming in.

We need a short-stay bed unit with 20 to 30 beds that would relieve the overcrowding and overflow from the accident and emergency department. It would allow people to access the accident and emergency department with dignity and avoid people being treated on trolleys for hours on end. People are entitled to such a service. I am not looking for anything new here. It is fully recognised that there is a major problem in accommodating the current level of capacity at the accident and emergency department. A new accident and emergency department is under construction and it is hoped it will be open in 2016. We need an interim solution with the provision of a 20 to 30-bed unit. As we approach the winter period, I hope an immediate solution will be found to address this problem and that beds will be made available to ensure the accident and emergency department can function in a normal way both for the patients who attend it and for the staff. I very much look forward to hearing the Minister's observations on this matter. I know he has looked into the matter in great depth. He commissioned a report with the HSE in this regard and I very much await his deliberations on this matter.

Minister for Health (Deputy Leo Varadkar): I thank Deputies Breen and O'Donnell for raising this issue and for giving me an opportunity to outline in the House the current position on this matter. In regard to trolleys, it is important to recognise that while there has been a deterioration in recent months in the number of patients on trolleys waiting to be seen, the situation throughout the country remains much better than it was in 2012, 2011 or during any period under the previous Government.

There are significant pressures on the University Hospital Limerick emergency department which arise from the restrictions of the physical infrastructure of the department. Many of these pressures were noted in the recent review by HIQA of the University of Limerick hospitals group. To address this situation, an extensive capital project is under way for a new emergency department for Limerick which will open in 2016. I understand from the HSE that there is no scope for speeding up this development without introducing significant risks for procurement, cost, health and safety.

In the meantime, pending completion of the new emergency department, a number of initiatives are in place to help address the limitations for patients and staff in the emergency department. In particular, a dedicated paediatric emergency area is now open. This means children are seen separately in a child-friendly space. In a major step for acute hospital services in the region, a new critical care unit has opened which allows for better patient flow for seriously ill or injured patients presenting to the emergency department. The acute medical and surgical assessment units are open, and these take direct referrals from GPs and the emergency department. A 17-bed short stay unit opened in April 2014. This unit is managed by the acute medicine physicians and aims to complete treatment or assessment of patients within 48 hours of admission. Three patient flow managers are in place who co-ordinate the transfer of lower acuity patients from University Hospital Limerick to Ennis, Nenagh and St John's hospitals to

release capacity for emergency department admissions in the main hospital.

All hospitals within the University Limerick hospitals group take part in a daily teleconference, chaired by an executive management team member, to discuss the bed situation across the group. The group is raising awareness among GPs and the public about the local injury units in the other hospitals in order that patients can make better use of these. They will be seen much quicker if they have minor injury and they go to Nenagh or Ennis hospital.

In parallel with these measures, the special delivery unit will support the University of Limerick hospitals group, with interim and long-term sustainable solutions to deal with bed capacity, excessive trolley waits and overcrowding in the emergency department. Analysis by the SDU indicates a requirement for additional bed capacity at UHL. The hospital and the HSE are in discussions about increasing capacity on the hospital site, with a range of measures being considered in the 2015 service plan process. This process must take account of the financial constraints facing the hospital and the HSE's budgetary limitations next year.

At a national level, the HSE is establishing a winter planning group, with representation from social care and acute hospitals. The group will identify immediate actions to address winter pressures in acute care. It will also examine medium term plans for delivering sustainable solutions. The SDU will also participate in this exercise. I look forward to the ongoing development of emergency services in the Limerick group, both in terms of the new facilities and modernising the way in which these services are provided. These will be of significant and lasting benefit to patients in the region and to UHL staff.

While there is a serious problem, as referred to by Deputy Breen, with 47 patients on trolleys on Monday, 29 September, requiring emergency action, yesterday morning at 8 a.m. there were six people on trolleys in the entire hospital, only one of whom had been waiting longer than nine hours. This morning there were ten people on trolleys, only six of whom had been waiting for nine hours. For whatever reason, the situation is the best it has been in several weeks, which is encouraging. It is of concern that UL hospital group is 16% over budget. It is more over budget than any hospital group in the country. Spending is up, not down, and while one might be able to justify higher spending if we were seeing shorter waiting lists and fewer people on trolleys, it is very disturbing to see a hospital group with an increasing budget over-running its budget but not achieving the goals that patients would expect.

Deputy Pat Breen: I thank the Minister for his reply and am glad to hear the hospital and HSE are in discussions about increased bed capacity. The primary issue is the care of patients, and while money is an issue, it should not be an issue in the care of patients. I spoke to staff in the emergency department last Tuesday, and this is about an interim solution. The Minister said a winter planning group is being established. I hoped this group would have met before this winter and have an interim plan in place. Some of the staff's suggestions on the day I visited the hospital included using the spare capacity in St. John's Hospital to establish a temporary geriatric accident and emergency unit or the provision of a prefabricated building adjoining the accident and emergency department in Limerick.

The Minister visited a hospital in Dublin some time ago and I suggest he visit UHL at some stage. The number of medical assessment beds in Ennis and Nenagh hospitals should be increased by two in each hospital. It is important the Minister listens to the staff, who are enduring the problems and who are stressed. They were very stressed that morning because they could not move in the hospital. I hope the winter planning group is meeting as we speak

and that an interim solution will be put in place because we have heard the alarm bells over the summer. The trolley numbers over the summer indicate that we will have a major influx of patients over the winter period.

Deputy Kieran O'Donnell: I thank the Minister. I welcome the fact the SDU's indicator is calling for additional bed capacity at UHL in the accident and emergency department. A number of interim measures are required. First, the Minister should examine the existing hospitals in the network, including Nenagh, Ennis and St. John's, to see what additional capacity exists. I understand a 20-bed unit in St. John's Hospital that was temporarily closed in recent months has been re-opened in the past 24 hours, which will alleviate pressure. I would like the Minister to confirm that this is the case and that it will remain open to relieve pressure on the accident and emergency department. A medical assessment unit in UHL could be converted temporarily into an overflow unit to relieve pressure on the accident and emergency department. The requirement is for beds.

The Minister referred to the overrun, however this is a legacy issue from when reconfiguration took place. Some 35 accident and emergency beds were in operation between Ennis, Nenagh, St. John's and UHL. This was more than halved to 17 beds. The new accident and emergency department being built will provide the 35 beds required. This is a short-term, interim measure until the new accident and emergency department is operational. The people of Limerick and the mid-west region are entitled to nothing less. Can the Minister confirm that the 20 beds in St. John's Hospital have been re-opened to take the pressure off? Will he continue to examine other initiatives regarding extra beds at UHL?

Deputy Leo Varadkar: The 20 beds that were closed due to a virus in St. John's Hospital have been reopened and this may explain the considerable improvement in the numbers waiting on trolleys in the past few days. As Deputy O'Donnell said, a new emergency department is being built in Limerick, which will provide additional bed capacity. While the HSE will consider interim solutions in the meantime, interim beds cost interim money and a hospital group that is running so far over budget will be further down the list for receiving additional funding and capital than those that are running on budget. Increasingly we will pursue a policy of rewarding those who come in on budget, not those who overrun.

I have worked in three emergency departments and have visited two since I became Minister, so I know a fair bit about them. When I visited Tallaght Hospital, I was pleased to see how much better it was than when I worked there. When I worked there, trolleys were strewn down the corridors and, thankfully, it is no longer the case. This is not to say there are no problems. Based on public commentary, one would not think things are so much better than they were three or four years ago, but they are. I have received approximately 50 invitations to visit 50 different acute hospitals. If I visit one per week we will be well into the election campaign. While I will do my best to get around to as many hospitals as possible, it would be very naïve to think that my walking around an emergency department looking at people on trolleys is going to solve the problem. All these hospitals have CEOs, management teams and clinicians. Throughout the country, better patient flow and management can considerably improve the situation. The responsibility ultimately lies with the CEOs, clinicians and management to make best use of the resources they have before they seek more.

Services for People with Disabilities

Deputy Robert Troy: I thank the Minister for taking this matter, which was originally tabled for last Thursday. This year, St. Christopher's Services in Longford celebrates 50 years in operation. It was founded by parents and friends of people with intellectual difficulties and provides a community-based, high quality, efficient and innovative service to the people who use it based on identified, individual needs enabling these people, our citizens, to reach their full potential. The centre is renowned locally and nationally for its excellence. One example of the services it provides is Marian Avenue, a six-bedroom purpose built community home in Ballymahon, opened in November 2011, which is home to six people with varying levels of sensory, physical and intellectual disability. Residents are supported to learn new skills such as cookery and money management by being an integral part of the daily activities of a household. They are encouraged and supported to access resources and activities within their community. They are supported to ensure their independence is promoted and developed at all times.

However, St. Christopher's is facing a severe cash crisis and there is genuine concern for the future. It could reach crisis point this year due to a deficit of almost €500,000. Almost 3,000 people – mothers, fathers, children and adults with disabilities, members of the business community and religious leaders – were out last Friday in torrential rain and bad weather due to the level of concern for St. Christopher's.

Since 2008, St. Christopher's has absorbed cuts totalling €700,000. The majority of these cuts were implemented through various efficiencies, but there are no more efficiencies to be made. It is €0.5 million in the red. It urgently needs Government intervention to ensure that the HSE engages in a meaningful manner to ensure that this additional funding is made available so that St. Christopher's can carry on the good work that it has done for the past 50 years and provide a critical service for the service users.

Deputy James Bannon: I thank the Minister for being in the Chamber today to take this important motion.

The issue of funding St. Christopher's Services is my highest priority and close to my heart. My mother, Mrs. Marcella Bannon, was on the founding committee 50 years ago. She was the first treasurer of the association and she spent her lifetime fund-raising for St. Christopher's. I have spent the past 35 years attending AGMs and supporting the services at St. Christopher's. It is my duty to keep telling the Government how important the services of St. Christopher's are to the hundreds of families in the midlands who use the services.

To understand how important this issue is, one need look no further than Friday last when 4,000, or 12% of the population of County Longford, marched through Longford town to protest about the issue. I was proud to walk alongside the service users, parents and staff on Friday last. After taking up this issue with the Taoiseach and the Minister on several occasions, I am again raising this serious matter on the floor of the Dáil.

Since 2007, St. Christopher's has absorbed €800,000 in cuts. Despite these cuts, it has managed to provide additional services and continue to provide top-class care for their service users. The management and staff should be applauded for being able to achieve this when the purse strings were so tight. The current financial deficit is projected to rise to €470,000 by the end of the year. This deficit has arisen due to the need to increase staffing levels to meet the needs and care requirements of service users. These service users are a group of elderly pa-

tients, eight in Morlea House and six in Marion Avenue, Ballymahon. It is my firm belief that the HSE is not recognising the changing needs of this elderly group of service users in these two locations. If we cannot offer proper care to the elderly, we must look at ourselves as a Government and a nation.

I am concerned that the Minister does not understand, or perhaps the HSE does not understand or accept, the gravity of the situation. If this situation is not resolved, we run the risk of the HSE tendering out the services St. Christopher's for profit. I do not want to see this happen. The staff and service users of St. Christopher's, and the people of Longford, do not want to see this happen.

Acting Chairman (Deputy Alan Farrell): Deputy Bannon can respond to the Minister.

Deputy James Bannon: I urge the Minister to act and let the staff of St. Christopher's continue the important work they have been doing for the past five decades.

Deputy Leo Varadkar: I thank Deputies Bannon and Troy for raising this matter. I am pleased to take this opportunity to outline the Government's position on the matters raised by the Deputies. I am taking this debate on behalf of the Minister of State, Deputy Kathleen Lynch.

Under the Health Act 2004, the Health Service Executive, HSE, is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including disability services. St. Christopher's provide disability services locally on behalf of the HSE that are subject to service arrangements which are monitored and reviewed at quarterly meetings with HSE disability management.

St. Christopher's Services is funded under section 39 of the Health Act and is expected to receive €8.24 million from the HSE in 2014. Like all non-statutory providers, St. Christopher's is responsible for the management of its resources within the allocated funding. The HSE has been notified by St. Christopher's of its financial difficulty, particularly in services at Marion Avenue, Ballymahon and Morlea House, Longford. I have been assured by the HSE that it is working closely with the board of directors of St. Christopher's to address its funding concerns.

A number of measures to reduce the funding deficit have been proposed and meetings are ongoing in this regard. The HSE is committed to working with St. Christopher's to assist it to find efficiencies within its service and, therefore, come in on budget. I have been assured that the HSE's priority is to support adults and children and their families who rely on disability services provided by St. Christopher's in the Longford-Westmeath area and to ensure that a sustainable service will be in place for the future.

The programme for Government committed to putting national standards for residential services for persons with disabilities on a statutory footing to ensure that services could be inspected by the Health Information and Quality Authority, HIQA. The introduction of registration and inspection represents a significant advance in terms of developing consistent and high quality services for persons with disabilities in residential services, including St. Christopher's. The purpose of the regulations is to safeguard and support the delivery of person-centred care to vulnerable persons of any age who are receiving residential care services and ensure that their health, well-being and quality of life is promoted and protected. This will empower providers to deliver even higher quality services in future.

Deputy Robert Troy: The Minister stated it is the responsibility of the management to

work within the resources of the allocated funding, but this does not take account of the additional staff needed over the past number of years due to the debilitating nature of the patients in these houses. These patients are getting older, their disability is getting worse, and the management and staff had to hire additional staff to ensure that there was a safe level of service being provided. HIQA recently carried out a monitoring inspection of St. Christopher's and deemed that the staffing levels at all facilities are adequate. The staffing levels are not high or low; they are merely adequate.

The Minister talked about the HSE engaging with the management of St. Christopher's. The last contact St. Christopher's had from the HSE, before Monday last, was on 5 August. Over two months elapsed in which there was no contact.

The proposal from the HSE was to take these patients out of their homes and put them, under the fair deal scheme, in nursing homes. That does not make economic sense.

Acting Chairman (Deputy Alan Farrell): I thank Deputy Troy.

Deputy Robert Troy: It certainly does not make sense to take these individuals with special needs and disabilities who cannot stand up for themselves from their own homes and put them into nursing homes, and have them wait 15 weeks for the fair deal scheme to be approved.

I ask the Minister to intervene and ensure at the minimum that the HSE engages in a real and meaningful way with the board of directors of St. Christopher's. They have proved they can provide a cost-effective efficient service over the past number of years.

Acting Chairman (Deputy Alan Farrell): Deputy Troy's point is made.

Deputy Robert Troy: They have absorbed €700,000 in cuts and continue to provide an invaluable service to those who use it. The Minister should let the HSE engage in a real and meaningful manner with the board or directors.

Deputy James Bannon: I thank the Minister.

This funding crisis goes back to 2007. Those most at risk here are those in need of respite services. They are the most vulnerable in society and we must do all we can to protect them. If the funding crisis is not resolved, I am concerned about a vast reduction in services or even the closure of St. Christopher's Services.

The uncertainty surrounding the respite services at Morlea House and Marion Avenue is having a detrimental effect on everybody associated with St. Christopher's. There are a considerable number of volunteers involved in St. Christopher's, and I applaud them. I urge the Minister to act on their behalf.

It is not acceptable to pass the buck on the funding crisis facing St. Christopher's to the HSE. I want the Minister to take action. This ongoing crisis has had a significant impact and it has taken its toll on essential support services for adults with disabilities, the elderly patients and their families. This is a vital service for persons with learning disabilities in the midlands and I urge the Minister and the Government to meet the funding deficit-----

Deputy Robert Troy: Deputy Bannon is part of the Government.

Deputy James Bannon: -----and allow persons with a learning disability to have a greater

degree of independence.

When the Minister spoke in response to a motion earlier, he talked about visiting an institution. I plead with him, as I have in the past, to visit and see for himself the fine unique services that are provided at St. Christopher's Services in Longford. I am passionate about it. My mother and four or five other women started up this organisation 50 years ago this year and I do not want to see it collapse.

Deputy Leo Varadkar: I thank Deputy Bannon for his kind offer of a half-day trip to visit a particular service in another part of the country. He will be aware from the debate that I get such invitations almost every ten minutes. I will try to make as many visits as I can, but even responding to them is starting to become a full-time job.

Deputy Noel Coonan: A full day trip to Longford would be required.

Deputy Leo Varadkar: I had a meeting with the directorate of the HSE this morning. The Minister of State, Deputy Kathleen Lynch, was also present. We asked the officials to engage again with the board of directors on the matter. If it is the case that there has not been engagement since August, there certainly should be soon, but it must be about finding savings and not securing additional money, as there is no additional funding. The HSE budget will overrun this year and, unfortunately, no additional funding is available.

As Deputy Bannon is aware, the HSE gets funding from what is voted to it by the Oireachtas. I do not decide how much money the HSE gets. It is the Oireachtas which decides. The budget voted to the HSE is voted by the Oireachtas, of which Deputy Bannon is a Member.

In terms of funding and governance for St. Christopher's Services, I am advised by the HSE that the allocation was €7.6 million in 2010, €7.96 million in 2011 and €8.236 million in 2012. There was a cut to €8 million in 2013 and a slight increase to €8.182 million this year. Needless to say, I am sure there are rising demands and rising costs but it is also the case that budgets for St. Christopher's have increased since the change of Government in 2011.

Flood Prevention Measures

Deputy Noel Coonan: I thank the Ceann Comhairle for the opportunity to raise this issue and for the Minister of State, Deputy Harris, for coming to the House to respond to it. I look forward to a positive response from him. Templemore flood relief scheme is going on a long time and there is a long history attached to it. I will not go into all the details, but suffice to say that a public exhibition on a proposed solution to deal with the flooding problem for the long-suffering people of Templemore was held between 30 January and 4 March 2009. The Minister of State is aware of the difficulties flooding places on people. There is not just the damage to property, inconvenience and the horror they experience at the time but the subsequent problems, such as lack of insurance and the real fear that it will happen again. Flooding is occurring more often and must be addressed.

Issues arose following the exhibition and on-site inspection, some of which related to land-owners and commercial property owners in the area, and it was decided to review the scheme. Following the review it was decided that the technically preferred route should be adhered to, but that did not happen. Once the decision was made, further public consultation and another

exhibition were required. The exhibition took place in March of this year. We were told by the Office of Public Works that a complete property owner review would be carried out, interference notice schedules would be prepared by mid-March 2014 and a public exhibition would be held at the end of March 2014. In fairness to the OPW, it adhered to its timetable.

The timetable also specified that confirmation would be obtained by the end of June 2014, a detailed design of works would be ready by mid-July 2014 and on-site work would commence in mid-August 2014. That has not happened and I seek a reason for that from the Minister of State. We were given assurances by the Minister of State's predecessor, Mr. Brian Hayes, and Mr. Michael Collins of the OPW, who announced the scheme at the then Templemore Town Council in 2011 to the great delight and relief of the people of Templemore. The Minister of State and other senior officials came again following the review in 2013 to re-announce the scheme. They said it was one of five schemes that was going ahead in the country. They were delighted to state at the time that following the review and the option for the technically preferred route, the scheme had reduced from €13.8 million to €8.9 million and that it would go ahead.

Will the Minister of State explain why the then Minister of State and the officials from the OPW told the people of Templemore that the flood relief scheme would go ahead when it did not and that, subsequent to the review, people were again told the scheme would go ahead but it did not? Will the Minister of State outline the reasons for the delay and provide a clear commitment on his behalf and on behalf of the OPW that the scheme will go ahead sooner rather than later?

Minister of State at the Department of Finance (Deputy Simon Harris): I thank Deputy Coonan for raising the Templemore flood relief scheme today and on a number of occasions during the two and a half months I have been in office. I accept it is a very important issue to him and his constituents. I had an opportunity to meet the Deputy and a number of residents in Templemore prior to my appointment to my current post and I know the importance of the issue for the people of Templemore. Before I outline the detailed response to the question, I wish to make clear that as Minister of State with responsibility for the OPW, I am fully committed, as is the OPW, to the delivery of the Templemore flood relief scheme. The funding is in place and it is a priority project which will be delivered.

I will provide some background, much of which the Deputy outlined, but I will put it on the record. The proposed flood relief scheme works for Templemore include the construction of a new bypass channel, along with road and property access bridges, flood defence walls and embankments, and some channel widening downstream of the town. As Deputy Coonan outlined, the proposals were placed on formal public exhibition from 30 January to 4 March 2009. Additional engineering and route complexities arose in relation to a section of a culvert that is a key element of the scheme. Two alternative routes had been identified for this culvert section in the initial design stage of the project. The route which was technically preferred would necessitate the demolition of a commercial premises. While the other route would involve a significant impact on commercial properties, it would not involve permanent closure of the businesses. For that reason, the latter option was chosen and shown in the proposals that were exhibited to the public.

During subsequent investigation, further information and details emerged on the costs associated with the exhibited route, including potential claims for compensation from property owners affected by the works. There was also further clarification on the costs associated with

the other, non-exhibited route, involving the closure of a commercial premises. This new information necessitated a full review of the economic rationale for each option involving a detailed analysis of the comparative costs of the two alternatives. The review took account of all likely costs, including construction and site remediation costs, property acquisition costs for the technically preferred route, and compensation to other property owners impacted. Following the review, it was concluded that the technically preferred route should be proceeded with. As that represented a significant change from what was included in the scheme that had been previously exhibited, the proposed alternative route was displayed to the public on 28 March this year, as Deputy Coonan outlined, and it was broadly well received.

In further developing the amended proposals, consideration was given to whether the full flow in the existing channel should be diverted into the bypass channel. For technical reasons it is proposed that the existing channel will continue to carry normal flows and the bypass channel will carry flood flows only. An issue also arose in relation to a combined sewage and storm water overflow pipe in the Church Road area of Templemore which is in the path of the proposed bypass. The OPW is in discussions with Irish Water regarding works necessary to circumvent the pipe. It is expected that this matter will be resolved satisfactorily and that it will not delay progression of the scheme.

The next step is that the amended proposals will be put on formal public exhibition, in accordance with the Arterial Drainage Act 1945. That will take place early in 2015. Any observations received from the public or other stakeholders will be taken into account, as appropriate. Following that, confirmation or statutory approval of the scheme will be sought from my colleague, the Minister for Public Expenditure and Reform. Pending completion of the exhibition and confirmation from the Minister, Deputy Howlin, it is not possible to state definitively what the timeline for delivery of the scheme will be. However, the new scheme will be exhibited early in 2015. The OPW fully recognises the need to implement the scheme for Templemore as a priority. I, personally, and the OPW will do all we can to ensure the scheme commences as soon as possible. To that end, if the scheme is confirmed, the construction work will be carried out by the OPW's direct labour force. The decision will dramatically reduce the time required to commence the project because we will not have to go through a lengthy tendering process, which therefore provides an opportunity to claw back some time.

I can confirm that provision has been made for the Templemore scheme in the OPW's capital budget allocations for flood risk management to 2016. The funding is in place and the scheme is an absolute priority. We must get the scheme exhibited. I am committed to doing everything I can. When I visit Templemore with Deputy Coonan, it will be to unveil the scheme, which will have started at that stage.

Deputy Noel Coonan: I welcome what the Minister of State has said. I also welcome the confirmation that the scheme will go ahead and money will be provided but I am worried by the fact that the Minister of State said that statutory approval for the scheme will be sought from the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, after the review. It seems we must get the Minister's assurance that this scheme will proceed. It seems this is third time lucky for Templemore - there have been three exhibitions and three commitments from Ministers and officials at the Office of Public Works, OPW.

The problem is that people with homes in the area continue to suffer and the same goes for outlying areas. The areas most affected include the Blackcastle Road, The Mall and Richmond but other outlying areas like Priory Demesne have experienced serious flooding. Engineers say

the matter cannot be solved until a drainage scheme is in place for Templemore.

I put my faith in the Minister of State, Deputy Harris, and I hope he survives long enough to see this through. The onus is on Ministers and OPW officials not to make promises they cannot keep. I hope the OPW will commit to this and see the project through.

Deputy Simon Harris: The Deputy knows I do not make commitments I cannot fulfil so I make today's commitment in this House on the basis of information I received from my officials and on the basis that funding has been provided for the scheme in the OPW capital budget up to 2016. The Deputy is correct that the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, must give consent to this scheme, as I outlined to the House. This is a normal process and consent cannot be sought until the scheme goes through various environmental processes and has been exhibited. As far as the Department of Public Expenditure and Reform is concerned the funding is in place in the OPW budget. The scheme will be delivered by direct labour force and this will enable works to commence more quickly than if the contract and tendering route was taken.

I wish to outline for the record of the House some amendments that have been made to the scheme since it was originally exhibited in 2009. Amendments included the embankments in the Ballyheane bridge area, which will now be constructed by Tipperary County Council in a separate scheme with funding from the OPW, and an alteration of the originally proposed culvert route. Also, the originally exhibited scheme had over 800 metres of closed culvert and the new proposal includes approximately 191 metres of closed culvert with the balance being open channel. The Deputy correctly said that the total cost of the scheme, including construction and various fees, is now €8.9 million, approximately. The next key stage for the scheme is to have it exhibited in early 2015. I will keep in contact with the Deputy on this and I know he will keep the residents of Templemore up to date. The scheme is funded and it is a priority so once it is exhibited I will seek the consent of the Minister, Deputy Howlin, which I expect to receive. The scheme will commence as quickly as possible.

State Airports

Deputy Arthur Spring: I will start by providing background information to the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, to give context regarding the problem. The technology park in Tralee was built in 2001 as an innovative hub, not an office block, and therein lies the problem. At the moment a number of companies, including Aspen Grove, DCS Energy Savings and Donseed, have vacated the premises. Unfortunately, Altobridge has gone into liquidation and will also vacate the premises.

Initially it was envisaged that the facility in Tralee would be similar to the Digital Hub in Dublin and would allow technology companies to collaborate with each other, with the Institute of Technology Tralee, which is on the same campus, and with agencies of the State to promote, develop and create synergies. Shannon Development was the initial owner and landlord - it looked after the Shannon area but has since devolved and now the Shannon Group exists. Bizarrely, I am talking about jobs and a technology park in Tralee with the Minister for Transport, Tourism and Sport - I cannot see how this fits.

We are in a predicament wherein we have worked against the flow of State agencies for 14 years. We could not give regional State aid similar to what applied in the Border, midland and

western, BMW, region but I am proud that I worked hard on this issue for the past three years. We have achieved to the extent that we are now at a competitive foundation level that will allow Kerry to compete with other counties. The crux of the matter is that Kerry Group took 800 local jobs to County Kildare so the focus shifted to the technology park. When Shannon Development was wound down we considered whether the local authority, investors on campus or the Institute of Technology Tralee could take over the technology park and run it with synergies in mind and within the ethos of today's culture.

I am referring to a conversation I had today when I say a person representing the biggest tenant, which has plans to develop, cannot convince senior management to commit to development investment in the technology park because it is not the same institution the tenant first bought into. I can give the Minister the telephone number of the person in question. Members of management of companies in the technology park are completely dissatisfied as it has gone from a digital hub to an office block. They pay premium rents and it is not the same as the environment in which they first invested.

Kerry Technology Park was supposed to be developed as a piece of infrastructure within Shannon Group. The remit of Shannon Group applies to Shannon Airport and related activities so Shannon Group wishes to take business from Kerry Airport and compete with it. Kerry Airport is a lifeline for Kerry Technology Park but the latter is owned by Kerry Airport's competitor. If Kerry Airport sees a downturn the same will apply to Kerry Technology Park and Shannon Airport will benefit. Surely there is a conflict of interest here. I have seen Shannon Group's strategic plan and so have other Members - all of this is in the strategic plan. There is a conflict of interest in the fact that Shannon Group is responsible for Shannon Airport and wants to take business from Kerry Airport while Kerry Technology Park, which is part of Shannon Group, is reliant upon Kerry Airport. At the moment the technology park is the only place providing employment in Kerry.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank Deputy Spring for raising this matter and I know he has championed the need for development and employment in his county and constituency. I appreciate the importance of this issue and know why the Deputy has raised it today. The Deputy has given some background information on the bodies involved and, for the benefit of the House and the record, I want to make some points on Shannon Group and its role in Kerry Technology Park.

The facility is owned and managed by Shannon Commercial Enterprises, which was formerly Shannon Development. Shannon Commercial Enterprises is a subsidiary of the newly formed Shannon Group which was established as a commercial State company. Therefore, the management of Kerry Technology Park is a matter for Shannon Group and Shannon Commercial Enterprises and I have no role in the detailed running of the business or its operational decisions.

Following the recent enactment of the State Airports (Shannon Group) Act 2014, Shannon Airport was separated from the Dublin Airport Authority, DAA, and a new State-owned commercial entity, Shannon Group plc, was established. It incorporated two main wholly owned subsidiaries: Shannon Airport Authority and a restructured Shannon Development, which was renamed Shannon Commercial Enterprises under the Act.

The Deputy will recall from debates in this House that the rationale for establishing the Shannon Group on this basis was to support a new future for Shannon and the mid-west re-

gion, as envisaged by the Shannon aviation business development task force, which reported in November 2012. An independent Shannon Airport, coupled with a restructured Shannon Development, has the potential to develop and grow passenger traffic and the route network. A major consideration in this decision was the serious decline in passenger traffic at the airport in recent years. In its first year as an independent airport, Shannon has succeeded in reversing this decline and is now focusing on growing passenger numbers. The restructuring of Shannon Development and the streamlining of its activities is complementary to the growth of the airport business. This restructuring involved transferring the part of the business related to indigenous enterprises and foreign direct investment to Enterprise Ireland and the IDA respectively. In addition, the tourism part of the former Shannon Development's business was transferred to Fáilte Ireland. This restructuring laid the foundations for a more focussed role for the new entity Shannon Commercial Enterprises in managing and developing its property portfolio including the Shannon Free Zone adjacent to the airport. Kerry Technology Park, among other properties, was also retained in Shannon Commercial Enterprise's property portfolio, in line with the restructuring strategy.

Since the enactment of the new legislation the newly formed Shannon Group now has a statutory obligation, under Part 2, section 10(1)(b), of the State Airports (Shannon Group) Act 2014, to optimise the return on its land and property and on its shareholding in its subsidiary Shannon Commercial Enterprises. Significant work has already been carried out in Shannon to prepare the ground for the group to be established on this independent statutory basis, and that effort and momentum must now be maintained if Shannon Group is to make a success of this enterprise, including the full exploitation of the commercial potential of Kerry Technology Park. As I have already said, my role in this was to provide the legislative framework and the statutory footing to enable Shannon Group and its subsidiary Shannon Commercial Enterprises to do this. I have every confidence in Shannon Group's capacity and commitment to fulfilling its statutory obligations and to meeting the objectives laid down for it.

Deputy Arthur Spring: I must point out why this is an unsatisfactory response. I am glad the Minister for Jobs, Enterprise and Innovation is also in the Chamber because I have discussed this with him on a number of occasions. The Minister stated the establishment of Shannon Group was on the basis that it was to support a new future for Shannon and the mid-west region, as envisaged by the Shannon aviation business development task force which reported in November 2012. I repeat this was for Shannon and the mid-west region. I come from Tralee in the south west. It is a two-hour drive from Kerry Technology Park to Shannon Airport. The focus is on Shannon Airport. Kerry Technology Park is not a hangar, cargo house or shop in an airport; it is a technology park with many micro-businesses. It was an entrepreneurial region of excellence, as defined by the European Committee of the Regions, in 2010.

I find it farcical that more than a year and a half after I, along with other Members of the House, voted in favour of the legislation talks are no longer in place and we have bequeathed, or gifted, to Shannon Group an asset with a rental income. It is now in a state of decline but it has no mortgage. We gifted a cash cow to an organisation in competition with the area I represent. I find this quite embarrassing on a political level. The tenants are frustrated as they did not buy into this on day one. There will be no increase of tenants there. There is no existing relationship between Shannon Group, the enterprise boards and IDA Ireland. Why are we looking at a model which has not worked anywhere else? Its focus is on aviation, the mid-west and the Shannon area. We have gifted it a cash cow. This is a Kerryman joke. We are giving it a couple of hundred thousand euro a year so it can clobber our airport in Kerry, which is its stated ambi-

tion in its plan. I am quite fed up of it, to be honest.

I have been to the former Minister, Deputy Quinn, the Ministers, Deputies Bruton, Varadkar and Donohoe, the Tánaiste and the Taoiseach with this issue. It is not rocket science, but it is the only hope we have of creating jobs. If people tell me they will not expand the number of jobs they have in Kerry Technology Park based on the fact the landlord they have is not the type of landlord they bought into on day one, we have a problem. I urge the Minister to go about fixing it. The Minister told me he did not have a statutory role in the organisation, but I have just read back to him what the role of the organisation is. It is the mid-west and Shannon and not Tralee or Kerry. There is a problem. If the Minister wants to amend the legislation, I will be happy to work with him on it but this must be addressed. If he discusses it afterwards with the Minister for Jobs, Enterprise and Innovation, they will see the essence of the problem. We must fix this.

Deputy Paschal Donohoe: I will respond to a number of the points made by the Deputy. I appreciate why he has raised this issue. We all have the objective of trying to increase employment and jobs in our communities and constituencies. This is clearly what is motivating the Deputy.

I have been informed that a number of attempts were made to agree a jointly acceptable valuation of the property but these have not yet concluded successfully. I have also been informed in preparation for this debate that meetings and engagement have taken place between the tenants and current owners and landlords of the property regarding what will happen to the facility to try to allay any concern employers or tenants might have about its development. A process has taken place, I have been informed, on looking to agree a valuation of the property. I have been informed meetings have taken place and a process has taken place between the tenants and the owners of the property.

Deputy Arthur Spring: I acknowledge all of that but it is a problem.

Deputy Paschal Donohoe: I will pass on the points made by the Deputy to the individuals involved because I share his objective of ensuring employment is maintained and, regardless of what part of the country we were speaking about, that everybody has the opportunity to grow more employment and future jobs. I am aware, as is the Deputy, of the role of Kerry Airport and the contribution, as he has stated, it makes to the economic development of the community and region. It has been said to me that efforts have been made to reach a fair valuation for the property and bring this to a conclusion. I must emphasise the boards involved, in the Shannon Group and elsewhere, are independent and their job is to run their operations under the framework of the legislation we passed in the Oireachtas-----

Deputy Arthur Spring: They have been gifted a cash cow, which is unfair.

Deputy Paschal Donohoe: -----and we all need to respect this.

Workplace Relations Bill 2014: Second Stage (Resumed)

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

Deputy Richard Boyd Barrett: For the proposed new employment rights and industrial relations machinery to work, as I stated before the break, we need improved and strengthened legislation in the area of workers' rights. This includes dealing with rogue employers who

refuse to pay wages and refuse to comply with awards and decisions made by the industrial relations machinery; dealing with employers hiding behind shelf companies; and dealing with the completely unacceptable situation highlighted in Greyhound, where an employer can just change somebody's contract and tell him or her to sign it or go, which led those workers to being locked out. We need improved legislation strengthening workers' rights in these situations.

Another important area, which has been raised with the Minister a few times, is highlighted in the Rhatigan dispute, which has led workers to be locked out for six weeks, two of whom who have been occupying a crane for the past few days.

3 o'clock

They are alleging - frankly, I believe them - rampant abuse of the subcontracting system, the so-called RCT1 system. The Minister may not be fully acquainted with this. I talked to one of the workers involved. He says that, along with a number of other bricklayers, he was employed by JJ Rhatigan. Believing they were employees of JJ Rhatigan, five weeks later they had not been paid anything. When they protested about this, some money appeared in the bank account of one of these people which amounted to all of the workers getting €100 per week for the five weeks they had worked.

When he questioned what the hell was going on, he was told he was a subcontractor. He said, "What? I'm not a subcontractor. I'm not employing these guys. We're just individual bricklayers who've been working for you for five weeks and believed we were employed by you. You're now telling us we're subcontractors." This bricklayer told me that he was not a subcontractor, had never been a subcontractor and did not want to be a subcontractor. This is a flagrant abuse of the RCT system. I have heard umpteen allegations of this kind of activity by big contractors. They then wash their hands and say they are not their employees even though they know quite well that these people have been brought in and essentially falsely described and categorised as subcontractors. That sort of thing is not on.

Those workers should not be sitting outside that building site, which is a public-contract building site for a school with public money going into it with this sort of carry on going on. What will be done to investigate this activity which is rampant and has led to industrial disputes and will lead to more? As the construction sector picks up, will the Government take action and introduce necessary legislation to deal with this rampant abuse of the subcontracting system? Streamlining the industrial relations machinery will mean nothing if we do not strengthen the rights in legislation of workers to prevent these sorts of abuses and create a level playing field, which, at the moment, is heavily tilted in favour of employers, quite a few of whom then engage in rogue behaviour.

There are serious problems with what is in the legislation. First, the potential for the adjudicator to dismiss frivolous claims is unacceptable and may even breach the EU Charter of Fundamental Rights. As the professor of law in NUI Maynooth pointed out, people have the right to have their grievances heard and the idea that they can be dismissed as frivolous by a civil servant is not acceptable.

Second, the initial hearings with the adjudicators should be public and not private because public hearings act as a deterrent to rogue or delinquent employers and put pressure on them to treat workers properly. If these things go on behind closed doors, there is a problem.

Third, a single adjudicator at the proposed Workplace Relations Commission is not good

enough. As I understand it, almost all sides of the industrial relations divide - lawyers, workers' representatives and employers' representatives - believe the tripartite system, where there is somebody representing workers, somebody representing employers and somebody who is a legal expert making an adjudication, is far more favourable than having one person, probably not qualified, making these adjudications. As Michael Doherty, professor of law in NUI Maynooth, has said, a single adjudicator seems to be motivated more by cost-saving requirements rather than by trying to come up with a fair, equitable and efficient system.

The legislation still gives the Minister the right to impose fees. There should be absolutely no question of fees. The provision for fixed penalty notices of €150 is a joke. This will be the soft option for employers and allow them to avoid properly dealing with grievances, complaints and problems brought up by employees.

Deputy Finian McGrath: I am grateful for the opportunity to speak on the Workplace Relations Bill 2014. I welcome the debate, as we need to improve the quality of life for all workers in the State. I will support and welcome any serious reform proposal, given that we all got elected in the last general election on the whole issue of reform and change of modern Irish society.

I welcome that representatives of all employees were involved in the process, in particular the Irish Congress of Trade Unions, which sadly seems to have been marginalised by the Government in recent years. I would like to see a change of mindset from the Government and from the Minister present in particular. We need to bring back and include the unions in many of these discussions about the economic future of the country. Many of us are not happy with the current situation. The Minister cannot come in here and talk about the Workplace Relations Bill while at the same time having an attitude and mindset that does not include people. The days of exclusion have to end and that must be faced regarding this legislation.

We also have the issue of the unemployed and low-paid workers. They have been hammered in the past few years and they deserve our support. They need to be given top priority in this debate. We have seen the recent dispute with the Greyhound workers. They work in a very difficult job, collecting waste around the city. One morning, they were told their wages were being cut by 35% and there was then a long and bitter strike, which, thankfully, is over. While this was going on, many of us wondered why the resources were not used properly and efficiently to end the dispute.

We need to acknowledge the broader trade union movement and its particular contribution to Irish society. I refer not only to the mainstream trade union movement and other unions, but also to the Irish National Organisation of the Unemployed, which represents unemployed people. They have to have their say on workers' rights and on these issues, particularly regarding women workers, many of whom are on low pay.

Health and safety and good relations with workers are also key. In particular, the safety of staff and workers is crucial. Today saw approval for a £16 billion nuclear plant which is to be built 250 km away from the Irish coast, which is unacceptable. The safety of workers on that site and across our island is very important. I say to the Minister and the Taoiseach that they should call in the British ambassador to inform him that we have an issue with a nuclear plant being built 250 km from the Irish coast. The people of Dublin, Wicklow and Wexford are very concerned about this. We should haul in the British ambassador to find out what is going on because this is a public safety issue and a workers' rights issue.

Section 32 is designed to safeguard the wages and other statutory entitlements of employees who are working under public construction or other public contracts, while also ensuring competitive tendering and value for money in public expenditure. While I agree with value for money and proper tendering for projects, I disagree with low pay and that needs to be faced up to.

Deputy Boyd Barrett mentioned construction on the Kishoge school in County Kildare where all of a sudden the workers were receiving €5 an hour, which is not acceptable in 2014. It is an absolute disgrace. When debating the Bill, let us also talk about these issues.

The aim of the Bill is to create a modern, user-friendly, world class employment workplace relations system that will provide significant benefits for its users and society as a whole. The focus will be on resolving the workplace disputes as quickly and inexpensively as possible. I totally endorse the aim of the legislation but we also need to focus on these issues. We need to have workplaces that are happy and efficient and where staff are treated very well. It is good for the economy and the country, but above all it is good for the people themselves.

Earlier, the Minister for Jobs, Enterprise and Innovation said that he undertook extensive public consultation exercises, which I welcome because we need to hear the views of all the stakeholders. If we are to build a world class workplace relations service, everyone must have a place at the table and an opportunity to have a say.

I broadly welcome the reform proposals the Minister has brought forward. The explanatory memorandum to the Bill reads:

The services of the Equality Tribunal, the National Employment Rights Authority, the Labour Relations Commission and the first instance functions of the Employment Appeals Tribunal (EAT) [are] to come together under the remit of the WRC. The appellate functions of the EAT will be amalgamated into a reconfigured Labour Court.

The memorandum further reads:

The Workplace Relations Bill will replace the existing complex system of five different bodies with a straightforward two-tier system [of] employment rights and industrial relations disputes.

This is a strength of the Bill. It is important to rationalise these services and ensure they are delivered in a sensible way.

The Bill provides that the Workplace Relations Commission will deal with all cases in the first instance and the Labour Court will deal with all cases on appeal. The explanatory memorandum reads:

The creation of the position of Director General of the WRC will provide a single point of leadership rather than [the] four that exist in NERA, the EAT, the LRC and the Equality Tribunal.

This is similar to what we in the Joint Committee on Justice, Defence and Equality have proposed in regard to the Garda Síochána Ombudsman Commission. To have one person directly responsible, that is, a single point of leadership, is very sensible and efficient. It should ensure the job is done quickly, efficiently and fairly.

The explanatory memorandum reads:

The [Bill provides for the establishment of the] WRC Board with responsibility for strategy and annual work programme. This Board will comprise primarily representatives of employers groups, unions and equality bodies.

I especially welcome this section which we hope will bring the unions and equality bodies back into the mainstream of society. We must ensure equality issues and workers' rights are protected to the maximum.

The Bill also provides for “[t]he transfer of all the existing functions provided by the LRC (including conciliation, workplace mediation and advisory services) to the WRC”. I welcome also the provision for workplace relations information and advisory services and, likewise, the indication that the WRC will be staffed by officials of the Department of Jobs, Enterprise and Innovation. There is not always sufficient acknowledgment of the excellent work done by these officials. They are very committed public servants, but it is not fashionable or trendy these days to commend them. I take the opportunity to do so today, being well aware of some of the magnificent work they have done in the public service.

The Bill also provides “[a] statutory basis for the use of innovative measures such as Compliance Notices and Fixed Charge Notices to enhance the compliance functions of the WRC”. It provides for “[t]he sharing of employment related and other specified information between the WRC, the Labour Court and other official agencies in the context of promoting compliance with employment legislation”. Additional members will be appointed to the Labour Court to facilitate the increased workload of the court under the new system. That is another positive aspect of the legislation.

I understand the Minister proposes to bring forward amendments on Committee Stage regarding the powers of inspectors in respect of adjudication and enforcement. The enforcement aspect, which is dealt with in sections 43 and 45, provides that non-compliance with an order of the WRC or Labour Court, as the case may be, will be an offence to be prosecuted in the District Court. We must be careful not to end up in a situation where workers are imprisoned.

The provisions in this Bill will lead to savings in the region of €2 million to €3 million for the Exchequer as a consequence of the increased efficiencies that are achieved. I welcome most aspects of the legislation. We need to provide efficient services that will ensure industrial relations in this State are handled in a clear, efficient and professional manner. I welcome this aspect of the Bill in particular. We cannot have situations where disputes drag on for years.

An Leas-Cheann Comhairle: Deputies Seán Kyne, Noel Harrington and Seán Kenny will share time, with each having five minutes.

Deputy Seán Kyne: I welcome this Bill as a key component of the Minister's programme of reform of the State's employment rights and industrial relations machinery. The Bill represents the culmination of several years of work in terms of drafting proposals, holding public consultations and bringing the draft Bill before the Joint Committee on Jobs, Enterprise and Innovation, of which I am a member.

A worker involved in a dispute or with a complaint is faced with a confusing array of organisations, with the nature of the complaint determining which organisation has jurisdiction. There is a lack of clarity at times in this regard, which is a problem given the stress and vulnera-

bility often felt by workers in these circumstances. The current system exacerbates the problem by prolonging the process and wasting resources. There are five organisations with overlapping but separate objectives and operations involved. This leads to workplace claims being pursued through the wrong channels or arguments being put forward on the wrong legislative basis.

The best approach to resolving workplace disputes is one which does so quickly, fairly and transparently. This Bill will serve to avoid the errors currently being experienced by all involved. This will be achieved by replacing the five State bodies with two, namely, the Workplace Relations Commission, WRC, and an expanded and enhanced Labour Court. The commission will deal with all cases in the first instance while the Labour Court will deal with all appeals. A further welcome reform is the replacement of the different positions in the existing organisations with a single point of leadership in the person of the director general of the WRC. The new commission will be staffed by officials of the Department of Jobs, Enterprise and Innovation, which will eliminate duplication.

Colleagues and I, as well as stakeholders, have raised concerns with the Minister regarding the potential levying of fees on persons wishing to access the new workplace relations services. I was encouraged by the Minister's response to my most recent parliamentary question in which he indicated that he did not propose to introduce charges on parties for access to the WRC services. He was taking this approach for several reasons, he said, but largely on account of the fact a key priority in this reform programme is to improve access to the State's workplace relations services. The intention is to ensure the reforms being introduced provide for an improved service in terms of cost efficiency and user friendliness. That is welcome.

This Bill could form a template for what needs to happen elsewhere. I recently submitted parliamentary questions to each Department to ascertain the number of State agencies, bodies, working groups and committees under their remit. I have received replies thus far from 12 Departments, with three others being collated. The details provided vary, but the common theme is that there is a plethora of agencies and statutory bodies. I understand the Department of Public Expenditure and Reform is pursuing a reform programme and substantial work is being done by the Department of Jobs, Enterprise and Innovation and others in dissolving and amalgamating some of these entities. Work remains to be done in this area. There are 40 State bodies, working groups and service providers within the Department of Justice and Equality, 22 under the Department of Transport, Tourism and Sport, 18 each under the Department of Health and the Department of Communications, Energy and Natural Resources, 17 under the Department of Agriculture, Food and the Marine, 13 under the Department of Finance, and 16 under the Department of Arts, Heritage and the Gaeltacht.

I am not seeking to denigrate the work done by many of these organisations, but I would be failing as a public representative and Member of the Oireachtas if I did not voice my concerns regarding the sheer volume of these organisations. Collectively, they are allocated millions of euro of public money every year. The people deserve the highest quality of public service delivered at the best value possible. Without naming any entity, the attitude of some State agencies when contacted by public representatives is not good enough and is deplorable in certain circumstances, with responses ranging from clear irritation at being questioned to the provision of incomplete or less than accurate information. In some cases, Members are simply ignored, without even an acknowledgment of their queries.

The signs for the economy are encouraging, with jobs being created and unemployment falling. Such positivity is not an excuse to cease examining and scrutinising expenditure of

public moneys down to the last cent. This Bill is most welcome in that context. I welcome it, too, because it will improve the enforcement of employment rights and access to non-court-based resolution processes, and because fees will not be levied on people who are experiencing problems in the workplace which have knock-on effects on their personal lives. It is welcome because it represents what we campaigned for and pledged to do, namely, to ensure we have public services which work more efficiently and effectively for the public.

Deputy Noel Harrington: I welcome the publication of this Bill and acknowledge the good work the Minister has done in reforming legislation around the workplace and the general work of Government in ensuring that over the past year or two years, 70,000 more people are at work and on whom this legislation will directly impact and, hopefully, benefit.

The Bill is to streamline the grievance process by merging the five existing State bodies into two, namely, the Workplace Relations Commission and an expanded Labour Court. As has been pointed out, the current system is complex, confusing, can often be expensive and, in many cases, deeply frustrating, in particular where awards have been determined but not adequately enforced. An early resolution process should be determined by definite time targets, which I would like to see reinforced in the Bill, unless in exceptional circumstances where more flexibility could be introduced.

The establishment of a director general accountable to Oireachtas committees is a welcome development but I would go further. I submit that officer, or another officer, be directed to be a liaison officer for Members of the Oireachtas. This practice would be welcome in respect of all public bodies and State agencies. In areas where there would be quite a few inquiries from Oireachtas Members, maybe there could be a dedicated officer. However, in this particular case, an officer could deal with specific inquiries from the Houses of the Oireachtas.

I note board members are not to be paid, which is commonplace now. However, when dealing with workers' rights, it is worth noting that board members will not be paid. Could there be a bit more flexibility in some cases? Could the Minister's hands not be overly tied in this regard?

I am concerned the adjudicator is not required to hold any legal qualification. Perhaps the Minister might point out what qualifications or experience should be set as a minimum standard for the adjudicator.

As I pointed out, the current problems with the existing legislation is that it is overly complex, unwieldy and very difficult. This new legislation might be an opportunity to compile and publish an online case book for employment cases similar to recent publications from the Office of the Ombudsman. Compensation and award decisions and determinations should also be published online to increase transparency and the public profile of these two offices.

For parties who engage in the process, there should be an online progress report or an access portal so they could see how their cases were progressing through the system. It is very difficult for parties to know exactly where they stand, whether in the commission or the Labour Court. If something like this could be introduced, it would be very welcome.

Currently, in regard to enforcement, only 11% of cases taken by NERA are successful in getting the awards for employees. That is a very poor record of recovering awards. We have an opportunity in this legislation to make it easier for successful parties to the process to re-engage with the Courts Service and engage with the sheriff's office etc., to recover awards. On

that note, I very much welcome the introduction of compliance notices and fixed charge penalty notices to be levied against parties who are in breach of employment legislation. The easier it is and the quicker it is to get resolutions and get awards paid, the better.

In regard to an employee who is not a member of a trade union or does not have the resources and would be discouraged by his or her circumstances from accessing the new redress procedures in this legislation, do we have an opportunity to make this legislation more user friendly, such as providing an information or an advocacy office which an employee could access as a first port of call, and to engage in an information campaign so that the employee would be aware of his or her rights and the redress available?

Employees and employers should not be concerned about this legislation. If the rights of employees are adhered to, one usually has a more productive and a better workplace and better workplace relationships, which almost always benefits employee and employers. I am very pleased to welcome this legislation.

Deputy Seán Kenny: The Workplace Relations Bill provides a statutory basis for a new structure which will see the existing five State bodies replaced by two. The Labour Relations Commission, the National Employment Rights Authority, the Equality Tribunal, functions of the Employment Appeals Tribunal and functions of the Labour Court will be replaced by the new Workplace Relations Commission. The functions of the Employment Appeals Tribunal will be transferred to a newly expanded Labour court.

I welcome the Government's decision to reform the existing employment rights and industrial relations structures because the current system for resolving individual disputes related to the workplace is wasteful in terms of State resources and those of the users. It is also very frustrating for employees, employers and the professionals representing them. The system that developed over the past 60 years had become unwieldy, complex, inconsistent, slow and, in some cases, expensive for users.

The aim of the Bill is to create a modern, user-friendly and world class employment workplace relations system which will provide significant benefits for its users and society as a whole. The focus will be on resolving the workplace disputes as quickly as possible. The aim is to create a system characterised by increased emphasis on and assistance with early and informal resolution of disputes. One body, the Workplace Relations Commission, will deal with disputes initially. Employees with multiple complaints will have all complaints dealt with in one place at the same time.

Employers will no longer have to defend complaints in a number of fora and there will be one route and a time limit for all appeals as well as far speedier listing of cases for hearing and issuing of decisions. There will be standardised procedures and timeframes across employment rights legislation and better and quicker ways of enforcing awards, which I particularly welcome.

In addition to enhancing the service provided, the reform of the workplace bodies has the potential to reduce staff numbers and the associated cost of delivering the service. It is expected that savings will amount to €2 million per annum, mainly due to efficiencies and reductions in cost.

The legislation will provide for the merging of the services of the Equality Tribunal, the National Employment Rights Authority, the Labour Relations Commission and functions of

the Employment Appeals Tribunal under the Workplace Relations Commission. The Labour Court will deal with all cases on appeal. The creation of the position of director general of the WRC will provide a singular leadership rather than the four that exist currently in NERA, the EAT, the LRC and the Equality Tribunal. The WRC board will have responsibility for strategy and annual work programme. The board will comprise primarily representatives of employer groups, trade unions and equality bodies. The WRC itself will be staffed by officials from the Department of Jobs, Enterprise and Innovation.

The transfer of the information provision functions relating to the family leave Acts will move from the Equality Authority to the new WRC and certain procedural matters, such as limitation periods and the length of time within which a decision made in the first instance may be appealed will be standardised across the full range of employment rights legislation. There will be a new more robust and efficient system for the enforcement of awards under employment legislation and overall there will be better enforcement of employment rights awards and better compliance and enforcement of measures for employment rights, which I very much welcome.

I have been concerned for some time that the industrial relations mechanisms of the State were overly complex and this new legislation will do a great deal to streamline that. As a Labour Party Deputy, I welcome a far better deal and faster justice for ordinary workers where industrial relations issues arise and where outside assistance is required to find a resolution. The Minister of State, Deputy Gerald Nash, has been working on legislation such as this since his appointment and his work with the Minister, Deputy Bruton, embodies this long-term commitment to the rights of workers and a better, fairer and more efficient set of industrial relations mechanisms. I welcome the Bill.

An Leas-Cheann Comhairle: The next speaking slot is shared by Deputies Mick Wallace and Clare Daly. Deputy Wallace has 12 minutes.

Deputy Mick Wallace: On the face of it there are some welcome changes in the legislation. As the Minister is aware, the current multi-forum system is unnecessarily complex and will be considerably simplified under the new regime. Having one entry point for complainants will undoubtedly make the process more user friendly. However, on reading through the Bill it is clear that a number of very serious issues need to be addressed. It appears that the new measures, which are designed to be cost saving for the State, may at times be costly to both the employer and the employee.

My first concern relates to the Workplace Relations Commission, which will carry out the first instance adjudication of complaints. Section 41(9) indicates that proceedings shall be conducted otherwise than in public. According to this section, cases in the first instance will be held in private. That seems to be in contravention of Ireland's obligations under the European Convention on Human Rights, Article 6 of which states that everyone is entitled to a fair and public hearing. It is important to maintain confidentiality in certain sensitive cases but the default position of having private hearings creates issues for the transparency of the system as a whole. What is the logic behind the provision?

Section 41(11) implies that it is not the automatic right of an employer or an employee to have legal or trade union representation at a hearing. It seems that the default position is that there is no representation unless one applies for it. It is important to bear in mind that these individuals will be in a position where they are navigating the exceedingly complex system of employment law, which would become considerably more difficult without any legal advice. I

wonder about the rationale behind that also.

Irish trade unions have no legislative right to be recognised in the workplace for collective bargaining purposes or for employees to make representations to their employers through their unions. I have no doubt that can be a problem, but trade unions in Ireland would appear to have sold their souls in recent years by taking the big wages and not necessarily prioritising the worker's position. I have also seen them take ludicrous positions against the employer just to be seen to be doing something. Three years ago I had three cranes standing but because of the downturn I had to close one of the sites; I was forced to do that by a bank. I was only able to employ two cranes so I had to let go the last man in. He took a case against me in the Labour Court. SIPTU spent money legally backing him and he was awarded €25,000 against me, which was nonsense. He was a very good crane driver and I would have given him work if I could but I could not. I appealed to the Circuit Court and after two days I won but by then I had incurred many legal costs. It concerns me that one will not be able to go to the Circuit Court in such cases. One will have to go to the High Court, which may be a problem both for employer and employee given that the High Court is not an option for most small businesses or for the employee in most cases. All of that does not change the fact that good, healthy trade unions are essential to a properly functioning democracy, especially when our democratic system repeatedly fails to represent those most desperately in need of a voice.

The Bill will largely remove any use of the court in employment disputes, for example, the current right of appeal from the Employment Appeals Tribunal to the Circuit Court appeal under the Unfair Dismissals Act. The only access to the court will be through a limited right to appeal to the High Court, which will only be allowed under a point of law. Given the narrow basis for such an appeal and the significant extra expenses involved, in practice employers and employees alike may no longer have any meaningful avenue of appeal. That raises questions for an individual's constitutional right to access to the courts. The Minister might rethink that. The costs in the Circuit Court are not anything like those in the High Court, and it is not as daunting for an employer or an employee. I wonder about the rationale behind that. I understand the Minister is trying to reduce costs for both employers and employees by cutting out some serious legal costs but when there are legal issues involved sometimes one is stuck with having to go through the legal process, and that should be available to employer and employee alike.

From the point of view of employers, section 35(1) allows for the imposition of fines, fixed payment notices, of up to €2,000 on employers. It appears that inspectors will be allowed to impose them without any requirement for fair procedure. Will it be possible for employers to appeal these fines? If employers do not have an avenue for the appeal of a fine, there would be a considerable risk of abuse of the system. I am not suggesting that every employer should be treated in a draconian way by the State because most employers behave in a responsible manner. Sometimes an employer can have a fine imposed which he or she genuinely believes is unfair. I may be reading the Bill wrongly but if there is not a form of appeal for such a fine, it is something that would worry me and it would be unfair.

On the issue of money, the Minister stated that parties would not be charged for access to the Workplace Relations Commission. With this in mind, section 69 is confusing as it leaves it open for the Minister of the day to incur fees for using the commission. We therefore cannot guarantee that this service remains free of charge and therefore accessible to all. We may need to revisit the wording of section 69. The Minister may believe it should be free but after the next election some other person might get his job and he might want to introduce a charge in

that situation.

Deputy Anthony Lawlor: God help us if it is you, Mick.

Deputy Mick Wallace: It is unlikely to be me. I certainly hope this new proposed service will deliver but if it fails to do what it says on the tin, it will end up being just one more public expenditure cut - another measure to add to the undermining of the notion of the public good, which is a matter of public concern.

The neoliberals from the ESRI were prominent in the media this morning talking about big improvements in the Irish economic situation but there are some other figures that do not fit so well with the prognosis on the front page of *The Irish Times* today. At the back of the newspaper there was a piece by Professor Gerry Kearns of Maynooth University who highlighted that between 2005 and 2012, the average EU27 number of those at risk of poverty declined by 0.9%, while in Ireland we jumped from 25% to 30%. To quote Professor Kearns: "It is clear, then, that a decade ago Ireland's poverty levels were at the European average whereas now they are considerably above it." Perhaps the ESRI and the Government ought to start looking at different measures of economic success than GDP as it only seems to be serving those who reside in the higher levels of the income bracket.

The Minister said that he wanted to introduce a world class workplace relations service but he has not done much to improve the lot of working people. He has done more to improve the lot of big business without doing the same for small and medium-sized businesses. As the Minister is aware, I am involved in the small and medium-sized business sector and I would still argue that things are not so easy in our domestic economy for small and medium-sized businesses. Unfortunately, we cannot help believing that large corporations have fared better than us in that area. If the Minister is to give us a world class workplace relations service, it should be complemented by an improvement in workers' rights across the board and a greater focus on the problems of small and medium size businesses in Ireland.

At the core of the Bill is the way a human right is delivered in Ireland, namely, the entitlement of citizens in the determination of their rights and freedoms to a fair and public hearing. While this effort to move towards a less complex and dysfunctional system is welcome, there are surrounding issues which overshadow the entire process and not all of them are being addressed.

This coalition is a neoliberal one, which puts the interests of large business before those of the public most of the time. Sadly, there has been a race to the bottom in terms of social protection, which worries me. To quote Dr. Julien Mercille of University College Dublin, whose recent book would be worth reading for most people:

... 'neoliberalism Irish-style' has borrowed elements of US neoliberalism, such as public-private partnerships, privatization of public services, low corporate and individual taxation, low level of government expenditures on social programmes and light regulation of the financial system.

There was a time, before the rise of the neoliberal ideology, when one of the general functions of the State was to enforce the principle of equality among citizens and to combat discrimination at work. It was also common practice for the State, when passing legislation or formulating policies, to take into consideration the effects its actions would have on the public sphere and work to minimise the impact of such actions. Now, sadly, we do things differently.

Under this new logic, the market and corporations view labour rights and legal systems in effect as regulation, on a par with financial regulation, in short, as a barrier to doing business in a particular country. It does not need to be this way. The business community or employer can work very well in a healthy system where the worker also has protection. I am all in favour of strong regulation and doing away with senseless, needless bureaucracy. There is a big difference between regulation and bureaucracy, but sometimes people confuse them. Bureaucracy holds everyone back. We need to do away with as much of it as possible whereas strict regulation is important to keep things on track.

The French legal scholar, Alain Supiot, whose book is essential reading, stated in his 2001 European Commission report on employment that a hypothesis had been put forward, backed by a rigorous historical analysis, to the effect that our societies were heading towards unknown forms of re-feudalisation. Judging by the present European legal framework, states no longer hold a monopoly over the definition of the general interest. They must take account, on the other hand, of community authority and of social partners which regard themselves, for different reasons, as being entitled to establish law.

Supiot's 2001 prognosis has turned out to be extremely prescient. Leaked documents from the Transatlantic Trade and Investment Partnership, TTIP, trade deal outline how, after the trade deal is completed and put into force, a joint EU-US regulatory forum will be set up in order for representatives of the business community to have so-called transparency in relation to changes to legislation and regulation in Europe and the US. What the 600 corporations who wrote the TTIP mean by "transparency" is that prior to the discussion of legislation in Ireland that may affect the profits of big business, the Irish Government and the EU must first give fair warning to corporations that may face losses to give them time to start lobbying against the legislation before it even reaches the Dáil floor.

The Minister and I have had many discussions about TTIP. There is an open discussion to be had on the matter. The media is not having it. It does not seem to be interested. We should have it in the House.

Deputy Clare Daly: This is quite a substantial Bill. It is in many ways a huge body of work set against the backdrop of dysfunctional industrial relations machinery in the State. Since I have been elected and have raised cases brought to me, I am aware that in many instances people waited 84 or 85 weeks for appeal hearings. In an unfair dismissal case, justice delayed is justice denied. That person would not have a snowball's chance in hell of getting his or her job back or anything like that. None of us would disagree that the system needs to be radically reformed. Is this the right way? We need to consider it against the backdrop of the economy overall.

I note the surveys produced in the past week that show we have the second highest number of low-paid jobs after the United States. A total of 130,000 people here are in low-paid jobs who would like to be in full-time jobs. There is an explosion of zero hour contracts which shackle people to their telephones awaiting a call to see if they can get an hour here or there. The race to the bottom is alive and well. There is a difference between injustice and illegality. This Bill is the last port of call when a grievance or wrong has been done and someone seeks redress. We should be considering how to create a climate where fewer wrongs are done and people do not have to seek recourse to the industrial relations machinery. One of the reasons we are in this situation is that the trade union movement has, sadly, abandoned much of what it was set up to do and has settled for negotiating for a few crumbs from the table rather than

championing the cause of workers in this State.

I am a bit concerned about the National Employment Rights Authority, NERA. It was supposed to be proactive in dealing with abuse of workers' rights. If we are to amalgamate it with the Workplace Relations Commission, WRC, how can it be proactive in workplace investigations and so on? It is quite limited as it is currently constituted. When the Greyhound workers came to us and we facilitated a meeting with them and NERA, the staff were incredibly professional in their desire to help workers and very helpful but they were hamstrung by the legislation as it was then. An unscrupulous employer would very quickly find his or her way around NERA and box off responsibility by outsourcing unhealthy practices to a third party. We have spoken about this in the House before, and scenes reminiscent of "On the Waterfront", with workers being picked up in car parks and no one knowing who they were or whether they paid taxes or anything. I am not sure this new legislation takes on board these situations. How can NERA's investigative, proactive role be protected when it is dissolved into a wider body?

There are other areas that need examination. One of the key problems has been the lack of enforcement of rulings from the industrial relations machinery. If this legislation is to be effective, we need to stand that system on its head.

There is a young man in my constituency whose story has been published in the newspapers. There is no secret and he knows I am raising it in the House. David Bell is 27 and was working for the multinational corporation eBay. Mistakenly, he was brought into an investigation about fraud and PayPal, although he had no case to answer. The employer reprimanded him for giving two €25 vouchers to aggrieved customers, something the company did for dissatisfied customers. Management said it was not appropriate in those cases. He was brought into a meeting without any representation. He was told he could not leave the meeting until he completed a written statement, parts of which management dictated to him and told him he could not have a representative present. He was subsequently dismissed and the company described him as dishonest, unprofessional and fraudulent. He took a case to the rights commissioner who was scathing in his criticism of eBay saying he was wrongfully dismissed and was subjected to coercive tactics. He said that eBay's position was seriously in breach of natural justice and fair procedure. The rights commissioner recommended a payment of €15,000 in compensation to the young man and the withdrawal of the dismissal letter. That was almost nine months ago. Nothing has been done to rectify the situation. This young man, who is starting his working life, has not been given any apology or any compensation. The letter has not been withdrawn.

This example could be replicated in many other cases I could expand on here. If big companies are allowed to get away with this, what chance does a worker in a smaller company have? What guarantee do we have that this scenario will not happen under the new arrangement? I have a list of citizens from around the country who have had definitive judgments made in their favour by the State's industrial relations machinery but have not got the money. Unfortunately, I do not have time to go through all these cases. The people in question did not get justice because their employers shrugged their hands and walked away. If this legislation is to be effective, it is clear that we really need to address this matter. We need to look at the whole system whereby people with decent jobs are being made redundant, only to be replaced by interns with low-paid jobs. That is a bit of a sick joke that needs to be dealt with.

I am conscious of time, so I will conclude by speaking about an area in which something is lacking. The Minister needs to address it because it has been brought to his attention on a number of occasions. Many former employees are interested in being able to access the State's

industrial relations machinery. I refer particularly to those who were part of an employment pension scheme and are concerned about things that happened to the scheme after they left the employment in question. Even though they have a very clearly defined and vested interest in that scheme, they are not represented by a trade union because they are outside the employment and, as a result, they have no access to industrial relations assistance. The most graphic illustration of that problem is the Irish aviation superannuation scheme. Almost 10,000 deferred and active pensioners in that scheme are facing an almighty hammering of the reasonable expectation they had about the standard of living they would enjoy in their retirements. Under a process that is under way, the trustees are being empowered to change the terms of that pension scheme and an expert panel has been convened. The deferred group and the pensioner group were both prohibited from participating in that process. They could not access the Labour Relations Commission, which came up with the mechanism that is undermining their rights. We know that organisations like the Retired Aviation Staff Association have put in place a system that gives retired workers vehicles to organise their interests. A mechanism should be found in this legislation to enshrine access to these processes for groups of retired people whose standard of living is being affected. Under the current airport scheme, pensioners are expected to lose six weeks' pay per annum due to changes they had no hand, act or part in. I hope the Minister will address this issue in the final stages of this process. If we are serious about the new legislation being of benefit to workers, much more work needs to be done on it.

Deputy Anthony Lawlor: I welcome this Bill, which has been in the offing for a long time. It is probably a pity that the Joint Committee on Jobs, Enterprise and Innovation did not have a chance to discuss this matter further before the legislation was brought to the House. I accept that it came before us in 2012. Perhaps we could have discussed the heads of the Bill more recently. I have always welcomed the amalgamations that have taken place. All the way along, our objective has been to reduce the number of bodies out there. In the 2011 election, we gave a commitment to try to make some sort of savings. I am delighted to say that the Minister, Deputy Bruton, has fulfilled that commitment on a number of occasions by providing for the amalgamation of a number of boards. This is another example of that.

It has often been said during debates on job creation in this House that people find it difficult to get funding for such purposes. There is no one portal that they can look at and examine; instead, there are various sources of funding. In this legislation, the Minister has decided to provide for a clear-cut process that will apply when there are difficulties with employment and employers. This clear-cut road will involve the new Workplace Relations Commission and the Labour Court. There is a clear outline of what will happen going forward. Before today, people did not know what route they should take if there were employment issues for workers. I hope this legislation will improve the efficiency of the resolution process. This is important for workers who have difficulties with employers. We are all talking about workers, but we should bear in mind that the employers who employ these people need to be able to resolve their issues with employees in a clear-cut manner.

I would like to speak about an issue that has arisen on a number of occasions. I always refer back to the attitude in Germany. The National Employment Rights Authority is probably one of the worst examples of this. I understand that section 32 of the Bill identifies the bodies that will be covered by the inspectorate. It is important for a positive attitude to be taken when random inspections are taking place. Inspectors should not try to find faults in employment situations where there might not be any fault at all. Instead, they should praise the employers for the environments they have created. When most random inspections take place, in the health sector

or in the workplace relations arena, the inspectors go in to try to find something wrong. More often than not, there is nothing wrong at all. In certain circumstances, inspectors have a negative attitude when they go into employers' premises. They should have a positive attitude. If there is something wrong, they should work through it rather than going through the Workplace Relations Commission process. It would be more beneficial if such common sense were shown. We should encourage all sides, as long as the employer is in favour of it, to sort out the issue without having to go through the resolution process. The inspectorate should take a much more positive attitude when it is doing inspections. Rather than trying to find fault, it should encourage positive workplace relationships.

How soon after the passing of this legislation does the Minister expect that the boards will be dissolved? As he knows, one of the purposes of this legislation is to make approximately €2 million in savings on an annual basis. How soon will the boards be dissolved? What sort of employment savings are expected as a result of this Bill? The Minister has indicated that he expects more inspectors and other staff to be employed in certain sections. Can he give us an indication of what the employment situation will be for most of the workers who are currently employed by these bodies? Will the board appointees be nominated by the relevant bodies? Given that we are removing a number of boards as things stand, will the board have a sufficiently broad spectrum to cater for the new role of the Workplace Relations Commission? Will its new role involve oversight? I know the Government sets policy, but will the board have a role with regard to the direction the workplace relations commission might take in the future?

Before I conclude, I would like to comment on the deferred pensioner issue, which was raised by Deputy Clare Daly. I have spoken about it here on a number of occasions. I have been told that trustees are supposed to be responsible for all members of pension funds. However, the deferred pensioners do not have the right to vote or to act as trustees. Maybe we could look at that in the context of this Bill. The workforce is very flexible at the moment - this is something we have encouraged - but flexibility can lead to problems.

4 o'clock

One problem is that people who have pensions associated with an employment have no say in their pension funds when they switch employment. I have also raised this matter with the Tánaiste. Perhaps we could examine the possibility of allowing deferred pensioners some rights, for example, voting or appointing trustees to pension funds.

Deputy Thomas P. Broughan: I welcome the opportunity to contribute on this important legislation which outlines some fundamental reforms of industrial relations and employment law. I have concerns about the resources allocated to the National Employment Rights Authority, NERA, and the inspection-enforcement area. A few months ago, the Minister told me there were only 100 inspectors to police a workforce of almost 2 million citizens. This situation merited an attempt to streamline and standardise the system of dispute resolution, but there is a concern that it has been motivated more by cost savings than by having better industrial relations machinery.

Undoubtedly, the Bill involves a widescale and major reform of employment rights dispute resolution. I hope the reform will lead to improvements in upholding workers' rights and their access to justice. As I have done in recent months, many astonishing cases of workers being treated badly have been raised in the House. Addressing these injustices urgently is a necessity.

I welcome the creation of a specific section of the Minister's Department with responsibility for collective bargaining and small business. I hope there will be a similar commitment on the part of the Government, which is at most in its final year in office, to progressing the legislation on collective bargaining. The Minister might remember that it is nearly 16 years since I introduced the Trade Union Recognition Bill on behalf of ICTU and, in particular, SIPTU. Sixteen years later and the House still has not addressed this important part of people's lives. I hope the collective bargaining Bill will progress. The Minister might recall the background to my Bill, namely, the disgraceful treatment by Ryanair of many of its workers in the mid to late 1990s.

I have some concerns about the Workplace Relations Bill, especially that this major amalgamation may be driven more by cost savings than by improving the situation for workers hoping to have employment or industrial relations issues resolved. I am also concerned about the loss of the tripartite structure for cases currently falling within the remit of the Employment Appeals Tribunal and how that may affect the resolution of these disputes. I am similarly concerned about the qualification requirements for adjudication officers and the potential loss of expertise in not ensuring a significant number of these officers come from the legal profession.

In terms of enforcement, I welcome the strengthened provisions for upholding decisions of adjudication officers of the newly formed Workplace Relations Commission, WRC, and the enforcement of compliance notices and fixed charge notices. I am concerned, however, about the move to have the majority of decisions enforced through the District Court, which is already a busy system dealing with numerous issues and areas of law. For example, the implementation of traffic safety laws in the District Court has proven difficult and led to a backlog. There is a concern, therefore, that the same could happen in the case of appeals under this Bill.

The Minister stated he would introduce amendments on Committee Stage. I often wonder why a Department must introduce amendments to a Bill that has been in gestation for two and a half years. This Bill saw widespread consultation, but one imagines the Minister would enter the House with the Bill ready to go onto the Statute Book.

While I welcome the Minister's decision not to impose fees for accessing the WRC, I note that section 69 allows him to set fees for a second stage to the appeals procedure. Separately, there will be a cost involved in having recourse to the District Court system for the enforcement of awards. This could dissuade some parties, particularly workers, from taking that route. SIPTU has suggested that the Labour Court should be expanded to extend its scope to cover the enforcement of awards, thereby incurring no cost for workers. I agree with this view. Given the Labour Court's expertise, it would be better placed to enforce the WRC's awards.

The decision to have a new WRC as the body of first instance for employment related complaints and disputes as well as having inspection and enforcement powers is a good step forward overall with the development of the so-called one-stop-shop system. The amalgamation of the appellate features of the Employment Appeals Tribunal and the Labour Court into the new expanded Labour Court is welcome. The basics of Part 2 are to be welcomed. I note the functions of the WRC as outlined in section 10, and I welcome the establishment of the office of director general under sections 11 to 18, inclusive.

I welcome the appointment of a registrar whom I understand will be the legal adviser to the WRC and the director general. I question the decision to make the board of the WRC, the structure of which is outlined in Schedule 3, a non-executive board that reports directly to the Minister and the Department. This could undermine the board's independence and could be

especially difficult when, for example, the industrial relations arms of the new WRC are dealing with disputes concerning public bodies or publicly funded employers.

The Bill provides for the standardisation of time limits for the institution of proceedings under Part 4, which deals with complaints and disputes. Section 41 provides for a time limit of six months for referring a complaint or dispute to an adjudication officer. This important feature should promote certainty for parties engaging with the new system. It will also be easier to understand than the current system, which has multiple fora and differing time limits for taking actions under various employment legislative provisions. I welcome the scope for the time limit to be extended to one year in certain circumstances where the failure to present the complaint or refer the dispute was due to what is called “reasonable cause” under section 41(7). I also welcome the standard time limits in place for compliance notices under section 27 and fixed payment notices under section 35 of 42 days within which an appeal can be lodged against a compliance notice and 42 days within which the amount indicated under a fixed payment notice must be paid.

I have an interest in the enforcement provisions contained in Part 3, which represent a key area. I was involved in campaigning for the establishment of NERA. I do not agree with IBEC’s view that the inspectorate function currently exercised by NERA should not be included in the new WRC, as there will be an important pooling of resources and information between all aspects of the newly created umbrella body. Another key issue of concern is the cut in the number of inspectors, which has come to my attention several times. The Minister indicated to me last January that there were approximately 100 inspectors. My experience has been that there is a need to increase this number, but one of the Minister’s stated aims in his introductory speech was to save on staffing costs.

A potentially significant measure in Part 3 is section 32, which provides for the disclosure of certain information in respect of public construction and other public contracts. The explanatory memorandum reads: “This section is designed to safeguard the wages and other statutory entitlements of employees who are working under public construction or other public contracts, while also ensuring competitive tendering and value for money in public expenditure.” A number of Deputies, including Deputy Boyd Barrett, have referred to the Greyhound workers’ plight. I was concerned about the issue, whereby workers were forced into accepting savage pay cuts by a company with a headquarters outside the State that was providing a key public service. The Minister will remember how, when he and I were members of Dublin City Council, I led a campaign to keep waste management within the remit of the public sector. I believed we would end up with the type of situation that has developed in the Dublin region and in which Greyhound has played a disgraceful role. There seems to be no identifiable reason for the cuts to its workers’ pay other than increasing its profits. The fact this dispute occurred in a firm providing a service that should more properly have remained a State service is another disappointing feature of this Government’s and the previous Government’s lack of commitment to public services. As Deputy Boyd Barrett and others have stated, the Greyhound situation illustrates grave deficiencies in the protection of workers’ rights.

Separately, as the Minister is aware, I have raised many times, including publically in this Chamber just before the summer recess, the issue of serious potential breaches of workers’ rights on some sites operating under the school building programme. This matter is evolving as Members speak and the situation has escalated in particular at the site at Kishoge Community College, Lucan in recent days. I believe the Acting Chairman, Deputy Troy, also raised this matter one morning during Leaders’ Questions. As the Minister is aware, the key concern at

this site and others is the use of the subcontracting system to erode workers' rights and effectively reduce the price paid for construction services. According to media reports, some workers were effectively being paid half the minimum wage for carrying out highly-skilled jobs like blocklaying, bricklaying or whatever. I have referred this matter to the Minister's colleague, the Minister of State, Deputy Nash, who I hope will revert with a substantive plan to address this problem. In addition, this matter was raised repeatedly with the former Minister, Deputy Quinn, for more than two years, as well as with the present Minister, Deputy Jan O'Sullivan, as the sites in question are construction projects under the school building programme.

I have obtained figures from the Minister for Finance, Deputy Noonan, which show that between 40,000 to 45,000 workers have been registered under the relevant contracts tax, RCT, system in each of the past three years. It is hard to understand why that system has been tolerated by the Revenue Commissioners, given that it appears to be open to grave abuse. A number of trade unionists representing building workers have campaigned strongly to address this because the nub of the issue, as the Minister is aware, is that people who wish to be PAYE workers and who wish to be absolutely fully compliant are forced, against their will in a sham arrangement, to behave as though they are self-employed. The vast majority of such RCT workers are registered as being within the construction sector even though the RCT system also applies to the meat processing and forestry sectors. For example, the Minister, Deputy Noonan, has informed me that in 2012, 42,420 of the 44,178 RCT workers were registered under the construction sector category. Similarly, in 2013, 44,674 of the 46,431 RCT workers were registered as being in construction.

I also note that a private company, Contractors Administration Services, CAS, has been engaged to inspect the sites in question. Workers have rightly complained that public bodies would be better suited to this task. I understand this company specialises in auditing and accounting functions for building sites. This function might be well-suited, with requisite skilled staff, to the National Employment Rights Authority, NERA, which perhaps could best carry out such a function. Perhaps this new section 32 therefore will have implications for the ongoing situation at these public construction sites. It is vitally important that any potential illegalities or breaches of employment law are addressed. However, the separate issue of the contractors on these sites relying on legal provisions of the RCT system effectively to opt out of having proper pay and conditions for construction workers must be tackled by the Government. I refer to the greatly diminished public capital programme and hope that next Wednesday, the House will be presented with an expanded public capital programme, as it has been cut repeatedly since 2008. However, while I commend the former Minister, Deputy Quinn, on his role in setting out a programme of school building, it has been highly remiss of the Government that on such sites, shenanigans are allowed to go on, one major contractor of which it is alleged being JJ Rhattigan & Company.

I understand the arguments made in relation to the RCT system. However, the recent experience of workers on these sites under the publicly-funded school building programme highlights the difficulties within the RCT system. It indicates that cost saving has meant that workers effectively are forced to become self-employed and thereby lose most of the protections and entitlements available to employees under employment law. Consequently, the Bill being debated today cannot protect these workers. Equally, by virtue of being self-employed, they will not have recourse to any of the revised and streamlined machinery under discussion. I urge the Minister to work with his colleagues, the Minister of State, Deputy Nash, and the Minister for Education and Skills, Deputy Jan O'Sullivan, to urgently resolve this issue in the interests of

workers' rights and ensuring the proper use of public funding. In addition, I urge the Minister to work closely with Revenue to ensure the evolution of a system that is fair to those workers while expediting the public capital programme.

I am supportive of the provisions in the Bill regarding mediation, under section 39, to deal with disputes where this is agreeable to the parties concerned. I note there is a move more generally in the context of all legal disputes to have recourse to mediation in the first instance. The Minister will be aware that our local Northside Community Law Centre is now called Community Law & Mediation, which symbolises the welcome move towards mediation in legal matters. It is important to have this reflected in the Workplace Relations Bill. Importantly, however, mediation is not being included to substitute the right of either party to have the complaint or dispute resolved in another manner under the legislation, as is provided for in section 39(1)(b).

I welcome the general thrust of the provisions of the Bill. I hope the concerns that other Deputies and I have raised will be examined on Committee Stage. While I did tell the Minister that he should come in with a finished Bill, I expect him to listen to the committee as well. What is unusual about this Bill is the Minister has told Members of his intention to table various amendments. He could have made them before he came in and then other amendments that I and my colleagues might suggest on the Select Committee on Jobs, Enterprise and Innovation could be added later. I acknowledge the Minister has committed to introducing those amendments. Hopefully, this is an historic day in respect of the State's industrial machinery. I wish the Minister well in the manner in which the machinery in its entirety is being modernised. In particular, I hope it will not simply be grounds of cost that will influence this process and that adequate resources will be made available, especially to NERA, to ensure that our workforce - which fortunately again is approaching 2 million people - and in particular those low-paid workers in vulnerable situations to whom my colleagues, Deputies Clare Daly and Wallace referred, will be monitored carefully and protected.

Acting Chairman (Deputy Robert Troy): I call on Deputy Catherine Murphy, who proposes to share time with Deputy Pringle.

Deputy Catherine Murphy: Yes, ten minutes each.

Acting Chairman (Deputy Robert Troy): Is that agreed? Agreed.

Deputy Catherine Murphy: I welcome the opportunity to say a few words on this legislation. I probably have as many questions to ask as I have comments to make. It is really important to have a functional and fair industrial relations architecture that protects the rights of both workers and, by extension, employers. I note that many good employers will never find themselves in the position whereby they are obliged to call on such a framework. However, one must guarantee fairness and equality in the economy. It also is vital for employers and investors to know that when disputes arise, they will be dealt with in a speedy and just fashion and this is important for employees and employers alike. I recognise the need for reforms in this area and the new streamlined architecture should deal with some of the waiting times and should make the process of dispute resolution much faster. It only serves to have matters fester if someone is obliged to wait a long time to get into the dispute resolution architecture. People very often feel quite aggrieved if they see high-profile cases demanding time while they are queueing for a similar service.

The measures to improve enforcement and compliance with decisions also are welcome because there is nothing worse than getting a decision only to discover it has not been complied with. I encountered someone the other day who is a FÁS supervisor. I believe a Labour Court judgment was made some years ago on the supervisors, who believe they got a decision that was then simply ignored. As FÁS no longer is in being - the supervisors are in SOLAS now - they have concerns and there is a difficulty in knowing who or what will pay their pensions. It appears as though they are falling between two stools. This kind of scenario should not arise. We would be quite critical of it if it was a private employer but where the State is involved, we should be doubly critical of it.

We are not particularly good at building institutional architecture in this country and I hope the architecture provided for under this Bill will be good and will lead by example. The HSE tends to be rolled out if one wants to cite a poor example of institutional architecture, but I am fearful that Irish Water might fall into that category as well. Will the Minister outline the way he envisages the staffing and resourcing model operating within the workplace relations bodies, given the major change provided for in the legislation? Far too often we set out with great intentions and aspirations to deliver world-class services, although we have been reasonably well served in this area, but often we have failed dismally in terms of the design of the vehicle that will deliver those services and in terms of resourcing them, which is just as important. I note there is latitude provided to employ people and I would like to hear more about that.

The Minister said great efficiencies can be achieved by merging the functions of five bodies into two and that it is hoped this will take care of the workload, in respect of which there is currently a substantial backlog. If five bodies could not cope with it, will two bodies cope with it any better? It can be inefficient to have five bodies but I want an assurance there will be an improvement in the time it takes to process cases.

Did the Minister arrange for an impact assessment to be carried out of the changes being made? If one was carried out, will he indicate what the findings of it were? I understand the Minister will have latitude to hire as many staff as will be required under the standard Civil Service Act and the public service appointments Act. Will he indicate if a staffing and resources plan has been developed at this stage? We are all familiar with the public service embargo and how difficult it is to have that embargo relaxed. While it is theoretically possible to do that, will it happen in practice?

It is expected the Labour Court will act as a court of appeal. Will it require new members to handle the increased workload and backlog of work? This appears to be provided for in the Bill. Is that catered for and will it be provided for immediately once the legislation is enacted and the system begins to be put in place? Will the Minister outline the new staffing for the Labour Court and how it will be arranged? Can the expanded function of the court be achieved if there are not the required staff to carry out the support work? The Minister will note that the last three questions are linked. Has the staff structure been agreed with the merged entity?

I have received a good deal of contact on the area of pensions and in this respect I am sure I will be reiterating points others have made. Many pensioners believe they do not have access to arbitration or that they are seen as being outside that process, yet decisions can be made on their behalf. There are two high-profile groups of pensioners, namely, those in Dublin Airport and ESB staff, from whom I have received the most contact. The issue is the right to representation and arbitration by retired staff in regard to their pension rights. I have been contacted by many on this issue. There was always going to be a problem with Aer Lingus pension benefits.

I remember the debate on the partial sale of Aer Lingus which was a hot topic. The CEO of Aer Lingus appeared before one of the committees and spoke of the need to use some of the funds that were raised from that sale. That was in 2006 well before the economy fell off the cliff. Essentially, he made the point that some of that money needed to be put into the pension fund. There was a difficulty before there was an obvious difficulty in the economy.

There is also a concern about pension benefits among ESB workers. The central concern for all of those people is simply ensuring the right of pensioners to representation and arbitration through the industrial relations architecture of the State. Given that the quality of life and income of former employees can often be wedded to the current managerial decisions of their former employees and the decisions of the State to impose, for example, pension levies, it seems the proposal they make has some merit. If we consider what is happening in other countries, we will note it is not only here that argument has been made. We know pension trustees have the power in certain circumstances to alter and restructure pension schemes in payment, namely, to allow for the imposition of the pension levy. Bringing in a right to participation in arbitration would underscore the right of workers, which is existing labour law. If we go back to 1974, pensioners had rights in this regard. They had a right of audience and it was only after that time that this was dispensed with. In Sweden pensioners have the same rights to express their views as active members in the pension funds provided they remain members of their trade union. In the Netherlands the trend in more recent years has been for former employers or pensioners to be appointed to the governing board of the schemes as trustees. They are not disinterested parties when situations arise where the income derived is to be altered. I would be keen to know if the Minister would be open to considering such a provision by way of an amendment on Committee Stage.

Another issue is that we are told that many people are in the workforce but are not actually employees in that they are participants in schemes such as JobBridge. It is obvious that such placements are a replacement of a job that should be provided. We cannot talk about workplace relations and not mention that issue. That scheme is certainly open to abuse. I was given a good example of it today, which I will be bringing to the attention of the Minister for Social Protection.

Reference was made to a school building site in Lucan. Construction workers did not want to have to get C2 certificates. They did not want to be self-employed, rather they wanted to be directly employed. That area needs to be tightened up.

There is a great deal of merit in the legislation. I have concerns about the structure being adequately staffed to ensure it functions and that the delays in the system are removed. There are some welcome reforms in the legislation.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate on this Bill. Some speakers outlined that they welcome the streamlining of the complaints procedures for workers and workplace relations from five bodies down to two but I am not entirely convinced this is necessary. I note the argument in favour is that there will be a simple procedure for an employee who wants to make a complaint and there is a single body and single point of contact for that. I doubt very much that rationalising the structure to two bodies will speed up the process or reduce the length of time workers have to wait to have their cases heard before a two-body Workplace Relations Commission or the five-body Employment Appeals Tribunal, Equality Tribunal and the other bodies.

On the Minister's commitment to ensuring the new Workplace Relations Commission has the resources to move swiftly through the caseload of work to ensure cases are heard within a reasonable timeframe, we will only see if that proves to be the case as the commission starts to do its work.

It is difficult to move beyond focusing on the reason for the introduction of this Bill. One of the driving forces behind the Bill is to save money and meet this Government's requirements to cut costs, at all costs, and to ensure that funds can be saved although bodies might be working reasonably well and satisfactorily.

I am unusual in that I have experience of the EAT and rights commissioners from both sides of the argument. I have represented workers there and have also appeared before them as an employer. Therefore, I have some experience of going through the procedures and I find the system very fair and good to deal with. Coming out on the right side of the decisions makes it easier. It works, and my only concern is about the time it takes to come before a tribunal or body.

Section 41 provides that the hearings should be held other than in public session. This should not be included in the Act. All the adjudications should take place in public. The current system is quasi-judicial and takes place in public, and it should continue to do so. In my experience in the regional areas, particularly in Donegal, there is no interest in the hearings. While the proceedings are open to the public, nobody attends and the media does not turn up. It is probably easier for a complainant whose hearing is held in Dublin to get media attention, given the concentration of media there. The possibility of embarrassing an employer seems to be the rationale for seeking media coverage, but there is no great interest by the public in proceedings. However, holding hearings in public is a reassurance for everybody involved and the principle should be retained.

Although subsuming NERA into the WRC might have some benefits regarding compliance notices and fixed-charge notices, I have doubts about the enforcement of compliance notices. The Minister mentioned a fixed-charge notice fee of €150. This is not enough for employers found in breach of workplace legislation. I wonder whether there will be any follow up on compliance notices. In one case in Donegal, a NERA inspection found an employer had underpaid staff by substantial sums running into thousands of euros, but there was no follow up. The employer simply refused to pay the employees the sums that were specified and it went on for a couple of years with no action taken. Any body that is established must ensure that there is follow up on compliance notices and employers are forced to comply.

The relationship between an employer and an employee is unequal and employees need access to bodies such as the WRC and EAT in order to have their rights protected. Given that very few employees are covered by unions, they act alone in looking after their interests and dealing with their employers. While most employers attempt to comply with the legal requirements, many do not. I know many hundreds of employees who do not have contracts, do not receive payslips and do not receive the minimum wage. Employees need to be able to access these services easily. Many employees do not have the benefit of having somebody to represent them when they try to assert their rights. The system must be made easy for employees.

While it is not intended, there is a possibility that a system of charging could be introduced for the WRCs, which would be a very worrying step because it would restrict employees' access to the remedies. It should not be implemented. I am worried because some form of charging is

provided for in the Bill and, ultimately, in a year or two, it will probably come in, justified by the workload, the number of complaints and the need to streamline the process and recover costs.

Another item that worries me slightly is the provision that an adjudication officer can decide that a complaint is vexatious or frivolous. While I have no problem with such a decision in principle, it is open to the complainant to appeal the decision to the Labour Court. If the Labour Court decides that the original decision of the adjudication officer was wrong, the case is referred back to the same adjudication officer. It should be referred to a different adjudication officer. It would be natural to the human condition that if one decided a case was vexatious or frivolous and struck it down, and it returned to one's plate, one would be prejudiced against it.

Much remains to be seen regarding how the Bill will work in practice. The Minister should give serious consideration to ensuring the hearings are held in public. The decision to hold them in private is a retrograde step. He should examine some of the other changes. The Bill requires a commitment by the Government to ensure the WRC has the resources to carry out its work. This means getting away from the mindset of saving money. An initial investment may be required to get it up and running and clear a backlog of cases. As a result of the recession, many cases have come before the tribunals, over and above the usual numbers. After the first few years, when the backlog has been cleared and it is running smoothly, efficiencies may be brought in. However, there must be a commitment from the start to ensure the WRC can hit the ground running, do the job and deliver for employees and employers.

Under the existing system, many employers take a strategic decision to settle cases rather than fight them at the EAT because they perceive that the tribunal is biased in favour of employees. I do not think it is the case, but that employers take a decision based on costs not to fight a case and to pay the employee off and make it go away. The EAT can benefit employers and if they are proactive and fight cases, and have systems in place to ensure cases do not come before the WRC in the first place, it would benefit everybody.

Deputy Maureen O'Sullivan: Táim buíoch go bhfuil seans agam labhairt ar an ábhar seo. Ceapaim go bhfuil sé an-tábhachtach go mbeadh caidreamh san áit oibre go héifeachtach. The test will be whether it is effective and efficient. We all had lives before politics, and no doubt will afterwards, when we were in other workplaces. Given that we all have experience of being an employee or employer, we know the importance of employment rights, for both employee and employer. If the rights of both were respected, it would lead to better work, better work practices and harmony at work. In such cases, there is no need for any labour courts. However, I am being utopian and the reality is different. Although the principles of fairness and justice have almost become a cliché because we use them so much, they should be guiding principles of whatever we do. Given that there will be disputes and disagreements, there is a need for efficient and effective procedures to deal with disputes in a very timely way. The procedures must be fair to both employers and employees and must not cost a fortune.

It is positive that five existing bodies will be merged into two - the new Workplace Relations Commission and the expanded Labour Court. Where there is an issue of concern in this country, we seem to have a penchant for having not only one organisation, but several, to deal with it. There are plenty of examples of that. The merger is positive. Having five bodies does not make for efficiency. It makes for confusion and lengthy delays and it also leads to resolutions not coming about in a timely fashion.

With new legislation, it is important to look at the view of stakeholders. Most of the stake-

holders were positive about the Bill. Generally, they welcomed the broad reform, particularly for the single point of entry and the single route to appeal. What also is positive is support for early intervention because there are too many examples of where a dispute has gone on for years as opposed to being resolved in a timely way. The idea of mediation to try to solve matters at the initial stage before they escalate also has to be positive.

Some of the concerns raised relate to allowing the adjudicator to dismiss a complaint considered “frivolous or vexatious”. That is something that is relative because what I might consider frivolous or vexatious could be something that is serious for somebody else. When this is being discussed further, perhaps that will be taken into account. The training for the adjudicator is also vital, as is the idea of transparency around the decision that is made. This aspect is of concern because it does not sit easily that one person will decide that one’s complaint is not worthy of a hearing.

A further point relates to where the complainant might have to make a written submission. There are those, some of whom I know well, who have issues around literacy and where English is not their first language. There have been examples in this country of foreign national workers treated appallingly by employers, wages withheld, passports withheld and no breaks during excessive working hours. I would hope that there is provision in the Bill for such workers so that they will be represented and will have an opportunity to convey what is happening to them.

I was struck by the concern expressed by the Irish Nurses and Midwives Organisation that a person with a grievance has a right to be heard. As an aside to this, on ease of access for those who have issues, last night I attended a briefing, at which the INMO was also in attendance with others. It was held by Patients First but it was on a similar point. It was for patients with a grievance, that they would have a way that their voices would be heard. It is not only workers who need that facility.

The use of the word “dismiss” is a little offhand. A better word could have been chosen. The word “dismiss” does not suggest that it has been an informed decision-making process where all sides have been heard.

There are differences of opinion around whether the adjudication should be in private or in public. I disagree with my colleague, Deputy Pringle, on this aspect. There is a need at times for a private hearing, particularly where the issue is of a sensitive nature. We have seen examples where the media have latched onto a particular case and their presentation of it has not done the complainant any favours. There must be allowance made for where there is a need for a hearing to be in private. Overall, it is better to hold hearings in public because it enhances transparency.

It is positive that fees are not being introduced. That is also beneficial to those for whom having to pay a fee would be off-putting. There must be a system where those with grievances have access to the system which is there to resolve issues and money and fees should not be a barrier.

Returning to the issue of the adjudicator, I believe there is a need for three-person panels. Such panels would protect those on both sides - those involved in the adjudication and the person whose case is being adjudicated - because there would be concerns around one person having so much say and responsibility. I would hope that the matter would be looked at where the three-person team would be considered more fair.

On the issue of the legally qualified adjudicator, balance is needed. There is a need for legal expertise. One certainly does not want an increasing number of appeals because of the lack of legal expertise in the first place. There are times when legal adjudication is required, but I am all for common sense prevailing. Common sense is not rated highly enough here. Sometimes common sense can be absent from those with degrees and letters after their names. I hope that there will be balance in adjudication teams.

Enforcement is vital. One can see measures on paper and think they are positive but it is only when they must be enforced that one can see sometimes the flaws and pitfalls. In the past few years there have been abuses of workers. At a certain point, for whatever reason, some employees who have given dedicated and loyal service over many years to an institution have become sidelined in their jobs. In spite of that dedicated loyal service, their work has been diminished in such a way that they have been left with no option but to take redundancy. These are persons with families, with mortgages. Usually, the institution is losing all of that experience to employ others on a quarter or one third of the salary of that person. In one case of which I am aware, the current options were not availed of due to what would have been a lengthy and onerous process. I hope that this system the Minister proposes will be successful.

On the concept of decent work, I will move outside of Ireland. We saw what happened in Rana Plaza and in other places in the developing world. One may ask what that has to do with Ireland. There are those in Ireland who are buying goods that are produced in slave-labour conditions and there are shops in Ireland which are also contributing to this. There has been a campaign and certain shops have refused to take goods from such companies. There is a role here for the Minister. We must adopt the concept of decent work, both in Ireland and abroad. The question has come up with the Minister. When he is involved in trade missions, I do not see why the idea of decent work conditions is not part of the discussions. We can lead by example by including that.

As a member of the Joint Committee on Foreign Affairs and Trade, I am aware that there is no difficulty in discussing human rights with the ambassadors and officials of countries where human rights have not been top of the agenda, and they take that on board. Dublin Port is involved in a middle management work initiative with ports in African countries. It asked me to speak at the recent launch and I made those points about decent work conditions because they make for much better relationships between employees and employers. There was much support around that. On Friday, 7 November, there will be a conference in Dublin Castle implementing the UN guiding principles on business and human rights. I hope that this Bill will be productive in the human rights of Irish workers but I also hope that the Minister, in looking at trade missions, will consider the human rights of workers in other countries.

What is important in the employer-employee relationship, and where there is a dispute, a conflict or a disagreement, is that there is ease of access to a resolution process, that there is a fair hearing, a prompt resolution, access to appeal and a resolution of that appeal, and that the language used is accessible to all. There is a petition, being circulated by National Adult Literacy Agency, asking that the official business we do here is in language that can be accessed by everybody. I hope the procedures the Minister is setting up will be fair and will be in language that everybody can understand.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank all the Deputies who contributed. I welcome the broad support for the Bill, including from Deputy Troy representing Fianna Fáil and Deputy Mac Lochlainn representing Sinn Féin. We have put

a lot of thought into how we structure this and we believe we have done it in the best way.

There has been a lot of work done, to answer Deputy Troy's point, in integrating the bodies and the staff within them. A lot of preparatory work has been done on that. Where we will be bringing in new adjudication officers, they will have to go through a training process to ensure that we get the quality needed. To take up Deputy Maureen O'Sullivan's point, they will be from diverse backgrounds. We are not confining it to legal persons. We want to have a diverse range of staff because common sense is important in many cases. What many adjudicators, namely, the rights commissioners and equality officers, have accumulated over a long period is a lot of common sense and understanding of the matters in hand.

The Deputy asked from where the savings will be derived. They will come from the ability to have shared services, to process complaints more quickly and to have a single registration process and single forms. It is all about streamlining the process. We believe that will give rise to an effective process.

A number of speakers raised questions about the term "frivolous and vexatious" and the implication that if one did not like the cut of one's jib, one might decide to call a complaint frivolous or vexatious. However, they are legal terms; they are not pejorative in any sense. It is merely a question of saying that as far as the complainant is concerned, if he or she has no reasonable chance of succeeding, the law says it is frivolous to bring the case. Similarly, it is a hardship on the defendants to have to take steps to defend something which cannot succeed, and the law calls that vexatious.

The current regime operated by the director of the Equality Tribunal provides a very good example of the effective filtering of complaints on receipt. The tribunal has the power to dismiss a complaint at any stage if in its opinion the complaint has been made in bad faith or is frivolous, vexatious, misconceived or relates to a trivial matter. It is entirely logical that we would have a similar system as prevails in the equality area.

Other issues were also raised, such as whether we should have multiple persons at the hearing and if the hearings should be in private or in public. The approach we sought to take is to make the process as simple and easy to use as possible. We have long experience with rights commissioners and equality officers sitting on their own and giving out very reasonable decisions. Holding the hearings in private is not in any way a breach of the obligations under the European Court of Human Rights because there is a right of appeal, and the appeal will be to a three-person body and will be held in public. The Labour Court has immense experience and its judgments are looked to as major precedent. The court has a very high reputation, not only in terms of fairness but in the legal argumentation behind its judgments, which means appeals are in very good hands.

Many speakers raised issues relating to individual disputes and, for example, the use of contractors which effectively put employees in the position of contractors, but they are not really germane to this legislation. Some of those matters are for the Revenue Commissioners, but in all cases where NERA is called upon, it makes advice available to the individuals concerned and points them in the right direction. Those roles will continue to be the case.

The issue of fees was raised on a number of occasions and this can be discussed on Committee Stage. We have taken the view that fees should not be put in place. Some argued for fees and others argued against them. We took the view that we would not introduce fees except in

the case where the first court of appeal was not used. We believed that was a fair process and there ought to be a charge if a person refused to attend at the first port of call and then decided to appeal. Otherwise we have not introduced a charge. We are not closing out the possibility that there could be a role for fees. It is prudent to leave the option in, but we have taken the view that we do not see the need for them, and if the system runs as we hope it will, the issue will not arise.

Deputy Mac Lochlainn raised the manner in which equal status cases will be dealt with under the new structures. I assure him there will be no substantive changes in the Equal Status Acts under the new structures. The Bill provides that complaints under the Equal Status Acts will transfer at first instance to the adjudication service of the WRC with appeals remaining in the Circuit Court.

A number of speakers raised employment rights issues. The Bill does not seek to change the substantive law on employment rights. Those are issues that are broader than the purpose of this legislation, which is to try to ensure the architecture is efficient.

Issues were raised that relate to fixed payment notices. The fixed payment notice must be set in regulations. It is not true that is €150, as some Deputies suggested. The amount will be set in regulations and can go significantly higher than that.

Deputy Wallace suggested it was unfair that there would not be an appeal for a fixed payment notice. One is not obliged to pay the fixed payment notice but one is given a suspension of any prosecution during the period of 42 days. While one has the option of making the payment of the fixed payment notice, if one does not, the case goes through the normal prosecution and is heard in the court and that position does not change. To be fair to Deputy Wallace, he acknowledged that we do not want a highly legalistic process. The Labour Court has a very strong record and is legally robust. Deputy Wallace is entering the Chamber as I deal with his point. He argued that there should be a further avenue of appeal to a court, following an initial case being brought to an adjudication officer and then on appeal to the Labour Court. We are not anxious to go down the road of having appeals to the court. We believe the Labour Court has a very high reputation in terms of the quality of its judgments. It sets precedent and has expertise in dealing with labour law. It will be the place in which the interpretation of the existing law applies. If there is a dispute about a point of law, that can go to court, but such cases are not common appeals and do not relate to the cases cited by Deputy Wallace of which he has had personal experience.

If there is an unfair appliance of procedure, judicial review remains open to the court. We are trying to create a self-contained, world-class, quality system that does not have recourse to the courts unless in exceptional circumstances such as where the system has broken down and people are not treated in the way they ought to be or where there is a point of law that needs to be tested outside of the box, so to speak.

Deputy Boyd Barrett raised the difficulties experienced in the enforcement of awards in employment cases. I acknowledge the existence of such difficulties. One of the main planks of the reform is to establish a new and robust enforcement regime which will provide successful complainants with an accessible and inexpensive means whereby recalcitrant respondents can be compelled to honour the award of the WRC adjudication service or of the Labour Court, as the case may be. That is a matter for further discussion between ourselves and the Office of the Parliamentary Counsel, OPC, and the Attorney General. I hope to be able to table amendments

at a later stage in those areas.

Deputy Finian McGrath made the case for more social dialogue.

5 o'clock

Social partnership does not exist as it did in the past but social dialogue is very active and there has been much dialogue on this Bill and the action plan for jobs. We are open to the views of all bodies on issues of policy in the Department and we try to ensure all voices are heard.

Deputy Seán Kyne made the point that there has been improvement and this is not the time to lower our interest in reform. I agree with that point.

Deputy Noel Harrington raised issues on time targets for early resolution and we can examine this but early resolution, by its nature, offers a narrow window during which resolution can be sought. I do not know whether statutory time limits can be set on this because it is essentially a voluntary process that people enter and can withdraw from at any stage. The Deputy referred to an Oireachtas liaison officer but I do not know whether the level of queries is sufficient to justify such a measure under the WRC - we will consider it. The Deputy also raised the poor recovery rates associated with NERA and we aim to raise these. I will not be drawn into a discussion of the Transatlantic Trade and Investment Partnership, TTIP while debating the Workplace Relations Bill, though it would be interesting.

We will continue to deal with issues on Committee Stage. Deputy Thomas P. Broughan referred to the issue of a non-executive board but the role has not been downgraded and members will deal with strategy - their independence will not be undermined should the WRC deal with a public body. There are many non-executive boards and the key point in this case is the difference between an office of the Department and an agency of the Department. The Office of Corporate Enforcement and NERA are offices of the Department but they are independent bodies - the fact that they are offices under a Minister does not mean the Minister supervises the decision-making process.

Deputy Anthony Lawlor asked when the WRC will be established and the other agencies dissolved and this depends on the passage through the legislative process. We are in the hands of the Oireachtas but are keen to move as quickly as possible, subject to allowing Members enough time to fully consider the proposals.

Deputies Catherine Murphy and Pringle wanted to be assured that two agencies will be better than five. It is not simply a matter of numbers - there will no longer be multiple applications relating to the same complaint to a number of different bodies as this was wasteful in the use of resources, contributed to a lack of clarity and led to inconsistencies in how issues were treated. There were long delays too. This is not simply a case of reducing the number of entities from five to two - it is a case of having a first instance body and an appellate body. We aim to make the process simple and easy to understand. Many people spoke of the need for a compliance culture and this legislation will encourage that. Deputy Anthony Lawlor asked whether an inspection should seek to encourage compliance or be a case of going in all guns blazing. Clearly, we want to encourage compliance and this is why there will be compliance notices and the like to give people an opportunity to mend their hands. We will not be soft on those who are determined not to honour their obligations - a balance must be struck. The earlier a case is resolved, the better - ideally, some cases will not arise at all thanks to this legislation.

8 October 2014

I have addressed the main issues that were raised. I thank the Members for their detailed consideration and thoughtful contributions came from all sides.

Deputy Mick Wallace: I wish to raise the matter of an appeals system relating to fines on employers.

Deputy Richard Bruton: I dealt with that already. Notices do not come into effect if they are not paid and such matters go to a hearing.

Question put and agreed to.

Workplace Relations Bill 2014: Referral to Select Committee

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I move:

That the Bill be referred to the Select Committee on Jobs, Enterprise and Innovation pursuant to Standing Order 82A(3)(a) and 126(1).

Question put and agreed to.

Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012: Second Stage

Minister for Children and Youth Affairs (Deputy James Reilly): I move: "That the Bill be now read a Second Time."

I am pleased to be here today to introduce this important Bill to the House. Protecting children from harmful tobacco products has long been a priority for me, both as Minister for Health and in my current role as Minister for Children and Youth Affairs. I supported this legislation when it was introduced as a Private Members' Bill, developed and introduced by Senators Crown, van Turnhout and Daly. In June 2012, I received Government approval for the principle of prohibiting smoking in cars with children present and for the drafting of amendments to the Private Members' Bill. The Department of Health worked in consultation with the Senators, the Attorney General's Office, the Department of Justice and Equality, the Department of Transport, Tourism and Sport, and the Garda Síochána on amendments to the legislation. All of the amendments were accepted during Report Stage of the Private Members' Bill in the Seanad on 17 April and this included changing the Bill's name to the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill.

The clock says I have ten minutes and 43 seconds left. That is not correct, I have 20 minutes - though I may not use that full period.

Acting Chairman (Deputy Seán Kenny): The Minister has 20 minutes.

Deputy James Reilly: The purpose of the Bill is to prohibit smoking in cars where children are present and it will be enforced by the Garda Síochána. Environmental tobacco smoke is a carcinogen and contains the same cancer causing substances and toxic agents that are inhaled by the smoker. There is no safe level of exposure to second-hand smoke. In children, exposure to second-hand tobacco smoke is a recognised risk factor for the development of asthmatic symptoms and increased risk of other illnesses such as pneumonia, bronchitis and middle ear infections. Exposure to tobacco smoke is particularly harmful in enclosed spaces, such as cars. Children's exposure to second hand smoke in cars is involuntary - they are unable to remove

themselves from risk if people smoke around them. This Bill is very significant, therefore, in protecting children. I commend Senators Crown, van Turnhout and Daly for originally bringing this Bill forward.

I will now take the Deputies through the Bill section by section to clarify its provisions. Section 1 deals with the interpretation of some of the terms used for the purposes of the Bill. For example, a child is defined as any person under 18 years of age. The terms “mechanically propelled vehicle” and “public place” have the same meanings as laid out in the Road Traffic Act 1961.

Section 2 sets out the prohibition on smoking tobacco products in mechanically propelled vehicles in which a child is present. It specifies that a person who smokes a tobacco product in a vehicle in which a child is present shall be guilty of an offence. This also applies in situations where the smoker himself or herself is under 18 years of age and is in the presence of another child. Where this offence is committed by someone who is not the driver, the driver shall also be guilty of an offence.

The section does, however, contain defence provisions. A defence exists where the person smoking reasonably believed that others present in the vehicle were over 18 years of age. There are also defences for the driver. One defence is that the driver was unable to stop the other person from smoking because he or she did not wish to take any action which might compromise the safety of the passengers. Another defence is where it can be shown that the driver made all reasonable efforts to stop the other person smoking. This section also states that where An Garda Síochána is of the view that a person present is a child, then this presumption remains until the contrary is shown and proved.

Section 3 sets out the powers of An Garda Síochána under the Bill. Where a member of the Garda believes that a person is smoking in a vehicle with a child present, he or she may ask the driver to stop the car, and demand the name and address of any person who may be committing an offence. Where a person fails to stop the car, or to give his or her name and address, or provides false information, he or she shall be guilty of an offence.

Section 4 makes provisions for the issuing of a fixed charge notice in connection with offences under the Bill. It specifies that a fixed charge notice may be served on a person where a garda has grounds to believe that he or she has committed an offence under the Bill. The provisions, on which I will not go into detail here today, are similar to the standard operating procedure already in place under the fixed charge notice system operated under the road traffic Acts.

Section 5 deals with regulations, allowing the Minister for Health to make regulations for prescribed items in the legislation, for example, the form to be used for issuing a fixed charge notice under the Bill, and the prescribed amount to be paid under the notice.

Under Section 6, a person who is guilty of an offence under the Act shall be liable on summary conviction to a class D fine. This includes an offence of refusing to stop the vehicle, refusing to give a name or address, or giving false information. At present, a class D does not exceed €1,000.

Section 7 of the Bill makes standard provisions setting out the Short Title of the Bill and arrangements for its commencement.

Before I finish I wish to remind Deputies that for five decades, the tobacco industry deliber-

ately concealed facts about the dangers of smoking. It disputed any link between second-hand smoke and poor health. I ask Members not to allow for any manipulation of the truth. The truth is that smoking kills, and that second-hand smoke is a recognised risk factor for the development of asthmatic symptoms and increases the risk of other respiratory illnesses and other problems.

I thank Senators for originally bringing forward the legislation. Before I sit down I want to draw for the House the image of a child stuck in a child seat in the back of a car in a fog of smoke, to his or her detriment. As a State we owe a duty of care to children. As the Minister for Children and Youth Affairs I owe a particular duty of care to children. We must protect children from irresponsible adults who would expose them to such a serious risk to their health.

A newspaper article published today rightly points out the plain packaging legislation will face technical objections from some countries in the EU. I had a phone call this afternoon from the Commissioner, Mr. Tonio Borg, stating the Commission has made no negative comment on the Bill. It is important people understand this.

I commend the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2014 to the House. The Opposition has been very kind and good in its support in the past and I look forward to its support on this also.

Deputy Billy Kelleher: We support the provisions in the Bill and we welcome the fact it has made its way to the House so we can discuss its import and broader issues regarding the tobacco industry. I welcome the Minister's remark that the Commission had no negative comment on the Bill with regard to plain packaging.

I like to say I am constructive in opposition. The Minister and I very often disagreed when he held his previous role, but I have always acknowledged, which may not make him feel any better, the efforts he has made in his fight against the tobacco trade and industry, including during the Irish Presidency of the EU. It is important we accept the tobacco industry is quite insidious in how it targets people, and there is no doubt about this. I have raised this issue in the House many times.

As the Minister stated, for 50 years the industry hid the fact passive smoking causes physical harm to people. It hid the statistics and facts regarding the impact of tobacco on the health of individuals and nations. It hid the fact that for years it has flooded countries with huge amounts of tobacco so it can find its way into the illegal trade. All of these things are done by companies registered on stock exchanges throughout the world. The industry also hid the fact that in their advertising campaigns companies target young children in poor developing countries in Asia and Africa. All of this is out there and must be acknowledged.

I can understand the pressure a government can come under internally and externally because of strong lobbying, including at governmental level. Clearly there have been moves afoot by some European countries to try to water down the plain packaging legislation which the Minister pioneered. This in itself is an indication the tobacco industry has allies at very high levels. We can understand why this is, as some countries have large numbers of tobacco-growing farmers and large companies manufacturing cigarettes which provide employment, but this should not deter us from doing what is right, and what is right is to ensure we make every effort to protect the health of our citizens.

The Minister stated the Commission made no negative comments on the plain packaging

legislation. I hope we are not deterred from leading the way internationally in our fight against tobacco companies and the tobacco industry. Our only motivation is to ensure our citizens have as much opportunity as possible to live a life without the pressure of addiction to nicotine and tobacco-related illnesses, which affect so many people. According to the statistics almost 1,500 people develop lung cancer each year, and most cases are directly associated to smoking. There are also many other ailments and illnesses and it also affects quality of life. To be a slave to nicotine for all one's life can have a huge debilitating impact on one's self-esteem, finance and well-being. This can have an impact on people fulfilling their lives physically and mentally and this factor should also be taken into account.

For all these reasons any legislation or policy brought forward by the Minister to discourage people from smoking and encourage people to give up, and which takes the fight internationally to the tobacco companies throughout the world which have endless resources and, unfortunately, an endless supply of customers because of their nefarious ways of enticing young people to take up smoking, is something we will consistently support, encourage and applaud. The Minister used the Irish Presidency of the EU very effectively to highlight the importance of the EU taking the lead in this issue.

The statistics and facts cannot be disputed any further. All empirical evidence shows quite clearly that tobacco is a killer. It destroys people's health and lives. Even this Bill is an acknowledgement that we must make every effort to protect people in our society. The Bill is targeted at juveniles and young people. The Minister asked us to think of a child strapped in a car seat with a fog of smoke. A child strapped in a car seat in the back and a fog of smoke in the car is something that people now look at in shock and horror. In a short time our society's behavioural patterns have evolved, including in the area of drink-driving and the wearing of seatbelts. We need legislation to change human behaviour at times. We need legislation to encourage and we also need legislation that is used as a means of changing people's perspectives of how they view certain circumstances. It is now socially unacceptable to smoke in many cases and many environments. Equally it must be socially unacceptable to smoke in cars when juveniles and children are in the vehicle. That is why we are supporting the Bill.

I acknowledge the sponsors of the Bill on its inception in the Seanad: Senator Crown, an eminent oncologist; Senator van Turnhout, who has experience with children and child protection; and Senator Daly. It indicates that when an idea has merit, it is embraced by the Minister and taken on board. It is very welcome that it is now winding its way through the legislative process to its finality.

The Minister outlined the basic thrust of the Bill, including the principle of the Bill, the enforcement sections and the penalties. As always in such areas, it is important to have an advertising campaign on the provisions of the Bill. I believe that if the reason legislation is being introduced is explained in a coherent and concise manner, it always has better buy-in than if it is just passed into statute and we find enforcement without explanation. I hope the Minister will be able to organise an advertising campaign around this. When trying to change behavioural patterns, for example with recycling and safety on farms, if advertising campaigns are done through children they can have greater benefit than if they are done through adults.

On the broader issue of smoking, as I have mentioned earlier and in previous debates, we must accept that nicotine is an addiction. People will go to enormous lengths and endure financial hardship to smoke and feed their nicotine habit. I say that as a person who battles with that particular addiction and from time to time I fall off the wagon. We must have supports in place

for people who want to give them up. I know the HSE has a helpline but we need to encourage people consistently to stop smoking.

In terms of policy, we have decided that we should continue to increase the price of tobacco products. We have also decided to make them unattractive through the use of the plain packaging and also the graphic photographs on tobacco products. Those are all very welcome measures. However, at the end of the day, the fact that it is an addiction means that people need help to give them up. Through advertising and promotional work we should target that type of message throughout stated health policy. As opposed to using the stick at all times, we need to make people believe that they can kick the habit.

The tobacco industry is working insidiously in the background on how it promotes its product. A very worrying trend based on the statistics is the number of girls who take up smoking, which is a key area to be addressed. One does not need any statistical data to see kids leaving secondary schools and lighting up. It is used in terms of making them look like Kate Moss or some other high-profile person. This type of advertising is subtly fed out by the tobacco industry to imply that smoking acts as an appetite suppressant and one will not put on weight. This is done in a very insidious way and has undercurrents all the time. This highlights the levels to which tobacco companies will stoop to get another generation of people addicted to their products. We need to be progressive and proactive in that area. We need advertising campaigns targeted at particular groups of people to counteract the insidious message that comes from tobacco companies.

The smoking ban has been in place for ten years. That is an indication that people can embrace something when it is explained and done for positive reasons. This legislation is also done for all the right reasons. I can see no downside reaction from people other than it can discommode people's habits, but it is done for many reasons. The smoking ban was introduced as a workplace ban, but the people who benefited more than anybody else were the smokers because it reduced the amount they consumed. Previously they could go into a pub, order a pint, sit up on the high stool and smoke 20 cigarettes. The requirement to go out and come back in reduced individuals' consumption. Anytime one cigarette less is smoked, it has to be of benefit.

The same will apply here. Obviously, it is designed to protect children in mechanically propelled vehicles, in other words cars. However, it will also encourage those people who would be inclined to hop into the car, reach for the cigarette and light up before driving off. The legislation might start to change people's habits and anything that reduces the habit of tobacco consumption is very welcome.

The Irish Cancer Society and many other organisations that work at the coalface of dealing with people who have contracted cancer and other illnesses because of smoking all welcome the legislation. It is generally welcomed across the board. I hope the people will strongly embrace the legislation. Gardaí are obliged to enforce it, but before we enforce it we should have the advertising campaign on it to ensure people are aware of their obligations when in charge of a vehicle with regard to the health of juveniles and children in the car. The Garda Síochána should then be seen to be actively encouraging compliance with the law after a period of time when it is bedded down and people are aware it is on the Statute Book and that it is illegal to smoke in a car containing a person aged 18 or under.

The broader issue we need to consider is that we still have a huge cohort of people who smoke. We are all well aware that we have role models. I return to what I said earlier about

girls smoking. In general boys have role models who are normally involved in sport, including soccer and rugby players, and where I come from they are hurlers and footballers as well. They are normally very positive role models.

There is a key area for advocacy groups who advocate on behalf of children to try to ensure that we start to highlight our positive role models. Referring again to girls smoking, we have wonderful sporting individuals, including the Cork ladies footballers, Derval O'Rourke and Sonia O'Sullivan. We have a plethora of them from around the country - many of them happen to be from Cork, but I do not mention it for any parochial reasons. We have a huge cohort of female athletes who could be critical to promoting a culture of healthy living among girls. It is an area where we are falling down at present. I hope the Minister can, as part of his remit, tap into the huge resources that are out there in order to convey a positive message to young girls about sports, healthy lifestyle and the fact that smoking is not and should not be seen as a way of dealing with other issues.

I commend the Minister on bringing the Bill through the Houses. I hope it will have a positive and meaningful impact on our children's health in the years ahead.

Acting Chairman (Deputy Seán Kenny): It is proposed that Deputies Caoimhghín Ó Caoiláin and Sandra McLellan share time. Is that agreed? Agreed.

Deputy Caoimhghín Ó Caoiláin: Caithfidh mé a rá go bhfuil an-sásamh orm go bhfuil iar-rachtaí ar bun le déileáil le fadhb an tobac in Éirinn. Níl rud ar bith níos tábhachtaí ná an tsláinte sa tsaol seo agus sláinte ár bpáistí ach go háirithe. Tá dualgas orainne mar dhaoine a dhéanann dlíthe páistí an náisiúin a chosaint.

This Bill was brought before the Seanad sponsored by Senators John Crown, Jillian van Turnhout and Mark Daly as a Private Members' business proposal in May 2012. It aims to create an offence of smoking in a mechanically propelled vehicle in a public place where a child is present. The initial proposal was to amend the Public Health (Tobacco) Act 2002, before it was decided to introduce a stand-alone piece of legislation. The Bill is the result of work undertaken by a wide group of people and I take the opportunity to commend that collective effort.

In this legislation we have found something we can agree on. The measures it contains might not go far enough, but I am satisfied that it is one of a raft of measures. The Minister, Deputy James Reilly, has been addressing these issues in a very focused way for several years. The provisions he brought forward on the plain packaging of tobacco products were recently brought before the Dáil. In tandem, these two legislative measures will save lives. We have, at the same time, seen an intensification of the fight on behalf of the tobacco lobby, as referred to by the Minister, particularly around the issue of plain packaging. Ministers have received letters from business groups in the United States and there were representations by up to 27 MEPs to the Taoiseach earlier this year urging him to drop the proposal. We, as members of the Opposition and spokespersons on health, have also been lobbied in the same way.

Recent years have seen a move to improve legislation and policy around tobacco control, the aim being to protect those who do not smoke from having to deal with second-hand smoke and help the many smokers who express a desire to quit. Included among the latter is my esteemed colleague, Deputy Billy Kelleher. We have seen the introduction of graphic warnings on cigarette packages and bans on tobacco sponsorship, the sale of cigarettes in packets of ten and confectionary that resembles cigarettes. Ireland was the first country in the world to ban

smoking in workplaces. We must remain to the fore in this crusade by continuing to improve protections for the general populous and further aiding those who want to quit.

The aim of achieving a tobacco free Ireland by 2025 - defined as a smoking prevalence rate of less than 5% - is to be commended. Tobacco Free Ireland proposed legislation similar to this and also supported a social media campaign focusing on the risks to children from passive smoking in cars. I note that Australia, Canada and England have banned or are in the process of banning smoking in cars where children are present. Will the Minister indicate whether electronic cigarettes will be covered by this legislation? While such devices might have a harm reduction role in established smokers, there is evidence that the emissions they produce may pose a danger to others. We must ensure this Bill is robust enough to protect against any future similar tobacco or nicotine product that would create an unhealthy atmosphere in the enclosed space of a car.

Much of the beneficial effect of this Bill will come from the debate surrounding smoking in enclosed places. Indeed, the public has been made aware of this through media reports of the Bill's passage through the Seanad. Forest Éireann, the Irish smokers' rights group, has criticised these proposals and claimed they will have little impact. I do not agree. Even as we discuss them here, we further contribute to public awareness and knowledge of the dangers involved. International studies in developed countries have shown us the extent of children's exposure to smoke in cars. A 2009 Irish study suggested one in seven children in this country is affected by this type of passive smoking. Extrapolating from that suggests that approximately 170,000 children are affected by this issue. It is therefore imperative that we do something to address the situation.

There is also the question of road safety. A driver reaching for a packet of cigarettes and lighter and lighting up while driving, to say nothing of the distraction of having burning tobacco in one's hand, must amount to an unnecessary risk. This Bill will go some way to denormalise this practice and thereby increase road safety for all users.

Colleagues will recall the impact made by Fionn O'Callaghan, the boy from Wexford who wrote to the Taoiseach to ask him to bring forward legislation in this area. In fact, he has been described as the inspiration for this Bill and Senator Crown brought him to the first briefing on the proposals. In remembering Fionn in this instance, we must think of all those children for whom he was a voice - the 170,000 children whose health may be compromised because of this practice.

For such an important Bill and one that has received such wide-ranging support, it is worrying that it has taken so long to come to this House. It really is an indictment of our system that a Bill that is simple in the grand scheme of legislation and which might have a very positive effect should take this length of time to progress. Ireland has been to the fore in limiting the ill effects of tobacco smoking. We were told that the workplace ban on smoking could not and would not work. As we all know, it has worked very well. We were told it was a case of nanny statism. It is nothing of the kind. It is simply a way to protect those who do not wish to smoke from the well documented harms of smoking and help those who wish to quit. In the case of children, we can no longer accept their being subjected to second-hand smoke and all the dangers it entails.

I do not expect these provisions to impose an additional burden on the Garda. For the most part, I expect the public will accept and adhere to them willingly, even before the Bill passes, in the knowledge of the danger such practice poses. Efforts to effect the elimination of tobacco

smoking are only one component of a raft of measures that must be introduced to improve the health of our nation. In my role as spokesperson on health and children for Sinn Féin, I am often confronted with a grave lack of resources and many other basic problems surrounding our health services. This is something that needs to be addressed urgently. We must not, however, forget the role of preventative medicine and preventative legislation.

I am sure these provisions will lead to fewer tobacco-related deaths. Arís eile, b'iontach an rud é dá mbeadh Éire chun tosaigh as tíortha an domhain agus reachtaíocht á thabhairt isteach a thabharfadh cosaint dár bpáistí. I join the Minister, Deputy Kelleher and other colleagues yet to speak in recording my wholehearted support for the passage of the Bill through the House.

Deputy Sandra McLellan: Sinn Féin supports all initiatives to curb the deadly habit of tobacco smoking. Last week's Bill to introduce plain packaging on tobacco products was welcomed by Sinn Féin and we extend that to the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012.

Ireland is playing a pivotal role in the fight against the tobacco industry. We are striving to create a smoke-free environment for future generations and this legislation will help with that. A child should never be forced to inhale the toxic chemicals emitted by cigarettes when in any closed environment, especially one as constricted as that of a vehicle. It is so harmful and dangerous to the developing lungs of all children, to their health and their well-being. It is unacceptable for anyone to place a child in such a position. Every provision must be put in place in order for us to make smoking as unattractive and unappealing as possible.

The tobacco industry costs this State €1 billion every year. The HSE's budget, already strained by the impact of consistent austerity, must allocate this amount to tackle the effects of smoking on the population. Heart disease, cancer, emphysema and other related conditions can be minimised with the introduction of such measures. We can alleviate the budgetary constraints of the HSE with these measures and the resources could be allocated to other areas of our struggling health system.

We live in an age where there is no excuse for anyone not to be aware of the impact of chemical dosed tobacco. Awareness campaigns by the Government and organisations, such as the Irish Cancer Society and ASH Ireland among many others, have helped in this regard. Recently, we saw the advertisement campaign rolled out by anti-smoking organisation, QUIT, featuring terminally ill Gerry Carroll, who has since tragically passed away as a result of smoking. It was a tragic and untimely death that could have been prevented. We saw the impact on his family and friends and I commend their openness and their willingness to highlight their plight. He has saved lives. We must do the same.

One in every two smokers will die from a smoking-related illness. For every person who dies in this manner, the tobacco industry must replace them with a new customer. The Irish Cancer Society estimates that the industry needs 25 young people to start smoking in Ireland every day to replace those who have tragically passed away or who have, thankfully, managed to quit. Some 80% of smokers start smoking in their youth. With a concerted effort through the smoking ban, the ban on branding on packaging and a ban on smoking in cars with children, this can be stopped. We have a duty, as legislators, to do all that we can to protect vulnerable children.

By designing an environment where children grow up to see smoking as undesirable, we

can stop them wanting to take up the habit. We can stop the tobacco industry from gaining new customers. This must continue to be a priority for this and any future Government as well as for opposition parties and Independents. We have a duty of care to citizens and must use the power we have to exercise it.

Attitudes are changing. Smokers must go to greater lengths to feed their addiction. They must leave the social atmosphere of the pub and go outside for a cigarette. They cannot easily light up in a hotel room and soon, I hope, they will not be able to casually smoke in a car with a child present. We must remember, however, that smokers are not to be demonised. Addictions across the board must be understood and helped in any way possible. They are targeted by an extremely powerful, savvy, experienced and cash-rich industry.

We are in the midst of placing as many barriers between the current and possible future consumer and that poisonous industry. I commend everyone involved in the creation of this and previous Bills. Education in schools from a young age can be used to highlight the fatal effects of tobacco. Education designed to target mothers, fathers and guardians must show how passive smoking is just as lethal as first hand inhalation.

A 2013 report published by the Institute of Public Health in Ireland and the TobaccoFree Research Institute Ireland shows that while tobacco control measures are being successful, disadvantaged children are at particular risk of tobacco-related harms. According to the report, this is due to their likelihood of exposure in the womb as well as to second-hand smoke in the home and, ultimately, to their own risk of taking up smoking at a young age.

In the most deprived areas in the North of Ireland, mothers were three times more likely to smoke during pregnancy than in the least deprived areas. In this State, nine year old children living in the lowest income families were twice as likely to be exposed to second-hand smoke in the home as children in the highest income families. As of the time of that report, November 2013, approximately one in seven 13 to 14 year olds reported that someone smokes in the car when they are present. The smoking behaviours of parents have a hugely significant impact on the health and development of children on this island.

Smoking in pregnancy was associated with adverse outcomes for newborn babies, including low birth weight. GP attendances for chest and ear infections among infants were higher among mothers who smoked in the first nine months of their child's life. Among older children, both active smoking and second-hand smoke were significant in terms of patterns of childhood asthma.

The report highlighted the importance of continuing current efforts to make tobacco harder to get and less appealing to young people. Investing in disadvantaged areas to give children social and physical outlets that are protected by the local council and that won't succumb to ruin is important. Children in these areas more likely to smoke. Is it because of a lack of amenities? Is it because smoking is something to do to fill time? Is it a habit to pick up to appear cool among their peer group? We have to further examine the causes and factors as to why those living in lower socio-economic areas are worst impacted by this industry and do everything we can to tackle it.

Smoking is not only damaging to people's health but it also has a very negative impact on the environment. From air pollution, to the decimation of 5 million hectares of forest world-wide, the tobacco industry is relentless. Cigarette butts, in the early years of the 2000s was

cause for 48% of litter on the streets. The flushing of this litter into harbours, beaches and rivers is detrimental to marine life. Cigarette butts take more than ten years to break down.

We have already begun the process of eliminating branding from packaging, which is essentially the last method of advertising for the tobacco industry in Ireland. The colours, images, words and designs used on cigarette packs are all used to appeal to young people. Certain colours, such as silver and gold, have been proven to appear as though they have lower tar and health risks. Slim, lightly coloured packets are used to attract young women while bolder colours are used for young men. Cigarettes themselves are also used to appeal to young people. In recent years, slim-line cigarettes have been designed to appeal to young women by making cigarettes appear glamorous and elegant. Research has shown that when cigarettes are in plain packaging without branding, most young people find the packets ugly and boring and would prefer to take home a branded pack. Irish teens begin smoking at one of the earliest ages in Europe. We cannot allow this trend to continue.

Sinn Féin welcomes this Bill. We would not like to see anyone unfairly targeted or criminalised as a result of someone forcefully lighting a cigarette in their car but it is very important that we tackle the issue of smoking in every way possible. A child should never be exposed to the dangers of passive smoking and must be given every opportunity to live healthily in a smoke-free environment. In the same way that mobile telephones are now prohibited to be used in cars, smoking can be a distraction to drivers and there is no real benefit to allowing anyone to smoke in a confined place with a child present.

Deputy Maureen O’Sullivan: The purpose of the Bill is to make it an offence to smoke a tobacco product in the presence of a child in a mechanically propelled vehicle, and a child is defined as somebody under 18 years of age. I do not disagree with the substance of the Bill because we all know the dangers to health from smoking, and particularly for those who begin smoking at an early age. We also know about the dangers for those smoking in a confined environment such as a car. The Minister outlined the various illnesses that follow such as pneumonia, bronchitis and ear infections, and he also made the point that children are unable to remove themselves from such a risk. I know many cases where it is the children who are putting pressure on their parents and on the adults in their lives to stop smoking rather than the other way around.

I do not smoke. I was very fortunate never to have started, but people under 18 are legally entitled to smoke. I hope they do not, but what happens in the case of a 17 year old smoking in a car with parents who either smoke or do not smoke?

I question the need for the Bill in the first place. Is there much evidence that this practice is widespread? My perspective, from driving and going about the constituency and other parts of the country, is that in terms of the majority of parents, all the campaigns, health warnings, information and education programmes are working. I believe that adults, in the main, do not smoke in cars with their children.

Deputy Finian McGrath: Hear, hear.

Deputy Maureen O’Sullivan: I note that section 4(5) states that income generated by the payment of amounts pursuant to fixed-charge notices under this Act will be disposed of for the benefit of the Exchequer. I suggest, and I hope the Minister would agree, that any income generated would go to more campaigns to raise awareness and educate people on the dangers

of smoking and not put into the Exchequer where it could get lost and not be put to such use.

I listened to other speakers talk about the plain packaging on which I want to make a point also. My colleague, Deputy Finian McGrath, would not be happy but I would be very happy to see a complete ban on smoking, and I support those initiatives that are trying to bring that about. However, retailers with small shops are genuinely concerned that this plain packaging will fuel the illegal trade in cigarettes. We do not know where the illegal cigarettes come from; there is a variety of suggestions in that regard. We have no knowledge of the content, but there has been an increase in illegal cigarettes being sold, and in Dublin Central it is a major concern. We saw the largest ever seizure of illegal tobacco in Ireland. That illegal tobacco trade has to be addressed.

I have a question about e-cigarettes, which are very common these days. I understand, anecdotally, that they appear to be helping people come off cigarettes in terms of the nicotine but we do not know enough about the effects of e-cigarettes and vaping. Is that another issue that has to be addressed in this type of legislation?

On the Garda issue, enforcement is putting further pressure on already over-stretched and under-resourced gardaí. There is now another law they are being told they have to enforce. We are asking the gardaí to police something that should be obvious to parents, and I believe it is obvious. In Dublin Central, we certainly need our gardaí for other work.

The Minister mentioned protecting children from irresponsible adults who would damage their health but we are discussing the wrong Bill when it comes to children under 18. From my involvement in the North Inner City Drugs and Alcohol Task Force, and with the projects working in the city and the city centre, the extent of drug and alcohol use is frightening, and it is beginning at a much younger age. I listen to the frustrations and the concerns of the schools and the youth workers in this regard. Their fear, and it is a reality, is that this problem is not being taken seriously. Those in the youth projects are under strain due to the cumulative effect of cuts they have experienced in recent years. There are far more serious risks to the health of young people than the one we are discussing, namely, them being in a car with their parents who smoke. We have open drug dealing on streets in Dublin. We have open targeting of young people to buy “benzos” and use high-strength cannabis. What is being seen in the city is an increasing number of young people presenting with psychosis.

Another issue of childhood health is the recent report on childhood obesity. One in four are either overweight or obese, and we know that obesity will track them from childhood into adulthood. Also, reports are showing a correlation between childhood obesity and children attending schools in disadvantaged areas.

I attended an event this morning, *mindyourmind*, at which the Minister of State, Deputy Lynch, was present. The mental health of young people is not being addressed in the same way as this Bill is addressing one issue. We listened to stories from young people of self-harm and depression. We heard success stories also because there were young people who had the courage to go to an adult who would listen in an attentive and sympathetic way, and they found help. Those are the issues facing young people.

I do not object to this Bill. I support it and commend those who have brought it to this Stage, with the support of the Minister and the House, but there are far more pressing issues involving the health of young people. I would like to see legislation dealing with such issues

being brought before this House.

Deputy Finian McGrath: I welcome the opportunity to speak about this new legislation, the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill. I will be giving a minority view but it is a view that should be listened to also. When I first heard of this new legislation, I was annoyed at the intellectual arrogance of some of the anti-smoking brigade. The reason for my anger was because most smokers I know would not dream of smoking in a car with children. In fact, they would not dream of smoking in a car with non-smokers or adults. We do it when we are alone in our cars and when we are in our own space. Most smokers respect the rights of non-smokers, and that has been a fact since the introduction of the smoking ban. We should get that straight first, and the nanny state brigade should give us all a break in this debate.

I often wonder why they all get so high and mighty about ganging up on smokers while they often stuff themselves with alcohol, which is much more dangerous. They should get off the stage and give us all a break. The high moral ground brigade will drive smokers further underground, and that will lead to further isolation. I respect their rights and, therefore, I expect them to respect my rights. It is as simple as that. We also pay our taxes; in fact, smokers pay many taxes to the Exchequer. The Minister should ask the Minister for Finance, Deputy Michael Noonan, about that. I believe the take on every packet of 20 cigarettes is in the region of 76%. We should bury that money argument which I have often heard put forward.

Before they all gang up on smokers, let us get tough on alcohol-related crimes. Who is busting up our accident and emergency departments on a Saturday night? It is not the smoker; it is the violent drunk. I have seen that at first hand in our accident and emergency departments I have attended with senior citizens, friends and family members. The people causing the trouble were either high on drugs or very drunk on alcohol. Those are the issues we must raise. The Minister would find smokers out in the car park, and now they are being shoved out onto the street to have a quiet smoke and mind their own business. Once again, it is the soft targets that are being hit. It is important that we be honest about that, although I accept that is a minority view around this House.

We also have the issue of the illegal sale of illegal cigarettes, which is causing havoc in the State. Not only is it causing violent crime, but it is also results in a major loss to the Exchequer. The Government should wake up, smell the coffee-----

Deputy James Reilly: Smell the smoke.

Deputy Finian McGrath: -----and deal with the issue. Cigarettes are being sold illegally throughout this State, costing the Exchequer hundreds of millions of euro. Violent criminal gangs now find it easier to deal in the illegal cigarette trade rather than in cocaine and heroin. That is a reality. The Minister can check that with Customs and Excise officials and the Garda.

6 o'clock

That is another issue the Minister should deal with in respect of this debate.

It is a bit rich when people try to give up cigarettes. I speak as a smoker. We try every day. It is an addiction. Bullying or banning us or taking electronic cigarettes out of the system will not work. They were introduced to try to help people give up cigarettes but the Minister started to ban them and now wants to ban them from more public spaces. In some places one

cannot even have a smoke in a public park. The Minister needs to learn the lessons of life if he wants people to deal with the health issue. I agree with the sentiments in the legislation because I respect the rights of children and of non-smokers. The Minister needs to find other ways to deal with the issue. Has the Government made a dent in the smoking population over the past ten years? The figures speak for themselves.

I agree with Deputy Maureen O'Sullivan about the drugs crisis. There is a major problem with drugs in this city, the violent crime connected with them, families destroyed by them and gangs intimidating families and whole streets. I would like to see a sensible Government focusing on these issues, not just picking on the easy target, the gentle man or woman who wants to have a quiet smoke and mind his or her business.

This Bill was initiated by Senators Crown, Daly and van Turnhout. Government amendments were accepted on Report Stage. The Bill prohibits smoking in cars where children, those under 18 years of age, are present. It is to protect children from second-hand smoke in cars. I support that. It is sensible. Most of us smokers would do that out of respect for another person or child. There is a small minority who would act arrogantly.

The legislation is to be enforced by An Garda Síochána and the necessary powers required are set out in the Bill. Will gardaí be stopping people at traffic lights or chasing them around for having a smoke in their cars? This is a waste of resources. There are violent criminals and people dealing in dangerous drugs who should be locked up but are on our streets and the Government is going to target smokers. Once again, the Government is focusing on soft targets with silly legislation, silly debates and silly solutions. If a person commits an offence under this Act, he or she shall be served with a fixed-charge notice. The amount of the charge is set out in the regulation. The Bill also includes a presumption of age provision for members of An Garda Síochána, that is, if a garda is of the view that the occupant is under 18 years, this shall be presumed to be a fact unless the contrary is shown. It includes the legal principle of holding the driver liable for smoking occurring in his or her car in the presence of a child, regardless of whether he or she is a smoker.

I have no problem respecting people's right not to smoke, to be influenced, or have their health affected by smoking. The defences in the Bill are if the driver reasonably believes everyone in the car is 18 years, if the driver is not the person smoking but could not prevent a passenger smoking in order to drive safely, and if the driver, if not the person smoking, made all reasonable efforts to prevent a passenger from smoking.

There are many problems in this country. Do we want gardaí chasing people who are having a quiet cigarette in their car? Do we want them to waste resources when there are other problems they could be dealing with? I am dealing with many serious issues this week in my constituency involving violent criminals and families who are being intimidated. Many of these gangs are up to their necks in drugs. I would like to see the resources of the State targeted on them.

There are other ways to deal with the public health issue. These solutions have been put forward in the debate on smoking. We need to treat this as an addiction problem not by banning smokers or shoving us out in the cold or telling us to stay out in the rain. What really galls me is people in pubs who are well over the alcohol limit lecturing others about having cigarettes. Do they ever look at their own livers or alcohol-related health issues? This is the kind of phoney intellectual arrogance that some people go on with and that we need to challenge. The nanny

state brigade must be challenged and told this is an addiction issue. Let us deal with it sensibly as a health problem. Banning electronic cigarettes is appalling. We should help people to get off cigarettes if that is their choice. The legislation labels smokers as irresponsible. Smokers are taxpayers. They respect their own children, their neighbours' and friends' children and children generally.

I accept that my view would not be popular but I never set out to be populist on this issue. I give a minority view and any democratic society that does not listen to minority views is going nowhere. The Minister should consider other options for dealing with smoking as a health issue. He should be brave and radical and stop ganging up and beating up on people who are addicted to cigarettes. Many would give their right arm to give up cigarettes and they try to do so every day. Banning them, throwing them out in the rain or stopping them having an electronic cigarette to try to detox is not an acceptable solution. That is not good or sensible health care.

We must focus on bigger, more important issues, such as alcohol and drug abuse and violent crime. The Oireachtas Joint Committee on Justice, Defence and Equality is dealing with gangland crime, drugs and intimidation in communities. We did a great deal of work on this in the summer and will have hearings soon. Some of the people coming to the hearings will tell us about the illegal trade in cigarettes. There is a new subculture among those who were making money from heroin and cocaine and who find it easier to make money from illegal cigarettes. The Exchequer is losing between €500 million and €600 million just when we need the money to invest in other areas.

I support the legislation, despite my views on smokers and the way they are treated, if there is a minority of smokers who do not respect the rights of non-smokers. The Minister should get his Department and the Department of Health to work together to come up with sensible solutions. People will always do things that are outside the box. It may not be healthy or fashionable but that is part of life. If the Minister enjoyed diversity and had a little more tolerance, we would have a healthier society.

Deputy Pat Breen: I would like to share time with Deputies Harrington and O'Reilly.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Pat Breen: I welcome the opportunity to contribute to this debate. I spoke on another health Bill last week. This legislation will bring us a step further. It follows the commitment made by the previous Minister for Health to introduce legislation to ban smoking in cars. That commitment was made following the debate on the Protection of Children's Health from Tobacco Smoke Bill 2012, which originated as a Private Members' Bill in the Seanad. I am delighted to see that Professor Crown, who introduced that Bill, is present for this evening's debate. He is listening to everyone who has something to contribute to the discussion on the important Bill before the House. When this Bill, which will protect children, is considered alongside the Bill we debated last week - the Public Health (Standardised Packaging of Tobacco) Bill 2014 - it is clear that the Government is committed to tackling smoking.

There is overwhelming evidence that smoking is the single greatest cause of preventable illness and premature death. That is at the core of what we are talking about this evening. Some people have questioned why we are tackling second-hand smoking. In particular, they want to know why we are trying to ban smoking in cars when children are present. All the available evidence suggests that being exposed to second-hand smoke is as bad for one's health as direct

smoking. Of course children are particularly at risk. When people smoke cigarettes, not all of the smoke goes into their lungs. It goes into the air and anybody who is near them inhales this smoke. That is why we have banned smoking in the workplace, in bars and in restaurants. We have successfully ensured people can enjoy a smoke-free atmosphere when they are out.

The technical term for second-hand smoke is “environmental tobacco smoke”. It has a combination of over 4,000 chemicals, which is a lot of chemicals to inhale. The World Health Organization, WHO, agrees that 250 of those chemicals have been identified as causing cancer. It has classed second-hand smoke as a cancer-causing agent. We have to listen to the experts in this field, particularly the WHO, which has reported that second-hand smoking causes 60,000 premature deaths around the world every year. A 2004 study by the WHO found that two fifths of children and one third of adult non-smokers were exposed to second-hand smoke that year. I would like to put into context the WHO estimate that 1% of worldwide mortality in 2004 was caused by this exposure. As a result of second-hand smoking in 2004, some 379,000 people died from heart disease, some 165,000 people died from respiratory diseases, some 36,900 people from asthma and some 21,400 people died from lung cancer. In other words, approximately 580 people died every day in 2004 as a result of second-hand smoke. We must listen to these statistics. We cannot ignore these figures.

Our children are especially at risk. As they are not as developed as adults, they cannot avoid exposure. The health risks for children are well documented. A report that was published by the Institute of Public Health in Ireland in 2013, *A Tobacco-Free Future*, contained some interesting findings about children and smoking. I read through the report yesterday and today in advance of my contribution to this debate. I was interested to read that 22% of the primary care-givers of nine year old children reported that smoking occurs in the same room as their child. It was also reported that 15% of people who had a family car allowed smoking in that car. The report found that there is a higher prevalence of asthma among children who are exposed to second-hand smoking. Indeed, it is also associated with severe asthma.

Some people argue that smoking pollutants in cars have no effect, but research suggests otherwise. The findings of research that was carried out in Canada to measure the effect that smoke pollutants have in vehicles are very startling. It was found that just one cigarette smoked in a stationary car with its windows closed can produce a level of second-hand smoke that is 11 times higher than the level found in an average bar where smoking is permitted. In the case of a moving car, the level of second-hand smoke produced by a single cigarette can be as high as seven times the average level of a smoky bar. That is why the Minister is acting on this. The evidence is there.

Other countries have recognised that in-vehicle smoking needs to be tackled because of the risks it poses to children. In February of this year, the Northern Territory was the last of the regions of Australia to introduce a ban on smoking in cars. The cut-off points used in Australia, and the penalties that apply when the smoking ban is breached there, vary across the various jurisdictions. In some regions, the smoking ban applies to minors under the age of 16. In other regions, it applies to minors under the age of 18. The penalties also differ. An on-the-spot fine of A\$250 applies in the Australian Capital Territory and court fines of up to A\$5,000 can be issued. In New South Wales, an on-the-spot fine of A\$250 dollars is imposed on drivers, with a maximum of A\$1,100 applying if this is disputed. When the Minister is summing up at the end of this debate, he might indicate if he has details or views on the level of fines that may be imposed here. In particular, I would like to know whether a fixed-charge fine will apply here. If so, will it be similar to the fixed-charge fines that are charged under the Roads Acts? The

Minister might clarify that.

We do not need to go to Australia to find examples of what is being done in this area. Across the Irish Sea, a ban on in-vehicle smoking has been introduced by the authorities in Wales, who were acting on research undertaken by Cardiff University suggesting that one in ten children in Wales were being exposed to smoke in family cars. In England, a section of the Children and Families Act 2014, which was passed by the Parliament, empowers the Government there to bring in regulations to introduce smoke-free child-carrying cars. In July, the British Government sought views on draft regulations. It will be interesting to see whether this ban will be in place before next year's general election in the UK. Other countries that are set to follow Ireland's example include Finland, the Netherlands and Taiwan. It is unusual that the Netherlands is planning to introduce a ban, given that it has such a liberal regime.

Under section 3 of the Bill, An Garda Síochána will have responsibility for the enforcement of the ban when an offence is committed. The Bill also introduces a number of defences which are set out in section 5. One of the main reasons given in England in opposition to the introduction of a ban of this type was that it would be unenforceable. When the workplace smoking ban was introduced here, opponents made similar claims. That is why I disagree with what the previous speaker, Deputy Finian McGrath, had to say. It is all about compliance. Since the smoke-free legislation was introduced here some years ago, the compliance level has been 97%. A similar compliance level applies to the legislation governing the display of cigarettes in shops. I disagree with Deputy McGrath's opinion on this aspect of the matter.

Countries like Australia that have been to the forefront in the battle against tobacco have made similar findings. When smoke-free dining was introduced in Australia, a compliance rate of 96% was reported after 18 months. It is important to point out that smoking laws are generally self-enforcing. Smokers refrain from smoking in smoke-free areas once they become aware of the laws. That is why the Minister has introduced this legislation, on which I commend him. It is important to get the message out there. We must keep telling people how dangerous a threat smoking is to their health and that of their children.

Various campaign advertisements are very effective. One of the best anti-smoking campaigns in recent times was the HSE series of advertisements featuring Gerry Collins, who died at the age of 57. We all remember how he said he would miss his kids, and miss not being there when they might need him. Those were striking and heartbreaking words to hear from a man who was dying of cancer and was campaigning for others to kick the habit which had left him with lung cancer. The HSE believes his adverts have helped 60,000 people to attempt to give up cigarettes this year. His family and friends should be very proud of him. We are proud of him as well. Effective awareness campaigns have helped to change attitudes towards smoking. It has now become very anti-social to smoke. This shift in attitudes to smoking will ensure the latest smoking ban succeeds. It will become very anti-social to smoke while children are in cars. Those who persist with this activity will be frowned upon by the general public. I do not doubt that over time, we will achieve the same level of compliance we achieved with the introduction of the various other bans. I commend the Minister on bringing this good legislation, which will save people's lives, to the House.

Deputy Noel Harrington: I congratulate the Minister for Children and Youth Affairs and commend Senators Crown, van Turnhout and Daly on their work in the Seanad and, latterly, this House in introducing this legislation. It is the duty of the Oireachtas to introduce and debate legislation that has a considerable benefit for certain sectors of our population. This Bill

undoubtedly falls into that category.

The Bill's Title is self-explanatory, in that its main provision is to stop young people and children from having their health damaged by inhaling second-hand tobacco smoke in the confined area of cars. It might also break the link between young people watching adults, in many instances their parents, and smoking. It is a popular and well-received Bill.

In a recent UK study, 1,100 people were asked whether they would support a ban on smoking in cars carrying young people. Of these, 96% of non-smokers would support the ban. Interestingly, 89% of the smokers surveyed would also support the ban. They added that it might also help them to give up smoking.

This is not a question of a nanny state introducing legislation, as "nanny state" automatically implies that people have a choice. Children who are strapped into the back of a car and who must inhale second-hand tobacco smoke have no choice. Something must intervene, namely, the State.

It is no secret that tobacco companies target younger people to replace the customers and clients who either give up smoking or, as a result of smoking, pass away. They spend a great deal of time and resources on trying to get young people onto the conveyor belt so as to maintain the industry. I take this opportunity to ask the Minister to consider Florida's very effective truth campaign. Its leaders had a fund of tens of millions of dollars, if not more, following a settlement with the tobacco companies. They diverted much of that money into an effective marketing campaign, some of the results of which were interesting. It should be noted.

Reference has been made to the HSE's public health and information campaigns. When targeting campaigns towards young people, a number of curious points have been missed. The young are well educated and already know that smoking damages their health and kills, but they still take up the habit. The study concluded that they did this so as to become individuals or to show bravado, leadership or standing among their peers and communities despite the fact or, counter-intuitively, because they knew it was dangerous. It was like a counter-culture movement and people found smoking an easy and acceptable way of becoming noticed, involved, different and so on.

The authorities in Florida adopted a different approach. They noticed that young people did not want to be told that they should not smoke because it killed. It was a negative message and young people already knew it. Instead, the authorities had to reinvent or replace a role model - the idea of smoking - with something else. The truth campaign targeted young people and met them on a one-to-one basis by way of attending events, working through the media, spending a great deal of money on channels like MTV and being more nuanced overall so that young people would get the message that smoking needed to be replaced. It was not just enough to say that tobacco was bad, would kill or would harm people's health. It needed to be replaced with something else.

I urge the Minister and his officials to consider this campaign. We do not need to spend the amount of money that Florida did. It has already done the research and examined youth culture and the counter-culture pursued by certain groups of young people. The conclusions might differ from those we might naturally reach. We do not need to reinvent the wheel. A modest investment using the excise and VAT moneys we accrue from the tobacco industry could be spent on a more nuanced or effective marketing campaign. It would not be an information campaign,

as young people already know the story. Rather, it would be a campaign to replace something that young people feel is necessary. The truth campaign aimed to make anti-smoking a brand in itself and was quite effective.

Will the Minister consider a further aspect? Since the Bill does not cover e-cigarettes, will he make provision to allow for a similar prohibition on the use of e-cigarettes? We are not sure about the health issues involved, but e-cigarettes might cause difficulties for the enforcement of this legislation. I support the prohibition of e-cigarettes where there are children in a car.

I commend the Minister and Senators on their work and ask the former to consider what has been done elsewhere, particularly in Florida. Such campaigns are well worth his consideration where they relate to young people.

Deputy Joe O'Reilly: I join in congratulating and commending Senators van Turnhout, Crown and Daly on their efforts. I also commend the Minister on laying this legislation before the House. He is particularly passionate about this issue, his passion arising from his experience as a general practitioner, GP. It is great that he is using this opportunity as a politician to address what he knows from general practice to be a major social and health issue.

There has been a significant cultural shift in terms of smoking and - not to mix up the two - drink driving since my childhood. Smoking is no longer cool in the way it was then. The smoking ban has been a critical factor in that regard and I commend Deputy Martin, who piloted it. The plain packaging legislation is also contributing to the cultural shift.

Speaking in the Seanad, the Minister stated that we wanted to arrive at a situation in which people did not find smoking attractive. By a raft of legislative initiatives, advertisements, etc., we are arriving at that. Professor Luke Clancy's study on passive smoking in cars merits reference in the context of this legislation. According to it, one in seven schoolchildren is exposed to smoking in cars. Those who are exposed are more likely to start smoking, leading to respiratory and allergic symptoms.

It is well known that cigarette smoke is highly carcinogenic, with second hand or environmental smoke equally so. Every year in Ireland, 6,000 people die from tobacco-related diseases. The inhalation of passive smoke exposes an individual to the same amount of smoke as a smoker.

If one is a smoker, one will lose ten to 15 years of one's average lifespan and 95% of lung cancer cases in Ireland are caused either by smoking or inhaling second-hand smoke. These are very stark figures. There are many who would maintain this legislation is a way in which the rights of adults and the choices they wish to make in life can be restricted and impinged upon. This simply is not the case. This legislation is about protecting those members of society who are too young to have a voice. Noble person and fine individual that he is, Deputy Finian McGrath has stated that he, of course, would not smoke in front of children in a car. This will remain the case for the great bulk of adults. The great majority of adults would not contemplate so doing in the first place and, consequently, the issue does not arise. Moreover, the legislation will create a greater consciousness, whereby the ultimate number of offenders will be very low. The purpose is to further create a consciousness in this regard.

As the Minister, Deputy Reilly, mentioned in the Seanad, there is no safe level of exposure to environmental or second-hand tobacco smoke and the danger levels are increased in enclosed spaces such as inside a car. With this in mind, it is important to ensure that parents who smoke

do not expose their children to this carcinogenic substance. The 2013 policy document, Tobacco Free Ireland, makes the point that children are particularly vulnerable to the marketing practices of the tobacco industry and that the positive portrayal of smoking by models and in other forms of advertising glamorises smoking and makes it more attractive to children. These issues are all being tackled in the plain packaging legislation.

Section 2 of the Bill sets out clearly that smoking in a car with a child present is strictly prohibited and that the person in question will be deemed guilty of an offence. I welcome this part of the Bill, as evidence shows that such exposure is dangerous. A study by the Canadian Medical Association stated there is some evidence to suggest that second-hand smoke inhaled in the confines of a car is 23 times more toxic than when inhaled anywhere else. Similarly, MRBI research for ASH Ireland showed a popular acceptance of this point. On the legislation, I acknowledge there are issues as to how one identifies age, how one identifies children and so on. However, Members are aware that an individual garda will apply common sense in this regard. One also realises that the very existence of the legislation will create a moral imperative not to smoke in front of children by which most normal adults will feel obliged to abide. If one likes, they will not see it as an issue with which to play cops and robbers.

Sections 3 and 4 deal with the power bestowed on An Garda Síochána under the legislation. It gives members of the force the power to issue a fixed charge notice, which will be in line with the standard fixed charge notice system in the Road Traffic Acts, and in extreme situations can lead to a fine of €1,000 in the District Court. In the debate in the Seanad, Senator Crown made the point that the primary benefit will be educational and I concur that this will be the case. People have come a long way in terms of their awareness. First, popular awareness among the population regarding the dangers of smoking and its obvious harmful effects has become universal. Second, there is an acceptance that something must be done about it and all the legislation is combining to alter the culture and to reinforce the need to tackle it. This legislation does something similar.

I welcome the legislation and do not perceive it as being indicative of a nanny state. A nanny state might be a state in which children were exposed to something about which they had neither freedom nor rights. I will conclude on this point but sadly in recent years, Members have been dealing a lot in this House with situations in which the rights of children were infringed and let us not perpetuate that. I welcome this legislation. I am aware of its imperfections and of its implementation difficulties but the balance of good lies in its enactment and on that basis, I support it. I again congratulate the Minister on having the non-partisanship and professionalism to accept the legislation rather than to go back into the ridiculous trenches from which Members tend to address legislative matters.

An Leas-Cheann Comhairle: I call Deputy Catherine Byrne, who is sharing time with Deputy Mitchell O'Connor. The Deputy has ten minutes.

Deputy Catherine Byrne: I welcome the opportunity to speak on this Bill and I commend Senator Crown, who is present this evening, as well as Senators Daly and van Turnhout on originally introducing this Bill in the Seanad. On Report Stage, this Bill was amended substantially by the Minister, Deputy Reilly. The Department of Health worked in consultation with the Senators, the Office of the Attorney General, the Departments of Justice and Equality and Transport, Tourism and Sport and the Garda Síochána in producing this legislation. I congratulate the Minister, Deputy Reilly, on his Trojan work on this issue, about which he is passionate. He is committed to addressing smoking and smoking-related disease and deaths in this country.

This Bill is another significant development in our public health policy, which aims to make Ireland a tobacco-free society by 2025. This legislation is one of the many recommendations set out in the policy, Tobacco Free Ireland, which includes a range of legislative and other policy initiatives designed to reduce smoking and smoking-related illnesses. Approximately 22% of the Irish population are currently smokers and the Government is committed to reducing this figure to 5% by 2025. This Bill builds on the smoking ban, which was introduced in March 2004. It was hugely successful and there has been a 7% reduction in the number of smokers since it was introduced.

Smoking is the leading cause of preventable death in Ireland. The number of premature deaths caused by tobacco use in Ireland is far greater than the combined death toll from car accidents, fires, heroin and cocaine abuse, murders and suicide. I was interested to hear Deputy Finian McGrath state earlier that there are greater health risks. I do not know what they are when approximately 5,200 Irish people die each year from diseases caused by smoking and 44% of such deaths are from cancer. Members should just imagine that one in two smokers will die from their addiction. Smoking costs the health sector in excess of €650 million per year. What could be done with that money, were it available to be put back into the health services in the fields I have just mentioned? These figures are frightening when one thinks how avoidable are these smoking-related deaths. I am deeply concerned that Ireland's smokers start smoking at a young age. They have the youngest starting age in Europe, as they start from between 14 and 16 years of age. Members' goal, therefore, must be to prevent children and young people from starting to smoke. They learn from us, their parents and adults to whom they look up and we must lead by example.

Passive smoking can be just as damaging to one's health as smoking. This is why I am so supportive of this Bill. It is about protecting children and safeguarding their health. This Bill will create a new offence of smoking in a vehicle in a public place in which a child is present. Basically, it will be against the law to endanger children's health by smoking in cars. An Garda Síochána will be responsible for enforcement and can impose a fixed-charge notice or fine. I agree this legislation will be "self-policing" in many cases and that members of the public will abide by this new law and indeed will encourage others to do so also. Most parents are sensible and prioritise and protect their children's health. However, there are some who continue to put their own addiction ahead of the health of their children and that is why this legislation is necessary. An increasing number of countries, including Canada, Australia and, most recently, England, have either banned or are in the process of banning smoking in cars with children. A clear message must be sent out on this issue. Members are not trying to be heavy-handed but are merely trying to alert people to the very real dangers of smoking and passive smoking.

I also take this opportunity to welcome the standardised packaging of tobacco legislation, which was debated in this Chamber last week. The passing of that Bill will see Ireland become the first country in the European Union to introduce legislation on plain packaging and the third country worldwide after Australia and New Zealand.

I was pleased to hear the Minister, Deputy Reilly, welcome the announcement by the French Minister for Health last week that France plans to follow Ireland and introduce standardised packaging for cigarettes. This is a positive move and we should be proud that we are leading other countries in protecting people, especially the young and the old, from the dangers of smoking through the introduction of standardised packaging. Research by the Irish Heart Foundation and Irish Cancer Society has shown that the visibility of graphic warnings on plain packs would encourage teenage smokers to quit smoking.

Sadly, when it comes to smoking, especially for young people, it is all about image. According to the Irish Cancer Society, eight in ten smokers begin smoking before they turn 18 years of age. The tobacco industry sees packaging as its key marketing tool, which is why it is very important to introduce plain packaging and put an end to the so-called glamourisation associated with smoking, especially for young people who believe it is cool to smoke. Plain packaging has been shown to reduce the appeal of tobacco to young people and to increase negative feelings towards tobacco.

Together, both these items of legislation will go a long way towards helping Ireland to become a tobacco free society, and I commend this Bill to the House. I say to parents, grandparents, aunts and uncles to put their children first and not their addiction. That is the message that should go out from this debate.

Deputy Mary Mitchell O'Connor: I am delighted that another step is being taken towards making Ireland a tobacco-free place. It beggars belief that less than one generation ago many people went around smoking in the workplace, did not wear seatbelts and even drove under the influence of alcohol. Thankfully, all of these practices have been addressed over the years. Today, no one would even dare smoke in the office, not wear a seatbelt or drink and drive unless he or she was stupid. That is because of two developments. It has become morally unacceptable and it is a punishable offence. This Bill will have the same positive lasting impact.

I welcome the strong disincentive to smoke in a car in the presence of children by making it a punishable offence with a fine of up to €1,000. Unfortunately, the very fact that exposing children to second-hand tobacco will increase their chances of developing illnesses such as pneumonia, bronchitis, middle ear infections and even cancer is not enough of a reason for some people to stop smoking in a car. The risk of being liable to pay a fine of up to €1,000 will undoubtedly make those people think twice. We have been protecting workers since the introduction of the workplace smoking ban in 2004 but not children, which seems bizarre. I am therefore delighted that this Bill will finally correct that anomaly. It will quickly make the idea of smoking in a car in the presence of a child simply wrong. It will become socially and morally unacceptable. We see it already with the smoking ban. If anyone dared to smoke in an indoor public space, they would be immediately stared at, made feel uncomfortable and most likely asked to stop. This is because it is no longer an accepted society norm. When we go abroad to countries that do not have a smoking ban, the first complaint we have is how unenjoyable our evening was because of the unwelcome suffocating feeling of smoke in the restaurant or bar. Anybody who sees an adult smoking in a car in the presence of a child will take immediate offence and make it very clear to the individuals concerned that a law is being broken and that a child is being harmed. It is very important that this forms part of an overall approach to a tobacco free Ireland.

As Senator van Turnhout stated, we must denormalise smoking. I am confident that in the long term this Bill will be very positive for the country just as the smoking ban was. I am hopeful that prosecutions will eventually not even be necessary. Children and parents will be aware of it and people will understand that this is something they should not do. The society norm will be not to smoke in a car rather than *vice versa*. Adults will become responsible and recognise that they are putting helpless young lives at risk. Children cannot protect themselves from this risk and, therefore, we, the Government, must do so.

I am not naive enough to believe that this legislation will not encounter stumbling blocks. The tobacco industry continues to flex its muscles over the plain packaging Bill, on which I and other health committee members have worked. The plain packaging Bill has faced strong op-

position not only from within Ireland, but from the US, the UK and anywhere a tobacco giant is based. The tobacco industry has rafts of lawyers poring over everything we do and say, looking to find weakness in law and a rationale for a challenge. Let me say loud and clear to the tobacco industry that this country will not be bullied by it. We, as elected representatives, have a duty of care to the Irish people. We are not for turning on the plain packaging Bill.

This Government will protect the health of the Irish people. We will take on the tobacco industry and fight it in the courts, if necessary. The tobacco industry needs to back off. The simple fact is that tobacco is the only product we know of that, when used as directed by the manufacturer, kills one in two of those who use it regularly.

I fervently hope that this Bill moves through the Dáil and the Seanad quickly and does not encounter delays as a result of the money-hungry, health-ignorant tobacco industry. I commend my colleague, Senator John Crown, an eminent oncologist, who is here listening to the debate. I also know that Senators van Turnhout and Daly and the Minister have put a great deal of work into fighting the tobacco industry and making sure that we protect our children and the Irish people.

An Leas-Cheann Comhairle: The next speaker is Deputy Bannon and he is sharing his time with Deputies Walsh and Fitzpatrick.

Deputy James Bannon: I welcome the Minister, Deputy Reilly, to the House. I take this opportunity to congratulate the initiative of Senators Crown, Van Turnhout and Daly on having put forward this Bill. I am also delighted that Senator Crown is here listening to this debate. As a former member of Seanad Éireann, the progression of this Bill is a clear testament to the significance and value of the Seanad to the legislative process, post the referendum.

Since the introduction of the workplace smoking ban in March 2004, there has been much greater awareness around the dangers of smoking and second-hand smoke. Tobacco smoke is a mixture of gases and particles. It contains more than 7,000 chemical compounds. More than 250 of these chemicals are known to be harmful and at least 69 are known to cause cancer. Children are particularly at risk from the effects of second-hand smoke. Their bodies are still growing, they breathe at a faster rate than adults and they are also less able to avoid or reject it. Breathing second-hand smoke can cause young children serious illness and will increase the chances of them experiencing health problems in the future.

Many Deputies have already outlined the various illnesses that can be caused by second-hand smoke and the likes of lung disease, pneumonia and deafness in children are the most destructive. The greatest step smokers can take to improve their health is to stop smoking. Almost 1 million people in Ireland smoke on a regular basis. The Minister outlined that 5,200 people die from smoking each year. That is 5,200 families, friends and communities who are affected by smoking. I can only imagine the number of people affected by second-hand smoke.

It is known that one in every two smokers will die from a tobacco-related illnesses and it is also clear that anyone who smokes reduces his or her life expectancy by up to 15 years, even having stopped for some time. While health professionals try to address patients' smoking habits on a daily basis, the individual must take the final decision to quit. The more smokers engage with health professionals, the more awareness about the dangers of second-hand smoke will add to their realising and understanding the dangers smoking poses to themselves and everyone around them. I am delighted when people returning from hospital say the first question

the surgeon or specialist asked was whether they smoked. People have been told they owed their lives to the fact that they did not smoke. There is a lesson in this for everybody.

I welcome the legislation, which will play its part in improving the health and well-being of the Irish population. I have already outlined the threats children are under from the effects of second-hand smoke. The Bill will protect children and work towards reducing the possibility of children suffering from serious diseases as a result of being exposed to second-hand smoke. There is no safe level of exposure to second-hand smoke. Exposure to cigarette smoke is particularly dangerous in enclosed spaces, such as cars. Adults have a duty and a responsibility for the welfare of children and this must extend to not exposing them to the dangers of second-hand smoke.

The Bill includes the legal principle of holding a driver liable for smoking occurring in his or her car in the presence of a child, regardless of whether he or she is the smoker. It is very important that defences have been put in place in the Bill for the driver, for example, that the driver made all reasonable efforts to prevent the passenger from smoking. However, I have doubts, for example, if two adults and a child are in a car, the adult passenger in the car is smoking and, as a result, the car is pulled over by a member of the Garda Síochána. How can the driver prove that he or she made all reasonable efforts to prevent the passenger from smoking? I do not see how it can be proven and there is much ambiguity around the issue. It could be the driver's word against that of the passenger. I would like clarity on how the driver can prove he or she did everything possible to stop the passenger smoking.

While we talk about the dangers of second-hand smoke and work towards reducing it in legislation, we do nothing to lead by example here in the Houses of the Oireachtas. Visitors, staff and members are greeted each day by smokers standing outside the front doors of Leinster House and Leinster House 2000. It is foolish of us to sit here and legislate for the people of Ireland on second-hand smoke when we cannot even control it right here on our doorstep. The ashtrays should be removed from outside the doors of the Houses of the Oireachtas. If people want to smoke, they should get outside the gates of Leinster House to do so.

Deputy Brian Walsh: I am pleased to have an opportunity to speak on the Bill. This is the second time in two weeks I have been here to support the Minister, Deputy Reilly's legislation on discouraging people from smoking. Last week, we discussed his legislation on plain packaging. This Bill represents another milestone in the Government's tobacco control campaign, much of which has been led and inspired by the Minister. His public health endeavours will form a formidable and lasting legacy. As I said here last week, many in this House were economical in their praise of the Minister in his previous portfolio. However, even his most ardent detractors must applaud the determined efforts that have brought us to this stage in the fight against tobacco. Other protagonists also warrant praise for their contribution to progress in this area. Senators Crown, van Turnhout and Daly are to be commended on initiating this legislation. Senator Crown in particular has been iconic in his efforts to highlight and combat the dangers of smoking. His advocacy, action and expertise in this area have been very important in stimulating and informing debate on the subject within and outside the Oireachtas.

Tobacco control legislation that comes before the Houses is often met with dissent from a tiny minority of Members who view such provisions as an attack on smokers' rights, and we saw an example of this earlier in this evening's debate. Deputy Finian McGrath is usually left fuming in such scenarios and decries the persecution of smokers as if it were the prevailing civil rights issue of our generation. However, I hope Deputy Finian McGrath will see through the

smoke on this Bill because it seeks to protect children from health risks arising not from choices they make, but from choices others make.

As many have already said this evening, second-hand smoke is toxic and carcinogenic and, in children, is recognised as a risk factor in a host of illnesses, predominantly respiratory illnesses such as asthma, bronchitis and pneumonia. In the confines of a car, second-hand smoke is concentrated and inescapable. It is right that people should be protected from having to spend time in such an environment and it defies reason that children should have to be ferried around in mobile smoke chambers. The Bill is most welcome and is a natural continuation of the Government's efforts to denormalise smoking and protect people from the ill effects.

I have no serious concerns regarding the legislation, only one observation. Over the past year in particular there have been moves to impose a smoke-free campus policy on many of our public hospitals. While it is difficult to argue with such a decision in principle, there is a problem in that it is not being enforced. I visited a hospital in Galway on several occasions during recent months and hospital doorways are still populated by patients who have nipped out for a quick cigarette. The smoking ban on hospital grounds is not being enforced, and it is easy to see why. For example, in the case of psychiatric patients, whose mental health must take priority over their physical condition, a sudden smoking ban could do more harm than good. In the case of terminally ill or immobile patients, it seems punitive to send them on a pilgrimage to the front gate of a hospital to smoke. Perhaps the allocation of outdoor smoking areas on the grounds of hospitals was an adequate provision.

It is a complex issue and I do not pretend to have all the answers. Although it was a good idea by the hospitals and the HSE, we should not make rules which we do not intend to enforce. To do so to do so could undermine rules we introduce in other areas. A lax approach to tobacco control in this instance could have implications for compliance with tobacco controls in other areas. I do not envisage such problems in the case of this Bill. I am pleased and reassured that the Garda Síochána will be tasked with enforcing the provisions of this law and that under the legislation they will be in a position to issue fixed-charge notices.

7 o'clock

The Bill is a welcome step towards a smoke-free future. I congratulate the Minister, and the Senators I mentioned, in promoting this legislation.

Deputy Peter Fitzpatrick: The Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 is to prohibit smoking in cars where children are present. It will be enforced by the Garda Síochána.

The Bill stems from a growing range of legislative and other policy initiatives designed to reduce smoking and smoking-related illness over previous decades. Some of the key legislative and policy initiatives to date have been the establishment in 1997 of the Quitline service to support smokers in giving up, the ban on tobacco sponsorship in 2000, the raising of the age limit to 18 years at which a person can be sold tobacco products, which was introduced in 2001, the introduction of the workplace smoking ban in 2004, the ban on the sale of cigarettes in packets of ten and the ban on confectionary which resembles tobacco products in 2007, the ban on the advertising and display of tobacco products in retail outlets in 2009, the introduction in 2009 of registration requirements for retailers wishing to sell tobacco products, the introduction of graphic warnings on cigarette packets in 2013, and the publication of Tobacco Free Ireland in

October 2013.

The aim of Tobacco Free Ireland is to reduce the harm caused by tobacco use, to make Ireland tobacco-free by 2025, to undertake a social marketing campaign focusing on the risks to children from exposure to second-hand smoke, with particular reference to smoking in cars, and to develop and introduce legislation prohibiting smoking in cars where children are present, based on international evidence and good practice.

Since the introduction of the workplace smoking ban in March 2004 and other tobacco control measures, there is a greater awareness of the risks of smoking and exposure to second-hand tobacco smoke. It is recognised that smoking in cars exposes all the occupants to harmful second-hand smoke. Second-hand smoke is a carcinogen and contains the same cancer-causing substances and toxic agents that are inhaled by the smoker. There is no safe level of exposure to second-hand smoke.

Exposure to cigarette smoke is particularly dangerous in enclosed spaces, such as cars, and parents and others with responsibility for the welfare of children have a particular responsibility to ensure such exposure does not take place. Exposure to second-hand tobacco smoke is a recognised risk factor in the development of asthmatic symptoms in children, and increases the risk of other illnesses, such as pneumonia, bronchitis and middle ear infection.

A child is defined in the Bill as any person under the age of 18. It specifies that a person who smokes a tobacco product in a vehicle in which a child is present shall be guilty of an offence. This also applies in situations where the smoker is under the age of 18 years and is in the presence of another child. Where this offence is committed by someone who is not the driver, the driver shall also be guilty of an offence.

The Bill also contains defence provisions. A defence exists where the person smoking reasonably believed that the others present in the vehicle were over the age of 18. There are also defences for the driver. One defence is that the driver was unable to stop the other person from smoking because he or she did not wish to take any action which might compromise the safety of the passengers.

An Garda Síochána will have powers under this Bill. Where a member of the Garda believes that a person is smoking in a vehicle with a child present, he or she may ask the driver to stop the car and take the name and address of any person who may be committing an offence. Where a person fails to stop the car or to give his or her name and address or provides false information, he or she shall be guilty of an offence. A person who is guilty of an offence under the Bill shall be liable on summary conviction to a class D fine. A class D fine is currently a fine not exceeding €1,000. That means the person will be prosecuted in the District Court.

It is difficult to assess precisely how many children will be affected by the proposed measure, as this depends on the number of smokers who smoke in cars with children, and there are no precise data on this. The total number of licensed vehicles on 31 December 2013 was 2,482,557, of which 1,910,165 were private cars. While all these are potentially affected, clearly not all will be directly affected.

Census 2011 recorded 1,148,687 children at or under the age of 17 years. It also collected data on the commute to primary and secondary school. A total of 296,711 students aged between five and 12 years travelled to school by car in April 2011, accounting for 61% of all students within that age category. Primary school children who were driven to their place of

education had an average journey time of 12 minutes in the towns and cities, and nine minutes in rural locations. At second level, of 126,172 students, approximately 40% travelled as car passenger, and an additional 6,339 pupils, or 2%, drove to school.

I commend the Minister, Deputy Reilly, on the Bill. I also thank Senators Crown, van Turnhout and Daly for their contribution towards the Bill. Just because I am a non-smoker does not mean I am anti-smoker. People themselves realise the amount of damage that smoking can do. I myself have experience of this as my father died at the age of 71 after being diagnosed with lung cancer.

I commend the Bill to the House and I wish the Minister the best.

Minister for Children and Youth Affairs (Deputy James Reilly): I acknowledge the presence of Senator Crown, one of the three Senators who promoted this Bill in the Seanad. I am pleased as Minister for Children and Youth Affairs to see so many young people in the Gallery because this Bill very much relates to an area that affects them.

This is about smoking in cars where children are present and it has received a lot of attention over the past year. The Bill has contributed to a welcome focus on smoking and the damage tobacco does. If we wish to change our lifestyle behaviours successfully, mobilising public awareness on any issue is an important step. To those who complain that this Bill is about the nanny state, I say let us be clear on one point: this Bill is not about restricting the rights of smokers but about protecting the health of children. Children's exposure to second-hand smoke in cars is involuntary. They have nowhere to go. They may not be aware of the dangers of exposure to this smoke and they are not able to remove themselves from that risk if people smoke around them.

There needs to be a greater awareness among adults of the risks of smoking and exposure to second-hand tobacco smoke. As previous speakers have said, second-hand smoke is every bit as carcinogenic as what the smoker inhales. It contains the same cancer-causing substances and toxic agents that are inhaled by the smoker. There is no safe level of exposure to this smoke. It is obvious that exposure to cigarette smoke is especially dangerous in enclosed spaces, such as cars. Compared with adults, children breathe more rapidly and have a less developed immune system. They are more susceptible to the effects of second-hand smoke.

Parents and others with responsibility for the welfare of children have a particular obligation to ensure such exposure does not take place. While I am in no doubt that all parents, relatives and carers want to protect the health of the children in their care, sometimes the onus is on us, the policy and law-makers, to remind them of their obligations in this regard. We all have a duty to protect children from exposure to smoke. The introduction of this legislation is a way of reminding those who care about the welfare of their children not to light up in a car when children are present. It will also serve as a punitive measure for those who knowingly continue to disregard the welfare of children.

A number of other countries have introduced similar legislation. The countries tackling the problem of second-hand smoke in cars include Australia, Canada, some states in the USA, Cyprus and France. The United Kingdom is in the process of introducing such legislation and no doubt many other countries will follow suit. While numerous pieces of research have been carried out in other jurisdictions, only one relevant piece of research has been carried out in Ireland. The TobaccoFree Research Institute Ireland has conducted research to estimate the

prevalence of second-hand smoke exposure in cars in Ireland. The research, which covered almost 3,000 children aged 13 to 14 years indicated that 14.9% of children were exposed to smoking in cars.

As Minister for Children and Youth Affairs I have a particular interest in the welfare of children and, as such, I am pleased to be in a position to bring the Bill through the legislative process in the Dáil. I again thank Senators Crown, van Turnhout and Daly, and all other parties involved in bringing the Bill to this point, including the Department of Justice and Equality and the Department of Transport, Tourism and Sport. I thank the Garda Síochána in particular for its ready acceptance of its key role in the implementation of the legislation.

I wish to comment on some of the contributions. Deputy Billy Kelleher spoke about the use of youth organisations to spread the message on the legislation and on other issues. When we spoke about the plain packaging Bill last week I mentioned that I had visited youth organisations in Ballinasloe and Loughrea in particular that had won an award for a poster, which conveyed in a much better way than adults could to people their own age the message on the dangers of smoking. We will certainly engage in such an approach.

Deputy Maureen O'Sullivan spoke about the extra work for the Garda. The reality of the legislation is that it will in the main be self-policed. In other words, when people are sitting in traffic and see an adult smoking in a car with a child present they will take action. The opprobrium and peer pressure that will descend on people who will ignore the law will mean there will be very few convictions because people will not break the law. I commend the Garda on its willingness to become involved.

Deputy Maureen O'Sullivan also suggested that the money raised in fines should go to the campaign. However, the Exchequer tends to take all moneys raised from other fines and we then distribute them. I fully acknowledge her point, echoed by other Members, on alcohol and drugs being equally problematic. It was never the case of one or the other. We must tackle all those problems.

Deputy Finian McGrath's contribution was interesting. On the one hand he supports the Bill and the principle behind it, but on the other hand he attacks us for being a nanny state and he challenges us to leave smokers alone and stop bullying them. He referred to the problems of illegal cigarettes and violent criminal groups. I wish to make it clear, as I have done in every speech I have made on the subject: we are anti-smoking, not anti-smoker. We will do our best to support smokers in every way we can. My colleague, the Minister for Health has done that also and I have no doubt he will continue to do so. The Department is very supportive of smokers and helping them to quit.

The most important point is that one should never start smoking because it is so hard to quit smoking. I have seen patients in chest wards going out to the toilet with the oxygen cylinder on their back to have a cigarette, putting themselves and the whole ward at risk of an explosion. That is how desperately addictive smoking is. My own brother, who was a doctor and public health specialist, an epidemiologist, could not stop smoking and it killed him at the age of 60. The trick is not to start. We must protect children from ever starting and that is what the plain packaging law is about. In this Bill, we are not picking on smokers; we want to support smokers, but we must protect children. It is not a nanny state issue. It is about the right of children to a safe environment. There is no question of bullying the smoker.

The old chestnut of illegal cigarettes is again one of the industry's ploys. We know that 90% of illegal cigarettes are contraband, that is, they are the cigarettes of the tobacco companies produced elsewhere and smuggled in illegally. Less than 10% of illegal cigarettes are counterfeit cigarettes.

When we are drawing up the regulations we will examine the higher fines to which Deputy Breen referred that are in Australia and other jurisdictions. I too wish to be associated with his comments about the very brave, late Gerry Collins, who made the advertisements, and to commend him and his family for showing such bravery and generosity and no doubt saving many other families from similar hardship in the future. Deputy Harrington spoke about young people in Florida and the truth campaign. We will have a look at that.

The debate on e-cigarettes is for another day because the evidence does not exist in the same way as it does for tobacco. Deputies Catherine Byrne, Mary Mitchell O'Connor and Joe O'Reilly all spoke in support of the Bill. Deputy James Bannon spoke about cigarette smoking around the House. That is a debate for another day as well.

I thank Deputy Peter Fitzpatrick for his support also. I thank all Deputies and parties on this side of the House and in the Opposition for their support on this important legislation. I also thank the Senators for initiating the Bill in the Seanad and for their support on many other initiatives on smoking such as the plain packaging Bill and trying to protect children from starting to smoke. I commend the Bill to the House.

Question put and agreed to.

**Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles)
Bill 2012: Referral to Select Committee**

Minister for Children and Youth Affairs (Deputy James Reilly): I move:

That the Bill be referred to the Select Sub-Committee on Children and Youth Affairs pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1).

Question put and agreed to.

Sitting suspended at 7.15 p.m. and resumed at 7.30 p.m.

Agriculture Industry: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Éamon Ó Cuív on Tuesday, 7 October 2014:

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,

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with a further 14% decrease in Pillar 2 payments;

— that the long-term sustainability of the agrifood 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 agrifood 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 agrifood 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.

Debate resumed on 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 2014-2020;

— 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 agrifood sector;

acknowledges:

— the dramatic increase in agrifood output and exports under this Government’s stewardship of Food Harvest 2020 to €10 billion;

— that the long-term sustainability of the agrifood industry in Ireland requires a continued focus on improving profitability on Irish farms and on competitiveness and efficiency along the supply chain;

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

— the need to ensure a level playing field between all actors in the agrifood 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 agrifood 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 agrifood sector and improve the profitability of Irish farmers.”

- (Minister for Agriculture, Food and the Marine, Deputy Simon Coveney)

Deputy Mick Wallace: As a result of non-existent support for indigenous industry and a slavish enthusiasm for foreign direct investment, the agriculture sector is by far Ireland’s largest home-grown industry and it is vital to us. To safeguard agriculture we must give greater support and protection to small farmers - not just large, intensive farmers - who may have to adapt to environmental pressures in the coming years. Farming will have to change due to environmental targets and we will regret it if we allow more small farmers to disappear through the cracks. Farmers need the support and protection of the Government to stay in business.

Fianna Fáil’s motion makes reference to suckler cows and I support this aspect in particular as it is an area deserving of Government support. Suckler cow farmers are usually small farmers and it is not long since they received €8 a head for calves. The overall cap is now set at 50 calves - the farmer gets €20 a head for the first 30 calves and €10 a head for the remaining 20. This is some distance from the support the Government previously gave. The suckler cow scheme accounts for around one third of Irish beef calves and they provide the best quality beef

in Ireland. Around two thirds of Irish beef calves come from the dairy herd but the quality is not as high, which is all the more reason the suckler cow scheme needs Government support.

The 2013 national farm survey published in May noted that the average family farm income in 2013 was almost unchanged from 2012 at €25,600. However, the average figure conceals dramatic differences between different types of farm. The average dairy farm income increased by 31% while non-dairy farms saw a decline in average income in 2013.

Irish farmers are being disenfranchised by processes that are occurring in secret - specifically, the EU-US transatlantic trade and investment partnership, TTIP, deal that is due to be signed in 2015. It has been very difficult to discuss TTIP in this House and the media has taken little interest but it is a serious threat to Irish farmers. TTIP will see huge quantities of US beef enter Europe, which will impact on Ireland's sale of beef to the rest of Europe. Regulation in this area in the US is very inferior to regulation in Ireland and Europe. In the US, growth promoting hormones may be used on cattle and we will not be able to produce beef as cheaply as the United States because we have tighter regulations. If the TTIP deal is signed, huge pressure will be applied in Ireland and throughout Europe to lower the standard of regulation to allow competition with the US. It is predicted that US food exports to the EU will increase by 120% by 2025 - this is double the projected increase in EU food exports to the US. Ireland will be on the receiving end of this because there is very little of value to Irish agriculture in the TTIP. Irish farmers should stand firm on this.

Deputy Seamus Healy: I wish to focus on the staffing crisis at Teagasc. The public sector embargo on recruitment and promotion has had a huge impact on the ability of Teagasc to deliver education and advisory services at a time when demand is growing on a daily basis. The number of people enrolling at agricultural colleges has rocketed and the need for innovation in the agri-sector is growing rapidly. Teagasc has taken a huge hit on staffing and the overall number has fallen from 1,600 in 2009 to 1,000 this year. This huge cut in staff has impacted on Teagasc's main areas of activity: education, advice and research. Regarding education, the number of college students enrolling in these courses has soared by 144% - it reached 1,500 this year and that is three times the figure of a few years ago. However, staffing levels have not kept pace and there is a shortage of teachers. Teagasc has indicated it may have to cap the number of students in such courses. It is difficult to increase class sizes in such circumstances and it might even be dangerous to do so because of health and safety issues relating to machinery and animals. The colleges in Clonakilty and Pallaskenry have been particularly badly hit.

The advisory service has been seriously affected and the number of staff there has fallen from 400 to 250 in the past four years. It is simply not possible to give the type of service necessary. Research has also been hit and six senior researcher posts have not been filled. It is a hugely important area and the Minister should lift the embargo immediately.

Deputy Tom Fleming: The agriculture and food industry in Ireland is probably the single biggest factor in the continuing recovery of the economy. It contributes €24 billion to the economy and is responsible for nearly 10% of Irish exports. Agriculture provides 7.7% of employment in Ireland and this figure increases to 10% when marketing and processing are included. In addition to its immense contribution to the national economy, agriculture has a broad regional spread and is the lifeblood of rural communities. Rural Ireland is home to what is becoming our most important industry, one that offers great potential.

Co-op marts are thriving and the live auction system allows a certain volume of stock to

be sold and exported live, thereby providing farmers with a valuable force to counteract the dominant position of a small number of privately owned beef processing factories. However, the dominant position mentioned is compounded by the application and interpretation of questionable movement and labelling restrictions on mart auction livestock. These restrictions are implemented by processing factories and large UK retailers under the pretext of animal welfare and quality considerations but they have hampered live cattle exports from Ireland to the UK and stifled competition. There has been a negative impact on the price of such cattle at livestock marts. Will the Ministers of State convey a very strong message to the Minister, Deputy Coveney, to urge him to do his utmost to address the ridiculous beef crisis and accelerate his endeavours to access new sustainable markets? Huge opportunities exist in the growing markets in China and India due to changes in lifestyle and more people choosing beef products. The live cattle export trade situation is exacerbated by the Russian ban.

The global demand for food is constantly growing and we have quality products to supply the market. Last weekend I saw the potential for quality food products in this country demonstrated at a huge food festival in Dingle. It was a great success with micro-producers who had a huge variety of indigenous produce. I am very sorry the Minister of State, Deputy Hayes, was not able to attend but perhaps he will do so next year. It is going from strength to strength. I congratulate the Minister of State, Deputy Ann Phelan, on her elevation.

Acting Chairman (Deputy Liam Twomey): There are eight speakers in the next slot, namely, Deputies Andrew Doyle, Pat Deering, Tom Barry, Helen McEntee, Michelle Mulherin, Noel Harrington, Martin Heydon and the Minister of State, Deputy Ann Phelan. I presume the Deputies know how much time they each have so the clock will show the 30 minutes of the full slot.

Deputy Andrew Doyle: I welcome this opportunity to speak on this Private Members' motion. I wish to clarify that the Pillar 1 single farm payment in Ireland will be reduced by €42 million over a six year period.

It has been stated in the House that food and food production are fundamental necessities of living, which means primary producers must always exist. As Deputy Stanley stated yesterday evening, one third of all farms in the country are not viable. As such, something is wrong with our model. To purely subsidise an industry without taking cognisance of the impact of this is not an effective way to give an adequate income to farmers. Farming is a business and several key measures must be taken to make farming a viable and profitable business. These include putting it in the hands of young trained people, but there is no mention in the motion of land mobility or access to the land for young people who are properly trained and focused, with the best of knowledge and research available to them, and with the support of other sectors such as banking.

Farmers should be given the power to negotiate and given a proper powerful position in the food chain. People are now prepared to show goodwill towards organising and legalising producer groups. We have seen how it can be done in a very effective way in Scotland with regard to shellfish production.

The evidence suggests the difficulties with regard to prices are improving. Four or five years ago, when the dairy milk price was at its lowest, co-ops were reducing the price. In the main these are farmer owned, but it is hardly likely the prices were being reduced by a cartel of farmer-owned co-ops. We should bear in mind there must be a balance in all of this.

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The beef industry in particular is being discussed. This is probably the country's single biggest component of agricultural production and exports. Traditionally it has not been the most profitable, unless one goes back many years. There has been a difficulty because it has always seemed that for one player in the beef sector to do well it must be at the expense of another. I am involved in the industry, and there has been no proper trust, dialogue or respect between the various stakeholders in the beef sector. To this end everybody with a desire for a stable and secure beef production chain needs to engage positively with the forum.

Presentations have been made to the Oireachtas Joint Committee on Agriculture, Food and the Marine by various farming organisations and other representative groups. It is noticeable that when organisations such as Macra na Feirme, the young farmers organisation, and the Irish Farm Managers Association, members of which are not generally landowners, come before the committee all they ask is for the gate to be opened so they can proceed. They do not ask for a leg-up over the gate; they want a taxation code and structure to allow them farm whereby they make a profit and receive income from production at the farm gate.

Deputy Pat Deering: I am pleased to have an opportunity to say a few words on this important issue for Ireland. I am also pleased to see that Fianna Fáil has begun to realise the importance of agriculture to the Irish economy. For many years this was not the case but I am glad to see it is now.

Deputy Timmy Dooley: Where did Food Harvest 2020 come from?

Deputy Pat Deering: I come from a town in Carlow where the sugar industry was closed down by Fianna Fáil. The town has never recovered. I am pleased to see this evening that Fianna Fáil is beginning to remember the importance of this industry.

CAP reform has been one of the big issues in the past year and much has been made of it. Some people are critical of it and others are not. I am still waiting to see Fianna Fáil's policy on CAP reform. Deputy Ó Cuív suggested a €400 maximum amount per hectare should be allowable. Would Deputies Kirk and Moynihan agree with this? I am not so sure. Is Fianna Fáil in favour of the flat rate system?

Deputy Éamon Ó Cuív: No, we are not.

Deputy Pat Deering: What is Fianna Fáil in favour of? It flip-flops continuously on the issue. The farmers of Ireland-----

Deputy Timmy Dooley: Deputy Deering might talk to his colleagues on the west coast.

Deputy Pat Deering: -----need to know exactly where Fianna Fáil stands on this matter.

Deputy Éamon Ó Cuív: Read the document.

Deputy Timmy Dooley: I know we are asking a lot of you.

Deputy Pat Deering: Much was made during the year of the difficulties in the beef industry and nobody would disagree with this. As a result of the difficulties, round-table discussions were established and to a certain extent these have been successful and need to be built on. Having all the stakeholders involved around the table is essential. There needs to be transparency in the area and this will be very important. A recommendation from the round-table discussions was the establishment of producer groups, which Deputy Doyle mentioned. These

will be essential to give farmers buying power, which is very important.

The Competition and Consumer Protection Bill is another aspect to the motion. This time last year the Joint Committee on Agriculture, Food and the Marine did much work in this regard and discovered a number of anomalies. It published a report which recommended a statutory code of conduct. At the time I favoured this, but a Bill was passed in the summer which means regulations will be introduced and these will have more teeth. I encourage the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, to introduce these regulations as soon as possible to ensure we have fairness in the system. I welcome the comments made last week in this regard by the European Commissioner-designate, Mr. Hogan. I congratulate him and wish him well. I have no doubt he will carry the Irish flag high throughout Europe and unlike Fianna Fáil in the past, which refused to take up a particular position-----

Deputy Timmy Dooley: What?

Deputy Pat Deering: -----he will not be found wanting in this regard.

Deputy Timmy Dooley: Who is briefing that fellow?

Deputy Tom Barry: I welcome the opportunity to speak on agriculture. I represent the active farmer, which is important because we have many inactive farmers. What I do not like about the motion is that it represents a compensation culture, which is not where we want to go. What are the results of a compensation culture? Our beet industry is gone because of compensation. I thank Deputy Éamon Ó Cuív for his support in trying to bring it back. I was a young farmer in 1983 when one could not expand dairy herds because of the quota. We do not want to go there. Young farmers at the time abandoned colleges because there was no future for them. Opposition Deputies should not complain that the funds are down. We did not have an agriculture Commissioner and they know well why we did not have one. When we got one, his views on land and farming were completely different from what we have in this country. He also partitioned with the Greens and one has only to look at the results - no winter ploughing and difficulties with phosphates. We are changing that but it has led to a great deal of hardship for farmers. It is a very narrow viewpoint of the world.

The motion does not refer to tax reform. We need to free up land and reduce the dependence on conacre which is hammering the active farmer.

We have a very well educated workforce. We have invested in this workforce and we want these educated people to achieve their potential.

We also need to look at this in the rural environment not just from a narrow farming point of view. We need to look at getting innovation into our rural industries and encouraging people to move into diversification. The Common Agricultural Policy legal framework proposal contained a very good initiative, which fell through eventually, to give €85,000 per household to those who went on to diversify. We need to look at this. In times when agriculture suffers, diversification will provide people with an income.

I do not agree that throwing money at farming provides a panacea. We need sensible policies to encourage the people who are farming. I do not like a cribbing culture. Farming is not about a cribbing culture but is about production, looking forward positively and helping people to help themselves.

Deputy Helen McEntee: I welcome the opportunity to speak on this Private Members' motion on our largest indigenous industry, agriculture. We do not need a Private Members' motion to tell us; the facts speak for themselves. We have secured €10.7 billion in CAP funding and have added an additional €1.9 billion ourselves. I do not think we could make it any clearer how important agriculture has been and continues to be not just for the country but for the recovery of our economy, and not just for the beef sector but for all sectors.

We are talking about the beef sector in this debate. No one could deny that sector has had a tough few months and a difficult year. Prices are down 10% on last year even though we had an all-time high in prices last year. Farmers who bought store cattle at very high prices last year are losing money. They are not even breaking even. While we have a problem there, we cannot fix the prices. Prices are determined by supply and demand, and by influence of production, length of production, life cycle, market conditions, consumer confidence and so on. We know that confidence and demand for beef has dropped this year, not just in Ireland but everywhere. We have a surplus of more than 40,000 animals. We need to bring confidence back into the industry. We need to invest in the industry and we need to invest in our young farmers.

We all acknowledge that the horsemeat scandal has not done us any good, but we certainly have an excellent reputation in Ireland, especially when it comes to our traceability. Our animals are clean which is why we can see markets opening up again in the US and, one hopes, in China. I believe we will see the surplus of 40,000 slowly disappear and the process start to regulate, but we should not sit by and do nothing.

There is mistrust between the farmers and the factories. The factories had much to do with what has happened recently, as the Minister, Deputy Coveney, has acknowledged. He has spoken to the factories, but that is not enough. I welcome the efforts being made to try to balance the power along the supply chain through the Competition and Consumer Protection Bill. A number of people spoke about the establishment of a producer organisation in the beef sector. I have seen how Monaghan Mushrooms works. It is an excellent establishment and an excellent way of working. It could work for this industry. Certain problems could come along with that. We need to look at possible processor feed lots. We have to be very specific in referring to the herdowner and things like that, but I think that can all be addressed in time.

We should not throw money at the problem. We need to invest. We are investing more than €40 million through different schemes this year, and we can build on that through the rural development plan that was submitted to the European Commission. I hope that with our new Commissioner for Agriculture and Rural Development, we will be able to get something out of that.

We have an issue with losing Teagasc advisers in County Meath. I have raised it with the Minister on numerous occasions and I know he is working on it with the Minister for Public Expenditure and Reform, Deputy Howlin. I ask him to continue working on it.

Deputy Michael Creed: I welcome the opportunity to say a few words in the debate. In view of the level of interest in the topic among all parties, perhaps the Whips might consider arranging a day-long debate on agriculture. It is very difficult to make a meaningful contribution in three minutes.

There is undoubtedly a problem in the beef sector. Depending on whom one listens to, there are a myriad of reasons for it and a myriad of solutions. It is important to remember we export

90% of what we produce. There is a very significant contrast between the dairy industry and the beef industry. The dairy industry is much more integrated. There is a relationship between the primary producer and the processor. That is not exclusively but primarily because of the co-operative structure which owns a considerable amount of the processing facilities. With beef it seems to be a continual fractious relationship between the primary producer and the meat plants. In the long term that is not a recipe for a successful enterprise.

I welcome the Minister's beef forum initiative. We need to move towards more contract-based production which would give certainty in the area of price. There is a tipping point in the debate and we need to be very conscious of the consequences of going beyond that in terms of the continual criticism of retail outlets and processors in the beef sector. That is not to say neither is beyond criticism. We could have very useful contributions in a wider debate on how few players are involved in the processing sector in Ireland. If we go too far, however, there is a significant danger we might alienate customers. If some very significant purchasers of Irish beef, such as McDonald's and Tesco, are continually pilloried, there is a danger that they could strike back.

There is another opportunity farmers could consider taking up but should consider history. Kildare Chilling is rumoured to be for sale. Perhaps it is time for farmers to consider whether they wish to enter the processing industry. There is previous history in this regard when Cork Marts got involved in meat processing back in the 1970s. It had plants in Grand Canal Street in Dublin, Leixlip and Midleton. Interestingly, Kerry Co-Op ultimately took over the Midleton plant. Cork Marts could not get out fast enough.

Acting Chairman (Deputy Liam Twomey): The Deputy should conclude.

Deputy Michael Creed: I will conclude on this point. Denis Brosnan, in his heyday in Kerry Co-Op could not get out of Midleton Meats fast enough either. We need to be very careful. Perhaps farmers might consider entering the processing industry.

I wish to conclude on the issue of Teagasc and research.

Acting Chairman (Deputy Liam Twomey): Deputy, I have to stop you.

Deputy Michael Creed: We need a parallel model to the suckler beef model.

Deputy Michelle Mulherin: Many of us are speaking on this agriculture motion as many of us represent rural constituencies. Many more sought to speak on it, as agriculture is the backbone of our economy and will continue to be into the future, but there are constraints on time. We need to focus on the real problems and how we might tackle them.

Apart from being confusing, the motion just seems to take a few random digs at the Government, the Minister and the way business is being done. That is not an issue. For example, the Minister played a blinder in the Common Agricultural Policy negotiations in securing €8.5 billion under Pillar 1 and €2.2 billion under the rural development programme, to which the Government is adding €1.9 billion. That success can be contrasted with where we started where farmers could have lost considerably more. The Minister, Deputy Coveney, changed the rules of engagement and how we would negotiate CAP. There is an equalisation or redistribution, but the initial scenario being pitched to farmers was going to be considerably more detrimental.

Deputy Éamon Ó Cuív: What did he do for Mayo?

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Deputy Michelle Mulherin: I do not believe that anything Fianna Fáil Deputies argued was helpful. If one could even be clear about what their message was, one could at least have the impression that it would lead to a cut of up to 30% in the funding farmers would receive under the Common Agricultural Policy.

As Deputy Creed said, the problem is with the beef sector. Many steps have been taken to try to address the problem. Farmers have invested a considerable amount of money in livestock and are out of pocket.

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The problem might be less severe than it was, but it is still there. Farmers continue to grapple with the challenge and are under financial pressure because of it. These problems have not arisen because the Government did not invest in the beef sector. On the contrary, we have had significant investment in the beef genomics scheme, technology transfer and so on. The payment to beef farmers has doubled to €80 per animal from the €40 that was payable under the last Government. We have had public consultations on legislating for the recognition of producer organisations and round table discussions on the future development of the beef industry. In addition, the Minister has embarked on a series of trade missions in an effort to open up new markets to Irish farmers.

The main issue for Irish beef farmers at this time is the scarcity of beef in the North, with farmers there afraid to buy beef because they do not know how the United Kingdom market will be. I hope the Minister will have a discussion with Tesco, Aldi and Lidl on the labelling issue. I have more to say but, unfortunately, the Acting Chairman has indicated that I am out of time.

Deputy Noel Harrington: I welcome the opportunity to contribute to the debate on this motion. The farming industry in this country is divided along a variety of lines, including east versus west, producer versus non-producer, and those who look after the land versus those who derive some higher incomes from the land. This motion does nothing to address those realities. While it calls on the Government to carry out certain measures, what is more interesting are the issues it omits to mention. It has nothing to say, for example, about increased investment in the targeted agricultural modernisation scheme, management of the new areas of natural constraint, increased investment for island fishermen, enhanced provision for agri-environment schemes and so on. There has been a focus on historical issues such as the abolition of the farm retirement grant and the young farmers' installation aid scheme.

Moreover, the motion contains no acknowledgement of the role the Minister has played in implementing a range of positive initiatives. These include the moves to establish producer organisations whereby sectoral interests in the agricultural industry will be in a position, legitimately and realistically, to take on retailers and factories in achieving better prices. This will be of particular benefit to the beef sector. I take this opportunity to congratulate the former Minister, Phil Hogan, on his new role as European Commissioner-designate for Agriculture and Rural Development. I am sure his appointment will be good for European agriculture while also bringing an Irish flavour to EU policy in this area.

The abolition of the milk quota presents both huge opportunities and significant challenges for Irish dairy farmers. That is not addressed in the motion. We all recall how the Fianna Fáil Party in government wrapped its arms around the construction industry. This led almost to a wholesale closure of agricultural colleges throughout the country, including Darrara College

in my constituency. These days, by contrast, people cannot get into those colleges, such is the demand. Farming is once again an industry to be proud of and one which will sustain the rural economy east and west. We must have a more co-ordinated and nuanced approach to tackling the challenges that arise. This motion, unfortunately, is not helpful and serves only to intensify divisions within the sector.

Deputy Martin Heydon: Like Deputy Michael Creed, I note the lack of time available to Deputies to contribute to this debate. I reiterate his point regarding the need for greater co-ordination among farmers and a greater effort to work together. The public consultation process on the establishment of producer organisations is intended to increase farmer bargaining power and is key to the future of the sector. For too long farmers have tended to be their own worst enemies in how they operate. When there is a particular need to work collectively and perhaps hold back from the factories, that is the very time a couple of farmers will break, which undermines everybody else.

The future of the Kildare Chilling Company in Kildare town is an issue that is very pertinent to me as a Deputy for Kildare South. Serious consideration should be given by the farming organisations to buying that facility if, as is rumoured, it goes up for sale. The factory has a capacity to slaughter 120,00 head of cattle and 500,000 lambs per year. It is a very successful enterprise and, while not one of the big three, is a key player in the industry and a key employer in Kildare town. It has state-of-the art boning halls and refrigeration facilities. If the farming organisations really want a slice of the action, the opportunity for farmers to work collectively and the capacity to hold other factories to account, the possibility of taking over the Kildare town facility certainly is something to consider.

The relationship between dairy farmers and processors, which is based on a more co-operative model, was compared with what happens in the beef sector, where farmers seem constantly to be involved in strife. I am very uneasy, for instance, when I see farmers picketing McDonald's restaurants. To the best of my knowledge, every beef product that company sells throughout Europe comes from Ireland. The phrase about not biting the hand that feeds, if colleagues will pardon the pun, comes to mind. There are certainly times when it is appropriate to hold processors and retailers to account, but we must be mindful of where the pressures are and avoid shooting ourselves in the foot.

The motion refers to a fair standard of living for farmers, which is exactly what this Government is working towards. A particular highlight has been the successful negotiation of the Common Agricultural Policy during the Irish Presidency, where Pillar 1 funding of €8.5 billion was secured, together with rural development programme funding of €2.2 billion plus an additional €1.9 billion. Some €40 million has been allocated to the beef genomics scheme, allowing for a per head of cattle payment that is twice what was available to farmers under the previous Government. Increasing that payment to €200, as colleagues opposite are suggesting, would cost in the region of €60 million to €70 million. I look forward to seeing Fianna Fáil's pre-budget submission to discover exactly where the money will be taken from farmers to pay for that.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Ann Phelan): I will preface my contribution to the debate by explaining my role as Minister of State with responsibility for rural affairs. While I am not directly responsible for issues arising inside the farm gate, I do have a supportive function. Specifically, my role is to co-ordinate the work of the many agencies and Departments operating in this space. I have a strong personal and ministerial interest in energising rural communities. My focus is to develop systems and

frameworks which will support the economic development of rural Ireland into the future and provide opportunities for rural dwellers to remain living and working in those areas if they so wish. Rural communities have this Government's full commitment to doing all it can to support job creation and develop vibrant, dynamic rural economies and communities.

There are many challenges involved in progressing these objectives. One of my main tasks is to achieve a heightened awareness of the challenges that exist and ensure all Departments and support agencies are fully aware that rural communities have real potential but need support to achieve it. I will seek to ensure agency plans are tailored to provide the necessary support and assistance and that they rural proof all their development plans. I take this opportunity to congratulate my constituency colleague, the former Minister for the Environment, Community and Local Government, Phil Hogan, on his appointment to the European Commission. We look forward to working closely with him.

A major element of my remit is to implement the report of the commission for the economic development of rural areas, CEDRA. That report was jointly commissioned by the Minister for the Environment, Community and Local Government and the Minister for Agriculture, Food and the Marine in September 2012 and launched by the Taoiseach on 14 April this year. The independent commission, which comprised a wide-ranging group of individual and bodies, carried out a tremendous body of work last year. The report contains 34 recommendations to support the medium-term economic development of rural areas for the period to 2025, including actions to be taken on enterprise development, tourism, broadband, artisan food and beverages, social enterprise, creative industry, capacity building and skills, regional roads, rural transport, water services, marine and renewable energy. It was a very wide brief.

As part of its work the commission sought and considered the views of the public and stakeholders. It hosted general public meetings, town hall meetings and meetings with key stakeholders, leaders of the business community and experts. In total, more than 100 meetings were held and more than 1,000 contributions were made to the commission, resulting in a report that is grounded in solid foundation and, more importantly, reflects the strong beliefs, knowledge and experiences of committed and engaged rural communities. One of the main findings is that generally rural areas and small towns did not benefit to the same extent as larger towns from the Celtic tiger boom. Equally, there is very mixed evidence on the extent to which rural areas are experiencing any of the current uplift. The report shows that rural areas have been particularly affected by the deep economic crisis and were adversely affected by high unemployment, resulting in a huge deficit in rural communities. The impact is still visible nationwide with closed shops, the steady flow of emigrants and the resulting impact on the community and on cultural life.

An important message from this report is that we should increase awareness of the importance of the rural economy in driving forward this country. What this report was about was discovering the potential that exists in rural Ireland so that the dwellers in rural Ireland can participate in this economic recovery. It was not about rural Ireland whinging about what it does not have but about rural Ireland being able to step up to the plate and participate in its recovery.

Deputy Michael P. Kitt: I welcome the opportunity to speak and I congratulate Deputy Ó Cuív on this very comprehensive motion. He outlined very well the volatile marketplace for farmers and the growing pressure on farmers' incomes. We cannot allow farmers to be at the mercy of big processors and large supermarkets. That is not a situation over which anyone could stand. I would like the Minister and the Minister of State, Deputy Ann Phelan, to set out

the framework in which the market operates. Deputy Ó Cuív has called for an independent beef regulator to rebalance the power between the various parties in the market. In recent weeks, we saw cattle prices rise in Northern Ireland and in the United Kingdom but prices in the Republic of Ireland have fallen to tenth place in terms of the highest to the lowest price in the European Union.

As a Deputy representing a rural constituency, I know that agriculture is the engine of the rural economy and it must be actively supported by the Government. The previous Government introduced Food Harvest 2020, which is a very ambitious project. It was the central plank of the policy of the last Government, as it is of the current Government, and it certainly should be supported.

Teagasc produced an annual income report for 2014 which shows great disparities in farm incomes. Suckler cow farmers, in particular, have found it very difficult. As they are heavily reliant on the single farm payment, which is gradually being reduced, we must look out for them, in particular. The analysis by *The Farming Independent* last April showed that Irish beef producers experienced price declines up to six times greater than their European Union counterparts. Some 80,000 dry stock farmers are seeing their work and effort sapped up by the large processors and the supermarkets.

Last week the *Irish Farmers' Journal* reported that a farmer in Ireland could expect €350 less than a farmer in Britain for the same type of animal. That comparison shows the seriousness of the situation. I hope the Government will push the live export trade, which is very important in the west of Ireland and is an alternative to any monopoly by the factories. The Minister is maintaining contact with the Minister in the Northern Ireland Executive and the British Government. That must be strongly promoted. Finding new markets is also very important.

The Teagasc national farm survey from 2013 showed a 22% collapse in suckler incomes and a 39% reduction in sheep incomes. I have had representations on the disadvantaged areas scheme payments in south Galway, in particular the Slieve Aughty area. These payments were due in mid-September but no payments under the disadvantaged areas scheme were paid to farmers in the Slieve Aughty area. The single farm payments are due in October and I am concerned about the situation for farmers claiming on commonages, such as the Roxborough commonage in Castledaly. Farmers in that area claim they were issued with application forms in April 2014 with preprinted areas, which were wrong. The farmers state that they are being accused of an over-claim, despite the fact they had been led to make the application by the Department of Agriculture, Food and the Marine. I am concerned there will be a knock-on effect for farmers in other commonages throughout the country. There is a commonage in Derrybrien, which has been cut from 99% to 50%. Commonages like these are designated special protection areas and the onus is on farmers to comply with the EU directive. As well as Roxborough, there are townlands like Cloughan, Kilbeg and Kilnacappagh where the digitised acreage in hectares was 1,115 - 100% - but it has been reduced to 476 hectares in 2014, or 42.7%. Obviously, the people concerned have many grievances. They are the people on the family farms - the cornerstone of the agriculture industry - and we must support them. I hope we all recognise the right of all workers to get a fair day's pay for a fair day's work but I do not believe these farmers are getting fair play.

Deputy Seamus Kirk: I welcome the opportunity to contribute to this motion, which is very timely and reflects Deputy Ó Cuív's interest in developing, consolidating and stabilising the position of the agriculture industry. I take this opportunity to congratulate the new Minister

of State, Deputy Ann Phelan, and wish her well in her responsibility for rural affairs. I do not wish to develop the point at this stage but I would like to raise with her the issue of the Leader companies and who will have responsibility for them. Will it be a rural affairs or an environment responsibility? Given the resources which, hopefully, will be available under Pillar 2, it will be important that the Minister of State's office and the Department of Agriculture, Food and the Marine will have direct control over and input into them.

This debate affords us the opportunity to discuss and consider the serious and growing pressure on farm incomes. The issue of the long-term sustainability of the agrifood sector is dependent on predictable and fair prices for produce. I know the thrust of the discussion has been on the beef sector but there are other sectors in the agriculture industry which are under severe pressure. I am thinking, for instance, of potato growers, about whom Deputy McEntee spoke. Quite a number of large-scale potato growers in County Meath and in my own county of Louth are under severe pressure because of the very high cost involved in producing crops and because of the price situation.

There is a dangerous spiral in milk prices. Nobody can say when the plateaux will be hit. We are moving to the liquid milk production period of the winter months and the economics of that are doubtful. Quite a few people are seriously considering moving to spring milk production and moving away from liquid milk production in the winter months. That would not be good for the marketplace and for the overall position of the dairy sector. It is an issue the Minister needs to urgently examine.

We also have the problem of cereal prices, which is not a north east problem. The market for cereals is depressed. The supply of cereals worldwide, however, is up on previous years. It is a case of the old supply and demand consideration but it needs to be examined. The cost of machinery and of running cereal farms is such that unless there is a fair and predictable return for produce, people will exit the industry. The issue of introducing taxation measures to encourage greater land mobility will become irrelevant in that context because if the economics of production are not right, people will have to move on.

Unfortunately, the beef industry is being manipulated by processors and supermarkets. As the then Minister for Agriculture and Food, Deputy Brendan Smith introduced the Food Harvest 2020 strategy, which clearly set out achievable objectives. I wish we could return to the main thrust of the development policy contained in that strategy to ensure that we can move on and create real national wealth in this country.

Price volatility is the bane of everybody's life whether one is engaged in milk, beef or cereal production. Unless there is a decent margin of return for the primary producers they will find themselves in serious trouble. With the capital requirement to grow crops on an annual basis and run farms, farmers must have a predictable cash flow from their products.

Reference was made earlier to spending money on the suckler herd. There is no question that money spent on genomic upgrade and a temporary support for the sector to ensure that suckler producers remain in the industry is a no-brainer in terms of decision-making. There is a clear, tangible and obvious benefit to the beef industry both in the short and the long term. As the Minister of State, Deputy Tom Hayes, will know, there has been significant investment in the genomic upgrade of the suckler herd in recent years. That is a slow process. It takes time to get the genetic upgrade into place but it has been significant. The quality of animals coming out at the finished stage are excellent by any standards.

The big problem we have is the processes, the lack of margin, and the serious losses producers have suffered over the past six or nine months. However, the one aspect of this debate that we cannot comprehend is the reason for the huge price differential between the price of cattle in the United Kingdom and the price of cattle in Ireland. People say there are trade barriers. Clearly, there are trade barriers but the problem is that the Minister for Agriculture, Food and the Marine is standing on the sideline, and he is a helpless spectator in this context.

The Minister must get into the game and see what changes can be made and the hands-on initiatives he can take to redeem the situation as far as the industry is concerned. If he does that there will be some successes and some failures but it will reassure primary producers that the Minister for Agriculture of the day is genuinely and seriously concerned about the economic well-being of the estimated 100,000 suckler farmers in the country. Many of those are operating on a part-time basis because of the structure of farm ownership in Ireland. Many of them are at the other end, particularly on the east coast. They are full-time operators who buy the store cattle on the west coast and then bring them to the finishing farms and the feedlots on the east coast. There is an integrated dependency in all of that. We need good quality cattle coming from the west and the midlands into the east, and we need farmers with a financial capacity to buy such stock in the marketplace for a fair price, bring them home to their base of production, feed them and have them available at premium condition for hopefully a premium price.

The agriculture industry is important to the overall economy and has contributed to the economic recovery in the recent past. Exports from the agrifood sector has been the cornerstone of that economic recovery. It is important we realise that, plan for the future, examine the benefits of the supports Deputy Ó Cuív set out in his motion, and put them in place as quickly as possible.

Deputy Robert Troy: I welcome the opportunity to speak on this motion, which was brought forward because of the huge pressures facing the agriculture sector, in particular the devastating effect the most recent crisis is having on farmers' income. The agrifood sector plays a pivotal role in the Irish economy, contributing a value of €24 billion annually and providing over 7.4% of our national employment. Agriculture provides 60% of employment within the agrifood sector, supporting over 300,000 jobs across the country. It is the engine of rural Ireland and it must be supported actively by this Government.

Unfortunately, this Government has failed rural Ireland over the past number of years. We have seen a reduction in funding for our rural roads and our group water and sewerage schemes. We have seen the closure of rural Garda stations, the increase in the pupil-teacher ratio, which has led to the closure of small schools, and a lack of support for the post office network.

This latest ongoing beef crisis is having a devastating effect on farm incomes, which in turn is having negative consequences for the rural economy. The Irish farmer, the primary producer in the food chain, is being systemically undercut. The family farm is simply not getting rewarded for the time and effort farmers are putting in, day in and day out. They are not getting a fair day's pay for a fair day's work. This crisis has highlighted the vulnerabilities of farmers to the market volatility and to the manipulation by the stronger players, that is, the processors and the supermarket chains.

Unfortunately, the Minister has stood idly by as decent, hard-working men have seen their income decimated, and that is not just coming from the Opposition. I refer to the recent publication from the Irish Farmers Association, which certainly would not be seen to be pro-Fianna

Fáil. Henry Burns states: “Minister Coveney has stood back for far too long and allowed the factories take full advantage of increased supplies to impose penal price and specification cuts which in turn have seriously hit farm families”.

Apart from what is happening being morally wrong, Article 39(b) of the Lisbon treaty states that the Union’s explicit objective is to ensure that farmers get a fair standard of living from the land. The Minister, Deputy Coveney, should prioritise working with the new Agriculture Commissioner designate, Phil Hogan, at EU level and place a renewed emphasis on achieving a fair return for farmers’ product. He should clearly outline his plans with regard to live exports, which would offer an alternative to farmers, open up the market in which they could trade, and ensure greater competition. The Minister must also immediately utilise existing legislation to analyse how the beef sector is functioning and establish the irregularities, if any, that exist.

I complement the Minister on the agreement he reached with his Northern Ireland counterpart. The agreement has been warmly welcomed by the sector and it is hoped it will increase North-South trade, but what monitoring of its implementation has the Minister put in place? My understanding from talking to people within the sector is that one substantial retailer has expressed concern about the implementation of the agreement.

The Minister should consider introducing a code of practice which would involve producers, processors and retailers. That would ensure that the crisis of confidence and the lack of trust which currently exists would not happen again. The current changes in specification, whether it be the age limit, the weight or residency, have been implemented without any prior notice to the producers. That has been a significant contributing factor in the current crisis. I believe if a code of practice had been in place, this would not have happened. It is clear that the retailers have established a dominant position and there is growing evidence that the margin they enjoy has increased substantially year on year while the margins of the primary producers, the family farmers, have reduced. The Minister needs to establish adequate pricing transparency in the retail sector. There should be no abuse by the dominant retailers. A guaranteed return should be given to the producers to ensure that the farmer gets a fair day’s wage for a fair day’s work.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this important debate and I thank my colleague, Deputy Ó Cuív, for giving his time to debate this issue. I listened with interest to some of the contributions from backbenchers on the other side of the House. They sought to give us a history lesson on Fianna Fáil’s performance in the Department of Agriculture and Food over the past decade and before. It is a pity to stoop to that level in an important debate like this because it gives a lie to the recognition that there is a very significant crisis in the agriculture sector. While it might appear like point-scoring, or answering the question, as one would in a college debate, it falls well short of what the farming community expects from all of us here. Deputy Ó Cuív’s balanced motion with a solution attached deserves due recognition and considered debate from all sides. I hope and expect that the Minister will engage constructively.

I do not want to go back over agriculture issues but the previous Minister, Deputy Brendan Smith, set a very ambitious target for the production output of the agricultural sector, Harvest 2020. The target required successive governments to continue his efforts to ensure we reach that output. It is not just a question of output because to have an output it is necessary to have a sector that can get a fair day’s pay for a fair level of work. That is not happening in the beef sector; it has not happened for some time and now it has reached crisis level. I do not want to be over negative but the farming community does not believe the Minister is addressing this

adequately, appropriately or in a manner that will help it to make an honest living.

Farmers are taking €3.60 per kilo for beef here while farmers for corresponding R grade beef steers in the UK will get €4.60 a kilo. On a standard carcass of 350 kilos, that amounts to a price differential of €350. By anyone's analysis, that is a phenomenal differential and is not acceptable when the retailers charge effectively the same price on the shelf for Irish and British beef. Half of all our beef output is sold in the UK which it makes clear that this could have a detrimental impact on this sector, which this and the previous Government pinned so much on to improve employment prospects and generate increased growth in our fragile economy. The view is that in recent months the gap has widened and the price taken by UK farmers has gone up approximately 30 cent, another €100 per head. That is not sustainable.

There is no transparency. We need a beef regulator to deal with this area. Others have other ideas, and there is an expectation that the Minister could do more. I have heard his comments and share some of his concerns about his inability to get directly involved in what is effectively an unregulated sector that is regulated by the markets. There are other issues, such as the processing sector seeking to change the specifications at the same time as the supermarkets and McDonalds, a big user of beef, say they have not changed their specification. They do not expect anything different. The Minister and I know well that the attempt to change the specification is because the industry sees an oversupply of stock, resulting from the lack of export of Friesian bulls from the dairy herd in 2012. That has depressed the market because of the oversupply. I have not heard anything from the Minister or the Department about developing a strategy to deal with the increased production of the bull calves in 2015 when the dairy quotas end. That has the potential to further damage the market in 2016 and beyond.

Deputy Simon Coveney: We are doing a lot in that area.

Deputy Timmy Dooley: That is welcome and we need to hear that. The farmers who are struggling, wondering if they should sell off their cows, which will have a further impact on our capacity to produce the levels of beef set out in 2020, need to hear it even more. If the suckler cow is sold and farmers decide to move into some other enterprise or away from farming altogether, the crisis will be even worse. The dairy sector has always taken the view that it would manage on a five year basis. If there is a trough this year, it looks to the peak next year because it looks to the world market. The beef farmer cannot do that. I know a bit about this because the county I represent is probably one of the premier counties for the suckler herd. I talk to farmers regularly who see no future in beef. They see no strategy from this Government and therefore many feel that the only alternative is to dispose of the suckler cow and move on with their lives or discourage their sons or daughters from taking over the suckler herd. That has real potential to be an interruption or shock to the targets projected in Harvest 2020. It will require some intervention. Deputy Ó Cuív's proposal for €200 per head for beef genomics is one measure that will help to improve the output of the beef produced and guarantee, in so far as possible, an appropriate level of return to the farmers. The retention of the Friesian bull effectively for beef here in 2012 did not happen last year and therefore we will see some improvement but there is deep concern about what will happen in the future.

The Minister has to tackle the factories and the supermarkets. There is no transparency about how they report their profits or how they succeed in doing one thing in the UK and something completely different here. The farmer here is taking all the pain. There is effectively the same set of producers, almost the same set of supermarkets and at a certain point there is only 100 miles between our two islands, less to the north of England. We largely produce the same

quality - better quality, I would argue.

There is a role for the Minister. He has to force the factories to deal with this. He also needs to consider competition between live exports and beef processing. I know he has been making considerable efforts to improve the overseas market. He has talked about the United States as a potential market but with the best will in the world only a couple of thousand tonnes will go to the US. He was there recently and is going to China again, having been there last year, but not an ounce of beef has been sold to China yet. I accept that the relationship with the Chinese market takes time to build and I wish him well with that.

Deputy Simon Coveney: A total of €40 million worth of cattle hides have been sold to China.

Deputy Timmy Dooley: The nearest market that needs to be dealt with is the live export trade to the North.

Deputy Simon Coveney: That is up nearly 20% this year. The Deputy should deal with the facts.

Deputy Timmy Dooley: The Minister can give the facts as he does but that hides the reality that with the supply of beef here and the depressed price the farmers take they cannot make a living. They are losing money. They are losing the will to continue to farm. That is heartbreaking for all of us.

I ask the Minister not to misunderstand me. I am not laying the blame for all of this at his door. Unlike some of his backbenchers, I am not seeking to overly politicise this matter. There is a requirement for the Minister to involve himself more aggressively in targeting the processors and the supermarkets. He should work towards finding an alternative market source; namely, the live export trade. I am not suggesting it is necessarily easy to do that. If the farmers saw the Minister working more constructively in that regard, rather than sitting on a jet and heading to China again with the industry, they might have more faith in him. They might believe the market can tolerate an increase in production and can deliver to them a price that makes their holdings and livelihoods sustainable into the future.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I am glad to have had an opportunity to be here for the last hour and a half and listen to the various views of Deputies on both sides of the House. I have been struck by the significant amount of knowledge and ideas we have heard from all sides. I heard Deputy Creed suggesting that we need to sit longer and talk more. I agree that we need a full day's discussion on all the issues of importance to rural Ireland. I refer not only to issues like beef and milk prices, but to every issue that affects rural Ireland and the rural economy. We need to consider how we can create jobs and thereby help the people living in rural areas who want rural Ireland to continue.

As we consider the motion under discussion, it is important to put many things in perspective. We have spoken at length last night and tonight about the beef trade and who is responsible for it. Some people have blamed the Minister, Deputy Coveney, for not going here and there. The reality is that beef markets are in a difficult situation. There is no doubting that beef farmers have gone through a few tough months. However, we have to look at the facts. We have heard about all the suckler farmers who are leaving suckling. If one examines the figures that show how many people are involved in suckling, one will find that the actual drop has been just 1.5%. That shows how few farmers are getting out of suckling. I would like to make an-

other relevant point in this context. I wonder how many Deputies have attended marts where cattle are sold in the last few months I refer, for example, to marts in the west where store cattle are sold.

Deputy Éamon Ó Cuív: I was there on Saturday morning.

Deputy Tom Hayes: In the past week, I went to the west to see what is going on at first hand. I saw huge prices being paid for year-old cattle. The reality is that prices which were unheard of over the last couple of years are being paid. Prices for suckler calves were high in Roscommon last Monday, when I stood in that mart, and in Cashel last Saturday. In Tipperary, I met farmers who said that store cattle prices are too dear.

Deputy Simon Coveney: That is the truth.

Deputy Tom Hayes: That is the truth. We have forgotten that. I am amazed that nobody has said this tonight. I am a farmer. I was born on a farm. I know there have been ups and downs over recent years. Prices have been cyclical all through our lives. They will continue to be cyclical. We are living in an open, free market. I heard people saying the Minister needs to intervene by controlling the prices, but that is the last thing the farmers of Ireland want. If prices were being regulated by a regulator, the prices for which I saw cattle being sold in Roscommon last week could not be achieved. We are in a free market. We sell into a market.

The real problem we have relates to the fact that most of our beef is sold into the British market. A year and a half ago, the British consumer said that Irish prices were too high. That is what happened. As a result, British consumers decided to buy their own beef. That is why cattle prices in England are now higher than they are here, and British farmers are getting that much more. That is the reality. That is what is happening.

We need to continue to sell into the markets and try to explore new markets. Since he came into office, the Minister has been travelling the world to try to increase our market share all over the world. Earlier this year, we met the Chinese people who came over here. We showed them the product and the factories. We took them down to County Wicklow to see the farms where these animals are produced. They were impressed, but their vets have not come over yet. We are working on that. The Minister is going out in the next ten days to push that market. There is huge potential internationally. The American market is opening and we are working on that. We need to sell out on the market in a better way. I have a lot more I would like to say about many other areas, but I am almost out of time.

Deputy Niall Collins: The Minister of State is full of knowledge.

Deputy Tom Hayes: There has been a lot of talk about live exports. While I accept that we need more live exports, I should point out that the live export market has increased by 15% this year. That is the relevant figure. Finally, I ask for us to try to organise a day-long discussion on agriculture, at which all the knowledge we have in here can be used to put in place a plan that will leave agriculture in a better position.

Deputy Charlie McConalogue: I would like to share time with Deputy Ó Cuív.

Acting Chairman (Deputy Liam Twomey): Is that agreed? Agreed.

Deputy Charlie McConalogue: I would like to support the motion as proposed by my party colleague, Deputy Ó Cuív. It is a timely motion because the last year has been very difficult

for farming - I refer to beef farming, in particular - even though the weather has been more beneficial than it had been for many years. We all know the value of agriculture in general to our economy. It comprises €24 billion of the national economy and accounts for more than 7% of national employment. Teagasc recently indicated that the average income for a beef-producing farm decreased by 22%, to €9,469, last year. A single person on the dole who receives €188 per week was given more money last year than the average beef farmer made as an income. That is the situation with regard to the income levels in farming. It shows how difficult the beef sector is. Against that backdrop, it is crucial for us to take any steps we can to ensure there is a sustainable future. That means beef prices must be at a level at which farmers can produce. The unfortunate reality is that for too many years in recent times, that has not been the case. The Minister of State, Deputy Hayes, said that prices are “cyclical”, but the only cycle we have seen in recent years has been a downward one.

Deputy Tom Hayes: No, that is not right.

Deputy Charlie McConalogue: With beef prices-----

Deputy Simon Coveney: The highest ever beef prices were achieved last year.

Deputy Barry Cowen: The Minister and the Minister of State should let the Deputy speak.

Deputy Charlie McConalogue: The price that farmers have been getting for their produce has been decreasing as the cost of producing it has been increasing. As a result, many beef farms across the country are currently producing at a loss, or in many years are not doing much better than breaking even.

Deputy Simon Coveney: That is true.

Deputy Charlie McConalogue: Absolutely. I am sure the Minister has looked at average incomes across the country. For a number of the last few years, the average farm income in the BMW region has been approximately the same as the level of the single farm payment. The position is slightly different on the east coast, where single farm payments account for approximately 60% of the net incomes of farmers. For the BMW region, which is key in the production of suckler cattle, this means that for all the enterprise shown by farmers who work every hour that God sends them, they are not making money on the cattle. Their net income is the cheque in the post. This is not sustainable indefinitely. The laws and logic will apply to that situation as they do across the rest of life. Unless there is a profit to be made in producing, production will not be at the level it should be. This is why I emphasise the importance of ensuring active farming pays and there is a reasonable price for beef.

Deputy Ó Cuív’s proposal on introducing a beef regulator makes a great deal of sense. It may not be a panacea but it can make a real contribution by bringing more clarity to the beef market and ensuring the sector is fair to farmers instead of dominated by processors and large supermarket chains, as has been the case in recent years. I also endorse Deputy Ó Cuív’s proposal on a €200 upfront genomics payment next year, given the importance to farmers of the single farm payment. With the agri-environment options scheme, AEOS, and the rural environment protection scheme, REPS, running out for many farmers next year and the green low-carbon agri-environment scheme, GLAS, not likely to kick in until much later in the year, the single farm payment-----

Deputy Tom Hayes: Is that cheque with the Commission?

Acting Chairman (Deputy Liam Twomey): Do not interrupt, please.

Deputy Charlie McConalogue: -----will be much lower than it has been for many a year. That will hit farms' bottom lines. This position is not sustainable. If our agricultural sector is to produce and become a larger contributor to the economy, the Minister needs to adopt a different approach to the beef crisis than he has taken in the past year or two.

Deputy Éamon Ó Cuív: I thank all the Deputies who contributed to this debate. The one matter on which we can all agree is that no one had enough time to outline all of the issues. The Minister referred to many issues that were not included in the motion. That is true, but this was a three-hour debate and we needed to focus on one issue instead of tabling an omnibus motion and not discussing anything. I agree with Deputy Creed's proposal, and welcome the Minister of State, Deputy Hayes's endorsement of same, to set a day aside in the House for a discussion on agriculture. There is enough interest among Deputies to do so.

Deputy Simon Coveney: For the record, I will arrange for that.

Deputy Éamon Ó Cuív: I thank the Minister. It is appreciated. Regarding farm tax, we have sought costings for the reliefs and the figure for the number of farms involved, but getting that information from the Department of Finance has proven difficult. I look forward to the report's publication, at which point we will be able to respond to it. Presumably, the Department has information-----

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: -----to which we are not privy. The Minister's comments were gratuitous, but we will take them on the shoulder.

We will make our budgetary proposals this week. It is important to recognise that tax forgone is like awarding a grant, in that it is money the Exchequer does not get. A large number of small farmers would be helped by a much simplified tax system. This could be done easily because we can compute incomes very accurately and apply standard costings. For many farmers, keeping receipts and paying accountants are not justified by the level of income they make. If the Minister wants more details on this, I am willing to show him exactly what I suggest.

I welcome the proposal on producer groups, but I am concerned they might not work. In the case of liquid milk, for example, farmer-owned processors have still not solved the problem with the supermarkets, as the Minister knows. Similarly, producer groups have not solved the problem in the horticulture sector.

Deputy Simon Coveney: They have helped the mushroom producers. They have been effective in that regard.

Deputy Éamon Ó Cuív: One item, but there are a few powerful mushroom suppliers, not a myriad of small operators. The Minister quoted Article 39 of the Lisbon treaty and pooh-poohed our inclusion of it in the debate. In debates within the EU, Article 39 is not getting the prominence it deserves. The Minister might be surprised to find out that the group that brought this issue to our attention comprised senior officials in the Directorate General for Agriculture and Rural Development. They told us there was not enough pressure at a European level to ensure paragraph (b) was taken into account when all Article 39's other parts were being considered. We will make a submission based on this information. I have attended two meetings

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in the Commission this year. It seems to be *ad idem* with us on this being an issue. I was heartened by the interest expressed by Commissioner-designate Phil Hogan in examining the power of the multiples. At least, that is what I took from his comments in a reply-----

Deputy Simon Coveney: He will do that. It is an important matter for him.

Deputy Éamon Ó Cuív: That is what we call for in our motion. I recognise that, if consumer prices are down, one must accept the price. However, we must face two realities. The majority of Irish beef is sold within the EU and all liquid milk is sold within the island, as are virtually all horticultural products. That a small number of multiples dominate the EU is an important issue. A speech given by Commissioner Ciolos on 24 September was interesting: "In parallel, the Commission will continue to work in the broader context of the structure of the food chain to promote a better balance, transparency and honesty in relationships within the food chain." The Commissioner said what we have been saying. I do not doubt his advisers have also been saying this is a significant issue. I am heartened by Mr. Hogan's approach. We are arguing for an examination of the relationship between the multiples, processors and primary producers.

I also accept, and the motion makes clear by mentioning the EU time and again, that this issue cannot be addressed in an Irish context alone because we export most of our product. The Minister can ensure his colleague makes this the No. 1 issue for his tenure as Commissioner. In the meantime, we want a beef regulator, not to set the price but to ensure fair trading. The regulator would oversee the industry's practices in terms of pricing and specification and ensure openness, fairness and transparency.

I recognise what the Minister and the North's Minister O'Neill have done on the nomad issue, but he needs to finalise it. He needs to lean hard on Tesco, a large multiple that makes millions of euro in Ireland. Its reluctance could unravel the entire deal across all the supermarkets. He must tell it to agree to the labelling of beef born and bred in the South and slaughtered in the North as Irish. We must all lean on Tesco, but the Minister is the front player.

We all know of bureaucratic barriers, difficulties and problems regarding live exports. Unnecessary barriers must be removed because we need a certain level of live exports to keep manners on processors.

An issue keeps arising and it is time that we got the truth. I constantly receive allegations at meetings, and I do not know whether they are true, about imports of Polish beef by Irish processors that subsequently resell it as Irish beef.

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If the Minister seeks more details on the allegations, I will give them to him in confidence after this debate. However, these allegations are being made continuously to me. It is important that Members know exactly what is being done to stamp out such a practice, if it is being carried out.

Deputy Simon Coveney: I can assure the Deputy that the Government will stamp out that practice if it receives any evidence to suggest that this is happening. That would be totally illegal.

Deputy Éamon Ó Cuív: Rather than abuse my privilege, I will talk to the Minister after-

wards.

In respect of the genomic scheme, Fianna Fáil's proposal is for one year only. Criticisms were made by Deputies today about giving grant assistance and I was a little surprised by some of the Deputies who made such criticisms because they had stoutly defended single farm payments of more than €50,000 to constituents of theirs. They were all for grants when they were going to people in their own locality. What I am suggesting is a short-term palliative measure. Can the Minister tell Members whether it is true that he has not yet received the observations from Brussels on the rural development plan? Is it also true that the Commission is raising queries about the rural development plan and will have detailed observations that will delay the process further?

Deputy Simon Coveney: May I answer that?

Deputy Éamon Ó Cuív: No, because I am running out of time.

Deputy Simon Coveney: The Deputy is asking me questions. For the record, there is a two-week delay in respect of the Commission's response and we have not got it yet.

Deputy Éamon Ó Cuív: I thank the Minister. As I stated, I do not envisage the genomics proposal being a long-term solution. However, as I pointed out last night, next year will be the year of the lowest direct payments to Irish farmers for many years. If I may put it to the Minister in this way, in the case of a person who was bleeding to death, would one not give the patient a blood transfusion until he or she had stabilised? In such a case, one does not think of one being obliged to do this all the time. I believe we will be in a really difficult place next year. It was the weather one year, in the year after it was the price and next year will be the year of the lowest direct payments to farmers. There has been an accumulation of issues with regard to beef farming and, therefore, I hope that even at this late stage, in the interests of showing solidarity to farmers, all Members will agree the House should not divide on the motion tabled by Fianna Fáil and the Minister will accept the motion as tabled by us.

Amendment put:

<i>The Dáil divided: Tá, 71; Níl, 42.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Broughan, Thomas P.</i>
<i>Barry, Tom.</i>	<i>Collins, Joan.</i>
<i>Butler, Ray.</i>	<i>Collins, Niall.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Cowen, Barry.</i>
<i>Cannon, Ciarán.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Conlan, Seán.</i>	<i>Dooley, Timmy.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Conway, Ciara.</i>	<i>Ferris, Martin.</i>
<i>Coonan, Noel.</i>	<i>Fleming, Tom.</i>

<i>Costello, Joe.</i>	<i>Grealish, Noel.</i>
<i>Coveney, Simon.</i>	<i>Halligan, John.</i>
<i>Creed, Michael.</i>	<i>Healy, Seamus.</i>
<i>Daly, Jim.</i>	<i>Healy-Rae, Michael.</i>
<i>Deasy, John.</i>	<i>Kelleher, Billy.</i>
<i>Deering, Pat.</i>	<i>Kirk, Seamus.</i>
<i>Doherty, Regina.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Donohoe, Paschal.</i>	<i>McConalogue, Charlie.</i>
<i>Dowds, Robert.</i>	<i>McDonald, Mary Lou.</i>
<i>Doyle, Andrew.</i>	<i>McGrath, Finian.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>
<i>English, Damien.</i>	<i>McGuinness, John.</i>
<i>Farrell, Alan.</i>	<i>McLellan, Sandra.</i>
<i>Feighan, Frank.</i>	<i>Moynihan, Michael.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Catherine.</i>
<i>Flanagan, Charles.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Gilmore, Eamon.</i>	<i>Ó Cuív, Éamon.</i>
<i>Griffin, Brendan.</i>	<i>Ó Fearghail, Seán.</i>
<i>Harrington, Noel.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Harris, Simon.</i>	<i>O'Brien, Jonathan.</i>
<i>Hayes, Tom.</i>	<i>O'Dea, Willie.</i>
<i>Heydon, Martin.</i>	<i>O'Sullivan, Maureen.</i>
<i>Humphreys, Heather.</i>	<i>Pringle, Thomas.</i>
<i>Humphreys, Kevin.</i>	<i>Ross, Shane.</i>
<i>Keating, Derek.</i>	<i>Smith, Brendan.</i>
<i>Kenny, Seán.</i>	<i>Stanley, Brian.</i>
<i>Kyne, Seán.</i>	<i>Tóibín, Peadar.</i>
<i>Lawlor, Anthony.</i>	<i>Troy, Robert.</i>
<i>Lynch, Ciarán.</i>	<i>Wallace, Mick.</i>
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>O'Donnell, Kieran.</i>	

<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Joe Carey and Emmet Stagg; Níl, Deputies Seán Ó Feargháil and Michael Moynihan.

Amendment declared carried.

Motion, as amended, put and declared carried.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on Finance has concluded its consideration of the European Stability Mechanism (Amendment) Bill 2014 and has made no amendments thereto.

The Dáil adjourned at 9.15 p.m. until 9.30 a.m. on Thursday, 9 October 2014.