



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna - Questions . . . . .	2
Priority Questions . . . . .	2
Nursing Homes Support Scheme Administration . . . . .	2
General Practitioner Services . . . . .	4
Disability Support Services Provision . . . . .	5
Mental Health Services Funding . . . . .	7
Pharmacy Services . . . . .	9
Other Questions . . . . .	11
Surgical Symphysiotomy Payment Scheme . . . . .	11
National Stroke Programme . . . . .	13
Public Sector Staff Data . . . . .	16
Hospital Facilities . . . . .	17
Mental Health Services Funding . . . . .	19
Health Services Provision . . . . .	21
Topical Issue Matters . . . . .	23
Leaders' Questions . . . . .	24
Ceisteanna - Questions (Resumed) . . . . .	30
Cabinet Committee Meetings . . . . .	30
Cabinet Committee Meetings . . . . .	37
Seanad Reform . . . . .	43
Order of Business . . . . .	46
Order of Referral of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles)	
Bill 2012 [Seanad] to the Select sub-Committee on Children and Youth Affairs: Motion . . . . .	52
Social Welfare Appeals Bill 2013: Second Stage (Resumed) [Private Members] . . . . .	52
Topical Issue Debate . . . . .	55
Wind Energy Guidelines . . . . .	55
Post Office Network . . . . .	57
Industrial Disputes . . . . .	60
Social Welfare Bill 2014: Second Stage (Resumed) . . . . .	65
Message from Select Sub-Committee . . . . .	82
Nursing Homes Support Scheme: Motion [Private Members] . . . . .	82
Social Welfare Bill 2014: Second Stage (Resumed) . . . . .	103
Message from Select Sub-Committee . . . . .	117

## DÁIL ÉIREANN

*Dé Máirt, 11 Samhain 2014*

*Tuesday, 11 November 2014*

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

***Paidir.***

***Prayer.***

---

### **Ceisteanna - Questions**

#### **Priority Questions**

##### **Nursing Homes Support Scheme Administration**

83. **Deputy Colm Keaveney** asked the Minister for Health his plans to address the ongoing delays in accessing the fair deal scheme; and if he will make a statement on the matter. [42996/14]

**Deputy Colm Keaveney:** The fair deal scheme is currently in crisis. Up to 2,000 vulnerable people are waiting for the processing of applications under the scheme. Will the Minister of State explain why this inordinate delay is being imposed on the public in the context of the need for care in geriatric services?

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank the Deputy for tabling the question. Waiting times on the nursing homes support scheme placement list are now running at approximately 15 weeks. This is a matter of concern for me, and my Department and the HSE are working to ensure the available resources deliver the best possible outcomes for older people. This will require an integrated approach across community, residential and other service areas.

The HSE controls the release of funding to manage the financial allocation available across the year. Funding is released to approved applicants according to their place, in order of their approval date, on the national placement list. Over the course of the year to date, demand has exceeded what could be funded and the national placement list has increased as a result.

In July this year, the HSE allocated €5 million for an initiative to improve access to appro-

prate care for older people. To date, this has funded more than 300 transitional care beds for patients in acute hospitals from the placement list for the nursing homes support scheme and more than 200 home care packages to assist patients in acute hospitals who require a home care package to be discharged.

The Government has provided additional funding of €25 million in 2015 to address delayed discharges. This funding will be targeted at hospital and community services that can demonstrate initiatives to address the specific needs of delayed discharge patients most positively and, therefore, improve timelines for admissions from accident and emergency departments and waiting lists. These will include measures to place patients in more appropriate settings through the use of home care packages and intermediate and long-term care. It will include provision for an increased allocation to the nursing homes support scheme. Planning for this initiative is well advanced. Details will be finalised in the HSE's service plan later this month, with a view to their early implementation.

The review of the nursing homes support scheme, which is under way, will consider the future funding and sustainability of the scheme as well as how community and residential services are balanced. This review will be completed in the coming months, following which the Government will consider how best to meet the needs of older people in the future.

**Deputy Colm Keaveney:** The crisis has targeted the most vulnerable people. I would like the Minister of State to explain to the House the reason there is a 15 week waiting time in respect of the processing of applications under the fair deal scheme.

The Minister, Deputy Varadkar, in the recent past blamed the crisis on his predecessor.

**Deputy Leo Varadkar:** No.

**Deputy Colm Keaveney:** The Minister is on record in that regard in terms of his comments that this money was being diverted to other locations within the budget. What plans does he have in terms of immediate intervention to ensure families whose loved ones are stepping down from an acute setting get their rights in terms of supports under the fair deal system? The costs they are experiencing in terms of the absence of that support, often up to €1,000 per week and the 15 week waiting period in respect of the processing of applications, are all resulting in great concern for families of elderly citizens.

**Deputy Kathleen Lynch:** I thought I had explained in the course of my response how the increase in the waiting time had occurred. The argument is being constantly made that the Government should not have moved the €23 million from the fair deal budget to the enhancement of home care packages. Not everyone wants to go into long-term care. The list has increased. As the Deputy rightly points out, and which we have known for some time, the waiting time now stands at 15 weeks. This is unacceptable. We are currently addressing how to bring waiting times down to a more acceptable level. We are very conscious that a number of years ago, because there was no control in relation to not only who entered the scheme, but how money was dispersed, that the scheme ran out of money very early on in the year. We are determined to ensure this does not happen again. We are equally determined that into the future the scheme is managed in a way that will ensure that those who need long-term residential care will get it and that the resources to ensure its availability are in place.

**Deputy Colm Keaveney:** I agree with the Minister of State that long-term care is a last resort. However, the traditional care structure has been shattered by the Government's approach

with respect to the carer's allowance, home help hours, respite grants and so on. Will the Minister of State agree that delaying or adjusting budgets in this manner, as has been done in the area of mental health in terms of the time delay in respect of a critically important appointment as set out in the HSE service plan last year, is having a devastating affect on families who need the support of the fair deal scheme, particularly those with elderly family members who are stepping down from illness in an acute setting? The Government's decision in this regard is impacting greatly on such families.

**Deputy Kathleen Lynch:** I do not agree with the Deputy that social infrastructure in this country has been devastated by the Government. The same 2,500 people are not always on the waiting list. Some 515 people move to the fair deal scheme each month. In other words, there is a roll-over system in place. People are moved onto the scheme in a chronological order, which is the fairest way. That is the way in which the scheme was written and is the reason it is such a good scheme. The Government has not devastated the social infrastructure of this country. It is wrong of the Deputy to say that. I believe people are determined to keep their frail, elderly parents and relatives at home. We are working on the issue. If we do not work on it and put a good plan in place, then the waiting time for the scheme will increase. We do not intend to allow that to happen.

### **General Practitioner Services**

84. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the reason the Health Service Executive has failed to advertise vacant general practitioner posts with General Medical Services medical card lists in counties Cavan, Monaghan, Louth and Meath, filling these positions temporarily with locum appointments; when these vacant posts will be advertised; the number of such vacancies that exist by HSE region; and if he will make a statement on the matter. [43007/14]

**Deputy Caoimhghín Ó Caoláin:** I seek from the Minister an explanation as to the reason vacant general practitioner posts, which include GMS lists, have not been advertised and the reason these positions are being filled by locum appointments.

**Deputy Kathleen Lynch:** There are currently 12 vacant General Medical Services GP panels in the HSE Dublin north east region, which includes Cavan, Monaghan, Louth and Meath. Since January 2014, the HSE has advertised nine vacant panels in this region. Next month, the HSE is planning to advertise a further five posts in this region. Two of these posts are located in Cavan and are currently filled in a locum capacity. The Monaghan post is also being covered by a locum. The other two impending vacancies are due to upcoming retirements, one in Louth and one in Meath. In the meantime, both of these GPs are continuing to provide services to their patients. It is not uncommon for GMS panels to be covered by a locum GP while the recruitment process is progressing.

There are currently 18 GMS GP vacancies in the other HSE regions, three in Dublin mid-Leinster, seven in the south and eight in the west. Of these, one panel will be filled in December. Some 12 panels have already been advertised. Four panels will be advertised shortly and one panel is being dispersed among existing GPs in the relevant area.

The HSE is currently working on the development of a medical workforce planning system, which is expected to be completed by June 2015. As part of this, workforce planning for gen-

eral practice will be prioritised in the development of projections based on both the supply of GPs and the demand for GP services over the next 20 years.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State indicated that these positions will be advertised but we know from the facts already to hand that there has been a small number of vacant general practitioner positions in the north east area which have not been advertised for months. She made the point that challenges can be experienced in regard to the permanent filling of general practitioner vacancies in small panels while the process is proceeding but the critical thing is that they had not been proceeding. These posts were filled by locum appointment. There was no explanation in the Minister of State's reply as to why in regard to these vacancies - some already signalled before the exodus of the incumbent and some we already know in the Monaghan area are due to be vacated by the end of this year - we would not ensure these posts were advertised speedily in order to ensure notification and to create a general interest in taking up these essential positions in primary care across this region.

**Deputy Kathleen Lynch:** I suppose the Deputy is more conscious, in particular in the part of the country from which he comes, that there is a difficulty in terms of GPs and getting permanent posts. We need to continue to incentivise GPs to operate in areas in which one would not have a big customer base. That is something on which we are working. The workforce planning project being undertaken will ensure that whatever steps are necessary in order to ensure that we have cover throughout the country will be put in place. It is not as if we have not sought, within the system itself, GPs who may be able to spilt up the GMS panel and operate it among themselves, which is often the answer because it gives an increased customer base and increased revenue to a practice. There is, however, a difficulty in regard to particular areas of the country and we are very aware of that.

**Deputy Caoimhghín Ó Caoláin:** With respect, I do not think that is the answer. Only 24 general practitioners currently serve the county of Monaghan, which still has a significant population. It is also an extensive geographic area. Any contraction in the number of general practitioners would be a significant back slide in terms of primary care provision. None of the Minister of State's answers have given any clarity to the situation. If we have difficulties in attracting general practitioners to take up positions in what might be suggested to be less lucrative locations, and I acknowledge that can be the case, then surely we would not delay making the information available. Why would the advertising be delayed? What other considerations explain the inordinate delay in some of these cases? It is beyond understanding. A proactive approach on the part of the HSE would ensure a greater interest through awareness and advertising. That has to be the way to entice and encourage people to take up any of these positions. The client base depending on those practices is very anxious to ensure that there is certainty and a future for that service.

**Deputy Kathleen Lynch:** I do not disagree with the Deputy but we have to ensure that, ideally, a locum system is put in place with the person who intends to retire. Location is often a big part of the difficulty but I take on board what the Deputy says.

### **Disability Support Services Provision**

85. **Deputy Finian McGrath** asked the Minister for Health if he will prioritise funding of disability services in line with the Government's pre-election commitments on disability; and if he will make a statement on the matter. [42900/14]

**Deputy Finian McGrath:** Will the Minister of State prioritise funding of disability services in line with the Government's pre-election commitments on disabilities? Many families are on waiting lists for respite care and day care places. This affects young and middle-aged adults with intellectual disability. Young people with serious physical disabilities who had a five day a week service a couple of years ago have seen their service cut back to three days a week. In line with the Taoiseach's and the Labour Party's solemn pre-election promises on providing and supporting disability services will the Minister of State ensure that over the next 12 months she will prioritise funding for front-line services for people with disabilities?

**Minister of State at the Department of Health (Deputy Kathleen Lynch) (Deputy Kathleen Lynch):** The programme for Government committed to ensuring that the quality of life of people with disabilities is enhanced and that resources allocated reach the people who need them. We secured a slight increase in the budget for disability services this year but I am not certain that anyone noticed.

Since 2011 and in spite of the prevailing economic conditions, the Government has focussed on protecting front-line health and personal services for people with a disability to the greatest possible extent. In 2014, the HSE has been provided with funding in the order of €1.4 billion to fund the disability services programme. This programme aims to contribute to the realisation of a society where people with disabilities are supported, as far as possible, to participate to their full potential in economic and social life, and have access to a range of quality personal social supports and services to enhance their quality of life. A range of developments and reform proposals, as outlined in the value for money and policy review published in 2012, are being carried out in an environment of effective communications and engagement with all those involved.

The 2014 funding includes an additional €10 million for school-leavers, rehabilitative training graduates, emergency residential placements and €4 million to develop therapy services under the progressing disability services for children and young people aged zero to eighteen programme. In 2015, additional funding will be provided to the HSE to address identified priority needs within disability services. This includes provision for the emerging needs of young people with a disability leaving school and those leaving rehabilitation training who will require a day place. Additional funding will also be allocated to improve services under the progressing disability services programme. Details regarding this funding and its use will be set out in the HSE's 2015 service plan which is currently being finalised.

**Deputy Finian McGrath:** I thank the Minister of State for her response. We have to deal with the lack of connection between announcing sums of money and front-line services. There is something going on in that respect. This morning I met the Minister of State at the Central Remedial Clinic in Clontarf and I welcome the fact that she visited the centre. I commend her for making it a low-key visit. I also met there the family of a severely disabled young man whose five day a week service has been cut back to three days a week. That is unacceptable.

I welcome any extra funding for people with disabilities. It is important that funding trickles down to front-line services, including residential, day care and respite services. People with disabilities and their families want to see those services delivered on the ground. They do not want to see the money disappearing into the system, which is a problem we have had over the past five or six years. Not only have the families of people with disabilities had to tolerate cuts, they have also had to put up with the mismanagement of many of the resources that were given to their children and young adults.

**Deputy Kathleen Lynch:** The transformation of disability services in this country is exactly what the Deputy is talking about. The team involved with the value for money report, the policy review and the ongoing service reform are going into individual services to deal with issues such as those raised by the Deputy. We are talking about a service that is directed in many cases by people with disabilities themselves. I think the capacity legislation will have a great deal to do with that. It will ensure there is more consultation. We are going to change the service. The progressing disabilities programme, which relates to those aged 18 and under, will bring the services out of the institutions and settings in which they are normally found. Those services will be brought into the communities in order that everyone will have access to them. I keep saying that if we want to bring people with disabilities into mainstream services, we will have to ensure the service itself is mainstreamed. I do not think the Deputy and I are in disagreement on this issue. We are on the same page.

**Deputy Finian McGrath:** Will the Minister of State ensure all people with disabilities are guaranteed a quality service as a right? She has accepted that all cuts to front-line services have now ended. Is that correct? I would like to mention another issue. If we were going to be radical and reformist, why did the Taoiseach not appoint a senior Minister to deal with the disability issue? The tens of thousands of families that are directly affected by this issue would welcome a full-time senior Minister with sole responsibility for people with disabilities. While I accept that the Minister of State is doing the work herself, I would like to put this radical idea for reform and change to her.

**Deputy Kathleen Lynch:** I always feel I have to bow to the disappointment that people find in my performance. If a full-time Minister were appointed, I am sure he or she would do a far better job than I do.

### **Mental Health Services Funding**

86. **Deputy Colm Keaveney** asked the Minister for Health the position regarding the underspend of €46.8 million in the mental health budget in 2013; and if he will make a statement on the matter. [42997/14]

**Deputy Colm Keaveney:** The Minister of State recently confirmed in response to a parliamentary question that there had been a underspend of up to €46.8 million in the mental health budget. In light of the severe pressure the service is encountering, will the Minister of State offer the House some rationale for the underspend of €46.8 million in that budget?

**Deputy Kathleen Lynch:** I wish to say once again that budgetary and other pressures within the HSE delayed the full utilisation of the €35 million that was allocated in 2012 and 2013. The underspend in planned mental health expenditure and the timing of the recruitment of staff developments can be attributed to the time required to get various programmes up and running. I refer, for example, to the counselling in primary care programme, which is one of the most successful programmes we have put in; the enhanced teamworking programme, which has also been hugely successful; the successful mental health information system programme, which should have been in place many years ago; the clinical programmes; and the opening of additional inpatient beds in the area of child and adolescent mental health services.

The provision of additional funding of €35 million in budget 2015 will bring to €125 million the total investment for mental health services since 2012 for the development and modernisa-

tion of services in line with the recommendations of A Vision for Change, mostly through the provision of additional posts to strengthen community mental health teams for adults and children. The additional funding is also being used to enhance specialist community mental health services for older people with mental illness or those with an intellectual disability and mental illness, forensic mental health services and suicide prevention initiatives. I believe these things should have been in place many years ago.

At the end of September, an additional 770 posts of the 990 posts provided for in 2012 and 2013 had been recruited, with the remainder at various stages in the recruitment process. There have been difficulties in identifying some outstanding candidates for geographic and qualification reasons. Therefore, duty has been taken up in approximately 77% of combined two-year posts.

While €20 million was provided for mental health services in 2014, the HSE national service plan outlined that this expenditure would be phased in to allow the HSE to live within its overall available resources. Accordingly, it was decided that the recruitment of the 2014 posts would be commenced to provide for the posts to come on stream during the last quarter of 2014. To this end and informed by the analysis, 200 posts have been identified from the 2014 allocation and the recruitment process has commenced. It is important to stress, however, that the entire underspent funds have been made available to mental health services for spending in 2014 and subsequent years. They have not vanished.

**Deputy Colm Keaveney:** Treatment delayed is treatment denied. The service plan for the recruitment to critical posts that the Minister of State stands over was denied to ensure staff were not on the books until the fourth quarter of 2014, thereby avoiding that payroll cost. Subsequent to last year's budget, the Minister of State publicly committed to ring-fencing €15 million to address the Government's failure in 2013 to protect that valuable resource for recruitment. I welcome this approach and we support A Vision for Change.

**Deputy Kathleen Lynch:** So the Deputy says.

**Deputy Colm Keaveney:** The Minister of State keeps beating over the head everyone who does not support her version of A Vision for Change.

**Deputy Regina Doherty:** There is only one version.

**Deputy Colm Keaveney:** The Minister of State has not listened to the concerns of front-line staff regarding financial resources, for example, those in Beaumont Hospital who resigned citing overcrowding in that hospital as well as funding for A Vision for Change. The Government has underspent.

**Deputy Kathleen Lynch:** I am sure the gentleman to whom the Deputy referred would like us to correct the record. He did not resign. He stepped down as clinical director.

**Deputy Colm Keaveney:** From his post.

**Deputy Kathleen Lynch:** That happens because people do not always stay in the same posts. I do not disagree with people who disagree with my view of the world. They are quite entitled to have their view and to put pressure on a Minister to get the best possible outcome. I have a difficulty, however, with people - not just in the Dáil - time and again claiming to be in favour of A Vision for Change, only not the way we are doing it when we start implementing

it and not in their back gardens. The Deputy knows this. He was involved in one of the many campaigns throughout the country. People must step up to the plate. We need more resources and to do this a bit more quickly, but we are going in the right direction.

**Deputy Finian McGrath:** Tell us about the back gardens.

**Deputy Colm Keaveney:** I support A Vision for Change, but I do not support the Government's cherry-picking of certain aspects to meet targets of which I am unaware. The Minister of State underspent the budget last year and failed to protect it under the commitment in the programme for Government to recruit specialists. The Minister of State gave a commitment to the public and the House to restore the budget.

I support the fabric of A Vision for Change and the spirit in which it was designed but, by cherry-picking aspects the Minister of State believed would deliver cost savings in other services where someone had proven incapable of spending a budget properly, she failed to protect her budget. This was the core point.

**An Leas-Cheann Comhairle:** A question, please.

**Deputy Colm Keaveney:** People with mental health issues are not waiting for time-delayed recruitment. They need help and support now.

**Deputy Finian McGrath:** And extra resources and care.

**Deputy Kathleen Lynch:** What the Deputy fails to understand is that we are changing a service. We do not necessarily want the same people who have been working in the service for a long number of years, even though they have done an incredible job. The bulk are nurses who have since upskilled and are doing a different type of job. They would agree with this. I speak with them regularly. They have told me that the expertise they have gained as a result of being allowed to do different tasks is working. They also tell me it is a better service, in which they prefer working to what had been there previously. Clearly, there will be people who will disagree and who do not wish to change. I can understand this and am not certain that any of us jumps up and down for joy when change is mentioned. However, the Government is determined to change how mental health services are delivered in Ireland. No matter what pressures may come on me, I am determined that the Government will proceed along these lines and on the lines as laid out for us in A Vision for Change.

## Pharmacy Services

87. **Deputy Finian McGrath** asked the Minister for Health if he will support the pharmacy-based minor ailments scheme to provide access to effective treatment for common ailments; and if he will make a statement on the matter. [42901/14]

**Deputy Finian McGrath:** My question is to ask the Minister for Health whether he will support the pharmacy-based minor ailments scheme to provide access to effective treatment for common ailments. I raise this question in light of the ongoing crisis in the health service and it is a proposal to free up other services to deal with people. Over the past six weeks, 32,000 people have received their flu vaccinations from their local pharmacists. This is a worthwhile project that should be developed because it will give a break to other people. Serious consideration should be given to developing this proposal.

**Deputy Kathleen Lynch:** The development of primary care services is an essential component of the health reform process. In a developed primary care system, up to 95% of people's day-to-day health and social care needs can be met in the primary care setting. Pharmacy services are well placed within the community to provide essential health advice and to support effective care at the lowest level of complexity and in a cost-effective manner. As part of its pre-budget submission, the Irish Pharmacy Union, IPU, proposed that a minor ailments scheme be introduced for General Medical Services, GMS, patients on a cost-neutral basis. The proposed scheme would allow medical card patients access to non-prescription medications to treat minor ailments without the need for a visit to a general practitioner, GP, for a prescription.

As the Government continues to experience increased pressure and demand on the resources within the health system, it is necessary to consider new and innovative ways to provide the services required. The expansion of the role of the community pharmacist to include provision of services such as a minor ailments scheme is worth exploring as the Government seeks to expand further and develop the primary care sector. It is important that such proposals generate real savings on existing public expenditure since the health service continues to operate within tight budget constraints. The Department is further examining the proposal submitted by the IPU, having regard to the evidence base for such a service and any contractual or funding implications.

**Deputy Finian McGrath:** I wish to push strongly the point that this proposal being put forward has the support of all pharmacists, as well as being cost effective. However, the big issue for me is that it would decrease the pressures in the accident and emergency departments. If one considers what has happened over the past six weeks, 18% of those who received the flu vaccine from their own local pharmacist had never had such a vaccine previously even though 93% of those people were at risk. The point I am making is they were in the at-risk category. This proposal will deal with at-risk groups, will assist in making the service sensible and will ensure the provision of a quality, cost-effective service. I ask the Minister of State to really push this issue because a pharmacy-based minor ailments scheme provides timely access for effective treatment for common ailments and is a sensible proposal. Moreover, I am glad the senior Minister in the Department of Health is also present in the Chamber because he is always having a go at Independents about not putting forward constructive ideas. This is a constructive idea and the Minister of State should up her game and see whether she can deliver on it.

**Deputy Kathleen Lynch:** No one would ever accuse Deputy Finian McGrath of not being proactive in respect of ideas. There is everything to recommend a scheme. Basically, who do people trust more and what is the door through which they most commonly go if feeling a little bit under the weather? It is the door of the pharmacy. People usually know them and they usually know everyone in their own community. They usually have been there for a long number of years and are embedded in their own community. As for encouraging patients to self-treat minor injuries, they do from time to time, as well as using the pharmacy as a first point of call for health advice. While such advice may well be that one needs to visit one's GP or perhaps that one must attend the local accident and emergency unit, nevertheless, it is there, it is available and they are trusted. It is as simple as that. Most of us use the pharmacy far more than we imagine and were one to outline the things about which we go there to seek advice, I believe the list would be quite extensive.

**Deputy Finian McGrath:** I am of the view that it would be important to broaden the range of treatments available, particularly in the context of cost-effectiveness and in light of the fact that 18% of people never previously had access to that which we are discussing. It is unac-

ceptable that senior citizens often end up lying on trolleys or sitting on chairs in accident and emergency departments in, for example, Beaumont Hospital and other facilities, for 20, 24 or 26 hours while they wait for services. The proposals to which I refer would assist in terms of ameliorating the crisis that exists in the area of front-line services. I urge the Minister of State to give consideration to them because they contain a number of brilliant ideas. I agree with her regarding the important trust that exists between local pharmacists and their customers. There is huge potential to develop the service.

**Deputy Kathleen Lynch:** I agree with the Deputy. However, when people are obliged to present in accident and emergency departments, it is often for very good reason. We must be conscious of that fact, particularly in the context of those who are frail and vulnerable.

## Other Questions

### Surgical Symphysiotomy Payment Scheme

88. **Deputy Regina Doherty** asked the Minister for Health if he will provide an update on the redress scheme for victims of symphysiotomy and his views on the timeframe, terms and conditions and so on; and if he will make a statement on the matter. [42729/14]

**Deputy Regina Doherty:** Will the Minister provide an update on the redress scheme that was established for the surviving victims of symphysiotomy? I am aware that the scheme was advertised last week and that it has been open for business since yesterday but will the Minister provide information on the terms and conditions and timeframes relating to it? I would also appreciate it if he could outline his expectations in respect of the scheme and indicate what has been the response of the victims to it so far.

**(Deputy Leo Varadkar):** I am pleased to announce that the surgical symphysiotomy payment scheme commenced yesterday, 10 November 2014. The Government has agreed that the scheme will also include payments for the small number of women who have undergone a pubiotomy. The scheme is designed to be simple, straightforward and non-adversarial and aims to minimise the stress for the women concerned. Many of the women are elderly and may not want to experience the delay, publicity and financial risks that sometimes come with a court case. I met all three support groups representing the women last September and their views have helped to shape the scheme.

Ms Justice Maureen Harding Clark, a retired High Court judge, will undertake the role of independent assessor of the scheme. Ms Justice Harding Clark, as a result of her previous work on the Lourdes Hospital redress scheme, brings valuable experience to the role of determining the appropriate level of award for each individual. The scheme is open to women who are still living and who underwent a surgical symphysiotomy or pubiotomy in the State between the years 1940 and 1990. Awards of €50,000, €100,000 and €150,000 will be offered. Women who have had a surgical symphysiotomy may accept an award of €50,000. For women who have had a symphysiotomy and have suffered significant disability, a higher award of €100,000 will be offered. Where a woman has had a symphysiotomy immediately following caesarean section, an award of €100,000 will be offered and where she has suffered significant disability following these procedures, €150,000 will be offered. For a woman who underwent a pubiotomy,

an award of €100,000 will be offered and for women who have suffered significant disability following this procedure, €150,000 will be offered. Details of the terms of the scheme and how to access application forms have been widely advertised. Awards will be exempt from tax and legislation is being put in place, as a matter of urgency, to ensure the women will also be exempt from being taken into consideration for means-tested welfare schemes. The judge expects to make payments to some women before Christmas.

It is not a requirement for a woman to retain a solicitor to make an application. However, the scheme makes provision for applicants to have legal and other advice available to them in preparing to submit an application if they wish. Ms Justice Harding Clark has assured me that if women have questions on any aspect of the scheme, her staff will be available to assist in any way possible.

**Deputy Regina Doherty:** What the Minister said is very welcome, particularly with regard to the fact that some payments may be made before Christmas and that the women will not require the services of solicitors. I also welcome the fact that the three groups which have supported the victims tirelessly during the past ten to 12 years are recommending that they should make applications in respect of the €100,000 awards that are on offer. Some of the women with whom I have been dealing are concerned that it might be difficult for them to obtain these awards and are more disposed towards applying for the €50,000 awards. Perhaps the Minister will set out what women must do to obtain the €100,000 and reassure them that the process will not be cumbersome and simply require the provision of proof that a symphysiotomy has taken place and letters from a general practitioner or those who have been treating them in recent years to prove their disabilities. By Jove, most of these women have serious disabilities arising from symphysiotomy. I reassure them about how simple the process will be.

**Deputy Leo Varadkar:** Women do not have to waive their right to take a case to court as a precondition of participating in the scheme. One can opt out of the scheme at any stage up to the point at which one accepts one's award. It is only on accepting an offer that a woman must agree to discontinue her legal proceedings against any party arising out of a symphysiotomy or pubiotomy.

Significant disability means medically verifiable physical symptoms or conditions directly attributable to surgical symphysiotomy or pubiotomy that have had a serious and debilitating effect on the applicant's quality of life. These include and are not confined to pelvic instability, pelvic pain, dyspareunia, urinary incontinence, back pain and pain on walking that continued for more than three years after the operation was carried out. Anyone who can show they have had a symphysiotomy, even one with no complications, will get €50,000. Anyone who can show she had any of the symptoms for three years or more after the operation can apply for the €100,000, and I certainly encourage her to do so.

**Deputy Regina Doherty:** I am glad to hear the genuine concern for the victims. We must acknowledge and recognise that these ladies have been through decades of suffering. The vast majority are in their 60s and 70s, and some are in their 80s and 90s. They do not want to get involved in what has been pitched in some quarters as a cumbersome process. They want to know how genuinely simple the process will be. I am glad the Minister could confirm that today. Ms Harding Clark has form in this area in that she performed superbly with the women from the Lourdes hospital redress scheme that was in place previously. The vast majority of those women were very confident and happy with the way the process was handled and with the fact that they were supported. I have no doubt the same will happen again. The process will be

simple for the ladies, who are all in the autumn of their lives.

**Deputy Leo Varadkar:** The scheme has been designed to ensure it will be simple and not cumbersome, and will not require further medical examinations, unless absolutely necessary, or people having to testify in court or produce records that may no longer exist. I refer to all the difficulties that may come with a court case. The process is designed to be simple and straightforward. It was very much designed in consultation with Patient Focus and some of the other relevant groups.

I encourage anyone who has had the complications in question to apply for the higher reward. If they do not get it, they will, at the very least, get the lower award. All that is required in this case is proof they underwent the procedure at some point. The assessor is now set up in her offices. There is a website and a telephone number. If anyone wants advice and somebody to talk through the application process, these will be available.

**Deputy Caoimhghín Ó Caoláin:** I do not agree that what is offered is in any way reflective of what the women have gone through over their lives. However, it is up to the women themselves to make the final decision. That is the position I have taken publicly and privately.

One matter the Minister has not mentioned in his response to Deputy Doherty is the 20-day period. Any reasonable assessment of what is involved and what challenges the women concerned would demonstrate that a 20-day timeframe in which to respond is extremely limited. It should be lifted. I do not believe there was any such time restriction in regard to the schemes related to hepatitis C and other conditions that were addressed historically. Why would the Minister force the women to respond in such a short period?

**Deputy Leo Varadkar:** I certainly agree with the Deputy that it is a matter for the individual women to decide whether they want to avail of the scheme or pursue a court case. There is a 20-day limit but that can actually be extended. There is a provision to allow for it to be extended if the applicant can give a reason for the delay in making the application. Ms Maureen Harding Clark will be as flexible as she possibly can be in that respect.

### **National Stroke Programme**

89. **Deputy Denis Naughten** asked the Minister for Health his plans for the roll-out of the national stroke programme; and if he will make a statement on the matter. [42744/14]

**Deputy Denis Naughten:** Since the launch of the national stroke programme, the death rate from stroke has fallen by 13% and the rate of discharge from nursing homes is up 28%, with savings of at least €21 million per year being made in reduced nursing home costs alone. Those statistics could be doubled if the Minister could provide the required investment, into both hospitals and the committee, to deliver on the totality of the national stroke programme and to install in the acute hospitals the seven telemedicine stroke machines that are currently in a warehouse in Cork.

**Deputy Leo Varadkar:** I thank the Deputy for raising this question. Understandably, in health, we always talk about what is going wrong but the national clinical stroke programme is an example of something that has gone well and is now used as an example in other countries as to what can be done.

I am checking up on those seven pieces of equipment. I am not sure the Deputy's assertion is true. They could be spares, but I will check up on that because someone else has asked me about them.

The programme, as Deputy Naughten mentioned, started early in 2010. The mission of the programme is to deliver better care through better use of resources. The vision is to provide an integrated model of clinical care in acute and community services.

Since its implementation in 2011, the national stroke programme has resulted in improved services for stroke patients. The 24-7 access to safe stroke thrombolysis, that is, where one busts the clot that is causing the blockage of blood to the brain in a stroke, is progressing, with emergency thrombolysis provided now to patients in all regions of the country. This has involved improved hospital and ambulance protocols, health professional training and the appointment of new physicians. The national stroke thrombolysis rate has increased from 1% in 2006 to 11%, exceeding the national target of 9% and is comparable to the highest rates internationally.

Since the national clinical programme for stroke commenced, nine new stroke units have been opened, bringing the total number of stroke units in acute hospitals to 24. The programme has provided funding to support staff for the implementation of stroke unit care, with 54 new nursing and therapy posts being filled. There are 20 additional clinical nurse specialists in stroke working in acute hospital services. Good clinical outcomes are being provided through initiatives such as early supported discharge for stroke patients. Early supported discharge involves intensive specialised stroke rehabilitation provided in the patient's home for up to eight weeks. This reduces the length of hospital stay, reduces long-term dependency, reduces the risk of further disability after six months and reduces the number of patients requiring long-term care. Early supported discharge services are funded in a number of locations. The feasibility of implementing this model in geographically dispersed populations is limited but the national stroke programme continues to provide funding for these sites.

**Deputy Denis Naughten:** Following up on the Minister's last comment, is it the case, based on a study by the Royal College of Surgeons in Ireland and the ESRI, that the early supported discharge programme, if completely rolled out, would save 3,000 patients spending too long in hospital, save 24,000 bed nights and result in a net saving to the health service of €7 million a year?

The HSE sets aside €2.4 million each year for the national stroke programme in the acute hospitals. Will the Minister assure the House that all of that money is being spent on supporting the acute stroke service in the emergency hospitals?

**Deputy Leo Varadkar:** I assume it is. I will double-check that for the Deputy. I suspect probably a little more is being spent than that.

I am a big fan of early supported discharge. It makes a lot of sense to get patients home more quickly to do their rehabilitation at home and that produces better clinical outcomes. Unfortunately, like a lot of savings posited in health care, it is not quite that simple. I have studied the ESRI report in detail and so has the HSE. We intend to extend the early supported discharge programme, if we can. However, it is not as simple as merely stating it will save millions of euro. Commentators always put that across in health. It requires us setting up a community infrastructure first and there is an initial investment cost before one can make any savings, and the savings only arise if one then reduces capacity in the hospital because there is the cost of

setting up the service in the community. The saving only arises if one starts taking staff and beds out of hospitals and I would not do that because we need those staff and beds. If I can free up staff and beds in hospitals, I want to get patients off the waiting lists and into those beds. Unfortunately, there is not a net saving. There is an efficiency, but not a saving.

**Deputy Denis Naughten:** The Minister said in his initial contribution the emergency thrombolysis service is available in all regions. As the Minister is aware, it is not available in all acute hospitals. Portiuncula Hospital in Ballinasloe does not have an emergency stroke or thrombolysis service at present. Will the Minister give a commitment to the House, first, that priority will be given to the appointment of a geriatrician physician to provide a thrombolysis service at one of the emergency hospitals in the country that does not have it currently and, second, that one of the seven telemedicine stroke machines that are gathering dust in a warehouse in Cork would be installed in Portiuncula Hospital in Ballinasloe and linked to Galway University Hospital? We would then have a 24-7 emergency stroke service that is available in other parts of the country but is not available at present in my region, which is putting lives at risk.

**Deputy Leo Varadkar:** I said it is available in every region, not in every hospital. There is a difference. Trying to do everything in all 47 hospitals around the country does not produce better clinical outcomes. In fact, it can produce inferior outcomes.

**Deputy Denis Naughten:** As the Minister is aware, that is not the case with stroke.

**Deputy Leo Varadkar:** The best thing we can do is think about the health service differently and make sure that patients are, first, treated from the moment they get into an ambulance, which is done a lot in other countries, and, second-----

**Deputy Denis Naughten:** Not with stroke.

**Deputy Leo Varadkar:** -----that they get to the most appropriate centre as quickly as possible, which might not necessarily always be the nearest centre. If someone has a major trauma, he or she needs to go to a trauma hospital that has a trauma orthopaedic surgeon. We must begin to think differently about where ambulances take people in order that they go to the right hospital, not necessarily the nearest one.

Deputy Naughten is aware there are currently 200 consultant vacancies. I believe the position of geriatrician in Portiuncula is one of the vacancies. If it is, we will certainly do our very best to fill the vacancies. Each and every vacancy is a priority. I will not say that a consultant in Deputy Naughten's local hospital should be prioritised over a consultant service in another local hospital as quite frankly that is a parish pump approach, but I will prioritise the filling of all those vacancies as much as possible.

**Deputy Denis Naughten:** We are the only region in the country without a stroke service. Minutes are very important in the case of stroke.

**An Leas-Cheann Comhairle:** We must move on. I call Deputy Paul Murphy.

**Deputy Leo Varadkar:** Absolutely not. That is not correct.

**Public Sector Staff Data**

90. **Deputy Paul Murphy** asked the Minister for Health further to Parliamentary Question No. 173 of 9 October 2014 the reason almost 65% of medical and dental staff employed by the Health Service Executive are on fixed term and or special purpose contracts; and the effect that has on patient care. [42767/14]

**Deputy Paul Murphy:** I ask the Minister why it is the case that almost two thirds of medical and dental staff employed by the HSE are not on permanent contracts but are instead on temporary or special purpose contracts. It seems to be an extraordinarily high figure that presumably speaks to the erosion of terms and conditions and the widespread use of agency staff in the health service right across the public service. What impact does that have on patient care?

**Deputy Leo Varadkar:** It is important to note that a significant proportion of medical and dental staff, in particular non-consultant hospital doctors, NCHDs, are employed on a training rotation on fixed-term contracts. Most NCHDs are therefore recorded as being temporary employees. In total, approximately 5,000 NCHDs are employed on fixed term or specified purpose contracts or almost 65% of medical and dental employees in whole-time equivalent terms. Nearly 4,000 of the posts are part of a structured training programme. It is a permanent feature of medical employment that a large proportion of staff are on fixed term or specified purpose contracts at any given time. Ireland is no different from many other countries in that respect.

In July 2013 a working group was established, chaired by Professor Brian MacCraith, to carry out a strategic review of medical training and career structures. The group submitted its final report in June. My Department, in conjunction with relevant stakeholders, is pursuing implementation of the recommendations made by the MacCraith group to support NCHD and consultant recruitment and retention.

**Deputy Paul Murphy:** I wish to clarify those figures. The Minister said 4,000 out of the 6,221 staff on fixed term or specified purpose contracts are in training. Taking out those involved in training, how many of the remaining staff on temporary or specified purpose contracts are agency staff? What amount of money is spent on agency staff and what proportion of the money goes on agency fees, which is a complete waste from the point of view of the health service? Figures recently emerged to suggest that agency doctors can cost hospitals up to €1,000 a day and up to €300,000 a year, a portion of which is taken by the agencies in question, which speaks strongly against the notion that using temporary staff is a cost-saving measure for the State.

**Deputy Leo Varadkar:** With the greatest respect to the Deputy, he is conflating two different issues, namely, agency staff and permanent contracts. There are 2,600 consultants in the system, 2,200 of whom are permanent staff and 295 dentists, of whom 275 are permanent. The vast majority of consultant and dentist staff are permanent but of the 5,000 non-consultant hospital doctors only 66 are permanent, the reason being that the nature of being a non-consultant hospital doctor is to rotate from job to job every four or six months. It is not a permanent post but rather it is a training post whereby doctors move from hospital to hospital or to a post in the community in order to learn their job. It is only when a doctor has learned the job and earned his or her certificate of training or becomes a specialist, that he or she is appointed to a permanent post.

The situation is different in the case of agency staff. The use of agency staff arises where the

hospital is unable to fill a post, either because nobody has applied or else to fill in for maternity leave or sick leave or to fill a vacancy which arises for some other reason. The reason agency costs have risen so high is because it has been so difficult to fill consultant posts on current salaries and to fill NCHD posts in certain remote parts of the country where it is difficult to get doctors to relocate for work.

A detailed breakdown of the expenditure on agency staff is published monthly in the HSE's performance assurance report, PAR, which is available on its website.

**Deputy Paul Murphy:** I agree that an important aspect is the inability of retaining trained doctors in this country, of which pay may be an element. However, another important element is the working conditions which continue to be fairly horrific, considering it is regarded as a step forward to agree not to have people working more than 24 hour shifts. This illustrates the problems facing them and it is the fundamental problem for the Minister.

I ask if the Minister may be able to shed some light on the other figures. I refer to contracts of indefinite duration in the case of staff employed on a temporary basis but as a result of staying on over a period of time have become, in effect, permanent. The HSE does not provide a breakdown but this is an important figure because those employees are potentially employed on inferior terms and conditions than those permanently employed from the outset. I ask if the Minister can access those figures and provide the House with information about what proportion of those employees classified as permanent are actually on contracts of indefinite duration.

**Deputy Leo Varadkar:** I can provide the Deputy with a detailed breakdown of the figures to the extent that I have them. The information gives a full breakdown of fixed term, part-time and full-time posts. Terms and conditions of employment are also important, as it is not all about money, and these are improving. For example, an NCHD working more than a 24-hour shift is now relatively unusual. The residence at St. James' Hospital where doctors on call used to sleep overnight was demolished a few weeks ago because doctors in that hospital no longer have to sleep overnight. Even though we are not yet in compliance with the working time directive, we are getting closer every year. Pay is important and it is particularly important in the case of consultants. I know the Deputy is a great believer in income equality and that everyone should earn the same. Certainly if his policies were implemented we would have no consultants in this country or very few. That is just one example of where income equality is not always in the public interest.

**Deputy Paul Murphy:** Like in Cuba which has the highest number of doctors-----

**Deputy Leo Varadkar:** They are working in hotels in Cuba. I have been there.

### **Hospital Facilities**

91. **Deputy Finian McGrath** asked the Minister for Health if he will provide an update on the cystic fibrosis unit in St. Vincent's Hospital, Dublin; and if he will make a statement on the matter. [42746/14]

**Deputy Finian McGrath:** I am glad Deputy Paul Murphy made the point about Cuba. It might be worth the Minister of State, Deputy Kathleen Lynch, and the Minister, Deputy Leo Varadkar, visiting Cuba to see the health service at first hand to see how services are delivered

even though they do not have the resources and they are still being hammered by the United States, but that is for another debate.

My question is to ask the Minister if he will provide an update on the cystic fibrosis unit in St. Vincent's hospital. I raise this matter in light of the recent weather, the danger of infection and the fact that cystic fibrosis patients face a significant danger of cross-infection when in hospital. I ask the Minister if the service at St. Vincent's hospital is in a position to cope and if the use of individual rooms is working.

**Deputy Leo Varadkar:** St. Vincent's University Hospital is the designated national adult referral centre for patients with cystic fibrosis and currently provides services for over 300 adult patients. The designated in-patient and day care cystic fibrosis unit in the new seven-storey Nutley wing development at St. Vincent's University Hospital, became operational during summer 2012 and represents a major improvement in the care of cystic fibrosis patients in Ireland. This unit provides single en-suite rooms, reflecting best practice in terms of infection control. It also provides a dedicated CF day unit, containing offices, treatment rooms, together with ten single day-treatment rooms, each with en-suite sanitary facilities for treating patients with cystic fibrosis.

Given the unique requirements of cystic fibrosis patients, there are specific processes in place at the hospital to manage their treatment and provide optimal care.

*3 o'clock*

Patients with cystic fibrosis who are acutely sick and need admission to hospital are admitted that day. Patients are automatically admitted to single en-suite rooms in St. Christopher's ward or to the other wards in the new Nutley wing.

On rare occasions when infection control issues preclude admissions to the Nutley wing, patients are admitted to a single room elsewhere in the hospital. The patients are transferred to the Nutley wing once the infection control issues have been resolved.

The HSE has confirmed that the hospital has maintained its commitment to the cystic fibrosis escalation policy and no cystic fibrosis patient has been on a waiting list for a bed. In addition, the HSE, St. Vincent's University Hospital and Cystic Fibrosis Ireland meet regularly to ensure the system works from a patient's perspective.

**Deputy Finian McGrath:** I thank the Minister for his response because it is important we keep an eye on this issue. As the Minister stated, 350 cystic fibrosis patients regularly use the unit. My experience is that the services and individual en suite rooms in the Nutley wing work. Many of us campaigned for them for many years. When the weather or climate changes, or we have an issue with mass infections or various types of flu, there could be a surge in the number of people wishing to use the cystic fibrosis unit at St. Vincent's Hospital. The Minister stated there is no waiting list and I would like him to confirm that when people turn up at St. Vincent's Hospital with cystic fibrosis complications, they do not hang around but immediately obtain a bed. We must be proactive on this issue, especially in light of our climate.

**Deputy Leo Varadkar:** I am informed in the reply there is no waiting list, and since the new unit has opened I have not heard of any case on the waiting list. I am enough months in the job at this stage not necessarily to believe everything I am told, but certainly I have not heard anything to the contrary.

**Deputy Finian McGrath:** It seems to be the case based on my experience in recent months, but I want to highlight the fact we must be vigilant. It has stabilised and settled down but we must be ready for an influx of people seeking the services at St Vincent's hospital. There should never be a question of a lack of resources or money for these services. Certain issues such as health must come before tax cuts for the well-off. Any country or state which claims to be equitable and humane must put services such as health way ahead of any tax cuts for people with loads of money. Health should always come first.

**Deputy Leo Varadkar:** The Deputy's point about a potential surge is well made. There is always the risk of a surge because of an infectious disease, and the last circumstance one would want is someone who is either immunosuppressed or has cystic fibrosis being mixed in with patients with an infectious disease. It is certainly a valid point on which I concur with the Deputy.

### **Mental Health Services Funding**

92. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the reason, despite commitments to do so, returning the year on year budgetary provision for the roll-out of community mental health services to that promised in the 2011 programme for Government, did not seek the add-on of the 2014 shortfall of €15 million to the €35 million ring-fenced for 2015 for further advances in the delivery of A Vision for Change; if he will make a commitment to have the 2014 shortfall secured for the 2016 budget provision; and if he will make a statement on the matter. [42757/14]

**Deputy Caoimhghín Ó Caoláin:** My question has been somewhat played around with. It should state:

To ask the Minister for Health to explain why his Minister of State, Kathleen Lynch TD, despite her repeated commitments to do so, did not, in fact, at the end of the day, seek the add-on of the €15 million unsecured in the current year to the €35 million to be ring fenced in 2015.

**Deputy Kathleen Lynch:** I can read out for the Deputy the exact same answer I gave Deputy Colm Keaveney earlier. I know it is identical because I have read it. I understand what the Deputy is saying and why he is saying it. However, I must say the experience I have gathered over the past year or two has shown me very clearly that trying to put in place the posts for a new service in mental health is quite difficult. The bulk of the posts are in place. Recruitment for the posts approved in 2012 and 2013 is continuing. At the end of September, of the 416 posts approved in 2012, 397.5 have been recruited. Regarding the 2013 posts, the recruitment process is completed for 370 of these posts and the majority of the remaining posts are expected to be filled by the end of this year or early next year.

In the interests of debate and in order that we all know exactly where we stand, I received a note last week from the national office. We now have a national office for mental health. We have a difficulty in some areas relating to being unable to recruit child and adolescent psychiatrists. Not alone did we go to the market in this country, we also went to England because we heard of an agency there that was having some success in recruiting this very specialised consultant. Having gone and looked, however, we had no success. Not alone did we not have success, a private provider that was offering a salary of €200,000 for an equivalent post did not have success. We have a difficulty in terms of the type of specialist post we are trying to recruit

and in terms of changing the service in the dramatic and quick way we are trying to do it. I am very determined that this should happen quickly. We are having a difficulty regarding the posts and that has changed my view over the past year. It is better to try to operate in terms of what we have available and get in as quickly as possible those whom we can recruit.

**Deputy Caoimhghín Ó Caoláin:** The only interpretation that can be put on the failure of the Minister of State to seek €15 million that was not provided for this year is that we had nowhere to spend it. We are talking about the implementation of A Vision for Change and we still do not have the model of 24-7 crisis intervention within the specialist mental health services in all parts of the country. Not all services are providing home treatment and there are very few crisis houses to provide alternatives to inpatient beds.

There has also been a large increase in the number of homeless people being admitted to inpatient units. In 2013, 245 people of no fixed abode were admitted to inpatient units, an increase of 40% on 2012. Mental health services in primary care, representing a core aspect of all entailed in A Vision for Change, are simply not able to cope with current demand. The Minister of State in an earlier response referred to the new counselling and primary care service. The HSE has advised us that the waiting list for this new counselling and primary care service is already building up. This service was only initiated nationally in July 2013. As of August, 211 people were waiting between three and six months for an appointment and 70 people had waited more than six months.

**An Leas-Cheann Comhairle:** I will come back to the Deputy. I call the Minister of State to reply.

**Deputy Caoimhghín Ó Caoláin:** A considerable amount could be done with these moneys.

**Deputy Kathleen Lynch:** In response to the request that the Government should have made up the €15 million it held back in 2014, my position is that in the circumstances and given the logistical and phasing issues arising from recruitment and properly planned service reconfiguration, it was considered more efficient to restore the annual programme for Government allocation to 2012 and 2013 levels. Coupled with unspent 2014 moneys, this represents a considerable commitment to an increase.

Regarding counselling in primary care, CIPC, because we did not know what the demand or uptake would be or how successful it would be, a waiting list built up. That is why the €35 million in this year's service plan will be directed very clearly towards the primary care setting. I will get the Deputy an entire list of what we have done and what is available in mental health and primary care. There are constant complaints about what we do not have, whereas we have a considerable amount done.

**Deputy Caoimhghín Ó Caoláin:** I do not argue there have not been improvements. I am highlighting, as is my role and responsibility, what needs to be done. There is so much in the mental health area and I know the Minister of State is as aware of it as I am. There can be no way we could fail to utilise that €15 million in the coming year.

I refer to the waiting list for CAMHS. Children continue to be admitted to adult wards with 158 admissions up to the end of June, 53 of whom were placed in adult wards, while in July more than 2,700 children and adolescents were waiting to be seen by CAMHS.

These moneys were pushed into other areas of the health budget in previous years and they

could be pushed into other mental health services. If the Minister of State is not adding this money in 2015, whatever value her commitment may have, will she seek and secure it and add it for 2016?

**Deputy Kathleen Lynch:** With regard to children being placed in inappropriate places, my research tells me that they are usually aged 16 or 17. I was worried that this involved a younger cohort but, nevertheless, when young people are placed in inappropriate beds on adults wards and beds are available within the CAMHS unit, a question needs to be asked. I have asked that question of those charged with both delivering the service and inspecting it. We need to have a conversation about what is causing the delay and why there are such waiting lists.

We are looking for a child and adolescent psychiatrist but we cannot get one. We have tried not only on these shores, but also abroad. A private service offering much more than we are offering cannot recruit such a psychiatrist. There are difficulties in some areas and we have to recognise this difficulty. I am not certain how to resolve it but we are working on a solution.

**Deputy Caoimhghín Ó Caoláin:** Will the Minister of State secure the missing €15 million?

### Health Services Provision

93. **Deputy Finian McGrath** asked the Minister for Health his plans to provide a resolution to the issue of patients on trolleys in major hospitals here; and if he will make a statement on the matter. [42747/14]

**Deputy Finian McGrath:** What are the Minister's plans to provide a resolution to the issue of patients on trolleys in our major hospitals? Since August, despite all the talk, and despite all the PR for the past three years, the number of patients on trolleys has increased by 19%. Nationally, that means the number has increased from 3,913 to 4,648. Will the Minister deal with this scandal of patients being on trolleys for 24 to 36 hours? It is an absolute disgrace. We need action and not more talk or waffle.

**Deputy Leo Varadkar:** The Department and the HSE both believe that trolley waits are an unacceptable feature of the Irish health care system which must be addressed. Figures for 7 November show that compared to the baseline year of 2011, there are 32.3% fewer patients on trolleys, equivalent to 24,851 patients. However compared to 2013, there are 3.1% more patients on trolleys. This is equivalent to 1,559 additional patients. Performance in this area occurs against a background of a population which is experiencing significant ageing with those over 80 years increasing by some 4% annually.

I am advised by the HSE that it is introducing a range of measures to minimise the numbers of patients waiting on trolleys. The special delivery unit is working with hospitals to improve access times to appropriate care and to reduce length of stay for key conditions. New pathways of care continue to be introduced to improve patient flow through hospitals including minor injury, medical assessment and surgical assessment units and specific pathways for frail older people.

This work is supported and facilitated through the clinical programmes and the involvement of senior clinical decision makers at all stages of the patient journey. The special delivery unit is also working with the hospital groups to maximise capacity to accept emergency department

patients by ensuring that appropriate activity is performed at each individual site. An in-depth review of individual sites is due to commence within the next month, which should lead to a sustainable improvement.

The Government has also provided additional funding of €25 million in 2015 to address delayed discharges. This funding will be targeted at hospital and community services which can demonstrate initiatives to address specific needs of delayed discharge patients most positively and therefore improve timeliness for admissions from emergency departments and waiting lists.

**Deputy Finian McGrath:** The Minister referred to sustainable improvement. Currently, there are 700 people fit for discharge in our hospitals and a resolution of that issue would help to alleviate this crisis.

However, the other issue is trolleys being moved up the wards to cover up and massage the figures. That is not acceptable and it is not an example of good practice. Acute hospital beds cost approximately €1,000 each and, therefore, cost effectiveness is an issue in the context of the number of trolleys. The Minister needs to up his game. We need less spin and we need to get people off trolleys and out of our accident and emergency departments. We also need to provide a quality health service, which is the real issue. We have been conned about these figures over the past three and a half years. Deputy Varadkar is the new Minister and he has the opportunity to up his game and deal with the real issues.

**Deputy Leo Varadkar:** I would like to correct one of the Deputy's comments. We are not moving patients on trolleys up the wards to massage the numbers.

**Deputy Finian McGrath:** That is not what we are told.

**Deputy John Halligan:** It is well known.

**Deputy Leo Varadkar:** Then the Deputies are not being told the truth. I will be happy to inform them if they care to listen.

We move people on trolleys up to the wards to reduce overcrowding in accident and emergency departments but they are counted in the figures. The HSE figures that are produced include people on trolleys on ordinary wards. This is not being done to massage figures because they are in the figures.

**Deputy John Halligan:** If the Minister visits a hospital, there will not be anyone on a trolley. Patients will be moved while he is there. That is what is done when Ministers visit hospitals. The nurses will tell the Minister that, and the same happened with the former Minister. When he visited a hospital, patients on trolleys were moved.

**Deputy Leo Varadkar:** It is being done to get them out of the accident and emergency departments and to reduce overcrowding. I would be happy to give the Deputies more information but they are not interested in knowing the facts and, therefore, I will not bother.

**Deputy Finian McGrath:** We want a straight answer.

## Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Regina Doherty - the new wind energy planning guidelines; (2) Deputy Sean Fleming - the funding of the school meals local project scheme in Scoil Bhríde, Portlaoise, County Laois; (3) Deputy Lucinda Creighton - the deteriorating tax environment for productive investment in small and medium-sized enterprises here; (4) Deputy Michael Creed - the need for better co-ordinated transport arrangements between the Department of Education and Skills and the HSE in respect of children moving from special education provision to adult services where currently no transport assistance is provided for those attending adult services regardless of the distance travelled; (5) Deputy Pádraig Mac Lochlainn - the need to restore the free bus pass allowance to the Buncrana, County Donegal to Derry city bus route for the elderly and disabled citizens who rely on this service; (6) Deputy Seán Ó Feargháil - the need for the Minister for Health to make a statement on the overcrowding problems currently being experienced at Naas General Hospital; (7) Deputy Terence Flanagan - problems with the processing of medical card applications in PCRS; (8) Deputy Billy Timmins - to ask the Minister for Health if clinical directive 03/2014, which came into effect on 6 November 2014, means that heart attack patients under the control of the emergency services can no longer avail of the facility at St. Vincent's hospital, but have to go to the Mater hospital or St. James's Hospital; (9) Deputy Michael P. Kitt - the current business plan for An Post and the way it affects services in County Galway; (10) Deputy Helen McEntee - to ask the Minister for the Environment, Community and Local Government when the revised wind energy guidelines will be published and whether he can clarify if existing applications submitted to An Bord Pleanála where no decision has been made will be assessed under the new guidelines; (11) Deputy Denis Naughten - the need for the Minister for Health to ensure that patients in receipt of fair deal nursing home support are not charged for entertainment or activities, contrary to the nursing home regulations; (12) Deputy Patrick O'Donovan - the need for a new process of allocating resources to prioritise the construction of new Garda stations and refurbish existing ones; (13) Deputy Olivia Mitchell - to raise the issue of public concerns regarding reports of historical cases of tax evasion by senior political figures and the investigation by the relevant authorities of such matters; (14) Deputy Martin Heydon - staffing issues at Naas General Hospital; (15) Deputy Seán Kyne - the need for the Minister for Justice and Equality to clarify the plans for the Garda presence in Galway and the western division arising from reports concerning the future of Salthill Garda station; (16) Deputy Anthony Lawlor - staffing issues at Naas General Hospital; (17) Deputy Mattie McGrath - the urgent need for the Minister for the Environment, Community and Local Government to clarify the funding position for the Irish Deaf Society; (18) Deputy Pat Deering - the need for signs on the M9 and other tourist services and facilities at St. Mullins in County Carlow as St. Mullins is one of the major 7th century monastic sites in the country and the Book of Moling sits alongside the Book of Durrow and the Book of Kells in Trinity College Dublin; (19) Deputy Mick Wallace - to discuss the Garda Inspectorate report and implications for reform of the Garda; (20) Deputy Clare Daly - to discuss the implications of the findings of the Garda Inspectorate report; (21) Deputy Dessie Ellis - to discuss the need to protect tenants from losing their homes in the case of sale, repossession or receivership proceedings on the house they are renting; (22) Deputy Robert Troy - the need for the Minister for Justice and Equality to discuss the crime rates in Longford; (23) Deputy Michael Fitzmaurice - the beef farmers' protests, whereby if these farmers' needs are not addressed, the risk that producers will give up because they cannot survive; (24) Deputy Colm Keaveney - the need for the Minister for Health to make a statement to the

Dáil on media reports that he has informed the Minister for Public Expenditure and Reform that his Department does not have the funding to equip the proposed new national children's hospital; (25) Deputy Paul Murphy - the ongoing industrial dispute at J.J. Rhatigan in Kishoge community school, Lucan; (26) Deputy Joe Higgins - the ongoing industrial dispute at J.J. Rhatigan in Kishoge community school, Lucan; (27) Deputy Ruth Coppinger - the industrial dispute at J.J. Rhatigan in Kishoge community school, Lucan; (28) Deputy Richard Boyd Barrett - the need to cease payment to the principal contractor, J.J. Rhatigan, at the school construction site in Kishoge, west Dublin, funded by the Department of Education and Skills, pending a full investigation of alleged mistreatment of workers and tax compliance issues; and (29) Deputy Martin Ferris - the future status of Lenamore school, Ballylongford, County Kerry.

The matters raised by Deputies Regina Doherty and Helen McEntee; Michael P. Kitt; and Paul Murphy, Joe Higgins, Ruth Coppinger and Richard Boyd Barrett have been selected for discussion.

### **Leaders' Questions**

**Deputy Dara Calleary:** I am sure the Ceann Comhairle will acknowledge the passing of our former colleague and Minister, Joe Walsh. Our thoughts on this, the day of his funeral, are with his wife, Marie, and his family. I know there will be time again to recognise his immense contribution to Irish public life.

A senior civil servant has submitted a dossier to the Committee of Public Accounts and to members of the committee under the new Protected Disclosures Act 2014. The allegations reported to be contained within the dossier are serious and they deserve to be treated as such. While I understand the Taoiseach may be constrained in commenting on the specific allegations, it is important that we discuss the timeline of events since the allegations were first made a number of years ago. Will he confirm that the allegations contained in the dossier were originally referred to the Office of the Director of Corporate Enforcement, the Garda Bureau of Fraud Investigation, the Revenue Commissioners and the tribunals that were in place at the time in 2005? Will he also confirm again to the House the Minister for Jobs, Enterprise and Innovation's statement this morning that the full dossier as presented to the Committee of Public Accounts has been referred to the appropriate authorities today? Will he outline which authorities received the most up-to-date dossier under the current disclosure?

**The Taoiseach:** I would like on behalf of the Government to express our sympathy to the wife and family of the late Joe Walsh. I know, a Cheann Comhairle, that we will have an opportunity for expressions of sympathy at a later date. At a time when farmers are blockading meat plants I am sure the spirit of the late Joe Walsh will be looking on benignly in that he had been there before. He was a man for whom I had great admiration and with whom I had a very good friendship over many years. We will deal appropriately with this at a later time.

In response to the issue raised by Deputy Calleary, this is the first whistleblower to produce documentation under the protected disclosures legislation, which is a major piece of reform that I very much welcome and in respect of which the whistleblower must be protected. The Deputy asked if the matter was first referred to the agencies in 2005. The answer to that question is, "Yes". In respect of the witness statement, that was requested originally by the Garda Bureau of Fraud Investigation. It has now been cleared by the Department and the Minister and has been sent to the Garda Bureau of Fraud Investigation, as requested by the whistleblower in the

first instance.

**Deputy Dara Calleary:** I thank the Taoiseach for his reply. I welcome the protected disclosures legislation. We all do. This is its first case. It will be interesting to see how it is treated. I would like to raise a couple of issues. Can the Taoiseach confirm if the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, met with the civil servant involved prior to the submission in the past few days of the current file? I note the Taoiseach's reference to his notes. Has he discussed this matter with the Minister, Deputy Bruton, since it first arose last Thursday at the Committee of Public Accounts? Given the serious allegations in regard to the management of this information within the Department, has the Taoiseach sought a formal meeting with the Minister, Deputy Bruton, or officials from his Department in regard to the handling of this file?

**The Taoiseach:** No, the Minister, Deputy Bruton, did not meet with the whistleblower. The Minister issued a statement saying he was willing to meet the whistleblower, to which I understand the whistleblower has responded indicating that he would be glad to do so. I have not seen the statement from the whistleblower but I understand that is what was said and I hope that can be so.

I was briefed last Saturday by the Minister, Deputy Bruton, on the timeline in respect of the preparation of the witness statement and on the fact that work had been delayed owing to retirements, that that work was ongoing and would be released soon. It has now been released.

**Deputy Gerry Adams:** Ar dtús, ba mhaith liom fosta comhbhrón a dhéanamh le Fianna Fáil agus le teaghlach an Uasail Joe Walsh, a fuair bás. Go ndéanfaidh Dia trócaire air.

Ba mhaith liom, ar ábhar eile, mo thacaíocht a thabhairt do na mic léinn a bheidh ag caint as Gaeilge ar feadh 24 uair ar fud na tíre. Tá súil agam go leanfaidh siad ar aghaidh.

Ach níl an t-uisce imithe fós. I want to ask the Taoiseach about the issue of water bills for families awaiting them in trepidation, which issue has still not be sorted out. The anxieties and stress of families has been increased by the Government's unwillingness, even yet, to tell them how much they are to be forced to pay. If this incompetence on behalf of Government was not bad enough we have now learned that Irish Water will fix only the first leak that occurs in a householder's garden. Leaks inside the home or a second leak in a garden will be the sole responsibility of the householder, who will also be forced - this is quite bizarre - to pay for thousands of gallons of leaked water as well as any damage caused by such leaks. If a plumber came to my house to fix a leak and did not do so properly I would be sending for him to fix it as opposed to having to pick up the bill through his incompetence. If this is not bad enough we have also learned that insurance companies are saying that they will limit the liability to householders who face these major bills as a result of burst pipes. Does the Taoiseach believe that this is acceptable?

The Taoiseach will be aware that tens of thousands and scores of other thousands of people throughout this State are protesting and have stated very clearly that they cannot afford to pay this water tax. Perhaps the Taoiseach will set out the Government's position in relation to families being hit with massive bills for water leaks and who are to be denied insurance cover.

**Deputy Finian McGrath:** Park it.

**The Taoiseach:** Deputy Adams seems to want to change the rules all the time. He used the words "níl an t-uisce imithe". Séard a tháinig isteach i m'aigne ná go raibh sé ag caint faoi

uisce faoi thalamh.

**Deputy Gerry Adams:** Tá a lán uisce faoi thalamh.

**The Taoiseach:** Tá a fhios aige go maith go bhfuil neart uisce ag imeacht faoi thalamh, suas le 40% den uisce atá cruthaithe ar dtús. Is é sin fáth amháin go bhfuil, agus gur cóir go mbeadh, comhlacht cosúil le hUisce Éireann ann chun infheistíocht a chur ar bun agus é sin a réiteach.

**Deputy Gerry Adams:** Freagair an cheist.

**Deputy Brian Stanley:** Múinteoir.

**The Taoiseach:** Deputy Adams referred to trepidation and the fear of families. It is important to note that Irish Water has issued a statement clearly stating that irrespective of whether a person has a water meter the first leak between the meter on the road and the gable on the house will be fixed by it free of charge. I do not know where Deputy Adams has been living in the sense that if there is a water leak inside one's house it is the local plumber rather than Irish Water that one should call. If there is a leak between the meter and the wall of the house, one should also call the plumber. Irish Water will fix the first leak on the private property of the house owner. Thereafter, it is the local plumber that one calls.

I want to put Deputy Adams's mind at ease. The Deputy and members of his party, even though they might have been in far away fields, have been putting out headlines around the country that people will be paying €1,500, €2,000 or €2,500 for their water. That is the kind of fear they are spreading among the population.

**Deputy Sandra McLellan:** Who said that?

**Deputy Brian Stanley:** Where was that said?

**The Taoiseach:** I have had people from Sligo report to me that members of the Deputy's party have been saying that all of the contributions that come from people will go towards paying German banks. They are becoming more imaginative in their assessments here.

**Deputy Patrick O'Donovan:** Those assessments are gone to their heads.

**The Taoiseach:** Government will deal with this matter next week and will put at ease people's fears and concerns. We will deal with the issues that the people have raised and the concerns and anxieties they have expressed. We will bring about a resolution to this matter which will be clear, fair, affordable, accountable and will address the many issues that have been raised with Deputies on all sides of the House and by way of protests around the country over the last number of weeks. It is important to listen to and hear controversy but it is more important to act on it. That is what Government will do next week.

**Deputy Michael Healy-Rae:** Spin time.

**Deputy Gerry Adams:** The Government created the mess. Listening to the Taoiseach's answers, I am reminded of Flann O'Brien who would be stretched to write such creative pieces of prose.

I asked the Taoiseach about insurance companies' proposals to limit liability but he did not answer it. I have a further question. The Taoiseach will recall that the Minister, Deputy Alan Kelly, was forced to abandon the threat by former Minister, Phil Hogan, that those who could

not or would not pay the water tax would have their water reduced to a trickle. I recall the Taoiseach also saying that to me here. That seems to have gone away. However, the Minister for Finance, Deputy Noonan, has refused to rule out the option of the Revenue Commissioners going after those citizens who cannot pay water charges. The Taoiseach has also failed to rule out the Department of Social Protection deducting water charges from people's social welfare payments. Perhaps the Taoiseach, who continually speaks about clarity and the need for it, would take this opportunity to clear up this issue today. Will the Taoiseach state, with the clarity he espouses, that under no circumstances will the Government use the threat of the Revenue Commissioners to take money from people's hard earned wages to pay the water tax? Will he also say with the transparency, clarity and clearness of which he is so praiseworthy that those in receipt of social welfare will not have money taken directly from their payments to pay his unwanted, unjust and widely rejected tax.

**The Taoiseach:** As I said to the Deputy last week, he supports everybody who pays, who does not pay and who cannot pay. It is true that because of particular circumstances there is always a coterie of people who would find it very difficult to make any payment. We have had difficulties in the past with various other schemes and there has always been a facility to deal with that.

The insurance companies have been vocal about leaks in the houses, in particular in winter time when pipes can burst. This is always, and has always been, a feature of insurance for homes and houses and people have become very used to taking precautions, depending on the severity of the winter, so that pipes would not burst and leaks would not occur when they are away. The concern is not really an imaginary hundreds of thousands of litres of water leaking but the destruction of the house. A very small amount of water can destroy houses which have been carefully looked after by the people who own them. One would hope that would not happen, that people would take precautions and that the internal water systems in their homes would be capable of withstanding heavy frost or whatever. It is the destruction of the house and its contents which is always of interest here.

As I said, we will deal with all of these questions next week-----

**Deputy Gerry Adams:** And Revenue.

**The Taoiseach:** -----and Revenue and social welfare. We will deal with all of these questions next week. In terms of governance, the management, the structure, the call-outs and all of the issues raised by people, the Government has listened very carefully to what they have had to say and we will deal with it comprehensively and fairly next week. Far from the €1,500 to €2,000, about which some of Deputy Adams's people around the country have been talking, even he will get a pleasant dose of reality for once.

**Deputy Patrick O'Donovan:** That is three of Deputy Adams's dinners.

**Deputy Leo Varadkar:** Free dinners.

**An Ceann Comhairle:** I call Deputy Catherine Murphy.

**Deputy Michael Healy-Rae:** The Taoiseach has woken up out of a coma.

**An Ceann Comhairle:** You are not Deputy Catherine Murphy, are you?

**Deputy Michael Healy-Rae:** I am not.

**An Ceann Comhairle:** I have called her. Would you mind letting her speak?

**The Taoiseach:** De Valera had free beef, Deputy Adams has something else.

**Deputy Brian Stanley:** There is nothing free from the Blueshirts.

**Deputy Catherine Murphy:** I wish to convey the sympathy of the Technical Group to the family of the late Joe Walsh.

This week the Government employed its best agenda strategies to try to detract public attention from Irish Water and, to a certain extent, it has succeeded. It is no longer the leading headline in the news but the Government should not confuse the media narrative with public sentiment. There is nobody on the street or who answers a door on which one knocks who will not raise this issue. This is not about a small number of people but about the large numbers who were out protesting. This is a general reaction from people.

The figures of €80, €200, €240, €500 or take one's pick are the kinds of figures raised over the past few months but three weeks before the deadline when forms must be submitted, people do not know what they are signing up to. This morning we heard about the insurance implications. We did not have the time to consider them because the legislation was rammed through so quickly. With three weeks to register, people have no idea what they will pay, what the cost will be to run Irish Water and how the 49% of water leaking will be reduced. People also have fears in regard to the handing over of personal data. These issues are as relevant today as they were when they were first raised.

In the past week, Irish Water has for the third time issued a new data protection statement which is buried in its website. It hardly measures up to the requirement of facilitating informed consent. A letter sent to me by the former Data Protection Commissioner states that the Water Services Act was designed so as to circumvent existing data protection legislation, meaning that normal restrictions which would and should apply have in the case of Irish Water been set aside. Even some of the Taoiseach's backbenchers are advising people not to include their PPS numbers on the Irish Water form. Clearly, they do not have confidence in Irish Water's ability to securely handle that personal data. Does the Taoiseach have confidence? Does he accept there are legitimate concerns in regard to the requirement to hand over PPS numbers? Will he end that process? Does he agree that asking people to register for something which they have no idea how much it will cost is deeply unfair? Does the Taoiseach have confidence in Irish Water?

**The Taoiseach:** There is no question of attempting to detract attention from the issue of Irish Water. It has been debated up and down the country *ad nauseam* for a number of weeks and there has been so much misinformation and inaccuracy out there that it has lent itself to the confusion and anxiety people have.

**Deputy Joe Higgins:** That is rubbish.

**The Taoiseach:** That is why all of the issues which have been raised will be dealt with by Government next week.

The structure, as currently applies, in respect of PPS numbers is for verification of eligibility for a household allowance. In respect of children, the PPS number requirement is for two purposes only, namely, to validate that it is a legitimate PPS number and that it refers to a child. It is not for names or locations in that sense. All of these matters, including PPS numbers, bo-

nuses, management, communications and so on, will be dealt with comprehensively next week.

I was in Galway yesterday.

**Deputy Finian McGrath:** We saw that.

**The Taoiseach:** The point I would make to Deputy Finian McGrath is that Irish Water has not told the story that it is very beneficial for many areas. For instance, in the waste water treatment plant in Galway, the reconfiguration of the major contract saves €100,000 per month. Irish Water has identified the solution for Williamstown in east Galway where 1,000 people got boil water notices last week. Deputy Ray Butler reported to me that the overflow from the waste water treatment plant in Trim, County Meath, destroyed elements of the water system. It cannot go on like this.

**Deputy Dessie Ellis:** The Government is not spending money dealing with it. It is all going to Irish Water.

**The Taoiseach:** It is not just about fixing the leaks but about investing properly for the future. There are 850 treatment plants around the country, 500 of which are inadequate and inferior. This city is on a knife edge. We need to build and to provide for the future because the economy is on the increase and is improving. As that happens, there will be further investment and job creation and further opportunity for people to have careers and live their lives as one would expect. To do that, one must have basic infrastructure. Are we to go on in this day and age with three sewers going into the river in Arklow? Is that what we want? We cannot stand over that.

Deputy Catherine Murphy made her case and I am sure the water system where she lives is functioning perfectly well, but she is lucky. She knows that the water flowing through her taps is paid for by the general Exchequer. However, there is never enough money to deal with the future requirements. The taxes she and everybody else pays go to housing, schools, hospitals and other public services but there is a gross inadequacy here which was neglected for well over 20 years and it is now time to fix it.

The contribution to be paid is a part contribution. I understand it is not easy to accept a new charge. That is why we have taken the extra time to consider all of these matters. We will deal with them next week-----

**Deputy Dessie Ellis:** The Government is forcing them to accept it.

**The Taoiseach:** -----and we will put people at ease in respect of the fairness, affordability and accountability-----

**Deputy John Halligan:** What about the PPS numbers?

**The Taoiseach:** -----and that their money is going for investment in a system and not into some other black hole that people have been talking about around the country. We will deal with this next week. I thank Deputy Murphy for her question.

**Deputy Catherine Murphy:** The one point on which I will agree with the Taoiseach is that there is a legacy of underinvestment. Where money was provided to local authorities and where they built plants, there are some extremely good examples of that money being well spent and producing very good outcomes. We should acknowledge that rather than say it cannot be done

at that level.

People are not confused. If anything they lack trust because there has been a series of problems. The bonus culture, the request for the PPS numbers and the cost of running the service have all featured. People have always paid. Consider, for example, the amount of money taken in development contributions. I received a reply recently to the effect that there is €717 million either in bank accounts or due to be collected in development contributions. That is frozen because of the Government deficit. Much money was collected from the cost of a house purchased or an industry opened. What is on the table for consideration? Is the Government considering scaling back the cost of running Irish Water? Is that being factored in at all? Will the service level agreements set up with the local authorities feature or will this be merely a question of what the Taoiseach considers affordable and what most people feel is the straw that will break the camel's back?

**The Taoiseach:** The contributions should be as low, fair and affordable as possible and Irish Water should be seen to be accountable. The market corporation test for the consumer is how fair it is, whether they can meet it and what they get for it. Issues have been raised about management and governance, PPS numbers, call-out fees, the fact the first leak will be fixed free of charge, investment for the future and communications.

**Deputy Joe Higgins:** They are paying for it already.

**The Taoiseach:** The regulator issued instructions some time ago that there be an 8% reduction in the cost base of Irish Water. The service level agreements are with the people who previously worked in county councils, many of whom did a wonderful job in some local authorities but not in every case. There were 34 entities. These are features of the overall decision that Government will announce next week. I agree with the principle of a contribution being made but that it be affordable, fair and people should fully understand what they get for that.

There is a major upfront capital programme of a €10 billion investment over the next few years to supply proper water for the city and the conurbations built up around it, and for the many places throughout the country where there is an inadequate system and the solutions put forward. These cannot be put in place without investment and solid engineering. The Government will announce its decisions on all of these issues next week and then we can debate it in the House for as long as people wish.

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

### **Cabinet Committee Meetings**

1. **Deputy Joe Higgins** asked the Taoiseach the Cabinet sub-committee meetings that were held in July, August and September 2014. [35180/14]

**The Taoiseach:** I chaired a meeting of the Cabinet committee on justice reform on 24 July. On 18 September I chaired a meeting of the Cabinet committee on climate change and the green economy. On 29 September I chaired meetings of the following Cabinet committees: economic recovery and jobs; Construction 2020, housing, planning and mortgage arrears; social policy and public service reform; health; and Irish and the Gaeltacht. I also chaired two meetings of

the Economic Management Council, one in July and one in September.

I should mention that in September, the Government made a number of changes to Cabinet committees and the current committees are: economic recovery and jobs; social policy and public service reform; European affairs; economic infrastructure and climate change; Irish and the Gaeltacht; health; justice reform; and Construction 2020, housing, planning and mortgage arrears.

**Deputy Joe Higgins:** The problem with questions to the Taoiseach is that the lead-in time before they are answered is so long that the answers to which the Taoiseach deliberately confines himself are out of date. For example, he could have taken the opportunity to apprise us of what Cabinet sub-committee meetings have taken place since the date in the question. In the past month we have heard about only one Cabinet sub-committee, the Economic Management Council. What precisely is the role of this council, made up of four members of the Government, the Taoiseach, the Tánaiste and the two finance Ministers? The national revolt by ordinary people against the water charges has finally brought home to the Government the reality of people's anger, but the Government is no longer handling this issue. All we hear about is the Economic Management Council. In the unlamented ex-Stalinist states the old politburos did not have as much power apparently as the Economic Management Council has in this supposed Republic of Ireland.

Is the Taoiseach aware that members of the Government are now openly critical of what they see as a dictatorship within the Cabinet and a sidelining of the roles of other people? Before conducting her infamous political assassination in order to be Tánaiste, Deputy Burton was highly critical of this and the lack of democracy represented by the power wielded by the Economic Management Council. It seems as if for Deputy Burton democracy was simply to get herself elevated into the position because all we have heard since is absolute silence.

Would the Taoiseach accept this particular structure has meant the inner core of the Government has been and is even more out of touch with ordinary working class people, low and middle income earners and unemployed people than establishment Governments usually are and that the full Cabinet is out of touch as well, or it would, I hope, have advised him that this latest austerity tax on water would not be accepted and will be greeted by a massive boycott in January? Does the Taoiseach accept the point that isolating all of these discussions to an inner cabal of four people inside the Cabinet is keeping him even more insulated from the very heartfelt feelings, anger and opposition, particularly to water charges, among ordinary people?

**The Taoiseach:** I hope the Deputy does not think I live in some kind of exclusive domain away from the people who elect us to this House. I was at a public meeting with 350 people in the Red Cow facility the other evening. I have to say it was very engaging and positive. I was in Tuam yesterday with 250 people. A broad range of issues, including the economy, rising confidence, job opportunities and Irish Water, were discussed.

I have said to the Deputy in this House on many occasions that if he wants me to change the system of Taoiseach's questions, I will do so. I will give the Deputy, as the leader of his group, and the leaders of the Fianna Fáil and Sinn Féin groups, the opportunity to table a Priority Question each week if they want to ask something that is of more urgent need from their perspectives. That offer has been refused on a number of occasions. As the Ceann Comhairle is aware, when these questions come up, many of them are outdated because the Cabinet committees have moved on. That is open to the Deputy all the time. When Cabinet committees

have met, I can inform the leaders of the groups that they have met. We can put that in place for their information.

I was in this House during the 1980s, and indeed prior to that, when the structure of the Cabinet meant that its business took a very long time to complete. The Ceann Comhairle would have been a Minister of State in that Government. Some of those meetings went on for 14 or 15 hours in the absence of a structure to co-ordinate the decision-making process. Government is about making decisions at the end of the day, after proper Cabinet collegiality and discussion about them. The Government of which I was briefly a member between 1994 and 1997, under John Bruton as Taoiseach, had a facility of programme managers for each of the Ministers. They met to tease out where issues might be controversial or not agreed or whatever. That was a three-party Government. I think that system worked very well because issues that required political decisions were brought to the attention of the leaders of the parties. That meant there was an effective Cabinet response. I think meetings lasted between an hour and three quarters and two hours, on average.

Along with the then Tánaiste, Deputy Gilmore, I set up the Economic Management Council to streamline the way business is actually handled here. It is not for me to comment on the investigation that will take place with the banking inquiry. Clearly, the situation that arose before the bank guarantee and before the IMF arrived here was that the connection that should have been in place to bring really important issues to the fore did not exist. In this case, the Economic Management Council does not in any way replace the Cabinet. It is a measure of knowing the issues that are important, urgent and need to be addressed. They are addressed at the Economic Management Council, but only before they are more fully addressed at the Cabinet itself. It is a method of understanding important issues that are likely to cause problems, or require political analysis and decision, before they are brought to the Cabinet for decision.

The Economic Management Council, which has been given the status of a Cabinet sub-committee, has four members. It is open to this sub-committee to bring in other Ministers - they have attended in the past - to discuss issues that are important to them. It streamlines the work of the Government and allows the Cabinet - the members of the Government - to focus on areas to which they really need to give their attention. If there is a problem about any of the issues under discussion, they can be identified and the Cabinet can make its decision, or not as the case might be. It is not in any way some sort of secret organisation. It is merely a streamlining process for the bringing to the Cabinet of all the issues that require Cabinet decision. That is what it is about. It does not take over from the Cabinet. It does not take away from the Cabinet because that is a matter for all the members of the Government to sign off on collectively. It allows for issues that need to be teased out further to be identified, for the collective responses of members of the Cabinet to be received and for decisions to be made. That is all it is. It makes for more effective working of the Government itself.

**An Ceann Comhairle:** Does Deputy Higgins have another supplementary question?

**Deputy James Bannon:** I would be surprised if he did not.

**Deputy Joe Higgins:** Yes. I thought the Chair was going to call some of the others.

**An Ceann Comhairle:** I have to deal with the Deputy first because this question is in his name.

**Deputy Joe Higgins:** Of course the Taoiseach lives in a bubble. He frequently has to have

an escort of dozens of gardaí to get him in and out of venues.

**Deputy Gabrielle McFadden:** Whose fault is that?

**Deputy Joe Higgins:** It is unfortunate for the Taoiseach that he is so far removed from the feelings of the ordinary people he has angered so much with his austerity agenda and, in particular, his water tax. It is also unfortunate for the people because they do not want to be protesting on the streets. They have many other things to be doing, but they are on the streets because this is the last straw. Their protests will intensify if the Government persists with its approach by sending out water tax bills at the end of January and February. The massive boycott that the Government will face in such circumstances will put Captain Boycott in the shade. The Government thinks it can mollify the people by providing next week for a supposedly lower charge.

**An Ceann Comhairle:** Can we get back to the Cabinet sub-committees?

**Deputy Joe Higgins:** People know very well that it will increase inexorably as soon as the pressure is off. The Taoiseach should not fool himself in that regard. He can take it from me that I am speaking for the grassroots here.

**The Taoiseach:** I doubt that.

**Deputy Joe Higgins:** On the role of the Economic Management Council, I would like to refer to the phone calls that were made in 2011 to the Taoiseach and allegedly to the Minister for Finance, Deputy Noonan, from the then president of the European Central Bank, Jean-Claude Trichet, who demanded absolutely that the Government would not burn some bondholders it was apparently about to burn. The Taoiseach capitulated without a Cabinet meeting to Mr. Trichet's threat that a financial bomb would go off in Dublin rather than in Frankfurt. Was it not the Economic Management Council that met in relation to that threat? Did the Minister for Finance not come in and change Government policy on his feet without reference to the Cabinet? What else is that, if not a dictatorship inside the Government?

**An Ceann Comhairle:** The Deputy is straying from the question of Cabinet sub-committee meetings held in June, July and August when he talks about Mr. Trichet.

**Deputy Joe Higgins:** It is the role of the-----

**The Taoiseach:** The Deputy's question relates to the numbers and dates of meetings. I have offered him an opportunity to table Priority Questions every week if he wants to raise a matter that is more urgent from his point of view. I will advise the leaders of the groups and the parties of the meetings that take place after they have taken place so they will have a more up-to-date record, and they can ask Priority Questions if they wish.

In regard to the Garda escort, I do not know how many functions I attended in Galway and Tuam yesterday, as I do in other places around the country. Sometimes people turn up to protest, which is perfectly legitimate in our country as a democracy. I understand that. It is good to listen to a different opinion. The sound might sometimes be a little raucous. I might not be able to pick out exactly what they are saying, although it sounds very vocal indeed and some of it is not normal language we might use in here.

**Deputy Joe Higgins:** They are saying "no way - we won't pay".

**The Taoiseach:** People have a range of different agendas about which they want to protest.

That is perfectly legitimate in our country. I do not like to see people attempting to block the public road when people are going about their work or intending to do their jobs.

*4 o'clock*

I think even the Deputy understands and recognises that.

I walk to work myself in the morning and walk home at night, so it is not a case of having corridors of gardaí looking after me. Where I come from, Deputy Higgins, we are well able to look after ourselves, indeed.

**Deputy Gerry Adams:** Go on, Mayo.

**The Taoiseach:** Actually, if Deputy Higgins has time, I will bring him up to Captain Boycott's house and talk to the good Daly family there to understand the history of how that word came into the English language and what it meant for the people who lived there.

**Deputy Ruth Coppinger:** The Taoiseach should bring Mr. Denis O'Brien with him.

**The Taoiseach:** The Economic Management Council is an important element of Government, in that the Taoiseach, the Tánaiste, the Minister for Finance and the Minister for Public Expenditure and Reform meet regularly every week. One does not have the situation where two senior Ministers in the previous Government did not know that the IMF had landed on our shores. One does not have the situation in which the Governor of the Central Bank of Ireland had to go into a telephone kiosk in Frankfurt to ring the Irish nation and say they were already here. The reason for those events was because there was not the connection and internal information flow in the Government about these important matters.

**Deputy Joe Higgins:** Same as the meeting on burning the bondholders.

**The Taoiseach:** That is why the information being held by the Ministers allows the Cabinet to make its decisions. That is the important element of the Economic Management Council. It is not a sidelining of the Cabinet. It is not a sort of secret organisation that makes decisions that are foisted on the people. It is merely a streamlining of the business of Government in a way that allows the Cabinet to do its work more effectively. From that point of view, it has saved a great deal of time, brought about a great deal of efficiency and keeps everybody informed very regularly about issues as they arise. They range from Ebola to beef to water to international events to the financial situation and whatever else. It is very important that Cabinet members be informed and up to date in order that, when they have to make decisions, they can make them.

**Deputy Seán Ó Fearghaíl:** I note with interest that the Taoiseach is traversing the country. He could almost rival the former Taoiseach, Bertie Ahern, for the extent to which he is attending events throughout the country.

**The Taoiseach:** He would be trotting after me.

**Deputy Seán Ó Fearghaíl:** The Taoiseach referred to his willingness to change the system of parliamentary questions as it applies to him. The Fianna Fáil group has not refused any proposal from the Government side of the House on how the system might be improved.

Many people view the Economic Management Council as a war council to deal with the emergency in which we found ourselves. Whatever the merits of that initiative, it was interest-

ing that the Minister for Communications, Energy and Natural Resources, Deputy White, raised questions last weekend about whether the EMC should continue. If one bears in mind the fact the Government has told us repeatedly we are moving out of the crisis, one wonders whether the life of the EMC is coming to an end.

I wish to ask about the Cabinet committee on health, which was responsible for a White Paper that added to the flaw in the Department of Health's budget last year. The Minister, Deputy Varadkar, announced recently a delay in compulsory health insurance and admitted to a crisis in the HSE budget. Was this issue raised at the Cabinet committee on health? We read in *The Irish Times* today that the Minister has written to the Minister for Public Expenditure and Reform, Deputy Howlin, to say that he does not have the budget to equip the new children's hospital at St. James's Hospital. I am minded of the many facilities that have been developed-----

**An Ceann Comhairle:** I am sorry, but the Deputy cannot stray too far.

**Deputy Seán Ó Fearghail:** If I could finish, I am minded of the many health facilities that have been developed but have not been opened because the money to equip or staff them has not been made available. Has this matter been considered by the Cabinet committee on health? Given that the Taoiseach announced 12 months ago that he was assuming personal oversight of the health budget, does he accept any responsibility for its current overrun of €600 million?

**Deputy Gerry Adams:** Previously, the Taoiseach stated that Cabinet sub-committees were a method of timelining and forcing conclusions on issues that had existed for a long time. In defence of these committees today, he asserted they made for more effective government. Obviously, we could not object to sub-committees as a means to that end, but having competent members on them should be a prerequisite.

The Taoiseach has stated that the purpose of the committees is to ensure priorities are addressed, but I will raise three recent issues. The Government would not listen to what Deputies were saying about medical cards or about the scandals in the justice area which led to the resignation of the Garda Commissioner and the Minister for Justice and Equality. The Government guillotined debate on water charges and forced the legislation through, leading to an unprecedented walkout by Opposition parties and Independent Deputies. How have these committees brought about what the Taoiseach claims they have brought about, namely, more effective Government?

Mr. Frank Flannery, a senior strategist for the Taoiseach's party, has castigated the Government's performance. The former Minister of State, Deputy O'Dowd, has said he discussed with the Taoiseach the issues about which he had concerns but that he could not get them sorted. As we have just been reminded, the Minister for Communications, Energy and Natural Resources, Deputy White, stated at the weekend that the Government should get rid of the EMC. If the test is not the number of meetings held but the initiatives resulting, the solutions found or the way committees have crunched down, so to speak, does the Taoiseach not agree that the Government and, therefore, its approach have failed miserably to address issues?

**The Taoiseach:** Deputy Ó Fearghail mentioned that his party had not refused any offer of a change. I made an offer to Deputy Martin on a number of occasions to regroup the questions, whether they be about Northern Ireland, Europe, the United States or other issues, but sometimes, as Deputy Ó Fearghail knows, they overlap. If one is dealing with a Northern Ireland question, it can be about when I met the British Prime Minister and whether we discussed this,

that or whatever, and that has implications for Europe. That is something we can do, but I did say as well, and I repeat the offer today, that if people in, for instance, Fianna Fáil, Sinn Féin or the Technical Group, such as Deputy Higgins, would prefer to table one priority question each week on an issue that they think is more important for them, I am quite happy to deal with that. In a way, it is kind of not relevant to answer questions about meetings I had with the Lebanese Prime Minister four months ago because of the way they are grouped together. I understand that. Maybe that might be a more efficient way of doing things.

The EMC is not going to come to an end. We will continue with it for the lifetime of the Government. It has been a very effective way of informing Ministers and of knowing the issues as they arise in areas of Government. As Deputy Ó Fearghail will be aware, there is also the structure of early warning systems for Ministers in cases where an issue that is likely to arise could become important, controversial or whatever. Most of them actually are controversial. Secretaries General and their Ministers would advise, in my own case the Office of the Taoiseach, that here was an issue that was likely to arise in the next two or three weeks. That is a matter that could be discussed by the Cabinet sub-committee that is relevant to that and I could speak to the Minister directly. Far from sidelining Cabinet, the Economic Management Council, is a very good way of bringing issues right to the centre where the Cabinet will make its decision collectively.

Deputy Adams mentioned some Deputies and the Minister, Deputy White, made a good contribution at the previous Economic Management Council meeting because he has responsibilities in some of those areas and I believe he found it to be effective. I saw some reports of comments by Deputies and Ministers but it is a good way of doing business efficiently, of getting it through and bringing it to the Cabinet, where one tells all the members what are the issues that must be discussed and analysed and on which they must make decisions to move on. It does not lead to a situation in which one has meetings that extend to double digits in terms of hours.

The brief for the national children's hospital was pioneered by the Minister, Deputy Reilly, when he was Minister for Health. The Government put up €200 million from the sale of the national lottery and that added to the existing €450 million in Exchequer funding. Current estimates are that the core hospital at St. James's, as well as the two satellite centres at Connolly Hospital Blanchardstown and Tallaght hospital, will be delivered within that allocation. Moreover, this includes the provision for inflation, VAT and contingencies. As the Minister for Health, Deputy Varadkar, has pointed out already, this figure does not include equipment or information and communications technology, ICT, which can be purchased, licensed or leased separately. All these matters are under constant examination to ensure this building, a children's hospital for the children of the island of Ireland, will be equipped to world-class standards. Obviously, the important thing is to get the design brief, get the members in place and get that planning under way.

As Members are aware, if one decides to purchase ICT in 2014, it evolves so rapidly and changes so quickly that what might be deemed to be progressive today is obsolete tomorrow. Consequently, costs must be reviewed and validated as the ICT infrastructure and platforms are defined and agreed. Clearly, there is also a targeting of philanthropic sources and commercial funding streams for supporting certain elements of the project for the children's hospital. This could include car parking and academic and research facilities. Estimates will be reviewed and refined as matters move on. The project brief affirms the intent to provide the most modern, the most contemporary and the best practice facilities in this hospital. Why would it not, as

it will be there for many years? That design team is in place, having been put in place by the Minister at the time, Deputy Reilly, and the aim is to make the planning application next year in June 2015. Subject to that planning, the project will be on site at all three locations, that is, at the main hospital on the St. James's campus and both satellite centres at Tallaght and Connolly hospitals, in January 2016. Commissioning for the main hospital is targeted to begin at the end of 2018 and transition of services into the spring of 2019. There is a long way to go on that and a lot of readjustment of what is the most up-to-date evolving equipment and on how to make arrangements to provide for that, in order that people will have the very best equipment in the hospitals we can find.

Clearly, the budget is over for 2015. It was the first budget for seven years in which there were no tax increases, no cuts in services and in which allocations are the way they have been. Obviously, the Government wishes to deal with the urgent priorities in each of these Departments and the Cabinet sub-committees play their part by bringing to the fore issues both for Ministers and for public servants. One can ask why something has not been dealt with or whether an issue has arisen because a particular matter has not been resolved. Evidence of this is the Action Plan for Jobs, which is overseen by my Department and the Department of Jobs, Enterprise and Innovation, and which has brought about a progressive system of clearing away red tape, administrative blockages and things that are only in the way of people doing business effectively. From that point of view, I tend to hold the Cabinet sub-committee meetings on one Monday each month from 8 a.m. right through. Given the small number of committees, the practice used to be that they would meet irregularly and it was not consistent. Therefore, matters began to be delayed for long periods. I find it to be an effective way of providing input to the Cabinet in order that Ministers can then come to the Cabinet and decisions can be formal and can be announced and dealt with.

### **Cabinet Committee Meetings**

2. **Deputy Joe Higgins** asked the Taoiseach when the last meeting of the Cabinet sub-committee on justice reform was held and when the next one is scheduled. [35182/14]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet sub-committee on justice reform last met and the schedule of upcoming meetings. [35198/14]

4. **Deputy Micheál Martin** asked the Taoiseach if the Cabinet committee on justice reform has met recently. [35657/14]

5. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet sub-committee on justice reform last met. [39833/14]

**The Taoiseach:** I propose to take Questions Nos. 2 to 5, inclusive, together.

The Cabinet committee on justice reform last met on 29 October 2014. I anticipate it will meet again soon but the date for its next meeting has not been scheduled yet.

**Deputy Joe Higgins:** Will the Taoiseach clarify again for Members the role of the Cabinet sub-committee on justice reform? Can he say, for example, whether it will have a role in the next while in responding to the Garda Inspectorate report? While I have not had the opportunity to study it, the headlines that came out of it point to serious ongoing issues within the Garda

Síochána on how issues in communities and problems of people are dealt with. Will this be an important role or what will be the role of the sub-committee on justice reform?

**The Taoiseach:** The terms of reference for the justice reform committee are to oversee the development of proposals for an independent police authority and associated reforms to the policing and justice system. The Garda Inspectorate has produced a report that is 600 pages long, has 200 recommendations and was reflected upon by Cabinet this morning. It is to be taken very seriously because it points out inadequacies in the system. It points out where things could have been done better, as well as the lack of investment in many areas that would allow gardaí to do the job more effectively. This is being responded to by the Garda today and, obviously, the Minister for Justice and Equality also will respond to the Garda Inspectorate report. This is one of two reports, the second of which is to be produced in the not-too-distant future. I assume the person to be appointed as the chairman of the independent policing authority, which I suggest is the most radical move in Irish policing systems since the foundation of the State, will be in a strong position to oversee the consequences and the implementation of recommendations arising from the Garda Inspectorate's report. I reiterate there is a second report to come. This report is extremely extensive and detailed and gives a reflection on the complex nature of the range of activities and problems that gardaí face nationwide. It is a report that deserves to be discussed in this Chamber. It contains 200 recommendations and I believe the person to be appointed as chair of the independent policing authority will be in a strong position to oversee what must follow the production of the report.

**An Ceann Comhairle:** While I will let Deputy Higgins back in, there are other Deputies and I will come back around again. I call Deputy Ó Fearghail.

**Deputy Seán Ó Fearghail:** All Members acknowledge that in recent times, the Department of Justice and Equality has been going through a difficult and traumatic period, which perhaps culminated in the resignation of the former Minister for Justice and Equality, Deputy Shatter. At the time of his resignation, Members were promised a reform plan and that it would make the justice system far more open and transparent. As part of the creation of that plan, they were promised that there would be extensive consultation. Members do not appear to have had that consultation. Indeed, the process of reform, such as it is, has been completely closed. Will the Taoiseach comment on this? Even at this late stage, would he consider honouring the commitment to have open consultation on the process of reform? What is the current state of play in respect of the Fennelly commission?

**The Taoiseach:** Let me try to assist the Deputy by outlining a number of issues. He inquired about reform in the area of justice. The Government has already made considerable progress in this regard. The Protected Disclosures Act 2014, which enables Garda whistleblowers to report their concerns directly to GSOC, has been commenced. In addition, an open competition has been held in respect of the appointment of the next Garda Commissioner. I expect that appointment will probably be made towards the end of this month. As the Deputy is aware, there were expressions of interest in the post both domestically and internationally. I understand the second phase of interviews relating to the process is currently in train.

The Fennelly commission of investigation was established in April of this year. The independent expert review of the performance, management and administration of the Department of Justice and Equality was completed in July. A mechanism to facilitate independent review by counsel of allegations of Garda misconduct or inadequacies in the investigation of such allegations - which have been made to me and the Minister for Justice and Equality - has

been established. The Guerin report into allegations made by Sergeant Maurice McCabe was published in May and the Cooke report into allegations of unlawful surveillance of GSOC was published in June. The reports to which I refer are fairly major and they deal with some extremely serious matters.

Work is under way to establish the independent Garda authority. The Minister for Justice and Equality will deal with the matter of appointing a chair to this authority very shortly. The chair designate of the authority will be appointed following a public request for expressions of interest in the post. The Garda Síochána (Amendment) (No. 3) Bill 2014, the aim of which is to significantly strengthen GSOC's powers by including the Garda Commissioner within its investigative remit, is currently before the House. The Bill also involves the conferral of additional police powers on GSOC for criminal investigation purposes, enhancing the status of protocols concluded between GSOC and the Garda Síochána and greater autonomy for GSOC in examining Garda practices, policies and procedures. In addition, the freedom of information system will be extended to the Garda Síochána under the new Freedom of Information Act 2014.

Deputy Ó Fearghail also inquired about the Fennelly commission. Mr. Justice Fennelly is an exceptionally honourable man. In accordance with its terms of reference - as debated in the Dáil - the commission is due to report no later than 31 December 2014, subject to section 6(6) of the Commissions of Investigation Act 2004. The Act also provides for an extension of the timeframe within which the commission must complete its work, at its request. Mr. Justice Fennelly wrote to me recently to indicate that it will not be possible for the commission to complete its full investigation within the timeframe originally envisaged, that it will request an extension and that it will submit an interim report towards the end of the year. By that time, we should have a clearer picture of the scale and magnitude of the task remaining - there are many matters to be examined - and the likely period which might be required for the commission to complete its work. In response to Mr. Justice Fennelly, I indicated that I will give favourable consideration to a request for an extension of the commission's timeframe when such is received. Mr. Justice Fennelly also indicated it may be possible for the commission to submit an interim report in respect of those aspects of its terms of reference. I have, therefore, requested that the commission should provide such a report regarding the events leading up to the resignation of former Garda Commissioner, Mr. Martin Callinan, subject to its being satisfied that it is feasible and appropriate to do so. That matter is entirely at the discretion of the commission. I do not have authority to direct the commission to carry out its work in any particular way. This is because it is completely independent in the conduct of its investigations.

I am not sure whether the House debated the report the Minister for Justice and Equality commissioned into the practices, efficiencies and workings of her Department. The contents of said report are quite stark in terms of highlighting the changes required in terms of developing the structures with the Department of Justice and Equality in order to make it more efficient. The Department is an extraordinarily complex entity but a fine report in respect of it was produced at the Minister's request in the context of assessing what must be done in order to change the way it does its work. The latter will allow people to do their jobs much more efficiently. The Minister will be happy to engage in further debate on this matter in the House and to take the views of Deputies on board.

The Garda Inspectorate report has presented us with a fundamental and challenging analysis of the force's processes and systems throughout the country. I have not read the report in detail but I understand that it highlights deficiencies in practice, supervision and governance in respect of the recording, classification and investigation of crime. The report notes that many of

the issues raised have been identified in comparable police forces in other countries. Nevertheless, it identifies many areas which really are in need of reform and modernisation. In addition and like me, the report acknowledges the dedication and commitment of so many members of the Garda. I refer to the men and women who strive each day to ensure the safety of our communities and to protect the security of the State. Their dedication should not go unnoticed and they should be commended for it.

Another point which I bring to the Deputy's attention is the fact that budgetary increases aimed at funding reforms across the justice sector have been introduced. These increases relate to the Courts Service, the planned new policing authority, GSOC, the Garda Inspectorate, the Charities Regulatory Authority, the proposed legal services regulatory authority and the Property Services Regulatory Authority. The House will be aware that the recently established Irish Human Rights and Equality Commission is being given its own dedicated Vote, with an allocation of €6.3 million for 2015. The setting up of this stand-alone Vote for the commission reaffirms the independence of the body in line with the Paris Principles, the United Nations' rules which govern the operation of national human rights organisations.

These are just some matters which may be of interest to Deputies.

**Deputy Gerry Adams:** As the Taoiseach rightly reminded us, the Cabinet sub-committee on justice reform is to implement the statutory basis for the establishment of the Garda authority. He stated that this is a first for Irish policing. It is not a first for Irish policing because there has been a police authority in the North since----

**The Taoiseach:** I was referring to down here.

**Deputy Gerry Adams:** That is also part of the island.

**The Taoiseach:** That is a big change.

**Deputy Gerry Adams:** When Sinn Féin was told that the establishment of such an authority could not be achieved, we diligently stuck to our task and were able - along with others - to bring about the necessary wholesale reform.

Regarding the issue of consultation, I have informed the Taoiseach on a number of occasions that one of Sinn Féin's contributions was to persuade the Patton Commission to visit neighbourhoods in west Belfast, such as the Shankill Road, etc., and villages, such as Crossmaglen, which suffered terribly during the conflict in order to hear about the experiences of the people who live there. In the context of consultation, the same thing should happen here. The people who live in Sherriff Street, Sean MacDermott Street, parts of Limerick and other working class areas may have a slightly different view of policing than those who live in more palatial surroundings. I agree with the Taoiseach entirely that the majority of the officers of An Garda Síochána carry out their duties in a very brave, courageous and highly skilled manner, but if we are to do our duty by them and the citizens they serve, the policing authority needs to be established as quickly as possible. I have not seen the Garda Inspectorate's crime investigation report but have been briefed on it and on what is in the media. Deputy Pádraig Mac Lochlainn will deal with our party's response to it. The report's 200 recommendations are an eloquent argument for the wholesale reform that is necessary.

The Taoiseach spoke about this being a radical move, yet he opposed it when we proposed it. The former Minister for Justice and Equality, Deputy Alan Shatter, dismissed it as being

totally unnecessary. The Government set its face against it until there was public clamour over the revelations emerging week on week. I welcome the fact the Government was forced to do a U-turn on this issue.

Can we be given an indication of when the full legislation will be before the Dáil? There are ongoing issues, which will be fired by today's report, and it will become another matter of controversy. In this regard, I presume the job of the Government is to ensure the public has confidence in the agencies and institutions of the State, rather than engaging in this ongoing and corrosive undermining of public confidence. When can we expect the legislation to be introduced? Is it possible that it could be discussed before the end of this session?

**The Taoiseach:** As I stated, it is a very significant move for the Twenty-six Counties to move to an independent policing authority. It was important that the chairman designate of the authority be in a position to sit in respect of the final assessment of the person to be considered for appointment as Garda Commissioner. The Minister for Justice and Equality will deal with the appointment of the members of the independent authority very shortly and, obviously, the designated person will be in a position to assist in assessing the final interviews for the appointment of the next Garda Commissioner.

As I said, an opportunity will be provided for the person in question to drive reform of the policing system and ensure practices to ensure the Garda is fit to do and has the facilities to do its job efficiently and competently in a modern society. The force should be given the resources it needs. Over the past couple of years, we have tried to provide some extra funding for the provision of services for Garda motorbikes and cars. I saw some of them myself. Some of them were clapped out, having clocked up 300,000 or 400,000 miles. This should not be allowed to continue when the force is up against criminals who use high-powered cars to cross the country as they go about their criminal business.

The Deputy is aware the authority will comprise a chairman and eight ordinary members. Those ordinary members will be appointed by the Government following the selection process run by the independent appointments service. A resolution of both Houses of the Oireachtas will be required to secure agreement on the appointments. The authority will approve a three-year strategy statement and an annual policing plan, to be submitted by the Commissioner. The authority will establish and publish, within 12 months, a code of ethics, including standards of conduct and practice for members of An Garda Síochána. The authority will hold meetings, at least quarterly, in public so there will be engagement throughout the country. It will be able to choose where to hold meetings. It will be entitled to request the Garda Síochána Ombudsman Commission to investigate any policing matter that gives rise to concern that a member of An Garda Síochána may have committed an offence or behaved in a manner that would require disciplinary proceedings. It can request GSOC, subject to the approval of the Minister, to investigate any behaviour of the Garda Commissioner in the context of his or her functions in regard to policing matters. It can request GSOC to examine practices or procedures of An Garda Síochána in regard to policing matters, and it can request the Garda Inspectorate to initiate an inspection or inquiry into aspects of the operation and administration of An Garda Síochána in so far as they pertain to police matters.

I cannot give the Deputy a precise date for the legislation but I will update him. It is work that is very much under way. The intention is to have this matter legislated for as soon as possible. That is the position.

**Deputy Joe Higgins:** What role has the justice reform sub-committee played in the increasingly political policing in this State, over the past month or two in particular? The private company of a billionaire went to the High Court and got an exclusion order pertaining to the water meter sites where it is installing meters for profit at taxpayers' expense. It uses the media to smear decent taxpayers who are protesting against that.

**An Ceann Comhairle:** I ask the Deputy to exercise restraint.

**Deputy Joe Higgins:** Then the Taoiseach sends in heavy detachments of gardaí who manhandle men and women who are conducting peaceful protests.

**An Ceann Comhairle:** Could the Deputy get back to the question?

**Deputy Joe Higgins:** Does the Taoiseach not believe that issue should be addressed?

**An Ceann Comhairle:** It will not be addressed by the Cabinet sub-committee.

**Deputy Joe Higgins:** The people cannot get a garda when they need one and they must wait for hours. Instead of having properly resourced community gardaí under the people's democratic control and management, resources are being misdirected in the manner I have described. This is an outrage and the Taoiseach had better address it.

**The Taoiseach:** The terms of reference of the sub-committee are as I described to the Deputy. I will not interfere with any court process. The Deputy knows as well as I do that it is open to any citizen or organisation to take a case. We live in a country in which it is perfectly in order for people to express their concerns or anxieties through public protest, but it is not acceptable to block a public road or prevent people from going about their legitimate business. In many cases over the years, there have been applications to the court by individuals or companies owing to the prevention of workers doing a legitimate job. I do not subscribe to the comments I have heard from some quarters in this House advocating the breaching of court orders. This is our democracy and every Member was sent here through the democratic system.

**Deputy Joe Higgins:** The people do not want the Government's meters.

**The Taoiseach:** It is wrong to advocate the breaching of court orders on the basis of a desire to prevent people from doing their legitimate jobs. The Deputy understands that very well. Advocating the breaking of court orders, which can result in controversy and which has resulted in injuries is not the way of a legitimate and democratic process.

**Deputy Joe Higgins:** The Taoiseach is responsible for it.

**The Taoiseach:** I understand the matter completely. People express their concern to my face and contact me regularly, sometimes throughout the day and night, about their concerns and anxieties. That is understood but it is not acceptable to block the public roads and prevent people from doing their legitimate work.

**Deputy Joe Higgins:** But the Taoiseach is responsible for it.

**The Taoiseach:** The Deputy understands that and he should be advocating among those he represents the use of the very many peaceful ways at their disposal of expressing their concerns and anxieties. What is happening is not acceptable and that is why companies and individuals have sought court orders over very many years.

**Deputy Joe Higgins:** The Taoiseach is responsible.

### **Seanad Reform**

6. **Deputy Micheál Martin** asked the Taoiseach the position regarding reform of Seanad Éireann; and if he will make a statement on the matter. [35201/14]

7. **Deputy Micheál Martin** asked the Taoiseach the position regarding the programme for Government commitment on Seanad abolition; if, since the referendum result, he or his Government have plans to reform the Seanad; and if he will make a statement on the matter. [37627/14]

8. **Deputy Gerry Adams** asked the Taoiseach the position regarding reforming Seanad Éireann. [39821/14]

9. **Deputy Gerry Adams** asked the Taoiseach if his Government has formulated any plans for reform of Seanad Éireann. [39834/14]

10. **Deputy Gerry Adams** asked the Taoiseach the position regarding the programme for Government commitment on the abolition of Seanad Éireann. [41686/14]

11. **Deputy Gerry Adams** asked the Taoiseach if the Government has plans to reform Seanad Éireann; and if he will make a statement on the matter. [41687/14]

**The Taoiseach:** I propose to take Questions Nos. 6 to 11, inclusive, together.

The programme for Government commitment in relation to the Seanad was to hold a referendum on its abolition, and the Government did so. Following on the referendum, I attended the Seanad on 23 October last year to hear the views of Senators on how reform of the Seanad might proceed. I then met the leaders of the different parties and groupings in the Dáil and Seanad on 18 December last year to discuss how best to proceed with that reform.

During the meeting each person was given the opportunity to present his or her views and it was agreed that work on procedural reform could proceed quickly. All the parties and groupings in both Houses, including the Government through the Leader of the Seanad, could present their proposals in this regard to the Seanad Committee on Procedure and Privileges, CPP. The Government presented earlier this year a package of proposals on Seanad reform to the Leader of the Seanad for submission to the Seanad CPP. It is now a matter for that committee to consider these proposals, along with any other proposals it has received and to make its recommendations for reform.

During the course of the campaign on the Seanad referendum and in the years preceding it, a significant number of proposals and plans for Seanad reform were made by a variety of groups, including Seanad committees, political parties, academic bodies, professional and union groups and members of the public. It is important that these inputs are not overloaded and that we develop a means to progress suggestions where possible and appropriate. In order to progress the reform process, the Government will establish a working party to examine the submissions and proposals already made and to seek further submissions as may wish to be made.

The working party that I intend to appoint will look at the role of a reformed Seanad within

the political process, the powers and functions of a reformed Seanad, the method of election and selection of members of a reformed Seanad and any other matter that the working party might see as relevant, and report back to Government not later than the end of February 2015.

The people have voted for the retention of the Seanad. There is a wealth of information and reports about what might be done to improve, look at or make changes to the electoral system to the Seanad within the parameters of the Constitution. I will appoint that body very shortly to report back by the end of February.

As regards legislative reform, the Government, for its part, committed to bringing forward legislation to implement the 1979 amendment to Article 18 of the Constitution on the election of Members of Seanad Éireann by institutions of higher education in the State. The Government earlier this year published the general scheme of that Bill to achieve this. It should be noted that the amendment to the Constitution that enabled this to take place was passed by the people 35 years ago and this is the first Government to take steps to implement it. Following public consultation on the general scheme, the Minister for the Environment, Community and Local Government expects to publish the Bill to extend the university franchise in the not-too-distant future.

**An Ceann Comhairle:** We are battling against time and I will take the two Deputies' questions together.

**Deputy Seán Ó Fearghail:** In the spring of 2011, the Taoiseach made a firm commitment to the Irish people that he would undertake a democratic revolution and he was ably abetted by the then Tánaiste in that firm commitment. I put it to the Taoiseach that he has fundamentally broken that pledge to the Irish people and in doing so, he has done enormous damage to the Irish body politic, and we are seeing a type of dramatic change in political attitudes in the country that arise from that. The Taoiseach promised a referendum to reform the Seanad. He stated, when he lost that referendum, that he accepted the outcome of it but the only proposal with which he has come forward in the interim is to extend the franchise for third level seats. Has he put a costing on that initiative?

Today the Taoiseach stated he would set up a working party and to some extent, I welcome that. However, he excluded reform of the Seanad from consideration of the Constitutional Convention. I congratulate the Taoiseach on the work of the Constitutional Convention. It did good work but it was prevented from looking at this matter. Will he give time for some element of public consultation on what sort of reform of the Seanad should take place?

**Deputy Gerry Adams:** Since the citizens gave the Taoiseach a wallop in the Seanad referendum, there has been the debacle around the Seanad candidate, Mr. John McNulty, and the nomination of him to the board of IMMA which illustrates the Government's attitude to the Seanad, to the arts and to State boards. Today the Taoiseach stated that he would put forward a working party shortly to report back by February. That strikes me as an unworkable date. What does "very shortly" mean? He will ask those involved to have their report ready in less than three months.

The Taoiseach has not dealt with the Constitutional Convention report which called for citizens in the North to have a franchise in presidential elections and I would like to think that the diaspora would be represented in the Seanad as well. My party proposed - I put this forward to the Taoiseach in the past - that 50% of Seanad Members be women and that we ensure a repre-

sensation of marginalised and minority groups, such as the Traveller community. Can we have some sense of whether the Government has considered any of these proposals my party has put to the Taoiseach and can he give us a firm commitment that this is a serious proposition to have a report back here by February?

**The Taoiseach:** In respect of the democratic revolution, revolutions roll on for a while. We have made some serious changes, in local government in the amalgamation of town and city councils, the removal of the town councils and the changes of boundaries for the local government under independent commissions, and in the Dáil, such as the right of Deputies to raise Topical Issues at a much more appropriate time, the drafting of Private Members' Bills to be discussed on Fridays and longer sitting hours, and all the changes made in terms of corporate donations and the removal of perks from Ministers, etc. There is also the legislation we referred to this morning at Leaders' Questions in respect of the protection of whistleblowers, which is an important issue. I am not sure that Sinn Féin made any proposal in respect of the protection of whistleblowers, but this is a legislative proposal to defend, protect and respect them for what they do. I welcome that the question of appointments to all State boards will be completely independent with assessment of credentials, qualifications and competencies by the Public Appointments Service so that on *stateboards.ie* all Ministers and Departments will publish the boards under their responsibility and the persons who serve on those boards and when vacancies arise, they will appear on *stateboard.ie* also. Members of the public or interested persons who want to apply for any of those positions, either remunerated or non-remunerated, will apply through that public system and will have their qualifications, experience, etc., vetted by the Public Appointments Service, which will send to the relevant Minister a list of those it deems to be competent to serve on the board concerned.

On the working group on the Seanad, I intend to take former persons who no longer have a vested interest in the Seanad but who served there, to look at the body of information and reports, many of which overlap and are contradictory, on what we might do about the electoral system within the confines of the current constitutional perimeters. That body of work is already known. There have been many reports over the years. I am advised that it should be possible to do this by the end of February. If there is an issue that they wish to look at outside of that, that will be a matter for themselves.

We have not discussed the question of the opportunity for diaspora to be considered for voting in respect of the presidential elections. A paper is being prepared on that in the Department of the Environment, Community and Local Government and has been for some time. I expect that when it comes back here the discussion on the Dáil reform, which is part of one of the reports of the Constitutional Convention, and that matter can be discussed in the Chamber. The Government appointed the first Minister of State with responsibility for the diaspora, Deputy Deenihan, and he is also examining the issue. I do not expect a decision to be made in time for the referenda we will hold next year, as many outstanding matters in that regard remain to be considered. However, the matter will be debated fully once the Department of the Environment, Community and Local Government presents its paper to us.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. *a14*, motion to rescind order of referral of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012

[*Seanad*] to the Select Sub-committee on Children and Youth Affairs; and No. 28, Social Welfare Bill 2014 - Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10 p.m.; (2) No. *a*14 shall be decided without debate; Private Members' business shall be No. 168 – motion re the fair deal scheme; tomorrow's business after Oral Questions shall be: No. *b*14, Workplace Relations Bill 2014 – instruction to committee; No. 29, Workplace Relations Bill 2014 - Order for Report, Report and Final Stages; and No. 30, the Garda Síochána (Amendment) (No. 3) Bill 2014 - Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. *b*14 shall, if not previously concluded, be brought to a conclusion after one hour and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal for dealing with the late sitting agreed to?

**Deputy Joe Higgins:** Before I agree the proposal, agree not to oppose it, or propose a variation on it, could I ask the Taoiseach to tell us when precisely we will have the promised debate on water charges?

**An Ceann Comhairle:** No. I am sorry but I must interrupt the Deputy. This is a straightforward proposal that I must put to the House. We cannot have a debate about some other issue.

**Deputy Joe Higgins:** Yes, but a Cheann Comhairle-----

**An Ceann Comhairle:** Deputy Higgins raised the matter last week as well. I ask him to respect the Chair because otherwise it will lead to disorder. The Deputy should please resume his seat. I am putting a straightforward proposal.

**Deputy Joe Higgins:** Yes, but-----

**An Ceann Comhairle:** If Deputy Higgins is against the proposal, he should vote against it. I cannot have a debate on another topic.

**Deputy Joe Higgins:** I can either oppose it or propose a variation on the order on the basis that other issues should be discussed.

**An Ceann Comhairle:** The purpose of the proposal is a late sitting. Full stop.

**Deputy Joe Higgins:** Yes.

**An Ceann Comhairle:** It does not deal with the topic that is being discussed during the late sitting. It deals with the late sitting itself. Deputy Higgins should please resume his seat. I thank Deputy Higgins.

**Deputy Joe Higgins:** I will raise the matter on the Order of Business then.

**An Ceann Comhairle:** Deputy Higgins might raise the matter in some other way but he cannot do it now. Is the proposal for dealing with the late sitting agreed to? Agreed.

Is the proposal for dealing with No. *a*14 agreed to? Agreed.

Is the proposal for dealing with arrangements re No. *b*14 tomorrow agreed to? Agreed. I

call Deputy Ó Fearghaíl to speak on the Order of Business.

**Deputy Seán Ó Fearghaíl:** I wish to ask briefly about a couple of pieces of legislation. The commission on low pay was announced with great fanfare as part of the revamped programme for Government. Will the Taoiseach indicate when the House can expect to have the opportunity to consider the heads of the Bill?

A reformed consolidated domestic violence Bill is promised. The Bill is meant to reform and consolidate the Domestic Violence Act to aid the ratification of the Istanbul Convention on combatting and preventing violence against women. That is something in which the Taoiseach has an interest and he has given commitments to various groups that we will take action in the area.

The health reform Bill is No. 88 on the C list. There is growing chaos across the country in acute hospitals. I am sure the Taoiseach is aware through media reports of what happened yesterday in my local hospital, Naas General Hospital.

**An Ceann Comhairle:** I thank the Deputy. We cannot deal with individual issues.

**Deputy Seán Ó Fearghaíl:** Staff were protesting outside the gate about the conditions in which patients were being treated in the hospital. When will the health reform Bill be introduced to deal with such issues?

**The Taoiseach:** Much work is going on in terms of reshaping the priorities for the health reform Bill. I do not think the Deputy will see it before next year. A memo to Government was cleared last week on the low pay commission. The Bill is due next year.

The Bill on domestic violence is also due early next year. I had the opportunity and privilege to address the COPE Galway group yesterday. The Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Minister for Children and Youth Affairs, Deputy James Reilly, are working on this area to give effect to the implementation of what is known as the Istanbul Convention. It is a challenge for any government to deal with the issues that arise when doors are closed in the evenings. It is a matter of priority that we would follow through on our commitments.

**Deputy Gerry Adams:** I wish to raise three pieces of legislation, but, first, I wish to refer to two other issues. During Taoiseach's Questions, a number of times the Taoiseach has made a suggestion about priority questions. Perhaps he or you, a Cheann Comhairle, might be able to advise us on how that could be introduced. Both Teachta Higgins and I, separately, have tried to inquire about when debates will be held on certain matters. Could we be advised on the best way to do that, in particular in terms of a debate on the crisis on water charges?

The Government has committed to amend the Constitution to provide for a voting age of 16, which would be very welcome, and a Bill for that purpose is being drafted. Will the Taoiseach confirm when the Bill will be introduced and if it will be published in 2015? Could the extension of the franchise to citizens in the North and the diaspora be considered as part of the Bill?

We are inundated with complaints from citizens who are not happy with the treatment they have received during their participation in the judicial system. Will the Taoiseach confirm when the judicial council Bill will be introduced and, if possible, will he outline the main provisions of the Bill?

The children and family relations Bill will come before the Dáil, given that a revised scheme of the Bill was published in September. Could we have a sense of the timescale for the completion of the drafting process? I accept the legislation is complex but it requires sufficient time for scrutiny and discussion. The Bill could help to keep pace with a changing Ireland.

**Deputy Joe Higgins:** Could I ask a question on the same issue?

**An Ceann Comhairle:** No. Deputy Higgins should please resume his seat. Deputy Adams addressed me on both of the issues he raised initially. They are best dealt with through the Whips. As a former Whip, I found that one gets tremendous co-operation by doing so because it allows matters to go back to the parties. It never works to raise such issues on the floor of the House. I strongly recommend that the Whips deal with both of those issues through their parties behind the scenes. I would be only too delighted to agree to any changes that are forthcoming.

**The Taoiseach:** The children and family relations Bill is important legislation.

*5 o'clock*

It must be put through in respect of the question to be asked on the equality of marriage referendum next year. The Government will make its announcement in due course regarding the dates for those referenda and the issues to be decided by the people.

On the point about how debates may be arranged in the House, the Whips system is the best way to deal with that. A fortnight ago we received requests from Members for a series of discussions and statements in respect of sexual abuse of people formerly involved with the IRA, arising from Mairia Cahill's statement and those statements will happen tomorrow. As I said, I am prepared to consider making Questions to the Taoiseach more relevant and topical in order to give Deputies the opportunity to raise matters they may deem to be more important than dealing with matters which are few months old.

**Deputy Gerry Adams:** I do not think the Taoiseach answered the other two questions about the voting age Bill. I may have missed his replies.

**The Taoiseach:** It requires a referendum. The Government will make its announcement in due course about the date of the referenda and of the issues to be decided. The Government has already put forward the proposition that one of the referenda would be to decide on the reduction in the voting age.

**Deputy Gerry Adams:** I thank the Taoiseach.

**Deputy Robert Troy:** The relocation of *Ask.fm* last week highlighted once again the real and substantial threat of cyberbullying and the serious consequences it can have, up to and including the loss of life. Last year I produced a Cyberbullying Bill. I refer to a departmental expert advisory group to compile a report on this issue. Will the Taoiseach consider taking my Bill in Government time so that it can be debated in the House or at the minimum that the expert advisory group report on cyberbullying would be brought to the House in order to give all the Members the opportunity to debate the findings?

I refer to the terms of reference of the independent commission to investigate mother and baby homes. Catherine Corless has further evidence to indicate that the size of the burial plot was larger than originally discovered. This has highlighted the need for the Government to live up to its commitment and to publish the terms of reference of the independent investigation.

We were promised the terms of reference before the summer recess but we are now well into the Dáil year and we await them. I ask the Taoiseach to indicate when they will be published.

In the debates on the budgets for 2013 and 2014, I raised with the Taoiseach the issue of the below-cost selling of alcohol. On both occasions he said that he would be bringing forward recommendations within a matter of weeks. It is now a matter of years later and we are still waiting for the Government proposal on how it plans to deal with below-cost selling of alcohol.

**The Taoiseach:** That proposal will be published next year. The protection of children is a question to be discussed with the Department of Children and Youth Affairs which has the information and expertise in that regard. The Minister of State, Deputy Dara Murphy, has responsibility for the issue of cyberbullying which is a matter of serious concern and about which I have been briefed. It is not edifying and we need to move as quickly as possible on this issue. I have no objection to the report on cyberbullying being debated in the House and I will advise Deputy Troy.

On the question about the terms of reference for the investigation into mother and baby homes, the Minister, Deputy Reilly, had a very good meeting with Catherine Corless. We are not far off publishing the terms of reference which will determine the scale, scope and length of the inquiry and who might be called. It is far more complex than one would have imagined at first instance. The Minister is anxious to move on the finalisation of the terms of reference with the Attorney General and he will bring them to the House for discussion.

**Deputy Lucinda Creighton:** How long does the Taoiseach anticipate it will take for section 45 of the Finance (No. 2) Act 2013 to be commenced? The European Commission must approve State aid and negotiations seem to be extremely protracted. The section will allow for the granting of CGT relief for entrepreneurs. The provision was lauded in the budget last year but it has not been introduced. Further measures were introduced in the 2015 budget. How long will these protracted negotiations with the European Commission continue? Does he anticipate it will be concluded before Christmas? Does he expect further delays with the other measures which were announced in the budget for 2015?

**The Taoiseach:** I do not have the information for the Deputy. Is she referring to implementation of section 45 of the Finance Act of last year?

**Deputy Lucinda Creighton:** Yes.

**The Taoiseach:** I will advise the Deputy of the up-to-date position.

**Deputy Sandra McLellan:** I refer to the commitment in the programme for Government to fundamentally reform the delivery of child protection services. Is the Taoiseach concerned that the Irish Society for the Prevention of Cruelty to Children has stated that over 45,000 calls to its Childline service will go unanswered next year unless it receives additional funds? The charity has issued an appeal for €1.2 million to keep the 24-hour service open.

**An Ceann Comhairle:** Sorry, Deputy-----

**Deputy Sandra McLellan:** Some 11% of its calls are to the night-time service which has become a critical support for children in distress, who in many instances are prevented by domestic circumstances from phoning at other times of the day. Childline is the only support option available to many children-----

**An Ceann Comhairle:** Sorry, Deputy-----

**Deputy Sandra McLellan:** -----and the loss of the night service would have a significant impact on those in real need.

**An Ceann Comhairle:** The Deputy cannot make a statement on the Order of Business.

**Deputy Sandra McLellan:** Will the Government intervene to ensure that the vital services are kept open?

**An Ceann Comhairle:** That is a Topical Issue matter. I strongly recommend that the Deputy submit a Topical Issue matter on that subject.

**Deputy Joe Higgins:** With regard to promised Dáil business and sittings, will the Taoiseach tell me precisely when will we have the promised debate on the water charging regime he intends to continue to enforce on our people? I ask him to please not tell me it is when the Government has finished its deliberations.

**The Taoiseach:** It will be next week; that is progress.

**Deputy Joe Higgins:** That is a start. I ask the Taoiseach to elaborate. We are six weeks into a charging regime and vulnerable and scared people-----

**An Ceann Comhairle:** We are not having a debate on it now.

**Deputy Joe Higgins:** -----do not even know what the Taoiseach will be looking for. I ask him to say which day next week we will have a decision and a debate.

**The Taoiseach:** By Wednesday of next week the Deputy will be away; he can flow on with his words at that stage.

**Deputy Joe Higgins:** Will we have the debate on Wednesday?

**The Taoiseach:** The Deputy will have the opportunity to let his words flow through the House on Wednesday of next week.

**Deputy Patrick O'Donovan:** Unmetered.

**The Taoiseach:** Now that is progress.

**Deputy Sean Fleming:** I have a question for the Taoiseach about EirGrid, an organisation with which he is very familiar and which has not been established in legislation. EirGrid rides roughshod over many communities throughout the country, including in the Taoiseach's home province. When does the Government intend to introduce legislation to put EirGrid on a statutory footing in order to strengthen its powers so that it can further ride roughshod over the people?

When does the Government intend to bring forward legislation to introduce a new broadcasting charge? There has been much discussion about water charges. I understand it is the Taoiseach's plan to bring forward a broadcasting charge. What provision will it include with regard to an ability-to-pay clause? When does he expect to hit the public with his proposed broadcasting charge?

**The Taoiseach:** The legislation will be introduced early next year. On the question about

primary legislation for EirGrid, the Deputy will be aware of the necessity to provide infrastructure to supply electricity for consumers and for industry. All EirGrid's proposals are vetted and validated independently by An Bord Pleanála. I will provide the Deputy with an up-to-date report on the preparation of the legislation.

**Deputy Patrick O'Donovan:** In the aftermath of the fiasco that was the licence for the Garth Brooks concerts last summer, a commitment was given to review the legislation on licensing events of this nature. In the recent past an announcement was made that a concert will be held in Croke Park next summer. When is it expected that legislative proposals will be brought forward to address this anomaly to ensure concert promoters and venue owners are not discommoded in the fashion in which the GAA and the concert promoter were by Dublin City Council last summer?

**The Taoiseach:** I can strike a good note for the Deputy. The review group has been established and comprises nominees representing the Department of Transport, Tourism and Sport, the Department of Jobs, Enterprise and Innovation, South Dublin County Council, Dublin City Council, Meath County Council, Cork City Council, Laois County Council, Kildare County Council, Fáilte Ireland, the Garda Síochána, the HSE and the chief fire officer. The first meeting of the review group took place on 23 October, when the current system was discussed and analysed. Event promoters have been invited to present their experience to the group during the second meeting, which is due to take place next week. The public consultation process is under way and will end on 28 November. The Minister, Deputy Kelly, expects to receive recommendations from the group before the end of the year.

**Deputy Mattie McGrath:** Seeing as the Taoiseach is in musical note today with his few puns, does he have a tune or a couple of notes to give the farmers protesting at how their industry is being treated by the meat industry? I am delighted the Minister, Deputy Coveney, is here. Under the Competition (Amendment) Act, is there any possibility of some respect for the primary producers? We have agriculture 2020 and everything else spoken about-----

**An Ceann Comhairle:** About what Bill is the Deputy speaking?

**Deputy Mattie McGrath:** I am speaking about the Competition (Amendment) Act. Will the Taoiseach do something? Will he meet the farmers and play a tune with them? They are not in very good humour to do a harmony because-----

**An Ceann Comhairle:** Perhaps the Deputy can have a chat with the Taoiseach after the Order of Business.

**Deputy Mattie McGrath:** The Minister is not doing anything for them. Round-table talks have done nothing.

**An Ceann Comhairle:** It is not on the Order of Business. I know this is an important issue.

**Deputy Mattie McGrath:** Can we have a freagra or a tune?

**The Taoiseach:** I had a meeting with Galway IFA at one o'clock this morning. I confirm to the Deputy that the Minister, Deputy Coveney, has spent exhaustive hours on this issue.

**Deputy Mattie McGrath:** Why is he the Minister for Defence as well? He has enough to do with agriculture.

**The Taoiseach:** He has put together the beef forum and we expect considerable and good progress will be made at the forum tomorrow. Everyone wants to see an end to this matter.

**Deputy James Bannon:** Insurance is of the utmost importance to many people and their families throughout the length and breadth of the country. We saw the serious problems which arose earlier this year when an insurance brokerage company collapsed. When can we expect to see the insurance Bill, which will provide an alternative statutory regime for those insurance companies not covered by the solvency II directive?

**The Taoiseach:** The insurance Bill is due next year. I will give the Deputy a report on the current state of preparation.

**Deputy James Bannon:** I thank the Taoiseach.

**Deputy Peter Fitzpatrick:** I have been approached by the families of children with severe disabilities. The health (transport support) Bill will provide for a scheme to make individual payments to people with severe disabilities who cannot access public transport as a contribution towards their transport costs. When can we expect publication of this Bill?

**The Taoiseach:** This is to replace the mobility allowance. It will be early 2015.

**Order of Referral of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 [Seanad] to the Select sub-Committee on Children and Youth Affairs: Motion**

**The Taoiseach:** I move:

That the Order of the Dáil of 8 October 2014 referring the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 [*Seanad*] to the Select Sub-Committee on Children and Youth Affairs, be discharged and that the Bill be referred to the Select Sub-Committee on Health pursuant to Standing Orders 82A(3)(a) and 6(a) and 126 of the Standing Orders relative to Public Business.

Question put and agreed to.

**Social Welfare Appeals Bill 2013: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to the Social Welfare Appeals Bill 2013. On Friday, 7 November 2014 on the question that the Bill be now read a Second Time, a division was claimed and in accordance with Standing Order 117(1A) that division must now be taken.

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

<i>The Dáil divided: Tá, 38; Níl, 75.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>

<i>Broughan, Thomas P.</i>	<i>Burton, Joan.</i>
<i>Collins, Joan.</i>	<i>Butler, Ray.</i>
<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Coppinger, Ruth.</i>	<i>Byrne, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Byrne, Eric.</i>
<i>Creighton, Lucinda.</i>	<i>Cannon, Ciarán.</i>
<i>Crowe, Seán.</i>	<i>Carey, Joe.</i>
<i>Doherty, Pearse.</i>	<i>Coffey, Paudie.</i>
<i>Donnelly, Stephen S.</i>	<i>Conaghan, Michael.</i>
<i>Ellis, Dessie.</i>	<i>Conlan, Seán.</i>
<i>Ferris, Martin.</i>	<i>Connaughton, Paul J.</i>
<i>Fitzmaurice, Michael.</i>	<i>Coonan, Noel.</i>
<i>Fleming, Sean.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Fleming, Tom.</i>	<i>Costello, Joe.</i>
<i>Halligan, John.</i>	<i>Coveney, Simon.</i>
<i>Healy, Seamus.</i>	<i>Creed, Michael.</i>
<i>Healy-Rae, Michael.</i>	<i>Daly, Jim.</i>
<i>Kitt, Michael P.</i>	<i>Deasy, John.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Deenihan, Jimmy.</i>
<i>McGrath, Finian.</i>	<i>Deering, Pat.</i>
<i>McGrath, Mattie.</i>	<i>Doherty, Regina.</i>
<i>McGrath, Michael.</i>	<i>Donohoe, Paschal.</i>
<i>McLellan, Sandra.</i>	<i>Dowds, Robert.</i>
<i>Murphy, Catherine.</i>	<i>Doyle, Andrew.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Durkan, Bernard J.</i>
<i>Ó Fearghaíl, Seán.</i>	<i>Farrell, Alan.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Fitzpatrick, Peter.</i>
<i>O'Dea, Willie.</i>	<i>Flanagan, Terence.</i>
<i>O'Sullivan, Maureen.</i>	<i>Gilmore, Eamon.</i>
<i>Pringle, Thomas.</i>	<i>Griffin, Brendan.</i>
<i>Ross, Shane.</i>	<i>Harrington, Noel.</i>
<i>Shortall, Róisín.</i>	<i>Harris, Simon.</i>
<i>Smith, Brendan.</i>	<i>Howlin, Brendan.</i>
<i>Stanley, Brian.</i>	<i>Humphreys, Heather.</i>
<i>Tóibín, Peadar.</i>	<i>Humphreys, Kevin.</i>
<i>Troy, Robert.</i>	<i>Kelly, Alan.</i>
<i>Wallace, Mick.</i>	<i>Kenny, Enda.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>

	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McHugh, Joe.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Murphy, Dara.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Noonan, Michael.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>Perry, John.</i>
	<i>Phelan, John Paul.</i>
	<i>Quinn, Ruairí.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Timmins, Billy.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Seán Ó Fearghaíl and Brendan Smith; Níl, Deputies Joe Carey and Emmet Stagg.

Question declared lost.

## Topical Issue Debate

### Wind Energy Guidelines

**Deputy Regina Doherty:** I thank the Minister of State for taking the debate. I had asked last week for it to be discussed on the basis that the closing date for submissions on a planning application to An Bord Pleanála in my county is 1 December. We are naively waiting for draft guidelines, which the Department promised would be published a number of weeks ago. However, because of a delay, these will not be published and it appears from communication with the Department that we will not get the fully revised guidelines until January or February 2015. I, therefore, have a major issue that a large industrial planning application to build 46 industrial wind turbines, each 169 m high, will be scrutinised under guidelines that we all know are not fit for purpose and that are out of date. The reason we know that is the Government is in the process of introducing new guidelines.

I would like a commitment from the Department that one of two actions will be taken over the next number of days - the publication of the draft guidelines with An Bord Pleanála instructed to adhere to them pending the issuance of the revised statutory guidelines in January or the extension of the planning process to ensure the guidelines that will issue in January will be the ones under which the application to which I refer will be scrutinised. There is a rush on planning applications to ensure the pricing agreements signed up to by the previous Government with the CER under REFIT II can be adhered to. The reason for the glut of applications is the price per unit of electricity secured by companies. They will be scrutinised under guidelines that are out of date and not fit for purpose and that need to be updated. I would like peace of mind regarding the processing of this planning application and others in constituencies of Members throughout the country.

**Deputy Helen McEntee:** I thank Deputy Doherty for sharing the debate. Like Irish Water, this is an important issue, which we need to get right. Renewable energy is one of the major issues being debated currently. There are questions over whether such energy is needed and whether the infrastructure needed to generate this energy is required. Companies are trying to push through applications because this debate is taking place and they are fearful. We are facing the prospect of the construction of 46 industrial sized turbines in a small residential community in which I live. These will be 169 m high, not 100 m. These are unlike any that have been constructed in Ireland previously and, therefore, this is an extremely sensitive issue for those living in the area.

There are two sides to the debate but the current guidelines, which were put in place by the previous Government a number of years ago, do not take into account the size of these turbines. I hope the new guidelines will and that is why I am calling for them to be issued as soon as possible. I made one of the 7,500 submissions to the Department earlier this year under the review of the guidelines. The Minister of State's predecessor, Deputy Jan O'Sullivan, promised the draft guidelines would be published in the third quarter of this year. The review commenced almost ten months ago but we have not seen any guidelines. I assume the reason for that is the Department needs to get this right and, like the Irish Water debacle, this is not something that can be rushed. However, this is a ticking timebomb for many communities. I would like an assurance that the guidelines will be published as soon as possible and that the projects in the pipeline will be subject to the new guidelines when they come into play.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank both Deputies for raising this important matter and for the opportunity to outline the progress to date on the ongoing focused review of the 2006 wind energy development guidelines. The Minister and I are precluded, under section 30 of the Planning and Development Act 2000, from exercising any power or control in respect of any individual planning application or appeal with which a planning authority or An Bord Pleanála is, or may be, concerned. It is a matter for the relevant planning authority to make the appropriate determination on a planning application or appeal, and my Department has no function or remit in this regard.

In December 2013, the Department published proposed “draft” revisions to the noise, setbacks and shadow flicker aspects of the 2006 guidelines. These draft revisions proposed the setting of a more stringent day and night noise limit of 40 decibels for future wind energy developments; a mandatory minimum setback of 500 m between a wind turbine and the nearest dwelling for amenity considerations; and the complete elimination of shadow flicker between wind turbines and neighbouring dwellings. A public consultation process was initiated on these proposed draft revisions to the guidelines and it ran until 21 February 2014. My Department received submissions from 7,500 organisations and members of the public during this period.

It is intended that the revisions to the 2006 guidelines will be finalised as soon as possible. However, account must be taken of the extensive response to the public consultation in framing the final guidelines. Further work is also advancing to develop technical appendices to assist planning authorities with the practical application of the noise measurement aspects of the guidelines. The revisions to the guidelines, when finalised, will be issued under section 28 of the Planning and Development Act 2000, as amended. Planning authorities, and, where applicable, An Bord Pleanála must have regard to guidelines issued under section 28 in the performance of their functions under the planning Acts.

**Deputy Regina Doherty:** Will the Minister of State clarify that his Department cannot interfere in the planning process and this means the application for 46 industrial turbines will be dealt with by An Bord Pleanála under the existing guidelines? Will he also clarify that if new guidelines are introduced in January or February and applications are still before An Bord Pleanála, they will be subject to the new guidelines? If not, has the statutory clock started ticking meaning they will be scrutinised under the existing statutory guidelines? Nobody is being disrespectful to or disingenuous with the Department. Nobody expected that it would receive 7,500 submissions but everybody is exercised about this. We are concerned that the Government is following the policy of the previous Government, which is based on outdated information and the Grid25 planning process. More important, wind energy projects are supposed to be introduced in co-operation with communities and in sympathy with the environment. These applications do neither but we are standing idly by and not supporting the people we represent in our towns and villages by allowing big business to come in and make money at other people's expense, which is not on.

**Deputy Helen McEntee:** I thank the Minister for State for his response. I understand the pressure the Department and both Ministers are under to ensure the guidelines are published as soon as possible. A total of 7,500 submissions is a large number to process. We are running out of time in County Meath. A second project is in train which proposes six turbines of a similar height. There are, therefore, two projects affecting a number of communities. If an application, which has been submitted, has not been decided on before the new guidelines come into play, must An Bord Pleanála, Meath County Council or the relevant planning authority adhere to the

new guidelines or will they have to adhere to the previous guidelines?

**Deputy Paudie Coffey:** I appreciate that the Deputies have serious concerns regarding the purposed project but I reiterate that it is the intention of the Minister and I to publish new guidelines as soon as possible. It is my understanding that the existing guidelines apply to current planning applications but I will clarify that for them. I must re-emphasise that the Minister, Deputy Kelly, and I are statutorily precluded from exercising any power or control in relation to any individual planning application. Planning authorities must have regard to planning guidelines issued by the Department of the Environment, Community and Local Government. However, these are issued for guidance purposes to assist planning authorities in the performance of their functions. Ultimately, planning authorities will make their own decisions based on the specific merits or otherwise of individual planning applications.

As I have outlined, a significant number of public submissions were received in relation to the review of the wind energy development guidelines. The Department is currently carefully considering the issues raised in the submissions by local communities, the wind industry and other interested parties, in an impartial and evidence-based manner. It is my intention that the revisions to the 2006 wind guidelines will be finalised as soon as possible. It is also my intention that the final guidelines on wind energy development will have fair and reasonable regard to the interests of local communities, while at the same time recognising the importance of renewable, clean energy for the future of our environment and economy.

### **Post Office Network**

**Deputy Michael P. Kitt:** I thank the Ceann Comhairle for selecting this issue for discussion and the Minister, Deputy Alex White, for coming to the House to deal with it. I recently tabled a parliamentary question to the Minister in relation to the business plan for An Post. In his reply, the Minister said that it was Government policy that An Post remain a strong and viable company in a position to provide a high quality postal service and maintain a nationwide customer focused network of post offices. The reply goes on to state that the board of An Post is required to approve a rolling five-year business and financial plan each year in accordance with the code of practice for the governance of State bodies. I am a little disappointed that the current five-year plan which will soon expire has resulted in the downgrading of many post offices and the closure of others.

The reply goes on to state that the company has begun work on its plan for 2015 to 2019 and that the Department will be engaging with the company over the coming weeks as the plan is being finalised. I would like the Minister to say that, in the context of finalisation of that plan, every effort will be made to support post offices. In recent weeks, I learned that Cappataggle post office, County Galway, will be closing on 31 December this year. The reply continues that a whole of government review of the scope for providing additional public services through local post offices is currently under way under the auspices of the Cabinet committee on social policy and that An Post is aware that this review is ongoing and engagement with the company is being undertaken when and as appropriate.

I was disappointed to read in yesterday's *Irish Independent* about proposed wage cuts for postmasters. The relevant article, under the headline, "Postmasters being forced to take pay cut of up to €30,000", refers to wage cuts of between €4,000 and €30,000, depending on the level of social welfare business generated by each post office. This is something about which I have

not heard heretofore. I have never heard of a postmaster being paid on the basis of the amount of business generated. This news has stunned postmasters, many of whom have expressed fears for the future of their businesses. Administration of social welfare payments is a crucial form of income for postmasters and an important service for post offices. The Minister will be aware that earlier this year a Grant Thornton report, commissioned on behalf of the Irish Postmasters' Union, warned that the loss the social welfare contract by An Post would result in the closure of more than 500 post offices. It is a fresh blow to the future of the network if, as announced, these cuts are to be imposed. This will put huge pressure on businesses already facing enormous challenges in terms of remaining open and will also result in smaller post offices losing out on several thousand euros per year.

We recently learned of the closure of Cratloe post office, County Clare, in addition to the closure of Cappataggle post office, which will impact hugely on people living in rural areas. I know the Minister has already met with the Irish Postmasters' Union. I hope that he will agree to meet An Post and that he can provide me with more information on the business plan for the next five years. It is hoped this plan will propose new business for post offices such that we are not always hearing about the closure of post offices.

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** I thank the Deputy for raising this important issue.

I would like to reassure the Deputy that the Government is committed to a strong and viable An Post and supports the maintenance of the maximum number of economically viable post offices providing high quality services on a nationwide basis. As stated by Deputy Kitt, the board of An Post is required to approve rolling five-year business and financial plans each year in accordance with the code of practice for the governance of State bodies. I understand that the company has begun work on the plan for 2015 to 2019 and my Department will be engaging with the company over the coming weeks as this plan is being finalised.

In relation to the post office network and decisions relating to the opening and closing of post offices, this is an operational matter for the board and management of An Post and not one in which I have a statutory function. The future of the post office network, including post offices located in County Galway, will only be secured by it continuing to provide services that large numbers of people and business users need and are sustainable in the long term. The post office network needs to develop so that it can meet the challenges it is facing in urban and rural Ireland over the medium term. In urban Ireland, increased broadband penetration, reduced mail volumes and the availability of alternative payment services is reducing post office business.

In much of rural Ireland, commercial business is moving away from smaller towns towards larger urban centres. This is marginalising the rural economy, drawing employment away from the countryside and reducing the level of economic services, including banking and retail, available outside regional centres. It has been necessary to undertake a whole-of-Government review of the scope for providing additional public services through local post offices. This review has been under way for some time under the auspices of the Cabinet committee on social policy. An Post and the Irish Postmasters' Union are aware that this review is ongoing and are receptive to exploring avenues for securing new lines of business for the network. I have met An Post and the IPU in relation to these matters.

I understand the concern of the Deputy and other Deputies about the future of An Post and the post office network. An Post is currently facing many challenges not alone financially, but

also from the development of Internet-based communications technologies. Any decisions it may take must be considered in the context of maintaining a sustainable post office network. As shareholder, I have a concern regarding the ongoing commercial position of the company and I regularly liaise with the company in this regard. I acknowledge the pivotal role that post offices play in local communities, urban and rural, in both financial and social terms.

There is a strong future for the company and the post office network by leveraging its existing strengths to remain a significant player in the provision of Government, financial and other services. Securing the future viability of the post office network in the longer term will entail the network continuing to modernise and diversify, as it is doing, to provide services that its customers require. It has been long-standing policy that An Post remains in a position to compete in a liberalised market and to continue to provide wide-ranging services to both urban and rural communities.

**Deputy Michael P. Kitt:** I would like if the Minister would address the issue of new services for post offices. I recently saw a document which shows that post offices provide up to 28 different services. The provision of 28 different services in rural Ireland is good. It is important that the post offices providing these services are maintained. It is hoped that the driving licence service, which is proving very confusing, particularly in the west, could be provided by post offices. Motor tax and utility bill payments are other important services which could be provided by post offices. I hope this will be the case. As I said, it is important consideration is given to the provision of new services by post offices.

I have received a document from Post Office Users, a new organisation set up in County Galway, that refers to upwards of ten offices in the greater Ballinasloe area, which is only one post office area, having been either closed or downgraded. An Post proposes to add the closure of Cappataggle post office to that list. I am disappointed at that proposal.

When the post office in Killoran closed, people were told they could go to Cappataggle but now they have been told that is to close and they must go to New Inn or Kilconnell. It does not make sense that one post office after another is being closed. I hope this organisation will get a hearing from the Oireachtas committee and that the Minister will meet An Post to tell it what exactly the situation is on the ground.

I raised the issue of Cappataggle with the former Minister, Deputy Pat Rabbitte, last July. He said, "I would not throw in the towel on Cappataggle, known for its production of hurlers." He is absolutely right in regard to hurlers who are the Connacht champions. I am not throwing in the towel nor are the people of Cappataggle. I hope this decision will be reversed.

**Deputy Alex White:** I thank Deputy Kitt for his additional comments on this very important matter. I share the Deputy's views about the importance of the post office network and the affection with which it is regarded, especially by small communities in provincial and rural areas. I assure the Deputy that An Post will continue in its endeavours to retain and obtain business opportunities for the network, having due regard to competition and public procurement requirements, as appropriate. I am due to meet An Post tomorrow afternoon and the issues the Deputy raised will form part of the agenda for my discussions with it.

The post office network needs to attract business but that business and activity must have real substance to it. It cannot be contrived. I want to see Departments participating in this, as they have done, and other agencies of the State participating as well. I also want to see An Post

and the post office network reaching out for new commercial opportunities so that they can attract business. That is the critical aspect of this. They can pull in business from the private commercial sector as well as from the public sector, Departments and other agencies, to which the Deputy referred. These are important matters.

An Post has advised me that there are approximately 90 post offices in County Galway. There have been a number of changes in recent months, to which the Deputy referred. There are risks, worries and concerns but relatively few post offices have closed since this Government came into office three and a half years ago. A great deal more closures took place in the period of time prior to that but we are doing our best, working with the Deputy, to ensure this issue is brought forward in a satisfactory way.

### **Industrial Disputes**

**Deputy Ruth Coppinger:** I welcome workers from the Rhatigan site, who are in the Visitors Gallery. These workers from the Kishoge community college site in Lucan have endured months of absolute hardship and poverty in all weathers. They have been locked out by their employer and are owed thousands of euro in wages.

We welcome the opportunity to bring this issue to the attention of the Minister for Education and Skills and to raise it in the Chamber. For some reason, J.J. Rhatigan has 50% of all contracts under way from the Department of Education and Skills. The bricklayers who are on strike, many of whom have been on strike since last May, received no pay until July when one of them, Stephen Gleeson, received €5,292 which he thought was his own pay for those months but was informed that it was the total payment for seven bricklayers. That works out at approximately €5 per hour, if the workers were to accept those conditions. That is below the minimum wage. These are skilled workers who must work in all weathers with the toll that takes on their bodies. Essentially, they were then pressured to become self-employed contractors, which is an increasing practice in the building industry. For years, this has been flagged as an issue in Government contracts and private contracts. It has also been flagged to the Department of Education and Skills, the current Minister and the previous Minister. The Construction Workers Alliance, for example, has reported on bogus subcontracting, which would push workers back a century where there would be no pensions, benefits or safety net.

Despite many efforts, these workers have not had a full audience with the Minister to discuss this issue. One would imagine the massive loss of State revenue from black market and bogus practices would be of major interest. I do not have time to deal with all of the issues but the key demand of the workers is that funding is withheld from Rhatigan, pending full investigation into bogus subcontracting and possible black economy practices. We ask the Minister to give that commitment to these workers this evening.

**Deputy Joe Higgins:** It is an absolute outrage that working men - it could be women in other circumstances - are forced to come to this House of Parliament, this Dáil, to ask the Government to implement its own writ in regard to how publicly-funded construction contracts, such as schools, hospitals and so on, should be managed to ensure that workers' rights and tax compliance are fully above board. What we have heard about the abuse of these workers is quite incredible. What is even more incredible are these practices of forcing construction workers, such as bricklayers and so on, to become bogus subcontractors, which they do not want to become. They want to be honest workers getting their pay, paying PAYE and their pension

contributions. The system that operates means they are being forced, on pain of the sack, to essentially go into the realm of the black economy. That has been brought to the attention of the Minister's predecessor and very concrete details have been given but nothing of substance has been done to stop this. That is not good enough and it must stop, beginning this evening.

This is a grotesque abuse of workers, who must take strike action to protect the most basic rights. They have families, children and grandchildren and they have mortgages and rents to pay. They are skilled workers who over the past few months have, from dawn to dusk, been forced to be on the picket line and not on the building site earning for themselves and their families. It is quite incredible that this should be allowed to go on.

A Minister departed this House forcibly in recent times because he did not listen to whistle-blowers who were telling the truth. The Minister should beware of that. I want her to give a commitment to stop these payments to Rhatigan until a round-table meeting as well as a full investigation take place and these issues are sorted out.

**Deputy Richard Boyd Barrett:** The workers at the centre of this dispute are in the Visitors Gallery. To be honest, the most fruitful thing that could come out of the short time we have is for the Minister to agree to meet those workers to hear for herself the story they have relayed to us which has left them out on the picket line outside the Kishoge site for the past 11 weeks.

What is going on there is an absolute scandal. Rhatigan has approximately 50% of the publicly-funded school building projects which this Government has trumpeted as a stimulus measure that will create employment. However, we have discovered that the company which got those contracts is treating workers in this way and is engaged in what looks to me like fraud. There is really no other way to describe it because there are certain rules and criteria about what a subcontractor is and the workers do not fit that. They are not self-employed subcontractors. They were taken on and employed by Rhatigans, which did not pay them for weeks, and then they were told they were subcontractors.

The money paid for the work of seven people over all those weeks amounts to an unbelievable €5 per hour, which is less than the minimum wage. This is absolutely outrageous. Is this what is going on with the jobs the Government claims it is creating with these stimulus measures on all of the other Rhatigan sites or on other publicly-funded sites?

*6 o'clock*

If it is, that is an absolute outrage. What we and these workers want to hear is that the Minister will cease payments to Rhatigan until these matters are fully investigated. I appeal to the Minister to speak to those workers now. She will be shocked at what they have had to put up with. It is absolutely outrageous and we hope that the Minister will respond positively and tell us that she will take immediate and urgent action on this.

**Minister for Education and Skills (Deputy Jan O'Sullivan):** I thank the Deputies for raising this matter and want to outline to the House the measures I have put in place to ensure that contractors working on contracts awarded under the Department's school building programme, including Kishoge community school, Lucan, are compliant with tax and employment laws. I acknowledge the presence of the workers in the Visitors Gallery. I will meet building workers' unions soon. A date has been arranged for such a meeting.

As the Deputies are aware, in common with the rest of the public sector, all Department

of Education and Skills capital works projects are tendered and awarded under the standard public works contracts as required by the Department of Public Expenditure and Reform and the Government contracts committee for construction, GCCC. The guidelines require a competitive process to be carried out in an open, objective and transparent manner to achieve best value for money in public procurement. Essential principles to be observed in conducting all procurement functions include non-discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. Any contractor wishing to tender for any building projects funded by my Department must sign a personal situation declaration under oath confirming they are in compliance with regulation 53 of SI 329 of 2006 which requires the contractor, among other things, to confirm that it has not been convicted for failing to fulfil an obligation to pay a social security contribution or to pay a tax or levy as required under a law of the country or territory.

A building contract is a complex arrangement of contractual relationships between the client, the main contractor, specialist subcontractors, domestic subcontractors, suppliers of materials, suppliers of plant etc. In general all subcontractors employed on education sector building projects are employed directly by the main contractor or indirectly by the main contractor through other subcontractors. It is a matter for all subcontractors to agree terms and conditions and a schedule of payments with the main contractor as their direct employer. I am keen to ensure building contractors operating legitimately are protected while those who seek to avoid their obligations under the terms of the public works contracts will be reported to the statutory agencies and penalised, where appropriate.

The Department appointed Contractors Administration Services, CAS, in April 2013 to conduct random audits on school building projects to verify compliance with the relevant pay and conditions clauses in the public works contracts. In tandem with the appointment of CAS, the Department also provided an online complaint system on its website to enable individuals to bring to the Department's attention cases where they are of the opinion that issues of non-compliance are taking place.

CAS continues to conduct audits on school and college building projects and has been appointed to carry out a full monitoring service for the duration of the contract on Kishoge community college, Lucan. Any allegations of non-compliance brought to the attention of my Department on any school building site will be audited by CAS. Any irregularities uncovered in terms of non-compliance with employment law, enforcement and prosecution fall under the remit of the National Employment Rights Authority and the Department will report any discrepancies found to it. If an audit uncovers any other matters of concern regarding tax compliance or social welfare fraud, such matters will be referred to either the Revenue Commissioners or the Department of Social Protection, as appropriate.

In respect of the ongoing dispute on the Kishoge community college site, Dublin and Dún Laoghaire Education and Training Board is the client-employer under the contract. While my Department is the funding authority for the project, it is not a party to the contract and, as such, my Department has had no direct dealings with the contractor regarding this particular project. However, I encourage all parties involved in the dispute to use the appropriate industrial relations channels to resolve this matter.

As the Deputies may also be aware, the Government has recently approved the preparation of legislation to provide for a revised legislative framework to replace the registered employment agreement system, and I have recently met the Minister of State at the Department of Jobs,

Enterprise and Innovation, Deputy Gerald Nash, to discuss the progress on this new legislation. I also intend meeting unions representing construction workers shortly to discuss their views on the proposed new legislation. The new mechanism will allow unions and employers to apply to the Labour Court to initiate a review of pay, pensions and sick pay terms of workers in a particular sector and make recommendations to the Minister for the making of an order in these areas. The new mechanism will also provide for flexibility in response to changing economic circumstances or changes in the make-up of a sector. The new legislation is intended to provide certainty for employees as well as for businesses tendering for contracts. It will also help promote industrial peace in the crucial construction sector, and establish universal standards which will help prevent Irish firms being undercut in tendering for contracts.

**Deputy Ruth Coppinger:** How can the Minister, as a member of the Labour Party, have allowed this strike go on for the past few months? Several Deputies have already brought it to her attention. She will not give a commitment tonight to withhold funds from an employer. I know the Labour Party has fallen in recent years. I will give the Minister examples of the sums of money owed by this employer to these workers. One who worked for almost 14 weeks was paid €2,385. He is owed in excess of €10,000. Another who worked over ten weeks was paid €2,300 and is owed more than €7,208. I could give the Minister more figures if she wanted to listen to them.

Unfortunately, CAS does not have the teeth to follow up on what needs to be done. The Revenue Commissioners and the Department of Social Protection do not co-operate on these matters. There is only one way that Rhatigan and other developers could undercut other contractors, and that is by allowing black economy practices among its workers. Most work and operate from Northern Ireland so most of the money is lost from here. They sign on in the North and drive down to work here on many sites. In other cases, workers are from Cork, Limerick etc. How would it be viable for them to drive to Dublin every day to do that unless they were signing on the dole as well? One does not need to be a genius to work that out.

**Deputy Joe Higgins:** The Minister had better get real on this issue because we are going to step up the legitimate pressure for justice for these workers and for others in similar situations. The Minister read a script that any Fine Gael Minister could have done just as well.

**Deputy Jan O'Sullivan:** It was my script, not that of a Fine Gael Minister.

**Deputy Joe Higgins:** There is no dispute about the fact these workers have been abused. This is rife. The Minister's predecessor was told about it and neither he nor she has dealt with it. The Minister waves CAS in front of me exactly as it was waved in front of me when I exposed the industrial-scale exploitation by GAMA Construction in 2005. Some of the same arguments were made about the tendering process and the best and lowest tenderer getting it. Why would GAMA not get it when it went on with massive exploitation of workers? It undercut all around it. No wonder Rhatigan can do the same with these outrageous tactics, forcing workers into a situation of bogus subcontracting to deny them their proper wages, pension rights and security.

When the Minister replies, I do not want to hear about a meeting with construction workers unions. The Minister can meet the workers here and now. They will tell her to stop the payments to Rhatigan on this site and have a meeting in the next two days, during which the truth can be established. That would sort it out.

**Deputy Richard Boyd Barrett:** There is no point in the Minister's reading off the rulebook

for public contracts when it is not working. If it was, these workers would not be out for 11 weeks and would not be in here today.

The Minister mentioned self-declaration. That is an absolute joke. The basis on which Rhatigan is able to undercut other bidders for these contracts is by playing fast and loose with the relevant contracts tax, RCT 1 system and classifying as subcontractors people who are not. Unbelievably, 40,000 of those working in construction in this country are being classified as subcontractors, which they are not. This is a rampant abuse of the subcontracting system by principal contractors who can then say it is nothing to do with them, it is the subcontractor. The living proof of that is the workers in the Visitors Gallery who were asked by Rhatigan to start working in good faith without being paid for five weeks. When they looked for their money, one was paid and told he was the subcontractor for the rest of them when it was clear that he was not a subcontractor. He is here and will tell the Minister this. Is the Minister going to do something about this or will she just read off rulebooks that do not work? The workers engaged with CAS, which was frustrated by Rhatigan. CAS cannot get to the bottom of the matter because it does not have any teeth, as Deputy Coppinger said. Where are the inspections? Where is the enforcement? Is there any will on the part of the Government to expose, stop and clamp down on this abuse of the RCT 1 system by these contractors? I hope the Minister can indicate that such a will exists, and that the Government will start by meeting these workers and listening to their concerns. It should stop paying Rhatigan while these most serious allegations are in the air.

**Deputy Jan O'Sullivan:** I have made it clear what the system is. I have clarified the way in which complaints are dealt with and contracts are awarded. The contract is not with me. I cannot stop paying the contract because it is not directly with me. I want to meet the unions. I will meet them soon. They are the representatives of the building workers. I will meet the various unions that represent the building workers in the very near future.

**Deputy Ruth Coppinger:** Will the Minister meet Unite?

**Deputy Jan O'Sullivan:** I will meet their union representatives.

**Deputy Ruth Coppinger:** Unite.

**Deputy Jan O'Sullivan:** I think that is the appropriate way for me to meet. My colleague, the Minister of State, Deputy Nash, is addressing the gap that exists at the moment as a result of the case that struck down the agreements that were in place. It has been alleged here that the Revenue Commissioners and the Department of Social Protection are not co-operating and that people are signing on in the North and travelling down here to work. They are serious allegations and I take them seriously.

**Deputy Ruth Coppinger:** Will the Minister investigate them?

**Deputy Jan O'Sullivan:** I would like anybody who has any evidence of any of these things to inform the relevant authorities, because they are not anything that I can stand over.

**Deputy Richard Boyd Barrett:** They are doing it.

**Deputy Ruth Coppinger:** The Minister should get the Tánaiste to ask the Department of Social Protection to do it.

**Deputy Richard Boyd Barrett:** They are blue in the face from doing it.

11 November 2014

**Deputy Jan O’Sullivan:** If the Deputies have information, I suggest they should inform the relevant authorities. We are having audits carried out. We are referring any information to the relevant bodies that deal with these matters. I do not want to see any workers exploited. That is why we are reforming the legislation. Any allegations that are made will be seriously investigated. I will meet the unions shortly, and I want to see-----

**Deputy Joe Higgins:** When is the Minister meeting Unite? Is Unite in the delegation?

**Deputy Jan O’Sullivan:** I will meet the unions in accordance with an arrangement that will suit them and suit me. We have been in touch.

**Deputy Ruth Coppinger:** There is only one union here - the Unite union.

**Deputy Jan O’Sullivan:** Building workers are represented by unions other than Unite.

**Deputy Ruth Coppinger:** No, these workers-----

**Deputy John Halligan:** The Minister is not specifying Unite.

**Deputy Joe Higgins:** Will the Minister meet Unite?

**Deputy Jan O’Sullivan:** I have been requested-----

**Deputy John Halligan:** Unite is representing these workers.

**Deputy Jan O’Sullivan:** -----to meet Unite and other building representatives. I treat them all equally. I will be meeting them all.

**Deputy Ruth Coppinger:** It is taking too long.

### **Social Welfare Bill 2014: Second Stage (Resumed)**

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

**An Leas-Cheann Comhairle:** Deputy Ó Snodaigh was in possession. Is he willing to continue in the presence of the Minister, Deputy Jan O’Sullivan?

**Deputy Aengus Ó Snodaigh:** That is no problem at all.

**Deputy Jan O’Sullivan:** I will stay here until the Tánaiste and Minister for Social Protection arrives in the Chamber.

**Deputy Aengus Ó Snodaigh:** The Tánaiste was not here for the first part of my contribution to this debate. I will carry on regardless, as they say. When I spoke last week, I urged the Minister of State with responsibility for forestry, who happened to be present in the absence of the Tánaiste and Minister for Social Protection, to consider the introduction of an amendment to this short Bill. Even at this late stage, we should examine the possibility of restoring the €325 that was cut from the respite care grant. This is one of the steps that could be taken to improve this legislation. I highlighted other issues as well. I drew the Minister of State’s attention to the online petition calling for the €325 to be restored and to the many comments left by those who had signed the petition. The people in question have explained much better than I could why the grant was so vital to them and their needs and why it needs to be restored in full. I hope

the Tánaiste has had time to reflect on the matter since last Thursday, when the Second Stage debate on this Bill began.

I want to talk about some of the options that were available to the Government when it was drawing up last month's budget. The alternative budget presented by Sinn Féin set out a superior and better targeted way of spending the social welfare budget than that contained within the Government's budget. We recognised the plight of carers, those suffering fuel poverty, struggling working families and young people who are unequally subject to extremely low social welfare payment rates. Many young people are being driven out of this country by such rates. One of the proposals I outlined related to the change in the family income supplement payment. I said that an increase of 10% in the payment would cost €33 million. I called for the one-parent family payment income disregard to be increased to €120 rather than stalled at the current level of €90 as announced by the Tánaiste. While I welcomed the announcement - the Tánaiste had previously intended to cut the disregard to €70 - the increase I proposed would have brought the disregard back to the level where it was in the past. That would have cost €15.3 million. I also called for the restoration of equality for young jobseekers by giving them the full €188 payment over the period of two budgets. I said that this year's budget should have restored three weeks of the fuel allowance, which would have cost €23.9 million. I could list some other proposals in addition to those.

I do not believe the Government has gone far enough. I think there were alternatives within the moneys available to the Government, but it chose a different path. An alternative to the way the tax system works was also proposed. Sinn Féin outlined some of those proposals. We are not the only ones who made suggestions. A number of other groups did likewise. There is a difference between what is happening now and what has been happening. When I was first elected to this House, very few alternative budget proposals setting out how the Exchequer could be funded properly were laid before this House. At least now people are taking the time to look at alternatives. They are costing them as much as they can, and we are costing them as much as we can within the constraints of this House. Some Sinn Féin proposals that would have led to additional revenues were not included in our budget submission this year, not because we are opposed to them or because we have changed our minds on them, but because the Minister for Finance and his Department were not able, or perhaps were unwilling, to cost them. I urge the Tánaiste to ask the Minister for Finance to reconsider some of the proposals we have made and to instruct his Department to examine how much money could be raised from a wealth tax, for example. At least then this House could have a proper debate on the rights and wrongs of such a tax, by comparison with a property tax.

I am glad the Tánaiste is present now because I want to make another point before I finish up. She may recall that when we discussed the Social Welfare and Pensions (No. 2) Bill 2013, I advocated a very different priority order to govern how the restructuring of defined benefit pension schemes that are in deficit is wound up. It differed significantly from the slightly adjusted priority order that was being provided for in that legislation. I urge the Tánaiste to convert the Social Welfare Bill before the House into a social welfare and pensions Bill in order that the question of the priority order can be reconsidered. She will be aware that she has been lobbied in recent weeks by people who believe the current legislative framework continues to leave members of defined benefit schemes vulnerable to their expected pensions being almost entirely wiped out. Deferred members of schemes are particularly vulnerable in this regard, given their exclusion from the industrial relations mechanisms that generally influence the distribution of the burden of the schemes' restructuring. I am arguing, as I have done previously, that the

Tánaiste should introduce amendments to the relevant legislation, for example to provide for a legal obligation that would ensure healthy employers live up to their pension promises in the first instance.

I will set out the priority order that I believe should be introduced to govern the restructuring or wind-up of defined benefit schemes that are in deficit. First, a PRSI contributions record that is sufficient to ensure eligibility for the full State pension should be purchased from the social insurance fund for every scheme member who has not attained such a record. Second, provision should be made for 100% of pensioners' benefits below €12,000, excluding post-retirement increases. Third, active and deferred members under the age of 55 years should have dispersed to them the lower of 50% or €6,000 of their benefits or, if they are aged over 55 years, the lower of 75% or €9,000, excluding post-retirement increases. Fourth, I made a suggestion regarding 75% of pensioners' benefits exceeding the initial €12,000 up to a maximum of €30,000, excluding post-retirement increases. I also suggested that 75% of active and deferred members' benefits exceeding the initial sum up to a maximum of €30,000, excluding post-retirement increases, be the fifth round, as it were. The sixth round entailed the remaining benefits for pensioners, excluding post-retirement increases, the seventh entailed the active and deferred members' remaining benefits and the eighth related to the remaining pensioners and active and deferred members.

It is a complicated subject and, although the discussion was long, it was still truncated. Like most Social Welfare Bills, it was guillotined in the House following Committee Stage and we did not have as long a debate as we should have. We could have teased out the benefits of a scheme along the lines I suggested versus the one suggested by the Tánaiste. The Mercer report seemed to amalgamate both.

The effect of this priority would be to ensure a much fairer distribution of funds for everyone in the event of a wind-up or restructuring regardless of whether a pensioner was in payment, a deferred member or an active member. It would offer greater protection to deferred members of, for example, the Irish airlines superannuation scheme, IASS, or the Abbey Theatre. I urge the Minister to consider changing this Bill. I am not opposed to what is before us, as it is a simple proposal, but we should take this opportunity to deal with outstanding social welfare and pension issues.

**An Leas-Cheann Comhairle:** I understand Deputy Halligan is sharing time with Deputies Joan Collins, Boyd Barrett, Coppinger and Tom Fleming, with six minutes each.

**Deputy John Halligan:** I will briefly refer to the ongoing discussions with representatives, particularly Unite, of the 1,200 glass factory workers regarding their pensions. The Tánaiste is often criticised, but I want to congratulate her on that front.

**Deputy Joan Burton:** Fingers crossed for the workers.

**Deputy John Halligan:** We hope the situation will come to a good end for the many workers. This is one of the greatest injustices ever perpetrated against workers. I am not accusing the Tánaiste of being responsible, as this started way back. Having worked for 20, 30 or 40 years, many people are still without their pensions and 30 or 40 have died. On behalf of Unite and the workers, I hope the negotiations come to fruition shortly.

I will concentrate on child benefit and the high cost of child care. Child benefit has shrunk from €160 per child in 2008 to its current level of approximately €130. The Government has

added €5, returning €70 million to parents, but this does not make up for the €400 million that has been cut since 2009. The €5 will make no discernible difference to parents who, on average, are forking out €167 per week per child for child care. I cannot comprehend why the Government did not use the budget as an opportunity to promote high-quality, affordable child care.

According to the latest statistics, we have one of the lowest rates of investment in child care in Europe. This is astounding for a country that was once one of Europe's richest. Fees paid by Irish parents for early years services are among the highest in the EU. According to a staggering OECD figure this year, Ireland is one of the two most expensive countries in the world for child care, with the average family of two spending 40% of its wages on child care costs. This is an extraordinary, shameful and damning statistic. A developed country in the Western world, yet here we are. It is incomprehensible. It is estimated that a family with two children and with both parents working pays an average of 35% of net income on child care. For a lone parent on an average wage, child care costs can amount to 40% of his or her income, yet the average rate in the EU is 10% to 13% of family income. This is unacceptable in a modern country where we all talk about putting the issues and rights of women first. If the Government was serious about helping families and returning parents to work, we would address prohibitive child costs.

I met a group of 60 or 70 women, many of whom are teachers, during the week regarding this issue in particular. They suggested the introduction of a second free preschool year, which is already the case in many countries, particularly the Nordic ones. We need to step up to the plate. The lack of high-quality, affordable child care will continue to affect many families living in poverty and, as the Tánaiste knows, prevent many women from providing a valuable and integral contribution to the workforce. I do not understand it.

During the week, I spoke with two teachers who had three children. They made the point that, having qualified, one of them would have to make a decision on whether to stay at home to mind their three young kids because they could not afford child care for three children. We are educating people at a colossal cost to the Exchequer to become teachers, yet we are taking them out of the system because we will not help them with affordable child care. It does not make sense.

I have been involved in politics for 20 or 30 years and, for as long as I can remember, successive Governments have discussed all sorts of proposals to bring affordable and quality child care to women in particular and their children, yet we are no closer to achieving that in 2014. Not only is it incomprehensible, it would be shameful if we were to sit here and glance around the world at countries that, despite being poorer than us, had affordable child care because they concentrated on trying to get as many qualified people into the workforce as possible while ensuring children received care.

I do not know where the Government can go from here. Maybe it does not realise how great an issue this is. From speaking with many women in the workforce, however, I know this to be a major one for them. It is driving down their wages indirectly, in the sense that they must pay for child care, driving down spending power in communities and taking qualified people, for whose skills we have paid to some degree, out of the workforce in order that they can mind their children. It is reprehensible.

**Deputy Joan Collins:** The Minister's changes under the Bill give rise to four, five or six issues relating to, for example, child benefit, the household package, the living alone allowance and the change to the amount invested in JobBridge, etc. People, particularly those affected by

cuts in recent years, have given their judgment on the budget. Sean Moynihan, the chief executive officer of ALONE, commented:

After seven successive years of harsh budgets disproportionately affecting the most vulnerable, we now are in a situation whereby 1 in 5 older people are at risk of poverty or suffering deprivation, despite the National Positive Ageing Strategy. We are questioning whether this budget will do anything to bridge the gap between the rich and poor. Not all older people are the same; those surviving on the state pension alone (which is just above the poverty line) will see a small increase of just €124.60 this year, and that's before the water [taxes] are taken into account.

The ALONE chief executive officer went on to state:

For the first time since 1996, the Living Alone Allowance has been increased. Nevertheless the increase of €1.30, from €7.70 to €9.00 is not in line with inflation over the past 18 years and will make very little difference to the 20% of older people who are at risk of deprivation or living in poverty.

That was ALONE's judgment on the Social Welfare Bill. A similar response came from the One Family organisation, which stated:

While the child benefit increase of €5 and the partial re-instatement of the Christmas Bonus may be welcomed by some parents, these are not cost-effective measures that will impact on poverty levels in any tangible manner without being tailored to respond to need. 53% of lone parents are in the labour force yet one-parent families remain those statistically most at risk of poverty.

The National Women's Council of Ireland, NWCI, commented in a similar vein by stating it:

... welcomes the €5 increase in child benefit as a partial recognition of the cost of living increases for families, one which NWCI called for in the lead up to Budget 2015. However it is important that we recognise that this measure, worth approximately €70 million, does not offset cuts to the payment which amount to over €400 million since 2009 or the impact of increased property and water taxes on many families and does not address childcare costs, which average €800 - €1000 a month.

That was the judgment of some of those organisations that deal directly with people in society and with those areas and people who have been most affected by the austerity of the past eight years in Ireland.

When one considers how the Government responded to this by giving more into the pockets of those earning more than €70,000 while giving less into the pockets of those earning lower incomes, one can see why this budget has been worked out this way. While the Tánaiste has stated the Government has not cut core payments, it has. It has cut the jobseeker's allowance for those under 25 and under 21. The Government has cut the pension for women who have worked all their lives and because it changed the way in which the allocation of contributions are worked out over the years, it has actually cut their income by substantial amounts of money. The figures I have read state that next year, one could envisage almost 54,000 women being affected by these cuts in the old age pension contribution. The point is that for women who have worked since 1974 but who took time out to rear their families or to care for their mothers or

fathers, the contribution now is levelled over the number of years, which means they will have less of an old age pension when they turn 66 years of age. People are outraged about this and the Irish Congress of Trade Unions has come out to absolutely lambaste the Government on this change, as have SIPTU and the National Women's Council of Ireland. However, the Tánaiste has had the audacity to state there have been no core cuts in payments. This constitutes a deep core cut in payments for women who need it and who are most vulnerable in the later years of their lives. Moreover, this issue has not gone away. Although there was supposed to be a home tax credit to offset this cut to these women's pensions, it has not happened. It is sitting with the Department of Finance at present, as the issue was transferred from the Department of Social Protection to the Department of Finance to be dealt with. Consequently, it is a damned lie in respect of no cuts in core payments.

The Social Welfare Bill does not go anywhere towards trying to address the inequalities that existed in our society before the crash and which have only become embedded since then. As for the impact of these cuts, I met a group of people from the Canal Communities Partnership last week and these across-the-board cuts in the partnerships and the networks, in the HSE and in the Garda have had a really bad impact on certain parts of society whereby it now is extremely difficult or practically impossible to get Tusla to work with families who are most vulnerable in the child protection area. Whether there have been cuts there as well and it cannot deal with the pressures, this is what is happening now. There have been a number of attempts to meet families to try to deal with child protection but that has not happened since last April. This is the impact it is having in communities right across the board.

**Deputy Richard Boyd Barrett:** The unprecedented popular rebellion seen on the streets in recent weeks was focused on the issue of water but in fact was an accumulation of all the anger and bitterness against six years of injustice and unfairness. Much of this was centred around some of the most vulnerable sections of society being absolutely savaged with brutal cuts. I refer to lone parents, people dependent on rent allowance, cuts to child benefit, back-to-education allowances and telephone allowances and the entire raft of cuts that have been imposed on some of the least well-off people. This has left Ireland in the shameful position in which it has one of the highest levels of child poverty anywhere in the OECD. An incredible 28.6% of our children are living in poverty, which is a shameful situation. The minor concessions, which are a drop in the ocean compared with what has been taken from people over recent years, will go nowhere to addressing this absolutely unacceptable and shameful situation of poverty for huge numbers of people and in particular for children. It does not get any worse than that and a state that cannot protect children and other vulnerable groups against poverty is a state that deserves nothing but contempt.

Any minor give-backs, which go nowhere near reversing the unfairness and cruelties of the past six years, in any event will be wiped out by the introduction of water charges. If for no other reason, I oppose this Bill on the grounds that it is premised on the idea that water charges are coming in when the people have told the Government in absolutely unequivocal terms that they cannot take any more and do not accept water charges. Water charges are regressive by nature and it does not matter at what level one sets them. It does not matter if one sets them at 50 cent as they are regressive, because they hit the least well-off disproportionately compared with the wealthy. Moreover, once one gets them in, that regressive tax will continue to escalate, thereby increasing the unfairness and inequality, as well as the tax injustice in the way in which the tax system works. One message I wish to give to the Minister of State, Deputy McHugh, as he and the Government ponder what they will do in the face of the revolt against water

charges, is that nothing will stop this revolt other than the Government scrapping these charges and accepting that Ireland's taxation system and how public services are funded must be done in a progressive way. User charges are inherently regressive. One does not need to be a rocket scientist or a socialist to work that one out. This is what people are saying and beyond that, they seek some fairness in how wealth is distributed, as well as a taxation system that ensures a fairer distribution of that wealth.

Members of the Government often state that Deputies on these benches imagine there is some sort of pot of gold somewhere or that there is something else that could be taxed rather than these measures the Government imposes. However, there is and the Minister of State should read the quarterly reports produced by the Central Bank. I have just read the latest one, which shows there is €508 billion in household and financial wealth here, which constitutes an incredible 13.7% increase since 2012. A new international wealth report has just been published by Credit Suisse showing that in Ireland, the top 1% have 20% of that wealth, that is, of the aforementioned €500 billion. The richest 5% own over 40% of that wealth. If the Government imposed a 2% tax on the incomes of these individuals, it would raise billions. They would not even feel the imposition of such a tax because their money probably generates more than 2% in returns from that in which it is invested. However, the Government has chosen not to examine the enormous position with regard to wealth listed in the Central Bank's report or to tax a small part of same. Instead, it continues to hit the least well-off. The result of this is that children are living in poverty.

The other result is homelessness. There is a glaring omission in this respect in the Bill before us. Each week I am visited by three or four people who are being made homeless. Just yesterday, I met a woman who had just been made homeless and who is now on the street with her two daughters. They are homeless as a result of the rent allowance caps which have been cut by the Government in recent years. In the context of those caps, there is simply nowhere for families on low incomes to go. The Tánaiste and Minister for Social Protection, Deputy Burton, stated that community welfare officers would show flexibility. When one goes in search of that flexibility, on many occasions one cannot find it. People are being told they must find properties to rent for €1,100. There is nowhere in south Dublin which can be rented for €1,100. As a result, families such as the woman I referred to and her two daughters are on the streets. Where are the measures in the Bill to provide increases in the rent allowance caps or extra funding for community welfare officers in order that they might demonstrate real flexibility and help people avoid becoming homeless?

**Deputy Ruth Coppinger:** It is unfortunate that the Tánaiste and Minister for Social Protection is not present to hear what we have to say in respect of this very important matter.

The continual boast of the Government in recent years has been that there have been no cuts to social welfare rates. I wish to provide three examples of how this boast can be completely turned on its head. The first example relates to child benefit which, over a six-year period, has been cut by €400 million. Only €70 million of that was given back in the recent budget. The Tánaiste boasted that she is giving back €5 per month per child. That is the equivalent of 2 litres of milk and a sliced pan for a child for a month. It is this that the Government is boasting about as representing the end of austerity. By any standards, those opposite will be obliged to admit that the overall cut to child benefit still stands at €330 million.

The second example of an area which, quite unbelievably, the Government claims to have left untouched is rent supplement. On average, this was cut by 28% in the period from 2009

to 2012. This means that people are now obliged to find a whopping amount of money to pay their share of their rent. Those in government should not forget the number of people who are in the private rented sector. That number is already huge and it continues to grow as a result of the housing crisis. Over 30% of all families are obliged to rent. This is despite the existence of the fabled Irish gene which makes us all want to own our homes. The cuts to rent supplement have obliged the poorest in society to pay increasingly large top-ups to their landlords. As a result, families are more likely to be evicted because they simply cannot meet rising rents. The Tánaiste, Deputy Burton, is on record as stating: "There will be no incidence of homelessness due to these changes." It is clear that hundreds of people have been made homeless as a result of the changes in question. Mr. Mike Allen, one of the leading people in Focus Ireland, a former general secretary of the Labour Party and hardly likely, therefore, to be having a go at that party for no reason, has stated that "Government policy on rent supplement is one of the immediate causes of the sharp rise of family homelessness". This is a direct contradiction of the propaganda put out by the Government.

Like the Tánaiste, I represent the constituency of Dublin West. I have many cases on my books but there are three, in particular, which I wish to cite. The first relates to a young woman who gave birth by Caesarean section and who was discharged into a Travelodge hotel with her other four children. Do those in government who are bragging about the end of austerity believe this represents decent treatment of young women and others in society? The young woman in question is in a highly dangerous situation, particularly as she is obliged to sterilise bottles for her baby, etc. She has found herself homeless on many weekends and has been moved around on four or five occasions. The second case relates to a man in his 60s with diabetes and arthritis who visited me at my constituency office and informed me that he travels to Dublin Airport several nights each week in order to find somewhere warm to sleep where he will not be harassed. The third case relates to a large family on the edge of being made homeless from whom I have just received a text. They have been battling with their landlord for a long period and the text indicates that the latter has just erected a "For Sale" sign outside their front door.

Nothing has been done to help all of those families and individuals who are on rent allowance and who are prey to private landlords. Instead, the Government threw another few hundred million in the direction of landowners and landlords. Obviously, however, the biggest attack it has made on those in receipt of social welfare is water charges. The greatest austerity measure facing the entire population, regardless of whether one is working, is water charges. Incredibly, people on social welfare are going to be obliged to pay the same amount as millionaires. That is the reality. The household package of €100 equates to what has now been announced for those who register. In other words, everyone who registers to pay water charges will receive a discount of €100. I am of the view that no one should pay water charges and that the Government is going to be faced with a mass campaign of non-payment. If this Administration does not relent, then this issue has the potential to bring it to its knees. It is incredible that those opposite have seen fit to decide that people on social welfare, whom they claim to have been protecting for many years and who were the justification for Labour's participation in this Government, will be obliged to pay the same amount in water charges as the rich. The current position is that a family in receipt of an income of €20,000 per year will pay the same as someone in receipt of €2 million. Is it any wonder that people are stating they will not pay? They cannot pay and they certainly will not pay. At a time when the Government claims that the economy is in recovery, why should people pay such inordinate amounts in water charges?

As has been stated on previous occasions, the Government could have considered other

avenues to raise the money it requires. A wealth or millionaire's tax of even 0.5%, introduced as an emergency measure, could have paid for the water charges. Obviously, such a tax should be imposed at a much higher rate. These people have increased their wealth by more than 12% during the recession and they have huge incomes. One in eight of such people are tax exiles. It is no wonder the people took to the streets last week, particularly when the Taoiseach saw fit to visit Mr. Denis O'Brien. This character is a tax exile who owns half the media in this country, who has a huge vested interest in Irish Water and who obtained an audience with our Taoiseach. Did those in government expect the people just to roll over in respect of that matter? Is this man, who seems to have obtained a number of sweetheart deals from Fine Gael over the years, a member of the Cabinet?

**An Leas-Cheann Comhairle:** The Deputy should not make allegations about people outside the House. In any event, her time is exhausted.

**Deputy Ruth Coppinger:** I was just about to conclude. I outlined the position regarding Mr. O'Brien to explain why the Taoiseach got the reception he did on the northside of Dublin last week.

**Deputy Tom Fleming:** The rate of youth unemployment in this country is rampant at 26% and is double the average rate of 13%. Once more, young unemployed people were overlooked in the recent budget. There was a great opportunity to redress the position regarding the drastic reduction in their social protection income supports introduced in budget 2014. I am of the view that this matter should have been given priority in the context of budget 2015 and the Bill before the House. Those in the 18 to 21 age group who are unemployed are obliged to live on a jobseeker's payment of €100 per week. That is a pittance. Those aged between 22 to 24 receive a payment of €144 per week. These reduced rates of payment were introduced in last year's budget to incentivise young people to seek appropriate and suitable employment or to return to education or training. The kernel of the problem in this regard is the absolute lack of jobs. Motivation is not the central issue for young people who are seeking work. Reducing the level of support available to these individuals is providing them with a further reason for joining their friends who left the country in droves in recent years to seek employment. We are all well aware that every parish organisation is feeling the pinch, including sports teams. GAA, rugby and soccer clubs and all community groups are feeling the effect. If anything, it has accelerated the exodus of the youngest and more vibrant from their homeland. Those concerned cannot subsist on the pittance they receive given the rising cost of living. Many of them are caught in a poverty trap because, if they opt to leave the country, they do not have the necessary finance. In many cases, they cannot even choose to move abroad with their friends. Travel costs are beyond them in many cases and they do not have the money to survive for a couple of weeks when seeking work abroad.

There is a need to prioritise this cohort of unemployed youth and give them meaningful access to decent employment. This requires a number of steps. First, the focus must be on the creation and maintenance of decent jobs. It is not in the interest of the unemployed or country as a whole to have low salaries for very precarious work, which is happening at present. Second, every effort must be made to liaise with unemployed people in order that they can secure access to proper employment, including through the provision of good information and advice services. The work with employers undertaken by the Department of Social Protection and through the labour market council must be built on to create real access points, especially for the long-term unemployed. Third, a greater effort must be made to maximise the potential of employment programmes. Many are concerned about the effectiveness and appropriateness of

many of the schemes. Many unemployed people have raised concerns with me that JobBridge is basically displacing those in paid employment and reducing people's chances of finding a meaningful job. Others are concerned about the low progression rate from schemes such as community employment schemes. We are well aware, however, that such schemes are very valuable and are underpinning many of the social services in communities. That said, there needs to be progression to more permanent employment when one is finished on a social employment scheme.

Child poverty is on the rise. Research has demonstrated that addressing this issue requires better income supports for families and also public services, including affordable and high-quality early child care and education services. The child benefit increase and the introduction of the back-to-work family dividend are welcome, certainly after a continual stream of austerity measures. The reality, however, is that the €5 increase will only offset in a minor way the series of cuts encountered over recent budgets. For instance, child benefit has been cut in recent years from a peak of €166 or €203 per month per child to the current rate of just €130.

The back-to-work family dividend will help families moving off social welfare into employment and will go some way towards making work pay. It will address the loss of benefit, but one must consider that the average weekly cost of a child care day place in a crèche is €167. Only €29 is provided under the back-to-work dividend scheme and it is making only a small contribution to those concerned. We should try to address this in the Finance Bill.

**Deputy Regina Doherty:** I am sharing my time with Deputies Paul Connaughton, John Paul Phelan and Tom Barry.

I welcome this Bill, which displays our progress as a society and country since the warranted departure of the last Fianna Fáil Government. This progress would not have been possible without the continued patience and co-operation of the people, who should be acknowledged and rewarded for enduring the effects of the severe measures introduced in recent years, which measures were necessary for recovery. Recover we will. The new schemes and support structures introduced, and in some cases reintroduced, in this Bill will provide monetary increases that will be felt in families' pockets every single week. The Bill will provide confidence and hope in the road that lies ahead.

The introduction of the back-to-work family dividend, JobPath and JobsPlus, the increases pertaining to child benefit, funding for school meals, living alone allowances and household support packages, and the reintroduction of the Christmas bonuses signal a move in the right direction for parents, children and members of vulnerable groups in society. This progress is underpinned by the commitment and promise made by the Government to deliver better living and working standards.

It is clear to see there is a welcome shift in how this Government approaches issues of unemployment and poverty that Irish people face day to day. This contrasts with the approach of Fianna Fail in the past.

We have heard of circumstances where a mother or father is financially better off on the dole than in employment. This Bill fosters a route back into the workplace. In this regard, a family will be financially better off in employment. The structured incentive to go back to employment comes in many forms, including in the shape of the back-to-work family dividend, which allows families to retain 100% of their qualified child increase of €29.80 per week for the first

year after their return to work, and 50% in the second year. The back-to-work family dividend will financially support families in that the continued payment of qualifying child allowance will supplement any child care expenditure required to allow the mother or father to re-enter the workplace. With approximately 612,000 families and a whopping 1.17 million children benefitting from this scheme in 2015 alone, it is indisputable that this Bill sees families better off in work than on the dole. It is all well and good to incentivise unemployed people to return to work but there is an onus on us to facilitate job creation to meet the employment needs of these jobseekers.

This Bill allows for the expansion of JobsPlus, which provides subsidies to those employers taking on long-term unemployed jobseekers. This is a vital facet in getting families back to work. As with the back-to-work family dividend, this measure is in tow with the commitments made by the Government in its statement of priorities in the summer of this year.

There exist vulnerable and marginalised social groups, including the elderly, who are at risk of poverty. This Bill introduces measures to ease the financial burden on those living alone, with an increase of €1.30 per week in the living alone allowance. While that might seem small, it is an increase of 17%. I welcome the increase as it provides an additional cushion of protection from poverty in the form of extra income to those over 66 living alone or those who are in receipt of disability, invalidity or incapacity supplements and allowances. It is these marginalised groups, who are living alone and do not have the option to pool resources to make ends meet, that we must help. This Bill does just that.

I have addressed a number of qualities and attributes of the Social Welfare Bill. The media have acknowledged in reporting on budget 2015 that we are progressing and recovering. We cannot just say there is recovery and expect families and the unemployed to believe us; we must prove it, and we are doing so. The Bill certainly demonstrates to unemployed families, who will see themselves back in employment and with more disposable cash, that we are well on the way to recovery.

**Deputy Paul J. Connaughton:** I am grateful for the opportunity to speak on this Bill. There are many elements of it that I welcome, particularly the increase in child benefit and the living alone allowance. Other changes provided for in the Bill that do not require legislative change include the new water subsidy, the increase in JobsPlus places, extra funding for Job-Path and additional funding for the school meals programme.

Job creation is a core objective of the Government, and creating the correct conditions for both employers and employees is at the heart of this.

*7 o'clock*

Helping jobseekers get a foothold on the employment ladder is an important element in addressing unemployment, but so too, where necessary, is upskilling and reskilling. Providing jobseekers with a structured path back to work has proved successful to date in many instances, and the newly created Intreo centres are key to this success, providing a one-stop-shop for jobseekers looking to re-enter the workforce.

While the idea of having a case worker for every jobseeker is laudable, the current practice means that case workers are simply overwhelmed with the number of jobseekers they are dealing with, and the experience in many cases is not a positive one for the jobseeker or the case worker. A ratio of case worker to jobseeker of 500:1 is unworkable. The plan to decrease the

ratio to 200:1 is more workable, but it still leaves case workers in a difficult position, given the volume of people leaving and joining the live register each month. I hope the positive trend of decreasing numbers on the live register in recent months will continue. It should result in a reduced workload for case workers and a more positive experience for jobseekers.

Studies have been conducted in recent months on the financial impediments for those returning to work. The new back-to-work family dividend is a common-sense approach to addressing this, providing €29.80 per week per child for 12 months after the person's return to work, reducing to 50% in the second year. JobsPlus is designed to help those who are long-term unemployed return to work through providing incentives to employers, and 3,000 unemployed people have benefited from this to date.

Young people seeking to access employment have experienced great difficulty in recent years, because while they have had the necessary skills for the task, the required experience was not available. To this end, the Youth Guarantee initiatives are an important step in helping young people to access either further training or employment at a crucial time in their lives.

Many young school leavers are willing and anxious to work and often the lack of some crucial skills, be it health and safety permits such as Safe Pass, ECDL qualifications or food hygiene certification, prohibits them from entering the workplace. It makes sense to provide them with the skill set needed for the jobs they are most interested in. Often their parents are willing, but financially unable, to help them access the additional courses or qualifications needed.

Helping families with young children through this most difficult time is a core objective of the Government and that is why the Bill contains measures increasing child benefit and the provision for school meals. More than 600,000 families will benefit from the increase in child benefit, while the increased allocation of €2 million for school meals will see approximately 6,000 children benefit. I note that 10% of DEIS schools have not yet signed up to the scheme of free school meals and I would urge them to consult further with parents on this issue as I have seen to date a positive reaction from parents whose children are benefiting from this initiative.

In recent weeks I have spoken to many who live alone and find it difficult to cope financially. I refer to the elderly living alone struggling to heat their homes and also younger persons on allowances, such as disability allowance, who may have decreased mobility and a greater need for heat in their homes. I welcome the increase in the living alone allowance. While it is a small amount weekly, it is a step in the right direction and an acknowledgement of the difficulties faced in single person households, where costs cannot be pooled and home maintenance and other bills must be borne by one person.

Overall, the measures in this Social Welfare Bill build on the Government's work to date, continuing our commitment to help those of all ages access the world of work, while at the same time seeking to reduce child poverty and the poverty prevalent in single income households. The numbers on the live register continue to be much too high, but each week now we hear increased job announcements and, thankfully, an increasing number of those are in areas outside the main cities. We must ensure that as the country emerges from recession the benefits are felt nationwide, and I believe that the measures in this Social Welfare Bill seek to do just that.

**Deputy John Paul Phelan:** I echo the sentiments of the immediately previous speakers on the measures contained in the Social Welfare Bill. The Bill is an annual event to give effect to the changes in social welfare announced on budget day. This year is the first time in five or six

years that we have seen not alone significant increases in existing schemes and payments but also the introduction of a couple of new changes. That is reflective of the fact that the country is in a better place economically than it has been for the past five or six years, especially now that the pressures on the social welfare budget have eased with a quicker than expected reduction in the number on the live register. I do not like taking exception with Deputy Tom Fleming, but he spoke about the unemployment rate being 13%. It was announced last week that the unemployment rate is now down to 11%, from a height of 15.4% at its highest point, which is a significant reduction. Obviously, there are still far too many out of work but the unemployment rate has moved significantly in the right direction continuously for more than two years. In fact, each month, for as many months as I can remember, there has been a reduction of 0.1% in the number on the live register. That is reflected partly in the social welfare measures announced in the budget in that there was some more freedom for the Minister for Social Protection to make some changes.

In that regard, I also welcome the increases in the living alone allowance, the partial reintroduction of the Christmas bonus of one quarter and the changes, mentioned previously, to Job-sPlus and the school meals programme. I also welcome that the Minister, on budget day, was in a position to announce a €100 subsidy for those in receipt of the household benefits package and who would be in most difficulty upon the introduction of water charges.

The Minister's announcement in this budget with regard to the new back-to-work family dividend highlights a problem that many of us would have come across, in particular in recent years, namely, that the unemployed are often disincentivised to go back to work because in doing so, they lose some of the ancillary benefits that the unemployed enjoy. This new measure is to be greatly welcomed as well.

I find myself in the unusual position of agreeing with some of the previous Opposition speakers on the housing issue. I welcome very much that the budget contained a €2 billion announcement in relation to the construction of local authority housing throughout the country over the next number of years. The fact is local authorities have not been in the business of building houses for many years. Needless to say, the housing lists in most parts of the country are lengthy and the number in receipt of rent allowance is astronomical. In my part of the world in Kilkenny, there are more than 2,500 applicants on the housing list, and many of them have been on it for quite a considerable period. Despite the announcement in the budget, the position remains that many local authorities, not least the one in my area, do not own much, if any, suitable land for housing development, and any increase in housing output by local authorities will be delayed by the fact that they must acquire land on which to build. The housing area, along with the child care area, which was mentioned in the debate, are probably two areas on which the Government needs to focus in the next 12 months in the lead-up to the next budget. It is highly unsatisfactory at this juncture that those waiting for housing live in unsatisfactory conditions and often do not receive enough in rent supplement to allow them continue to live where they are. The Government needs to address the issue urgently.

**Deputy Tom Barry:** I welcome the opportunity to speak on the Social Welfare Bill. I welcome the balance that has been struck here. As has been mentioned, there is the increase in the living alone allowance, the Christmas bonus, the €5 increase in children's allowance at a cost of €72 million - a lot of money - and the topical one, the €100 subsidy towards the water charge for those on the household benefits package.

In mentioning the household benefits package, we need to review it and ensure it has proper

oversight because it has come to my attention that while the State pays significant ESB bills for those on household benefits, it has no oversight. There are cases where people are receiving cheques for their electricity allowance which make it clear that they are not living in the house. If they are not living there then it is the case that a social house is empty that someone else could use. Given that we are investing €2 billion in social housing, we must examine the current stock and ensure that claims are properly made. I do not take issue with the requirement by Irish Water for people to provide PPS numbers given the situation with the household benefits package. Previously, people who got an allocation of electricity units used them up and started again the next month, but now if one does not use them, one gets a cheque for the relevant amount. That is absolutely bonkers.

I welcome the increase, from 3,000 to 6,000, in the number of employees on the JobsPlus scheme. If the scheme is tied in with the JobBridge programme then a person could be employed for nine months, following which they would qualify for the JobsPlus scheme and they would be trained up for a small business that is trying to get some help to employ people. The change is valuable. The measure must be welcomed, as working for two years with a wage subsidy provides a chance for rural employment. That is evident in the increase in the number of people employed, which is approaching 2 million, yet criticism is coming from all angles of the Opposition. That is negligent. At some stage such Members will have to recognise the facts.

There are anomalies in the system. We must examine more closely the requirement for progression in terms of education courses in order to qualify for the back to education allowance. People should get a chance and there should be more flexibility in the system. I refer, for example, to a person who wants to do a level 5 course in a different area because he or she is aware that a job is available in the area. I accept that more flexibility has been introduced into the system but a little more would go a long way. People have come to my clinic who must become unemployed for nine months in order to qualify, and they would prefer to do a course rather than to collect unemployment benefit. We must tweak the system in one or two areas.

An article was published in *The Irish Times* today about the European Court of Justice ruling to the effect that economically inactive EU citizens who go to another member state solely to obtain social assistance may be excluded from certain social benefits. That is an extraordinary ruling. A member state must therefore have the possibility of refusing to grant social benefits to economically inactive Union citizens who exercise their right to freedom of movement solely to obtain social assistance in other member states. That is something middle Ireland feels very strongly about. We have no problem helping people who need our help but people who exploit the system are a different matter. One spokesman from the European Commission stated that it has consistently stressed that free movement is the right to free circulation. It is not the right to access freely a member state's social assistance system. That will be an interesting topic of discussion in the House in future. We are good European citizens.

The budget is a very good one in terms of social welfare. I accept the following issue relates to finance rather than social welfare but I would have liked to see an extension of capital gains tax relief, even for another three months, because given the situation with rent, that would have allowed a lot of people to buy property and put it on the rental market which would make additional houses available to rent. It slipped by a lot of people who only have more money now and might not have realised what was happening. I will ask the Minister for Finance, Deputy Noonan, to reconsider the matter if at all possible.

**Deputy Sean Fleming:** I welcome the opportunity to speak on the Social Welfare Bill

2014. The Bill, as presented is a particularly short one. It essentially contains one section, which runs to little more than a page. One must ask what it is all about. It gives statutory effect to the recent budgetary announcement by the Ministers for Finance and Public Expenditure and Reform. Two items of legislation are required on foot of the announcement, namely, the Finance Bill, Second Stage of which was discussed last week, and the Social Welfare Bill we are discussing today. The Bills are related as they cover different aspects of the same budget day announcement.

One could ask whether the budget was good or bad. The answer is very simple. The budget can be summarised in one simple sentence. On budget day and on the following day people asked me to explain the budget to them. I gave a straight answer to the question put to me. If one earns an income of more than €70,000 per annum then one is better off. If one earns an income of less than €40,000 a year, that is €800 a week, one is worse off.

In the context of the Finance Bill and the Social Welfare Bill, we are talking about legislation to copperfasten a budget that gave tax increases to the wealthy and caused severe difficulty for every household in the country with an income of less than €800 a week. The latter group is worse off following the budget. Anybody who thinks for a minute that the Opposition will support any legislative enactment to bring the budget into effect is badly mistaken. The budget was wrong. It was regressive. It looked after the wealthy - certain supporters of certain parties in government - and the other party in government was ignored. In case people do not understand, the budget is simple. If one's household income is more than €70,000 a year, one is better off and if one has a household income of less than €800 a week, one is worse off.

**Deputy Joe McHugh:** Níl an ceart ag an Teachta.

**Deputy Sean Fleming:** I include in those figures the water rates bills that are due next year. They must be taken into account. On budget day the Minister made it very clear that water rates are separate from budgetary measures, but one person gave the lie to that statement by the Minister for Finance, namely, the Taoiseach. At an annual Fine Gael event he inextricably linked tax rates and water rates. He made it very clear that if water rates are not introduced, there will be a 4% increase in the tax rate. He made the situation abundantly clear, more so than any commentator in this House or elsewhere could have done. The point we made on budget day is that one cannot look separately at the budget and other Government charges. The Taoiseach confirmed that in his own statement. He said it on the national airwaves. He inextricably linked water rates and income tax rates. The water rates bill is part of the legislation. There is a reference to the issue in the explanatory memorandum of the Social Welfare Bill even though it does not appear in the legislation.

The answer to the question of whether this is good or bad legislation is very simple. It is legislation to look after the wealthy. All the budgets produced by the Government since 2012 were regressive. All objective analysts have confirmed that. Someone cajoled the ESRI recently into producing a report showing that the combined effects of budgets from 2008 to 2012 were progressive overall. The reason for that is very simple. Difficult and all as the budgets were in 2008, 2009 and 2010, when the most difficult cuts were being made, those on the lowest income levels were looked after the best and the budgets were progressive. Ever since the Government came to power the budgets have been regressive. If one adds the budgets introduced by the Fianna Fáil-led Governments to the first two budgets introduced by the Government, the overall effect was positive because of the carry-over of the progressive budgets.

One could ask what we should have done with the available resources. This is the first time we had resources available and the Government made choices. Although key issues arise in the areas of health, homelessness and housing, the Government decided to give tax cuts to high income earners. That was the answer to everything.

I was in Naas General Hospital yesterday visiting a patient and all of the nursing staff were out on the picket line at lunchtime. It is a shame that I was coming in here on the same day when people were suffering in accident and emergency units and the Government's answer has been to give tax cuts to the wealthy. Last Thursday I was in the same hospital. It was not possible to get in the door of the accident and emergency unit in Naas General Hospital because the beds were end to end on both sides of the corridor, causing a fire hazard as well as a health and safety hazard. How staff and patients are expected to cope in such a hospital which lacks the physical facilities to allow staff to carry out their duties is beyond comprehension. It is only right that the nurses and staff were on a picket line at lunchtime today and yesterday on that issue. For these reasons we must oppose everything to do with this budget, the main aim of which was to give tax cuts to the high earners and penalise and make worse off those with incomes of less than €800 a week.

I acknowledged that some sections of this Bill and the Finance Bill may be good and are welcome. Overall, it is a camouflage and a fig leaf for a bad budget. For that reason we must oppose the entire Bill.

The Bill provides for an increase of €5 a month in child benefit, which is welcome. However, when one considers the cuts introduced by the Minister, who is now the Tánaiste, in this area since she came into office, this is a paltry increase. I accept it is a start but it is a small start and I remind the House of the cuts she inflicted as part of the regressive budgets over which she presided in recent years.

Many of the announcements in the Budget Statement are not included in this legislation. For example, the increase in the living alone allowance will be introduced by regulation, as will the Christmas bonus. These issues should be debated on the floor of the House and not by way of reading a statutory instrument in the Oireachtas Library.

One of the issues announced on budget day which is not included in this legislation is a measure I put forward in the Fianna Fáil pre-budget submission. I am delighted the Government followed through and did precisely what we asked with regard to the back-to-work family dividend. I see every day in my constituency clinic where people on social welfare who are in receipt of €29.80 for each dependent child lose that payment if they return to work. It is wrong that a person with three dependent children who takes a job is down by €100. Fianna Fáil's submission proposed the continuation of the full child dependant allowance for at least a year or two years when a person takes up work. We now see that this measure is not included in this legislation and we are told it will come into force some time next year by means of separate legislation. The text of the Finance Bill is 124 pages and this Bill is contained on one page. It would have been possible to draft the legislation to include the back-to-work family dividend. It should be included in this Bill and it should be in force from 1 January 2015. I do not know if the Minister will even be on that side of the House next spring or next summer. Good measures which we suggested to encourage people back to work should be included in this legislation and not put on the long finger. This is a further reason I will oppose this legislation because items that should be included have been specifically omitted. The back-to-work family dividend should be included in this legislation and it should be law on 1 January 2015. The Department

of Finance can do it with regard to tax changes.

I refer to other budget day announcements which are non-statutory items which may mean administrative items. The public do not understand this. The water subsidy, the fuel allowance and the household benefits package will have to be dealt with by some administrative arrangement or whatever. The Tánaiste is a member of the Economic Management Council and as such she failed to consider the people on low incomes who may not have a taxable income but may not be in receipt of social welfare benefits. I pointed out this fact during the debate on the budget and within 30 minutes of reading the Budget Statement. It was so obvious one could not miss it. How did the proposal get by the Economic Management Council to give high earners a tax cut and give a cut in the water bill to people on certain social welfare payments but to exclude low paid workers? This flies in the face of the back-to-work family dividend. We are trying to get people back to work but there is no provision for a measure to deal with water charges. The logic should be that people on the back-to-work family dividend would qualify for at least the same subsidy for water as those on social welfare payments. I suggest the Government should revisit the entire Irish Water situation. It is right to mention this now because it is referred to in the explanatory memorandum to the Bill.

In her haste to rush this measure through, the Minister forgot about people who lose their jobs. One must be long-term unemployed to receive the fuel allowance. Therefore, a person who loses a job and is out of work for 12 months will not benefit from this announcement. How did the Minister pick out two groups of people to penalise, first, those who lose their jobs and are out of work for up to a year or 15 months and who are not given an allowance and, second, those whom she says she is trying to help by way of the back-to-work family dividend - those on low incomes? All these matters need to be revisited by the Minister because there is a fundamental flaw in her approach to this issue regarding people on low incomes. We will deal separately with the Irish Water issue.

I welcome the increased funding for JobsPlus and JobPath which will be dealt with by means of other administrative arrangements. Abuse of some of these schemes is a concern and they may need to be put on a statutory footing in order that more care can be taken with regard to their implementation.

I agree with a measure in the budget which is to be dealt with by an administrative arrangement or in the Estimates, namely, the extra €2 million for the school meals programme. For the past three weeks I have submitted a Topical Issues matter on the inequality in the payments to some schools. I received information by means of parliamentary questions I tabled in July and I submitted a Topical Issues matter every day for the past four weeks but my matter has not been selected. Some schools are in receipt of ten times more funding per pupil under that scheme than other schools. It is being implemented in an unequal manner. I welcome the additional funding but it is not being delivered in a fair way to children in DEIS schools and in DEIS band 1 schools in particular.

I oppose everything to do with this budget because a person earning more than €70,000 is better off while those earning less than €800 a week are worse off. More than anyone else in Ireland, the Tánaiste is responsible for the increase in homelessness in recent years. Homelessness was not an issue three or four years ago. Her action in cutting the rent supplement in recent years has forced those who can no longer live at home to become homeless. The cut in their rent supplement has meant they cannot afford to rent and landlords are not taking them as tenants. People have ended up sleeping on the streets solely as a result of measures taken by the

Minister, Deputy Burton, who is now the Tánaiste.

Debate adjourned.

### **Message from Select Sub-Committee**

**An Leas-Cheann Comhairle:** The Select Sub-Committee on Health has completed its consideration of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 changed from Protection of Children's Health from Tobacco Smoke Bill 2012 [Seanad] without amendment.

### **Nursing Homes Support Scheme: Motion [Private Members]**

**Deputy Billy Kelleher:** I move:

“That Dáil Éireann:

recognising that:

— the rate of growth for Ireland's over-65 population is nearly double that of the EU as a whole;

— the number of over-65s is projected to increase by approximately 20,000 per year between now and 2021; and

— the number in the 80-84 age group is forecast to grow by approximately 20,300 people, or 29%, and the number of people aged 85 years and over will increase by 26,800, or 46%, between now and 2021;

noting that in July 2014 the Department of Health:

— briefed the new Minister for Health that these demographic pressures equate to an additional funding requirement of the order of €200 million per annum over the coming years;

— further briefed the Minister for Health that demographics indicate increased demand for long-term residential care; and

— estimated that it would appear that a minimum of an additional 7,600 beds for long-term residential care will be required between now and 2021;

further noting:

— that the 2014 Health Service Executive (HSE) Service Plan reduced funding for the Nursing Homes Support Scheme, 'Fair Deal', by comparison to 2013;

— that the HSE provided for 700 fewer placements under 'Fair Deal' in 2014;

11 November 2014

- the consequent increase in both the numbers waiting for a nursing home place under 'Fair Deal' and the time spent on the waiting list;

- that in February 2014 there were 654 people waiting four weeks to get financial approval for 'Fair Deal' support; and

- that in October 2014 there were 2,182 people waiting 15/16 weeks to get financial approval for 'Fair Deal' support; and

calls for:

- the 2015 HSE Service Plan to reverse the reduction in support for 'Fair Deal' implemented in 2014; and

- long-term residential care to be adequately resourced to take account of demographic changes.

I will share time with Deputies Seán Fleming and Barry Cowen.

This motion, in the name of Fianna Fáil Deputies, is about the nursing home support scheme, commonly known as the fair deal scheme. It recognises that the growth in the number of people aged over 65 years in Ireland is almost double that in the EU as a whole, and that between now and 2021 the number of those aged over 60 years is projected to increase by approximately 20,000 per year; the number of those aged between 80 and 84 years is forecast to grow by approximately 20,300, or 29%; and the number of those aged 85 years and over is forecast to increase by 26,800, or 46%. The motion also notes issues with regard to the Department of Health in July 2014.

We must start with where we are now, when more than 2,100 people have been waiting 15 weeks or more to be assessed and granted a nursing home bed through the fair deal scheme. This is an indication of extremely bad planning at the very least. One could also say it is heartless policy. This did not come about by accident or without the Government being aware it would happen. Many people on this side of the House, those involved in advocacy groups, professionals catering for people who need nursing homes and those who provide nursing homes forewarned this would happen. It was highlighted as far back as last year when the budget for the HSE service plan for 2014 was announced, which stated the number of beds would be reduced by up to 700 during the year.

At present only 22,061 beds are available for the fair deal scheme in 2014. This has decreased by 700 since last year as a direct result of the intended policies of the previous Minister for Health for dealing with funding for the nursing home support scheme. This was forewarned and foretold. I will read the figures into the record because they are stark to say the very least. One must bear in mind that behind every figure is an individual and a family waiting for approval from the HSE for a nursing home support bed. The number of people waiting to access the fair deal scheme has seen a fourfold increase since the start of the year. In January 2014, 512 people were awaiting funding and approval was taking four weeks. In February 2014, 654 people were awaiting funding and approval was taking four weeks. In April 2014, 913 people were awaiting funding and approval was taking six weeks. In May 2014, 1,265 people were awaiting funding and approval was taking seven to eight weeks. By June this had climbed to 1,465 people awaiting funding and approval was taking 12 weeks. By September 2014, 1,753 people were awaiting funding and approval was taking 14 weeks. By October, 2,114 people

were awaiting funding and approval was taking 15 weeks. In nine months we went from the wholly unsatisfactory situation of 512 people awaiting funding and an approval time of four weeks to where we are now with more than 2,100 people waiting 15 weeks or more for approval.

It is often said inside and outside the House, and rightly so, that we judge society by how we care for older people. By any stretch of the imagination this record shows the Government has steadfastly refused to put in place funding to ensure older vulnerable people can have the dignity of being assessed in time to be approved for a nursing home support bed. They are not asking a lot after many years contributing to society. At the end of their time they should not have to wait an inordinate length of time to be assessed. A wait of 15 weeks for a bed to be organised puts a burden on the individual waiting for assessment and approval. It has an impact on families. Deputies are approached by huge numbers of people at their wits' end because they are liable for increased nursing home costs in advance of receiving a bed under the scheme. They cannot wait for the scheme; they need the bed today, tomorrow or next week and not in 15 weeks time, as is now the case because of the policies pursued by the Government.

We can finger point and blame all we like, but this is down to priorities. Funding was diverted from the nursing home support scheme to community care and home care packages. People outside the House have referred to this on many occasions. Money is being taken from one cohort and being given to another, but this does not mean the waiting list for the nursing home support scheme is being reduced because those on it do not necessarily require home care packages and increased home help hours. Home care packages themselves should be funded. The number of home care packages available has increased by 20%, but there is no direct correlation between increasing the number of home care packages and reducing the number of people waiting for nursing homes or high support units. This increase has not led to a corresponding decrease in the number of people waiting for assessment and approval for the fair deal nursing home support scheme.

There is time for the Government to rectify this. It has from now until the publication of the HSE service plan. We must see an increase in the amount of money available to the nursing home support scheme. If this is not done we will start 2015 with more than 2,000 people already waiting since this year and an escalation of the numbers in 2015. Nothing in policy or recent comment from the Government, Ministers or the HSE indicates a concerted effort to try to address what is now a crisis in the fair deal scheme.

Four years ago the now Taoiseach and then Leader of the Opposition, and the former Tánaiste and then leader of the Labour Party, stood on a truck on Molesworth Street and spoke very passionately about the need for us to ensure older people had all supports available to them.

**Deputy Barry Cowen:** Hear, hear.

**Deputy Billy Kelleher:** The echo from Deputy Enda Kenny at the time was shame on the then Government, with regard to the change from automatic entitlement to a medical card for those aged over 70 to a means test which set the benchmark at €1,400 per week. This has been reduced to €900 per week for a couple, which is having a devastating impact on older people. Day in and day out people highlight that they are losing their medical cards. They are being stripped of them by the thousand. In the past month alone approximately 7,000 medical cards have been taken from those aged over 70. They tell me quite clearly they feel betrayed with regard to what was said and the commitments made some time ago and what is being done now.

Most of these people must pay the first €144 per month for medicines and medication, which is having a huge impact on the quality of life of many people. Coupled with the gratuitous insult to older people that they must wait up to 15 weeks to be cared for in a nursing home, it is an indication the words shouted on Molesworth Street four years ago were not words of passion but weasel words, because nothing in Government policy over recent years indicates it cares one whit for older people. While the Government set great store by the fact that it maintained the rate of pension payment, all the ancillary services have been denuded and cut away. The cull of medical cards at an alarming rate indicates the Government has lost any compassion it had in terms of looking after older people in their time of need.

I was going to speak about the problems of the country's changing demographics. In the coming years the number of people aged over 65 will grow exponentially - the age cohort that will need nursing home support. On average, 4% of the population will require nursing home support at some stage. We are well off that mark in terms of ensuring we have enough nursing home beds in coming years to cater for the increased demand. There seems to be no strategic planning to increase the number of nursing home beds. The audits on public nursing homes, which need to comply with HIQA guidelines by 2016, indicate that the vast majority of them will not meet those guidelines. Up to 90% of them will not quality given the requirement for single or dual occupancy with *en suite* services and facilities, which is not available in public nursing homes at present.

Major capital investment is required in coming years. However, my immediate concern is that the Government cannot even plan for the week ahead or the month ahead. It certainly did not plan for this year in the budget the Dáil passed last year. We repeatedly highlighted that the amount of money available for the nursing home support scheme would not be able to sustain the level of demand for this year. That has been proved by the figures I have outlined - we now have more than 2,100 waiting for 15 weeks.

I know that the Minister of State, who has responsibility for older people, does not want to see this happening. We tabled the motion tonight to ensure that the senior Minister and his Cabinet colleagues will provide the necessary funding. That can be done by prioritising within the budgets already set. One could even leave aside the impact it has on an individual and just look at it coldly and clinically from the point of view of the impact it has on the acute hospital system and the fact that 700 people are in hospital beds throughout the country who cannot be discharged because no step-down or nursing home facilities are available to them.

Last night Cork University Hospital had over 60 people who should and would have been discharged but that there was nowhere for them to go. At the same time there are queues at outpatient appointment clinics and for elective surgery. Every week those numbers escalate at an alarming rate. The throughput in our acute hospitals is being stymied because of the inability to discharge owing to the lack of step-down and nursing home facilities. Even if the Minister of State were to park the compassionate and humanitarian side and to look at it coldly, clinically and dispassionately, the Government is pursuing a false policy.

I do not expect the Minister of State to come in and defend the previous Minister. However, last year the Government decided that the budget would be capped at a lower rate than applied in 2013. By dint of that decision the Government was certain to find itself in the position in which we now find ourselves. It was foretold well in advance. All the Minister of State needed to do was to look at the demographic trends. Anyone should have known that we would be facing a crisis in October, November and December this year. However, it is not the Government

that is facing the crisis, but rather the older people who depend on the State. These people, who have made a contribution and will also make a contribution to that care through the fair deal, are the ones who are in crisis. They are the people who are suffering most. If no more comes of this Private Members' motion tabled by the Fianna Fáil Deputies, at least the Minister of State should go back to her Cabinet colleagues and point out that she can no longer stand over what is happening to people every day in terms of supports for people who now need them.

When we look at what the Government has done in other areas of supports for older people, while the words are expressed eloquently and there seems to be a compassionate verbal outlook, nothing in the Government's policy convinces me other than it has prioritised other groupings that do not need the State's support as much as older people over those who need it. While it is a harsh thing for me to say, when I come in here every week I genuinely believe that the Government, particularly the Fine Gael element of it, seems to be focused on focus groups and poll results to find out where it will alleviate the burden on people and where it will place additional burdens. It seems that older people have fallen into the category of "to hell with them" based on the Government's policies across all Departments. Deputy Sean Fleming just spoke about this in the social welfare area as well. The Government set great store by the fact that it preserved the level of pension payments, but what about all the secondary benefits and the whittling away of those that were build up over many years?

This motion calls for the 2015 HSE service plan to reverse the reduction in support for the fair deal scheme implemented in 2014 and long-term residential care to be adequately resourced to take account of demographic changes. The Government's term has approximately 17 months remaining. I know the Minister of State is committed to older people. However, we now need the Minister of State to convince the Cabinet to address immediately two priorities facing us: the 2,100 people waiting for 15 weeks for approval and also the longer-term strategy to ensure that in years ahead, older people will not be waiting a very long time to get a nursing home place - or maybe not able to get a nursing home place at all. We need policies in terms of planning and incentivisation to ensure we have adequate nursing homes in the years ahead.

All the statistics are there and many reports have been carried out by various organisations, some of them with an interest in this area, but others completely impartial and looking at this in a dispassionate way. They highlight the inadequacies in terms of how policy makers act to ensure we will have extra nursing homes in the years ahead.

We did not table this Private Members' motion simply to embarrass a Minister of State and throw a few verbals across the floor. We tabled it because there is a crisis in our communities. Families are at their wits' ends. We have come across families who have had no choice but to place a family member in a nursing home and make the contribution while they are awaiting approval. They are being billed extraordinary sums because they have no choice. That is wrong and it is up to the Minister of State and her Government colleagues to act on that to ensure that adequate funding is provided. We tabled the motion to ensure the reversal of the HSE service plan, which contains all the necessary detail for this area. That will always highlight the deficiencies of Government policy and the difficulties that will be faced by certain cohorts of the population. Last year was no different. It was evident from the get go that not only would the overall budget be in crisis as the HSE faced a budget deficit of approximately €500 million, but there would be a deficiency of funding under the nursing homes support scheme with large numbers of people having to wait extraordinary durations to be assessed and approved for a nursing home place. That is wrong and unfair. It is inherently indecent to ask people who are often near end of life and their families to go through this trauma. I commend the motion and

I hope the Minister at least acts on its spirit to ensure we do not have this problem next year.

**Deputy Sean Fleming:** I thank Deputy Kelleher for tabling this important motion regarding the care of the elderly and, in particular, the fair deal scheme. As he stated, everybody should recognise that the rate of growth for Ireland's over 65 population is almost double that of the EU as a whole and the number of over 65s is projected to increase by approximately 20,000 per year between now and 2021. That speaks volumes and should set alarm bells ringing to identify the task that needs to be addressed in caring for the elderly, especially those who require access to facilities under the nursing homes support scheme. A minimum of an additional 7,600 beds for long-term residential care will be required by 2021. Important work is taking place in the community and that is the other side of the house in the context of the operation of the HSE. I have never witnessed another organisation with two separate silos similar to hospital services and community services. Last week, the Minister for Public Expenditure and Reform talked about people working together and getting out of the silos, including all the Secretaries General, Departments and the HSE. However, there is a strong silo mentality even within certain Departments and this needs to be eliminated.

This year, the HSE service plan reduced funding under the fair deal scheme by comparison to 2013 and provided 700 fewer placements under the scheme this year. That is the reason problems are being experienced. Deputy Kelleher pointed out that at the beginning of the year approximately 500 people were waiting to have their applications approved under the scheme. However, it is not a question of having one's application approved. One is approved and informed where one is on the list. One then has to wait for the funding to come through. The average waiting time is 16 weeks but the majority of cases I deal with take up to 20 weeks. That means that a few applications might get through quickly in some parts of the country where people might be lucky but in other parts it means people must wait at least 20 weeks.

The final paragraph of the Government's amendment states the review of the scheme, which is under way, will consider the future funding and sustainability of the scheme as well as how community and residential services should be balanced. The review will be completed in the coming months, following which the Government will consider how best to meet the needs of older people in the future. It is important that the Minister talks to the service providers and people who run nursing homes as part of the review because they provide the front-line service. I have met a number of them over recent months and they feel they are being locked out of the consultation process that is required. They have been told they will be informed about the details but they are being treated like subcontractors. However, these are the people the families of Ireland, and not just the Government, are relying on to provide places. The Government has tried to outsource the provision of care of the elderly to the private sector in nursing homes over the past few years rather than providing care through the State and HSE services, which used to be the case historically.

People are not looking for something for nothing. When the scheme was introduced, applicants had to pay a 5% contribution for up to three years. They could pay 15% of the cost of their care or it could be deducted from their estate when they passed away. The contribution was increased to 7.5% some time ago, giving an overall contribution of 22.5%, which means it has increased by 50% over the past few years. It is as if the Government is using the access to the additional money that has been made available as another reason to cut the HSE's budget and that is not fair. The stress for families and their elderly relatives is enormous. The problem this has created is people are being kept in hospital beds because there is nowhere to discharge them.

I blame the Economic Management Council and not the Minister or the HSE for the budget cutbacks introduced by the Department of Health and the HSE. The council cuts the daylights out of the HSE budget every year. When the executive went over budget, the Minister came back to the House with a Supplementary Estimate. The same has happened this year with approximately €600 million required. If one planned properly, one could achieve a more even and consistent outcome throughout the year. The Minister not only needs to reverse the cuts introduced this year, but to provide additional funding to address the increasing numbers of elderly people trying to access the scheme.

I could not believe the Minister when I participated on an interview panel with him on RTE television a few weeks ago. When the presenter asked why he was not providing more funding, he replied that the budget is capped. It was almost as if he had nothing to do with it. He is a member of the Government that capped the budget. On live television he said it had nothing to do with him because the budget is capped. Thankfully, the Government had choices in the budget which is one of the first times in recent years it had the opportunity but it chose to give tax increases to higher income earners. That is where the Government parties went wrong in the budget. Everything that has flowed from it has been wrong. As I said during the debate on the Social Welfare Bill half an hour ago, the budget can be summarised in one simple sentence. When I was asked the day after the budget what was in it, I said it was simple. If one is in a household with an income of in excess of €70,000, one will be better off but if one is in a household with an income of less than €800 a week, one will be worse off.

I refer to the story of one family to illustrate the silo mentality in the HSE. I was contacted by a family who brought an elderly relative into hospital two weeks ago. She was weak and the staff in the accident and emergency department were fearful that the family would leave her in there overnight because a number of people were sleeping there while other elderly people who should have been discharged were on the wards upstairs. The staff told the family that they needed to contact the community health nurse, have a hospital bed installed in their house and seek home help. Are these staff living in the same world as the rest of us? It is next to impossible to secure these services at local level but the staff just wanted the elderly woman out of the building because they could not cater for any more elderly patients. This is the result of the reduction in the number of places.

I visited the accident and emergency department in Naas General Hospital last Thursday. I could not get in the door because trolleys were lined up end to end on both sides of the corridor. The unit was a fire risk, a health and safety risk and so on because it was so full. There is such overcrowding that elective surgery ceased in the hospital last month, which has caused chaos. This is because people have nowhere to be discharged. The Government's solution on budget day was to give a tax cut to the wealthy, which will trickle down and help old people if they live long enough.

I refer to another classic example, about which the Minister of State will be well aware. Two or three years ago I was thrown out of the House for raising the issue of Abbeylisk Hospital, which had 30 patients at the time while having a 50 bed capacity. The hospital has been run down and there are only a few respite care patients using it now. The same happened in St. Brigid's Hospital, Shane, County Laois.

*8 o'clock*

There are many facilities throughout the country which, with a little investment, could not

only cater for the small number of respite patients they have but up to an additional 50 patients. With a little investment the two institutions referred to could be brought up to HIQA standard. The decision must be made to keep these units open. If the only patients in these units are respite patients then the decision will be made to abolish respite care some Monday morning. We know that is the plan, which is senseless given the lack of beds in the private sector for elderly people.

I am asking that the Minister of State confirm that the unit concerned will remain open and that Abbeyleix Community Hospital and St. Brigid's Hospital, Shane, will be upgraded as soon as possible. The people about whom we are speaking are in the main elderly and they should be treated with dignity and respect. We all know that one can judge a society by how it treats its elderly people. By that criterion, this Government is not passing any test.

**Deputy Barry Cowen:** I thank Deputy Kelleher for bringing forward this motion. Following receipt of many representations from families in my constituency on this issue, I raised it some six or eight weeks ago with the Minister by way of Topical Issue.

As stated by Deputy Kelleher, this is unfortunately a real crisis borne out of a financial or accounting trick which has blown up in the face of Government. It is, unfortunately, deplorable that the Government would allow this crisis to develop and thus target the sickest and most vulnerable elderly people in our society. I was puzzled, amused and amazed to hear the Minister, Deputy Varadkar, when questioned about this issue here and in the public domain blame the budget cap. Who set the budget cap? Was it not the Minister and his Government? Who is responsible for the budget cap? Is it not the Minister and his Government? Who is accountable? The Minister and this Government are accountable for the way in which they spend taxpayers' money, the manner in which they set caps across the board and the way in which they deliver services to society. The Minister and the Government can supplement the budget cap and rectify the wrong now that it has been exposed.

Under this Government waiting lists in respect of the fair deal scheme have tripled in one year. We have the figures to prove this - I am sure the Minister of State is well aware of them - by virtue of responses to parliamentary questions tabled in recent times. These figures range from 280% in respect of counties Limerick, Clare, north Tipperary and east Limerick to 300% in many other counties, including Offaly and Laois. This is one of the greatest sins of this Government. The continuing procrastination by Government must stop. The people need to understand that the Government is spending more money on keeping elderly people in hospitals than it would cost to have them placed in nursing homes. It should be noted that this Government has also made a conscious decision not to pay applicants from the date of application but from the date of approval, which is 14 to 16 weeks later. There is wide acceptance among the general population that many people cannot afford to pay the property tax and impending water charges yet this Government expects these people to fork out up to €14,000 over 12 to 14 weeks.

Earlier today, I surveyed the nursing homes in Shinrone, Birr, Banagher, Ferbane, Clara and Tullamore. There are up to 30 beds available at these units awaiting fair deal applicants, most of whom are currently in acute hospital beds. It costs €750 per day for a hospital bed and €750 per week for a nursing home bed. The cost per week in my county of keeping these people in hospital is €135,000. Over 15 weeks, this amounts to €2.125 million. If these people were in nursing homes the cost would be €675,000. The wastage in my county under this scheme is €1.45 million, the majority of which I expect is attributable to Tullamore Regional Hospital. This wastage could be used to support house adaptation grant applicants in Offaly. I under-

stand there are 70 people over and above the 30 people already referred to in my county who are awaiting approval under this scheme and have been told that approval may take up to five years. If that money was used in this area - I understand the average grant is €15,000 - there would be further savings of €15 million in my county of Offaly. These people are being told by the local authority and, by association, the Government that they must wait five years for approval of applications yet the cost associated with fair deal for them in respect of those five years, by virtue of the fact that they cannot adapt their homes, would be €15 million. That is the new politics that is prevalent in this country today, in the greatest small country in the world in which to do business.

The facts of the matter are damning. This Government is overcrowding hospitals when it does not have to do so. It is penalising jobs in nursing homes and crippling families who cannot cope with the expectations on them. This Government is depriving the elderly of a dignified, caring and fulfilled existence and is, by virtue of the example of what is happening in Offaly, wantonly wasting taxpayers' funds. It is penalising quality nursing homes and removing the prospect of economic activity in communities by virtue of the delay in processing house adaptation grants. It is not allowing those that might have had the possibility of remaining in their homes and communities the opportunity to do so. There is no getting away from the facts in this regard. Some form of joined up thinking would address those issues but this Government is failing to do so and continues to waste money.

This motion had to be tabled in order for people to realise what is happening across the country. It pains me to say, as I am sure it pains the Minister of State to hear, that this scheme has been discredited and demeaned. It is time, now that this Government has been found out, that it was put right. People should not be taken for fools any more on this issue. I am conscious when saying that of the explanation that has been offered, which is very lazy one, namely, that this is the fault of the budget cap. The Minister of State's colleagues and the Government set the budget cap. They are responsible for the budget cap. They have an obligation to meet the demands of this scheme. Next time the Taoiseach wants to tell people throughout the world that this country is, as I said earlier, the greatest small country in the world in which to do business he better be conscious that it is not the greatest small country in the world in which to grow old gracefully as one will be deprived of the services associated with that in the absence of one's family being able to afford them. I commend the motion.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I move amendment No. 1:

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

"recognising that:

— the Government is very aware of the future projections and of their implications for services and supports for our future older population, this includes not only residential provision but also community and home based supports; and

— people should be supported in the care setting that is appropriate to their needs and that most older people prefer to stay in their own homes and communities for as long as possible; it is incumbent on Government to take account of this in decisions on how services and supports are structured;

and acknowledges that:

— in 2014 the budget for the Nursing Homes Support Scheme is €939 million and this is supporting over 22,000 people in residential care; the budget for community services is €315 million and this is providing home help and home care package services to some 56,000 people at any one time; and in addition community and home based supports were strengthened in 2014 by a further €23 million to allow more people to stay in their own homes for longer;

— in July this year the Health Service Executive (HSE) allocated €5 million for an initiative to improve access to appropriate care for older people; to date, this has funded over 300 transitional care beds for patients in acute hospital from the placement list for the Nursing Homes Support Scheme and over 200 home care packages to assist patients in the acute hospitals who require a home care package to be discharged;

— the Government has provided additional funding of €25 million in 2015 to address delayed discharges, which will include provision for an increased allocation to the Nursing Homes Support Scheme; planning for this initiative is well advanced; and details will be finalised in the HSE's Service Plan later this month, with a view to their early implementation; and

— the Review of the Nursing Homes Support Scheme, which is currently underway, will consider the future funding and sustainability of the scheme as well as how community and residential services are balanced; this Review will be completed in the coming months, following which the Government will be considering how best to meet the needs of older people in the future.”

I wish to share time with Deputies Patrick O'Donovan and Pat Deering. Deputy Kelleher and I represent the same constituency and in my view we have virtually the same approach to politics in that we usually play the ball rather than the man or woman. I do not normally engage in this House in bandying around insults. I am very solution-focused. Where I see a problem I try to find a solution. The contributions of Deputies Fleming and Cowen were very hard to stomach. That they can come in here and say that they cannot accept that as the Minister for Health said this problem arises because of a cap on the budget, as if somehow Fianna Fáil had no part to play in the collapse of the economy and this country, which, by the way, has led us to this point, is amazing.

It is amazing but Deputy Barry Cowen's expertise with figures was greatly missed by the last Fianna Fáil-led Government. Do any of them remember the Minister for Finance, Charlie McCreevy, who told us all that we were pseudo pinkos and to party on? At long last we have a plan in place to deal with the demographic issues which are coming down the line. We knew all of this in 2005-2006 when the Fianna Fáil-led Government was awash with money and did not know how to give it away. Where was its planning? Where is Fianna Fáil's health strategy now? As far as I can see, it does not have one. It is all about this awful Government. This awful Government has steadied the ship which Fianna Fáil managed to hole below the water. If there are difficulties in this economy and we do not have enough money to put things right, Fianna Fáil is part and parcel of the reason for that. A friend of mine used to say to me: “If Fianna Fáil can go out and knock on doors with that brass neck, surely you can.” I concur with that. It is very difficult to listen to this kind of claptrap from Fianna Fáil.

I genuinely thank the Deputies for raising this serious issue, with which we must deal, and for providing me the opportunity to highlight some key elements of our approach to the care

and support of our older people, in particular the issues around the nursing homes support scheme. The budget for the health service in 2014 was €12.7 billion. For 2015, there will be an increase in Exchequer funding of €305 million, bringing the Exchequer contribution to more than €13 billion. Further once-off revenue measures of €330 million will also be available to support services. This means that there will be an increase of €635 million in current spending for the health services compared with the start of 2014. The total capital budget for 2015 will be a further €382 million. Notwithstanding the additional resources in place for next year and the improving economic environment generally, it is important to remember that resources remain tight and many areas continue to face real challenges in meeting the demands on their services.

Those over 75 years of age and especially those over 85 years of age tend to have the biggest health care needs and the greatest dependencies. The HSE provides for the care of older persons through both community services and the nursing homes support scheme. Care is provided through a variety of community supports, specialist services and long-stay residential care.

From the community perspective, the main supports available are the home help service and home care packages, the budget for which is €315 million in total. The traditional home help service consisted of domestic chores, such as help with cleaning and cooking. In recent years, however, the emphasis has been on assisting with personal care. In 2014, the HSE will provide approximately 10.3 million home help hours which will benefit more than 50,000 clients. The service is not means tested and allocation of hours is based on need and availability of resources rather than ability to pay, which is how it should stay.

In addition to mainstream home help, home care packages are provided to persons with higher dependency levels who require a higher level of assistance. A home care package will assist with personal care, such as bathing and dressing, as well as more medical-type care, such as nursing and physiotherapy. These packages facilitate clients to remain at home for as long as possible.

Home care packages are provided within the budget available each year. In 2014, 10,870 people were targeted to receive a home care package at any one time. At the end of August 2014, more than 13,000 persons were in receipt of a home care package, which is 20% ahead of target and despite the tight resources.

The nursing homes support scheme is the focus of this motion. Despite what Deputy Barry Cowen said, I believe this an excellent scheme introduced by the previous Government. This scheme provides financial support for those who need long-term residential care. Residents contribute according to their means with the State paying the balance. It is worth highlighting that the State contribution is normally the greater part of the total cost. More than 22,000 people are supported under the scheme, which has a budget of €939 million this year. This is a massive commitment by the taxpayer to the welfare of older people.

The population under the age of 65 years is expected to grow by 1% between 2014 and 2017, while the population aged 65 years and over is expected to increase by 10% during the same period. The Government is very aware of these future demographic projections and of their implications for services and supports, both residential and community-based, for our future older population, but we knew this ten years ago.

The fact that more of our people can expect to reach old age should be seen as a great

achievement and something to be celebrated. Not only are people living longer but they are staying healthier and living better for longer. Society is already benefiting and this will continue and increase in future. Voluntary organisations will gain volunteers, grandparents will have more time to spend with their grandchildren and businesses will expand to cater for older people. There are new opportunities.

There is also a challenging side to this demographic change. Older people have more need for supports and services and we are already seeing increases in demand for health and social care services, in particular for those most specifically relevant to older people. The number of people with conditions like dementia will increase significantly. It is estimated that there are 47,000 people with dementia in Ireland. These numbers are expected to increase significantly in the years ahead, with a projected growth to more than 140,000 by 2041. As a result, the programme for Government for 2011 to 2016 committed to developing a national Alzheimer's and other dementias strategy to increase awareness, ensure early diagnosis and intervention, and develop enhanced community-based services which was long overdue. This strategy will be brought to Government shortly for approval. In the interests of social cohesion and of older people themselves, resources will have to be deployed efficiently and services will have to be well designed and thought out. It is too simplistic to suggest we can solve the problem by a straightforward expansion of services across the board, in line with projected increases in demand, as suggested in the motion. It would be extremely expensive for future Governments and taxpayers, but even if the resources could be found, it would be the wrong thing to do.

Some older people will always need long-term care while many will need it for some period in their lives, and we must try to meet this need where it exists. Older people consistently say they want to stay at home in their familiar surroundings, within their communities, and to retain their independence. Mary Harney was the first person to say that and it certainly rang true, and it still does. We must look at the future in a more nuanced way and in a way that is open to new approaches.

The single assessment tool, which will provide a consistent basis for assessment of need and allocation of services, is in development by the HSE and is expected to become operational by the end of 2015. This will be of benefit across all care approaches to ensure that need is accurately and consistently assessed and that we provide what is needed in so far as this is possible. Community supports are provided and are being developed further, and increasingly it will be necessary to direct our focus into community and alternative models of care for older people. This means providing a range of flexible supports, including better home supports, increased use of technology, supported living models and quality residential care, both short-stay and long-stay. All of these services contribute to support the person in their journey of care.

For example, there is clear evidence that greater access to rehabilitation services both within hospital and community settings can lead to better outcomes for older people. Short-stay and rehabilitation beds are another important element. Telecare services and the use of technology have been developing for some years and are now widely recognised as enabling people to remain in their own homes as opposed to entering long-term care. The range of technologies and services available, such as mobility aids, sensors and alarms, can assist in ensuring the wishes of older people to remain at home can be facilitated for as long as possible.

International experience suggests that new residential models that would bridge the gap between independent living at home and full-time nursing home care should be considered. The contribution that supported housing schemes, which are linked to appropriate community care

services, can make to the welfare of older people is widely recognised. These assisted facilities can also provide rehabilitative care to older people following a hospital stay. The issue before us this evening revolves around the nursing homes support scheme which supports residential care. To match the funding available at any given time to demand, the HSE operates a national placement list. All applicants who are approved for funding are put on this placement list in order of their approval date. Funding issues to applicants in this strict order to ensure equity nationally. Unfortunately, it can happen that demand exceeds the amounts of funding that can be released, and in these circumstances waiting times get longer. This has been an issue during 2014, and the current waiting time is about 15 weeks, with 1,993 people on the list awaiting release of funding. That has changed because as of today the HSE has released funding for an additional 180 new places. The figure is not low enough yet but we will get there. In July 2014, the HSE allocated €5 million for an initiative to improve access to appropriate care for older people. To date, this has funded over 300 transitional care beds for patients in acute hospitals who are on the scheme's placement list and over 200 home care packages to assist patients in the acute hospitals who require a home care package to be discharged. We moved €23 million. We did not take it from one cohort and give it to another. We used it for the same cohort of people and it is disingenuous to say otherwise.

This year, an additional €25 million has also been provided in the 2015 budget, aimed at hospital and community services which can effectively address the specific needs of delayed discharge patients and improve timelines for admissions from emergency departments and waiting lists. It will include provision for an increased allocation to the nursing homes support scheme. Planning for this initiative is well advanced. Details will be finalised in the HSE's 2015 service plan later this month, with a view to their early implementation. The review of the nursing homes support scheme, as well as considering how the scheme has operated to date, is expected to identify some of the issues that will need to be considered and tested more fully into the future, including the future financing of the full range of supports for older people. Work is well advanced on this review, and it will be completed and published by early 2015.

Whether we respond successfully to the aging of our population will depend on the willingness of every sector of Irish society including the statutory, community, voluntary and private sectors, to adapt in good time to the changes that population aging will present in the coming decades. The health reforms which the Government is working to implement are intended to ensure that everyone, including older people, receives safe, timely and efficient care and treatment, at the lowest level of complexity and as close to home as possible. The Government believes that the challenges ahead can be met and opportunities in health care exploited by planning now to ensure that Irish society is an 'age-friendly' one in the years ahead.

That type of planning should have been done when this country was awash with money but Fianna Fáil thought it would never again see a poor day so it did not need to plan. It did not care. It could throw as much money at it as it liked. In response to Deputy Kelleher, the average waiting time for assessment is still four weeks. It is the release of the funding that takes longer. I readily admit that but we need to get the facts right.

The health budget has increased. I will detail the planning for long-term residential care needs. We are well aware of the demographic factors. We knew this ten years ago but that did not matter to Fianna Fáil then. The population over the age of 65 years will increase by nearly 220,000 over the next decade. There will be 60,000 more people aged over 80 years in the same period. We need to consider seriously what we will do. Mount Carmel will be part of that. It will provide rehabilitation, short stay and respite care, and long-term care. Next year we build

on that to 65 beds, specifically for the north side of Dublin because that is where the demand is in the city. We need to do more of that. As Deputy Fleming said, there are old community homes and hospitals which, with a bit of forward planning and capital, could have been made useful for dealing with our aging population. We are planning for that. The budget is very tight. We have to be very careful about how we spend our money. Fianna Fáil was awash with money and did not know what to do with it. People were getting increases every week but it did no planning and that is why we are at the point we are now at.

**Deputy Sean Fleming:** This is four years on.

**Deputy Billy Kelleher:** The Minister of State's party has been in Government for four years.

**Deputy Kathleen Lynch:** I commend the Government amendment to the House.

**Deputy Patrick O'Donovan:** This motion is an opportunity missed because instead of the very narrow motion it put down, the Opposition should have considered care of the elderly in a broader way. I speak from personal experience. Many who have personal experience of caring for elderly relatives will be aghast at some of the earlier contributions tonight and wonder are these seriously the same people who cut the blind pension and are now talking out of both sides of their mouths. It is as if Fianna Fáil has undergone some Damascus-like transition in the past three years. Elderly and vulnerable people, those who look after elderly relatives at home and those in community hospitals that have been starved of capital investment over many years have not forgotten what it did. There are many who will never forget what it did. The motions that appear before the House every three weeks lack credibility. Fianna Fáil's research office would want to do something about that. Coming from the party that destroyed this country the motions have no credibility-----

**Deputy Billy Kelleher:** The Deputy's party opposed the fair deal scheme, if he is talking about credibility.

**An Leas-Cheann Comhairle:** Deputy O'Donovan without interruption.

**Deputy Billy Kelleher:** He is being argumentative.

**Deputy Patrick O'Donovan:** -----when it talks about what it is going to do now with its 19 seats.

One of the points missed in this motion is that care of the elderly is multifaceted. It includes public, community-based facilities, private nursing homes, community-based facilities owned by the voluntary sector and the home-based services. I have raised before with the Minister of State and her predecessor the amount of money paid year in year out to the private home care packages. I feel strongly about this issue. The person coming into one's home is paid €9 an hour but a company is charging the HSE €27 an hour. That is a huge discrepancy. We are only waiting for another "Prime Time" programme investigating private home care providers and the disparities between them. Some are excellent and some are hopelessly inadequate. I implore the Minister of State in respect of the HSE service plan, which is included in the programme for Government, to consider that issue as a matter of urgency to ensure that the remit of HIQA is extended into the private home care provision sector and where possible it is used only as a last resort. I have seen it in my own home. The Law Reform Commission brought forward proposals on legislation.

There are challenges in each area. I commend those in the community and voluntary sector who have done much, particularly in the community hospital network. Many of our community hospitals are old union and county homes and in many cases old workhouses. I cite the example of St. Ita's Hospital in Newcastle West which has been revamped by the community. The friends of the hospital have put it far ahead of the HIQA requirements for 2015. There is a looming time bomb within the Department for the other community hospitals around the country that will need to come up to HIQA standards. I urge the Minister of State's Cabinet colleagues to examine the capital programme as a matter of urgency. I invite the Minister of State to visit Dromcollogher and district respite centre in my constituency, which is unique in Ireland in the provision of short-term respite care. Many of her constituents from Cork North-Central and the adjoining constituencies of Cork East and Cork North-West avail of its services through Mallow General Hospital. If such services were not provided, there would be more bed-blockers, or elderly people who cannot be released from general hospitals because there is nowhere for them to go. I think there should be more of these centres, rather than fewer of them. A legislative framework should be put in place to cover them. That, in turn, should be adequately reflected in section 38 and 39 service level agreements.

There are challenges. It is not acceptable for elderly people to have to wait 15 weeks. In many cases, they are left in acute general hospitals because their family members cannot look after them or because they have no family. A neighbour might apply for the fair deal in some cases. While the system is not perfect at the moment, I think it is as good as it can be for the budget that is available. That is why it behoves all of us to make sure the budget is adequate. If the Minister of State will be looking for efficiencies, as I believe she will, she should examine the private care providers that are contracted to the Department of Health and are charging an average of €27 an hour, in some cases, while paying their staff €9 an hour. The efficiencies that are to be made in that regard can be put back into the fair deal scheme. I think that is the first place the look. I ask for that to be done.

It is very hard to listen to the proposers of this motion. I think there is a willingness on behalf of the Minister of State. She has not run away from this issue. She has not buried her head in the sand. This will not be fixed overnight. People who look after elderly people at home are lying awake at night wondering what will happen to them. They are concerned about the day when they will be unable to put those they look after on the toilet, or change their incontinence pads. They worry that a catheter or a hoist will have to come when they become physically incapable of doing certain tasks. Those people are looking at this debate and wondering whether a solution will be found to assist them. That is all they are interested in. They are not really interested in the politicking of it. They want to know whether beds will be available for their loved ones when they are taken out of regional or general hospitals like those in Limerick and Mallow and have to go into nursing homes. They want to be reassured that their loved ones will be looked after and allowed to die with dignity. For too long, our elderly people have been allowed to die undignified deaths in many cases. We need to correct that wrong.

**Deputy Pat Deering:** Like the previous speakers, I am delighted to have an opportunity to say a few words on this motion. It is an appropriate time to discuss this matter. I concur with Deputy O'Donovan that the Opposition has missed an opportunity to discuss the care of the elderly in a more detailed manner. The only solution they are proposing is the return of the funding to the situation. They have not proposed how actual plans or structures can be put in place so we can build for the future in this respect. I have to acknowledge that the fair deal scheme that was introduced in 2009 was a big improvement on the subvention scheme that was

in place previously.

**Deputy Billy Kelleher:** The Deputy's colleagues opposed it.

**Deputy Pat Deering:** I am acknowledging that.

**Deputy Billy Kelleher:** They engaged in scaremongering.

**Deputy Pat Deering:** This fair system is a vast improvement on what was in place previously. Those who can get into the system can get nursing home care. This allows families to prepare for the future. It is important to acknowledge that there is a particular difficulty at the moment. It is unfortunate that there are long delays in allocating funding. Money was reallocated last year because people like Deputy Kelleher and me wanted more money to be provided for home care so that people could be looked after in their homes. That was appropriate at the time and it is appropriate for the future as well.

The main problem at the moment is not caused by a lack of funding; it is caused by the increased demand on the system. Unfortunately, a recent ESRI report suggested that an additional 888 places will be required each year between now and 2021. We have all heard those real figures. We need to remember what we are spending our money on at the moment. We are spending €1.3 billion per annum on nursing home care and community services. It is quite a lot of money. It is important to remember that it accounts for 10% of the overall health budget. I am speaking from personal experience, as Deputy O'Donovan was previously, when I ask whether we are getting value for money. I would like to mention another interesting statistic. As I have said, we are spending €1.3 billion annually to look after 78,000 people, which is a large number of people. We spend €5,500 per person in home care packages, whereas we spend €42,000 per person in nursing homes. Is that a fair way of allocating funding?

I remind Deputies that the Government amendment to the motion before the House recognises that "people should be supported in the care setting that is appropriate to their needs and that most older people prefer to stay in their own homes and communities for as long as possible; it is incumbent on Government to take account of this in decisions on how services and supports are structured". The vast majority of people I know - I am sure this applies to most Deputies - would like to be able to stay in their homes for as long as possible. That is where we should be spending our funds. It is possible that some people stay in nursing homes for longer than they should. We should try to encourage more people to stay in their homes. We can get far better value for money in that way. We need to be having this discussion. Should we be putting more money into the community, rather than into institutions like public or private nursing homes? I think we should be encouraging more people. We will need to have this discussion going forward. It is not just a matter of putting money into it and hoping it will all go away tomorrow morning, because that will not happen. We need to plan for the future in a structured way, by putting money into the system where it will have a better effect.

The people and associations involved in nursing home care previously sought the creation of a discussion forum involving all stakeholders to consider where we are going for the future. I ask the Minister of State, who previously opposed this proposal, to reconsider it. It would be important for all the stakeholders to come around a table to discuss in small, detailed terms where they see themselves in the future. I refer not just to next year and the year after, but to the period ten or 15 years from now. It has been pointed out that the demographics are going in one direction only. We need to plan for that. As the Minister of State said and as Deputy Kelleher

acknowledged, no plan was put in place in the past. We had the money ten years ago, but it did not happen. We now need to make sure we have a structure in place to ensure our parents and all the elderly people who kept this country going over the last number of years will be looked after in the future.

It is important to remember that there are a number of very good facilities in this country. Deputy O'Donovan spoke about step-down facilities. The district hospital in the town of Carlow, which is in my constituency, is very important. It is used as a step-down facility. If older and smaller hospitals that were used for certain purposes in the past were used as step-down facilities now, it would take the pressure off the main hospitals and alleviate the problems caused by bed-blockers, which is a phrase I do not like to use. If we could upgrade the facilities to the standard required to ensure spaces are available in these hospitals, it would take the pressure off the main hospitals. We need to have a discussion about where we are going with our elderly for the future. It is not sufficient to table a short-term motion about returning the money that was supposedly taken out of the system previously to be put into another part of the system. I encourage the Minister of State to facilitate a genuine discussion, involving all stakeholders, about where we are going for the future. I commend the amendment to the House.

**Deputy Caoimhghín Ó Caoláin:** I would like to share time with Deputy McLellan.

**Acting Chairman (Deputy Brian Walsh):** Is that agreed? Agreed.

**Deputy Caoimhghín Ó Caoláin:** Táimid ag plé leis an scéim seo, a cuireadh ar bun ag Fianna Fáil agus an Páirtí Daonlathach ar dtús, arís eile anocht. Ní raibh cearta na seandaoine san áireamh ag an am sin, faraoir géar, agus is cosúil nach bhfuil anois ach oiread. Is oth liom a rá go bhfuil an fhadhb sin ag éirí níos measa. An é nach gcuireann an Rialtas tábhacht ar sheandaoine?

The number of people awaiting payment approval under the fair deal scheme has increased by over 300%, which is a staggering number, since January of this year. As of 9 October last, some 2,182 people were approved for the fair deal scheme but were awaiting payment approval. Waiting periods now exceed 15 weeks. To add insult to injury, we have been informed by the HSE's performance report that 75% of people classified as delayed discharges within Irish hospitals are awaiting long-term residential nursing care. This means that not only are our older citizens not getting the care they deserve, other unwell citizens are also being denied access to care in our hospitals.

The Minister, Deputy Varadkar, when referring to this group stated in the Dáil on 15 October:

These are people who are well enough to leave hospital, but do not have a nursing home or home care package in place for them to do so. They are often elderly people and are citizens, not bed blockers. They should not be left in hospital, where they are at a higher risk of a fall or developing an infection.

I fully agree.

The Fianna Fáil motion lays out some of the major challenges that face Ireland. The rate of growth of Ireland's over 65 population is nearly double that of the EU as a whole. The number of over 65s is projected to increase by approximately 20,000 per year between now and 2021. If God spares me, I will be among them. It has been recognised for some time that this increase

in our older population will lead to an increased usage of services, and I want to emphasise that these are deserved and totally necessary services. These demographic pressures equate to an additional funding requirement in the order of €200 million per annum over the coming years. A minimum of an additional 7,600 beds for long-term residential care will be required between now and 2021. This comes at a time when the 2014 Health Service Executive service plan reduced funding for the nursing homes support scheme by 700 placements under the fair deal scheme when compared with 2013. Let me say that again - 700 fewer placements at a time of increasing need. Where is the logic in this? Where is there any modicum of the fairness that is referred to in the title of the scheme?

We need investment in social care packages specifically to ensure that we can help someone who does not need a hospital bed to move to a more suitable setting. This is not only beneficial for our older people, it is also cost effective. Also needed is hospital release planning through links with primary and community services, as well as short-term community nursing home beds and more funding for long-term nursing home places. We are unsure as to what the Minister and Minister of State intend to do despite their assurances that they have a plan. I would ask the Minister of State, Deputy Kathleen Lynch, that she and her senior colleague might reassure this House and all those families who are waiting on news what concrete steps they now intend to take.

We need to move the focus to entitlements of care. The fair deal scheme was fundamentally flawed since its conception. From the outset the scheme effectively removed the universal eligibility for a place in a public nursing home as provided for under the Health Act 1970. The Minister of State will recall making the same case at the time. On debating it in 2008, I raised concerns that I and many others, including the Minister of State, had with the scheme at the time. I am sad to say our worries have been confirmed again and again. Perhaps we should not be overly surprised as the Bill was framed without consultation with older people and older people's representative organisations.

The scheme itself is intrinsically flawed, as it does not cover short-term care such as respite, convalescent care or day care, although these types of care may be available in some nursing home settings. In budget 2015, some €25 million has been allocated to address the problem of delayed discharges from acute hospitals. I understand that the Minister, Deputy Varadkar, cannot provide specific details on how this funding is to be utilised. What portion of this fund is to go towards the fair deal scheme? Is there to be any additional funding for home care packages and what of additional funding for community intervention teams?

The saddening vista we see is one where our senior citizens are not given the supports they need to stay in their own homes. Often, they end up deteriorating both physically and mentally and cannot stay at home, the place that is best for them and where they would be most happy. This short-sighted failure is a further example of a penny wise and pound foolish policy.

When this Bill was introduced originally, we flagged concerns about funding. The capping and cutting of funding has shown that neither this Government nor its predecessor was serious about caring for the older members of our society. It is extraordinary that it was not set up with a budget linked to easily predictable population need.

Sinn Féin could not support the 2008 Bill as it was a move away from universal entitlement. It was also not rights based. Nor was it comprehensive in terms of providing for the wide range of care that older people require. It is no substitute for comprehensive State-provided care of

older people, including fully supported and resourced care in their homes, in the community and, where necessary, in nursing homes.

I have had many constituents contact me and outline the great difficulties they have with this scheme. Many of them have been waiting for over 15 weeks and have even been informed by the HSE that the scheme itself is “broken”. How terrible a system is that it requires for others to pass away before someone can access the care he or she needs. Families have reported to me that it costs up to €14,000 to cover care in private nursing homes. When family money runs out, what sometimes happens is that the older person is returned to an acute facility, an entirely inappropriate place for him or her and a very poor use of acute service beds. It makes no financial, moral or, indeed, common sense for these elderly citizens to be placed on these waiting lists. I implore the Minister and Minister of State to ensure that this will not be the case in the hopefully not too distant future.

Access to quality services enables older patients to return home after a hospital stay. Unfortunately, we see that there were 2.3 million fewer home help hours last year when compared with 2008. Last year, an extra €5 million was allocated to social care packages specifically to get delayed discharges out of hospitals. Unfortunately, this dealt with only a relatively small number of cases.

I understand that the review announced by the former Minister for Health, Deputy Reilly, in 2011 has reported but that the findings have not yet been released. Someone somewhere has decided that the public cannot be allowed to see a report into the functioning of this scheme. I for one had thought that we had moved on from a culture of cover-up and subterfuge. Unfortunately, it seems in this regard that I was incorrect. This is very concerning. Surely it would be in the public interest that we would have access to the findings of this report so we might focus on the shortcomings of the scheme to ensure improved care for those needing long-term residential care.

What needs to happen is that we move entirely from this flawed scheme to a rights-based system whereby those vulnerable citizens can receive long-term care when they need it and thereby reduce the reliance on acute hospital beds. These serious shortcomings are indicative of short-sighted planning, a problem that has beset our health services historically and one that punishes both young and old alike.

For those who are currently awaiting funding approval, we in Sinn Féin urge the Government to ensure the waiting lists are ended. We demand the publication of the review of the scheme and we strongly urge the Minister and Minister of State that they make us aware of the plans they have to remedy this very serious and worrying situation. A Airí, iarraim oraibh gníomhú ar son ár seandaoine agus cinntiú go mbeidh cúram ar fáil dóibh.

**Deputy Sandra McLellan:** I welcome the Fianna Fáil Party motion. It must be noted, however, that this ill-fated scheme came about under the watch of the Fianna Fáil-Progressive Democrats Government. It is a case of better late than never. It must also be noted that Sinn Féin flagged serious issues with the funding of this scheme from its inception. Unfortunately, these issues have not been dealt with to date.

I support the reversal of the reduction in support for the fair deal scheme implemented in 2014, as set out in the 2015 HSE service plan. I agree that long-term residential care should be adequately resourced to take account of demographic changes. Furthermore, I call for the €25

million earmarked in budget 2015 for alleviation of delayed hospital discharges to be directed towards dealing with the problems in this scheme in particular. The capping of the funding for the fair deal scheme means that those who are most vulnerable in our society are at great financial and health risk when they are most in need of care. This situation cannot go on any longer.

Members must ensure these valuable and valued members of society are facilitated to stay in their homes. It is in this setting, with help from family, friends, neighbours and the health and social services provided by the State, that people are most comfortable. The nursing home support scheme was heralded on its launch in 2009 by the then Minister for Health and Children, Mary Harney, as “accessible, affordable, and anxiety-free”. A mere five years later, the so-called fair deal is grinding to a halt in a situation that was completely inevitable from its flawed inception. It is no secret that the Government has failed people from all backgrounds of all ages throughout this State. It should come as no surprise that more than 2,000 older people are waiting for 15 weeks or longer for nursing home care. It is also clear these people also have been failed by the austerity measures implemented by successive Governments. These waiting lists have tripled since January of this year, which is entirely unacceptable. The fair deal scheme budget has been capped for this year and was cut last year, despite Ireland having the fastest growing ageing population in Europe.

Nursing Homes Ireland has stated the excessively long waiting times for State funding for nursing home places is putting patients’ health at risk. It claims that some patients have even passed away while waiting for this financial support. What a disgraceful way to treat those most in need. What is the point of Government if not to protect the most vulnerable citizens who elected it? These older people have a right to be cared for after many years contributing to the running of this State. It is Members’ duty, as legislators and representatives of the communities which gave them the seats they hold in this Chamber, to ensure that older people do not have to spend their lives worrying, fretting and riddled with anxiety about getting their care needs met.

Moreover, as a result of these delays, older patients are staying in acute hospitals for longer than necessary but must remain there because their complex care requirements cannot be met in their home environment. In 2012, it was estimated that more than 40% of beds occupied in acute public hospitals were taken by people aged 65 and more and 243,512 hospital bed days were lost during 2012 due to delayed discharges. In that same year, the ESRI projected an additional requirement for 888 long-term residential care places per annum to 2021. The situation has become worse each month since then and action must be taken. Nursing home care is provided by dedicated specialists, and an inability to access this in a reasonable timeframe can lead to a deterioration in health. The funding delay is causing financial hardship for some families, who must pay up to €1,000 a week for private nursing care for family members while waiting for payment under the scheme. The solution to this growing problem is not simply an increase in fair deal funding to facilitate admission to nursing homes but must also take into consideration that home care is the preferred option for a majority of people in need. If Members are trying to balance the books, it is also a significantly less expensive option. Investment in social care packages is needed specifically to ensure the ability to transition someone who does not need a hospital bed. This is both beneficial for older people and is cost-effective. In addition, hospital release planning is also required, through links with primary and community services, short-term community nursing home beds, as well as more money for long-term nursing home places. These solutions must be put in place urgently and without any more delay. As mentioned by my colleague, Deputy Ó Caoláin, it is time to move to a rights-based model in

which those who need care are entitled to it and can exercise that entitlement, as to do anything else would be to fail them.

**Deputy Catherine Murphy:** I welcome the opportunity to make a contribution to this debate and I believe a wider debate is needed. In an example that graphically displays the issue, a couple of weeks ago I was contacted by a constituent about his father who has been a patient in Naas General Hospital since last July. All Members will appreciate that it is a very emotional matter to come to the conclusion that a parent, who may not wish to enter a nursing home, must do so. This is a major hurdle many families are obliged to go through. The man in question was approved for supplementary funding and the family found a private nursing home bed, which was held for him. Within days of this supplementary funding being approved, the family was advised that no funding was available for the nursing home bed. The nursing home costs approximately €1,000 per week, while the nightly cost of a bed in Naas General Hospital is somewhere between €850 and €1,000. Therefore, one would accommodate seven people in nursing homes for the cost of accommodating one person in an acute hospital bed.

While I understand this scheme has been capped, people can understand when there is no money. However, what really offends them is when money is spent in the wrong ways. It makes no sense for this hospital, which really is under pressure. Last week, 17 people who were there had been fair deal scheme-approved, whereas this week the number was 12, because there had been a protest and there was some movement as a consequence. However, in the context of Naas General Hospital, 17 patients is like having 50 patients in Tallaght hospital and is a very large number. Moreover, there are quite a lot of nursing homes in County Kildare that are receiving patients from a catchment outside the county, quite a number of whom are from the Dublin area. Consequently, one gets a more dependent group of people who then ultimately end up in Naas General Hospital. This is putting a kind of dual pressure on that hospital and the protest yesterday was about demonstrating that the hospital has become unsafe because of the overcrowding. This should be taken on board in its own right.

There is a lot more that is wrong with the system, some of which the Minister of State herself has outlined with regard to trying to keep people at home for longer or sometimes having respite or partial arrangements. Such a suite of measures is needed but people must see them functioning. In addition, I wonder whether the design of the HSE in hiring companies, which then take care of the responsibility, is about outsourcing the responsibility or not having the layer of management that would take care of it. This is a missing piece in all this and between the amount paid to the individual who provides the care and the amount the care-providing company actually gets, this is costing quite a lot of money.

There are some really good examples of best practice and in my own constituency, the Nás na Ríogh Housing Association is an absolutely superb example of people moving from their home into a sheltered environment, and more of that must be seen. There is a lot of living to be done by people who are older but who are not ready to go into a nursing home. However, they may be happy to go into a sheltered arrangement in which there are support services. Members must think in this way, in which a range of different things are available. As for the fair deal scheme at present, the obligation on people who have been approved to spend such long periods waiting to go into nursing homes - when no other approach is open - is putting financial strain on the hospitals. Moreover, it is putting a severe numerical strain on them as well with regard to catering for people who require elective surgery. However, it is also levying a terrible emotional toll on the families who were obliged to make that decision. Often, such families were obliged to have a major family gathering and to go through all of that. Members must accept

this is a serious problem. This is not saving money but when one considers the cost of having somebody in an acute hospital bed as opposed to a nursing home, it is costing a lot of money, which simply does not make sense.

Debate adjourned.

### **Social Welfare Bill 2014: Second Stage (Resumed)**

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

**Deputy David Stanton:** It was only a short number of years ago that a bailout was imposed on this country. We had to accept this bailout in order to pay the bills relating to social welfare, education, policing and everything else. There are all kinds of debates about why the bailout was necessary but, as a nation, we were forced to accept it. A few short years later, we were informed that we should cut another €2 billion from the economy in 2015. There were people who were in favour of and opposed to this suggestion. The Government decided not to cut €2 billion and instead it put money back into the economy. Again, there are arguments for and against this action. If one listened to some, however, one would believe that we are again taking money out of the economy rather than putting it back in. Much of this money relates to the social welfare budget. Child benefit is going to be increased by €5 per month per child and the living alone allowance will also be increased by a modest amount. These are small increases but they must be viewed in the context of the position in which we previously found ourselves. At the time, we were the laughing stock of the world and we could not borrow money anywhere. We had to be given money in the form of a bailout. Three years later, we now find ourselves in a situation whereby we can increase social welfare payments. The amounts involved will be small but they are a start and I wish people would acknowledge that. As already stated, a few years ago Ireland was a laughing stock and perhaps those in government could have made different choices. However, we found ourselves in a particular position.

As has been the case with much of what the Government has been doing, many of the measures contained in the budget and in the Bill before the House are designed to try to get people back into employment. We need to move away from the dependency-entitlement culture which has been built up over decades in this country. We must help people to help themselves, to stand on their own two feet and to go out to work each morning. That is why the back-to-work family dividend is particularly welcome. It is a very good measure that will support people in returning to work. I am delighted that the allocation in respect of the JobsPlus scheme is being increased from €3,000 to €6,000 and that €12 million is being invested in JobPath activation services to help people who have been out of work for more than 12 months. JobsPlus provides a payment of €7,500 to employers to hire people who have been unemployed for 12 months or more and €10,000 to hire those who have been unemployed for 18 months or more. This is another good measure. However, I am aware of cases in respect of which a greater level of flexibility might be shown.

I was my party's spokesperson on social welfare for quite a number of years and I am aware that there are always anomalies in the system. Such anomalies often only have an impact on a very small number of people. However, I am of the view that we should try to identify and remove them. I wish to provide an example. One of my constituents was on jobseeker's allowance for two and a half years when his wife passed away. He previously worked in a construction-related retail position and was transferred by the Department of Social Protection - with his

agreement - to widower's pension because this would lead to him being financially better off. It was the correct thing to do. The man wanted to return to employment and a local business indicated a willingness to take him on but only if he could get onto the JobsPlus scheme. He pursued the matter and discovered that he was not eligible for this scheme because widower's pension is not a qualifying payment. Will the Minister of State consider making it a qualifying payment? It could be done at the stroke of a pen. There would only be a tiny number of people involved and if they qualified for the scheme, it would be of enormous assistance to them. I have been in contact with the Department on numerous occasions about this matter and have been informed that there is no way it can be done. However, I take this opportunity to ask the Minister of State to make the change that is required. It would be a small change which would only have an impact on a handful of people and would not cost a great deal of money. I am of the view that this change should be made. The man in question has not been able to get onto JobsPlus and he remains unemployed.

These are the types of anomalies at which Deputies should be looking in terms of discovering how they might be removed from the system or how small changes that can make a difference might be introduced. Another such anomaly is that relating to Student Universal Support Ireland, SUSI, eligibility and jobseeker's payments. Again, a little flexibility should be shown in this area, particularly in the context of the eligibility of the dependants of those in receipt of jobseeker's allowance for SUSI grants at the special rate. I am aware of the case of a person whose mother is in receipt of jobseeker's allowance. The girl's mother is married to a jobseeker's allowance claimant but he never adopted the girl so he is not her legal guardian. At the time of application, she was over 18 and was not in a position to be adopted. As a result of the fact that her mother was not in receipt of one of long-term social welfare payments listed under the terms relating to the student grant scheme, the girl in question was only entitled to the maintenance grant at standard rate as opposed to at the special rate. I accept that this anomaly relates to the area of education and SUSI but I am of the view that the Minister of State should discuss it with the relevant officials in the Department of Education and Skills. The student should be receiving the maintenance grant at the special rate in order that she might remain in third level education. As a result of the anomaly in question, however, she does not qualify. Perhaps the Minister of State will ensure that the necessary changes are made in order that individuals such as this girl will qualify for payment.

In the context of the rental accommodation scheme, the housing assistance payment, HAP, is directly payable to landlords. I have come across a number of cases, however, where those in receipt of rent allowance did not pass it on to their landlords. The HAP will change the position in this regard. In addition, those in receipt of it will be able to work, which is a major advantage. I ask that those in receipt of rent supplement be transferred to the HAP over time. Some new applicants are discovering that supplement is not available to them because they do not meet the criteria and that HAP is not available to them either. There is a lacuna in this regard to which consideration must be given.

As stated earlier, the main thing we should be doing is trying to encourage people to return to work. The cost of child care is an issue which often arises and it is one on which we must begin to focus. I am aware that in the past matters arose in the context of lone parents and in terms of how we might ensure that people's children will be cared for when they return to work, education or training. We should engage in a detailed examination of the position in this regard.

I welcome the important increase in the living alone allowance, which will take effect from the beginning of January 2015. I also welcome the payment of 25% of the Christmas bonus. I

accept that the full amount will not be paid but what is on offer is much better than I expected. This time last year I did not think we would be in a position to pay any form of Christmas bonus this December. However, things have changed and we are in a position to pay something. I expect that next year the amount paid will increase and that we will be able to roll back many of the cuts that have been introduced, particularly as more people return to work and pay tax and as fewer draw down social welfare payments. I reiterate the need to encourage people to stand on their own two feet, earn a living and enjoy the dignity of being able to go out to work. There is nothing worse than being obliged to stay home all day looking at the four walls and having nothing to do or nowhere to go.

I am sure that, like me, colleagues have come across the Men's Sheds movement, whereby males - many of whom retired from work early - meet their peers in workshops and engage in all sorts of activities, including crafts, arts, etc. They enjoy companionship and camaraderie, which, very often, is all people want. There is no better way to experience either than by going out to work. We must do everything to ensure that people can obtain employment. The JobsPlus, JobPath and Tús schemes, which are similar to the community employment schemes that obtained in the past, are proving successful in getting people active and out to work and in restoring their dignity. I accept that some of these schemes are only stopgap measures but at least they are getting people out of their homes in order that they might obtain training, a small income and enjoy the camaraderie of their colleagues. If nothing else, it is better than staying home and looking at the four walls.

As I said at the outset, a number of years ago Ireland was in a bailout. This year the budget deficit will be €8 billion. We will be borrowing that amount to keep the country going rather than to pay the costs relating to the bailout or whatever. It is an awful lot of money. The plan is to gradually reduce the deficit to a manageable level in the coming years in order that we might get citizens back to work. Some young people who emigrated in recent years are beginning to return home. Like many others, I have been affected by emigration. I have two sons who are currently abroad and my dearest wish is that they will return to Ireland and obtain employment here.

I commend the Bill to the House.

**An Leas-Cheann Comhairle:** I call Deputy Finian McGrath, who is sharing time with Deputies Healy and Mattie McGrath. How much time does Deputy Finian McGrath propose to use?

**Deputy Finian McGrath:** How much time is available to us?

**An Leas-Cheann Comhairle:** The Deputies have 20 minutes.

**Deputy Finian McGrath:** I will use six or seven minutes and my colleagues can share the remainder.

I welcome the opportunity to contribute to the debate on the Social Welfare Bill 2014. I also welcome the positive aspects of the legislation. This is an important debate as we are dealing directly with people's lives, incomes and ability to survive. We must look carefully to the future and ensure all promised pensions are secure. It is important that we do not let down or ignore any legislative protection for deferred pension scheme members, particularly senior deferred members of the Irish airlines superannuation, IAS, scheme. I totally support the IAS scheme pensioners. I will not stand by and let what is happening happen. It is a grave injustice against

the deferred IAS scheme pensioners. I urge the Government to think again and row back on the grave injustice. All the pensioners want is parity of treatment.

I will give examples of real cases because we are talking about social welfare and pensions. These issues highlight the grave injustice that has been perpetrated on the IAS scheme pensioners. A constituent of mine wrote to me today and stated:

We are well aware you are under pressure with the issue of the Irish Water Board but this is not my concern. My concern is far more critical and will have far longer and more savage repercussions for as long as I live. This will be a bigger headache for you than the Water Board if you do not act to introduce [and support an] amendment.

Incidentally, I support it. My correspondence also states:

I worked for 36.5 years with Aer Rianta/DAA, leaving in April 2010 with a proposed pension deferred of €35,640 due on 1st Oct 2016. I was led to believe that my pension would be UN-coordinated (Page 4 of my DAA Letter of Offer 2010) with my State OAP under the scheme rules. Which means I could have expected [in the region of] €35,640+€11,487=€47,127.

[However,] DAA 2010 letter of offer proposed that at NRD €35,640+€11,487=€47,127.

Effect of coordination, €35,640-€11,487=€24,153.

Restructured pension will now reduce to €19,419.

Coordination will apply from NRD normal retiring date of 1st Oct 2016 despite the State OAP not applying until 25th July 2017.

10 months on an income of €19,419 a huge drop from what I signed up for in 2010. I'm sure the Dept who looked over and approved all financial dealings of DAA were aware of the offer being made.

Please also note that a) on my death, my spouse will be expected to live on 50% of my proposed savagely reduced pension and b) while civil servants and active employees of Aer Lingus and the DAA will be entitled to jobseekers' benefit until they reach State pension age at 66, 67 or 68, my pension will have the State pension proportion deducted from the date I will receive my first IASS payment.

The correspondence urges me to vote in favour of the amendment and right a glaring wrong. The constituent refers to his family:

Will you have me and my family in your thoughts next January when the Aer Lingus share price takes off and shareholders not even resident in this country make a fortune at the expense of the Deferred Members? Will you be one of the Members of this Oireachtas who stood by and let this happen?

I raise this tonight because I fully support the IAS scheme pensioners. There are many living across my constituency of Dublin North-Central and across the north side. I plead with the Government to have some common sense and end this grave injustice.

The Bill proposes a number of changes to a range of social welfare payments and requirements, including changes to the habitual residence condition and the family income supplement.

It seeks to transpose certain provisions of Directive 2010/41/EU and also proposes amendments to the Pensions Act 1990 in respect of notifying members of a defined benefit pension scheme whereby scheme benefits are being restructured under section 50 of the 1990 Act. That is essentially what the legislation is about. I mentioned pensions because they are referred to in the Bill. It reminds me of another constituent who wrote to me yesterday. He stated:

When I left Aer Lingus after 44 years of service, it was on the basis that my pension would be €44,682 PA. I was informed by the Trustees that this figure has been revised down to €26,411. As I'm classed as a Deferred Pensioner I have no representation at all to challenge this savage cut. This reduction is over 40%.

This is a grave injustice. This gentleman pleads with me to support him. It is important that I highlight this in this important debate. We are talking about social welfare and the welfare of our constituents, including pensioners.

Having already asked the Minister for Transport, Tourism and Sport and Minister for Social Protection, I now ask the Minister of State, whom I know listens to sensible proposals and understands a grave injustice when it is made known to him, to do his best to resolve the issue arising from the proposed cut of 60% to the pension entitlements of deferred members by the trustees of the IAS scheme by amending the Pensions Act 2009 in order to regroup deferred pensioners with pensioners in payment, as was the case up to 2009, through provisions of the Social Welfare and Pensions (No. 2) Act 2013. Will the Minister for Transport, Tourism and Sport sign the ministerial order and enforce the requirement in the 2014 legislation?

I welcome this opportunity and urge the Minister of State to listen to the IAS scheme pensioners. They deserve justice and are entitled not to have their rate cut by 60%. They deserve to be looked after in the future.

**Deputy Seamus Healy:** I welcome the opportunity to speak on this Bill. I wish to focus on what the austerity policies of the Government, including the Labour Party, have done to families and children. I include the austerity policies of a Labour Party Minister and Tánaiste. We know that families, including children, have fallen further and faster into poverty in Ireland than in any other developed country. That is despite commitments and promises made by the Labour Party in its 2011 manifesto and its famous Tesco advertisement during the course of the election campaign. I shall remind the House and public what the Labour Party said in that manifesto about children, families and older people. Under the heading "TIME FOR CHANGE", it states:

Ireland should be the best place in the world to grow up, and to grow old. It is a scandal that, despite a decade of prosperity, vulnerable children have been allowed to die for want of proper care; and that the privileging of profit in healthcare has put older people at risk of abuse by unscrupulous businesses. The Labour Party believes that it is time to put aside the 'me first' philosophy of Fianna Fáil, and to work together to build an Ireland that is a safe place for children ...

Under the heading "BREAKING THE CYCLE OF CHILD POVERTY", it states:

Child poverty in Ireland has remained stubbornly high ... Labour will adopt a radical new area-based approach to tackling child poverty ... [This] involves all of the existing state services, such as public health nurses, schools, childcare professionals, and social workers coordinating their efforts, with expert Irish and international support, to tackle every aspect of child poverty within Ireland's most disadvantaged communities.

These were the promises made.

We all remember the famous, or perhaps infamous, so-called Tesco advertisement that warned the public not to vote for Fine Gael, stating “LOOK WHAT FINE GAEL HAVE IN STORE FOR YOU!” There are six items in the advertisement. One of the main ones is a €252 child benefit cut, and it goes on to state, “FINE GAEL: EVERY LITTLE HURTS!” Of course, what happened was that the Labour Party reneged on those promises and the austerity policies espoused by the Labour Party, the very same policies that were put in place by Fianna Fáil and the Greens, have hugely disadvantaged and ravaged young people, children and families. Indeed, Labour Party budgets alone have taken up to €1,500 from families in child benefit.

Despite the so-called Tesco advertisement that warned not to vote for Fine Gael because it would reduce child benefit, the Labour Party went even further and reduced child benefit by up to €1,500 per family. There were cuts in the back-to-school allowance, maternity benefit and fuel allowance. Indeed, the recent 2015 budget widened the rich-poor gap by €499 a year. The result of all that has been that families have been decimated and a recent report by UNICEF tells the story only too well. According to UNICEF, Irish families with children have lost the equivalent of ten years of income progress and families with children have fallen further and faster into poverty than in any other developed country in the world. The child poverty rate, as measured by EUROSTAT, rose from 18% to 28.6%, an increase of 10.6 percentage points. This corresponds to a net increase of more than 130,000 poor children in Ireland. That is what the Labour Party has done for children in Ireland. The party has put 130,000 additional children in this country into poverty by the austerity policies that it has espoused over the course of recent years.

The UNICEF report goes on to state that Ireland ranks 37th out of 41 OECD countries, when UNICEF measures relative changes in child poverty. It states the recession and the policies have hit the 15-24 age group particularly hard. It adds that 18 OECD countries recorded a reduction in child poverty during the same period, including Chile and Poland, which saw a reduction of 7.9%. UNICEF states:

Countries should place the well-being of children at the top of their priorities during economic recessions ... Children living in poverty are more likely to become impoverished adults and have poor children, creating and sustaining intergenerational cycles of poverty.

The report goes on to state that it need not be that way. It states that for each country, the extent and character of the impact of the crisis on children depends on the strength of the social safety net and, most important, the policy responses of governments. This Government, this Minister and this Labour Party could have done it differently. They could have ensured that Irish children and families were protected. They promised that, they made that commitment in the course of the previous general election but, of course, they reneged on those promises and commitments. I say, “Shame on the Labour Party.”

**Deputy Mattie McGrath:** I am delighted to have the opportunity to speak on the Bill and I thank the Technical Group for that opportunity.

One must welcome the individual efforts, however meagre, made in the budget by the Minister. I welcome the increase in child benefit, although it is from €130 to 135 a month, in the living alone allowance and the partial restoration of the Christmas bonus. Those measures are welcome but there are many other areas across the Social Welfare Bill where little or no effort

has been made to look after the less well-off, the elderly, widows, carers, and a tranche of individuals and low-income families. Many in such families are unemployed, while others are working in low-income jobs and getting support from the family income supplement. With the never-ending stream of increases in the cost of living that have taken place, both through the Government's direct action and indirectly by forcing up the cost of commodities, every issue bears down on a family.

I have stated in the House on many occasions that it must pay a person to go out to work. We will never end the jobless situation, even though we had considerable work here, without making it viable for a man or woman to do a fair day's work for a fair day's pay, and we must try to get the unemployed out of the poverty trap. While reports have been mentioned, we do not need any of them. We use clinics and walk down towns.

Some of the legislation that has been introduced in recent years has made it more difficult and expensive to create employment, and there must be a radical root-and-branch review of the social welfare legislation, many other areas of legislation and proposed legislation. As an employer, I understand the delicacies and pressures in providing employment for small and medium-sized business trying to compete. The multinationals, while they are welcome to come here, may get grants but the small employer is not looked after. There are many areas in the Social Welfare Bill where that could have been addressed, and for the past seven years while I have been a Member, it has not been addressed. It becomes more cumbersome, difficult and expensive, and there is less of an incentive for employers to take on the unemployed to bring down the numbers on the dole queue. As I stated, there must be an incentive for a person to go to work. It cannot be the position that one is better off at home, which is not healthy or good. One must allow those who want to go to work to do so.

On the jobseeker's allowance, the cut introduced last year for young people is too penal. In the case of the vast majority of young people, it is not true what the then Tánaiste, Deputy Gilmore, stated at the time about them watching flat screen television. The vast majority of young people who go through education are educated and interested in finding gainful and meaningful employment but cannot do so. On the 70,000 jobs we heard of during the local elections, those jobs were in Australia or Canada.

There must be a situation where the unemployed feel empowered and allowed to work. JobBridge was mentioned on several occasions. While JobBridge is being abused, speaking from the point of view of the community, it has been very successful in communities with which I am familiar where community initiatives and community groups got the unemployed on internships and JobBridge. However, it is being abused where one sees unscrupulous employers using it to hire the unemployed as petrol pump attendants and for other jobs of which we all have plenty of evidence. That needs to be worked on as well.

As I stated at the outset of the monster that is Uisce Éireann being conceived, born and delivered, it is still a nasty baby, kicking and squealing and throwing toys out of the pram. The Government provided water allowances in the budget. They are taking away from a positive budget in ways, and going towards paying for fat cats in jobs in a super quango that was set up. It is interfering with the social welfare system to try to devise ways to pay back some of the moneys to be paid to the company when the basic problem is that the price of the water per cubic litre to be paid to this monstrosity, or as I called it, wild beast that has to be tamed, is too expensive because it must pay for consultants and big business. The Social Welfare Bill is being used to try to deal with the monstrosity that has been created, instead of dealing meaning-

fully with pending employment legislation to make it more attractive for employers to create more work and to be the creators of wealth by getting people to work. People are always happier when they are working. Most people I know want to have a job, play their part and pay their taxes, but also to be able to provide for a family and to educate them. It is a pity to see the Government stuttering and stammering. The Taoiseach said today that the water will flow, but at what price, and what pressure will be put on the social welfare system? Such money should be earmarked to be spent elsewhere in the system to support families, not to try to sweeten the pill that is Irish Water. The pill is bitter and will leave a toxic taste forever.

**Deputy Seán Kenny:** I wish to share time with Deputies Michael Conaghan and Brendan Ryan.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed. Deputy Kenny has five minutes.

**Deputy Seán Kenny:** The Social Welfare Bill 2014 gives effect to a number of significant social protection measures and improvements. First, there is an increase in the monthly rate of child benefit, which I welcome. Ireland as a nation is now coming out of the serious economic crisis it faced in recent years. While things are still tough the Government is able to give back some of what has been lost. Part of that is the restoration of child benefit, bringing the current rate from €130 to €135 per month, with effect from 1 January 2015. In the case of twins, the monthly rate of child benefit will increase from €195 per child to €202.50 per child. In the case of three children or more, the monthly rate of child benefit will increase from €260 per child to €270 per child per month with effect from 1 January 2015.

In addition to the measures on the monthly rate of child benefit provided in the Bill, budget 2015 also announced the introduction of a new back to work family dividend to provide an additional incentive for families to move from welfare to work. The details of the measure are being developed and the required legislation is expected to be introduced by the end of March in order that the back to work family dividend can commence in April 2015.

Further measures are provided for in the budget. One of them is the increase in the living alone allowance, effective from January 2015 and the payment of a Christmas bonus of 25% to certain social welfare recipients in early December 2014. That can be introduced by way of regulation by the Minister for Social Protection in advance of the dates.

Other social protection measures announced in budget 2015 relate to non-statutory schemes and do not require any legislative amendments. They are the new water subsidy of €100 per annum for all recipients of the household benefits package and recipients of the fuel allowance who do not already receive the household benefits package and the doubling of the number of employees supported by JobsPlus from 3,000 to 6,000.

Additional funding of €12 million is also provided in 2015 for the introduction of a new employment service known as JobPath, and additional annual funding of €2 million for the school meals programme.

Another element of social protection provisions in 2015 is the introduction of an amendment to the Bill which will retain the weekly earnings disregard for working lone parents who are in receipt of one-parent family payment at its current level of €90. Under the one-parent family payment scheme the first €90 of a person's weekly gross income is disregarded. That means a person can earn up to €90 per week and qualify for a full one-parent family payment. The amount was intended to fall to €75 per week next year and to €60 per week in 2016 but that

will not happen because the country is doing much better economically and such cuts are no longer needed. That is a further example that we are, thankfully, coming to the end of austerity. Some 28,000 working lone parents who currently get a one-parent family payment from the Department of Social Protection will benefit from the measure in 2015 at a cost of €8 million per annum.

Budget 2015 has also recognised the role older people have played in the recovery of the economy. Christmas can be a time of financial strain for many families and budget 2015 has secured a Christmas bonus payment of 25% for all people on long-term social welfare payments, including pensioners. The payment will benefit more than 1.16 million people.

Under budget 2015, the living alone allowance will increase by €1.30 per week, bringing the rate from €7.70 to €9 per week. That is the first increase in the payment since 1996 and will benefit more than 170,000 people. That, again, is an indication that we are moving out of the era of austerity.

I welcome in particular the 0.6% pension levy which was introduced to help fund the jobs initiative. It played an important role in the positive jobs trend, with 72,000 new jobs created since the peak of the crisis in 2012. The 0.6% pension levy will end in 2014 and the additional 0.15% pension levy will expire at the end of 2015.

The economy is doing better but we are still not out of the woods. There is a definite and tangible improvement in the finances of the State and it is only right that the upturn is reflected in how people are supported by the provision of social protection. That means we are stopping the planned cuts previously envisaged and increasing payments where possible. It also means restoring some of the cuts previously made. That is a process which will continue. I commend the Bill to the House.

**Deputy Michael Conaghan:** I just require a couple of minutes. I wish to draw attention to a few of the social protection initiatives in the recent budget. At the outset I refer to some of the broad, general principles underpinning the provisions. The principles in summary are as follows: first, to assist unemployed families to return to work; second, to help all families with the cost of raising children and; third, to give explicit recognition to the additional pressures on pensioners and people with disabilities who live alone.

Those are some of the principles underlying the measures. Now, I wish to give a little detail on a few of the main provisions. Under the heading of assisting people to return to work, there will be a new back to work family dividend for lone parents and the long-term unemployed. That will be of the order of €30 per child per week. A total of €12 million has been allocated to the measure for 2015. Second, the doubling of JobsPlus places from 3,000 to 6,000 will greatly incentivise employers to take on long-term unemployed people. The Minister has also devoted €12 million to the measure for 2015. Third is the provision of a further €12 million for the new employment support programme, JobPath, as my colleague, Deputy Seán Kenny, has just mentioned.

I wish to refer briefly to measures to support families with children. Child benefit will be increased by €5 per month to bring the support up to €135 per month for each child. Additional funding for school meals is included in this category of support. I pay tribute to all those who volunteer to distribute school meals within schools, who do the work diligently and without any payment.

Turning to the budget supports for older people and people with disabilities, the living alone allowance will be increased to €9 per week, an investment of €12 million per annum. A total of 177,500 pensioners and people with disabilities will benefit from the programme of support. It is worth noting that this is the first increase in this category of provision since 1996.

Finally, I wish to refer to the return of the Christmas bonus. It is a very special payment. The first instalment of the return to the full Christmas bonus was made by the Minister in this year's budget. A payment of 25% of the Christmas bonus will be made this year.

I commend the two Ministers, in particular, the Minister of State, Deputy Kevin Humphreys, who is carrying out his new job with great diligence and energy. I commend the Minister, Deputy Burton and the Minister of State, Deputy Humphreys, for their attention to the contributions of Members from all sides of the House. They have done their best to deliver the available funding.

**Deputy Brendan Ryan:** I have been a public representative since 2007, at the time when Ireland's economic growth was beginning to slow down. Recession hit in 2008, leading to the spectacular banking collapse which brought about the tragic introduction of the troika into our sovereign affairs. Throughout this entire period it has been those people in receipt of a social welfare payment, those who struggle to get by from week to week, who have been hit very hard. The first three budgets introduced by this Government were brought in under the strictures of the EU-IMF troika. Spending cuts in big spending Departments such as the Department of Social Protection, could not be avoided. People who only argued about individual measures were dishonestly ignoring that reality.

As a member of the joint committee on social protection and from Labour Party parliamentary party meetings I am aware that the Minister, Deputy Joan Burton, fought tooth and nail to protect, in so far as she could, the recipients of social welfare payments from the worst of the budget adjustments during this period. Labour protected weekly welfare payments, payments that had been slashed under Fianna Fáil. We protected the State pension, the carer's allowance and free travel. We protected a range of payments. Not everything could be protected, unfortunately, and reductions were made at this time. Any cut in social welfare has an impact. By definition those in receipt of social welfare payments are not wealthy people. Those of us in the Labour Party are keenly aware that these people are the ones most in need of support and help. This is why we have fought so hard in the first few years of this Government to ensure that social welfare recipients were not seen as low-hanging fruit for the troika.

In the multi-annual budget plan for Ireland, signed by Fianna Fáil when it brought the troika to town, budget 2015 was supposed to see a further €2 billion withdrawn from the economy. There is no doubt but if this has been the case, the Department of Social Protection budget would have been in line for further reductions. However, this Government is working to get the country back on the road to economic recovery and we are succeeding. That recovery is taking hold this year and as such, we have been able to deliver a budget which for the first time since the dark winter of 2008 contains no cuts. Instead of a €2 billion overall budget reduction, we have been able in a modest way to begin to increase some social protection payments. Child benefit has been increased, the Christmas bonus is being reintroduced and the living alone allowance is being increased to €9 per week. This will benefit 177,500 older people. I am especially pleased to see a return of €5 per month in child benefit payments, with a commitment to another €5 return in next year's budget. It is no secret that the €10 cut in child benefit payments in budget 2012 was most difficult for the Labour Party in particular. It tested the resolve of

many of our Deputies. At the time a number of us thought long and hard about our positions. In the end, the majority chose to remain and fight within the Government and to ensure that once we did emerge from the troika we would be there to make sure these payments were restored. This budget was the first opportunity we had to give something back and I am glad that with Labour in Government we are giving back to those most in need.

The re-introduction of a Christmas bonus payment in the form of a 25% payment is also welcome. I have always viewed the Christmas bonus as an important stimulus payment for local economies. The re-introduction of this payment constitutes a €63.5 million investment in local economies which will help local businesses sustain and create jobs. That is what this Government is about, creating jobs and bringing this country back to economic health.

In her time in office, the Minister, Deputy Burton, has shifted the focus of the Department of Social Protection from a passive, hand-out Department, into a more proactive, hand-up Department. New schemes like JobBridge and Gateway, while not perfect and not without their faults, have provided a pathway back to work for many in long-term unemployment. Community employment schemes continue to be protected and encouraged by this Government.

Like others, I await with interest the final decision regarding water services supports. In the initial proposals, €66 million has been apportioned for these supports through the household benefits package and for pensioners and people with disabilities. We all want certainty regarding Irish Water, its charges and its reliefs.

This is a positive budget, a budget which no commentator or opposition politician thought we could deliver six months ago. Many hoped we would fail, including some who have spoken about ten minutes before me. These same commentators and opposition politicians expected second bailouts, even greater economic collapse and increased unemployment. This Government has ensured we did not need a second bailout, and with this budget we proved that we did not need an onerous €2 billion adjustment.

I welcome this budget and the provisions contained in this Bill which see payments increased for vulnerable people. I look forward to continued economic growth next year and hopefully we are now in a position to continue to reverse some of the hardships visited on our citizens over the past few years.

**Deputy Billy Timmins:** How much speaking time have I?

**An Leas-Cheann Comhairle:** We are adjourning at 10 p.m., meaning 15 minutes tonight.

**Deputy Billy Timmins:** Is Deputy Durkan waiting to speak?

**Deputy Bernard J. Durkan:** The Deputy can relax.

**Deputy Billy Timmins:** I do not wish to deny Deputy Durkan.

I will table an amendment to the Social Welfare Bill on Report Stage, in view of the fact we will be unable to table it on Committee Stage. The amendment will propose the removal of the requirement to include the PPS number on the water registration form to be returned to Irish Water. This measure was sneaked in during discussion of the Pensions (Amendment) Bill by the Minister for Social Protection without any debate-----

**Deputy Kevin Humphreys:** It was dealt with in the environment committee.

**Deputy Billy Timmins:** If the Minister of State will bear with me I will deal with that presently. I congratulate the Minister of State on his appointment. The measure was included in the Pensions (Amendment) Bill with very little debate. There is an obligation on the Government to explain the reason for the inclusion of the PPS number. I can take or leave the concept of the inclusion of the PPS number. The Minister of State is correct. All the members of the committee agreed in the June 2012 water provision report that the PPS number would be used as a means of supplying data to Irish Water. No member expressed opposition to it.

It is important for the Government to explain the background to this decision. I am not opposed to the concept of its inclusion but I wish to afford the Government an opportunity to deal with the issue head-on because some people, in particular, Sinn Féin Members, have flip-flopped on the issue.

With regard to welfare fraud, respective Ministers have always stated that they have bottomed out on what can be recovered from welfare fraud. Welfare fraud is often associated with a person double-claiming a social welfare benefit such as unemployment benefit but a large proportion of welfare fraud is unintentional. There is deliberate welfare fraud and there is unintentional fraud, which I hazard is probably the lesser of two evils. I refer to the older person who is a pensioner who may come into property or cash assets. It is not always the case that a person knows he or she is doing wrong and this is evidenced by the fact that many people never claim certain tax reliefs to which they are entitled, such as for waste collection charges. When the Department is dealing with such elderly people I ask that they deal with them in a sensitive manner. I have four or five cases in which people have been caught for fairly substantial sums. I can understand the Department's position but I can see how this situation came about in that it was an unintentional consequence of developments over a ten or 15 year period. If a departmental inspector writes to such people to say they owe €50,00 or €80,000 and demands payment I ask if the inspector would visit the person and explain what is going to be done and help them to work out a mechanism for repayment.

I ask if possible that those figures be published so that we can see the breakdown of welfare fraud in that many instances could involve inadvertent receipt of an old-age pension or a carer's allowance. It would help to clarify that fraud is not always a case of someone skiving all the time. I have come across a case whereby someone who was receiving carer's allowance appears to have been defrauding the individual for whom they were caring. Someone being looked after is generally elderly or vulnerable, but people who receive carer's allowance are not vetted unless they are employed by an organisation or agency. Those in receipt of carer's allowance on an individual basis are not Garda vetted. I will not elaborate on Garda vetting; if one is Garda vetted once it should do for everything, whether it be a GAA club, carer's allowance or a ping-pong organisation. Those in receipt of carer's allowance on an individual basis should be vetted, irrespective of whether they are caring for family members.

When speaking on welfare issues, people like to race to the concept of populism. Many social protection measures are a requirement. I saw that if rent supplement was higher in one health board region than in another, the rents there were also higher. It is very important that those who are vulnerable and in need of rent supplement receive it, but a higher rent supplement should not drive up rents. We must get the balance right. In establishing who is entitled to rent supplement, it is important to have a standardised concept of housing need as opposed to housing desire and to differentiate between the two. Many local authorities do not do so.

One will always argue welfare benefits are not substantial enough, but I believe in the con-

cept of taxing all welfare benefits at a basic rate, in which case in the first instance the benefits should be increased by the amount of taxation. I am not stating the actual amount of money people receive should be reduced, but to tax it and increase it accordingly so people can buy into society and have a role to play. There would be no cost to the Exchequer, but people would feel they are paying back something and making a contribution to society. This is important because there is nothing worse than being told one has never paid a penny tax in one's life. Many welfare benefits are earned and we should examine this concept. I emphasise I am not stating benefits should be reduced, but that they should be taxed and increased accordingly. When it comes to welfare issues, most Members of the House are pragmatic, reasonable and compassionate people and philosophically there is no great political divide.

There is a letter in today's *Irish Independent* from Donna Hartnett from Cork. She is a hard-working woman who wrote about getting out of bed in the morning at 6.30 a.m. and sending her children to school, the hard life she has and how she will not pay certain charges. A total of €19.4 billion out of a total of €50 billion, which is almost 40%, will be spent in 2015. One of the main faults with welfare in this country was shown where the Minister spoke about sharing the fruits of the recovery and giving the greatest proportion of the gains to those on low and middle incomes. Social protection should be about assisting people and not dividing the cake, sharing the fruits of recovery or giving the greatest proportion of the gains. It should be about assisting people so they can participate fully in life. Funding should be provided, but it should all be aimed at building up people's self-esteem and integrating them so they play a full role in society. It should not be a case of siphoning them off with a certain amount of financial benefit. The Minister stated having a job is the single best protection against poverty and I agree with this.

The best way to ensure people get jobs is through certain policy mechanisms, one of which is housing. Our record in this country on social housing has been deplorable. We are all familiar with local authority housing estates and I cry for people because of the conditions in which they must live due to the design of these housing estates, particularly two up two down apartments for elderly people or young couples. It is crazy. There is no space to play. I plead with the Minister for the Environment, Community and Local Government not to rush out and build 2,000 or 3,000 social houses, but to ensure he gets it right before anything is put in place. It should not be a matter of producing the numbers. Early intervention in education is also very important. We can all go into primary schools in our constituencies and identify the children who will have difficulties. Putting resources into early intervention in education will not be a guarantee of outcome but surely it could guarantee equality of opportunity and we should strive to do so.

I welcome the back to work dividend. Child benefit increased by €5 and I am a beneficiary of it myself. The living alone allowance increased by €1.30. The time has come to tax children's allowance, perhaps with a cut-off point, because it is not equitable. I am aware people state it is the one payment that goes to a mother or a father. The living alone allowance has been increased by €1.30 to €9 a week for pensioners and people with disabilities. I wonder whether there is a more desirable spending mechanism. It may be very difficult to calculate. Everybody speaks about the increase in child benefit and the Christmas bonus of 25%. Are we responding to soundbites? Are we thinking about the next general election, when people might say the Labour Party got rid of the Christmas bonus-----

**Deputy Kevin Humphreys:** Fianna Fáil did. It was the last lot.

**Deputy Bernard J. Durkan:** It was that lot over there.

**Deputy Billy Timmins:** I should have known with Deputy Durkan at the wheel it would not have happened.

**Deputy Bernard J. Durkan:** I am keeping an eye.

**Deputy Billy Timmins:** People state they returned the Christmas bonus and that others took it away or took a euro from old age pensioners. I am concerned that often we introduce policy measures to counteract slogans rather than deal with issues.

I totally disagree with the €100 supplement for water allowance for people on home care packages and the free fuel allowance not because I believe they should pay the full whack, but because the entire mechanism of Irish Water should have been based on an educational programme, grants for harvesting rainwater and a breakdown of potable water and grey water used. An allowance of potable water should have been provided to meet the requirements of an individual. The emphasis should have been on the allowance rather than a grant or tax reduction. An argument may be made this would give rise to on balance sheet payments or a subsidy to Irish water, but everyone should have free water for their drinking and living needs and where potable water is used for greywater needs there should be a charge. A mechanism or grant scheme should have been in place to assist people harvest greywater.

I believe it is more important to teach someone how to fish than to give him or her a fish. I also believe that those who are vulnerable should be looked after, but we must remember someone must create the wealth to provide the budget of €19.4 billion. In recent days I heard someone state the Government made a choice to develop Newlands Cross rather than build social housing. How will we create wealth if we do not invest in infrastructural projects? How will we get the money to pay for education and social protection unless we invest? It is not a case of one or the other; one must try to do both and get a balance between them.

I am a great believer in workfare instead of welfare. In recent years the Government has moved towards this and put a toe in the water, but now it has become concerned because this may not be populist. What I mean by workfare is that an unemployed architect would work in the local authority where he or she might be needed. It is about giving people self-esteem. It is not about getting people out to sweep the roads or wash signs. It can be about people assisting in hospitals or teachers working as classroom assistants. I am sure the majority of people would rather do this for their basic payment. We can speak about JobsPlus and JobBridge as a move in this direction, but we need to be more definite. Those who are vulnerable and need to go on long-term benefit, sickness allowance or invalidity pensions should receive them, but after a certain period of time on unemployment assistance or benefit one should move to workfare instead of welfare.

Debate adjourned.

### **Message from Select Sub-Committee**

**An Leas-Cheann Comhairle:** The Select Sub-Committee on Finance has completed its consideration of the Irish Collective Asset-management Vehicles Bill 2014 and has made amendments thereto.

11 November 2014

The Dáil adjourned at 10 p.m. until 9.30 a.m. on Wednesday, 12 November 2014.