



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 12 Samhain 2014

Wednesday, 12 November 2014

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

EU Programmes

1. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the progress made to date in getting approval of the rural development programme from the EU; his plans to publish a copy of the issues raised by the EU in relation to the rural development programme; the nature of these issues; when a reply will issue to the EU on these matters; if there will be public consultation before the reply issues; and if he will make a statement on the matter. [43095/14]

Deputy Éamon Ó Cuív: We were told that the rural development programme would be in place well before the end of the year. I understand that observations were made to the Department. Does the Minister intend to publish those observations and will he clarify when the response from the Department to those observations will be submitted to Europe?

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I ask the House to indulge me before I answer that question. I wish to pay tribute to the former Deputy Joe Walsh, who died in recent days. I think he was Ireland's longest serving Minister for Agriculture and he made a very significant contribution to modern agriculture in this country. He is someone I knew well and respected very much. I wish to pass on my condolences to his colleagues in Fianna Fáil, his friends and family. It is appropriate to do that during questions on agriculture on the day after his funeral.

On Deputy Ó Cuív's question, the draft rural development programme, RDP, was submitted to the European Commission on 3 July 2014, a number of weeks in advance of the regulatory

deadline. Due to the Commission's heavy workload in dealing simultaneously with 118 RDPs, its formal observations on the draft RDP, which were due on 3 October 2014 were not received until 20 October 2014. Since then, my officials have been systematically working through the various informational, technical and policy matters raised by the Commission. A detailed response to the Commission's formal observation has issued.

The next step in the approval process will be a period of bilateral discussion with the Commission. It is difficult to predict exactly how long these discussions will last, given the resource constraints in the Commission and the need for the Directorate-General for Agriculture and Rural Development to co-ordinate with the range of other directorates-general which have commented on the draft RDP. Following agreement of the RDP via these bilateral discussions, the RDP must go through a formal adoption process in the Commission.

It would be a matter for the Commission as to whether it wishes to make available a copy of its observations. Those observations were essentially structured in a question format. There were 266 questions asked, many of which were technical in nature, seeking clarification on costings, legal references and so forth. If it would be helpful, I will appear before the Oireachtas Joint Committee on Agriculture, Food and the Marine, along with officials from my Department, to go through the questions that were asked, identify areas that may be problematic and so forth.

I am still hopeful the RDP will be approved before the end of the year but that timeline is now very tight. As Deputy Ó Cuív knows, that has implications in terms of launch dates for new schemes and so forth. My priority is to get this done as quickly as possible, but obviously because a lot of money is being sanctioned by the Commission, we need to make sure that all of its questions are answered.

Deputy Éamon Ó Cuív: I thank the Minister for his reply. Will he outline why he cannot publish the observations? While I welcome his offer to come before the Joint Committee on Agriculture, Food and the Marine, I believe that members of that committee would be at a disadvantage if they did not have a copy of the Commission's observations. Has the Minister asked the Commission for permission to give Oireachtas Members the Commission's observations and the Department's replies to same? I understood that the change in Government was all about openness and inclusivity, particularly with regard to Oireachtas Members, the elected representatives of the people. Will the Minister explain why he cannot publish the Commission's observations and the Department's response to them?

The Minister also said that the timeline is very tight in terms of getting approval before the end of the year. Can I take it that the green low-carbon agri-environment scheme, GLAS, will definitely not open before Christmas? It seems we are already a month or two behind where the Minister had hoped we would be at the beginning of the process.

Deputy Simon Coveney: The direct answer to the Deputy's last question is "No". We will still be pushing for the adoption of the RDP and the opening of GLAS before the end of the year. That said, there are some things that are outside of my control. The Department had a very quick turnaround time following receipt of the questions from the Commission because we are very anxious to expedite this process and get decisions made and approval granted as quickly as possible. I have made that known to the new European Commissioner for Agriculture and Rural Development whom I met this week. We are still pushing hard to stay on schedule and to get the RDP approved as soon as possible. We think that it is still possible to do it before

the end of the year. We want to open up GLAS as well as several other schemes, the targeted agricultural modernisation, TAM, schemes in particular, in January and February of next year. We are anxious to get on with that but obviously the timeline is tight.

On the question of publication, I can publish the observations if I want to. I do not think there is any legal impediment to doing so and I am willing to publish them. However, I am not sure that publishing 266 questions, most of which are very technical or legal, will add anything to the process. Instead, I propose that I appear before the aforementioned committee to go through the different areas on which the Commission has asked questions, to contextualise some of those questions and outline our responses to them. I do not have any fundamental objection to publishing the observations but I do not want to give an impression that there is some fundamental problem here when there is not. It is normal that there would be a lot of questions asked of a document as large and as detailed as our RDP.

Deputy Éamon Ó Cuív: I would have presumed, from my experience, that there would be a lot of questions. Indeed, I have never seen a situation where the Commission did not have an awful lot of questions. None of this would faze me, I have to say. I would not make a big issue of it. I would like to see the questions, the direction and the responses. If they are legalistic, we will deal with that too because we are legislators after all.

Does the Minister intend to review his Department's proposals for both GLAS and the areas facing natural constraints, ANC, scheme in the context of commonage areas? Is the Minister willing to meet concerned Deputies about this issue? There is huge concern in the counties that have large amounts of commonage. Their calculation is that the proposals put forward by the Minister will take €17 million per annum out of the commonage areas and transfer it to other parts of the country.

Deputy Simon Coveney: I believe the Deputy is referring to the calculation that some people have made if the Commission had implemented what it was proposing for a flat rate payment across the country.

Deputy Éamon Ó Cuív: It has nothing to do with that.

Deputy Simon Coveney: It would never have happened, because the country would have been broken up into different regions, with different flat rate payments for different regions. That is a spin some people have been putting on this-----

Deputy Éamon Ó Cuív: That is the spin the Minister is putting on it. Check that with the Commission.

Deputy Simon Coveney: -----and it is not based on fact. As the Deputy knows, we have held meetings regarding the concerns of commonage and hill farmers about qualification for single farm payment, stocking rates, problems of destocking and under-grazing, eligibility for GLAS and the process of applying for GLAS payments. We have spoken about that a number of times. Deputy Kyne has also raised it with me repeatedly.

We are trying to show as much flexibility as we can, to reflect the realities of commonage farming, while at the same time ensuring we get approval from the Commission and that we do not get a significant fine or disallowance from the Commission due to implementing something inappropriately. We are continuing that process.

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Yes, I will meet Deputies from areas that are concerned about this to discuss what we have been doing. I virtually have a daily conversation with Deputy Kyne on this issue and I have also spoken to Deputy Ó Cuív about it on many occasions, both on and off the record.

GLAS Eligibility

2. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the concerns of active commonage farmers regarding implementation of, and criteria for, the GLAS scheme; and the action he proposes to alleviate those concerns. [43097/14]

Deputy Martin Ferris: The issue I wish to raise is the criteria for, and the implementation of, GLAS and what actions the Minister proposes to take in respect of the concerns expressed by farmers who wish to participate in this scheme. There are a number of questions. When can they expect their first payment for GLAS? Will farmers be allowed to enter GLAS as individual farmers? When will the management plan be initiated and who pays for it?

Deputy Simon Coveney: On the timing of it, I hope to get approval from the European Commission before the end of the year to enable us to open GLAS before the end of the year. I have spoken to farming organisations about the process by which farmers will apply. We are trying to let approximately 30,000 farmers into GLAS in one go. That means there could potentially be 35,000 to 40,000 applications. Each farmer, and a collective of farmers in the case of commonage, will have to sign up to a GLAS plan, and that process will take time. We estimate that it will take at least five months to allow so many applications, as a planner will have to be attached to each one. There are only approximately 400 planners in the country outside of Teagasc. Everybody has accepted that if there will be that many farmers coming into the scheme in the first tranche, it will take some time. My priority is to get as many farmers into GLAS as possible, and to get them into the scheme through an application process that everybody understands and in which they have time to apply for it.

There will be an approval process after the application process, which will also take a couple of months. All the applications will be online, so we should be able to do it relatively quickly. Certainly in the last quarter of next year we should have farmers into a five year GLAS scheme and they should start getting payments for it before the end of the year. That is the process on which we are working. It is the process I have outlined for the last six months in consultations with farming organisations and so forth. If we cannot get the rural development programme, RDP, approved, everything will be delayed slightly. However, we are pushing as hard as we can to get the RDP approved as soon as possible.

I am anxious to get a large number of commonage farmers into GLAS. However, commonage farmers farm collectively - that is what commonage is about - so there must be a commonage plan in the commonage areas which farmers farming in those areas, or at least a portion of them, sign up to in order to qualify for the scheme. As I said earlier, we are trying to be as flexible and reasonable as possible, reflecting the different realities of commonage farmers, while at the same time trying to ensure we get approval from the Commission because much of this money is European money.

Deputy Martin Ferris: The Minister's reply indicates that there will be no payment before the end of next year.

Deputy Simon Coveney: The last quarter of next year.

Deputy Martin Ferris: People who are coming out of schemes will have no payment for over 18 months. That will create financial difficulties for the smaller and weaker farmer. Regarding commonage and getting farmers to sign up to a plan, I appreciate the difficulties that will present. Getting everybody or even 50% of people to agree on something will itself create huge difficulties. I welcome the fact that according to the briefing we were given recently, the Department is taking a far more flexible approach to this. That should be encouraged. If only one farmer out of five is prepared to sign up for it, he should not be penalised if the other four do not. I hope that will be provided for.

The Minister said that applications and a GLAS plan can be done without an implementation plan being completed. That is my understanding of the Minister's reply. That means the process can move forward as we wait for the implementation plan, particularly with regard to commonage areas.

Deputy Simon Coveney: It is important to clarify that regardless of how many shareholders are in the commonage, if a commonage area is to qualify for payments under the GLAS scheme, there must be an expectation, indeed a reality, that certain actions will be taken on that land that go beyond what is required under the basic payments scheme. Under the regulations there must be some added value environmentally from the GLAS scheme. That is the point of the scheme.

We are trying to facilitate a situation whereby half of the active farmers in a commonage area, or half of the land in a commonage area that is being farmed by the farmers, would buy into a commonage GLAS plan for the commonage. They can work through their individual planners if they wish, but they must be working towards one agreed plan. We can then say to the Commission that these are the actions we are paying for and this is what will be done in this commonage to draw down the payments of €5,000 or €7,000 per farmer or shareholder in the commonage. That is the conversation we are having. We cannot simply do away with all of the requirements. There must be a commitment by a portion of the shareholders in the commonage area to ensure that there is added environmental value in that commonage area. From the Commission's point of view, GLAS is not an income support but an investment in an environmental scheme, which is why one must qualify for it.

Deputy Martin Ferris: With regard to an overall plan for a commonage area, is the responsibility to pay for that on the people who are applying for GLAS or will the Department pay for it? It appears that if only a small number of people buy into it and there is an overall plan, the onus of paying for it falls on the person who is a recipient. If only two out of five take up the scheme and the other three do not, the two are improving the commonage for the five, even though only two people are buying into it.

Deputy Simon Coveney: Everybody who applies for GLAS must pay the planner for their GLAS plan.

Deputy Martin Ferris: What about the overall plan?

Deputy Simon Coveney: There will be an individual commonage GLAS plan for each commonage. There is no same overall plan for all commonage areas. There was an idea, and we have moved away significantly from it, that the overall commonage framework plan would implement and force a commonage framework plan on each commonage area. We have in-

stead moved towards a basic stocking rate requirement on disadvantaged lands and commonage lands to try to make it as easy as possible for farmers to implement. We have said there will be flexibility in terms of the levels of stocking individual shareholders and farmers will apply. We are in discussions with the Commission on whether somebody who has an agreement with another shareholder to cover his or her stocking rate can qualify to be part of the farming and management of that commonage. One example of the flexibilities we have discussed with the Commission are cases where, for example, somebody has an interest in two or three different commonage areas, decides to put stock in one of them and agrees with other shareholders on the other two to cover the stocking rates which would otherwise apply. Such issues have been raised with me and my officials.

Let me be clear. We cannot simply design this scheme to our own liking. It needs European Commission approval because it is funded through the RDP programme which is co-funded by the Commission. It is a fair issue to raise and we are trying to deal with it.

Beef Industry

3. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the way he sees the formation of beef producer groups benefiting farmers dealing with the meat processors in view of the limited number of operators in the beef sector; and if he will make a statement on the matter. [43099/14]

Deputy Thomas Pringle: My question concerns beef producer groups, about which the Minister has made many claims in the negotiations with beef sector and farmers. How will things work in practice, given the lack of competition in the beef sector?

Deputy Simon Coveney: I thank the Deputy for asking this question and I am very pleased to have an opportunity to outline what I think beef producers in Ireland can do. As the Deputy knows, as Minister I cannot get involved in influencing price directly. I have received two letters from the Competition Authority, which made very clear how far the beef forum can go on a series of issues and where it cannot go in regard to trying to influence price directly. We can, however, try to restructure the beef industry in a manner that ensures farmers increase their negotiating capacity in areas such as price, specifications, conditions in the market and the information flow between processor and farmer on what the market needs, when it needs it and so on.

Producer organisations in other parts of Europe represent large numbers of farmers collectively and negotiate on their behalf, which leads to better outcomes than we have here. One of the major weaknesses in the beef sector, which is not found in the dairy sector, is that farmers, in effect, are price takers when they bring cattle to factories. No negotiation takes place. Farming organisations need to apply a lot of pressure through protest and so on if they are unhappy with prices.

There is a better way of doing things, whereby 1,000, 2,000 or 3,000 farmers who are producing beef would be represented by a farmer-owned producer organisation which would negotiate on their behalf. It would be responsible for communication between the marketplace, represented by processors or retailers, and the primary producers, that is, farmers, to make sure they were getting the fairest deal possible from the marketplace. That would fundamentally change the balance of negotiating power between farmers and factories, something which is

currently being expressed through protest.

There has been a public consultation process on how the different stakeholders would like to see producer organisations working. It is also in the interests of processors, because they will have a much more professional negotiating system with primary producers in terms of ensuring quality, specifications and all the other elements. We intend to push on with this and have approval from all of the stakeholders in the beef forum to do that.

Deputy Thomas Pringle: It is true to say that farmers are price takers because they have no choice. There is no competition in the beef sector in this country. There are three major players, one of which is dominant. Over the past 20 years many small abattoirs have been put out of business as a result of increasing regulation. They have been taken out of the buying market for beef, which leaves only three factories remaining.

If a farm producer organisation pulls together 1,000 farmers and negotiates a deal which necessitates the transport of cattle, what use is it to them? The fundamental problem is that we do not have competition in the factory sector and farmers are forced to be price takers. The proposed solution is just papering over the cracks. It will probably streamline the process for the factories, remove the threat of protest and allow them to continue as normal.

Deputy Simon Coveney: I and others totally disagree with the assessment of the Deputy. That is why everybody in the sector, including farming organisations, is willing to facilitate the introduction of producer organisations. The processing industry is willing to consider the proposal. It has no choice, because we are going ahead with it. The process is about increasing and improving farmer representation. It is true to say that there are three large players in the market, but there are many other processors. It is not true to say that only three processors are killing cattle. There are also live cattle exports, which have been used to introduce competition into the market for cattle. Such exports include cross-Border live cattle exports, as well as to places like north Africa and other parts of Europe. Live cattle exports increased significantly this year.

I do not accept the accuracy of the Deputy's assessment of the marketplace. Producer organisations work well in other countries which also have large processors. We should not forget that 90% of our beef has to find a home, consumer, buyer and client outside Ireland. To facilitate that trade, we need processors which have scale. The Competition Authority makes sure they are not abusing that position, but we can restructure the marketplace to increase the negotiating power of farmers through POs which will be owned by farmers. That is a good thing, and the Deputy should welcome it.

Deputy Thomas Pringle: Time will tell. We will see in a couple of years' time whether farmers will be protesting again. The fundamental problem is that the market is controlled by too few operators. I am sure international markets have competition authorities which have the teeth to be able to investigate markets which are not functioning correctly. It is not that long ago that the Competition Authority made public statements to the effect that it could not carry out any investigations because of staffing issues. Would the Minister be willing to call in the Competition Authority and ask it to investigate the beef sector if producer groups do not achieve the goals set for them by the Minister?

Deputy Simon Coveney: There is no need for me to call the Competition Authority, although we have spoken to it, because it contacted us about the beef forum to understand what is going on. It is very plugged in and engaged on beef issues and has examined the beef market.

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I could quote statistics on beef prices all day in terms of average EU prices, EU 15 prices, the comparison between Ireland and Britain and so on, but the Competition Authority is an independent statutory body, as it should be. If there is evidence that inappropriate behaviour is occurring in the beef sector, I am confident it will intervene, but it has not done so.

My job is to try to ensure a beef forum works in all of the areas where it should be influencing and developing policy, and that is what we are attempting to do today. We will get a lot done today at the beef forum on a series of areas such as weights, age, base price, increased transparency in receipt dockets and other areas about which farmers have expressed concern to me over the past 12 months. That is what it should be doing.

Fish Farming

4. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if he will provide details of the interaction he has had with representatives of the salmon farming industry in the past year; the main issues they raised with him; if he has met any delegations from companies representing this industry; and if he will make a statement on the matter. [43096/14]

Deputy Éamon Ó Cuív: As the Minister knows, I have serious concerns, which I have expressed previously, about the dual role he plays in regard to aquaculture. His Department is meant to promote aquaculture, but on the other hand he is the policeman who issues licences. Will he outline to the House the discussions he has held with the aquaculture industry in the past year?

10 o'clock

Deputy Simon Coveney: I have had many discussions with various players and stakeholders in the area of aquaculture as this is something Deputies and Ministers do all the time. I speak of discussions with non-governmental organisations, people with concerns relating to licensing systems and companies. This is part of my job as the Minister with responsibility for the marine, aquaculture, fisheries and the development of a sustainable industry with a licensing system appropriate to sustainability. I act on the basis of the legal, scientific and environmental advice on applications that I receive from other State agencies. We have a strict process for this and the interaction between my Department, the National Parks and Wildlife Service, the Marine Institute, Bord Iascaigh Mhara, the environmental pillar and other stakeholders shows I listen to everyone. It is my job to listen and put policy in place and ensure the licensing system functions appropriately. I am involved in the licensing system but it also has an independent appeals process.

I think Deputy Ó Cuív may be referring to recent media reports on a meeting I had with Marine Harvest. On 30 January I met with representatives of Marine Harvest Ireland. The meeting was chaired by the Taoiseach, and officials from the Department of the Taoiseach and my Department were also in attendance. The meeting was held at the request of the company to discuss licensing and industry development issues associated with the company's operations in Ireland.

As is appropriate, it was explained from the outset that specific applications which the company submitted to my Department for consideration could not be discussed in detail in view of the statutory basis of the assessment process. It was also made clear that the Galway Bay

licence issue could not be discussed, and I know the Deputy is concerned about this, although it has nothing to do with Marine Harvest. It was felt that such a discussion would not be appropriate and it is important to be upfront about these things. I often meet companies to encourage job creation and investment in Ireland and I also meet people with interests in the aquaculture industry. Equally, I meet people with concerns relating to the aquaculture industry to ensure the licensing system functions properly.

Deputy Éamon Ó Cuív: I asked if the Minister would provide details of his interactions with the salmon farming industry in the past year and the main issues raised. I also asked him to outline whether he has met delegations from companies representing the industry. The Minister's reply is totally inadequate. He referred to a meeting that took place on 30 January because he knows the minutes of that meeting were made available through a Freedom of Information Act request and are a matter of public record. Has the Minister had other meetings with people in the salmon farming industry? I did not ask anything about Inland Fisheries Ireland, IFI, or any other body. If the Minister had other meetings with people in the salmon farming industry, when did they take place in the past year and what companies were involved?

I note that the Minister of State, Deputy Joe McHugh, attended the meeting referred to and it is not normal for a backbencher, which he was at the time, to do so. Did Deputy McHugh attend any other meetings or did he request other meetings on behalf of salmon farming companies in the past year?

Deputy Simon Coveney: I think Deputy Ó Cuív is trying to create smoke where there is none. I understand Deputy McHugh attended the meeting because the headquarters of Marine Harvest, where many people are employed, is in his constituency. I do not remember the details but I suspect Marine Harvest requested a meeting with the Taoiseach and me through Deputy McHugh. I believe such a request was also made directly to the Taoiseach. The international CEO of Marine Harvest was in Ireland at the time and it is not unusual for a Deputy from a constituency affected by such a meeting to attend, especially given that, in this case, he was asked to facilitate the meeting.

I went to Bergen in Norway for the North Atlantic Seafood Forum and, while there, I had a number of meetings with salmon farming interests, including Marine Harvest, and other companies. It is easy to send the Deputy the details of these meetings as minutes were taken at all of them, as far as I can remember. Such meetings are merely examples of me doing my job as a Minister who is trying to promote Ireland as a location for food and aquaculture investment. I made it very clear at all of the meetings, with Marine Harvest and the other entities, that the licensing system in Ireland is tough. We are trying to put a fair system in place that can allow applicants get fair consideration and reassure people that the licensing process is sufficiently robust. I have a responsibility to perform a balancing act in this regard and I take it very seriously.

Deputy Éamon Ó Cuív: The Minister will confirm therefore that he is responsible for granting and refusing licences. What did Marine Harvest mean when it requested that a champion, as it put it, be put in place? Was this the reason Deputy McHugh became the Minister of State with responsibility for both Gaeltacht affairs and, strangely, natural resources? We know Údarás na Gaeltachta supported the salmon farming industry. Is the Minister of State, Deputy McHugh, the champion Marine Harvest sought in the Government?

Deputy Mattie McGrath: Not yet.

Deputy Simon Coveney: No, Deputy McHugh was appointed as a Minister of State with responsibility for areas relevant to his constituency. This applies to the promotion of the Irish language and his other responsibilities. Regardless of who is Minister of State, my job is to ensure there is a robust and legally sound system whereby my Department considers applications in conjunction with the relevant agencies and other Departments, especially the Department of Arts, Heritage and the Gaeltacht.

Deputy Éamon Ó Cuív: What about the Department of Communications, Energy and Natural Resources?

Deputy Simon Coveney: The Department of Communications, Energy and Natural Resources is also consulted.

Deputy Éamon Ó Cuív: It is even more important that the Department of Communications, Energy and Natural Resources is also consulted as it has IFI-----

An Leas-Cheann Comhairle: The Minister has the floor.

Deputy Simon Coveney: Deputy Ó Cuív is correct but the evidence is that I have not granted a single salmon farming licence in three and a half years. He seems to be accusing me of being a patsy to the industry who waves licences through. Not one such licence has been granted. Only in the shellfish sector have licences been granted because we are putting in place a system that works, unlike the previous Government, which made a bags of it. We assess many bays that are special areas of conservation.

I take a very cautious approach to salmon farming because there are concerns in the area but I promote the right type of salmon farming. I want to ensure it is done properly and in a sustainable way in order that we can stand over it on a licensing and from an environmental perspective. This is how I make decisions.

Beef Industry

5. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he will report on any progress on the issue of a single label for Irish beef and his negotiations with British retailers regarding the nomad cattle issue. [43098/14]

Deputy Martin Ferris: The Minister, his Department and Opposition spokespersons have engaged with farming organisations to try to resolve the issue of so-called nomadic cattle. I refer to cattle taken from the South to be processed in the North. Can the Minister outline his negotiations with factories on this? Is there light at the end of the tunnel?

Deputy Simon Coveney: As the Deputy is aware, there is a commercial preference at UK retail level for simple origin labelling bearing the name of a single country of origin only. It must be recognised that this commercial purchasing strategy has facilitated the sale in major UK retail outlets of large quantities of beef from cattle born, reared and slaughtered in Ireland. However, it adversely affects the market for beef from cattle of mixed origin, such as those traditionally exported to Northern Ireland for fattening and slaughter. I have been pro-active in supporting this traditional trade and have met my counterpart in Northern Ireland, the Minister, Ms Michelle O'Neill, MLA on a number of occasions. We have also written jointly to the three UK retailers which currently stock Irish beef - Tesco, Asda and Sainsburys - asking

them to consider a new mixed label for animals born, reared or slaughtered in both jurisdictions on the island. Minister O'Neill has also approved a voluntary beef label in Northern Ireland for cattle born in the Republic of Ireland, raised in the Republic and, or, Northern Ireland, and slaughtered in Northern Ireland. This label would facilitate the sale of beef from animals born in the South and slaughtered in the North if retailers were willing to stock the product carrying this label. At this stage, the voluntary label has been approved by the authorities in Northern Ireland but, of course, the question of using such a label is now a commercial matter between processors and retailers in Northern Ireland and elsewhere in the UK.

I will continue to pursue this and other matters with the major retailers. To this end, I invited a representative of Tesco to the last beef roundtable meeting and a very useful exchange of views took place with all of the stakeholders in the sector. I also recently met the Minister, Ms O'Neill, MLA, and the Northern Ireland Retail Consortium, NIRC, in Dublin to explore the labelling issue further. In summary, the NIRC advised me that its members have considered the mixed label issue in some detail and have concluded that for the moment they are not prepared to change their labelling policies. At that meeting both the Minister, Ms O'Neill, MLA, and I received a clear message from the retail sector that labelling policies will remain unchanged for the present for a number of reasons including consumer preference and logistical difficulties within the supply chain. However, it was agreed to keep the matter under review and I will continue to engage with the NIRC in this regard.

In terms of live exports to Northern Ireland this year, I confirm for the Deputy that total exports to Northern Ireland from the South are higher in 2014 than in 2013. This is important. Exports in the beef sector are at over 80% of last year's total and have performed very strongly in recent weeks, particularly for finished cattle. In addition, live exports of dairy cattle from the Republic to Northern Ireland in 2014 are higher than in 2013. That said, this is still an issue and we will continue to work on it. Ultimately, I cannot force retailers to stock mixed country of origin beef, as they see it, next to simple, single country of origin label beef while charging the same price if that is not what consumers want. The market is starting to resolve this issue because of supply contraction in terms of the number of cattle being slaughtered.

Deputy Martin Ferris: It is clear that live exports have improved in the last number of weeks, which has to do with cost. Perhaps that is a big part of what the IFA has been involved in over the last number of weeks regarding pickets and so forth. It bears testament to how right the IFA's argument is on what one gets for beef in the so-called "UK" or in the North compared with what one gets down here.

My recollection is that because there was such a collective effort and everyone was on the same wavelength on a resolution of this issue, an unnecessary intervention by the CEO of Dawn Meats put a spanner in the works. My understanding is that Tesco was very favourably disposed to an all-island label as was being proposed. That intervention was timed to put a spanner in the works and it did so. This comes back to the argument on the power of the beef barons over retailers as well as producers and the fact that they are working collectively together. I know the Minister does not like me using the word "cartel" but nothing will convince me that there is not a cartel operating to ensure that the supply is at their given price and not what is for the benefit of the producer.

Deputy Simon Coveney: It is important to record that certainly from my experience at any rate there was no intervention of any substance from a CEO of any processing company here.

Deputy Martin Ferris: There was.

Deputy Simon Coveney: Not that affected the discussion on this. I have had repeated discussions with Tesco on this issue. I have had Tesco representatives in my Department where we have had long meetings on this and other issues. We had a meeting with the Northern Ireland Retail Consortium whose representatives made it very clear that it was its members who decided, for the moment anyway, that because they could access meat with a clear country of origin of either Ireland or Britain, that was their preference. It has nothing to do with Dawn Meats or anyone else so let us not try to create problems where the evidence suggests they do not exist.

I am not an apologist or defender of the processing sector or factories. They are big boys who can stand up for themselves. My job primarily is to look after the primary producer. I am the Minister for Agriculture, Food and the Marine and that is what I do. However, I am also interested in telling people the truth and the truth in respect of this issue is that when there is a lot of beef around, as there has been with 15% more beef produced in 2014 than in 2013, and consumption is down, as it has been for most of the year albeit it is improving, retailers will choose high quality meat that has a clear label on country of origin rather than having to choose mixed origin label beef. That is notwithstanding the fact that mixed origin label beef is very good quality also. That has been the source of the problem. As supply contracts somewhat, the Deputy might see a change of heart from retailers.

Deputy Martin Ferris: I would very much like to see a change of heart from retailers. I would also like to see them give the price that has been well earned and which should be respected to the producer. At the end of the line, the producer - the farmer - is the person who is absolutely hostage to the retailers and the beef barons. From my own knowledge of being tied into the farming organisations and individual farmers, they are being held to ransom by a cartel among the beef barons. They are the ones who determine the price and put pressure on retailers regarding a so-called mixed label between bullocks from different countries. It is absolutely madness. I welcome the fact that the Minister and the Minister, Ms O'Neill, MLA, are trying to resolve the issue, but everybody in the House knows the beef industry has data access on every calf born in the State.

Deputy Simon Coveney: It does not.

Deputy Martin Ferris: Illegally maybe, but it has access. Everybody, including the farming organisations, knows that. The only party that does not seem to know is the Government.

Deputy Simon Coveney: We have looked into that accusation and put systems in place to ensure factories do not have access to inappropriate information.

Deputy Martin Ferris: Legally, yes.

Deputy Simon Coveney: With all due respect, if we are going to make accusations, we need to have evidence to back them up. I am not saying it has not been a difficult year for beef farmers; it has. That is why I have been involved intensively throughout the summer with farming organisations and factories to try to change the structure of the sector. There has been a fractious and difficult relationship between farmers and factories for as long as I can remember because farmers want more money for very high quality produce while factories operate in a price competitive environment. We are trying to redesign the relationship between farmers and factories through negotiation and discussion in a beef forum as opposed to megaphone diplomacy which has failed to change anything. That is why we come back to protest after protest

whereas the beef forum can function if all stakeholders work with it.

The bargaining power of farmers will increase significantly through producer organisations, which we discussed earlier. In the meantime, we will discuss and try to resolve this evening at the beef forum a whole series of grievances which farmers rightly have. That follows two weeks of very intensive negotiation chaired by Mr. Michael Dowling. Let us focus on the issues we know we can resolve rather than to raise issues which have been doing the rounds for many years.

Other Questions

Beef Industry

6. Deputy Mattie McGrath asked the Minister for Agriculture, Food and the Marine the measures his Department is willing to take to safeguard the income of beef farmers in the event that the current negotiations with the meat processing industry break down without agreement on a sustainable and fair price for beef produce; and if he will make a statement on the matter. [42988/14]

Deputy Mattie McGrath: The Minister heard me raising this issue with the Taoiseach when he was present. I am very concerned about how farmers are being treated by the cartels, as Deputy Martin Ferris noted, and by what the Minister just said about dealing with the issues on which we can make some progress. That is to throw in the towel before he even starts. I ask the Minister to outline what he will do to safeguard the beef industry, as it is not being protected. From the way he has been speaking in reply to Deputy Ferris, one would think the farmers had been at the meat plants every day for the last number of years. They have not protested for the past ten or 15 years. They are there now because they have been driven to it. What is the Minister going to do to safeguard them and the industry?

Deputy Simon Coveney: We are doing many things to safeguard the industry. I have just been talking about that.

Deputy Mattie McGrath: Explain it.

Deputy Simon Coveney: For a start, this Government has prioritised the beef industry in each of the past three budgets. Next year alone in terms of the rural development programme, we will be putting about €73 million directly into the beef and suckler beef sectors. We have designed a rural development programme specifically to prioritise the beef sector to ensure it gets the supports it needs.

If one looks at the overall CAP in terms of direct payments, one is talking about at least €700 million per year of supports going into this sector. We are trying to look at where there is a dysfunction in the marketplace in the relationship between farmers and factories, which has been a very fractious relationship for many years. In other sectors within the food industry, particularly dairy, there is a very successful co-operative structure in place where farmers are directly involved in ownership structures and decision making around price and there is a much better functioning marketplace in terms of farmers understanding the market and what it can give them at any given time. There is a total lack of and breakdown in trust in the beef sector

and it is my job to try to address that. It should have been addressed in the past but it was not addressed. That is why we are putting a lot of store by the producer organisation model which works in other parts of Europe and which will create a much more professional negotiating relationship on behalf of farmers with processors. There will be an equalisation of relationship on many of these discussions because at the moment, out of frustration, farming organisations feel they need to protest. We are trying to change that.

If the Deputy is asking me whether I can directly increase the price of beef, the answer is that no Minister in the EU or the Western world can do that without being taken to court or challenged by competition authorities. The market determines the price of beef primarily. Irish beef is at a European average in terms of prices and we have been above the European average over the past three or four years. Traditionally, up until four or five years ago, Irish beef would have been at about 90% of the European average. Beef prices have moved up. It is recognised that Irish beef is a premium product and we are looking at structural change that can ensure farmers feel they are getting a fair share of what the market has to offer. I will continue to work on that.

Deputy Mattie McGrath: The Minister does not recognise the elephant in the room. I know he cannot directly interfere but even though I was part of a previous Government, I know that successive Governments failed spectacularly to deal with the cartels in the beef industry and this Government is no different. The Minister talks about the Competition Authority and said that it wrote to him twice. It did because it operates to save the consumer and rightly so. It is not taking on the cartels. It has failed spectacularly to do so in the concrete and supermarket industries. The supermarket and beef industries singly or jointly have farmers in a bind. It is not that consumers are getting cheap cuts of beef and other products. We saw the charade that went on last year and that is still ongoing with vegetables in the big supermarkets, some of which were mentioned by the Minister this morning.

The Minister does not see the problem so he cannot solve it. It is like the Cork hurling team. It was playing well and getting points from all angles but when it came to the big games, it fell off the pitch. That is no criticism of Cork but it is a criticism of the Minister and his Minister of State, Deputy Tom Hayes. I do not know where the Minister of State is. The Minister and the Minister of State are not cutting the mustard. The beef industry cartels are doing what they want and are laughing at the farmers. The farmers have not been at the gates of the factories for 15 years. Based on what the Minister said, one would think they were there every year. They are not and have not been. They are very patient. They have been driven to this and something must happen, not nice cosy talks around a big table when the Minister will not deal with the problem.

Deputy Simon Coveney: With all due respect and not for the first time, the Deputy outlines what he thinks of as a big problem but gives no solutions to anything.

Deputy Mattie McGrath: Deal with the cartels.

Deputy Simon Coveney: First of all, one can only deal with something if it exists.

Deputy Mattie McGrath: It does exist.

Deputy Simon Coveney: The Deputy's opinion on whether there is a cartel is only relevant if he can provide evidence to me or the Competition Authority that a cartel does operate. The Competition Authority has looked at this in the past and has deemed that no cartel exists. The

authority has received evidence from farming organisations in recent years, has looked at it and has said that there is insufficient evidence. We publish beef prices every single week. When was the last time the Deputy looked at them?

Deputy Mattie McGrath: Regularly - I happen to be involved in the industry.

Deputy Simon Coveney: As part of beef forum proposals, we publish beef prices in all factories at different grades on a beef price app every week so that we can see that there are different prices in different factories in different parts of the country at different times. If there is evidence around a cartel rather than a political accusation, let us hear it. In the meantime, let us solve the problems we actually can solve. I sit down with farming organisations to solve with them. The conversations I have with farming organisations are not around a cartel. They are around a series of other issues we are working out in the beef forum.

Deputy Mattie McGrath: That is not what they are telling me. I am very concerned because the Minister said the Competition Authority wrote to him. It raided the IFA offices some years ago when it was seen in a blaze of glory taking on the factories and checking out what was going on there. I am checking the prices the Government is publishing. The Competition Authority has failed spectacularly in other areas. We have seen it with the supermarkets and in the magnificent concrete industry we had which has literally been destroyed by cartels. If the Minister is seriously telling me that he does not believe there is a cartel, I do not think there is any future in Food Harvest 2020. There is no point in playing games with these talks - going in and getting a higher price and the big companies then change the goalposts with the grading. That is what is happening. The Minister mentions costs. The cost of wages has been halved. I am not being disingenuous or racist but it is mainly foreign nationals who are working for them at low wages so they have made huge savings there and they are also screwing the farmers. If the Minister cannot see a cartel, I worry for the future. Perhaps he should go full time into the Department of Defence and let somebody else take over the Department of Agriculture, Food and the Marine.

Deputy Simon Coveney: If the Deputy is so convinced a cartel exists, he might provide some evidence of it. That is all I have to say because every time I ask for it, nobody ever produces it.

Our beef industry operates in an international competitive environment. We sell product into about 70 different countries. We sell product right across Europe. The Deputy should not suggest for one minute that the processors in other parts of Europe with which our processors are competing are not also driving down costs as much as they can because they are doing so. When one exports 90% of the beef one produces - 90% of the beef we produce must find a market outside Ireland - one must operate in a cost-competitive environment. In that context, my job is to make sure that farmers are properly represented in that discussion, that they get a fair and transparent portion of the margin available from the marketplace and that they have professional negotiators negotiating on their behalf collectively in the future because that is where their power will be increased in that discussion and negotiation. We also need to look at the power of retailers and their influence on the overall market at a European level. This is happening at Commission level. Part of the solution to that is producer organisations.

Commonage Areas

7. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine his views regarding the reduction in forage areas on commonages due to perceived under-grazing; his views that this reduction in forage areas could lead to farmers being able to put less stock on commonages leading to more scrubbing up of these areas and resultant loss of habitat status for special areas of conservation and SPA sites leading to possible breaches of the birds and habitats directive; and if he will make a statement on the matter. [42998/14]

Deputy Seán Kyne: The question relates to the issues of under-grazing or perceived under-grazing on commonages and the impact that could have on the birds and habitats directive as the forage areas on these commonages are being reduced.

Deputy Simon Coveney: I thank the Deputy for this question. I know there are many commonage farmers in his constituency so he knows a lot about this issue. The farming of commonages lands has a long tradition in Ireland and, by its very nature, is a complex area. There are issues about the legal right to claim and there have always been disputes about the grazing of the commonages. In the vast majority of cases, however, commonage shareholders work well together on a co-operative basis. It is important to note that the optimum management of commonages will not be achieved unless the farmers are actually involved in the decision making regarding the management of these lands as their knowledge of commonage areas is better than that of anybody else.

As the implementation of the new Common Agricultural Policy has progressed, my Department has been addressing a number of issues relating to commonage land in the context of both the new rural development plan, GLAS and the new basic payment scheme. The experience to date since the single payment scheme was introduced in 2005 is that there is a growing problem of commonage land being under-grazed and in some cases being abandoned by farmers. A variety of reasons have led to a problem with under-grazing, including the introduction of decoupled payments under the SPS in 2005, the requirement to de-stock in certain areas for environmental reasons and the age profile of farmers with commonage land. This trend is not good for the environment, as these areas lose the specific characteristics as natural habitats for flora and fauna. In addition, the creeping ineligibility of these lands under the single payment scheme and other direct payment schemes poses a significant risk to the State in view of the risk of financial corrections being imposed by the European Commission.

Under the reformed CAP regime, it was decided that direct payments should be more focused on active farmers. In that regard, it will be necessary for all farmers who apply for aid under the basic payment scheme to have an agricultural activity on each land parcel on which they claim aid. In the case of marginal land including commonages, this agricultural activity can only be achieved by grazing the land. The minimum activity envisaged under the basis payment scheme is a modest one which is equivalent to a minimum of one ewe per 1.5 hectares grazing requirement.

I am not sure if Deputy Kyne was present when we mentioned we were looking at how we could apply flexibility where appropriate.

Additional information not given on the floor of the House.

Currently discussions are taking place with the Commission regarding the setting of a rel-

atively modest requirement under the Pillar 1 schemes and the areas of natural constraints scheme for maintaining marginal land including commonages.

My Department is in the process of securing agreement from the European Commission for Ireland's new rural development plan. The next step is for the draft RDP to be agreed formally with the European Commission as soon as possible. Payments under GLAS, the new agri-environment scheme, can only be made in respect of actions going beyond the baseline requirements under the basic payment scheme under Pillar 1 of the CAP. To secure funding for hill farmers under GLAS, the challenge is to design a scheme which manifestly goes beyond the baseline. The key characteristic of commonage land is that it is farmed in common and the actions undertaken under GLAS will have to reflect that.

On this point, we clearly need to have sufficient people working together to achieve the best results for these commonages, in the interests both of the farming community and of the environment. I have explained how this will work in practice with the participation of a minimum of 50% of active farmers on commonages.

While there are considerable challenges to be overcome to meet both the active farmer requirements under the basic payment scheme and the implementation of grazing plans on commonages under GLAS, it is only in this way that the problems arising from undergrazing of commonages and resultant spread of scrub can be addressed effectively. It is clear that unless decisive action is taken, the level of ineligible areas will continue to expand.

Deputy Seán Kyne: I thank the Minister for the reply. I appreciate that the issue of commonages is somewhat of a minefield and very complex. I acknowledge the threat of fines against the State and that the Government has appealed those. Hopefully there will be a positive result from the Commission.

Although I am not a member of the committee, I raised this issue with departmental officials at the Joint Committee on Agriculture, Food and Marine last week. It relates to the consequence of reducing forage areas. Two of the commonages I have been dealing with are not in my constituency but in the neighbouring constituency in south Galway. In simple terms, if following inspection the Department of Agriculture, Food and Marine inspectors reduce the forage area in the farm, it means they are stating that the commonage is able to hold less stock. Therefore less stock will graze, thus exacerbating the problem of undergrazing. This could lead to more scrub and more areas not being grazed under commonages which could have implications down the line under the birds and habitats directives because these areas are supposed to be kept in proper habitat status.

Deputy Simon Coveney: That is a very fair point. We are trying to introduce a basic minimum stocking rate that everybody has to apply. However, in many commonage areas we want to encourage farmers to put considerably more stock on it. The stocking rate is about proving a minimum level of agricultural activity. I hope everybody agrees that we should focus our financial supports on active farmers as opposed to people who are lucky enough to inherit some land, a shareholding in a commonage or whatever. We are trying to link proof of active farming with a very low stocking rate. However, after that, whether through GLAS plans or other discussions with commonage farmers, we should be encouraging an appropriate stocking rate on that commonage area based on what it can carry. In most cases that will go way beyond the minimum stocking rate because otherwise we will continue to have undergrazing, more land being ungrazeable and therefore in effect the size of commonages shrinking because large parts

will no longer be in an agricultural condition.

Deputy Seán Kyne: The Minister has time between now and when the single payment forms come out in the spring to look at this area. Where there are commonages and where the forage area is reduced, by definition they are able to hold less stock. If they are able to hold less stock, it will cause even more undergrazing and a reduction in the habitat status of the commonage. It is an important issue. Ideally the Minister should retain the forage areas but ensure the commonage is grazed and put a plan in place to graze these commonages. Will the Minister look at this area between now and when the forms come out in spring to investigate the possibility of doing this and the consequences for the State of not doing this? There are very competent people on the environment side of things within the National Parks and Wildlife Service and elsewhere who would understand the potential consequences for the State.

Deputy Simon Coveney: While I understand what the Deputy is saying, there is another consideration - the accuracy of mapping. On many occasions we have discussed in the House the problems we have had with the new LPIS whereby we now have more accurate imagery of land than we have ever had before. As a result of that accuracy, the Commission has deemed that Ireland effectively owes it €181 million in terms of money that has been spent on land that is not eligible. We do not accept that figure and we have gone to arbitration. We hope to reduce it significantly and we have put much work into that.

It shows the seriousness the Commission attaches to payments on lands it deems to be ineligible on the basis of what can be seen on a map's imagery. We cannot simply say that none of these commonage areas have shrunk in size because there has been an encroachment of vegetation because of a lack of grazing. If it can be seen that land is no longer fit for agriculture practice, then there are issues that need to be addressed in terms of eligibility to ensure accuracy and avoid future fines. At the same time a farmer should do as much as possible from the point of view of stocking rate.

Food Exports

8. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the situation regarding EU exports to Russia; the response of the EU to assist those affected producers; and if he will make a statement on the matter. [42797/14]

Deputy Patrick O'Donovan: My question relates to the impact the ban on EU exports to Russia, the second largest market for EU produce, is having in Ireland and across the EU. The Minister might use the opportunity to update Members on any discussion between the EU and Russia or any bilateral discussions between Ireland and Russia on the matter.

Deputy Simon Coveney: The Russian ban on agricultural products from the EU came into operation on 7 August. Russia is the second most important destination for EU agrifood exports. These exports are valued at just under €12 billion based on trade in 2013 and the products covered by the ban are valued at more than €5 billion, representing 43% of the EU's trade in agricultural products to Russia and over 4% of total EU agrifood exports.

The ban came on top of a series of other restrictions imposed by the Russian authorities earlier this year, including an EU-wide ban on pork due to an outbreak of African swine fever in Lithuania and an EU-wide ban on beef trimmings due to alleged adulteration of beef consign-

ments with pork in certain member states. While beef trimmings from Ireland were banned, we were not one of the countries involved in the alleged irregularity. In addition, Russia imposed temporary restrictions on exports from Ireland of beef offal, dairy powder products and seafood arising from a series of routine audits. Two weeks ago - the week before I went to China - I had direct discussions with the Russian ambassador on that matter.

The EU response to date has focused largely on the fruit and vegetables and dairy sectors, and the measures taken are as follows. Support for market withdrawals, green harvesting and compensation for non-harvesting for perishable fruit and vegetables has been put in place. There has been an opening of private storage aid for butter and skimmed milk powder until the end of the year. There has been an extension of private storage aid to certain cheeses. There has been an extension of the intervention buying-in period for butter and skim milk powder until the end of the year. There is a commitment to add €30 million to the existing EU budget for promotion programmes in 2015.

Additional information not given on the floor of the House.

The Baltic member states and Finland are acutely affected by the ban on dairy products and the Commission is under pressure to introduce a targeted compensation package. There is, however, an issue about the funding available for this and for any further measures that may be required. There is a proposal from the Commission to reduce the budget appropriations for agriculture in the 2015 budget. This is the subject of negotiation between the Council, European Parliament and Commission in the conciliation process for agreeing the EU budget for 2015.

At Monday's meeting of the Agriculture and Fisheries Council an overwhelming majority of member states, including Ireland, called on the European Commission to reverse its proposal and to set aside sufficient funds to address the impact of the Russian ban and to address any other crisis or market disruption that might occur in the next year. Accordingly, the Italian Presidency has sent a letter from the Agriculture and Fisheries Council to the President of the ECOFIN Council to register the dissatisfaction of EU Agriculture Ministers with the Commission's proposal.

Deputy Patrick O'Donovan: The Minister referred to storage aid and intervention. Will that be reviewed on an ongoing basis by the Agriculture and Fisheries Council? The decision to ban produce from the EU came as a result of what Russia did in Crimea. As that will not be resolved any time soon and certainly not before the end of the year, I presume the measures the Minister mentioned should be extended.

I refer to particular sectoral difficulties. Exports from Ireland to Russia are approximately €150 million, which is less than 3% of the total export value. However, I presume that of that €150 million, some companies and some sectors are disproportionately hit. There will be some companies that may have an overexposure to the Russian market. Are there any supports from Bord Bia, the Department or elsewhere for such industries that will experience a bigger hit than the rest of the sector?

Deputy Simon Coveney: They are all relevant points. There are issues around products that we could, and should, still export to Russia, which are not covered by its embargo, as they call it, or ban. For example, even though milk powders are banned, dairy ingredients products and casein are not banned. There are similar issues for other sectors. However, further restrictions apply to Ireland because of inspections that happened here and, therefore, we are trying to

resolve these to make sure questions the Russian authorities have following those inspections a number of months ago are dealt with. That is what I met the Russian ambassador about last week and we had a constructive discussion.

With regard to supports for companies and sectors that have specific problems, Bord Bia put in place a unit to deal with companies that have an over-reliance on the Russian market to look for alternative markets for them, and it has been active in that area. The mackerel industry springs to mind. Ireland is Europe's second largest exporter of mackerel to Russia. We have had to look at helping the industry to find other markets. I was in China last week and I noted that significant volumes of mackerel go through China to the Japanese market. We are trying to target and help companies that have an exposure to the Russian market and that are adversely affected by this issue. We are putting as much pressure as we can on the Commissioner and the Commission to ensure we have a sufficient budget to deal with this continuing problem, which is the result of a foreign policy decision as opposed to an agricultural decision. This should go beyond the agricultural budget in terms of the compensation and the solution.

Deputy Patrick O'Donovan: I encourage the Minister to keep storage aids and interventions under review because the issue between Russia and the EU will not be resolved before 31 December and there has to be ongoing support. I note his comments on the banking of fish quotas. I read the report on mackerel on his Department's website last week. Cheese is one product that has a particular exposure to this market. There are a large number of dairy producers in my constituency. The Minister mentioned infant formula and a large volume of this product is manufactured in west Limerick for export. There should be supports for sectors that have an exposure to the Russian market. I welcome that during the Minister's trip to China, he examined opening up new markets. That will be part of the solution. I hope the storage aids and interventions will be maintained by the Department and Commission into the future.

Deputy Simon Coveney: The Deputy is spot on. One of the main dangers is that there has been an attempt by some in the Commission to transfer unspent money in the agriculture budget to other non-agricultural expenditure programmes. We have been seeking additional money for agriculture to deal with this problem because it is primarily a foreign affairs issue and there is a risk the agriculture budget could be raided. Commissioner Hogan is very much fighting against that. Earlier this week at the Council meeting, we gave him a strong endorsement of that policy to make sure money taken out of the agriculture budget would be used for programmes such as this and not transferred to other areas.

With regard to infant formula, a Wyeth product manufactured in Askeaton, west Limerick is the premium plus product on Chinese shelves selling at many multiples of the locally produced infant formula. It is one of the most successful products in the Chinese markets under the label Illuma. Other Irish companies, including Abbot and Danone, are doing this as well. The Chinese market for high-end dairy products, in particular infant formula, is accelerating at an exciting pace.

Written Answers follow Adjournment.

Workplace Relations Bill 2014: Instruction to Committee

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): I move:

That, pursuant to Standing Order 177, Standing Order 131 is modified to permit an instruction to the Committee to which the Workplace Relations Bill 2014 may be recommitted in respect of certain amendments, for which it has power to make provision in the Bill in relation to—

(a) an amendment to the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 by the deletion of section 2B (inserted by section 2 of the Financial Emergency Measures in the Public Interest Act 2013), as the powers provided by this section to make changes to remuneration rates (other than basic pay) and to working time are not required to be exercised in view of the existence of a collective agreement;

(b) an amendment to section 23(3)(a) of the Industrial Relations Act 1990 by the deletion of ‘(other than established civil servants within the meaning of the Civil Service Regulation Act, 1956)’, to allow the Minister, when appropriate, to make a decision to include established civil servants as part of the normal industrial relations process by designating them as workers who have access to the LRC/Workplace Relations Commission and the Labour Court; and

(c) an amendment to the Organisation of Working Time Act 1997 to bring it into line with rulings of the Court of Justice of the EU (CJEU) regarding how time spent on sick leave should be treated for the purposes of the accrual of annual leave and to limit the carry-over of annual leave while on long term sick leave to a 15 month period, following the end of the annual leave reference period;

and to change the title of the Bill to take account of these provisions.

I am introducing an amendment to the Organisation of Working Time, OWT, Act 1997 to bring our legislation into line with EU law. I am also introducing, on behalf of my colleague, the Minister for Public Expenditure and Reform, amendments to section 2 of the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 and an amendment to section 23 of the Industrial Relations Act 1990 to be set out in Part 7 of the Bill. I understand Deputies have received information notes setting out the purpose of these amendments.

The amendment to the OWT Act is being made in response to infringement proceedings initiated recently by the European Commission against Ireland in respect of the incompatibility of that Act with the EU working time directive, as interpreted by the Court of Justice of the European Union, CJEU, in a number of cases regarding how time spent on sick leave should be treated for the purpose of the accrual of annual leave. The OWT Act provides for a statutory minimum entitlement of four weeks’ paid annual leave. The Act transposed the EU working time directive into Irish law and that directive contained a requirement for the provision of a minimum of four weeks’ paid annual leave. In recent years, the CJEU has made several rulings interpreting the annual leave provisions of the directive. Some of these rulings related to how time spent on sick leave should be regarded for the purposes of the accrual of annual leave. The cases also addressed the issue of what is referred to as the carry-over period, which means the period of time following a leave year during which untaken, accrued annual leave may be taken. The main CJEU rulings in question are those in the cases of Schultz-Hoff-Stringer and KHS. The key points arising from Schultz-Hoff-Stringer are as follows: employees can accrue statutory annual leave while absent on sick leave; a sufficiently long carry-over period following a leave year should be provided for in cases where an employee has been unable to take annual leave due to having been on an extended period of sick leave; and, on termination of the

employment relationship, an allowance in lieu of annual leave due and untaken as a result of the employee not being able to do so owing to sickness shall be paid to the employee.

The main finding arising from the KHS case is that the working time directive permits national law to put a cap on the unlimited accumulation of paid annual leave during successive years of absence on sick leave. The CJEU found on the facts of the KHS case that a 15 month carry-over period was not contrary to the working time directive. However, notably, the CJEU did not definitively state that 15 months was the appropriate length of carry-over period, thus leaving it to member states to exercise a policy judgment in this regard.

The OWT Act provides that annual leave is calculated on the basis of time worked and is silent on the issue of how time spent on sick leave should be regarded for the purposes of calculating annual leave. By virtue of the EU principle of vertical direct effect, public sector employees are able claim the benefit of the Schultz-Hoff ruling. While private sector employees cannot claim under the principle of direct effect, they could, using the Francovich principle of state liability, take a civil case against the State for compensation for non-receipt of their entitlements under the working time directive as interpreted by the CJEU in Schultz-Hoff-Stringer. Thus, as matters stand, the State is open to claims from both public sector and private sector employees further to the Schultz-Hoff-Stringer ruling, and, in the absence of legislative amendment, there is no limit on the time over which annual leave accrues while on sick leave.

The proposed amendments to the OWT Act will bring clarity to our legislation for employers and employees alike as to how annual leave can be accrued and carried over when an employee cannot take their paid annual leave due to illness. The amendments to the legislation will ensure that statutory annual leave will continue to accrue to a person who is on sick leave, subject to a maximum carry-over of 15 months from the end of the year in which it accrued. The entitlement to paid annual leave is an important and fundamental employment right and, in my opinion, the Workplace Relations Bill presents an appropriate opportunity to make the necessary legislative change. I believe that the proposed amendments are fair and supportive to workers who are suffering from a long-term illness or injury. I further believe we have struck the right balance between protecting the rights of vulnerable workers who are off work due to a serious illness and trying to minimise the cost to business and the Exchequer.

I wish to indicate to the House that a further amendment to the Organisation of Working Time Act will be required on foot of the amendment being tabled today, which I intend to introduce on Committee Stage in the Seanad. This further amendment will provide that an employee whose employment terminates, and has accrued an annual leave entitlement in accordance with the Schultz-Hoff-Stringer ruling, will be entitled to payment in lieu of the untaken annual leave calculated on the same basis as if the employee had returned to work on the date of leaving the employment.

Both of the amendments being introduced on behalf of the Minister for Public Expenditure and Reform deal with workplace relations in the public service. Specifically, the Minister for Public Expenditure and Reform wishes to bring forward an amendment to section 2 of the Financial Emergency Measures in the Public Interest Act 2009. This is to remove a provision which was included in that Act to provide for a situation where no agreement was reached in the Haddington Road talks. Section 2B of the Act would have allowed for individual Ministers and public service employers to unilaterally implement changes to remuneration and working hours of employees in the absence of a collective agreement. As we all know, a very successful agreement was reached, which has produced a significant dividend for the public finances while

maintaining industrial peace, and thankfully the provision has never been required to be used.

The Minister for Public Expenditure and Reform is also seeking a technical amendment to the Industrial Relations Act 1990. This will ultimately enable an order to be made that will allow for established civil servants to be included with the majority of workers in having access to the normal industrial relations machinery of the State. These are currently the Labour Relations Commission, to be replaced by the workplace relations commission, and the Labour Court. This will herald a significant reform of the way in the way in which industrial relations are conducted in the Civil Service, which currently avails of its own conciliation and arbitration scheme. I am happy to facilitate these changes in my Bill as they enable further normalisation of industrial relations in the public service which will assist in the smooth introduction of the changes to the industrial relations machinery proposed in the Bill.

I will now outline the key provisions of the amendments. The amendment to the FEMPI Act 2009 is to remove section 2B which has never been utilised and which the public service unions regard as incompatible with normal industrial relations under the collective bargaining process. In 2013, negotiations were under way between the Government and the public service unions. In the course of this process the FEMPI Act 2013 was introduced to give effect to the 2013 pay reduction for those earning over €65,000, the parallel reduction in public service pensions and other contingent measures to enable the Government achieve its savings requirements. To support and underpin the successful conclusion of negotiations with public service staff interests, the FEMPI Act 2013 also included a provision to amend the 2009 Act by including therein a new section 2B which gave individual Ministers the power to reduce non-basic pay such as rates of premium pay, overtime pay, and so on or to increase the working hours of individual public servants. Section 2B was a limited contingency measure that might have been required to secure the necessary savings in the public service pay bill in the absence of any agreement. The subsequent Haddington Road agreement, in addition to providing for a reduction in the public service pay and pensions bill of up to €1 billion in the period 2013 to 2016, also addressed all matters relating to working hours and non-basic pay. The agreement has produced a significant dividend to the public finances while maintaining industrial peace and represents a key element of the Government's fiscal consolidation policy to meet the targeted general government deficit of 3% by 2015. The powers provided under section 2B have not been exercised to date and are unlikely to be exercised in the future. Taking account of the success of the Haddington Road agreement in meeting financial targets, it is difficult to consider circumstances which would now arise where those powers under section 2B could usefully be exercised. Therefore, it is considered that the requirement to have the power in section 2B included on the Statute Book has, in effect, now passed.

The Industrial Relations Acts and, in particular the Industrial Relations Act 1990, form the statutory basis for the current system of industrial relations in Ireland. The 1990 Act established the Labour Relations Commission, LRC, and provided access via the LRC to the Labour Court for workers and employers as a final court of appeal in relation to trade disputes. This Bill will rationalise and merge the overall State industrial relations machinery, although the LRC, to be renamed the workplace relations commission, and the Labour Court and the functions they currently provide, will fundamentally continue.

Section 23 of the 1990 Act sets out the categories of workers who can avail of the LRC and the Labour Court. This excludes persons employed by the State, although section 23(3)(a) gives the power to the Minister to designate those employed by the State to be entitled to avail of the LRC and Labour Court. However, there is a provision in section 23(3)(a) explicitly ex-

cluding established civil servants within the meaning of the Civil Service Regulation Act 1956 from being allowed to have access to the LRC and the Labour Court. Consequently, industrial relations matters for civil servants are currently managed through the conciliation and arbitration scheme for the Civil Service. A majority of the Civil Service unions have now sought to move away from the conciliation and arbitration scheme and wish to gain access for civil servants to the State industrial relations machinery which exists under the Industrial Relations Acts and which will be rationalised and merged under this Bill.

The amendment to section 23(3)(a) of the Industrial Relations Act 1990 is to remove the phrase, “(other than established civil servants within the meaning of the Civil Service Regulation Act, 1956)” so that section 23(3)(a) will state: “The Minister for (Public Expenditure and Reform) may from time to time designate for the purpose of subsection 1 any persons employed by virtue of section 30(1)(g) of the Defence Act, 1954, or employed by or under the State.” While this amendment will enable the inclusion of established civil servants in the normal industrial relations machinery of the State, substantial preparatory work is envisaged in conjunction with Civil Service unions and human resource units in Departments and agencies to prepare for any change.

Both of the amendments which I am introducing, while not directly pertaining to the content of the Bill, will benefit the effective implementation of the revised industrial relations machinery and processes proposed in the Bill.

Deputy Dara Calleary: I am generally supportive of the amendments but wonder if they would not be more suited to the Industrial Relations (Amendment) Bill rather than the Workplace Relations Bill 2014 given that they relate more directly to terms, conditions and contracts rather than the industrial relations machinery of the State. However, I welcome the amendments, particularly those to the FEMPI legislation.

11 o'clock

Deputy Peadar Tóibín: Before dealing with the content of the motion, it would be wrong for me not to highlight the terrible manner in which this legislation is being put through. Despite the lengthy consultative period and nearly €200,000 being spent on professional fees, the Department and the Minister of State’s colleagues have undermined the work by hammering the Bill through the Oireachtas in such a short space of time. It rubs salt into the wound that the Minister of State is now seeking to piggyback on to it the amendments to the Financial Emergency Measures in the Public Interest Act, the Industrial Relations Act and the Organisation of Working Time Act.

Despite the publication of this Bill a few short months ago, the Department and the Minister of State’s colleague submitted 90 pages of amendments on Committee Stage, which was taken only last Thursday. Deputies were provided with one working day to submit amendments to this legislation. The Minister of State’s colleague, the Minister, Deputy Bruton, when in opposition took a far more critical tone with Ministers who rushed through legislation. In 2009 he stated to the Minister for Finance in this Chamber that any seasoned legislator will confirm that rushed legislation is often flawed legislation. The Irish Water legislation is the most obvious evidence for that foresight of the Minister of State’s colleague in 2009.

We welcome the removal of section 2B of the Financial Emergency Measures in the Public Interest Act 2009. My colleague, Deputy McDonald, sought the deletion of this intolerable

provision when the Minister for Public Expenditure and Reform introduced it last year. As the Minister of State knows, this amendment to the FEMPI legislation was an abrasive attempt by the Minister for Public Expenditure and Reform to strong-arm public servants as they were casting their vote on the Haddington Road agreement. It is very interesting that the briefing note supplied by the Minister of State's Department on this amendment states that unions and staff representatives have reflected that its inclusion in the FEMPI legislation fundamentally compromised the voluntary system of industrial relations in Ireland and had no place in a system of collective bargaining, but that is exactly what we said a year ago. This is not news to the Minister of State or to his Cabinet colleagues. The Minister for Public Expenditure and Reform, Deputy Howlin, stated this clear intent last year when he introduced the provision. He said it was a contingency provision and was designed in the event of non-agreement by public servants to the Haddington Road agreement. The Minister of State has repeatedly argued for maintaining the voluntary nature of Ireland's industrial relations system and yet his colleague, the Minister, Deputy Bruton, voted for that legislation, as did he.

The Minister of State stated that it is timely and essential that any existing legislative provisions that might impede the revision of industrial relations machinery be removed as part of the implementation of the Workplace Relations Bill. Aontaím leis go huile agus go hiomlán. Section 2B is not some leftover legislation from the distant past. This legislation was introduced by the Government just last year and signed off by the Cabinet before it reached the floor of the Dáil.

To use this legislative process in such a cynical fashion is deeply disappointing and yet another example of this failed democratic revolution. Sinn Féin supports the proposed amendment to the Industrial Relations Act 1990 and welcomes the Minister of State's statement that there is no significant reason to continue to restrict access to the industrial relations machinery of the State to civil servants. That is a very important position taken by the Government. It would be helpful if the Minister of State could give details on the consultation that will take place between the public service committee of the Irish Congress of Trade Unions, the Labour Relations Commission and the Labour Court and the timeframe within which a decision will be made on the future move away from the conciliation and arbitration scheme to the workplace relations committee.

Deputy Seamus Healy: I welcome the opportunity to speak on the Workplace Relations Bill and would like to refer, in particular, to the question of pensions and the wholesale destruction and closure of pension schemes and the changing of schemes from defined benefit to defined contribution schemes, which has been ongoing in the workplace over the past number of years. Those changes mean huge losses for workers in those schemes.

I refer specifically to the huge loss being proposed for deferred pensioners under the Irish airlines superannuation scheme, IASS. These pensioners are being treated particularly badly, are being discriminated against and are suffering huge losses under the scheme. The long serving deferred, as they are known, face the greatest loss because the co-ordination deduction is at the highest level possible for them. They will not benefit from the re-evaluation included in the expert panel recommendations as that does not commence until after five years. It is quite clear that deferred pensioners have been targeted because they have no power and no representation. It is essential that they are treated fairly and equitably and that amendments are made to legislation to ensure that is the case.

I would like to put on the record details of pensioners who have been in touch with me in

regard to this issue. One pensioner said they were looking for equitable treatment for deferred pensioners, that they were employed by Aer Lingus for 40 years and were also a member of the pension fund for 40 years. They said they were now 64 years of age, were encouraged to take redundancy at the age of 60 and were provided with a contract guaranteeing their Aer Lingus pension and old age contributory pension. They also said they have now been informed by the pension fund that they will lose 50% of their pension and that if they had already been receiving a pension, they would only lose 10% and that as deferred members of the scheme who worked for Aer Lingus in England are guaranteed the same rights as pensioners, it seems grossly unfair that deferred pensioners in Ireland are not protected.

Another lady wrote to me saying that she was a deferred member of the IASS, that she was 59 years of age and that when she was made redundant, she was guaranteed that she would receive her full unco-ordinated pension when she reached the age of 65. It is proposed that her pension entitlement will now be reduced by 64% and she said she cannot survive such a draconian pension cut. She went on to say that on her death, her spouse will be expected to live on 50% of the proposed savagely reduced pension. She said that employees of Aer Lingus and the Dublin Airport Authority will be entitled to jobseeker's benefit until they reach the State pension age of 66, 67 or 68, whichever it may be, but her pension will have the State pension proportion deducted from the date she receives her first payment.

These pensioners are being very badly treated and are being discriminated against. I urge the Minister of State and the Tánaiste to ensure an amendment is brought forward to ensure these pensioners get fair and equitable treatment under the schemes.

Deputy Clare Daly: It is ironic that we are having a special session today to move amendments which the Minister of State wants to bring forward but that Deputies received telephone calls this morning to tell them that amendments they had submitted were not relevant to this Bill. It shows, as Deputy Tóibín said, a ham-fisted approach to what is supposed to be the most comprehensive review of the industrial relations machinery of the State. I do not have a major problem with the amendments the Minister of State proposes but make the point that they must be seen in the context of other very serious issues which are not addressed in the Bill. We are talking about the key area of workers' rights. Having rights is one thing but being able to exercise them is an entirely different matter. In order to vindicate those rights, a person must first have access to the industrial relations machinery of the State.

A key group of workers is excluded although this Bill should accommodate them, the pensioners who retain a live link with their employer because their pension is affected. Until now, the door to the industrial relations machinery has been shut to them. The Minister for Jobs, Enterprise and Innovation and the Minister for Social Protection have acknowledged that this system is an anomaly and needs to be addressed. It is not good enough that thousands of aviation pensioners will, at the start of January, experience a dramatic cut in their pension entitlements. The trustees have put forward a proposal that will see them lose six weeks of their income. They had no say in that process which went through the industrial relations machinery of the State and involved active members of that pension scheme, but neither the current pensioners nor the deferred groups had a voice in that process. That is absolutely reprehensible because some of the people who had a vote on the pension entitlements of others were not even members of the pension scheme. The vote organised by some of the unions in Aer Lingus involved people who were members of Aer Lingus Ireland whose employees are not members of the Irish airlines superannuation scheme, IASS, pension scheme. It is a double kick. People not involved in that scheme decided on the living conditions of pensioners and pensioners did not

have a voice. The other group are the deferred pensioners. These issues must be addressed.

It beggars belief that we are told a workplace relations Bill is not an appropriate forum to discuss this and that our amendments are not relevant because they sought to give pensioners as individuals and as a group an active voice in that process. It is a joke. We will deal much more comprehensively with the cuts imposed on the pensioners in respect of the Social Welfare and Pensions Bill 2014. The big picture remains to be addressed and people who have a live link with their pension scheme must be incorporated into this Bill or else this Bill only covers rights for some workers but not others.

Deputy Mick Wallace: I am not sure what I will be allowed to speak about on Report Stage because some of my amendments have been ruled out of order but I do not understand why.

We are talking about improving the system to provide a cleaner operation for workers to access the system so that their complaints can be dealt with efficiently and for the employer to deal more efficiently with a complaint coming his way. The Minister of State will have to forgive me for feeling that, in the lifetime of this Government, more rules, regulations and legislation have been introduced that facilitate big business rather than the employee and the employee is in a poorer position today than he was three and a half years ago. I was present for the beginning of the Committee Stage debate on this Bill when Deputy Tóibín of Sinn Féin complained that Rhatigan workers received only €5 an hour and he filibustered in order to draw attention to this. Those workers have been on strike and picketing for a long time. The system for dealing with their complaint is very slow. If it was the other way around, the system would deal with the problem more quickly. We have passed legislation here through the night to facilitate large institutions but the workers picketing are waiting months for a resolution.

Section 36 of the Bill deals with a fine for employers found guilty of paying less than the minimum wage, but €2,000 will not frighten many employers. This section should be changed so that the penalty for employers who have the audacity to pay workers less than the minimum wage is greater. It is outrageous that they would try it, get away with it and then be fined only €2,000. It makes a mockery of the structure. Under the same section, it seems the employer is not allowed to appeal the fine, unless I am reading it wrong. He should be allowed to appeal it because he is entitled to his rights too. The State needs to take much more seriously the potential for employers to pay less than the minimum wage and the fines must be much greater for each individual case where they do that.

Question put and agreed to.

Workplace Relations Bill 2014: Order for Report Stage

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): I move: “That Report Stage be taken now.”

Question put and agreed to.

Workplace Relations Bill 2014: Report Stage

Acting Chairman (Deputy Olivia Mitchell): As several amendments have been ruled out of order, I will explain why for the information of Members. Some are amendments which do not arise from Committee Stage proceedings. In order to arise from Committee Stage proceedings, an amendment must arise, for example, from actual amendments offered or as a result of undertakings given by the Minister, either to meet some points raised or to table amendments dealing with specific points. Alternatively, the amendment must arise from substantive debate on a particular subject during the course of Committee Stage proceedings. It is not sufficient for a Member merely to state that he or she intends to bring forward amendments on Report Stage.

The following amendments did not arise in Committee Stage proceedings: amendments Nos. 1 to 3, inclusive, in the names of Deputies Wallace and Tóibín, amendments Nos. 8 and 9 and 42 in the name of Deputy Wallace, and amendment No. 56 in the names of Deputies Wallace and Tóibín.

Amendments Nos. 1 to 3, inclusive, make provision for requirements of respondents or employers for the purposes of the serving of documents under the Act.

Amendments Nos. 8 and 9, in the name of Deputy Wallace, propose to require that a registrar must have a minimum level of practical experience of representing employees in employment cases. These amendments also propose to amend the definitions of “practising barrister” and “practising solicitor” for the purpose of the appointment of a registrar.

Amendment No. 42, in the name of Deputy Wallace, proposes to insert a new subsection in section 42 of the Bill to permit complaints under section 4 of the Data Protection Act 1988 in the case of a failure to provide documentation.

Amendment No. 56, in the names of Deputies Wallace and Tóibín, proposes to insert a new section to provide that premises used for the purposes of a hearing under the Act “shall be suitable for access by persons with a disability”.

Amendment No. 4, in the names of Deputies Wallace and Clare Daly, and amendments Nos. 5 and 6, in the name of Deputy Calleary, propose that provisions be made within the Bill to ensure retired employees, or groups of retired employees, have access to the mechanisms for the resolution of disputes that are being restructured and established in the current Bill. The structures of the current Bill do not provide for the adjudication of retired employees’ issues, as they are dealt with under separate legislation. These amendments are not relevant to the provisions of the Bill as read a Second Time. Therefore, they must be ruled out of order in accordance with Standing Order 113(1).

Deputy Dara Calleary: May I make a comment on that?

Acting Chairman (Deputy Olivia Mitchell): It is not in order, but I will allow a brief comment.

Deputy Dara Calleary: Section 79 of this Bill amends the Pensions Act 1990, which means it is directly relevant to pensioners and deferred entitlements. I have proposed amendments Nos. 5 and 6 to instruct the commission being established under this Bill “not later than six months after establishment day [to] issue a report detailing options to introduce a mechanism”. I am asking the commission to look at the rights of pensioners, retired employees and deferred

pensioners. This legislation seeks “to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments”. Surely pensions and defined benefit schemes are entitlements under any kind of working relationship. Retired employees and people on deferred schemes who paid substantial moneys into schemes on the basis that they would receive certain benefits have had those benefits pulled out from under them subsequent to them retiring from the scheme. This has happened without the people in question having any input. When we raised this matter on Committee Stage, we were informed that we could make amendments under the industrial relations (amendment) Bill, which I absolutely intend to do. Given that section 79 of this legislation amends the Pensions Act 1990, it directly involves pensions legislation. The Title of the Bill, which we will vote on here today, refers to “entitlements under, certain enactments governing the employment relationship between employers and employees”. A pension is a very basic entitlement of any kind of employment.

Acting Chairman (Deputy Olivia Mitchell): I ask Deputy Tóibín to be brief because I want to move on to the amendments that are in order.

Deputy Peadar Tóibín: The direction the Chair has given us regarding why our amendments have been deemed to be out of order is not the same as the direction we received from the Chairman of the Select Committee on Jobs, Enterprise and Innovation when we considered this Bill on Committee Stage. Indeed, at the start of that debate we were directed to identify any amendments that we intended to propose on Report Stage. We did that outside of the Committee Stage debate itself. When I asked whether we should mention these matters again during the debate itself, I was told there was no need to do so. Amendments Nos. 1 to 3, inclusive, are very basic. The Employment Law Association of Ireland made a submission to the committee suggesting that many employees are having difficulty because the names of the companies or businesses for which they work are not necessarily the same as the trading names of those companies. The association pointed out that there is no requirement for those trading names to appear on the documentation of these companies. On occasions, submissions in front of the Labour Relations Commission and the Employment Appeals Tribunal have been thrown out because mistakes were made about companies’ names. These amendments were tabled as part of a simple and clear effort to reduce the cost and time burden on the State apparatus and make it easier for employees.

Acting Chairman (Deputy Olivia Mitchell): I remind the Deputy Tóibín that the amendments in question have been ruled out of order. I cannot change the rules. Notwithstanding what the Deputy might have been told, the amendments are not in order. I am sorry. I will move on.

Deputy Clare Daly: While the complaints being made by Opposition Deputies might be tiresome, there is a real legitimacy to them. Deputy Calleary was on his feet when he got the letter telling him that his amendments were ruled out of order. We all got the same letter. As Deputy Wallace was the representative of the Technical Group on Committee Stage, some of the amendments that were tabled in his name belonged to other people, including me. Deputy Tóibín has accurately observed that at the start of the Committee Stage debate, people flagged the idea that certain amendments would be tabled on Report Stage and the Chairman of the committee said that was completely in order. As we got to our feet this morning, we were told that the amendments are not in order. It is simply not an acceptable method of doing business.

The validity of these amendments is entirely appropriate and relevant to this Bill. We are

talking about the functioning of the new workplace relations machinery. As things stand, key groups of workers who are concerned about their pension entitlements will be excluded from that. Ministers from the various relevant Departments have accepted that this is the case. The longer we delay on this issue, the more people will be denied their voice in that machinery. It is criminal that we are not even being allowed to discuss these amendments. As Deputy Calleary said, the aim of these amendments is to ensure the commission we are establishing will introduce a mechanism to give people who clearly have a link with their employments a way of having their grievances dealt with. I think the Minister of State should address the issues raised in the amendments we are being prevented from proposing. I reiterate that the way the Department has been running this legislation as it has moved between the committee and this Chamber is really inappropriate.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): Even though these amendments have been ruled out of order, I will be satisfied to address the substantive and substantial issues that have been raised by the Deputies. I might be responsible for many things, but I am not responsible for the decision to rule them out of order. While I recognise that amendment No. 3, in the names of Deputies Tóibín and Wallace, is out of order, I accept there is a serious issue regarding the failure of employers to inform employees of the correct full names and addresses of those employers, as required under section 3(1)(a) of the Terms of Employment (Information) Act 1994. We might be better advised to consider strengthening the enforcement provisions of that Act as a possible means of addressing this problem. I am not convinced that the removal of the obligation on the complainant to identify the correct respondent is necessarily the best remedy. I can commit to considering the matter further with a view to reverting with an appropriate amendment in the Seanad, if that is appropriate and acceptable.

Deputies Clare Daly and Wallace have raised an important point - this is covered in one of Deputy Calleary's amendments - about the pensions situation. While I appreciate that amendments Nos. 4 to 6, inclusive, have been ruled out of order, I wish to clarify that I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where such restructuring may have an impact on existing or potential pension benefits. The question of whether it is appropriate for pensioner groups to have access to the State's industrial relations machinery in pursuing the pension scheme grievances they might have has been raised for consideration, not just in this forum but also elsewhere. Of course, it should be pointed out that the trustees of a particular pension scheme are already required by law to act in the best interests of all the members of that scheme. On that basis, the trustees have to take account of the interests of the deferred and pensioner members in any proposals they make. I have given careful consideration to this matter, in which I have a deep personal interest. In my constituency, I represent many of the members referred to by Deputy Daly in particular. In light of their representations to me, I have given this matter considerable thought in recent times.

The Department of Jobs, Enterprise and Innovation consults the industrial relations bodies under its auspices on issues that arise in the context of the collective representation of retired and deferred members of pension schemes. In this context, it is important to note that this country's industrial relations system is voluntary in nature as regards access to the Labour Relations Commission and the Labour Court. Active members of pension schemes regularly engage with employers through their trade unions to attempt to reach common positions on changes to pension schemes, whether as a result of a crisis in the scheme or otherwise. In all such cases, the

outcome of that engagement can only be a collective agreement which cannot, of itself, involve a change to the pension scheme. Any proposed change to the scheme is effected by the mechanism set out in the trusts, deeds and rules of the scheme and are at the discretion of the parties designated under same. A collective approach may be most effective within this framework.

For the information of the House I am considering issues that have arisen in the context of access for former employees to the State's industrial relations machinery under the Industrial Relations Acts where they have not referred their claims prior to retirement. Any change in this area would require amendments to the definition of "worker" under section 23 of the 1990 Act and to the definition of "trade dispute" under section 3 of the 1946 Act. I expect the vehicle to address this issue to be the industrial relations Bill, which will deal with the structure of registered employment agreements, REAs, rather than the Bill currently before the House, as Deputy Callery alluded.

Amendments Nos. 1 to 6, inclusive, not moved.

Deputy Mick Wallace: I move amendment No. 7:

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

“(10) The Chairman of the Labour Court may require any representative, of a complainant or respondent, for gain, to comply with any code of practice made by the Commission under *subsection (1)(a)*.

(11) A representative for gain shall include but shall not be limited to counsel, solicitor, trade union or employer representative body with a negotiating licence, a body corporate or unincorporated body or individual including but not limited to any insurance company but shall not include any unincorporated body or incorporated body which does not provide services for any fee or reward, premium or annual or other premium or fee.”.

This matter was drawn to my attention by the Employment Law Association of Ireland, ELAI. Many representatives provide services for gain in employment forums. Some are regulated, such as solicitors and counsels, but others are not. Many cases must be adjourned before Rights Commissioners and the Labour Court where relevant documentation or procedures are not complied with despite the fact that parties are advised of what they must bring to hearings. Where a code of practice is put in place, it seems reasonable that the Labour Court should be able to direct and enforce the manner and basis under which individuals or entities providing services for gain act. This would be a cost saving to the State, employers and employees where representatives who are providing services for gain do not comply with a code of practice, as there would be a control element for the court.

Deputy Gerald Nash: The proposed amendment to include additional subsections in section 19 appeared to be based on a misunderstanding of the nature of codes of practice that have developed and been applied in industrial relations employment arenas. They have been developed as general guidance to employers, workers and their representatives. While compliance or non-compliance with such a code is a matter that may be admissible in evidence in proceedings before adjudication officers or the Labour Court, it would not be in keeping with the established character of those codes to make them enforceable at the direction of the Labour Court or any other body. As the Deputy is aware, codes of practice normally refer to best practice in the workplace. It is not the purpose of such codes to regulate the conduct of proceedings

in the first instance or on appeal. Therefore, there is no basis for including a provision such as that proposed by Deputy Wallace to give the Labour Court a specific power to direct a party's representative to comply with a code of practice. Accordingly, I will not accept the amendment.

Deputy Mick Wallace: If people are getting paid to represent others, should they not be required to hold certain levels of expertise or standards? This almost creates an unlevel playing field, in that it is okay for some people to be qualified to deal with the issues at hand when others need not be. The State will not create a level playing field.

Amendment put and declared lost.

Acting Chairman (Deputy Olivia Mitchell): Amendments Nos. 8 and 9 are out of order.

Amendments Nos. 8 and 9 not moved.

Acting Chairman (Deputy Olivia Mitchell): Amendments Nos. 10 and 11 are related and may be discussed together by agreement.

Deputy Peadar Tóibín: I move amendment No. 10:

In page 24, between lines 33 and 34, to insert the following:

“Employer obligation to display notice of employment rights in the workplace

26. Every employer shall display in a prominent position in or at the place of work, being a place to which employees have regular access and in such a position that it may be read easily by employees, a notice or notices in a form, manner, and in an appropriate language or more than one language that is reasonably likely to be understood by the employees concerned containing the following information--

(a) entitlements under employment legislation, either generally or by reference to particular enactments or a particular class or particular classes of enactments or to employees of one or more than one particular class or description, as may be specified in the notice concerned,

(b) complaints procedures concerning entitlements under employment legislation, and

(c) the contact details of the Workplace Relations Service for the purposes of--

(i) making general enquiries regarding entitlements under, and the application and enforcement of, employment legislation, and

(ii) communicating information to the Director pursuant to the Protected Disclosures Act 2014.”.

There are three main elements to workers' rights - the right is in law, the worker knows he or she has that right and the Government enforces it. If these elements are not ensured, the process does not work properly. If the Minister of State took a special interest in the J.J. Rhatigan Kishoge site and met the workers in the near future, it might help to resolve the problem.

Many of the workers and trade union representatives whom I meet are not fully *au fait* with

the machinery available to them from Departments to resolve rights issues. We must ensure that all workers have access to that knowledge. Mine is a simple amendment that ICTU has also recommended. It places an obligation to display basic employment and equality rights information notices. If we wanted, we could give the Workplace Relations Commission, WRC, in consultation with employers, unions and workers, a function in preparing a statutory notice that employers would be obligated to post in their workplaces to ensure that workers know their rights. It strikes me as a simple and obvious way to proceed.

Turning to amendment No. 11, it is the experience of unions that too many employers do not take their obligation to maintain or produce employment records seriously. This contrasts radically with the level of responsibility that employers have to maintain revenue and taxation records. The latter is important, but it should be no more so than recording the history of employees' experiences within their companies. The Government has a specific incentive and objective to ensure that revenue information is collected and maintained properly, but a progressive Government should have the same level of incentive to ensure that workers' employment experiences are properly recorded and maintained. For this reason, I ask the Minister of State to accept both amendments.

Deputy Dara Calleary: I wish to speak in support of amendment No. 10. Deputy Tóibín is right, in that there is a large corpus of employment rights and responsibilities about which most people are not aware. Nor do they know how to access them until such a time as employment relationships have been terminated or soured to such an extent that people seek out their union officials or solicitors. A basic information sheet should be available and visible in every workplace. Given the multicultural nature of our workforce, consideration should also be given to producing it in a number of languages, including Gaeilge. There is no sense in us giving time for debates on this Bill or the industrial relations (amendment) Bill unless the practical consequences and benefits of the legislation are made available and visible to those they will benefit.

Deputy Gerald Nash: There is an obligation on the WRC to make employees aware of their rights and employers aware of their obligations under employment law. Amendments Nos. 10 and 11 would add an unnecessary burden on employers for little practical benefit to employees. Employers could be required to reproduce and somehow display in the workplace the equivalent of the bulk of the material available on, for example, the website of the National Employment Rights Authority, NERA, or even a synopsis of same in plain English and, as Deputy Calleary suggested, other languages. I am not sure that this would be feasible. That said and to the best of my recollection, certain codes of practice are required to be available on site to all staff. Importantly, staff joining an organisation are required to be appraised of those codes so as to ensure that people are in compliance.

The obligations on employers under the Terms of Employment (Information) Act are more appropriate. The Act requires employers to provide each employee with a written statement of his or her terms of employment and to notify the employee of any change in the particulars as given in that statement. As stated previously, I will consider how best to improve compliance with that Act and I will not accept this amendment.

Deputy Peadar Tóibín: Briefly, many employees do not even have a contract of work. Many employees do not have guidelines such as those to which the Minister of State has alluded. In addition, if there is a folder containing all that information within the office of the employer, the very act of an employee demanding this information creates a tension that can mean an employer then starts to consider this person as a suspect employee, because he or she

is creating a problem. How different would it be if those rights simply were on the wall of a canteen and were there for all to see? It would create a different context in which those rights were to be understood in that rather than individuals being obliged to step outside their normal behaviour to chase those rights, these rights literally would be the wallpaper to their experience within the workplace.

Amendment put and declared lost.

Deputy Peadar Tóibín: I move amendment No. 11:

In page 24, between lines 33 and 34, to insert the following:

“Employer obligation to maintain and produce employment records

26. An employer who does not maintain and produce employment records is liable to a penalty of €4,000, and where that employer is a company, the secretary of that company is liable to a separate penalty of €3,000.”.

Amendment put and declared lost.

Acting Chairman (Deputy Olivia Mitchell): Amendments Nos. 13, 17, 20 and 21 are cognate with amendment No. 12 and may be discussed together with it.

Deputy Peadar Tóibín: I move amendment No. 12:

In page 27, line 31, to delete “42 days” and substitute “28 days”.

On amendment No. 12, Sinn Féin has sought to create a reasonable length of time by which an employer must appeal a compliance notice. Originally, I sought a period of two weeks in this regard but this was deemed to be too short. I noted that, recently, the Government gave a four-week space to the survivors of symphysiotomy to make a claim with regard to the new redress scheme starting from 10 November. Only in exceptional circumstances will a person who has suffered the terrible violence of symphysiotomy have an opportunity to seek redress after that four-week period has elapsed. Consequently, it is bewildering that the Minister of State would argue the case for an unscrupulous employer, who already has been found guilty of a breach of employment law, to have a compliance notice timeframe that would be longer than that available to these elderly, infirm women. It shows a lack of consistency in the Government’s approach to two significantly different experiences in Irish society. I imagine that personally, like me, the Minister of State will be thinking it is quite shocking that the State would treat these two groups so differently.

Amendment No. 13 is the same and the points I have made with regard to amendment No. 12 also relate to the other amendments.

Deputy Gerald Nash: At the outset, I find it a little peculiar that Deputy Tóibín has decided to conflate the issue of symphysiotomy with this particular issue. There is no lack of consistency here, as this provision is designed to make sure there is consistency right across the board. In respect of amendments Nos. 12 and 13, the period of 42 days within which an employer must initiate an appeal against a compliance notice issued by an inspector and an appeal from the Labour Court to the Circuit Court mirrors the standard appeal period that applies, for example, to the bringing of an appeal to the Labour Court in respect of a decision of an adjudication officer. An important principle underlying the procedural reforms the Bill introduces is in fact

that of consistency. The Bill aims to make navigation of the employment rights compliance and enforcement systems much more user-friendly and much more citizen-friendly by providing for standard procedures and timeframes wherever possible. This is the kind of consistency people wish to see in this kind of process. On that basis, it would be inappropriate for me to accept the Deputy's proposal to shorten the period within which an employer may appeal a compliance notice. Therefore, I will not accept amendments Nos. 12 and 13.

Amendments Nos. 17, 20 and 21 relate to the time periods provided for in section 36 and would have the effect of reducing the period of time within which an employer on whom a fixed payment notice has been served would be obliged to make the payment specified in the notice period. The period of 42 days within which an employer must make the payment specified in a fixed payment notice issued by an inspector also mirrors the standard limitation period specified throughout this Bill. As noted earlier, an important principle underlying the procedural reforms the Bill introduces is that of consistency. Therefore, I will not accept the Deputy's amendments Nos. 17, 20 and 21 either.

Deputy Peadar Tóibín: The reason I conflated together these two matters is these are timescales by which the Government expects individuals to take action on something. There are two separate groups of individuals-----

Deputy Gerald Nash: One is an administrative scheme, while the other is something quite different.

Deputy Peadar Tóibín: One is an employer who has been found to have broken a law, etc.

Deputy Gerald Nash: It is a different matter entirely.

Deputy Peadar Tóibín: The other group comprises individuals who have had their rights taken away from them. Yet, were one to flip those timescales, there would be a logic to it. However, the timescales are shorter for those who have suffered. Moreover, there is conflation with regard to many different aspects of legislation. The figure used for fines in this process is a figure used for fines for driving offences, etc. They are not the same things at all but are considered to be a consistent approach to certain aspects of trying to keep behaviour within the law.

Amendment put and declared lost.

Amendment No. 13 not moved.

Deputy Peadar Tóibín: I move amendment No. 14:

In page 28, after line 37, to insert the following:

“Liability of a company officer or officers for a breach of employment law

29. Where a breach of employment law is committed by a body corporate or by a company officer or officers acting on behalf of a body corporate and is determined to have been so committed, with the consent, connivance or approval of, or to have been attributable to any neglect on the part of, a person or persons who, when the breach was committed was a company officer or officers of the body corporate, then that person or persons shall be personally liable for the breach committed.”.

This is a massively important issue upon which I cannot focus enough. In my experience

of working with employees and workers for a number of years, one major trick used by unscrupulous employers to impoverish workers or to hammer their rights is the use of company law to separate the company that has the assets from the company that employs the employees. For example, I know of local authorities that hold tendering processes whereby one company applies for the contract to the tendering process, that is, the company with the assets, while the other company employs the individuals. Thereafter, company B that employs the individuals goes to the Labour Relations Commission seeking a reduction in wages because its financial health seemingly is not good enough to provide the employees with the wage rates with which they were employed but yet the company with the assets is the company holding the tender. This is evident in respect of Connolly's Shoes and many companies that have gone into liquidation or insolvency, albeit not formal insolvency, and which have withheld assets from staff members who have not had redundancy payments, holiday money or even their normal wages paid to them. Members need to pierce this corporate veil, this paper wall, which makes a mockery of employment law. I sincerely ask the Minister of State to take on board this amendment.

Deputy Billy Kelleher: I wish to contribute to the debate on this amendment because, as Deputy Tóibín pointed out, there are some unscrupulous employers in operation here. These people will go to major lengths to hide behind the law in general or use corporate law to undermine the rights of workers. I do not wish to be parochial but I am aware of a case in my constituency which provides an indication of what can happen. I refer to a company, Highway Retail, which just decided to lay off its employees and deny them their rights. Some of the employees have been working for this company for 24 years and they are now involved in a sit-in at a petrol station it operates. Basically, they are seeking their rights and entitlements under employment law. There appears to be an unwillingness to confront the stark reality that some employers may be disposed to abusing the rights and entitlements of their employees. The case in Cork North-Central highlights that fact. Lock-ins or sit-ins took place at the premises of a number of other companies in Cork in the past. The employers involved in these various disputes have undermined labour law and employment rights protection. There needs to be a recalibration of the rights of the rights and entitlements of individual employees.

The company to which I refer, Highway Retail-----

Acting Chairman (Deputy Olivia Mitchell): As the Deputy will be aware, the rules stipulate that he cannot refer to people outside the House.

Deputy Billy Kelleher: The matter is referred to in every newspaper this morning.

Acting Chairman (Deputy Olivia Mitchell): I am not obliged to rule on what is contained in the newspapers.

Deputy Billy Kelleher: I do not wish to become involved in an argument with the Chair but the matter has already been covered by the national print media.

Acting Chairman (Deputy Olivia Mitchell): That may be the case but the Deputy knows the rules of the House.

Deputy Billy Kelleher: I do. However, I am not divulging information that was previously secret. This matter is covered by every newspaper in the country and there is a story relating to it on *TheJournal.ie*.

Acting Chairman (Deputy Olivia Mitchell): That is not our concern.

Deputy Billy Kelleher: Six employees in Cork are being badly treated by the company in question. This is an example of a company abusing or undermining employment rights law by exploiting the weaknesses in it. Deputy Tóibín is quite right; there comes a point where people can shirk their responsibility by splitting up a company by divesting part of it into the assets and the remainder with the current management. This is a matter to which it would be worth giving consideration. I urge the Minister of State to examine what I and other Deputies have to say on this issue. Action must be taken because it is disgraceful that six people may be obliged to be involved in a sit-in on the relevant company's premises over Christmas.

Deputy Mick Wallace: I support the comments made by Deputies Tóibín and Kelleher. There has been a great deal of abuse of our employment laws in the past ten to 15 years. The State must play a stronger role in terms of ensuring there will be no recurrence of many of the things which happened during that period. A current example in this regard is that some workers employed by J.J. Rhatigan appear to have been paid in the region of €5 per hour. There has been a serious problem within the construction industry for a number of years whereby main contractors take on subcontractors - or subbies - who are not obliged to pay tax until the end of the financial year. Some of these subcontractors come from outside the State and, as a result, they do not pay tax at all. They form companies and they are actually able to get away with doing so for approximately 18 months before they are caught. When they are caught, they scrap the companies. As a result of the fact that subcontractors do not pay the 35% for which they are liable, they are in a position to quote very low prices for work. It has become increasingly difficult for people in the Republic to obtain work directly on building sites because subcontractors who are based outside the State - generally in Northern Ireland - are in a position to provide lower quotes for work. This type of behaviour has been going on for many years and neither this Government nor that which preceded it have taken action. This is a glaring problem and this type of behaviour undermines the rights of workers in this State.

Deputy Clare Daly: I support the amendment. What we are discussing here is the fairly extensive, in some ways, practice on the part of some unscrupulous employers to deliberately breach employment law while hiding behind a company set-up. That is just not on. Given that we are deliberating on legislation designed to improve workplace relations, we must deal with this issue. I accept that some matters are open to interpretation. In that context, I refer to the earlier amendment tabled by the Minister of State in respect of holidays when someone is on sick leave. Many companies have different practices in this regard because the legal position has not been clarified.

Amendment No. 14 seeks to deal with those cases which involve clear-cut breaches of employment rights by unscrupulous employers. On a previous occasion I brought to the attention of the Minister of State a case involving a breach of the National Minimum Wage Act by Hertz, a reputable multinational company. He correctly pointed out at the time that it is a criminal offence for someone to breach that Act. The difficulty is that an entire company cannot end up in prison. It can, however, take a hit. The National Employment Rights Authority, NERA, reached a decision regarding such matters to the effect that it is not its practice to take action in respect of a first offence. I do not believe that such an approach could be taken in respect of other crimes. For example, I do not see how someone could be let off for murder because it was his or her first offence. We must get tough and hold people individually responsible when they flagrantly breach the law, as it is set down in black and white. Many examples of such breaches have been aired in this Chamber. The position will not change unless people are held personally to account.

Deputy Dara Calleary: I support the spirit of the amendment. In recent years, many companies have used employment law in an anti-competitive way. It is important to emphasise that 90% of employers are both compliant and supportive of employment law. However, the other 10% use it in order to gain competitive advantage in the context of tendering, pricing and how they run their businesses. There have been many examples of the kind of case to which Deputy Kelleher referred in the past number of years. I will be tabling a large number of amendments to the Industrial Relations (Amendment) Bill 2014 in order to try to confer more powers on the inspectorate with a view to stop the minority of employers from driving a coach and four through people's employment rights.

Deputy Willie O'Dea: I support the thrust of the amendment. The corporate veil was to some extent pierced by the Companies Act 1990, which stipulates that in certain situations directors of a company which had gone out of existence could be held personally liable for trading while insolvent or other activities.

There is no doubt that, as previous speakers indicated, certain companies are playing fast and loose with the loopholes in company law. An example in this regard is the case relating to J.J. Rhatigan and Company, which was mentioned in the House yesterday on Leaders' Questions. This company is contracted directly to the Department of Education and Skills. It has consistently abused its workers at a number of sites, particularly one located in Lucan, County Dublin, and neither the Department of Education and Skills nor the Department of Jobs, Enterprise and Innovation has intervened. Will the Minister of State provide an assurance to the effect that action will be taken to bring this type of abuse to an end forthwith? This matter has dragged on for 15 weeks and the company has circumvented the law by designating its employees as subcontractors. That is absolutely outrageous because the individuals in question work for a wage and are employees in the normal sense of the word. In order to circumvent the law and avoid its obligations, however, J.J. Rhatigan and Company has designated them as subcontractors. That type of behaviour is completely insupportable. I ask the Minister of State to provide an assurance to the effect that this practice will be investigated as a matter of urgency. It should already have been investigated during the past four months and brought to an end.

Debate adjourned.

12 o'clock

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 Terence Flanagan — the processing of medical card applications in the primary care reimbursement service; (2) Deputy Michelle Mulherin — the need to introduce a housing grant scheme to assist householders who are residing in areas identified as at risk of flooding; (3) Deputy Seán Kyne — the plans for the Garda presence in Galway and the western division arising from reports concerning the future of Salthill Garda station; (4) Deputy Michael Lowry — the need for intervention to secure a replacement industry for the Lisheen mine site in County Tipperary; (5) Deputy Patrick O'Donovan — the need for a new process of allocating resources to prioritise the construction of new Garda stations and refurbish exist-

ing ones; (6) Deputy Anthony Lawlor — staffing issues at Naas General Hospital; (7) Deputy Michael Fitzmaurice — the protests by beef farmers; (8) Deputy Sean Fleming — the funding of the school meals local project scheme in Scoil Bhríde, Portlaoise, County Laois; (9) Deputy Dara Calleary — the need for extra resources to be given to the State Laboratory to expedite its investigations into alleged petrol stretching incidents; (10) Deputy Seán Ó Fearghaíl — the overcrowding problems currently being experienced at Naas General Hospital; (11) Deputy Martin Heydon — staffing issues at Naas General Hospital; (12) Deputy Seán Crowe — the proposed symphysiotomy redress scheme; (13) Deputy Pádraig Mac Lochlainn — the need to restore the free bus pass allowance on the Buncrana–Derry city bus route for the elderly and disabled citizens; (14) Deputy Robert Troy — the crime rates in Longford; (15) Deputy Lucinda Creighton — the deteriorating tax environment for productive investment in small and medium-sized enterprises here; (16) Deputy Michael Moynihan — the opportunities to reduce our carbon emissions through the use of biomass energy; (17) Deputy Billy Kelleher — the measures to be put in place to address the death rates from cancer among the less well off; (18) Deputy Thomas Broughan — the urgent need for the Minister for Health to review the methadone treatment scheme in light of the increasing number of people receiving methadone as opioid substitute treatment and the time citizens with addiction problems spend in this treatment scheme, and the need for a drastic improvement in the number of direct rehabilitative programmes, especially residential detoxification programmes, available to citizens who have severe addiction problems; (19) Deputy Caoimhghín Ó Caoláin — the need to extend, or preferably remove altogether, the 20-day timeframe for the return of applications and support documentation to former judge Maureen Harding Clarke regarding the redress scheme for symphysiotomy survivors; (20) Deputy Catherine Murphy — the position on resources and funding at Naas General Hospital that prompted industrial action on Monday, 10 November; (21) Deputy Róisín Shortall — the need to update regulations under the misuse of drugs legislation to curb the open street trading of benzodiazepines and Z-drugs; (22) Deputy Joe Costello — the need for the Minister for Communications, Energy and Natural Resources to provide a structure and support for the development of community-based sustainable energy projects; (23) Deputy Billy Timmins — the position on clinical directive 03/2014; (24) Deputy Clare Daly — to discuss the Garda Inspectorate’s report regarding the handling of crime; (25) Deputy Mick Wallace — to discuss the implications of the Garda Inspectorate’s report; (26) Deputy Eamonn Maloney — the review of funding for the women’s refuge in Dublin 24 operated by Respond!; (27) Deputy Maureen O’Sullivan — the proposed interview process for the Magdalen restorative scheme; (28) Deputy Ruth Coppinger — Irish Water and water meters, with reference to the use of the Garda in the policing of residents involved in protests against the installation of water meters; (29) Deputy Dessie Ellis — the need to protect tenants from losing their homes in the case of the sale or repossession of, or receivership proceedings on, the house they are renting; and (30) Deputy Paul Murphy — the youth development internship programme that was launched yesterday by the Tánaiste as part of the Youth Guarantee.

The matters raised by Deputies Patrick O’Donovan, Eamonn Maloney, Billy Kelleher and Billy Timmins have been selected for discussion.

Visit of Hungarian Delegation

An Ceann Comhairle: Before proceeding with the Order of Business, I wish, on behalf of the Members of Dáil Éireann, to offer céad míle fáilte, a most sincere welcome, to His Excellency Mr. István Jakab, Deputy Speaker of the National Assembly of Hungary. I hope he is

finding his visit most enjoyable. He is most welcome to Leinster House today.

Leaders' Questions

Deputy Micheál Martin: The rate of population growth among people aged over 65 is nearly double that of the European Union as a whole. It is projected to increase by approximately 20,000 per year between now and 2021. There is a projected increase of 46% in the number aged over 85 between now and 2021. This is a dramatic trend for our health services to meet, particularly if they are to meet the demand for nursing home places. It will mean a significant increase in the number of nursing home beds required.

What is astounding is that the Taoiseach, when preparing the service plan for 2014 last year, in respect of which plan he took a hands-on part because he could not trust his then Minister for Health, Deputy James Reilly, to do it, actually budgeted for 700 fewer beds although demand was growing. The results have been dramatic. Every month in 2014, the circumstances worsen dramatically in terms of the number of people waiting for a nursing home bed and to become eligible to participate in the fair deal scheme. The cuts have been dramatic. In January of this year, 512 were awaiting funding, and there was a four-week waiting period for approval. In April, there were 913 waiting, with a six-week waiting period for approval. In June, 1,465 were waiting and it took 12 weeks to obtain approval. In October, a whopping 2,114 were awaiting funding and approval took 15 weeks. Therefore, the sickest in society were waiting 15 weeks to become eligible for the fair deal scheme, or for appropriate nursing home care.

In some instances, where the acute hospitals have transferred people in advance of their becoming eligible, the bills are now mounting to €3,000, €4,000 and €5,000. Where people are in such circumstances for the full 15 weeks, some families face a bill of €15,000, which is extraordinary. I cannot understand how the Government is standing over this and why the Taoiseach decided to allow for this over the past 12 months. Does the Taoiseach accept this is a scandal in itself and that it is getting worse? Will he reverse the decisions he has taken and provide the funding necessary to enable the waiting times to reduce dramatically and those who are waiting to become eligible for the fair deal scheme to become eligible immediately?

The Taoiseach: I accept that this is a challenge. Clearly, the demographic trends are as the Deputy has pointed out. Everybody understands that not only is the number of older people in the country increasing but that people are living longer because of advances in general health and medicine. At the other end of the scale, it is true to state children being born today will in many cases live well beyond 100. However, the challenge for now is to provide a health service that gives the very best of attention to all patients. There can be no doubt that it is a challenge.

As of 28 October 2014, there were 2,135 on the placement list. The Government allocated a further €25 million in the budget for 2015 in response to the delayed discharges in acute hospitals. Deputy Martin is well aware that those affected are people that the medical profession would have cleared to leave the hospital setting but who cannot because of the lack of step-down beds or opportunities to go into appropriate homes.

There is a review of the fair deal scheme under way, as announced by the Minister. It will include consideration of the balance between community and residential services, in addition to future financing for the sustainability of the scheme. The review will be published in the coming period and work is well advanced on it. The Deputy is aware of the conditions that apply

for participation in the nursing home support scheme. The review of the scheme is considering its long-term sustainability in addition to how the current model of provision balances residential care with care in the community. The question of whether this is to be changed because of what older people wish is being considered. The review will be published in the not-too-distant future.

The budget for the scheme this year is €939 million. Admittedly, this represents a reduction on the figure for the 2013 scheme. It includes €23 million that was transferred from the health service's budget to community services to deliver a greater range of care options that people require, prevent unnecessary hospital admissions, avoid undue delays in discharges from acute hospitals, and provide rehabilitation to support older people in returning home. As the Deputies are all aware, the vast majority of older people want to be in their home and community until such time as medical or other circumstances require their going into an institution.

Some €10 million of the allocation is to provide intensive home care packages, covering 250 people annually. That phase began in April of this year across eight different locations. Some €3 million was allocated for the commission of 25 intermediate or transitional care beds, to benefit 650 people. Twenty of those beds were for complex cases, to benefit 130 people with specific difficulties. Some €10 million was allocated to address funding shortfalls in the provision of public short-stay beds and to maintain the current provision of 1,860 beds.

This is a challenge and the Minister is carrying out a review of the fair deal scheme to get the balance right. The question of the number of discharged patients who can be released consequent to the allocation of €25 million this year and the longer waiting periods for approval of eligibility for the fair deal scheme that have been evident need to be addressed. One cannot expect families to fork out huge amounts of money waiting for fair deal scheme approval to come through.

Deputy Billy Kelleher: Some 700 of them are doing so at present.

The Taoiseach: Admittedly, it has been a challenge of finances. It is one we are addressing and of which the Minister is very aware.

Deputy Micheál Martin: I do not know what world the Taoiseach lives in.

The Taoiseach: The same world as Deputy Martin.

Deputy Micheál Martin: It is because of the Taoiseach's decision last year with the Minister, Deputy Reilly, that we have people waiting. He has stated that admittedly, this represents a reduction in the funding. Demand is increasing and the Taoiseach knows the population trends. It is extraordinary that he would provide for less funding in an area that demands more funding. The Taoiseach will provide hundreds of millions of euro in tax relief and present that for political reasons, but is there any social conscience at the heart of Government at all given that the sickest and most vulnerable older persons in society are left waiting for 15 weeks before they will get approval?

Deputy Finian McGrath: Outrageous.

Deputy Micheál Martin: Their families are anxious about it. Thousands of euro are being paid by families in some instances.

Deputy Mattie McGrath: Bed blockers.

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Deputy Micheál Martin: It is nothing short of a disgrace. The number of delayed discharges has gone up to 700 now. The number of acute admissions is soaring. It is causing significant dysfunction throughout the health service. It is extraordinary that the Taoiseach would come in here and state that admittedly, this represents a reduction in the funding. The Government must address it. We cannot have people waiting.

An Ceann Comhairle: A question, please.

Deputy Micheál Martin: All of this is happening-----

Deputy Mattie McGrath: It is the same with the bed blockers.

Deputy Micheál Martin: -----because the Government took a decision 12 months ago to reduce the funding and we see nothing at present that suggests that any meaningful intervention will take place. It is about priorities.

An Ceann Comhairle: A question, please. Deputy Martin is over time.

Deputy Micheál Martin: The Taoiseach has established his priorities and has made his decisions. What I want from the Taoiseach is an immediate commitment that this waiting list will be eliminated promptly and that no one will have to wait 15 weeks for fair deal scheme approval. I want that now because the numbers affected have increased from 500 at the beginning of the year to 2,000 now, and there will be 3,000 if the Taoiseach does not get it sorted and does right by these people.

The Taoiseach: Everything with Deputy Martin has become extraordinary these days. It is remarkable. When he was throwing money at it, left, right and centre, the situation was worse.

(Interruptions).

An Ceann Comhairle: Stay quiet.

Deputy Billy Kelleher: The Taoiseach opposed it. He went around the country stating our homes would be taken off us.

(Interruptions).

The Taoiseach: At the end of September this year-----

Deputy Noel Coonan: Deputy Mattie McGrath ran away from them.

(Interruptions).

An Ceann Comhairle: Would Members settle down?

The Taoiseach: At the end of September this year-----

Deputy Noel Coonan: Where will Deputy Mattie McGrath run now?

Deputy Mattie McGrath: Where will Deputy Coonan run?

An Ceann Comhairle: Would Members stay quiet?

The Taoiseach: At the end of September this year-----

An Ceann Comhairle: The Taoiseach is well able to answer for himself.

(Interruptions).

The Taoiseach: -----there were 22,380 persons in receipt of financial support from the State, including subvention and contract beds. A further 426 persons had been allocated funding but had not yet taken up a bed. Some 2,135 persons were on the national placement list awaiting funding.

Deputy Noel Coonan: There is no problem.

The Taoiseach: Some 1,450 of those were in progress. Some of those applications come in-----

Deputy Mattie McGrath: The Minister of State, Deputy Kathleen Lynch, knows the facts.

Deputy Noel Coonan: Run Mattie, run.

The Taoiseach: -----without the necessary supporting documentation. To date this year, 4,324 new clients were funded under the scheme in public and private nursing home. The average approval rate for 2014-----

Deputy Micheál Martin: What about the waiting times?

The Taoiseach: -----is 515 persons per month and for the ten months to October 2014, the average approval rate was 463 per month.

Deputy Michael Healy-Rae: The waiting time is 15 weeks.

Deputy Timmy Dooley: They must be all in Mayo.

The Taoiseach: On the profile for November and December this year, an average of 783 per month will be released in November and December.

Deputy Micheál Martin: The Taoiseach is merely reading notes. Would he answer the question?

The Taoiseach: It is a challenge, but it is a challenge that the Minister accepts and that the Government will deal with.

Deputy Willie O’Dea: It is a bigger challenge for the families.

Deputy Micheál Martin: It is about decisions. It is about prioritising the spending.

The Taoiseach: We all understand the importance of persons-----

Deputy Micheál Martin: It is about the proper allocation of resources.

An Ceann Comhairle: Would Deputy Martin stay quiet?

The Taoiseach: -----particularly elderly persons-----

Deputy Micheál Martin: Someone on over €100,000 gets €1,700.

The Taoiseach: -----being able to be comfortable in their own home-----

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An Ceann Comhairle: Deputy Martin had his say.

The Taoiseach: -----in the community and under this scheme.

Deputy Micheál Martin: The older people get nothing.

The Taoiseach: We are very conscious of it. The figures I have given Deputy Martin are accurate figures for up to the end of November and December.

Deputy Micheál Martin: It is prioritisation.

Deputy Timmy Dooley: Will the Taoiseach ask some of his backbenchers and they will let him in on what is going on?

(Interruptions).

The Taoiseach: Of course, the demographics are changing and we are making arrangements to deal with those changes.

Deputy Micheál Martin: The Taoiseach took his choices. He is looking after the wealthy.

The Taoiseach: The figures I have given the Deputy of a 783 average per month for November and December speak for themselves. It is very much a different situation than that when Deputy Martin had charge of it.

Deputy Timmy Dooley: Fourteen weeks.

Deputy Mary Lou McDonald: This afternoon the Committee of Public Accounts will meet to decide on how best to proceed in regard to the allegations of tax evasion contained within the whistleblower file. I note that the Minister, Deputy Richard Bruton, has now forwarded a copy of Mr. Gerry Ryan's detailed witness statement to the Garda Bureau of Fraud Investigation after a delay of almost two years. I understand also that the Minister stated he will meet the whistleblower, even though he had been unwilling to do so previously despite repeated requests by Mr. Ryan since 2011.

I am sure the Taoiseach will agree that the allegations contained within this file are of a most serious nature and I understand that the Minister briefed him on these matters on Saturday last. I ask the Taoiseach whether he believes Mr. Gerry Ryan when he states that there was a pattern of political obstruction which impeded his investigation into these matters. Does he believe Mr. Ryan when he states that his investigation was shut down by the former Tánaiste, Ms Mary Harney, when he uncovered that named senior politicians from the Progressive Democrats-----

A Deputy: Is that not Deputy McDonald's job?

Deputy Mary Lou McDonald: -----Fianna Fáil and Fine Gael held offshore accounts, revelations that, undoubtedly, would have been most uncomfortable for the political establishment?

Deputy Joe Carey: They themselves had a few funny accounts.

Deputy Mary Lou McDonald: Does the Taoiseach believe Mr. Ryan when he states that the Minister, Deputy Richard Bruton, was part of this pattern of political obstruction, in fact, up until yesterday when he finally released this witness statement?

Deputy Olivia Mitchell: Deputy McDonald is supposed to be finding out.

Deputy Noel Coonan: Deputy McDonald should look over her shoulder at who is watching.

The Taoiseach: This is the first opportunity for anybody to bring forward such documentation under the Protected Disclosures Act 2014. It is because of the reform introduced by the Government that such should be so. As I stated yesterday in answer to questions, this is a case of where the whistleblower involved here must be protected. Indeed, it is very different from the treatment given to whistleblowers from the organisation that Deputy McDonald represents.

Deputies: Hear, hear.

The Taoiseach: In any event, I understand that Deputy McDonald is still a member of the Committee of Public Accounts and she stands up here and prejudges the outcome of the witness statement and the documentation provided by the person involved here.

Deputy McDonald will be aware that this dates back a long time. On the allegations being made by the whistleblower under the Protected Disclosures Act 2014, the witness statement has been sent from the Department and the Minister to the Garda Bureau of Fraud Investigation, which requested the witness statement in the first instance. She will also be aware that the Committees of Public Accounts, under the Chairman, Deputy John McGuinness, has sought legal advice on the documentation that has been received. I will not preclude what that legal advice might be or what the Committee of Public Accounts may do following receipt of that advice. However, I want to say that this is a welcome trend. Under the Protected Disclosures Act 2014, the whistleblower must be protected here and the issue of tax evasion in respect of the vast quantity of documentation provided must be, if necessary, followed through by the Committee of Public Accounts.

Deputy McDonald will be aware that all of the documentation involved was sent to the five agencies - the Director of Corporate Enforcement, Garda, Revenue, and the Mahon and Moriarty tribunals. If the whistleblower, in his statement, is of the view that some of the institutions of the State did not follow through in the way that they should have, that is now a matter on which the fraud squad should follow through and for the Committee of Public Accounts to do its duty as an independent committee of this House.

Deputy McDonald stands up and has already prejudged the outcome of this matter in the same way as she is prepared to state that her party never had any cover up of anything that will be discussed later on today because of another whistleblower with an issue that was of very serious and personal importance to her.

Deputy Mary Lou McDonald: I have prejudged nothing and I have been careful not to prejudge anything.

Deputy Olivia Mitchell: Deputy McDonald is asking the Taoiseach to do so.

Deputy Mary Lou McDonald: As regards the allegations-----

(Interruptions).

Deputy Patrick O'Donovan: Deputy McDonald is asking the Taoiseach to do so.

Deputy Mary Lou McDonald: -----that are very serious in respect of alleged tax evasion by named individuals who are household names from Fianna Fáil, Fine Gael and the Progres-

sive Democrats, it is not for me to prejudge. Those are merely allegations.

I asked the Taoiseach a different set of questions that I believe he should answer and that he is in a position to answer. He does not need legal advice and he does not need the Committee of Public Accounts to guide him on these matters. The Minister has briefed the Taoiseach on the dossier. What I want is for the Taoiseach to tell this House whether he believes Mr. Ryan, the brave whistleblower, as the Taoiseach has acknowledged, when he says his investigation was subject to sustained political obstruction. That is what the man claims. Does the Taoiseach believe him when he says that the former Tánaiste, Mary Harney, shut down his investigation when information emerged around these public figures? Finally, does the Taoiseach accept, as Mr. Ryan believes, that the Minister, Deputy Richard Bruton, was part and parcel of that pattern of political obstruction? They are the questions for the Taoiseach.

An Ceann Comhairle: Deputy McDonald is over time.

Deputy Mary Lou McDonald: They are straightforward and the Taoiseach should be in a position to answer them in this House today.

The Taoiseach: No, I do not believe the Minister, Deputy Bruton, was part of a pattern of political obstruction. The evidence, clearly, is that the Minister requested that the work would proceed on the completion of the witness statement in respect of the matters in hand. The Minister made his own statement on the matter. The witness statement has been cleared and sent to the entity that requested it-----

Deputy Mary Lou McDonald: Two years later.

The Taoiseach: -----namely, the Garda Bureau of Fraud Investigation. Deputy McDonald has asked me questions. She said she does not want to prejudge the matter herself but she is asking me to prejudge it.

Deputy Mary Lou McDonald: No, I did not ask that.

The Taoiseach: Deputy McDonald has asked me in the House if I believe the whistleblower's statements and allegations. She asked me to prejudge the outcome. Deputy McDonald's point is whether I believe the whistleblower.

Deputy Mary Lou McDonald: Does the Taoiseach believe him?

The Taoiseach: Let me confirm to her that when I spoke to the Minister, Deputy Bruton, he briefed me on the reasons for the delay in the sending of the witness statement to the Garda Bureau of Fraud Investigation. As I am not a member of the Committee of Public Accounts I have not read the detailed dossier, nor have I been briefed on its contents. Deputy McDonald is aware that the fraud squad investigation will follow through on the witness statement, in respect of which all the documentation has already been sent some time ago to the various entities over the years. The Committee of Public Accounts has been given the documentation and the dossier and it has sought legal advice on it. The PAC is one committee of the House that has always acted independently.

Deputy Mary Lou McDonald: So the Taoiseach does not believe the whistleblower was politically obstructed. Is that the Taoiseach's answer?

The Taoiseach: Deputy McDonald asked me whether I believe the whistleblower's state-

ment.

Deputy Paudie Coffey: Does Deputy McDonald believe Máiría Cahill?

The Taoiseach: I want the Committee of Public Accounts, in its responsibility, to assess and analyse the legal advice it receives and to follow through on that.

Deputy Mary Lou McDonald: It is the Taoiseach's responsibility not that of the Committee of Public Accounts.

The Taoiseach: If further investigation is warranted of any of the decisions taken, or not taken, by the agencies of State then so be it and the Committee of Public Accounts will have a responsibility in that regard. We cannot stand over a situation where a whistleblower under the protection of legislation comes forward with allegations or statements and they are not followed through or investigated.

Deputy Mary Lou McDonald: So the Taoiseach does not believe he was obstructed.

The Taoiseach: That is the purpose of the legislation. It is a radical departure where the whistleblower in this case must be protected.

Deputy Mary Lou McDonald: He strenuously disagrees with that.

The Taoiseach: It is a very far cry from the way Deputy McDonald's people looked after whistleblowers over the past 35 years.

Deputies: Hear, hear.

An Ceann Comhairle: I call Deputy Joan Collins.

Deputy Paudie Coffey: The republican movement operated its own law and its own kangaroo court.

Deputy Sandra McLellan: That is not very nice.

Deputy Eric Byrne: It was not very nice what republicans meted out to people.

Deputy Sandra McLellan: You would know all about it.

Deputy Eric Byrne: Sinn Féin knows all about it. They are digging up the bodies at the moment.

An Ceann Comhairle: Will Members please stay quiet? I call Deputy Collins.

Deputy Dessie Ellis: Is that official?

Deputy Noel Coonan: Good man, Dessie.

Deputy Paudie Coffey: Deputy Ellis would know all about that.

An Ceann Comhairle: If Members wish to have a conversation they can go outside the Chamber. I call Deputy Joan Collins.

Deputy Noel Coonan: It was a kangaroo court.

Deputy Joan Collins: A Cheann Comhairle-----

An Ceann Comhairle: Members should please show some respect to the Deputy.

Deputy Joan Collins: I refer the Taoiseach to the recent UNICEF report, Children of the Recession. The report deals with the impact of the recession on children in the OECD. Many Deputies referred to it but no one has held the Government to account for the impact of its decisions on children in the State. The figures for Ireland make for sober reading, to say the least. The number of children suffering poverty rose from 18% in 2008 to 28.6% in 2012. We are now catching up on the United States, which has a disgraceful rate of 32.5% and we have passed the UK rate of 25.6% child poverty. The figures represent a damning indictment of global capitalism, given that such poverty can exist in the richest countries as a consequence of the inequalities that lie at the heart of capitalism, and in fact is an essential part of the system. Before the crash in Ireland, 18% of children lived in poverty but inequality has increased dramatically due to the austerity enforced on ordinary families by the Government and the previous Fianna Fáil-led Administration. Children are going to school hungry. They are arriving at crèches with doughnuts or chocolate bars because that is what is on offer in the local shops. A total of 729 children in 400 families in Dublin alone have lost the roof over their heads. Families are forced to live in hotel rooms with nowhere to cook or play.

I also refer the Taoiseach to the young mother from Cork who wrote to a national newspaper to ask what is the point of working to pay bills or taxes when the real losers are one's children. The mother is part of a working family. She said in her letter that her two children are being raised in child care centres like caged hens while the parents work. They are out of the home for longer than the average industrial worker.

At the other end of the scale, the report I cited states that 16% of those aged between 15 and 24 years are not in employment, education or training. Along with those forced to emigrate they are part of a generation cast aside. That is the real price of austerity and the choice the Government has made, along with the previous Government. Does the Taoiseach agree that is the result of the choices the Government has made by bailing out the bankers and protecting the wealthy at the expense of those in society who most need it?

The Taoiseach: No, I do not agree.

Deputy Sandra McLellan: Then whose fault is it?

The Taoiseach: However, I agree that the situation the Government inherited three and a half years ago was unprecedented in terms of the scale of the economic challenge. A total of 250,000 jobs were lost. Virtually every house in the country was in negative equity. There was disillusionment and disappointment and no hope. Emigration and poverty stared many in the face. We have come a long way since that time and we still have quite a distance to travel-----

Deputy Sandra McLellan: The situation is getting worse.

The Taoiseach: -----but the figures that are now emerging show an improvement in the situation for children and families all over the country.

Deputy Róisín Shortall: Where do they show that?

The Taoiseach: With interest rates having fallen to less than 2% for the country, the creation of 75,000 new jobs, with the highest rise in consumer confidence in seven years and the

first budget in seven years where there were no tax increases and no reductions in services, the improvement speaks for itself.

Deputy Sandra McLellan: Tell that to the children who are starving. It is disgraceful.

The Taoiseach: Deputy Joan Collins mentioned housing. In the recent budget the Government allocated €2.2 billion for social housing and is bringing forward changes in flexibility in the planning legislation, with two Bills on the way. In addition, there has been an instruction to NAMA to assist in terms of the provision of both unfinished units and land for construction to take place. Money has been allocated for the improvement of up to 1,800 vacant units in Dublin and around the country. Construction and reconstruction work is under way. The Construction 2020 programme will stimulate the construction sector which, as the Deputy is aware, collapsed at the end of the so-called Celtic tiger years.

Deputy Collins correctly referred to young people. That is why during Ireland's Presidency we were the country that promoted and introduced the Youth Guarantee, with the Tánaiste playing a leading role. That is why the nature of FÁS was changed entirely and it evolved into SOLAS. Serious levels of funding has been provided for training, apprenticeships to trades and to provide opportunities.

The Deputy also mentioned a letter from a young mother in Cork. I admire her writing to the newspaper.

Deputy Finian McGrath: She was giving out about the Government.

The Taoiseach: As she pointed out, this is something that has befallen tens of thousands of families. I say to Deputy Collins that it is the reason in the budget that for the first time in quite a long time, the Government was able to reverse the trend by reducing income tax.

Deputy Róisín Shortall: The Government widened the gap by doing that.

Deputy Sandra McLellan: Household bills and taxes were increased.

The Taoiseach: Following the income tax reduction, a couple with two incomes stand to have €1,200 returned to them. As the Deputy is also aware, child benefit increased by €5 per child per month. That will apply again next year and the following year. It is a recognition of the sacrifices made by people but it is also a reflection of the Government wanting to give back to those who have been most seriously pressurised by the impact of the recession on our country. That trend will continue over the next number of years.

Deputy Joan Collins: The Taoiseach's reply amazes me. The UNICEF report said it did not have to be like this. Many other countries such as Chile, Poland and Romania did a much better job of protecting their children through five years of so-called fiscal adjustments with countries beholden to the International Monetary Fund faring worst.

The chief executive officer of Barnardos has said, "Sadly, we know the number of children living in poverty in Ireland grew horrifically during the recession". What we have learned from this report is that it was not inevitable. The Taoiseach is saying it has been inevitable. Some 18 out of 41 countries managed to reduce child poverty, despite the economic downturn. The increase in this country is the fifth worst in a list topped by Iceland and Greece and it is a damning indictment of the Taoiseach's Government and the previous Government and of the policies of austerity which have been implemented over the past number of years. The Taoiseach has

given people the crumbs off the table and these are being swept aside into the dustbin.

An Ceann Comhairle: A question, please, Deputy.

Deputy Joan Collins: I have a final important point, if the Ceann Comhairle will bear with me.

An Ceann Comhairle: Just put your question, please, Deputy.

Deputy Joan Collins: The woman in Cork said: "No one will ever stand over my grave and say, 'Wasn't she great at paying her water taxes' but it will be at the exact moment that my children will evaluate the quality and the years I gave them." Is the Taoiseach standing over this policy? Will he abolish the water tax? It is causing so much grief, stress and concern for every single family in the country and this family is an example of what they are all going through. Abolish the water tax as a start.

The Taoiseach: The UNICEF report covers the period to 2012. What the Deputy does not seem to accept is that the changes happening in our economy are reflecting to the benefit of families and children-----

(Interruptions).

An Ceann Comhairle: Hold on, please.

The Taoiseach: I refer to the jobs being created which impact on the economic situation for more and more families.

Deputy Róisín Shortall: It is getting worse.

The Taoiseach: With unemployment falling from 15.2% to 11% and soon to be at around 10%, it is heading in the right direction.

Deputy Sandra McLellan: For some.

The Taoiseach: It is still much too high but it is in a stronger position than previously. The jobs being created now, such as 2,000 jobs announced last week, will also benefit the current situation and in the future. That is what we want to build on.

Deputy Collins referred to the water charges when she spoke about the letter from the young mother in Cork. As I pointed out to the Deputy, in this most recent budget, in the next budget and in the one after that - if the people so wish - multiples of the water contributions will be given back to families in their income tax reduction and in increased child benefit, as has happened in this case.

Deputy Róisín Shortall: For better-off families.

Deputy John Halligan: Creating a gap between rich and poor.

(Interruptions).

An Ceann Comhairle: I cannot hear.

The Taoiseach: For a working couple on average wages of €50,000 a year, the return will be of the order of €1,200, together with the increased €5 per child per month.

Deputy Róisín Shortall: That is not an average wage; €50,000 a year is not an average wage.

The Taoiseach: The GP cards being extended to children aged under six means no payment at the point of contact with the doctor. The provision of the free preschool year is a help to many families - not everybody - but to many families with young children of preschool age. This will continue in the future.

Deputy Joan Collins: The legacy will last for decades.

Deputy Róisín Shortall: The Taoiseach is ignoring the facts.

Order of Business

The Taoiseach: It is proposed to take No. 14, motion re appointing an ordinary member to the Houses of the Oireachtas Commission; No. 14*a*, Finance Bill 2014 - Financial Resolutions; No. 31, statements on allegations regarding sexual abuse by members of the provisional republican movement; and No. 32, statements on the fourth report of the Constitutional Convention on the Dáil electoral system.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 14 and 14*a* shall be decided without debate and in the case of No. 14*a*, Financial Resolutions Nos. 1 to 27 shall be moved together and decided by one question; that the proceedings in relation to No. 31 shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. tonight and the following arrangements shall apply: the statement of the Taoiseach, Tánaiste and of the leaders of Fianna Fáil, Sinn Féin and the Technical Group, or a person nominated in their stead, who shall be called upon in that order, shall not exceed 30 minutes in each case and such Members may share their time, the statement of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time, and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; and the following arrangements shall apply to No. 32: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed ten minutes in each case and such Members may share their time, the statement of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. Private Members' business shall be No. 168, motion re the fair deal scheme (resumed), to conclude at 9 p.m. tonight, if not previously concluded.

Tomorrow's Order of Business after Oral Questions shall be No. 28, Social Welfare Bill 2014 - Second Stage (resumed); No. 15, Intellectual Property (Miscellaneous Provisions) Bill 2014 - instruction to committee; No. 33, Intellectual Property (Miscellaneous Provisions) Bill 2014 - Order for Report, Report and Final Stages; and No. 7, Health Insurance (Amendment) Bill 2014 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the proceedings in relation to No. 15 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 four proposals to be put to the House. Is the proposal for dealing with Nos. 14 and 14a agreed to?

Deputy Joe Higgins: It is not agreed that this issue should be taken without debate. This is a proposal that one Fine Gael member leaves the commission and is replaced by a second, at a time when the majority of the Opposition, the Technical Group and Sinn Féin, have no representation on this commission. This is a fundamental problem, particularly now with the situation faced by the Technical Group where its numbers are threatened to swell and overflow as the numbers for Fine Gael and Labour are depleted as a result of their unpopular policies and the hatred they are evoking among ordinary people as well as water charges, etc. We are looking for a debate on the issue so that the majority of the Opposition Deputies can put their arguments on why there should be a more democratic representation on the commission reflecting the make-up of Dáil Éireann.

The Taoiseach: I note the point that Deputy Higgins makes. He always makes the same point if there is a change in representation on the commission.

Deputy Joe Higgins: I never made that point before.

An Ceann Comhairle: Sit down, please, Deputy.

Question put: "That the proposal for dealing with Nos. 14 and 14a, without debate, be agreed to."

<i>The Dáil divided: Tá, 74; Níl, 50.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Eric.</i>	<i>Collins, Niall.</i>
<i>Carey, Joe.</i>	<i>Colreavy, Michael.</i>
<i>Coffey, Paudie.</i>	<i>Cowen, Barry.</i>
<i>Conaghan, Michael.</i>	<i>Crowe, Seán.</i>
<i>Connaughton, Paul J.</i>	<i>Daly, Clare.</i>
<i>Conway, Ciara.</i>	<i>Doherty, Pearse.</i>
<i>Coonan, Noel.</i>	<i>Dooley, Timmy.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ellis, Dessie.</i>
<i>Costello, Joe.</i>	<i>Ferris, Martin.</i>
<i>Coveney, Simon.</i>	<i>Fitzmaurice, Michael.</i>
<i>Creed, Michael.</i>	<i>Fleming, Tom.</i>
<i>Daly, Jim.</i>	<i>Grealish, Noel.</i>
<i>Deasy, John.</i>	<i>Halligan, John.</i>
<i>Deenihan, Jimmy.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Healy-Rae, Michael.</i>
<i>Donohoe, Paschal.</i>	<i>Higgins, Joe.</i>

Dáil Éireann

<i>Dowds, Robert.</i>	<i>Keaveney, Colm.</i>
<i>Durkan, Bernard J.</i>	<i>Kelleher, Billy.</i>
<i>Farrell, Alan.</i>	<i>Kitt, Michael P.</i>
<i>Fitzgerald, Frances.</i>	<i>McConalogue, Charlie.</i>
<i>Fitzpatrick, Peter.</i>	<i>McDonald, Mary Lou.</i>
<i>Flanagan, Terence.</i>	<i>McGrath, Finian.</i>
<i>Gilmore, Eamon.</i>	<i>McGrath, Mattie.</i>
<i>Griffin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>Harrington, Noel.</i>	<i>McGuinness, John.</i>
<i>Heydon, Martin.</i>	<i>McLellan, Sandra.</i>
<i>Howlin, Brendan.</i>	<i>Martin, Micheál.</i>
<i>Humphreys, Kevin.</i>	<i>Mathews, Peter.</i>
<i>Keating, Derek.</i>	<i>Moynihan, Michael.</i>
<i>Kenny, Enda.</i>	<i>Murphy, Catherine.</i>
<i>Kenny, Seán.</i>	<i>Murphy, Paul.</i>
<i>Kyne, Seán.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Lawlor, Anthony.</i>	<i>Ó Cuív, Éamon.</i>
<i>Lynch, Ciarán.</i>	<i>Ó Fearghail, Seán.</i>
<i>McCarthy, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>McEntee, Helen.</i>	<i>O'Dea, Willie.</i>
<i>McFadden, Gabrielle.</i>	<i>O'Sullivan, Maureen.</i>
<i>McGinley, Dinny.</i>	<i>Pringle, Thomas.</i>
<i>McHugh, Joe.</i>	<i>Ross, Shane.</i>
<i>McNamara, Michael.</i>	<i>Shortall, Róisín.</i>
<i>Maloney, Eamonn.</i>	<i>Smith, Brendan.</i>
<i>Mitchell, Olivia.</i>	<i>Stanley, Brian.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Tóibín, Peadar.</i>
<i>Mulherin, Michelle.</i>	<i>Troy, Robert.</i>
<i>Murphy, Dara.</i>	<i>Wallace, Mick.</i>
<i>Murphy, Eoghan.</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'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	

<i>Ring, Michael.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Timmins, Billy.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Joe Carey and Emmet Stagg; Níl, Deputies Joe Higgins and Catherine Murphy.

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 31, statements on allegations regarding sexual abuse by members of the provisional republican movement, agreed to? Agreed.

Is the proposal for dealing with No. 32, statements on the fourth report of the Constitutional Convention on the Dáil electoral system, agreed to? Agreed.

Is the proposal regarding arrangements for dealing with No. 15, Intellectual Property (Miscellaneous Provisions) Bill 2014 - instruction to committee, tomorrow agreed to? Agreed.

Deputy Micheál Martin: Yesterday a very long and detailed report by the Garda Síochána Inspectorate was published. Will the Taoiseach make Government time available for a comprehensive debate on that report? Given the similarities of much of that report's contents, the dossier from the whistleblower, Sergeant Maurice McCabe, and the Guerin report, when will the commission of inquiry, which Mr. Guerin recommended and the Taoiseach confirmed six months ago would happen, be established? When does the Taoiseach expect the Fennelly report to come through?

The Taoiseach has confirmed that next week there will be certainty and clarity about water charges. Can he again confirm to the House that he will allocate time to debate what is going on in order that the House will have some input into that? At that stage the Taoiseach might cover the issue of house insurance and the implications of that. Every week something new emerges in this debacle.

The Taoiseach: I thank the Deputy for his questions. We have a duty to reflect the dedication and commitment of so many men and women in An Garda Síochána in carrying out their duty, often in very difficult circumstances. Eighty-six members have died in the course of their duty in protecting our citizens from criminal intent and other serious matters. Of course, time will be allocated for discussion of the Garda Síochána Inspectorate report, as the Minister has

made clear in her response to it.

The findings of Mr. Guerin's report in respect of the area he had reviewed in particular districts are reflected in the Garda Síochána Inspectorate report as being similar to what has happened - or what has not happened - nationwide. The terms of reference for Guerin will be published and brought to Cabinet next week. Mr. Justice Fennelly is carrying out his work. Obviously, he has indicated to me that he may need some extra time in respect of the body of work he has to do. I responded that I would look favourably at the question of an extension when he submits that. He is also looking at bringing forward a subsection of that at an earlier time. I have formally requested that he do so. I cannot give any indication as to when the judge will finish his work. That is strictly and utterly a matter for Mr. Justice Fennelly and his commission.

I can confirm certainty and clarity will be brought about in regard to the contributions on water next week. I would expect there will be a motion before the Dáil and discussions during Dáil time on Thursday and Friday of next week.

Deputy Gerry Adams: Tá dhá cheist agam maidir le reachtaíocht atá forfhógartha. It is my firm belief that if more time were given to legislation such as the licensing of health care facilities Bill, which provides for the licensing of hospital and high-risk health services, a great many citizens would not need to resort to retrospective court action. Will the Government take the lead? Can we speed up the publication of the heads of the Bill? When can the Dáil expect to see these?

What is the timeframe for the introduction of the national monuments Bill? The Taoiseach previously said it was due in the middle of next year. However, that would leave less than a year at best to debate, pass and implement the Bill. We could anticipate that secondary legislation will also be needed. Could the Government prioritise this and commit to a new timeframe? Given that the leadership of many of the commemorative events has been quite rightly taken by others in civic society, such as the 1916 relatives, could the Government try to keep pace with this and expedite the passage of the Bill through the Oireachtas?

The Taoiseach: The national monuments Bill is due mid-next year. I do not have a date for publication in respect of the licensing of health care facilities Bill. The Deputy will be aware that the calendar of events for commemorative matters for 2016 and beyond will be launched this evening in the General Post Office and the Deputy may wish to attend. Obviously the Minister, Deputy Heather Humphreys, will outline the detail after having had extensive engagement with a range of organisations, agencies and individuals, including input from professional historians in order that there can be authenticity and inclusiveness in the centenary commemorations to be undertaken.

An Ceann Comhairle: As we have just four and a half minutes left, I ask Deputies to be short with their points.

1 o'clock

Deputy Bernard J. Durkan: What is the current position regarding the passage through the House and implementation into law of the admissions to school Bill? I refer to its passage through both Houses and when it is expected to be signed into law.

When will all the sections of the Charities Act 2009 be implemented?

The Taoiseach: With regard to the second question, the regulator has been appointed. I will give the Deputy an update on the progress made for the conditions to be implemented.

The admissions to school Bill is being drafted and will be published this session.

Deputy Billy Kelleher: I assume when the Taoiseach finishes reading the programme for Government every evening, he files it under the fiction section. I seek a debate on the broader issues of health services funding and the HSE service plan over the next few weeks. The headline for the health area in the programme for Government is fairness.

An Ceann Comhairle: I am sorry. There are only three minutes left.

Deputy Billy Kelleher: More than 2,000 applicants have been awaiting approval under the fair deal scheme for 15 weeks while 7,000 medical cards have been taken off the over 70s over the past month.

An Ceann Comhairle: We cannot have speeches because there are only three minutes left.

Deputy Billy Kelleher: We need a debate urgently not only in the context of the HSE service plan for 2015 but also the broader health policy of the Government because I cannot find one policy on health in the programme for Government which it has lived up to.

The Taoiseach: The health service plan is being drafted. I will mention the Deputy's request to the Whips. There is no difficulty having a debate at the appropriate time.

Deputy Billy Kelleher: We never do. It is always months afterwards.

The Taoiseach: We have many debates.

Deputy Charlie McConalogue: I refer to the publication of the value for money report into small schools. We can be thankful to Mr. John Walshe, who was adviser to the former Minister for Education and Skills, Deputy Quinn, for shedding more light in his book on the report than the Taoiseach ever has in the House. I would like a debate on the report and, in particular, a commitment from the Taoiseach as to when it will be published. In the book we learned that he has been blocking the publication of the report up to now. Will he comment on that? Will he give a commitment to publish the report and to have a debate in the House?

An Ceann Comhairle: Is time for a debate agreed?

The Taoiseach: There will be time for a debate on educational matters at the appropriate time but the report is in the possession of the Minister.

Deputy Mary Lou McDonald: Worrying statistics were published earlier by the Rape Crisis Network. There was also evidence in the Garda Inspectorate report of the failure to handle complaints of domestic violence. I am sure the Taoiseach will agree this is worrying. When does he propose to have a comprehensive debate on the matters of domestic violence and sexual violence against women and children? These are matters of great urgency. When will we see the reformed and consolidated domestic violence legislation?

The Taoiseach: New legislation is being drafted by the Minister for Justice and Equality and her Department in respect of compliance with European Union requirements relating to sexual violence and rape, and that will be presented in the new year.

I share the Deputy's view regarding domestic violence and rape. As the Deputy will be aware, there will be a statements after lunch arising from a whistleblower who showed courage in telling her story about sexual abuse and the treatment meted out to her. I expect the Deputy will have an opportunity to comment on that.

Deputy Mary Lou McDonald: When will we have the broader debate?

The Taoiseach: I will discuss with the Minister the question of raising with the Whips an opportunity to have a broader discussion.

Deputy Robert Troy: The Taoiseach is probably aware that a new drug is available that will extend and possibly save the lives of people-----

An Ceann Comhairle: Will the Deputy deal with the legislation? Time is up and four other Members are offering. We cannot have speeches on the Order of Business.

Deputy Robert Troy: This relates to people who contracted hepatitis C through negligence on the part of the State and not through any fault of their own.

An Ceann Comhairle: What Bill is the Deputy referring to?

Deputy Robert Troy: I was promised in reply to a Topical Issues matter I tabled in September that a report on this drug would be published in mid-October.

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

Deputy Robert Troy: I tabled a parliamentary question earlier this week and the reply was that we would know shortly about this drug.

An Ceann Comhairle: The Deputy will have to resume his seat.

Deputy Robert Troy: I refer to the HSE service plan and the health (miscellaneous provisions) Bill. When will we know whether the State will provide a life-saving drug to people who contracted hepatitis C?

The Taoiseach: That is not relevant to the Order of Business. The Deputy is taking time from other Members. Time has expired and I have to refuse them.

Deputy Robert Troy: It is a life and death issue.

An Ceann Comhairle: What Bill is the Deputy referring to?

Deputy Robert Troy: It is also a time-sensitive issue.

An Ceann Comhairle: The Deputy should table a Topical Issues debate.

Deputy Robert Troy: People are at risk of dying.

An Ceann Comhairle: Will the Deputy please respect his colleagues?

Deputy Robert Troy: The Minister misled the Dáil in reply to the Topical Issues debate at the end of September.

An Ceann Comhairle: Time has expired and Deputies who were disappointed will have to

try again tomorrow.

Membership of Houses of the Oireachtas Commission: Motion

Minister for Finance (Deputy Michael Noonan): I move:

That Dáil Éireann, under section 8 of the Houses of the Oireachtas Commission Act 2003, as amended, appoints Deputy Olivia Mitchell to be an ordinary member of the Houses of the Oireachtas Commission in place of Deputy Frank Feighan who has resigned his office in accordance with the aforementioned section 8.

Question put and agreed to.

Finance Bill 2014: Financial Resolutions

Minister for Finance (Deputy Michael Noonan): I move:

1. THAT section 531AN of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the rate of charge of the universal social charge, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

2. THAT Schedule 13 to the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains the list of accountable persons for the purposes of Chapter 1 of Part 18 of that Act, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

3. THAT Chapter 1 of Part 12 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions for loss relief, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

4. THAT section 836 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for allowances for expenses of members of the Oireachtas, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

5. THAT section 848A of, and Schedule 26A to, the Taxes Consolidation Act 1997 (No. 39 of 1997), which relate to tax relief for donations to approved bodies (within the meaning of that section), be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

6. THAT Chapters 1, 2, 2A, 2C and 4 of Part 30 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relate respectively to occupational pension schemes, retirement annuities, personal retirement savings accounts, the limit on tax-relieved pension funds and miscellaneous aspects of the foregoing, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

7. THAT Part 23 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains the principal provisions relating to farming and market gardening, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

8. THAT section 481 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which pro-

vides tax relief for investment in films, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

9. THAT Part 16 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides tax relief for investment in corporate trades and tax refunds to encourage employees or former employees to start their own businesses, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

10. THAT section 617(1) in Part 20 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the capital gains tax treatment that applies when a member of a group of companies disposes of an asset to another member of the group, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

11. THAT Chapter 13 of Part 10 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to a scheme of relief referred to as the Living City Initiative, be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide, inter alia, for an overall cap on the amount of industrial building allowance which can be made as respects expenditure incurred on the conversion or refurbishment of any industrial building or structure to which that Chapter applies.

12. THAT section 268 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to the meaning of industrial building or structure for the purpose of making capital allowances, be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide, inter alia, that a building or structure, constructed for the purposes of aircraft maintenance, repair, overhaul or dismantling, will only be treated as an industrial building or structure if it is located in an assisted area in the current National Regional Aid Map for the State and that the expenditure on construction satisfies all the relevant conditions in the current European Commission Guidelines on regional state aid.

13. THAT Chapter 2 of Part 33 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains miscellaneous anti-avoidance provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

14. THAT section 23A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains rules concerning the tax residence of companies, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

15. THAT section 29A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which counters the avoidance of capital gains tax by individuals who become temporarily non-resident for tax purposes, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

16. THAT section 560 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which sets out the treatment of allowable expenditure in the computation of a gain or a loss on the disposal of wasting assets for capital gains tax purposes, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

17. THAT section 604B of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides relief from capital gains tax for farm restructuring, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

18. THAT section 597A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for relief from capital gains tax in respect of chargeable gains accruing on the disposal of chargeable business assets, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

19. THAT section 95 of the Finance Act 1999 (No. 2 of 1999), which provides for the charge of mineral oil tax, and section 96 of and Schedules 2 and 2A to that Act, which provide for the rates of that tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution, to provide for tax on natural gas and biogas used as vehicle fuel.

20. THAT the Value-Added Tax Consolidation Act 2010 (No. 31 of 2010) be amended in the manner and to the extent specified in the Act giving effect to this Resolution, to provide for the insertion of section 108C, which provides that an accountable person (being the second accountable person), who knowingly or recklessly makes a supply or a purchase which is part of a series of taxable supplies (including supplies of those goods and services and intra-Community acquisitions, made prior or subsequent to the supply or purchase by the second accountable person) which is connected with the fraudulent evasion of tax, is jointly and severally liable for the tax that has not been remitted by an accountable person (being the first accountable person) liable, apart from the said section 108C, to remit the tax.

21. THAT section 108 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which exempts certain instruments from chargeability to stamp duty, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

22. THAT section 82 of the Capital Acquisitions Tax Consolidation Act 2003 (No. 1 of 2003), which provides for an exemption from capital acquisitions tax in respect of the receipt of money or money's worth for support, maintenance or education under that section, be amended in the manner and to the extent specified in the Act giving effect to this resolution.

23. THAT section 89 of the Capital Acquisitions Tax Consolidation Act 2003 (No. 1 of 2003), which sets out the provisions governing agricultural relief on agricultural property, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

24. THAT Chapter 2 of Part 33 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains miscellaneous anti-avoidance provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

25. THAT Part 33 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains anti-avoidance provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

26. THAT Schedule 3 to the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for certain reliefs in respect of income tax charged on payments on retirement, etc., be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

27. THAT section 626B of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for an exemption from tax in the case of certain capital gains from the disposal of shareholdings in subsidiaries, be amended in the manner and to the extent specified in the

Act giving effect to this Resolution.

Question put and agreed to

Sitting suspended at 1.06 p.m. and resumed at 2.06 p.m.

2 o'clock

Topical Issue Debate

Garda Station Refurbishment

Deputy Patrick O'Donovan: I thank the Ceann Comhairle for selecting this issue which is topical in the context of the reforms which the Minister for Justice and Equality is seeking to introduce in the structure and management of An Garda Síochána. I believe the rank and file members of An Garda Síochána do exemplary work.

I raise this issue on the basis of the many changes introduced by way of the amalgamation of districts. In my county, the districts of Askeaton and Newcastle West have been amalgamated into an area which geographically is larger than County Monaghan. The Minister will be aware that the Newcastle West district stretches from the town of Bruff to Tarbert and from Charleville to Mountcollins which, geographically, is a very large area. The situation in many other districts is no different.

I would like in raising this issue to start a conversation in relation to the manner in which Garda stations are selected for refurbishment and extension and in regard to the construction of new Garda stations. For example, the manner in which school building projects are prioritised could be considered in this context. The school building unit of the Department of Education and Skills prioritises projects based on need. In many cases, projects are achieved by way of public private partnership and other models rather than in the conventional way.

In Newcastle West Garda station, which was constructed in the 1970s and has never been extended, except by way of a prefab gifted to the town following the visit of former US President, George W. Bush, to Dromoland Castle, there are 66 gardaí, 11 sergeants, one inspector, one superintendent and ten civilians. As a result of a lack of investment in this station for more than 30 years the building is no longer fit for purpose, with prisoners often congregating in the same area as civilians and civilian staff, thus making the work of the gardaí in that station very difficult. Lest any of my friends in the fourth estate would say I have a vested interest in this, I should declare that I live next-door to Newcastle West Garda station and that when a young child I was responsible for breaking a window in that station. I suppose that constitutes a vested interest.

Deputy Eamonn Maloney: Was the Deputy arrested?

Deputy Patrick O'Donovan: No, I was not. Some members of the media might accuse me of cronyism if I did not declare that we owned the property next door to the Garda Station. That being said, there is a dire need for investment in the property concerned. I have discussed

this issue with the Minister of State in the Office of Public Works. As I said earlier, we need to examine new ways of approaching this issue. I am aware that the OPW is responsible for the maintenance of Garda stations and for other projects up to a certain level. After that, such matters are for appraisal by the Garda housing unit.

The fact the OPW owns and manages Garda stations and that the Department of Justice and Equality in the context of its role with the Garda authorities also has some responsibility in this area makes unclear the procedures that need to be followed to get stations off the ground in the first instance. Is it adequate that there would be only one shower and one toilet for the number of personnel I cited earlier? No, it is not. Is it appropriate that prisoners are being brought from court in Newcastle West into an inadequate holding environment? No, it is not. Is it appropriate that they are being brought through the public foyer where people are waiting to have passport forms signed? No, it is not.

I would be delighted if the Minister, Deputy Fitzgerald, would take the opportunity during any future visit to Limerick to visit Newcastle West, which is an amalgam of two districts. At the time of the proposed amalgamation a commitment was given that the station would be refurbished to accommodate the additional gardaí but that has not happened.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Deputy O'Donovan for raising this matter. The question of the supports An Garda Síochána receives and the need for modernisation and change systems are very much on the agenda today. What the Deputy raised, namely, the question of the allocation of resources for new Garda stations is an issue that applies and needs to be dealt with in many parts of the country. The Deputy spoke in particular about Newcastle West.

The Deputy made a number of points about new methods and more transparency in decision-making. He made the comparison with school building programmes, which was a good comparison. If there are lessons to be learned there about how building projects are managed, they should, and can, be learned.

The programme of refurbishment and replacement of Garda accommodation throughout the country is determined on the basis of accommodation priorities, which are, in the first instance, established by An Garda Síochána. Of course, this must be put into the context of the recession and the difficulties in regard to capital funding in recent years. I am glad to say that with the improving economic situation there is greater capital funding available than hitherto for these various projects.

As the Deputy said, the provision of Garda accommodation, including refurbishment works, site purchases, the provision of new buildings and the examination of potential sites for the location of Garda stations, comes under the remit of the Office of Public Works, which has responsibility for capital expenditure on Garda accommodation. Garda accommodation projects are progressed in the context of the availability of funding within the OPW Vote and in the light of the priority attached to each project by the Garda authorities. I am very keen to see a clear list of priorities from the Garda Síochána, which is determined by it and is publicly available so that we know where a project is placed on the list. As capital becomes available, a project will receive attention.

I am advised that proposals for refurbishment works at Garda stations throughout the State, including Newcastle West Garda station, are examined on an ongoing basis. As I said, they are

progressed in the context of An Garda Síochána's identified accommodation priorities and the availability of funding. There are three parts. I have been told by the Garda authorities that the allocation of all Garda resources, including accommodation, transport and personnel, is subject to ongoing analysis and review to ensure that the best possible use is made of available resources. In that context, the Deputy will be aware that in this year's budget, I announced a further capital investment of €42 million in 2015 to provide for the construction of a number of new Garda divisional headquarters. I know that is not what the Deputy asked about but I make the point that capital is going into the Garda Vote for the development of new divisional headquarters in Galway, Wexford and Kevin Street in Dublin, which is important. That is being done using the methodology I described, namely, a combination of work between An Garda Síochána and the Office of Public Works. That procurement process is at an advanced stage. This is a very significant development in Garda infrastructure, as the Deputy will know. An additional €10 million has been provided for Garda transport in the year 2014-15, which shows the commitment of this Government to improve the facilities.

The Deputy made a very persuasive case in regard to Newcastle West. I will forward the details of what he said to the OPW and An Garda Síochána and will determine precisely where Newcastle West is on the list of priorities in regard to the refurbishment of accommodation.

Deputy Patrick O'Donovan: I thank the Minister for her reply. I agree that the priority list needs to be very clear. In that context, public representatives like myself should be able to have an input into it in the same way we can make a case for a school in our constituencies which, as constituency representatives, we do all the time.

However, I go back to the central point in regard to the current system of allocating resources while welcoming the fact capital has been made available and the Minister and her predecessor have recommenced Garda recruitment, which had not happened for eight years and which needs to be acknowledged. Several districts around the country were amalgamated and there was an understanding at the time in regard to accommodation needs. In this case, 89 people are working in a building which is essentially a bungalow built in the 1970s and not fit for purpose. I am sure that is replicated throughout the country. I know there are budgetary constraints and it is in that context that the Minister might see if a new model could be considered through public private partnership. I attended the opening of a school in Doon, County Limerick, last week. It was a public private partnership and was opened by the Minister's colleague, the Minister of Education and Skills. It was one of a bundle of schools built, operated and maintained by the private sector for use by the public sector, so this can be done more cost efficiently.

I know Garda divisional headquarters has been refurbished, including Henry Street in Limerick city, which the Minister visited recently. Her visit was very welcome in the context of what the gardaí in Limerick have done over many years. I again invite the Minister to visit the Garda station in Newcastle West when she gets the opportunity to see the conditions with which the men and women, civilian and Garda personnel, as well as the public must contend in 2014. They deserve something better in a district headquarters which covers an area larger than most counties. As I said, it is larger than County Monaghan. I ask the Minister to visit at the first available opportunity to see the station for herself because there is no doubt the conditions are not conducive to a proper working environment for the gardaí, the civilian staff and the public in 2014.

Deputy Frances Fitzgerald: On the next occasion I am in Limerick, I will visit Newcastle West to see the station, as the Deputy described it. I would like to make the point on the day

when there is a very heavy critique under way in regard to many aspects of the organisation of An Garda Síochána that when I visited Limerick, one of the reports I listened to was about how it had dealt with crime in Limerick and how in 21 out of 24 murders somebody had been convicted, which is some record. In the middle of so much difficulty, it is a record of which to be very proud and one which we should acknowledge.

The Deputy made the point that where districts have amalgamated perhaps we should look, in particular, at those districts having a priority in terms of refurbishment of stations and premises. I will certainly consider that point. I intend to meet my colleague, the Minister of State with responsibility for the OPW, to discuss what the ongoing approach should be to investment in the refurbishment of Garda stations throughout the country. As I said, I will revert to the Deputy in regard to the situation he described and on where Newcastle West is on the list.

Domestic Violence Refuges

Deputy Eamonn Maloney: I thank the Ceann Comhairle's office for selecting this Topical Issue matter. For years the Respond! Housing Association has carried out very valuable and important work in regard to housing. As part of its work, it has operated a refuge for women and children in my constituency for almost three years. Over that period of time, it has accommodated 55 mothers and more than 80 children who have been the victims of mental abuse, physical abuse, sexual abuse, emotional abuse and, in some cases, financial abuse.

This refuge provides a safe haven for victims who, unfortunately, are victims of domestic violence. Currently, it is under some threat due to a lack of funding and that is why I highlight the issue and again bring it to the Minister of State's attention, as I know he is already aware of it. The value of this refuge cannot be underestimated. It is regrettable that in this day and age we still need this sort of facility for women and children and that they must go through this kind of experience. People like us, as legislators, have a responsibility to offer safety to these citizens. There is an existing application for part funding for the centre which is operated by Respond! but it operates under the name Cuan Álainn. It has applied to the Child and Family Agency. I hope that when the matter is being deliberated on there will be due consideration of and sympathy for Respond!'s predicament in trying to provide this service.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Riordáin): I am taking this topical issue debate on behalf of the Minister for Children and Youth Affairs, Deputy James Reilly, who is in Armagh attending a North-South Ministerial Council meeting with his counterpart from Northern Ireland.

Cuan Álainn, situated in Tallaght, is a refuge for women and children who are fleeing domestic violence. Since the centre opened in 2012, a total of 55 women and 82 children have accessed its services. Respond! has provided €350,000 in funding to the centre. The Child and Family Agency does not fund Respond!'s Cuan Álainn refuge through its domestic sexual and gender-based violence services programme. The agency has advised that a meeting is planned with Respond! next week to discuss the services provided.

It might be helpful for members of the House if I share some background to the arrangements for dealing with this issue at a strategic level. Due to the complex nature of the issues involved in domestic and sexual violence, and the need for a co-ordinated and effective response to these issues, the National Office for the Prevention of Domestic Sexual and Gender-Based

Violence, Cosc, was established as an executive office in the Department of Justice and Equality in 2007 and that Department currently has overall policy responsibility in this area.

Cosc formulated a comprehensive cross-Government strategy, which combines the efforts of a very broad range of organisations and individuals, to combat all forms of domestic, sexual and gender based violence. This strategy runs to 2014. Cosc is in the process of preparing a new cross-sectoral strategy from 2015 onwards. With regard to service delivery, the new Child and Family Agency has since its establishment on 1 January this year, taken on responsibility for the provision of domestic, sexual and gender-based violence services previously funded by the Health Service Executive, HSE. Specialist domestic, sexual and gender-based violence services are primarily provided through a large number of non-governmental organisations.

In 2014, some €19 million in funding is being provided by the Child and Family Agency by way of grant aid to 62 specialist domestic violence and sexual violence services. These include 16 rape crisis centres and sexual violence services; 44 domestic violence services, including 20 refuges; two national networks, the Rape Crisis Network Ireland, RCNI, and Safe Ireland. For the first time, this area is under national direction. We now have a single line of accountability and a consolidated national budget which is reserved for allocation to these particular services. Domestic, sexual and gender-based violence services can now be delivered within a broad child and family support framework and this represents a significant change to the previous service delivery model.

In recognition of the policy priority which the agency is attaching to this issue, a dedicated position of programme manager for domestic, sexual and gender-based violence was created within the agency and the post holder took up the position earlier this year. This will help to bring greater cohesion to service delivery. A review of domestic sexual and gender-based violence services has been under way in recent months to get an in-depth understanding of current service provision and identify priorities for developments in these services. The findings of this review will be used in planning for future developments in service provision. A roadmap setting out strategic priorities for domestic sexual and gender-based violence service provision over the next three years is due to be completed shortly.

While the emphasis is on front-line services, issues such as training support, quality assurance and preventative measures are also being considered. Through this process the Child and Family Agency is engaged in ongoing consultation with domestic violence and sexual violence services about planned developments. I am pleased to say that the consultative process has been very positive. The discussions will have regard to key aspects of planned developments and a commissioning approach for 2015 service provision will be established. The new Child and Family Agency is committed to working in partnership with domestic violence services and other services providing support to women and children experiencing domestic abuse and the Minister for Children and Youth Affairs is awaiting the outcome of the agency's discussions with Respond!

Deputy Eamonn Maloney: I thank the Minister of State for the detailed response to the issue. I am aware of the review process which I hope will go a long way to providing a better understanding of the issue and will provide a proper framework for funding the sort of work that Cuan Álainn does. I hope the meeting next week will be positive. Respond! will welcome that too. Violence against women and children is not confined to particular locations. It is a nationwide problem and these essential services that offer a safe haven for children and mothers who are abused. I welcome whatever progress can be made on this issue.

Deputy Aodhán Ó Ríordáin: I thank the Deputy for raising this issue and will raise his concerns again with the Minister upon his return. The Child and Family Agency is a major reform and has been welcomed across this House. The issue in the Deputy's constituency will be the subject of a meeting next week and we will follow up with discussions after that.

Health Services Provision

Deputy Billy Kelleher: Yesterday, at the Irish Cancer Society's annual Charles Cully Lecture the worryingly high rate of cancer incidence and death in poor communities across Ireland was highlighted in a discussion on health and wealth, the cancer gap. Death rates in some areas, notably some of the poorest parts of the Dublin region, are more than twice as high as rates in more affluent areas. Cancer death rates in Dublin between 2009 and 2011 combined varied from 381 per 100,000 in Blakestown north west; 310 per 100,000 in Blanchardstown north; 265 per 100,000 in Ballymun east; 141 per 100,000 in Foxrock and Cabinteely south west; 138 per 100,000 in Malahide east; and 128 per 100,000 in Castleknock south east. It is clear that the more deprived the area, the higher the risk of a person developing cancer and dying from the disease. People in areas of most disadvantage are twice as likely to die from cancer as those in the most affluent areas.

As well as this, often the poorest in society have the greatest difficulties in accessing health care. As well as dying younger, they develop multiple illnesses at an earlier age. In some deprived Dublin areas, there are not enough primary care resources, for instance, in north Dublin there is one general practitioner, GP, for every 2,500 people. Nationally, this figure is 1:1600.

The cancer strategies implemented by governments over the past 20 years have been successful in many ways. I know that the Minister for Health, Deputy Leo Varadkar, has appointed a team of three international experts to evaluate Ireland's current national cancer strategy and to provide advice for the next one. In doing so, he said that the main challenges facing Ireland during the ten year period of a new strategy are likely to be minimising the increase in cancer numbers, bringing services for cancer treatment to a par with the top international performers and maximising holistic recovery among cancer patients. I ask the Minister to bear in mind that the Irish Cancer Society has suggested that the next strategy should give specific priority to the need to combat cancer in the poorest sections of our society.

I represent the constituency of Cork North-Central, which has some areas of high socio-economic deprivation. The basic elements of housing, education and other support services are under stress and pressure and there is no point in saying otherwise. That is just an observation, as opposed to a political point. This aspect of the issue of health, which is a key concern of mine, has been highlighted by the Irish Cancer Society. Given his background and the constituency he represents, I know the Minister of State will be aware of this as well. Regardless of what we do in terms of resources, the least we should do is ensure the cancer strategy that is applied in the years ahead contains a strong commitment to social justice in the context of providing adequate health care in the areas under discussion. A strong strategy is needed to address the underlying causes of the poor health outcomes of many people in such areas.

Deputy Aodhán Ó Ríordáin: I genuinely appreciate the opportunity to discuss this crucial issue with the Deputy. In effect, the life expectancy of certain people in certain parts of Ireland is lessened. We need to take this serious issue on board. I will present the reply from the Department of Health to the House on behalf of the Minister and we can expand on it. As we have

been making progress with cancer control over recent years, we have focused on improving the quality and equity of cancer services through reorganisation and expansion. We have moved from a fragmented system of care to one that consolidates cancer treatment in larger centres, with multidisciplinary care and decision-making.

The national cancer control programme has reorganised cancer surgery into eight designated cancer centres and ensured these centres have sufficient activity to provide and maintain ongoing surgical expertise. The programme has also established symptomatic breast disease clinics and rapid access clinics for lung and prostate cancer at the designated centres. These clinics are available to all patients, regardless of income. The HSE also provides free screening for breast, cervical and bowel cancer. The Government recently announced the extension of the BreastCheck screening programme, which offers women between the ages of 50 and 64 a free mammogram every two years, to women between the ages of 65 and 69.

The World Health Organization estimates that more than 30% of cancer deaths could be prevented by modifying or avoiding key risk factors. Tobacco use is considered to be the single most important risk factor for cancer. The Department of Health and the HSE are promoting healthier lifestyles to reduce the risk of many chronic diseases, including cancer. Policies include the achievement of a tobacco-free Ireland by 2025.

The National Cancer Registry, which publishes data on cancer incidence, treatment and survival in Ireland, has presented figures to demonstrate that regional variations in survival patterns are not statistically different. Long-term survival from cancer has greatly increased in the past decade. Survival at five years from diagnosis among men increased from 42% in the 1994-99 period to 60% in the 2005-09 period. The increase among women over the same period was from 52% to 62%. It is estimated that the five-year survival rate for people diagnosed with breast cancer between 2005 and 2009 was 84.9%, which represented an increase on the rate of 75.1% for people diagnosed between 1994 and 1999. It is expected that survival rates will increase further due to the combined approach of prevention screening, early detection and improved treatment.

The issue of health inequalities, as well as prevention, will be examined as part of the development next year of the next cancer strategy, which will run from 2016. Of course much of this is about the treatment of illnesses in certain areas. I feel quite strongly about the issue of life expectancy. The Government has adopted an area-based approach to tackling child poverty and disadvantage, using models like Young Ballymun, the Tallaght child development initiative and the Preparing for Life programme in Darndale. These models focus on parental empowerment, for example. Issues of maternal depression are becoming quite acute in certain disadvantaged areas. If mothers become isolated from the rest of the community, it can lead to destructive patterns of behaviour.

When one focuses on the geographical dimension to the blackspots of disadvantage in this State, it is clear that the potential exists for different agencies to work together collectively. Often in disadvantaged areas, many people who are doing fantastic work are not in communication with each other. Models like Young Ballymun, the Tallaght child development initiative and the Preparing for Life programme in Darndale have broken down many of those entrenched positions. We are rolling out more of those area-based approaches. They might form part of the solution to tackling the issue that has quite rightly been raised by Deputy Kelleher today.

Deputy Billy Kelleher: I thank the Minister of State, who is quite right when he says this

issue should be broadened out. We should have a broader debate on health outcomes and supports for people in areas of socio-economic deprivation. There is no doubt that the location where a person lives is a determining factor in many health outcomes. Rates of obesity, dietary concerns and cancer, for example, vary by geographical area. The Minister of State referred to maternal depression. I do not believe it is beyond our capacity as a nation to recognise first and foremost that it is simply wrong for people's health outcomes to be predetermined by where they live. We should do everything in our power to address that issue. As the Minister of State suggested, when one scopes through this issue, one can identify the areas where resources should be put in place in the context of cancer and in the context of providing a platform whereby people have the supports and services around them.

Education is necessary to ensure people are aware of what is required to provide for their own health. There is no point in putting this in any other way. In many places in this country, basic skills like cooking, managing diets and handling household budgets are being lost. While we do not want to stereotype people, there is an inherent need for us to address these problems at a basic level. We need to ensure supports are in place to assist people who are vulnerable. They need to be helped to manage their own affairs and empowered to look after themselves and their families. While I hate burdening schools all the time by suggesting they are the answer, I think this issue starts in our schools. They need supports to allow people in communities to feel a sense of empowerment and look after their own destinies in areas like health and education. I refer to things that many of us take for granted on a daily basis. Yesterday's interesting Charles Cully lecture about the issues of health and well-being associated with the cancer gap is well worth reading. It highlights the huge inadequacies and inequalities that exist in our society.

Deputy Aodhán Ó Ríordáin: I appreciate the raising of this equality issue by the Deputy. I agree with what he has said about the schools system. Children do not live in schools. They are influenced by many things outside the school system. They start school at the age of four or five when so many things have already happened to them and influenced their lives. The key to this is empowering the parents in terms of diet and lifestyle in the home. If one comes from an area that is steeped in disillusionment, one can be sucked into a pattern of addiction in which one is attracted by vices like alcohol and substance abuse. Obviously, that has knock-on effects on the wider community. It is about empowerment and prevention. As the Deputy quite rightly said, it is also about providing services and resources to those who are suffering from cancer-related illnesses.

A wider societal approach is necessary here. As I have said previously, if we take an area-based approach, if we ask agencies to interlock with each other and - fundamentally - if we empower people, particularly young mothers, to think differently about diet, oral language and literacy skills and lifestyle and to take a fresh approach to parenting, it can be a starting point that leads to a long-term change in the life expectancy of people in certain disadvantaged areas. A report like this is a wake-up call for everybody. It is refreshing to have a discussion like this in the House because it is the real stuff of equality. It is an area in which policies and politicians can make a real difference. I appreciate the raising of this topic by the Deputy. I will personally raise it with the Minister when he returns. I think that, collectively, we can make some real differences in this area. It is not just a health issue. Many different strands are involved in it. Unfortunately, in government and in policy formation we sometimes tend to compartmentalise these areas far too much. However, we are in broad agreement as to the strategy we should take. We should have a continuing discussion on this matter.

Ambulance Service Provision

Deputy Billy Timmins: I appreciate that the Minister for Health is not available, but I hope that the Minister of State will pass on my points. County Wicklow may be the only county that has never had a general hospital. As a result, the area has historically been served by hospitals in Naas, Tallaght, Loughlinstown and, in some cases, the general hospital in Wexford town. This has led to a fragmented service, one that may not always have had the confidence of the public.

In recent years and in conjunction with the former Tánaiste, the area's elected representatives and I have met the HSE and the National Ambulance Service with a view to reconfiguring the emergency services in north-east Wicklow, moving them from Loughlinstown to St. Vincent's University Hospital. Sometime last week or the previous week, clinical directive 03/2014 was issued by the National Ambulance Service to the effect that the emergency services at St. Vincent's would no longer be available for people suffering cardiac arrest in County Wicklow and that they would be required to go to the nearest primary percutaneous coronary intervention, PPCI, unit. My understanding is that there are only two such units in Dublin - St. James's Hospital and the Mater hospital. This would result in an additional journey of 20 or 30 minutes, depending on traffic.

That this directive was made caused consternation locally, as did the fact that it was impossible to establish who had made the decision or its basis. Once again, no one in the HSE was responsible. How was this clinical directive issued and what was its basis? According to the directive, the service was to cease indefinitely with effect from 16:00 hours on 7 November. After the pandemonium and the hullabaloo that were kicked up, an amending directive was made to the effect that the service would be restored from this Tuesday onwards.

How did all of this happen? In any future reconfiguration, the PPCI unit in St. Vincent's should remain open to cardiac arrest sufferers in south Dublin and north-east Wicklow.

Deputy Aodhán Ó Ríordáin: I thank Deputy Timmins for raising this important matter. The national clinical programme for acute coronary syndrome aims to increase the percentage of ST-elevation myocardial infarction, STEMI, patients who get PPCIs by ensuring that patients are being taken to the right place, their treatment is standardised and processes are in place to ensure prompt investigation of all acute coronary syndrome patients. Under this programme, St. Vincent's University Hospital, St. James's Hospital and the Mater Misericordiae University Hospital operate as designated PPCI centres for the greater Dublin area on a 24-hour, seven-day per week basis.

The HSE has advised the Department that, unfortunately, a premature decision was taken last week to withdraw St. Vincent's University Hospital as a 24-7 PPCI centre without the normal notifications to relevant stakeholders. This resulted in a temporary suspension over last weekend of ambulance transfers to St. Vincent's for patients suspected of having STEMI. From 4 p.m. last Friday until 8 a.m. on yesterday, ambulances were instructed to take confirmed STEMI patients in the greater Dublin area to either of the other two 24-7 PPCI centres - St. James's Hospital and Mater Misericordiae University Hospital. The HSE has confirmed that three patients suspected of having STEMI who would have been brought by ambulance to St. Vincent's over the weekend and Monday were transported by ambulance to St. James's Hospital for appropriate treatment. All patients who presented directly to St. Vincent's with suspected STEMI were able to avail of PPCI in St. Vincent's 24-7, if deemed clinically necessary. I am happy

to report that St. Vincent's resumed its 24-7 PPCI service at 8 a.m. on Tuesday, 11 November.

A redesign of the PPCI programme, particularly the out-of-hours service, is under way within the HSE. The HSE acute hospitals division, in collaboration with the acute coronary syndrome programme and the National Ambulance Service, will enter into discussions with all Dublin hospitals currently delivering PPCI with a view to devising the most effective and sustainable model of care for PPCI in the region.

Deputy Billy Timmins: Wicklow has an organisation called the community first responders. It comprises approximately 400 or 500 volunteers based in various locations who assist the ambulance service. When a call is received concerning a cardiac arrest, an ambulance may be dispatched from Townsend Street, but a local volunteer who has been trained to an acceptable standard is also called to the patient's location via a central number. It is a fantastic scheme, it is chaired by Mr. John Fitzgerald and it has been running for almost ten years.

A previous health Minister committed to rolling out the scheme countrywide, but that has not happened. Instead, it has taken off sporadically in some places. It requires little or no funding from the HSE. Will the Minister of State ask the Minister for Health to examine Wicklow's scheme with a view to rolling it out to areas, especially isolated ones, where emergency services are not available? A scheme was set up in Bray, a large town fairly close to Loughlinstown and St. Vincent's, nine or ten months ago and has already received more than 100 call-outs and saved lives around the county.

The Minister of State mentioned that a premature decision had been taken. This is where the difficulty arises. How was an individual able to make a decision to cease the service without going through the appropriate channels? The service would have been ceased indefinitely if not for the issue being raised. A system of accountability for establishing who is responsible for certain decisions does not seem to be in place in the HSE. This is unacceptable. While I accept that Deputy Ó Ríordáin is not the Minister, his reply was unsatisfactory. How are we to know that this situation will not recur if his reply did not outline the shortcomings in the first instance?

Deputy Aodhán Ó Ríordáin: The Deputy raises a valid point. I will be sure to relay to the Minister his concerns as well as Deputy Kelleher's two points about health issues in his constituency and those disadvantaged areas nationally with a higher proportion of people who suffer cancer. Deputy Timmins has raised issues and deserves a comprehensive response from the Minister concerned. I will endeavour to ensure that he receives it.

Allegations Regarding Sexual Abuse by Members of the Provisional Republican Movement: Statements

An Leas-Cheann Comhairle: Before we begin, I must remind Members that, while all Members have absolute privilege under the Constitution in respect of anything they say in the House, they also have a responsibility not to name or identify and debate any person upon whom the reference may be perceived as an adverse reflection or as affecting his or her good name because such persons are defenceless against remarks made by Members under privilege. There is the long-standing rule that, even where matters are already in the public domain, Members must not repeat under privilege allegations made outside the House. Members should also be aware that allegations against any Member can only be made by substantive motion and not by innuendo or otherwise across the floor of the House. If allegations are made about named or

otherwise identifiable persons by any Member in the course of the debate, I will stop the Member and ask him or her to retract the remarks. Any failure to do so is *prima facie* an abuse of privilege and will be treated as disorderly behaviour. I call the Taoiseach to make a statement.

The Taoiseach: A Leas-Cheann Comhairle, I wish to share my time with Deputy Regina Doherty.

Dáil Éireann meets today to discuss allegations made by Ms Máiria Cahill against the IRA and that organisation's handling of them. These are allegations of rape and abuse. Since Ms Cahill brought such matters to public attention, her testimony has been both chilling and compelling. It has been notably coherent, sanguine and consistent and above all, it has been sincere and dignified. In short, it has been the polar opposite of the Sinn Féin response, whether it be here in the Dáil, on television or radio, in tweets or blogs or in post-dinner remarks. There are some who would say that Ms Cahill opted not to proceed with her case before a jury of her peers and that she now seeks to have an assessment of the facts through Dáil privilege and the media. However, that logic does not apply in the context of the residual rule and culture involving bank heists, racketeering, secret courts, punishment beatings, mutilations, executions, pay-offs, community policing and, of course, republican relocation. Equally, Máiria Cahill is an intelligent woman but she also was a terrified young woman, because she knew the price that could be either paid or extracted for daring to breach republican *omertà*. One must remember another woman who dared to offend republican sensibilities and who disappeared. She had succumbed to a reflex and instinct as a mother and if offering a cushion meant being disappeared with the attendant annihilation of the tender lives of ten young children, what then would it mean for a young woman to get into the witness box and volunteer evidence against the volunteers?

As Members are aware, Máiria Cahill's situation found its way to the IRA on how she was raped, abused and violated by one of their own, the men and women who had the delusion and the gall to refer to themselves as Óglaigh na hÉireann. To a small few she disclosed how, over months forcibly and against what we know now is her formidable will, she was ritually and habitually degraded. Moreover, Deputy Adams, contrary to that chat with you - the one which she not so much recounts as vividly relives - she as the victim did not give her manipulated consent, tacit or otherwise. She as the victim felt horrified and traumatised and when this shaken young woman was obliged to face the unshakeable men of the IRA about this gross violation of her very person, instead of manning up and doing what real men would have done, which would have been to comfort her and reassure that yes, this was grievously wrong and no, none of this was her fault, they did the polar opposite. Drawing themselves up to their full political height and paramilitary weight, they objectified her, humiliated her and degraded her all over again. Moreover, with their kangaroo court and their pop psychology idiocy, they inflicted on a traumatised young woman an extravagant, and for them exquisite, cruelty. Perhaps in retrospect, they can tell Members the body language for "I am distraught" or "I am terrified" or "I am repulsed". For any Sinn Féin Members, if the lexicon of such language is not to hand, they can look up into the Gallery and see one particular woman with a body, mind and spirit that states, in its dignity and inner stillness, "you humiliated me once, you injured me once, you defeated me once but I will never give up and you will never win because I will never be silenced".

The IRA did all of this simply because it could. Its members did this because they had all the power and no responsibility. They did it because, as a secret organisation, they had their own logic, sensibility, system and rules. Above all, they had their own enthralling vision of what constituted crime and what constituted punishment. Since they both had and were their own private army, they could be judge, jury, banisher and executioner and none of the people

moved has appeared before any court in this jurisdiction on these charges. Like any other institution with its arcane rules and logic and law unto itself, it is clear that in the case of Máiria Cahill, Sinn Féin and the IRA put the institution first. The allure of power and influence was just too much. They covered up the abuse and moved the perpetrators around in order that the untouchables would remain untouchable. It did not matter what terror they might cause or what damage they might do in these unlucky and unsuspecting communities. But who cared about victims once the institution, the organisation, in all its power and all its glory remained intact? It was a kind of unholy collusion. I refer to republicans who thought so much of this Republic that they would honour us with their rapists and gift us their child abusers. Under that elite, so-called republican dispensation, Northern Ireland could be scoured, secured and sanctified while down here and incognito, their rejects and their ejects, their undesirables and their exiles could live with and even prey on our women and children. We do not know who these men are. We do not know what they have done since they arrived among us in their banishment but we need to know and we need to find out. Today I say to Sinn Féin that if its members want to rescue any sense or semblance of credibility from these events, they will tell the legitimate authorities exactly who are these people, be they volunteers or decommissioned. They will tell us where they are and what they do because if they are a risk to any family in our society, we need to know and we must act to protect them. However, as its members do this, they should please spare us the Sinn Féin torture of language and of stretching of credibility, the republican equivalent of mental reservation. Deputy Adams should remember the words of Maya Angelou: “there is no [more] agony than bearing an untold story inside you”. Down here, you buried the dangerous living along with the discarded dead.

At this point, I wish to state that I welcome the letter I received from Deputy First Minister McGuinness, in which he suggests setting up a support mechanism for survivors of rape and abuse through the North-South Ministerial Council. I agree that the perpetrators of such abuse should be subject to the law and survivors are deserving of acknowledgement, support and justice. Since he at least had the courage to admit he was a senior member of the IRA, I ask him - and ask Deputy Adams to ask him - what knowledge he had of this case or others and if, in keeping with the spirit of this letter, he would be willing to share that, as indeed he has a duty to do. Indeed, I wish that all members of the Sinn Féin Party would share his view on how victims like Máiria Cahill should be treated. I can but hope that their savagery - a particular savagery unleashed online towards Máiria Cahill - self-illuminating as it is, turns out to be as self-devouring as is deserved.

Deputy Adams asked me to meet four named individuals who were connected with the interrogation of Máiria Cahill. I offered to do so and they declined. Now he wishes me to meet other individuals. I regard this as being diversionary and will not deflect from the issue at hand. What I cannot accept is the attitude of Sinn Féin to Ms Cahill or to the families of the country because unlike you, Deputy Adams, and unlike you, Deputy McDonald - your usually seismic rage and righteousness about victims now, it appears clearly to me, a pathological loyalty, your compulsive denial of a cover-up in the matter of Ms Cahill - how can you state categorically there was no cover-up of the knowledge of sexual abuse?

3 o'clock

How can the Deputy categorically state that sex abusers were not moved to safe houses, particularly when her party's leader is involved in a case where a family member was denied that information for so many years? Sinn Féin has reneged on Ms Cahill as a woman. It has let her down.

The abused have not gone away, you know. Nor will they. There will be other programmes and court cases, other whistleblowers who will need to be protected. The latter will not be dealt with in the way in which the IRA dealt with them in the past. I am of the view that the children of the Republic should not be obliged to live with the risk posed by the IRA's misfits, predators or outcasts. Unlike Sinn Féin, I will not allow our children to be imperilled on foot of a delusion on the part of any organisation which believes itself - uselessly at this stage - to be above the law. Whether they are rooted in ancient conclave or modern conflict, this Government has given them a very clear message, namely, our children and their lives are both precious and inviolate. Never again will the rape and torture of these children be ignored or blindly tolerated in order to protect or preserve organisational power, standing or reputation.

In the past three years, this Fine Gael-Labour Government has done more to make our children safe than any previous Administration in the history of the Republic. People can be proud of what has been achieved. For the first time, the children of our country have a full, dedicated Cabinet Minister. A referendum was held in order to recognise the rights of children in our Constitution. We have legislated on adoption and begun what is a major programme of legislative reform in the long-neglected area of child protection. I refer, for example, to the Criminal Justice (Withholding of Information Concerning Offences Against Children and Vulnerable Adults) Act 2012, the National Vetting Bureau (Children's and Vulnerable Persons) Act 2012 and the Children First Bill 2014, which will place child protection on a statutory footing. In addition, we have established the Child and Family Agency, Tusla, to protect Ireland's children from all forms of violence, abuse and neglect. We have given this agency great powers and a massive task but we are also charged with great responsibility in the context of ensuring probity and accountability of every aspect of Tusla's operation in every area and at every level. In protecting our children, Tusla must adhere to strict and high standards, namely, the tough protection demands of Children First and those constitutional rights and natural justice and fair procedures set out in the court decisions of Justices Barr and O'Neill. In order to protect our children and support our families, those are the exacting standards by which this State and its agencies must and will be bound. I refer in particular to Tusla in this regard and to the challenges it will face in respect of its caseload. Those challenges will not least be caused by an increase in referrals as a result of the necessarily tough demands of Children First.

Transforming our child and family services will not occur by edict, by intention or by the speeches that will be made here today. As we are aware, the business of child protection is not sweet and frequently involves the darkest and most disturbing aspects of our history and our humanity. Urgent is what our national response in respect of child protection must be. We take a different view with regard to the covering up of rape and abuse by IRA paramilitaries in order to protect the elite republication family. Our priority is the ordinary families of the Republic. With her revelations, Máiría Cahill wants to protect those ordinary families across this island, both North and South.

Deputy Robert Dowds: Hear, hear.

The Taoiseach: By freeing this and coming generations from the darkness of the past, Ms Cahill views her revelations as a way to open for all of us a door into the light. That light is an all-island peace based not on secrets but on truth, open and declared. Crucially, it is a peace which relates not just to our geographical co-ordinates but which lives in the heart and soul of all who live on this island. As a people, we have been fractured and broken for long enough as a result of our national obsession with putting people, truth and reality out of sight. I refer to those who were incarcerated in the Magdalen laundries and who gave us blindingly white albs

and snowy tablecloths, to the generations who slept on immaculate and guilty sheets and to the mother and baby homes, the industrial schools, the reformatories, the mad houses or other institutions with walls high enough to block from our common sight any reminder of our fragility, any vestige of our vulnerability or the intrinsic danger of our private selves, our hidden identities and our loneliness and longing.

As parents, we know that our children make us invincible and vulnerable. They remind us of who we are. It is the same, I believe, for our country - our nation. In the context of this debate, which has been brought about by the courage of Máiría Cahill and the allegations she has made in respect of the IRA and Sinn Féin, it is - and always must be - a case of children first. Deputy Adams has a duty, as uachtaráin of his party - as I understand it, the Deputy has never been involved in the IRA - to identify the people to whom these allegations relate and indicate to the authorities the locations to which they were moved. This sorry saga cannot be allowed to continue. I commend Máiría Cahill on her courage and consistency and for her ability to stand up to intimidation of many sorts. I hope that what brought about this debate will bring positive results for the children who were abused - those who might be in danger of being abused - by people who, we understand, were moved into this jurisdiction.

Deputy Regina Doherty: I will begin with a quote:

Let me tell you what it feels like to be scared ... I remember the first fingers laid on me and what that felt like. My childhood wiped out in a split second. I remember the fright. The confusion. Being too afraid to open my eyes as the IRA man got a kick out of using me like a rag doll.

Those are the words used by Máiría Cahill to describe the sexual abuse she suffered. There are 166 Members of this House. By all accounts, at least 25% of us have had experience of sexual abuse in some shape or form during our lifetimes. Those who have know that the physical scars heal over time. They also know, however, that because of the insidious nature of rape or sexual abuse, the psychological effects last for decades. Those effects shape, inform and infiltrate the remainder of a victim's life.

There has been a great deal of discussion recently with regard to the well-intentioned people in the IRA and Sinn Féin. In my experience, such people help, support and listen. There are thousands of families throughout this country which are dealing in a well-intended but quiet manner with loved ones who have been sexually abused. They listen, cherish, support, counsel, and care about their loved ones. They want to help those who are victims. Those who are well intentioned do not interrogate victims in courts of inquiry for months on end. They do not threaten victims into remaining silence, nor do they enlist victims into deciding the options for punishment for their abusers. They do not place victims in the same room as their abusers in order to read their body language and discover if they are telling the truth. They do not threaten a victim's family and prevent them from going to the police, they do not threaten to sue victims for slander and they certainly do not publicly raise the profile of abusers in their republican propaganda newspaper. Those to whom I refer absolutely and fundamentally do not facilitate abusers to move from one jurisdiction to another, they do not give abusers money and cars to help them on their way and they certainly do not put other children at risk of abuse by the very abusers they are facilitating. These are not the actions of people who are well intentioned.

Deputy Adams recently wrote the following about the IRA on his blog:

Despite the high standards and decency of the vast majority of IRA volunteers, IRA personnel were singularly ill-equipped to deal with these matters. This included very sensitive areas such as responding to demands to take action against rapists and child abusers. The IRA on occasion shot alleged sex offenders or expelled them.

Given that reality has finally been accepted, let me ask the Deputy whether alleged abuser Martin Morris was facilitated by ill-equipped Sinn Féin-IRA in leaving Northern Ireland in July 2000? Was this individual given cash and a car to help him on his way?

Was the ill-equipped Brieghe Wright, who by her very own admission has years of experience working with sexual and domestic abuse victims in the Falls Women's Centre and who states she has completed child protection training, well-intentioned when she saw fit to re-traumatise a vulnerable young rape victim by allowing her to be put in a room with her abuser in order that her body language could be read to see if she was telling the truth? Was Bobby Storey well-intentioned when he recently issued a memo stating that if Sinn Féin Party members were making comments about Máiría Cahill, they should only be made if they were measured and rigorously accurate? With glee over recent weeks, Sinn Féin members have abused, vilified and re-traumatised Máiría Cahill, through social media and directly.

Deputy Gerry Adams first denied that the IRA carried out any investigation and said Máiría Cahill's allegations were slurs against Sinn Féin. Then he accepted that there were IRA investigations, but not into Máiría Cahill's case. His latest stance is that he does not know whether there was an IRA investigation into Máiría Cahill's case. I am dizzy from the number of changes to a story by a man who brought his own niece to meet her abuser, his brother, Liam Adams, face to face. I am at a loss to know why he would bring his own niece to meet her abuser face to face in a well-intentioned way to help her.

Deputy Adams says there is no corporate way of verifying these matters. These are weasel words to justify inaction. Sinn Féin has many people with a lot of knowledge, not least of whom is Deputy Gerry Adams. Thirty years on from the horrendous gun attack on Brian Stack, Deputy Adams had no problem putting Mr. Stack's sons in a blacked-out van and driving them to an undisclosed location where a former Provisional IRA chief admitted responsibility for their father's murder. It is funny how there was a corporate way of verifying that heinous murder but no corporate way to proceed now.

Deputy Adams, why did you lie about the knowledge of your brother's abuse of your niece, another young woman who came to you for help? You turned on her mother-----

Deputy Gerry Adams: Acting Chairman-----

Acting Chairman (Deputy Bernard J. Durkan): I hesitate to intervene but it is not within the rules of the House to accuse somebody of lying.

Deputy Regina Doherty: Of lying?

Acting Chairman (Deputy Bernard J. Durkan): Lying, yes. The Deputy must withdraw the accusation of lying for the purpose of debate in the House.

Deputy Regina Doherty: Where did I lie? If I said I was a liar, I withdraw it.

Deputy Joan Burton: Untruth.

Deputy Regina Doherty: Untruth. Why did Deputy Adams tell an untruth about the knowledge of his brother's abuse of a very young, vulnerable woman who came to him looking for help? He turned the tables on her. He tried to point the finger of abuse and neglect at her mother when he made a complaint to social services about the latter's neglect of her child. Did it slip his mind to make the complaint about sexual abuse by his own brother? Given all the events the Deputy has been remembering over recent weeks, does he remember ever sitting with any other victims and their abusers together in a room?

What knowledge does Deputy Adams have of a senior Northern Ireland politician's brother who had allegations of sexual abuse made against him in the 1990s? Allegedly, he was taken to a flat in Andersonstown where he was facilitated in a move to Dublin. What corporate memory does the Deputy have of that incident?

I have knowledge of eight other men - alleged abusers - who were facilitated by Sinn Féin to move out of Northern Ireland and relocated to the Republic but, to be honest, I am too afraid to name them here today. Therefore, I have exercised my duty by making an appointment with my local sergeant for Friday morning to hand over that information to An Garda Síochána and report these men. I fundamentally believe it is now time for Sinn Féin to exercise its duty.

Will Deputy Adams tell this House about an internal investigation led by him and other senior Sinn Féin politicians in which he identified in excess of 100 victims of sexual and physical abuse at the hands of Sinn Féin or IRA members? What did it uncover? Did he report any of the 100 or so cases to the Garda Síochána? Will he tell us why a senior press director of Sinn Féin was briefed to prepare a damage limitation exercise and instructed to prepare a media strategy in the event of knowledge of that investigation ever being leaked?

I genuinely have no hope of any truth or co-operation from Deputy Gerry Adams because, God knows, I know I would not believe the Lord's Prayer from his mouth at the moment. In recent weeks, I have looked towards those whom I would have believed are future Sinn Féin leaders for real leadership on this issue arising from the allegations Máiría Cahill has made. I refer in particular to the new generation of Sinn Féin members who are not tainted by the heinous acts or the horrific murders during the Troubles. There were so many such acts that I will not even mention them.

Let me address Deputy McDonald, who apparently likes a bit of Maya Angelou, whose most famous quotation, in my opinion, is: "I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." Today I feel disgusted by Deputy Mary Lou McDonald's response to Máiría Cahill and all the other victims of Sinn Féin and IRA sexual abusers. I am disappointed beyond belief that she would so cheaply sell her integrity for political positioning, that her naked political ambition would cause her to fail the children of our nation, fail families and fail victims, all in the name of a cheap power grab. She is no longer credible, in my humble opinion, when she rekindles her fake support for victims of symphysiotomy, survivors of the Magdalen laundries and victims of sexual abuse at the hands of institutions of this State because she has failed to hold her own institution to account and scrutinise Sinn Féin or IRA activities and actions. For all her rhetoric about women's rights, she did not know how to respond appropriately to Máiría Cahill's allegations because to respond or react like a woman, a human being, would have meant telling the truth. It actually would have meant criticising that chap beside her. Maybe I am being too harsh because, perhaps like the rest, she is probably afraid of the real Belfast leadership. I ask her sincerely to step outside the groupthink that obviously characterises Sinn Féin and stand up for

victims with sincerity, not in the mealy-mouthed way she has done in recent weeks by saying she believes Máiría Cahill while undermining her at the same time.

Sinn Féin's response to all the recent and still-emerging victims' stories is to call for an all-Ireland response involving the creation of an all-island body to deal with the issue of support for those who were victims of sexual abuse during the conflict. Sinn Féin's version of an all-Ireland approach was to put children on this island at risk. It blatantly put the protection of its own movement ahead of the protection of our nation's children and, crucially, it is continuing to do so.

Let me finish by saying to Sinn Féin and its supporters that facing up to this issue is not about undermining the peace process but actually about strengthening it. Making Sinn Féin amenable to scrutiny will actually help it turn into a normal organisation and might actually garner it support rather than damage it further. The greatest benchmark against which to measure the success of the peace process is how we protect our children. Thus far, in my humble opinion, Sinn Féin has failed abysmally.

Tánaiste and Minister for Social Protection (Deputy Joan Burton): I wish to share my time with the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Ged Nash.

I welcome the opportunity to speak on the allegations of sexual abuse by members of the provisional republican movement and the Máiría Cahill case. First, this is not simply a debate about events that took place in Belfast a number of years ago. It is not just about a single legacy issue from the Troubles, nor is it about how republicans policed their communities or administered their own crude forms of justice at a time before they supported the PSNI. These issues are all part of the events that have contributed to where we are today. However, this debate is actually about the present and future. It is about providing justice today for people who have been abused in the past. It is about protecting our children from those with a record of abuse and about the standards and behaviour we expect from the leaders of Irish democracy, as represented in this House.

Four weeks ago tomorrow, on a Thursday evening, I met Máiría Cahill at length in my office. I did so because I wanted to hear her story for myself and draw my own conclusions. She told me about the abuse she suffered for over a year by the officer commanding the IRA in Ballymurphy at a time when she was in school preparing for her exams. She told me how, at a young age, she realised that she had to live with this horror for the rest of her life. She recounted the crude IRA investigation where her abuser denied the allegation, and how she was made to confront him.

She named individuals within the Sinn Féin leadership as being party to this investigation. She stated that Deputy Adams was involved in her case over a six-year period, despite his denials that continue to this day. She painted a picture of justice denied, first, when the IRA investigation failed to reach any conclusion and, then years later, when she was forced to withdraw her legal case, thus finding her abusers not guilty by default.

Máiría spoke of the trauma she has experienced since her abuse and the devastating effect it had on her life, not least having to see her abuser hidden in plain sight by Sinn Féin because her abuser was appointed by Sinn Féin as the face of community restorative justice schemes in west Belfast. Having listened to her, I was struck by her bravery, courage and determination to

proceed.

She also lifted the lid on the reality of life in a community under the brutal control of the IRA and Sinn Féin - a community where the need to protect the abuser trumped the needs of the victim lest the reputation of the IRA and of the movement should suffer, and a community whose political leaders allow abusers to continue to live in the midst of children, contrary to all the rules of child protection. The first rule of child protection is to remove the abuser from the opportunity to continue the abuse or to abuse other children. That is the primary rule of child protection.

Having gone public to such effect, Máiría's case is now subject to a number of legal remedies. The Northern Ireland Police Ombudsman is conducting its own review following the ending of the court case and the Northern Ireland Director of Public Prosecutions has announced an independent review of three criminal cases linked to the original proceedings.

Those processes must be allowed run their course but as they do, we are left with two key issues to address: first, the extent of child abuse by members of the republican movement and the denials and live cover-up that is ongoing; and, second, the attacks that have been unleashed by Sinn Féin members and supporters on the character of Ms Cahill in what appears to be an attempt to warn off other victims from coming forward.

Regarding any potential cover-up, surely Sinn Féin must be consistent? Judging its members by their own words and stated standards, they repeatedly and understandably criticised the Irish State for facilitating a cover-up of sexual abuse in the Catholic Church. Responding to the Ryan report less than five years ago, Deputy Mary Lou McDonald said it exposed how "the most powerful men in the Catholic Church in the Dublin Diocese conspired to protect abusers of children". Deputy McDonald went on to say that this was "a gross betrayal of generations of children". She further stated that anyone found to be complicit in the cover up of child abuse "must be arrested and made to face the full rigours of the law". I agree fully with Deputy McDonald's sentiments and I ask her to apply these same standards to Sinn Féin and the IRA.

In particular, does Deputy McDonald apply this standard to the powerful man who leads her own party? Frankly, I say this because Deputy Adams's response to Ms Máiría Cahill's case has been one of denial, evasion and seeking to protect the IRA. He denies any knowledge of an internal IRA investigation or of meeting Máiría as she states, he evades any responsibility for IRA and Sinn Féin involvement, claiming that the courts have cleared the abusers, and he protects the IRA by writing that these events were "of their time" and that the IRA should be exempt from mechanisms for dealing with abuse because they have "long since left the scene".

Deputy Adams's response to Ms Cahill's claims is even more sinister when considered alongside his own inaction in protecting children from his own brother. This was after he was informed of Mr. Liam Adams's abuse of his daughter. In fact, we know from Deputy Adams's own court testimony that he did little or nothing to ensure that children were protected. For ten years he allowed his brother to work with children in Belfast and Dundalk - the two constituencies for which Deputy Adams has been a public representative. Apparently, he did so without once contacting social services or the police on either side of the Border, and if he made an intervention by other means as yet untold, such representations were clearly unsuccessful, and yet no questions that we know of are asked of Deputy Adams by Deputy McDonald or other leading members of Sinn Féin. No statements have been made condemning conspiracies to protect abusers. No parallels are drawn between this powerful man and the manner in which

the leaders of the Catholic Church protected abusers. The pattern continues.

In fact, any time that the issue of sexual abuse within the republican movement emerges, Sinn Féin tries to shut the matter down. Last year, details were published of an internal inquiry into allegations of abuse by more than 100 members of the IRA and Sinn Féin. Can Deputy Adams clarify these allegations, which include allegations of the grooming and abuse of a young girl by a senior member of the IRA, serious assaults against children and more than one hundred cases of sexual assault? Ms Cahill has repeatedly claimed that such an investigation took place and that Sinn Féin is in possession of information about multiple cases.

In normal circumstances, it would be incumbent on any Member of this House to bring such information to the appropriate authorities, yet what is Sinn Féin's reaction to these reports? Rather than express concern at allegations of sexual abuse, rather than seek to find out if any investigation took place and rather than question the appropriateness of its party president being involved given his own record regarding his brother, Sinn Féin sent out Deputy Pearse Doherty to deny that any such inquiry had taken place. Deputy Pearse Doherty did so in vehement terms. He described claims that Sinn Féin had conducted its own investigation into cases of sexual abuse as "unfounded and untrue" and stated they marked a "new low", and so the pattern is established - deny and attack, deny and attack - and it is being repeated to this day. It is similar to the manner in which the hierarchy of the Catholic Church denied for a long time the extent and scale of clerical abuse and claimed it was limited to one or two bad apples.

What we need Deputy Pearse Doherty and Deputy Mary Lou McDonald to do rather than repeat the denials and facilitate the cover-up is to follow Máiría Cahill's example and to challenge the powerful men in their own movement who have something to hide. However, rather than follow Máiría's example, those in Sinn Féin prefer to attack her character. They do that very subtly. They deny the details of her story. They repeatedly make her justify her allegations. They unleash attacks on her online. They retraumatise her over and over again. In doing so, they are playing a longer game. They are setting an example, actively discouraging other victims of abuse from coming forward by demonstrating the trauma they will have to endure in their fight for justice.

At the same time, Sinn Féin portrays itself as facilitating the victim by putting forward practical solutions and new processes for dealing with the past. Yet in the suggestions the onus is usually on some other body – the PSNI, An Garda Síochána or the North-South Ministerial Council – to devise a mechanism or process for dealing with the issue, and crucially, rather than start with the IRA bringing forward its own information about abuse within its ranks, all of the solutions involve putting the victim back in the dock. Will the first step ever be taken by republicans?

Since she went public, Máiría has had to endure a whispering campaign against her on the streets and a very public assault on her character by Sinn Féin supporters online. The least she deserves is that the Sinn Féin president calls off the dogs of war on Máiría Cahill. She must be allowed tell her story without Sinn Féin's keyboard warriors attacking her every word.

Deputies: Hear, hear.

Deputy Joan Burton: Writing in a newspaper a couple of weeks ago, Máiría herself described the trauma she had experienced in recent weeks. Addressing Sinn Féin directly, she wrote the following, which I am sure Sinn Féin members have read: "And you, by denying my

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experiences, invalidate me as a human being, and by default, every other victim of abuse out there. And that's a very dangerous message to send to perpetrators".

I was struck by the similarities between Máiria's words and those of the American poet Maya Angelou - to whom other speakers referred; a writer Deputy Gerry Adams is fond of quoting on Twitter. The point about Maya Angelou is her determination to overcome the abuse she suffered. She wrote the following which I want to say to Máiria:

You may write me down in history

With your bitter, twisted lies,

You may tread me in the very dirt

But still, like dust, I'll rise.

Until Sinn Féin stands with the victim and not the perpetrator, until the culture of denial and attack becomes one of honesty and support and until the same behaviour is demanded of it as applies to all other parties, we will continue to ask questions of Sinn Féin's culture, motives, and commitment to democracy.

The reported comments by Deputy Adams at last week's fund-raiser in New York about an old story of going to smash up printing presses is a barely concealed threat to the modern media of the consequences of interfering with powerful men. In recent years, Irish journalists such as Veronica Guerin and Martin O'Hagan have been murdered, and we continue to see, on our screens and devices, the savagery meted out to members of the media currently reporting international conflicts. A free press is the cornerstone of our democracy, along with representation and a free Judiciary. It always was and always will be. I call on Deputy Adams to withdraw and apologise for these remarks and to remove the veiled threat that has been made to the free press in Ireland.

Deputies: Hear, hear.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): At the centre of the issue is the rape of a child, the sexual abuse of a 16 year old girl. While we debate the very serious issues before us, we must never forget that.

Máiria Cahill is an extraordinary woman, whom I had the privilege to meet briefly yesterday. Despite the horrendous acts of abuse that were perpetrated against her at a young age, she has had the courage to come forward, to identify herself and to take on a powerful, ruthless and unforgiving machine – Sinn Féin and the IRA. I applaud her courage and bravery. She is facing down both her rapist and also those who still seek to protect him. She is standing firm, for herself and for other victims of sexual abuse by the IRA. I wish to assure her that I believe her and that the Tánaiste, and my colleagues and I in the Labour Party are here to support her – and the other children across the country who were abused by the IRA.

Not every victim is willing to identify himself or herself, understandably so. Deputy Gerry Adams and his colleagues in Sinn Féin, through the treatment that has been meted out to Máiria Cahill since her shocking disclosures about rape and cover-up, have done everything in their power to prevent further disclosures. It is the code of *omertà* that I find particularly reprehensible. Human rights are universal rights. One either believes in human rights for all or for none. Sinn Féin has sought to cherrypick; to decide who is deserving of the application of hu-

man rights. It wants to sit as judge and jury, as it did in Maíria's case, on those to whom these rights should be afforded. That is wrong. It is hypocritical and it exposes the double standards of Sinn Féin.

There are clearly also double standards when it comes to the women of Sinn Féin, who have been uncharacteristically silent on these grave matters. Where are Deputies Mary Lou McDonald and Sandra McLellan? Where do the Sinn Féin Senator and female councillors stand on the matter? Let us compare, as the Tánaiste sought to do, Deputy McDonald's characteristically forthright condemnation of how, as she put it, "the most powerful men in the Catholic Church in the Dublin diocese conspired to protect abusers of children" in "a gross betrayal of generations of children". She demanded that they face the full rigours of the law, and she was right. However, compared with that condemnation then we now have deafening silence, despite equally horrendous allegations and an identical widespread cover-up of wrongdoing. Only this morning we heard Deputy McDonald quite correctly call for whistleblowers to be listened to and their allegations fully investigated. Deputy McDonald seems to very fond of whistleblowers, as long as they are not IRA whistleblowers. When it is an IRA whistleblower, Sinn Féin closes ranks and retreats while issuing ambiguous statements about the "culture of the time", "honest mistakes" and, most disgusting of all, insinuations about the mental health of any of their accusers. Anyone who ever contradicts the accepted narrative from the Sinn Féin leadership is given the exact same treatment. It is utterly predictable. For example, they make statements such as "The person is suffering from stress", "They are confused", "It was a long time ago", "Ah sure God love them they have got it mixed up" and, best of all, "Sure they are opponents of the peace process". I am sorry, but that is not good enough.

I am deeply disturbed by the pattern that is now emerging of IRA abusers being moved south of the Border when their horrendous crimes were made known. At least some of the child predators were moved to my own constituency, my home county, one I am proud to represent, the county of Louth. We know that convicted paedophile, Liam Adams, Deputy Gerry Adams's brother, was working for Sinn Féin in County Louth. We know that the Sinn Féin leader was aware that his niece had endured terrible abuse at the hands of her father – his brother – when Liam Adams crossed the Border to work in Louth. We know Liam Adams had access to minors as he ran a youth scheme in Dundalk in my home county. It has also emerged that two brothers allege they were sexually abused as boys by an IRA member believed to be on the run in their home, in an IRA safe house in County Louth. A current Sinn Féin councillor admits that he knew of the allegations but he did not report them to the police. How many other cases might there be? Of course I accept that in the 1990s, policing in Northern Ireland was a major issue and the RUC was not trusted in republican communities. The paramilitaries filled the vacuum and they took over policing in their communities.

It is very late in the day for Sinn Féin to now acknowledge that the paramilitaries were unsuited to that task, particularly with regard to crimes as serious and as sensitive as sexual offences perpetrated against children. We know both republican and loyalist paramilitaries used intimidation, naked violence and exile, to maintain order. They cloaked their thuggery with a veneer of justice under the guise of kangaroo courts.

We must acknowledge a sad truth that in the course of the peace process the otherwise admirable desire for a workable alternative to the discredited justice system led some people to examine the concept of restorative justice. We saw the creation of state-funded community-based restorative justice schemes. We then saw many of those schemes being hijacked to operate as a shallow system of paramilitary justice, of rough justice, without any oversight or accountabil-

ity whatsoever. As the Tánaiste pointed out in her contribution we saw Máiría Cahill's abuser walking the streets of west Belfast as Sinn Féin's organiser for community restorative justice. How perverse is that? The upshot for Northern Ireland is that the unwillingness to work with police and the prominent involvement of paramilitaries created a crisis of credibility for community restorative justice.

Both Governments must accept their share of responsibility for allowing this chaotic situation to develop by surrendering what is a core function of state to self-appointed vigilantes. We either have the primacy of the rule of law or we do not.

Another result is that displaced individuals seemingly unknown to the authorities but known to the IRA, were removed from their communities on grounds of serious crimes against children and are living, who knows where, in Ireland and Britain; Sinn Féin knows.

The final consequence is that the new generation of Sinn Féin members - Deputies and other public representatives - must come to terms with these historic wrongs and must do all they can to have them publicly acknowledged and corrected. We cannot have more weasel words. We cannot have any more equivocation or any more cant about events being of their time, about wrongdoers having long since left the scene, about not applying present day standards to some faraway past. We must judge what happened in exactly the same light as we have judged the appalling institutional cover-ups of other organisations.

At times, perhaps, all political parties can be accused of attaching too much importance to the need for party loyalty and party discipline but the truth is there is no other movement on this island, political, social, cultural or religious, whose leadership would have survived the succession of revelations that have been made about Deputy Adams's treatment of child sexual abuse either in his own family or in his wider political family. Yet even when cardinals have fallen, Deputy Adams is still standing because he is propped upright by those surrounding him and still supporting him. Even if they are not personally to blame for the events of the past, the new generation of Sinn Féin members and representatives must share responsibility for this travesty which makes a visible mockery of their crocodile concerns. They must demand the information their leaders have on cases of sexual abuse; they must do what they can to ensure that justice is finally done and seen to be done. They must apply the normal standards of decency we expect of all our citizens and all our public representatives but to date they have not done so; they have signally failed to do so. They should and they must, stand up, speak out and break the disturbing Sinn Féin code of *omertà*.

Deputy Micheál Martin: One of the most important developments of the past 20 years has been how our society has begun to face up to some of the most horrific issues in our past and the legacy which they have left in so many traumatised lives. The vile nature of child abuse repulses anyone with a basic sense of decency. It is not a one-off crime; it carries on in the form of victims who feel isolated and betrayed; who face immense barriers in seeking justice; who continue to be abused every time the cycle of denial and disbelief repeats itself. There is only one way that we can help and support victims and that is to say loudly that we believe them and that we will stand with them to bring their abusers to account.

In the lead up to this debate I have been subject to repeated attacks from the leaders of Sinn Féin. They have claimed that this debate is not about justice but rather that it is about opinion polls. I have been called a sleeveen engaged in a "political diversion". Sinn Féin members old and new have engaged in the swarming abuse which shows itself whenever someone attacks

the provisional movement or its icons. There is no need to respond to their attacks, but I wish to make a simple point. Everything I have said before now and everything I will say in this speech has emerged because victims have come to me and asked me and my party to raise their cases. What is more, as new evidence emerges every day, it is becoming clearer that they are not only honest people but that they are brave beyond anything we could imagine. Meeting them has been a privilege and I am proud to stand with them against the vicious and cowardly provisional movement which put their abusers in positions of power and continues to protect them.

Last November I stated that there was evidence of significant abuse and cover-ups within the provisional movement. There is evidence of children being raped and the rapists being allowed go free. Rapists and abusers were sent to other communities in the Republic or to the UK so that they would be protected from prosecution and allowed to roam to find other innocent victims. There is evidence of active collusion within the movement to ensure that the rapists are not subject to justice. There is evidence of young lives destroyed, not just by the abuse or the abuser but by the intimidation of the movement and the active public denials of its political leaders. I stand by every one of those statements. In fact, the reality is even worse.

The evidence is overwhelming that within the communities which the Provisional IRA worked to dominate, the abuse of children was frequent and any action which was taken was designed to limit the publicity rather than to ensure justice. This was known at the top of both parts of the movement and there was active collusion. This not only continued after the cease-fires and the Good Friday Agreement; it has continued to this day. There was widespread abuse and there is an ongoing cover-up. There must be a legally empowered independent inquiry. Nothing else is acceptable and nothing else will vindicate the basic human rights of victims. In every example where a culture of abuse has been exposed and the powerful held to account it has required a handful of individuals to be willing to risk everything by standing up in public.

Máiría Cahill is brave to an extent which puts to shame those who have sought to deny her justice and undermine her claims. As a 16 year old she was repeatedly raped in 1997 and 1998, a period which spans the negotiation, ratification and implementation of the Good Friday Agreement. This was not the distant 1970s when gunfights were happening on the streets. The Provisional IRA and Sinn Féin had, in public at least, already signed up to a permanent peace. Máiría's abuser was the OC of the Provisional IRA in Ballymurphy and was a member of their civil administration team which ran the vigilante justice programme. He was also a Sinn Féin-backed senior activist within the community restorative justice programme. He was well known to senior Sinn Féin politicians and sat with them on local committees. Máiría Cahill was not given an option to report her abuse. She was told that the Provisional IRA would conduct an inquiry, one which was initially kept secret from her parents. What followed was a grotesque parody of an investigation, something which even Sinn Féin now admits was a regular occurrence. Máiría's own words on what happened should be heard here:

I wanted to be a lawyer or a journalist. I could have done it too - if the IRA hadn't forced themselves into my life and turned my world upside down.

You see I know those IRA people will hear this. Do you think you "helped"? Really? You'll remember, I imagine the look of fright on my face as you told me you were "investigating" my abuse. You will have watched me turn white with shock.

And you will remember watching as the rapist told me for hours, to my face and in front

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of you, that I was a liar, and that he didn't do those things to me.

And one of you will remember driving me out of the flat that night and stopping the car sharply so I could be sick on to the road.

You will remember my dramatic weight loss, my panic, my fright about the fact that at some point you were going to tell him what you were forcing me to tell you. And you'll remember my parents' anger at you, when you informed them that you had been "questioning" their child for months.

You'll remember me having to pull out of university because you screwed my head over so much that something had to give.

And you'll remember putting him under house arrest when other victims came forward. Asking me to decide what you were going to do with him, so I would feel responsible. I'm glad I didn't play your sick game.

And you'll remember his "escape".

That's not help. That's an abuse of power over a traumatised young girl who should have been at university working hard to achieve her goal. I should have had everything to live for at that stage. You, and the man who abused me, collectively stripped that away from me.

Bit. By. Bit.

You had absolutely no right to involve yourselves in my life. And that, by any normal person's definition, is not help. It's torture.

After attempting to dismiss her as someone who was sick or had a political agenda, the leaders of Sinn Féin now claim that they believe her, but, of course, they actually continue to try to undermine her. How can they say they believe Máiría Cahill but dismiss what she has to say about Deputy Gerry Adam's behaviour? They are saying that everything is true but the politically inconvenient bit. It is pathetic and I will return to this later.

It is a profoundly disturbing fact that Máiría's case appears to be just one among many. As I said last November, I have been told of much more widespread abuse. In recent weeks I was contacted by another victim of abuse by the IRA and I met him last week. He told me a very harrowing tale of what happened to him and his brother. I have confirmed with him that all information he has given to me has also been provided to the Garda.

In 1992, as a teenager this man was raped by a member of the Provisional IRA who was using his family's home as a safe house. The Provisional IRA member's use of the house was facilitated by a person who has been a Sinn Féin elected representative in Louth for over a decade. In response to the abuse, the young man fled his home. It was a decade later when his much younger brother told him that he too had been raped by the same man. After their father contacted the local Sinn Féin representative, Pearse McGeogh, in 2002 the provisionals again commenced their sinister internal investigation procedures. The brothers were summonsed to a meeting involving the same man who was in charge of the internal investigation in the Máiría Cahill case and other investigations by IRA-Sinn Féin. This is a person who has held a senior position in Sinn Féin. Councillor McGeogh was also at this internal investigation meeting. There is corroboration from people other than the victims that this internal IRA investigation

took place. Three days later, the Provisional IRA's designated "clean up" man said the abuser admitted what he had done to them and he also admitted abusing one other child in another house. The brothers were given three choices, namely, that the IRA would execute him; it would bring him to them to deal with him; or it would expel him. Obviously, the brothers wanted no hand, act or part in any murder. This rapist was exiled from the country, but there was no possibility allowed for him to be handed over to the legitimate forces of justice in our country. This was 2002, five years after the permanent ceasefire and in the jurisdiction of this State. The boys were offered the services of a provisional movement-approved therapist. Due to the profound and ongoing impact that the rapes and the IRA inquiry had on the brothers, the case did not disappear as the local Provisional IRA and Sinn Féin representatives would have liked. Only in 2008 did their local Sinn Féin Deputy and councillor advise that the Garda should be informed. However, neither of these men nor any other person in the movement has given their support to the brothers. No one in the movement ever actually went to the Garda to inform it of the abuse or to corroborate the facts they know to be true.

These are not isolated cases; they are the tip of an iceberg. I understand that as many as 28 victims are now discussing how to have the truth of what happened to them acknowledged. Many more remain scared of the power and reach of a movement which retains iron discipline. As with abuse in other areas, it is also increasingly clear that there was enough information over the course of many years for this abuse to at least be acknowledged. For example, in 2000 there were reports of the abuse of girls by a Provisional IRA activist and efforts to cover this up. The director of Foyle Women's Aid in Derry spoke nine years ago about how men involved in the Provisional IRA and community restorative justice, CRJ, had "cleaned up" a gang rape scene. Women's Aid in Derry and Belfast were told at the same time that they would only have cases referred to them by the CRJ if a commitment was given not to tell the police. Even the international monitoring commission was concerned enough to comment on the CRJ's behaviour in 2006. Of course, much, much more was known within the Provisional IRA and, as the conclusive evidence shows, within Sinn Féin.

There is no doubt that there was and remains a cover-up within the Provisional movement. At every stage the sole priority has been to protect the movement and, in doing so, to deny real justice to victims and refusing to end the culture of impunity within which the abuse grew. Last November, when I stated there were many cases of child abuse within the Provisional movement, a succession of Sinn Féin leaders emerged to attack me, both the old leadership and the "new faces". Deputy Pearse Doherty said it was "unfounded... untrue... disgraceful" and "new ground in terms of lowness". Deputy Mary Lou McDonald said it was "cynical" and causing distress. Deputy Gerry Adams said: "Micheál Martin is completely out of order. A new low."

In recent weeks both the leader and deputy leader of Sinn Féin have accepted that my allegation was right. Under the force of evidence, they have both admitted that abuse within communities controlled by the Provisional movement was systematically dealt with in the movement and kept away from the justice system. They have said that the movement handled these cases. Neither of them has said that they got this information since November, so they were clearly deliberately not telling the truth back then. They have, of course, advanced arguments to try to justify what happened while pretending not to justify it.

The basic point about the Provisional IRA-Sinn Féin cover-up of abuse is that it was not something accidental. It was not some unfortunate and unacknowledged secret; it was a standard operating procedure within the movement, directed from the top and enforced at every level. The discipline and public image of the movement came first, and non-co-operation with

the justice system was an absolute principle. Deputy Adams is on the record as having supported this policy. He is also on the record, in his own words, as having participated in a 20-year cover-up of abuse. In January 1995, he told supporters in north Belfast there were counsellors who could deal with issues of child and drug abuse. He said: “The RUC are not acceptable and, indeed, are using these issues for their own militaristic ends.” These chilling words are reflected in his own actions and is exactly what happened to the victims I have met.

4 o'clock

Every single person who has gone public with an allegation of abuse or murder against the provisional movement in the years since has at some point been attacked as having a political agenda, being in the hands of the “securocrats” or been involved in criminal activity. There is no exception to this. Every single victim and family member who exposed it has been attacked or undermined.

Since Sinn Féin finally admitted the widespread nature of abuse within the movement to which it remains a full and loyal part, its members have continued to offer excuses for what happened. The most common is the idea that there was effectively nothing else that could be done because of the lack of public faith in policing. This is untrue on many levels. First of all, the principal reason people would not go to the police is because they knew that they and their families would be subject to immediate and brutal reprisals by the movement. Just like the Mafia, its so-called protection of an area was always based on excluding all other options and demanding obedience.

There is also the fact that its behaviour was the same south of the Border. An Garda Síochána is and always has been a legitimate, democratic, civic policing service, yet when provisional IRA men abused children in Louth and elsewhere, the Garda was kept away and the cover-up was imposed. This behaviour continued past the ceasefires, past the Good Friday Agreement, past the establishment of the Northern Executive, and it has continued to this day.

Professor Liam Kennedy’s report, *They Shoot Children Don’t They?*, has revealed some of the scale of what was involved. Between 1990 and 2013, some 251 children were shot or beaten by the provisionals. He stated that Sinn Féin centres acted as co-ordinating centres for human rights abuses against children. In addition, he showed that many of these measures happened in addition to police and judicial action - they were not a replacement for a community which supposedly refused to report anything. The *Irish News* sums it up well in its editorial today by stating:

Anyone tempted to support this savagery needs to think about living in a society where armed gangs arrange to meet their chosen victim then shoot them in cold blood.

There can be no ambivalence about this issue.

What we are dealing with is pure barbarity which too often goes unpunished by the legitimate forces of law and order. That also needs to change.

Deputy Adams and the rest of the Sinn Féin leadership have repeatedly used the phrase “we call on anyone with information to come forward”. This formula might fool some people but it is nothing but another cynical manoeuvre to pretend to do something while continuing to protect the movement. A party almost unique in Europe for the scale of its discipline has been using this line for seven years. However, no matter how often it calls on its members to come

forward and help the police, no one ever does. Sinn Féin claims to have expelled 13 members for witnessing Robert McCartney's brutal murder. It also claims to want people to go to the police, yet why has Sinn Féin not given the evidence it used for expelling these people to the police?

Deputies Adams and McDonald have said that the Provisional IRA ran its own set of internal courts in order to keep abuse cases within the community. They clearly have good sources for this. Why have they not given any information to the Garda or the PSNI? The Sinn Féin Parliamentary Party has people in it who, unlike Deputy Adams, admit to their Provisional IRA past. If Deputies Adams and McDonald knew about the abuse and the cover-ups, surely they do? Why have they not been able to bring forward any information to help even a single victim?

Of course, Deputy Adams's apologists repeatedly say, and no doubt will say once again today, that he gave evidence against his brother in court. The effort to portray him as taking action to support his niece is an obscene distortion of what actually happened. To describe him as helpful to the case is testament to how low some people will go in protecting him.

The facts of the Áine Adams case have been established and admitted by Deputy Adams. He has admitted that he was told in 1987 about the abuse and that he believed it. His brother confessed to the abuse, yet it took 20 years and repeated efforts by the police before Deputy Adams gave any information. As was shown in the first trial, he said as little as possible as late as possible. He was, in the words of the counsel, mainly interested in saving his "political neck". In direct opposition to what Sinn Féin claims, nothing he said helped Liam Adams to be convicted because he was not a witness at the trial in which his brother was convicted.

Deputy Adams and his apologists continue to respond with fake outrage and claims of personal hurt. It may have worked once, but it has gone on too long and the evidence is too overwhelming. In 20 years he did nothing to help his abused niece except tell the social services that she had head lice and lived in a dirty house. He actively tried to talk her out of taking a case to the police. Even worse, he stood by as his brother moved between jobs in west Belfast and Louth where he, an admitted child abuser, worked with children.

Deputy Adams has offered various and contradictory accounts. He claimed he did not know where his brother was even though he was working in his constituency and he gave a warm dedication to him in his biography. His claim to have had Liam Adams removed from a job in west Belfast has been contradicted by the organisation which employed him.

Perhaps the most fundamental point is that Deputy Adams and his party appear to reject the core moral and legal obligation on any person who has any knowledge of child abuse - the obligation to immediately report this to the legal authorities. Deputy Adams reported nothing about an abuse case he knew about for 20 years until he was dragged into court. It was two years after the first contact with the PSNI before he admitted that his brother had confessed to him.

The Provisional IRA and Sinn Féin cover-up has too many dimensions to go into them all today, but we should note the sheer number of times that figures acknowledged as Sinn Féin representatives have turned up in these cases. The most striking example of this is Pádraic Wilson, someone Deputy Adams continues to refer to as a "decent man". Pádraic Wilson was a leader of the Provisional IRA in the Maze. He was twice temporarily released to attend Provisional IRA conventions. When he was released under licence, Mr. Gerry Kelly, MLA, was at the gate to greet him and hail him as a movement hero. After his release, Pádraic Wilson

assumed an active role in enforcing Provisional IRA justice and was close to the Northern leadership of Sinn Féin. He is a consistent thread in many of the stories from the last decade and a half. He was involved in the investigation into the abuse of Máiría Cahill. He was involved in the investigation into the rape of brothers in Louth and other cases, yet Sinn Féin has gone to extraordinary lengths to protect Pádraic Wilson. When he was first arrested, Sinn Féin threatened to withdraw support for policing unless he was released. It held demonstrations on his behalf and stated without qualification that he had no case to answer. There is no doubt that within the provisional republican movement there remain untouchables.

It is not possible to discuss this issue and ignore the colossal and ongoing hypocrisy of Sinn Féin. Deputy McDonald has in the past spoken in this Chamber attacking the failure to implement faster compulsory reporting of child abuse. The record is full of Sinn Féin Deputies demanding full disclosure and criminal charges for institutional abuse. As if she has no sense of irony, Ms Martina Anderson, MEP, on Monday made a public statement attacking the British Government's failure to prosecute illegal behaviour by British forces. She issued a statement demanding that the British be held to account. In September, Ms Caitríona Ruane, MLA, of Sinn Féin informed the Northern Assembly that there needed to be a strong independent legal inquiry of abuse in the Kincora Boys Home because of the involvement of security forces in covering it up. She also said that a normal inquiry into historical abuse was not enough because it could not compel the production of secret evidence.

This craven hypocrisy gets directly in the way of achieving justice on issues such as the Dublin and Monaghan bombings and the Bloody Sunday murders. Why should the British feel pressure when they hear demands from people who talk about accountability but never demonstrate it themselves - people who call for co-operation with the police but never help the police? It remains the fact that our Government is the only actor in the peace process that has been willing to be fully open and transparent about darker parts of the recent violence. The Provisional IRA-Sinn Féin continues to believe that truth and accountability are things to be demanded from other people.

I feel I must also respond to Deputy Adams's effort last Friday to claim again that the Provisional IRA was indistinguishable from the organisation which secured our independence. Sinn Féin's campaign to falsify our history by claiming continuity from a genuine republican movement which secured sustained popular legitimacy shows its continued cynicism. If ever there was a movement which acted against the 1916 Proclamation's demand that republicans not dishonour their cause, it is the provisional movement. They have no right to call themselves republicans and it is time for people to stand up against their falsification of republican history.

The abuse of children by the Provisional IRA was widespread. There was a culture of covering it up which continues to this day. Anyone who played a part in the many negotiations of the peace process has stories of Sinn Féin issuing direct or implied threats of the process being in danger because of police action. As has been seen in the Pádraic Wilson case, and in Deputy Adams's own arrest, Sinn Féin has no problem threatening to withdraw consent from policing when it wants to. No matter how non-political a criminal action was, the Provisional IRA and its political representatives in Sinn Féin have demanded that they be viewed as political and an attack on the peace process.

In the case of the four people, including Pádraic Wilson, charged in connection with Máiría Cahill's case, there is, unfortunately, concern over the prosecution service's behaviour. Concerns about the PPS need to be addressed. The PPS itself has concerns and has requested Sir

Keir Starmer to review this case. We know from two other victims that they are concerned about how the case was handled by the service. The complete failure of the system to find and prosecute any of the abusers or those who covered the abuse up in the Provisional IRA's own system is a gross indictment and raises many legitimate questions. This is why there must now be a strong, legally empowered commission of inquiry into abuse within the provisional republican movement. There is no other way of getting to the truth of what happened and, equally, there is no other way of helping the victims.

Martin McGuinness's proposal is nothing but a smokescreen. It would not have the power to compel evidence and it would be subject to political oversight.

When I proposed to Government the establishment of a commission of inquiry into institutional abuse, there were many who questioned whether it would help. No one says this now. The Ryan commission was part of a process which enabled survivors to begin healing by telling their stories. In some cases, where this was possible, abusers were exposed and charged.

The inspiring women of Goldenbridge fought for many years to be believed. I recall my meeting with Ms Christine Buckley well over a decade ago when I was Minister for Education. She told me how they had suffered in silence and then they suffered again as they had to struggle against a system which just wanted to move on. She looked me in the eye at the end of our first meeting and said: "Please tell me you believe me". It is the same with Máiria Cahill. That is basically what she wants. She wants people to say, "I believe you and I believe you were abused and you were raped". That is fundamentally all she has asked for and people could not do that in an unequivocal manner. In this context, we must do the same as we did in earlier cases.

There was significant and appalling abuse within the provisional republican movement. This abuse was covered up within the movement and continues to be covered up to this day. There are legitimate concerns about the handling of cases and this issue needs to be addressed. We all have to agree that people should not be helped to avoid responsibility in this type of barbaric behaviour. That is why we need an inquiry, North-South, independent and backed up by legislation; nothing else will do.

Let us stand with the victims. Let us say we believe them. Let us support them in fighting against those who have tried to marginalise and dismiss them. Let us stand for justice and decency against the lies and the cover-ups.

Deputy Gerry Adams: I am very conscious that many victims of abuse across Ireland are listening to the debate. One in four people has suffered abuse. Many have never disclosed their abuse to anyone. Many have yet to take the first step in recovery to disclose their abuse to a friend, family member, counsellor or garda. Many have been failed by this State.

The recent public discussion around allegations made by Máiria Cahill have also brought very sharply into public focus the fact that at a time in the North where large sections of the population did not trust or engage with the RUC, victims of abuse were also failed. A spokesperson for the Belfast Rape Crisis Collective said in 1984:

There are strong and obvious reasons why many women who are raped in the North do not go to the RUC to make a complaint. It must be stressed that even aside from the facts of war and the fact that the legal system has been discredited on many fronts....

The writer goes on to make a different point. In this climate of fear and alienation, many in the Nationalist community turned to the IRA to enforce a policing role it was ill-equipped to perform. Others felt unable to seek support or justice from any channel.

IRA volunteers were ordinary men and women. They had no training in dealing with criminality and no resources, legal or judicial or penal, to help respond to or to investigate allegations of anti-social behaviour, car theft, robbery, death riding, sexual abuse and rape or any of the other criminal actions that a normal police service deals with every day. When other warnings, appeals or community interventions failed, the IRA punished offenders. That is a matter of public fact and has been for a very long time. Some criminals, including alleged sex abusers, were shot and expelled. Anecdotal evidence suggests that some went to Britain. Some - and this again is a matter of public record - were resettled by the Northern Ireland Association for the Care and Resettlement of Offenders and this continues to this day. This project, NIACRO, was supported by the probation service and other statutory bodies and was funded and resourced and gave evidence in Westminster.

What is clear, whatever the motivations of those involved, is the actions of the IRA were inadequate and inappropriate in seeking to tackle criminality and we cannot change that. I have acknowledged the failure of the IRA to deal properly with these difficult issues and, for that, I have apologised. In my view, as Uachtarán Shinn Féin, it is right and proper to face up to mistakes or failures, particularly as part of the need to ensure these mistakes are not repeated. The end result of all this is that some survivors of abuse did not get the support they needed nor the justice they deserve. They were failed by the state, by the RUC, by social services and, in some cases, by republicans.

There is very clearly a need for society to deal with this issue. We need to address the failures of the past in the here and now. We must ensure victims are supported, the community safeguarded and abusers dealt with through the legal process. Sinn Féin has sought to deal with the issue in a victim-centred way. There is an onus on all of us here to support all victims of abuse and, as the Taoiseach has acknowledged, the Deputy First Minister, Martin McGuinness, wrote to the First Minister, Peter Robinson, and to the Taoiseach to propose the establishment through the North South Ministerial Council of an all-island process to deal with the issue of support mechanisms for those who were victims of sexual abuse during the conflict. The objective would be to ensure greater access to counselling and other supports for victims and to facilitate victims and survivors in assessing the justice system and making official complaints, if that is what they wish. This would empower all victims and survivors of abuse to fully avail of existing services to get the justice they need and deserve. This needs to be a priority cross-Border initiative added on to the remit of the Government and the northern executive with whatever powers it needs to compel people to be called forward. Sinn Féin and I fully endorse the proposal by the Deputy First Minister, Martin McGuinness.

The priority has to be ensure victims and survivors have professional services, including counselling and therapy, a channel through which complaints can be made to the appropriate statutory agency or police service and the anonymity and confidentiality of victims and survivors if they wish not be identified must be acknowledged and protected. This initiative should also be fully resourced by the Executive and by the Irish Government. Surely there is, for all the words that have been said here, agreement in this Dáil on the urgent need for an all-island victim-centred process to ensure greater access to counselling and other supports for those who were victims of sexual abuse and who could not access justice during the conflict or who were failed and let down.

Survivors and victims who come forward to Sinn Féin will be and have been supported in accessing appropriate support services and the appropriate authorities. I have called on former IRA volunteers who have any information whatsoever on the expulsion of abusers to bring that information to the appropriate authorities. We are calling, and I do so again, for everyone with any information whatsoever to come forward, yet Fianna Fáil, Fine Gael and Labour have claimed that Sinn Féin is engaged in a cover-up. Let me be clear, as a citizen and a Teachta Dála honoured to represent the people of Louth, I have worked with An Garda Síochána and have given it information on criminality, including allegations of abuse. I also work with the PSNI. I have moved across each state in terms of crime that has been committed in the Border region and I will continue to do so. So, Sinn Féin has not been involved in the charges levelled against it of a cover-up of abuse. Sinn Féin has sought to help and provide advice to those who are at risk and to urge anyone with information to bring it forward.

In the past few weeks, a barrage of malicious allegations has been made against republicans. There is one accusation that most people, including myself, accept: Máiria Cahill was the victim of sexual abuse.

Deputy Robert Dowds: All the Deputy's doubts are gone.

Deputy Gerry Adams: I believe her. There are a number of other elements to this case but at its core there is a young woman making an allegation of rape and sexual abuse. As I have said before, all victims and survivors deserve our support in bringing the abuser to justice. The other elements include an allegation that the IRA investigated the allegation of rape. This has now morphed into accusations of a cover-up by Sinn Féin and from that into a charge that we facilitate sex abusers. I reject these charges: they are not true. Amid the tsunami of accusations, especially by the Independent group of newspapers and from the political establishment here, the alleged abuser and rapist, Máiria's uncle, seems to have been forgotten about. Amid it all, the person who is charged with abusing this woman seems to have been disappeared. There is no word about that.

In dealing with these issues, I have been attempting to deal with them as they have been presented to me. On the one hand with compassion and understanding for Máiria and on the other hand robustly and honestly defending myself and Sinn Féin. Let me say clearly, if Sinn Féin or I was at fault, I would accept and acknowledge that but the republicans who played any part in speaking to Máiria Cahill, including myself, state with conviction that our concern was for her welfare. Máiria was advised to seek counselling and to go to the RUC. She was an adult at that time and refused to go to the police. That was her right. She did go to the PSNI in 2010 and following an investigation by the PSNI and a high profile court case those accused were acquitted. The recent BBC "Spotlight" programme subsequently subverted due process in favour of trial by media of Pádraic Wilson, Seamus Finucane, Brieghe Wright, Maura McCrory, Sue Ramsey and Jennifer McCann. These are all decent people. They are upstanding Irish citizens, like the late Siobhan O'Hanlon, Máiria's cousin, and others. They have been smeared in a despicable way. The court acquittals of four of these have either been ignored or devalued by the media and by representatives in this Chamber again today.

The recent publication of letters from Máiria Cahill to Brieghe Wright demonstrates very clearly that Brieghe only sought to help and support Máiria. In 2005, Máiria said of Brieghe: "You mean the world to me. You are kind, compassionate, committed and, above all, you gave me an ear when I needed it". Those are not my words but Máiria Cahill's. The recent political attacks on Jennifer McCann, MLA, an outstanding Minister who has worked tirelessly for the

rights of women and children, have been a disgrace. The claim is that Sinn Féin members were involved in a cover-up because they did not disclose to the police against Máiría's wishes. She was an adult when she spoke to some of these people. Others in the media and in political parties, including the leader of the Ulster Unionist Party, Michael Nesbitt, have acknowledged that they knew of these allegations but respected Máiría's wishes and did not inform the police. Are these people now to be included in the definition of cover-up in the calls for inquiries?

The Taoiseach and Fianna Fáil leader and elements of the media have sought to liken the alleged approach of republicans to this case with that of the Catholic Church hierarchy. As I said, we have been accused of a cover-up and of moving the abuser about. No evidence whatsoever has been produced to corroborate these claims.

Deputy Eric Byrne: How about the Deputy's brother?

Deputy Gerry Adams: They are untrue. I am sorry to say that the Taoiseach, the Fianna Fáil leader - this is a matter of genuine disappointment on my part-----

Deputy Eric Byrne: We do not believe you.

Deputy Gerry Adams: -----have no interest in due process or in truth when it comes to me personally or Sinn Féin generally. The Labour Party leader went further today and insulted the entire community of west Belfast, a community I was honoured to represent for decades. Innuendo, insinuation, distortions and untruths are the preferred weapons of choice of the Fianna Fáil leader, the Labour Party leader and the Taoiseach.

At the whim of the Fianna Fáil leader and the Taoiseach there is now a five-hour debate around what are described as statements on the allegations regarding sexual abuse by members of the provisional republican movement. I hope this sets a precedent for regular debates on the North. I have been waiting for months for the Taoiseach to honour a promise he made here to bring forward a motion on the British Army killings of citizens in Ballymurphy. I would also point out that despite the contrived outrage and theatrics of the Fianna Fáil leader a number of Fianna Fáil members of his team have approached me privately to say how uncomfortable they are about their leader's behaviour on these issues.

Deputy Regina Doherty: Do you get a lot of that?

Deputy Frances Fitzgerald: Tell us who they are.

Deputy Eric Byrne: Deputy Adams is like a bishop in that everybody confesses to him.

An Ceann Comhairle: Sorry, Deputies.

Deputy Gerry Adams: On 22 October the Taoiseach, according to the renowned human rights lawyer, Peter Madden, set aside the judicial process and ignored the findings of a court of law. An Teachta Regina Doherty has repeated that one-million fold today. The Taoiseach has brought the Dáil and his office into disrepute.

(Interruptions).

Deputy Gerry Adams: His attitude is in marked contrast to his refusal to deal with legitimate questions as to how his Government Minister dealt with whistleblowers and the file on allegations of tax avoidance by senior Fianna Fáil, Fine Gael-----

Deputy Robert Troy: We have heard it all.

(Interruptions).

An Ceann Comhairle: Please stop the side comments. Thank you.

Deputy Gerry Adams: -----and Progressive Democrats politicians. In this instance the Taoiseach rightly said that he would not prejudge but in respect of these cases he has made a judgment and made up his mind.

There have been miles of column inches and acres of outrage about how the IRA dealt with offenders in the community in the North. As I have said before, this was well known. There have been tonnes of media commentary, programmes and, indeed, campaigns against those actions. Martin McGuinness and myself are on the public record of calling in the 1980s for an end to all IRA punishments. For Fine Gael, Fianna Fáil and Labour Party politicians to feign surprise or to express bogus outrage at these actions, years after they occurred, exposes their lack of honesty or sincerity. After decades of abandoning people in the North, today their main worry is electoralism. The real focus of all of this is on the outcome of the next general election so as well as listening to what the Government has had to say on this matter, let us look at what it has done on these issues.

In his eagerness to exploit this issue and to smear me and Sinn Féin, the Taoiseach claims that sex offenders were moved to Dublin, Donegal and Louth. I have no knowledge of these claims. Has the Taoiseach given whatever information he has - he makes the charge - to the Garda? Has an Teachta Martin done so?

Deputy Micheál Martin: Yes.

Deputy Gerry Adams: Sinn Féin is committed to dealing with all the legacy issues arising from the conflict in the North and the Government is also obliged to deal with these under the terms of the Good Friday Agreement and the other agreements in an appropriate way. Any measure that would bring truth and closure to victims of abuse would be welcomed by me.

As we address this difficult issue, we should also not lose sight of the fact that there is an unprecedented level of duplicity in the attitude, particularly of Fianna Fáil and of its leadership. A succession of damning reports, including the Ryan commission report, the Ferns inquiry report, the Cloyne report and the Murphy report and the scandal of the Magdalen laundries and the Bethany Home all exposed the extent to which the Catholic hierarchy and the Irish State and successive Governments made up of Fianna Fáil, Fine Gael and the Labour Party were involved in the institutional abuse of tens of thousands of children over decades or in the cover-up of this abuse.

An Ceann Comhairle: Sorry, Deputy, you would want to be very careful about making accusations and about making charges.

(Interruptions).

An Ceann Comhairle: I am in the Chair and I am applying Standing Orders. You cannot make charges without backing them up. You cannot make a general statement that any party, irrespective of which it is, is charged with wrongdoing. Please remember that.

Deputy Gerry Adams: Thank you, a Cheann Comhairle.

An Ceann Comhairle: If you have any doubt about it, I would refer you to Standing Order 59. It is worth reading.

Deputy Gerry Adams: Thank you, a Cheann Comhairle.

It was also a Fianna Fáil Minister who did a deal with the 18 Irish religious orders, allegedly involved in child sexual abuse scandals, which severely limited their compensation liability to these victims of abuse.

Sinn Féin, in particular an Teachta Aengus Ó Snodaigh, has campaigned for many years for an all-Ireland sex offenders register. An Teachta Ó Snodaigh has raised this issue in this Chamber many times with various Ministers but it is still outstanding.

The Taoiseach said the Government has done more for children than any other Government in the history of this State, but when it comes to supporting the victims of domestic violence and of rape, this Government has an appalling record. Since it assumed office in 2011, funding for rape crisis centres, women's aid refuges and other support groups has been slashed. Safe Ireland and other agencies providing support for women's groups have consistently highlighted the fact that each year hundreds of women and children cannot access refuges because of the lack of funding, and I have raised this with the Taoiseach many times. The Fine Gael-Labour Party Government promised in its programme for Government that it would introduce consolidated domestic violence legislation to protect victims. Almost four years after it was elected, that has not happened. Most significantly, the Taoiseach he has failed to sign up to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, and I have raised this with him many times.

The recent figures from the Child and Family Agency reveal a major shortfall in the number of social workers with responsibility for caring for children. This represents a failure on the part of Government to fulfil its commitment and responsibility. The report by the independent child death review group, published two years ago, was a chilling indictment of child protection systems that repeatedly failed to save children from abuse and, in some cases, from death. Page after page of this report recorded the lives and deaths of one young person after another, and with each conclusion it is clear the child protection system failed time after time on the Taoiseach's watch. The ICDRG report provides a disturbing and harrowing insight into the schematic failure of the Irish State's child protection system between 2000 and 2010. It is also a damning reflection on the previous Government which failed to use the wealth of the boom years of the Celtic tiger to invest in child protection services and strategies. The responsibility for these failures rests with these parties; they failed victims. While we cannot change the past, we have a responsibility to redress and address it to try to make things better in the future.

As I said at the beginning of my remarks, there is a need to resolve this matter through the relevant authorities, North and South. This should have been an option for all cases in the past. I made an appeal for information two weeks ago, and since that appeal, I have received information from a republican source in relation to these matters. It came to me anonymously, and while I cannot vouch for it, I do not doubt its authenticity. That is not a matter of judgment for me, however, so I have passed this information on to An Garda Síochána. I appeal again to anyone with any information to come forward. If, or when, I receive any other information, I will also give this to the Garda.

The Irish and the British Governments and all political parties have a responsibility to deal

with this legacy. Victims and survivors have the right to truth and justice, and aside from this issue of abuse, there is a need to establish a genuine truth recovery process. Other post-conflict societies have successfully used such processes to deal with these issues, and again I have raised this many times with the Taoiseach in this Chamber. The Haass proposals provide a viable mechanism for this to happen, and again there is a responsibility on all of us, but especially on the Irish Government, to agree and advance those proposals.

Victims and survivors include those who were subject to sexual abuse, threat and exploitation, whether by individuals who were members of the state forces or non-state combatant groups, including the IRA, or any other individuals. Survivors of sexual abuse and rape deserve acknowledgement, support and justice. Perpetrators of abuse need to be subject to the law and brought before the courts.

I wish Máiría Cahill well. I hope she finds happiness and has happiness and completeness in her life. I hope she gets justice and that her alleged abuser is brought to justice. I also hope the Government acts on the proposals Sinn Féin has brought forward. The Taoiseach said he welcomes the letter from the Deputy First Minister Martin McGuinness, so let us act on that. These issues are bigger than party politics or the next election.

I am sure all the Deputies present who are lucky enough to have families love and cherish their families. Many of them have had family tragedies. I know that all those here - taking them at face value - would do their best to protect their children. That is the instinct of the vast majority of human beings. It is the same for Sinn Féin members, Sinn Féin representatives and Sinn Féin voters.

Let me say, and this is not part of my scripted remarks, speaking personally and on behalf of my wider family as well as my close family, we deeply reject the continuous taunts and offensive commentary by some here about what was for our family a deeply traumatic episode in our family life. I was told the rule in the South in politics and in this Dáil was that none of this should be taken personally, that none of this is personal. That is what we were told. The person who will offend one in the Chamber will sidle up to one outside and ask if one is okay. There is nothing more personal than the remarks some Deputies have made here today. I suppose I should not judge them on what they say in this particular debate as we will all be judged on what we do to protect children and the rights of women.

Deputy Ruth Coppinger: I welcome Máiría Cahill to the Dáil today. I commend her courage in coming here and in asserting her integrity over the past few months. I utterly deplore those alleged republicans who have sought to denigrate her stand.

I wish to deal with the disgraceful treatment of Máiría Cahill by members of the institutions of the IRA. The approach of the Socialist Party and the Anti-Austerity Alliance is the vindication of Máiría Cahill and the protection of victims of abuse first and foremost. This is in contrast to those sections of the political establishment and of the billionaire-owned media who have utilised the criminal abuse and victimisation of women and children primarily to deal a blow against their political adversaries Sinn Féin. The shameful actions and cover-up by members of Sinn Féin and the IRA is the same type of cover-up that we have seen again and again in this State under the political control for decades of Fianna Fáil, Fine Gael and the Labour Party. For example, there is a Government redress scheme for survivors of symphysiotomy, women who have had their bodies butchered but it is a without-fault liability scheme which the women do not support. That is the way the Government has treated women.

12 November 2014

The actions of Sinn Féin and the IRA in the treatment of Máiría Cahill then and now are reprehensible, including by Deputies and high-profile members of Sinn Féin. I have a tweet dated 3 November by a Sinn Féin member in my area, Dublin West, which reads: “#dubw,@sinnfeinireland poll rating 26%. Post anti SF fest”. It is tagged to Máiría Cahill. That is utterly disgraceful. It continues “Fair to pointt [sic] out majority accept SF position on this issue”. That kind of thing, which adds to a rape victim’s horror, should be utterly condemned by Sinn Féin. Faced with serious allegations it is clear that Sinn Féin moved, at the expense of the victim, to cover up and circle the wagons for its party. Sinn Féin’s priority was not the abuse or the victim, it was to prevent the victim from publicly speaking with other women which she was doing at the time. In so doing it covered up rape and sexual abuse just as the church did and it is totally unacceptable.

How should rape victims be treated when an allegation like this comes to light? They should be listened to and not disbelieved. They should be supported and encouraged to avail of counselling and they should be free, if they choose, to go to the police or the authorities to prosecute the case. That is their choice. My understanding is that was the choice of Máiría Cahill and her family at that time and she should have been supported in that. It is absolutely true that there were difficulties in Catholic working class communities in going to the RUC. That, however, was the choice of the Cahill family. It is very difficult for any rape victim to go to the police. According to a report we saw today, one in seven rape victims reported that they did not feel they were treated properly by the Garda. It is not compulsory to insist that victims do that but they should be supported if they choose to. An alleged abuser should immediately be suspended from any organisation. That was not done in this case. The person should be removed from contact with women and young people. Incredibly, Sinn Féin members and the IRA grilled and interrogated the victim, and used subtle threats to prevent her going to the RUC.

Sinn Féin’s defence all through, and that of loyalist paramilitaries, has been that they had to police working class communities, that there was a void in the policing system because the people did not trust the police. I contend that the methods of paramilitarism, of secret armies, mitigate against women and against working class people having any democratic rights or say in the process. The paramilitaries acted as self-appointed judge, jury and executioners, in many cases. How does a decision not to approach a discredited RUC justify a victim being brought on her own, without any support and against her wishes, and forced to confront her own attacker? How would the lack of policing in an area justify that behaviour? It is completely unjustifiable and should be condemned. It is outrageous treatment of any woman.

In our society there is an inbuilt economic and social inequality for women. There is a rape culture which often justifies rape, blames the victim and seeks to disbelieve women. I call on Sinn Féin now to acknowledge that Máiría Cahill was raped, to admit that her treatment was completely wrong, to take action against party members who harass her online and I call for the reopening of her case and of all other sexual crimes which it is clear were not properly investigated. I believe that is why Máiría Cahill withdrew her case.

There are many other issues we could touch on in this debate, other sexual crimes that need to be investigated, such as the Kincora scandal, the role of the PSNI and of both Governments whom it also suited to cover up this crime at the time in order to bring Sinn Féin into the peace process. We need to recognise that this woman was mistreated, that it should not have happened and that Sinn Féin should take action and own up.

Deputy Paul Murphy: I also pay tribute to Máiría Cahill for her bravery in coming forward

as a victim of sexual abuse. The shame and tragedy is that none of the institutions that could have or should have acted in the interests of the victim did so. The IRA did not. When it acted to cover up the crime of one of its members, when it acted to confront a victim with her abuser, when it moved abusers into different jurisdictions it was not acting in the interests of the victims. The British State did not act either. On the one hand, it wanted to use Máiría and other victims to prosecute people for membership of the IRA, which is an entirely separate question, and on the other, elements of the British State wanted these allegations and cases to go away, supposedly to protect the peace process. The establishment parties in the South have not acted in the interests of Máiría or other victims, by using this issue in the way that they have to strike political blows and as a political stick to beat Sinn Féin for purposes that relate entirely to their position in the opinion polls. There is no question that these are the things that must change. The victim should come first and should be at the centre of how we deal with sexual abuse.

There is no question that sexual abuse is horrifically rife in the South and the North, right across our societies. In the North it is not just the IRA that was guilty or had sexual abusers within its ranks. There are horrific stories of abuse and cover-up amongst loyalist paramilitaries. The role that the British State played in the Kincora Boys' Home scandal is outrageous and a cover-up continues of the systematic abuse and rape of young boys by senior Unionists. The British State in the form of the RUC and MI5 was entirely aware of it and used that knowledge not to prosecute those people for abuse but to use them for its own ends.

The members of the IRA are not the only ones who are guilty, but they are guilty in this instance. That guilt should be accepted. It is welcome that it has been accepted that Máiría Cahill was abused. She was also subjected to a second abuse. I refer to how the investigation process was conducted. She was confronted by her abuser and there was a cover-up of what happened. Instead of an acceptance of what happened, different stories have been put about by the republican movement. One story that has been put about in the North and on social media points towards victim blaming. Atrocious remarks have been made on social media. I refer also to the baiting of Máiría Cahill and the attacks on her character. Many people will have seen the sharing by prominent Sinn Féin members of a blog that outrageously asked whether this was "possibly a year-long clandestine sexual relationship between these two people". There is no phrase for that other than victim blaming. It should be condemned, as should the other things that have gone on, and continue to go on by means of word of mouth at this time, on social media.

The other main story or response is the idea that there was no alternative. It has been suggested that the attitudes of working class communities and particularly Catholic communities in the North to the RUC, which were absolutely understandable and based on the reality of experience, meant that the IRA had no option other than to engage in this process, which ultimately turned into a cover-up. There was an alternative and there is an alternative, which is to be supportive of Máiría Cahill's choices, including her right to choose to go to the police while understanding the reasons many women would choose not to do so. Rather than relying on an unaccountable army as judge, jury and executioner, a democratic, open, community-based and victim-centred approach should have been taken. That alternative existed and it still exists. We need an acknowledgment not just that Máiría Cahill is telling the truth about the abuse she suffered and the cover-up to which she was subjected, but also that these things happened, that they were wrong and that they will not happen again in the future.

I will conclude by proposing that all historical cases of child abuse and sexual abuse should now be properly investigated, with prosecutions against perpetrators and all those accused of

covering up such abuse.

Deputy Finian McGrath: I thank the Ceann Comhairle for giving me an opportunity to contribute to this important debate on allegations of sexual abuse. I join my colleagues in welcoming Máiría Cahill to the Dáil. The theme of this debate should always be about the victims and the urgent need to support them in a compassionate, caring and professional manner. The victims and survivors have to be the priority. They must get the support of all Members of this House, regardless of politics. This should be practical and embedded in best practice in the new and modern Ireland.

We have to learn from the huge mistakes of the past, particularly in regard to the church. We also have to learn that cover-ups never work because the truth will always come out. The key word with regard to these allegations, many of which are horrific, is “truth”. It is important to say during this debate that anyone who deliberately covered up - I use the word “deliberately” in a careful manner - will have to take the consequences. Regardless of whether one is a republican, a Unionist, a Fine Gael Party member, an Independent, a Fianna Fáil Party member or a Sinn Féin Party member, one should give the maximum support to survivors of child sexual abuse. There can be no surrender on that core principle.

We need more than talk during today’s debate. In offering my support to Máiría Cahill and her family, I wonder whether she is getting enough practical support from the authorities North and South. I am hearing stories of financial problems and accommodation problems. If they are correct, and I believe they are, why is Ms Cahill not getting the practical support she deserves as a right? I believe she was raped as a minor. The professionals need to be more involved in this case. The State needs to intervene to assist and heal in that process. There are other cases as well. All of the victims of child sexual abuse need proper supports. There can be no fudge on this matter.

I support the idea of a cross-Border commission comprising people with expertise along the lines of the Laffoy, Ryan and Murphy commissions. It is important to say that those involved should be independent non-political experts with no agenda other than getting to the truth and supporting the victims. That should be the key aspect of any commission. We need to take it out of the hands of politicians. I believe that is what the public wants as well. People want a thorough and objective assessment of the allegations. They do not want us to play politics. They want to know about the role of the state and the authorities on either side of the Border. Were rape victims further abused to get at people for political reasons? From the evidence I have seen so far, I believe that to be the case.

I welcome the decision of the Public Prosecution Service for Northern Ireland to ask Keir Starmer, QC for England and Wales, to conduct a review of the prosecutorial systems and processes in regard to three interlinked cases involving sexual abuse. I warmly welcome that review as I feel it is one of the best ways to deal with these allegations in a fair and impartial manner. I am aware that it is not politically trendy or popular for me to mention in the context of today’s debate that I still believe in old-fashioned due process and the right of all citizens to get a fair and impartial hearing. As legislators, we should never turn our backs on that system, warts and all. This debate will be hollow if these three victims - perhaps there are many more - do not receive compassionate and practical help, particularly from the Government and the authorities in the North and the South.

We need to ensure support agencies like the Rape Crisis Centre are given assistance. They

should not have to face more cutbacks like those they have endured over the last 12 months. The Dublin Rape Crisis Centre, for example, had its budget cut from €1.3 million to €1 million in 2014. It costs €1.8 million to run the service. The centre currently needs 12 psychotherapists to run its service. Even though its therapy team was cut by 33%, it managed to deliver 3,211 sessions to victims. It is important to note in this context that just one person in ten reports the crime of sexual abuse. According to Safe Ireland, some 3,470 requests for refuge could not be met in 2012. This is another scandal in this broader debate. The Government needs to ensure these services are restored to all rape victims.

I do not think we should forget the Louise O’Keeffe case or the other 44 victims of sexual abuse who were treated terribly by this State and its authorities. There are many other cases. The family of Shane Tuohey have had to put up with the grave injustice of his case for the last few years. We need to end all the talk. We need to focus on the victims of rape and give them the support they deserve. We also need to focus on the culprit and on offenders generally. Too much of this debate has taken its eye off the ball. The two main issues - the victim and the rapist - were not really discussed. By playing politics with these two key aspects of the matter, we turn people off and distract from the two core issues. My priority is the victim, or the victims in other cases. They have to get our support.

5 o’clock

The justice system should sort out the offender and get on with meting out justice. I want to live in an Ireland where the victims of sexual abuse are believed, supported and cared for and the abusers are dealt with in a strong and effective manner by our justice system. That system has let victims down. This must change soon.

I welcome Máiria Cahill to the Dáil and hope that, as a result of this debate, we all learn a lesson.

Deputy Maureen O’Sullivan: Rape is a most terrible crime and appalling violation of a person. It is even more horrifying when the person raped is a child. The consequences of rape can continue for many years, as there is no finite date by which a rape victim can declare they are over it. I am conscious that others who have been raped, who may be in recovery and who are listening to this debate are having their wounds re-opened by it.

One of the most poignant moments in Máiria Cahill’s writing concerned the silence. She wrote: “Sexual abuse thrives on secrecy. Silence protects the perpetrators.” That is what happened in her case and many others. Those who have been raped have been afraid to speak out. They have been afraid that they will not be believed. They have been afraid that they could be seen to have been asking for it, as it is called, that is, they provoked the rape. This is why it is important to acknowledge the bravery of Máiria and those who speak out and lift the cloak of silence.

The Rape Crisis Centre has revealed that, in 2013, 1% of men and 8% of women who were raped or sexually assaulted reported it to the Garda. Some people who have reported rape and sexual assault were neither raped nor assaulted. This is most unfortunate, but it should never take from the need to report all sexual abuse and violence. Any person of any age, male or female, must feel secure enough to speak out and report rape in the confidence that he or she will be taken seriously, the matter will be investigated appropriately by the proper authorities, there will be adequate supports, due process will be followed and justice will be done. There can be

no protection of those who rape.

As the Catholic Church had to face its demons, so too must the republican movement. The commission of investigation into the Catholic archdiocese of Dublin found its preoccupations until the mid-1990s were “the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets”. Does this apply to the provisional movement also? There has to be an independent investigation or commission into its role, just in the same way the Catholic Church was investigated, in the interests of justice for those who were raped and assaulted and to ensure that the good people in the church and the republican movement are not tainted by the actions of a few people.

The republican movement must answer these questions, but so must the policing authorities in the North and its justice system. Someone who was assaulted and raped was not confident enough of bringing that assault to them because they were sectarian, biased or whatever other reason was used. It was in that context that the kangaroo courts appeared. These so-called courts are not the way to deal with rape and sexual assault regardless of what we are told about the circumstances in the North that led to them being established.

Máiría Cahill’s story makes for very grim reading. The way her rape was considered and dealt with went against all of the procedures that would be considered appropriate. She had to face her rapist and the rape was investigated by those with no skills or training in dealing with rape situations. People basically took the law into their own hands and did what the Catholic Church had been condemned for doing, including moving the perpetrator around. This latter procedure meant that other individuals and communities were at risk. How many young and older people listening now were raped or assaulted by a person or persons who had already raped and assaulted and, instead of being brought to justice, were simply moved to another place? The condemnation of the church for doing this has to be applied to any other group or organisation that did likewise. The procedure of moving the perpetrator meant there was a risk of re-offending, given what we know of the recidivist nature of abuse, especially child abuse. It deprived the person raped or assaulted of justice and the perpetrator of being assigned to a programme or counselling to confront the abuse that he or she had been committing. What happened to Máiría Cahill and others in the North was appalling. It was made even more so by the way it was handled and by the fact that perpetrators were given space and opportunity to offend again.

One of the poems that Yeats wrote in his later life referred to a story that Maud Gonne told him about something that “changed [her] childish day to tragedy”. There is no doubt that Máiría Cahill’s childish days were turned to tragedy, as indeed were the days of anyone else who was raped. Rape changes everything for the person raped. It affects many aspects of the person’s life and deprives people of much that they should be able to enjoy. It has led to commitment and relationship difficulties, addiction and even suicide. It affects their loved ones, the people who are trying to support them. Whatever relief or release for them is gained by bringing the perpetrators to justice has been denied in this instance. We cannot allow rapists to go free to rape again. Today is about those involved taking real responsibility for and facing up to their actions.

Deputy Patrick O’Donovan: I welcome the opportunity to contribute. In the short time I have been a Member of the House, the past two hours have probably been the most difficult. There is a person in the Visitors Gallery who has been subjected to a type of violation, violence and disgusting abuse over a period that none of us can appreciate. I certainly cannot. In recog-

nising our lack of appreciation of what she has gone through, we must consider what has been done in the name of the organisation that carried out the heinous act in the first place.

I ask the new generation of Sinn Féin Deputies, many of whom I rate as decent and respectable people, to look at themselves in the course of this debate. Some are parents, which is something that I became recently. If they had daughters or sons who returned home and said that they were raped and brought before the persons who raped them to account for what happened at a particular moment, how would the Deputies feel? That is to what this issue boils down. Undoubtedly, the scattergun deflection tactics of the party's leadership will not change. His speech that we just heard proves the point. However, the newer generation must take responsibility. After Máiría Cahill, there will be another Máiría Cahill. As sure as night follows day, more people will come forward about what happened to them and how they were treated in the same fashion. On "Morning Ireland", Deputies Mac Lochlainn, Tóibín, Pearse Doherty and, most surprisingly and astonishingly in light of her comments in the House, McDonald defended the indefensible. The next victim will come forward. Deputy Martin alluded to two brothers from County Louth. What will those Deputies say then? What formula of words will the Sinn Féin research office come up with to protect them?

The Deputies have a choice to make. Do they believe Máiría Cahill or do they believe their leadership? If they believe what Máiría Cahill has said is true and have no issue with it, they obviously cannot believe the other side of the story. Will they choose to continue supporting it? There will be more victims. When the history of church abuse first came to light, what started as a trickle turned into a flood. The Deputies have a duty and obligation to their families and their consciences because, after politics, they will have to live with themselves. There is no other political institution or party in the world in which blind loyalty would take precedence over the truth.

Deputy Adams used the word "chilling" in his statement. Chilling is how I would refer to the comment made in America last week that was directed at the staff, journalists and management of the Independent News and Media Group newspapers. Deputy Adams decided to liken himself or his mob to the late General Michael Collins. I remember as a young fellow watching the political debate in 1987 between Lloyd Bentsen and Dan Quayle. Senator Quayle was standing for election as Vice President of the United States at the time and went on to win - Deputy Adams also may well win this debate - but he likened himself to John F. Kennedy. Lloyd Bentsen said:

Senator, ... I knew Jack Kennedy. [He] was a friend of mine. ... you are no Jack Kennedy.

Deputy Adams, you are no Michael Collins and to drag him into this matter and to besmirch his reputation in a scattergun approach to try to defend the indefensible is beneath contempt. I refer to those who chuckled and laughed in the Sheraton hotel last week, at \$500 a plate, as Deputy Adams made a joke out of intimidating journalists. Members need not agree with journalists, as they give all of us a rough time. They take out each Member individually when they need to and sometimes it is unfair. However, in the recent past in this country, we have seen the life of a woman, Veronica Guerin, being quenched on the Naas Road. That copper-fastened for the people the need to protect the independence of journalism and to make any kind of joke about the independence of journalism or to send heavies over to the headquarters of the *Irish Independent* to silence them in some sort of quasi-army-like fashion is beneath Deputy Adams. He should use this opportunity to apologise to the staff in the *Irish Independent* and their fami-

lies, many of whom are genuinely worried this might actually happen some day. There may be a situation at some point in the future when Deputy Adams's party might be in government and he may very well have the Departments of Children and Youth Affairs, Justice and Equality and Health at his disposal. I will finish as I started, by reiterating that Sinn Féin's new generation of backbenchers have a serious question they must answer, namely, do they believe Deputy Adams or do they believe Máiría Cahill? I know who I believe.

Deputy Bernard J. Durkan: In common with other speakers, I commend Máiría Cahill on having the courage, determination and resilience to come forward and tell her story, particularly so many years after the event. This was a classic case of a young woman suddenly discovering that her youth was taken from her, that she had been used in a callous situation for a political purpose or in this case, for republican purposes, in order to pursue an objective. She was obviously seen and perceived herself as being a casualty of war, which has been referred to in some debates in this Chamber in recent years. Many atrocities have befallen this island over the years from which one wishes to be disassociated. This one is particularly different; it is invidious, insidious and challenges the very foundation of Members' inner beings. There is a suggestion of organised complicity, in the sense that a lot of people obviously knew about this. A lot of people obviously did nothing about it and a lot of people obviously regarded this as a natural thing in what was called a war situation. Reference has been made to republicans of the past and the founding fathers of the State. I must state there was and is a vast difference. At the foundation of the State, a mandate was given to those who were leaders in this country at that time in a general election in 1918. There was no mandate for what happened to Máiría Cahill from any quarter either in the North of Ireland or here in the South. Nobody can complain and shelter under the prospect of there being a mandate or that this was all done in a good cause, the cause of Ireland's freedom. In actual fact, it besmirches those who fought and died for this country's freedom over many years and in particular at the foundation of the State. Incidentally, one suggestion put forward initially was that the sexual abuse was consensual. There is no such thing as consensual sexual activity with a 16 year old. It does not happen because if an adult has sex with a minor, Members know what are the charges. However, knowing that the person is a minor is another particularly horrendous crime in itself.

While this is not a political point, I simply state that the issues facing the IRA and Sinn Féin in this regard are much wider than they themselves think. It is a sad situation when anybody would attempt to make excuses for what happened and which obviously, as is admitted, clearly happened. I refer to making excuses along the lines that have been made, as well as various suggestions and red herrings as to how situations like this could have come about, how certain things did not happen and how there were systems failures. There were no systems failures, as at the time those involved knew full well what they were at. They knew full well what were the implications and that the freedom of a youngster was being taken. This allegedly was being done in the national interest. Like hell it was. The seriousness of this issue goes to the very foundation of the people's revulsion in their attitude to atrocities of this nature. It is worse because attempts have been made to justify it. Attempts have been made to stand over the things that have happened and to create an anonymity around the people who were the culprits. I acknowledge that people have stated in the past that the police in Northern Ireland, the RUC, were legitimate targets in a war situation. It also has been suggested in times gone by that members of the Garda obviously were legitimate targets in this jurisdiction in a war situation. However, this is one step lower and is a completely different situation. I am not aware of any time since the foundation of the State that it ever has been suggested that rape or child abuse could be perceived as a legitimate use or tool in the course of the war, no matter how holy was that war or no

matter how justified was the cause. The abuse of women and children cannot be justified in any circumstances and the quicker that all those involved recognise that what was done was utterly and totally appalling, the better. It is not just a political issue but is a crime against humanity. It was a crime against a young person who was in the charge or the influence of an adult and who could not respond and who thought, because of her particular situation, that she was in good, capable and caring hands. She was not.

Deputy Niall Collins: I welcome the opportunity to take part in this debate, which is of the utmost importance. Moreover, it is in the utmost public interest that Members address the issues before them today. At the outset, I found the BBC “Spotlight” programme to be an excellent piece of public service broadcasting. Huge credit is due to the BBC in terms of pulling together that documentary. A question that has been posed previously but which has not been posed in the Chamber today is that when queries were put by the makers of that programme to both Sinn Féin and the IRA, why were they not responded to in the course of the making of that programme? Members have not heard why this was the case in any of the contributions already made. They may hear later on from some Sinn Féin speakers as to why they refused to co-operate with the makers of the aforementioned programme.

I also note that, like my party leader, I have met Máiría Cahill and found her to be a woman of the utmost integrity, substance and character. She fully deserves to be listened to and to have justice. This is why Members are debating this matter here today and that is why my party and I have been working with her to support her. Members are here for a number of reasons. They are here for justice for Máiría Cahill, as well as the many other people who were abused. They also are here for political accountability, which is not an *à la carte* process. It must be consistent across all political parties and not just some. Moreover, it must be consistent across all individuals as well. Most importantly, Members are here for abused children and for abused women and for vulnerable men who find themselves subject to abuse. Members must be here to give them a voice, to represent them and to speak up for them when they believe they are not being spoken up for or that their characters are being rubbished and trashed in the pursuit of justice. I wish to put on record that I refute and reject the Sinn Féin spin - that has been spun out in this Chamber again today - against my party leader and my party to the effect that Fianna Fáil is seeking to gain some kind of cheap political advantage. Nothing could be further from the truth. We have been working with Máiría Cahill for over two years. However, those in Sinn Féin did not hear about our involvement during that period. Details of this only emerged when Ms Cahill decided to go public. We did not seek to obtain any cheap political advantage during the past two years. We make no apologies for seeking to represent someone who has a genuine case.

It is time for Sinn Féin to step up and be judged by the same standards that apply to the rest of us rather than seeking to be the subject of some form of different standard. I wish to put a number of questions to Sinn Féin’s representatives in this House in the context of taking responsibility. Do they accept Máiría Cahill’s account in full or just partially? Does Deputy Adams accept that he, as a public representative, behaved deeply irresponsibly with regard to Ms Cahill? Did Sinn Féin personnel interfere with the operation of the Cahill case when it was before the Public Prosecution Service? Did Sinn Féin-IRA conduct an internal review on this issue in 2005 and, if so, will details of this be forwarded to the relevant independent authorities? How many individuals were moved from Northern Ireland into the South as a result of IRA investigations into sexual abuse? Most important, and this is where responsibility comes into play, in which parishes and in what counties are these individuals now located?

The narrative relating to this debate is quite staggering on a number of levels. I refer, for example, to acquittals. Sinn Féin speakers inform us that the people who are alleged to have committed this abuse were acquitted. They were not acquitted because no court process was undergone. All of this is aimed at casting doubt in people's minds and pouring cold water over the debate on this issue. There have been no court cases and no acquittals. Sinn Féin is engaging in its usual play on words. Then there is the line to the effect that people in Sinn Féin, those in the IRA and the alleged abusers fully co-operated with the police. Some Sinn Féin people made very cleverly crafted, edited and scripted statements through their solicitors. Some of them spoke publicly on this matter in the media in recent weeks and sought in their own clever, legalistic way to discredit Máiría Cahill and others.

We have heard a great deal about whistleblowers. There is major irony in this regard. We heard all about the whistleblower from the Department of Jobs, Enterprise and Innovation this morning, and on many previous occasions we have debated the claims made by whistleblowers such as Sergeant Maurice McCabe and former Garda John Wilson. When their character and integrity were questioned by public officials, those in Sinn Féin, like the rest of us, questioned those officials and called them to account. However, that standard was not applied when one of its own whistleblowers, who was once a member of the party, came forward and a campaign to discredit that individual immediately kicked into gear. That is another double standard in the context of how Sinn Féin treats anyone who speaks out against either the organisation of old or the party as it is currently constituted.

Cyberbullying takes many forms. We have all been the subject of abuse from or attacked by the faceless eggheads. I have been attacked and I can take it. However, there are people, including Máiría Cahill, who have been subjected to the vilest form of abuse and attack by members of Sinn Féin. The party is aware that its people are attacking Ms Cahill online but I have not heard anything from it in respect of that matter, nor have I heard the leaders of the party calling on its faceless, egghead keyboard warriors to desist. Of course, bullying does not just take place online. In the not too distant past, Sinn Féin saw fit to serialise the account of one of the individuals who allegedly abused Máiría Cahill in *An Phoblacht*. This type of thing takes many forms and can also be found in the print media.

The culture of denial and cover-ups on the part of Sinn Féin is not new. Before I was elected to this House, Detective Garda Jerry McCabe was gunned down in the line of duty in my constituency. Sinn Féin's first response to that event was "Nothing to do with us". The next step in the response was "It was unauthorised". The third step involved taking some form of responsibility for its members being involved. Witnesses were also intimidated in that case. I recall meeting one of those witnesses, namely, a driver for a courier company in Limerick who was visited at his house in the middle of the night by Sinn Féin-IRA people and told not to co-operate with An Garda Síochána or to give evidence with regard to what he had seen. What is happening to Máiría Cahill now represents a continuation of what happened in the days before the Good Friday Agreement was concluded. That is the double standard which applies. Those in Sinn Féin should not come before the House and claim that they must be judged by a different standard while simultaneously acting in a contrasting manner.

Are Sinn Féin and the IRA going to co-operate with the reviews that are ongoing in the North of Ireland? In the context of the attack in which Sinn Féin is engaging with regard to the freedom of the press, I say: lads, you have to live in the real world. We are all subject to media scrutiny, regardless of whether we like it. I reject the comments made by Deputy Adams in the United States of America in respect of newspaper editors. Those in Sinn Féin are trying to

make out they are victims and that they are being colluded against. The comments to which I refer were both disgusting and despicable and they should be retracted.

I support my party's call for the establishment of a cross-Border, North-South commission of investigation into the movement of child sex offenders and the covering up of their activities. The second strand of this commission's work should involve an examination of the systematic punishment beatings visited upon children who were forced to move to the South in the wake of the matters under discussion. This commission should be headed up by two suitably qualified individuals, one from the North and the other from the South. In the interests of politics in this country, it is time that the unelected cabal of IRA people in west Belfast seeking either to run or interfere in political affairs in this country ceased its activities. If they are interested in standing up and being counted, the new members of Sinn Féin such as Deputy McDonald and others should not try to impress the faceless cabal of unelected individuals who operate out of west Belfast. Instead, they should represent the people in this jurisdiction who elected them to serve in the Dáil and adhere to the same standards as the rest of us.

Acting Chairman (Deputy Alan Farrell): The next speaker is Deputy O'Dowd. I understand the Deputy is sharing time with Deputy Fitzpatrick.

Deputy Fergus O'Dowd: This is an extremely important debate. Like Deputies Adams and Fitzpatrick and the Minister of State, Deputy Nash, I represent the Louth constituency. We are all aware of the impact, in both human and economic terms, the Troubles in the North had on our constituency from the outset. A cloud will continue to hang over the country until all of the outstanding issues are finally resolved.

Máiría Cahill was in the Visitors Gallery earlier. I did not meet her but I did meet the parents of Paul Quinn who was murdered by members of the IRA in 2007. Mr. Quinn's parents, Bríd and Stephen, are still grievously upset about the appallingly vicious way in which he was murdered. Every bone in Mr. Quinn's body was broken by the thugs who killed him. At this time, I remember Jean McConville, a mother of ten, who was murdered by the IRA in Belfast and who for 31 years was buried in an unmarked grave in my constituency. Mrs. McConville's murder was a terrible, appalling and evil act. I also recall Tom Oliver, a well-known and popular farmer in north County Louth, who was most cruelly and evilly done to death by the IRA. We should bear in mind all the hooded and tortured bodies buried in Louth, Armagh, Monaghan and other counties, in addition to the Members of the Oireachtas, soldiers and gardaí who died at the hands of the IRA. That is the legacy this country must now deal with.

The fundamental issue today is that a young 16 year old woman, a child, was raped. The perpetrator was allegedly a close family member and the matter was reported at the time to the IRA, of which Deputy Gerry Adams claims never to have been a member. What happened is that the perpetrator was apparently banished to somewhere else. The key issue today concerns whether the victim can have justice. Please God, she can. I welcome the proposals for an inquiry, which have cross-party support.

The appalling abuse perpetrated against Máiría Cahill was perpetrated against others also. The victims had no justice and the perpetrators were driven south. We do not know who the latter are. We know, and Deputy Adams is on the record as having said, although he may correct me if I am wrong, that County Louth was mentioned as one of the counties, as were counties Monaghan, Donegal and-----

Deputy Gerry Adams: No.

Deputy Fergus O'Dowd: Not at all. That is fair enough.

Deputy Gerry Adams: The Taoiseach sold that scéal.

Deputy Fergus O'Dowd: Deputy Adams may not have said that but I believe he knows it to be a fact. Everything he has ever done backs up my points on all of those issues and on all of the vile, appalling crimes that have been committed by members of his party and organisation over the years. That is an absolute fact.

What we now want to know, what the Government must find out, and what the Department of Justice and Equality must be informed about is whether perpetrators were driven south by the IRA to the counties where Deputies Fitzpatrick, Nash, Kirk and I reside. That is our responsibility here. Will those concerned be held to account? Do we know who they are? Who are they living beside? We need to know, ultimately to protect young children.

There is a point that Deputy Gerry Adams made with which I agree. One's political party is no umbrella where sexual abuse is concerned. There are sexual abusers who have been members of political parties, with no exception, and sexual abusers who have been members of none. There have been sexual abusers in our clergy and schools and, unfortunately, in many homes. Sex abuse is very prevalent. Where we know where it is occurring, it must be driven out. This Parliament must use its authority to identify perpetrators and drive them from their communities to protect young people where they now live. It is most important that rigorous attention be paid to this matter by the Government and Parliament. I have no doubt that will happen.

Deputy Peter Fitzpatrick: I am pleased to have the opportunity to speak today on sexual abuse by members of the provisional republican movement. As we know, this is a discussion that has come about owing to the bravery of Máiría Cahill, who has spoken out and drawn attention to the major problem that is sexual abuse by the Provisional IRA.

I wish to express my admiration for Máiría Cahill and wish her well. There is a number of investigations taking place into her case in Northern Ireland and I hope they will reveal the truth about what happened to her and expose those who mistreated her so badly. In revealing her experience, Máiría Cahill has highlighted the practice of moving suspected sexual abusers south of the Border into counties such as mine, County Louth, in order to avoid publicity and the full rigour of the law. This is very worrying and I would like to address it in more detail.

Over recent weeks, there has been widespread speculation that suspected child sex abusers were expelled from Northern Ireland by Sinn Féin-IRA and relocated to other areas, including County Louth. I have been inundated with telephone calls, emails and calls to my office in Dundalk about this issue. People are worried and afraid they are living next door to suspected child abusers. Understandably, they want answers.

It is simply unacceptable that Gerry Adams, a Deputy for County Louth, has not exposed the people in question. Deputy Adams, who knows the "decent men" of the republican movement well, must have some information that would prove useful to the authorities in investigating these crimes. The names of the people need to be reported and their present whereabouts confirmed. At present, suspected abusers are living among communities who have no idea of the dangers they may be exposed to, and their crimes must be investigated.

Dundalk is a highly populated, busy town. Thousands of people are living in estates and along busy roads there. The lucky ones among us know their neighbours but, realistically, the majority of people do not, or they do not initially when they move to an area. These people are contacting me asking whether they could be living beside a sexual abuser, whether they should allow their children to play on the greens, and whether it is safe.

It is obvious by his actions, or lack thereof, that Deputy Gerry Adams has no regard for the well-being of children or for the people of County Louth. This is clear from how he acted in regard to his own brother, a convicted sexual abuser who lived in Dundalk for some time. Deputy Adams was aware that his child-abusing brother was living and working in Dundalk for many years. The Deputy's niece, Áine, told him in 1987 what had happened to her and in 2000 Liam Adams himself confessed to him. Even if Deputy Adams did not know about his brother's actions in 1987, he definitely did by 2000, yet he did nothing to report his brother's crime to anyone until 2007, a full seven years after his brother confirmed that the abuse had taken place. Deputy Adams did nothing to inform or protect the people of Dundalk when Liam Adams was living there and working as a youth worker.

Deputy Adams does not have a good track record on disclosing what he knows about sexual abusers, and he does not have a good record of putting the well-being of the people of Dundalk before his own political position. There is no issue more serious than the sexual abuse of children and minors, and on this occasion Deputy Adams needs to speak out and address truthfully the many questions that remain unanswered. Deputy Adams and other members of the republican movement need to step up and they must give whatever information they have to the PSNI and Garda Síochána.

Does Deputy Adams know of any suspected sexual abusers who were moved from Northern Ireland to counties in the Republic? Are any of these suspected abusers living and working in Dundalk? If he does not have information himself, as he has claimed in the past, does he know who may? Can he assist the Garda and PSNI by directing them towards some of the "decent republicans" he knows so well and who may be able to provide information? Can he categorically assure the people of Louth that there are not suspected abusers living among them? Can he assure us that if he did have information, he would make it available, even if it related to someone he knows well or who is close to him? Can we be confident that he will not treat any information he may have in the same way as he treated information he had about his brother, adopting an attitude of saying nothing until one hears more?

This is not just about Deputy Adams, although I believe he has a major role to play as he is leader of Sinn Féin. Sinn Féin members are diligent and obedient to their leader but, on this occasion, I appeal to them and anyone associated with the party to make information they have public. These people should be empowered to come forward. It would be helpful if Deputy Adams led by example and came forward himself with a full account of everything he knows on this issue. In doing so, he would give hundreds of people the confidence to do the same.

What happened to Mairia Cahill is not an historical event as it happened in 1997. My children were very young in 1997 and I cannot help thinking about how I would feel if something happened to them. There are claims that sexual abuse was widespread in the provisional republican movement, and it was not a million years ago. The people who carried out the abuse are still around. They are still young and may still be active.

Throughout his political career, Deputy Adams has evaded question after question, but on

this occasion he cannot be allowed to avoid my questions and those of the people who have been in contact with me on this issue. Máiría Cahill has been contacted by other victims of paramilitary sexual abuse, who are still traumatised by what happened to them. The fact that none of their abusers has been held to account in any way cannot be helpful in getting over this.

For me and Deputy Adams, this is a local issue. I do not want to play political football on this. I have laid out my questions on behalf of the people of County Louth and we all expect answers.

Already too much time has been wasted. We have a right to know the truth. I appeal again to Deputy Adams to answer the questions I have put to him and I urge anyone with information to come forward to the relevant authorities.

Deputy Pádraig Mac Lochlainn: There was a profound policing vacuum in the North for many decades. This was not created by republicans. During the conflict, large sections of the community in the North did not access or trust the criminal justice system. In some cases, citizens were victims of state abuse or the police turned a blind eye to abuse. We cannot be selective in dealing with the failures to handle allegations of sexual abuse, and there is no hierarchy of victims. All should have been ensured the protection and support of the state in which they lived and this State. Women prisoners were subjected as a matter of policy to the sexual assault of strip searching. The women subjected to this abuse deserve access to justice and to hold to account those responsible, those who conducted the assaults and those who sanctioned the policy.

Throughout the conflict in the North, the police and court service were subservient to the objective of combating republicanism. This cannot be discounted as republican propaganda. The state pursued as policy the primacy of gathering intelligence on republicans over that of tackling criminality. It has been the experience of many victims who went forward to the RUC that they were more interested in intelligence gathering than dealing with their complaints. We are also unaware of the number of abusers who were safeguarded from arrest or had charges dropped if they became an asset to the Special Branch or British Army intelligence. Indeed, victims, while they made complaints, were recruited and taken advantage of. This was the practice that was in place until the implementation of the Patten Commission. This was the force within a force that operated throughout the conflict. Successive Irish Governments were aware of this and that was why a new beginning to policing formed a key part of the Good Friday Agreement.

We cannot be prescriptive or selective as to who is entitled to due process and support. To ignore that reality is to ignore the abuse that went unreported or investigated by the state with the potential that abusers were safeguarded from arrest. All victims of abuse at a time of conflict deserve support and access to justice. This must include those who could not access the supports of the state, those whose allegations were failed by the RUC, and those who were let down or who were failed by the actions of republicans. Indeed, many living in the North of Ireland who endured all those years watch with great interest when Fine Gael, Labour and Fianna Fáil politicians have an interest from time to time in the affairs there, usually when there is some political advantage to be obtained. Any proposals to support and provide justice for abuse victims must address the legacy of state forces or be seen not to be selective and party-politically motivated.

I understand that there are approximately 300 serious cases on the desks of the Taoiseach

and the Minister for Justice and Equality. Most, if not all, of these cases have been referred to the independent panel of counsel for their review and recommendations. Some of these cases are of persons or families alleging the cover-up of murder and a profound failure of the criminal justice system in this State. Despite requests from some of these families for meetings with the Taoiseach, no meetings have been facilitated. The Taoiseach has not commented on their cases. The Taoiseach has not labelled the accused as guilty without due process. The Taoiseach has not set aside any time in this Chamber for statements on these matters. I refer to 300 cases involving some of the most serious allegations one could imagine and there are no demands for debates from around the Chamber from those who have taken advantage of this today. The Taoiseach protests that he cannot comment on those cases as an independent review process is under way. Many of these families have contacted me and many others in recent weeks with the observation that the Taoiseach and others in government left aside all of this previous practice to avail of the opportunity to score political points. They are hurt and outraged about this. The Taoiseach and his Government colleagues stands accused of cynicism and political opportunism. I believe them to be guilty on both charges.

I wish to outline a few of these cases. The late Mr. Shane Tuohey was from Tullamore, County Offaly. He was 23 years old. On 2 February 2002, Shane attended a night club. He would never return home. His body was taken from the River Brosna in Clara on 9 February by his brother, Edwin, after a week long search. Shane's family believes that their son was the victim of a brutal assault that night that led to his death and that his body was subsequently dumped into the river. They have attained the services of two forensic pathologists based in the United States, both of whom put Shane's brain injury down to head trauma. One of the forensic pathologists, Dr. Kim Collins, states that in his opinion the manner of death of Mr. Tuohey is homicide, yet a Garda source was quoted after Shane's body was recovered as stating that foul play was not suspected. Worse still, a member of An Garda Síochána went on the local airwaves to state that the late Mr. Tuohey had gone missing on a number of previous occasions. His family have rejected this statement as entirely untrue. The Tuohey family believe that their son and brother was murdered and that some members of An Garda Síochána were involved in a cover-up. They are devastated by their experience and they have a harrowing story to tell.

Mr. Jim Goonan was found dead in his home in Birr, County Offaly, in March 2002. Jim's brother, Cyril, believes that he was murdered despite the advice given by An Garda Síochána to the DPP that his death was not suspicious. Cyril and his family have a serious story to tell.

On 2 August 2011, Mr. Shane O' Farrell, who was 23 year old, was killed by a hit-and-run driver at Carrickmacross, County Monaghan. A law graduate, Shane had handed in his dissertation for his master's degree at Trinity College earlier that day. Like the late Mr. Tuohey, he had a full life ahead of him. Words cannot describe the devastation Shane's death has caused to his parents and siblings. His mother told me when I met her that their family are destroyed. The driver of the car that killed Shane was a drug addict with 40 previous convictions and was at large because of two suspended sentences imposed on both sides of the Border. Shane's family believe that their son and brother was killed by this State because of the incredible litany of failings in the criminal justice system that culminated in his killing. Theirs is also a harrowing story.

Tomorrow, a delegation of families seeking justice for their deceased relatives will visit Stormont Castle to meet senior politicians from each of the political parties in the North, including the DUP, Sinn Féin, the Ulster Unionist Party, the SDLP and the Alliance Party. The families, who live in this State, including some of the families I have just discussed, have lost

loved ones in violent circumstances - in two cases, their own children. They have also been unable to get a meeting with the Taoiseach. There is no comment from the Taoiseach or senior Government colleagues because an independent process is under way - that is their defence. There is five hours of debate here today with some statements read into the record even though there is an independent process under way in the North, and I wonder why.

The families will also be accompanied at the meeting tomorrow by the Garda whistleblower, Mr. John Wilson, and the journalist, Ms Gemma O'Doherty. This is the first phase in a new international awareness-raising campaign about cases of alleged Garda wrongdoing which will be taken to, among other institutions, the European Parliament and the United Nations next year. Will the Taoiseach finally meet these campaigners and these families, or is there not political opportunity in this for him?

As Sinn Féin spokesperson on justice and equality, on many occasions I have raised issues having met families from this side of the floor and, repeatedly, I have been met with obfuscation, denial, resistance and refusal to engage with those families. I gave some examples today. I could have read so many more but I do not have the time. In recent weeks those families were outside the Dáil protesting, looking for a hearing from the Taoiseach and the Minister for Justice and Equality and looking for their families' experiences of the profound failure of the criminal justice system in this State to be discussed, and they cannot be heard.

People are not fooled by this debate today. Out there they know that what happened today was a cynical episode of political opportunism and point-scoring, mostly by those who could not give two damns about the people of the Six Counties and who spent their entire political careers denying the rights of people in the North, turning their back on them and kicking down anybody who would defend their rights. Nobody is fooled by this episode today. Shame on the Government which will not meet the 300 families in this State but did what it did today. Nobody is fooled. They should enjoy their journey.

Deputy Dara Murphy: Well done - not one mention of the role of the republican movement in moving sex offenders south.

Acting Chairman (Deputy Alan Farrell): I thank the Minister of State, Deputy Dara Murphy. He should allow Deputy Mac Lochlainn to conclude without interruption.

Deputy Dara Murphy: There was not one word about it in his entire contribution, and Deputy Mac Lochlainn talks about obfuscation. That is absolutely disgraceful.

Acting Chairman (Deputy Alan Farrell): I call Deputies Joanna Tuffy and Ciara Conway. They have ten minutes. I understand the Deputies are sharing time.

Deputy Joanna Tuffy: I join other speakers who have welcomed Máiría Cahill to the House to listen to the debate. I also welcome the fact that I got the opportunity to meet Máiría in person yesterday.

Deputy Peter Fitzpatrick made an important point. He said the debate is due to Máiría Cahill. It is important to remember that through her efforts, Máiría has instigated a debate on the wider issue of sexual abuse within the provisional republican movement. Like others, I commend her on her bravery and courage. It is very brave and courageous in the first place for her to waive her anonymity, because for obvious reasons it is very rare that people do so. There is a taboo around the issue, and to do that was in itself a very brave step by Máiría, but it is particu-

larly courageous of her in light of the backlash she has faced. I am sure Máiria thought about that beforehand. She would have anticipated a backlash but she might not have anticipated the extent of it. The backlash is largely from within the ranks of Sinn Féin, from people who want to protect their organisation and, by extension, themselves. For others who are supporters of Sinn Féin – I have seen some of them on Twitter and other fora – it is out of blind loyalty and because many of them are in denial. That might be true of some Sinn Féin members as well and perhaps even some public representatives.

Some Opposition Members have made the same accusation Sinn Féin made, namely, that by raising the issue, members of the Government parties are just being politically opportunist. That accusation could more legitimately be thrown back at those in the Opposition who are so incapable of not attacking the Government that they cannot fully debate the issue and are ambivalent about it. They should reflect on that. The issue is beyond party politics, but it is a political issue because it is about the nature of our democracy and society.

The nub of the issue has been best expressed by Máiria herself. She recently wrote:

The story in this case is about sexual abuse and further trauma caused to me by the IRA and Sinn Féin. Sexual abuse thrives on secrecy. Silence protects the perpetrators. And when the cloak of silence is wrapped around them, abusers take that as a green light to continue.

That's why Sinn Féin denials of cover-up have been so damaging. That's why the party president needs to be seen to go to the guards with information. If he were to do that, it would send a very important message to the public, to parents, to perpetrators. To victims. This. Silence. Will. Be. Broken. We will protect you no longer.

What this is about is that Sinn Féin must admit that this happened and it must disclose all the information it has. Otherwise, it will compound the wrongs that have been done. Issues that have been raised by the various speakers from Sinn Féin tonight and previous to this debate very much deflect from the matter. For example, Deputy Adams raised the issue of the wider abuse in society and Deputy Mac Lochlainn raised other cases. In addition, people's political allegiance has been raised as if that somehow disqualifies what they say.

We are an open democracy and it is because of that we commissioned and debated the Ryan report. We have become a mature, open democracy. That is the reason we are having a debate on this issue today. We need a modern, questioning democracy and Sinn Féin must decide if it wants to be part of that. It certainly holds other institutions to that type of account. If Sinn Féin seeks openness and accountability generally then it must be forthcoming on the matter, participate properly in the debate, disclose the information that is known and admit what happened. Then, as a democracy, we can agree on the necessary steps to be taken.

Deputy Ciara Conway: I attended one of my first political gatherings as a young 13 year old child. It was a peace rally in the wake of the Warrington bombing. My mother and father packed the buggies and prams into the car as there were quite a few of us and we stood proudly with our candles in Ballybricken in Waterford calling for peace in our country in the wake of so many young lives being needlessly lost.

I voted for the first time in 1998 in my school uniform. I was 18 years of age, a similar age to Máiria Cahill at the time. I voted "Yes" for the agreement, acknowledging the huge work that had been done on both sides to come to the historic agreement we now call the Good Friday

Agreement. Now I am aged 34, a similar age to Máiría Cahill, whom I have met, and she has shared with me a story of how she was sexually abused and raped by a family member. That, unfortunately, is not uncommon in Ireland. The SAVI report issued in 2002 shows that an alarming 74% of people in Ireland who experienced sexual abuse and rape were the victims of a family member. There is an onus on each one of us as citizens, both in the Dáil and outside it, to make sure that we protect our youngest and most vulnerable citizens.

It is alarming to me that Sinn Féin politicians who are skilled at and capable of exploiting people's genuine fears for their political gain are portraying moral and righteous outrage as crusaders for social justice. I know of no greater injustice than to sexually abuse or violate a young child, a boundary which is crossed by an adult and that leaves a lifetime of effect and damage.

With the indulgence of the House I call on people listening to the debate who are upset and need help to reach out for it. I will read out the number of the Rape Crisis Centre. It is 1800 77 88 88. As elected representatives in this House, we have every obligation to make sure that we make known any information we have or that we might be able to persuade people to bring forward. Deputy Adams and members of his party have asked time and again for people to come forward with information. The information is very slow to come forward. Little did I know as a young girl at the time when I supported the Good Friday Agreement in 1998, similar to Máiría Cahill, that in the year 2000 the IRA was giving two fingers to the Good Friday Agreement. It was still operating its own kangaroo courts and bringing Máiría to face her abuser. Sinn Féin has acknowledged that people had no skills or qualifications. One could then ask what was the point of the exercise. Was it to silence her or frighten her into submission? I believe Máiría Cahill 100%, not 80%, half of her story or a quarter of it. There will be more. It is incumbent upon those in the leadership of the republican movement not to ask nonchalantly for information to come forward. They need to provide leadership in this regard because there is no greater injustice than the sexual abuse or violation of a child by an adult.

Deputy Adams spoke about the personal nature of the debate for his family and his niece and the way they are spoken about. I have never spoken about that.

6 o'clock

He is correct that it is a huge source of great hurt for families. I ask Deputy Adams and the supporters of his party who have attacked Máiría Cahill online and in other social media fora to think about her family and her parents, where she lives and the impact it is having on her.

An Leas-Cheann Comhairle: Deputies Mick Wallace and Mattie McGrath are sharing time.

Deputy Mick Wallace: I am taking the full time of ten minutes.

There is no doubt that Máiría Cahill has suffered a horrendous crime and she deserves justice. Anyone who played any role in preventing the truth from coming out over the years should be held accountable. Both the Taoiseach and the Fianna Fáil Party leader have said that she showed great courage and that is completely true. It must be incredibly difficult to tell that story. I can understand why many women do not tell it. Her courage will give a lot of others courage because it will be an inspiration to many.

In the past two years since we became involved in the Garda issues and abuses, a lot of people have come to us with terrible stories and one would not be well listening to them. I often

wonder how in God's name can psychotherapists listen to the stories and still live normal lives considering what they have to absorb. What Máiria Cahill has done will make a difference to a lot of people. Some people have come to us and have had the courage to tell their story. Many have come to us and told their stories but were afraid to put those stories into the public domain and we have not done so. They remain afraid.

I am not long in this place and I do not feel it is my natural environment but I find it difficult to deal with the stories we have heard and I have no doubt that Máiria Cahill will understand how these people feel. I refer to people like Cynthia Owen. She wrote letters to many Members of the House. In her letter to the Taoiseach she said, "I cannot help but wonder why you would not want to meet with the mother of Ireland's youngest murder victim, my day-old infant, Noleen Murphy, given that her father could be a retired garda and she was murdered to protect those who raped me as a child and made me pregnant". Sarah Bland was horrifically raped and abused by her father and subsequently raped again by the establishment, by the lack of action taken to protect her. A former justice Minister was involved in her case and also failed to protect her. Eamon Tuohey lost his son, Shane, and he would love for the truth to come out because that has not happened. Jim Goonan is dead and his family would like the truth to come out. They say that the gardaí did not protect the crime scene and that they contaminated the evidence. There should be an investigation. Lucia O'Farrell lost her son, Shane, and she believes that if things had been done differently her son might be alive.

There are not many people in this House who have not heard the details of the case of Father Molloy. His nephew, Bill Maher, has fought for many years for an independent public inquiry to get to the truth. It was reported that a leading politician was in the room when he was killed. Many people in here have been approached while in opposition and have offered some support but when they got into power they refused to do anything about it. More than 200 people have come to us with their stories. However, these people have not had an independent hearing of their case as they would wish to have. Their lives are destroyed, just as the life of Máiria Cahill has been destroyed by her experience. I have no doubt but that Máiria Cahill feels for the people who have suffered like she has suffered.

This is a strange country in many ways and I do not wish to go back over the history of the State and all that has happened but it leaves much to be desired. We still do not do things like we should. A great number of people are not getting justice.

I am delighted that the Máiria Cahill case has been raised and I am delighted that the Government is taking it seriously and it will do something for so many people who have suffered the same crime. However, forgive me if I suspect that kicking the living daylights out of Sinn Féin is part of this because if the story was not true then the Government would give the same attention to it as to these other cases, many of which are currently before a review mechanism. These cases are not getting the same attention they deserve. Máiria Cahill's case deserves every minute of the attention it is getting but so do the others.

There are many things to which we will not own up. I will never forget the venom from the backbenchers when we questioned how the Garda Síochána operates. We were not supposed to challenge what happens and how gardaí behave - the attitude is that they are great. One report has followed another in which this assumption is questioned. I refer to the report published yesterday by the Garda Síochána Inspectorate which does not contain much that is new. I did not read anything that shocked me. I did not find anything shocking in the Guerin report because we were raising those issues for nearly two years in this House. We hear from people who were

at the receiving end of it and from gardaí who were not happy with how the force operated. In this country one is damned from a height for challenging the *status quo* or the establishment. Why do we not use the Maíria Cahill case as a measure by which to do things differently and better for everybody?

Minister for Justice and Equality (Deputy Frances Fitzgerald): I will share time with the Minister of State, Deputy Aodhán Ó Ríordáin. In my previous ministerial role I often noted that child sexual abuse has not gone away. Regrettably this applies not solely to child abuse. Sexual violence generally does not go away. It persists as a dark stain on our humanity and is among the most devastating of human experiences.

This morning I launched the Rape Crisis Network of Ireland's national statistics report for 2013. The statistics in such reports never fail to shock. In 2013, 91% of perpetrators were known to the survivors. The stark reality is that abuse and sexual violence happen in many settings known to victims and is perpetrated by persons known to victims. Abuse occurred in religious dioceses and congregations, in religious and State-run institutions, and in sporting organisations. In the UK we have seen how sex abuse prevailed in show business circles. Now, thanks to the very public and courageous effort by one Belfast woman, Maíria Cahill, we know that sexual abuse occurred in circles of the republican movement.

Maíria was the victim of an heinous crime, but Maíria was also the victim of something else equally heinous. She was the victim of a cover-up. She was the victim of a culture that sought to deal with abuse within a closed setting or institution, a culture which ultimately failed the victim while protecting the offender from the public rule of law enacted by governments.

While we now know of many of the settings in which cover-up of abuse took place, many questions remain. In the case of the IRA, we do not know what happened to abusers who were moved across the Border. We do not know whether high-risk sex offenders were resettled across the Border, unknown to civil authorities, posing a lingering and dangerous risk to children.

I note that Deputy Adams wrote a blog on 19 October entitled "How republicans dealt with allegations of child abuse" in which he referred to how the IRA took "action against rapists and child abusers" including shooting or expelling offenders. However, despite Deputy Adams's call for reporting, it still remains unclear how much Deputy Adams knows about the movement of sex offenders across the Border. This matter is being investigated by An Garda Síochána, as the Garda Commissioner confirmed this morning. Does Deputy Adams have any information on this specific matter which he has not shared with the Garda? Will he share this information with the Garda? He said something about it in his speech earlier but it was not absolutely clear. He stated he had had some discussions.

Deputy Gerry Adams: There are none so deaf as those who cannot hear.

Deputy Frances Fitzgerald: Is the Deputy saying he has shared all of the information he has with the Garda?

Deputy Gerry Adams: I said that earlier.

Deputy Frances Fitzgerald: I did not think it was that clear, which is why I ask the question now. Has the Deputy shared all of the information he has on this specific matter with the Garda?

I remind the House that the Government brought in the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012. Under this Act, withholding information on a serious sexual or violent offence committed against a child or a vulnerable person is itself an offence. There is a duty on everyone to provide information to the Garda Síochána where this information concerns serious offences perpetrated against the vulnerable in society.

Neither sexual violence nor a culture of private justice or cover-up can be tolerated in any form, in any context or in any circumstance by any political leader, Government, or member of society. For all we know about abuse and sexual violence, what is even more frightening is what we do not know about the abuse and violence which occurs in silence and is never reported. The Rape Crisis Network of Ireland report, which I launched today, shows that in 2013, only 48% of survivors of adult sexual violence reported to a formal authority. Contacts to rape crisis networks increased by 11%, which highlights the work being done by rape crisis centres, but a reporting rate of 48% is far too low.

After the publication of the Cloyne report and the launch of the Children First guidelines, referrals to child protection services increased by one third in 2012 compared with 2011. It is my firm belief that we must ensure a similar cross-societal approach to all forms of sexual violence in all settings. We must ensure that no barrier, no hesitation or no doubt ever comes in the way of reporting suspicions or concerns regarding the occurrence or risk of sexual abuse.

As other Deputies have said, I hope the very public efforts of Máiría Cahill, while undoubtedly a testing period for her, and I have no doubt listening to the debate in the House is very testing, will nevertheless have a broader impact in empowering other victims, suffering in silence, to come forward. In this debate we have heard reports of more women who were victims of sexual violence by persons holding positions in the republican movement. Some of these victims are now coming forward. I hope all victims can be supported to come forward.

I commend the comments made earlier by my colleague, Deputy Regina Doherty. She stated she has made an appointment with the Garda to pass on all the information she has received. Her action is an example to everyone.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Riordáin): Ba mhaith liom a rá i dtús báire go bhfuil sé thar a bheith tábhachtach go dtuigfeadh gach éinne anseo i dTeach Laighean agus ar fud na tíre go bhfuil sé thar a bheith éasca seasamh ar son ceart, ar son comhionannais agus ar son chearta daonna nuair atá sé éasca. Tá sé i bhfad níos deacra é a dhéanamh nuair atá sé deacair agus nuair a chuireann sé isteach ort féin, ar do ghluaiseacht nó ar do pháirtí. Níl sé ceart ná cóir an milleán a chur ar éinne eile, ar nós na meáin chumarsáide nó na páirtithe polaitíochta eile. Tá sé níos tábhachtaí - i mo thuairim, tá sé rithábhachtach - ceisteanna móra trioblóideacha a chur ort féin nuair a tharlaíonn eachtraí ar nós an cháis atá os ár gcomhair inniu.

I have a deep respect for many members of the Sinn Féin Party. Many of the stances they have taken have been quite brave. The spokesperson on justice and equality has campaigned for the rights of Travellers, as has Deputy Dessie Ellis, and this has been quite admirable and inspirational. However, it is easy to stand for the rights of people when there are no consequences. It is much more difficult to stand for the rights of people when there are consequences. It is easy to blame everybody else. I found it quite troubling that a man for whom I have deep personal and political respect, Deputy Pádraig Mac Lochlainn, in his contribution could not

even mention Máiría Cahill's name. He could not bring himself to mention her name.

Rape has been a deeply troubling issue in Ireland for a very long time. It is not just about the republican movement, the Catholic Church or any church, sporting organisations here or the entertainment industry in Britain. It is everywhere and one is far more likely to be abused by a member of one's own family than anybody else. We cannot have a culture of "yes, but", which is the problem with the issue in Ireland. We have had a culture of "yes, but": "Yes, you say you were abused and yes, you say you were raped, but". This is what caused the problem in the church, swimming organisations, other sporting organisations, entertainment organisations and families which have had to deal with this problem. What we are getting on the airwaves from people I genuinely respect is, again, this attitude of "yes, but". I am not a victim of rape or child abuse, but if I was, the debate in recent weeks and months on this issue would suggest that Ireland is again saying to me, "yes, but". It is saying: "Keep quiet and shut up because there are more important things at stake here."

I fully agree with what Deputy Conway said earlier. What is more important than the dignity of a victim of child rape? Getting a history lesson of the reality in the Six Counties of Northern Ireland insults the intelligence of every Member of this House and insults the intelligence of every Irish person, North and South, because it again goes to the culture of "yes, but". It is not correct that it is a media conspiracy or that the party political system is terrified of Sinn Féin and therefore that is the only reason these issues are being raised. This country has a deeply troubling history on this issue and we want to rebuild a country where we can talk openly about our problem in this area in order that young girls and boys will not have the culture of "yes, but".

I wish to make three final points. I think the first has already been alluded to. Will those who have information come forward with that information and not keep asking others to do it because that has fallen on deaf ears in the past? Will Sinn Féin call off its hounds on social media because what they are doing is despicable? Can Sinn Féin assure everybody in the House that if in the future somebody is raped or sexually assaulted by a Sinn Féin member or supporter, it will defend the victim's rights to the end or will it again say "yes, but"?

An Leas-Cheann Comhairle: I call Deputy Smith who is sharing time with Deputy Kirk.

Deputy Brendan Smith: The BBC "Spotlight" programme did an excellent public service in dealing with the desperate abuse that Máiría Cahill had to endure. Who went to the High Court in Belfast to try to stop that programme being aired? It was senior members of Sinn Féin. Likewise more than a year ago a joint RTE-BBC documentary on the disappeared was another piece of excellent public service broadcasting that brought home to us the suffering of so many families. We know seven families still have no grave on which to put a flower or say a prayer. Their loved ones were abducted, murdered and secretly buried. Sadly, seven of those people remain missing as a result of the desperate behaviour of the Provos.

In recent years our Constitution was amended to strengthen its protection of children. Many of us in this House and many representative organisations outside the Oireachtas worked to put in place new legislative measures, particularly since the late 1990s, to try to strive for what is best for all the children of this country. Legislative improvements are ongoing and I welcome that work.

If society is judged on how it treats the most vulnerable in its midst, and the vulnerability of young people must be recognised, then the attitude and indeed the comments of the leader of

Sinn Féin and some of his party members in recent times have been absolutely deplorable. Everybody in society has rights and responsibilities, but surely there is a particular onus on people who are in representative positions in our country.

As outlined very clearly by my party leader, Deputy Martin, Sinn Féin has serious questions to answer about how it handled child sex abuse claims involving some of its own members. Closing ranks and attacking the credibility of victims of such an heinous crime is a new low. Some senior party members stated that they believe Máiría Cahill's case but not her statements about her meetings with Deputy Adams and the IRA kangaroo court to which she was subjected. This is simply not credible.

The party has thrown out the old canard that other public representatives are playing politics, which is just simply not true. The Fianna Fáil Party leader has been absolutely responsible in all his dealings with these very serious allegations going back a considerable length of time. It should be recalled that in November 2013, Deputy Martin outlined that there was evidence of systematic child sex abuse cover-ups within the Provisional movement. The Sinn Féin organisation quickly denied and tried to quash those statements. The revelations outlined by Máiría Cahill clearly vindicate the fears of every civilised person about cover-ups within that movement.

The treatment as outlined by Ms Cahill is absolutely shocking. With great dignity she has outlined the abuses to which she has been subjected. In a recent newspaper interview Ms Cahill was asked whether she felt at the centre of a political smear campaign. She answered as follows:

I think it's very clear that there have been all manner of orchestrated attempts to try and discredit me, to call into question my credibility, to smear me, and all of that is done to try and frighten me to go away and to stop talking about the issue of sexual abuse within the republican community.

It's also done to try and wear me down. It can be stressful and traumatic but it won't work and actually makes me more determined to highlight the issue in order to make it easier for other victims to be treated in the correct manner when they do come forward.

That was Máiría Cahill's very dignified response.

During the course of discussion on these extremely serious issues, which are a test for our society, the Provisional movement again promoted the nonsense that it is the so-called unbroken chain from 1916 to today. What a shameful theme to have. It is insulting in the extreme to the men and women of 1916 to compare them to the Provisional movement of recent decades. Is it not a pity that the words of the Proclamation which demanded that no one who serves the Republic should "dishonour it by cowardice, inhumanity or rapine" were not followed? The Provisional movement cannot continue to hide from the past, a past with a catalogue of crimes of cowardice and inhumanity.

As I heard colleagues from other Border constituencies say, and it is relevant to us all, a key question needs to be answered. How many individuals were moved to the South from Northern Ireland following IRA investigations into sex abuse? Where are those individuals located? This is an issue of the utmost importance to local communities. The authorities in this State must be provided with all relevant details. As far as I can ascertain, these kangaroo courts and the movement of people occurred since the Good Friday Agreement, a relatively recent agree-

ment.

Deputy Seamus Kirk: I appreciate the opportunity to contribute to this most important debate. The Mairia Cahill case has been a catalyst for revealing details of sexual abuse perpetrated by members of the republican movement over many years both north and south of the Border. What is emerging in this debate and has been emerging over recent weeks is a catalogue of horrendous abuse of young and vulnerable people.

I represent a Border constituency that has been traumatised by the Troubles, with gruesome murders, grieving families and shattered communities. Unfortunately, that is the legacy of the those 35 years. I remember vividly the murder of Tom Oliver and visiting the bereaved family in the house. I remember the sorrow, the grief and the unbelievable impact it had on the family. The Paul Quinn murder took place not in County Louth but in County Monaghan, just across the Border from Armagh.

Having listened to the various contributions, as a public representative for County Louth I have one key question for the House. Are sexual predators living in County Louth? Does Sinn Féin know who they are and where they live? Are people from the North who are a danger to children and others exiled in the county? The Garda needs to know who they are and where they live. My party leader in his contribution outlined a case in Louth where two young brothers were abused. Is this the tip of an iceberg? We need to know, as do the people of the north east.

The courage of Mairia Cahill in going public about her abuse has opened a debate about the issue. Many people who lived through the Troubles have suffered in silence and they will be encouraged by her coming forward. "Truth and reconciliation" is a phrase we hear from time to time in political debate regarding the Troubles. Truth and reconciliation is coming slowly to the North. It will take a long time to get to the truth of many of the incidents, north and south of the Border. Mairia Cahill has displayed a powerful sense of character in going public about her abuse and I am sure when historians reflect on her courage, they will see her very much as a heroine of this time and as a powerful representative of people who have been marginalised and abused and of women, in particular, who have suffered so grievously during the Troubles. I salute her. Will her courage be in vain? Can we get to the bottom of these cases and can justice be delivered in many of them? Can we ensure the cases of abuse that have emerged will never happen again?

Deputy Dan Neville: I welcome the opportunity to contribute to the debate but I would like to discuss the effects sexual abuse has on children. The initial and short-term effects of abuse usually occur within two years of the termination of the abuse. These effects vary depending on the circumstances of abuse and the child's stage of development. They may include regressive behaviour such as a return to thumb-sucking or bed-wetting, sleep disturbance, eating problems, behavioural or performance problems in school and non-participation in school and social activities. Adults who were sexually abused as children commonly experience depression and high levels of anxiety, and this can result in self-destructive behaviours such as alcoholism, drug abuse, anxiety attacks, situation-specific anxiety disorders and insomnia. Many victims encounter problems in their adult relationships and adult sexual functioning. Re-victimisation is a common phenomenon in people who were abused as children. Research has shown that child sexual abuse victims are more likely to be victims of rape or be involved in physically abusive relationships as adults.

The ill-effects of child abuse are wide-ranging. There is no one set of symptoms or outcomes. Some children report little or no psychological distress from the abuse. These children may be afraid to express their emotions and may be denying their feelings as a coping mechanism. Other children have sleeper effects, experiencing no harm in the short term but suffering serious problems in later life. In an attempt to assess whether a child can recover from sexual abuse and to better understand the ill-effects of such abuse, psychologists have studied the factors that seem to lessen the impact of such abuse. The factors that affect the amount of harm done to the victim include the age of the child, the duration, the frequency and intrusiveness of the abuse, the degree of force used and the relationship with the abuser. Issues such as the child's interpretation of the abuse, whether he or she discloses the abuse and how quickly he or she reports it can also affect the short-term and long-term consequences of the abuse. It is easy and important to abhor; it is just as important to understand the effects and destructive outcomes for children

When child abuse occurs, the victim can develop a variety of distressing feelings, thoughts and behaviours. No child is psychologically prepared to cope with repeated sexual stimulation. Even a two year old who cannot know sexual activity is wrong will develop problems as a result of his or her inability to cope with over-stimulation. A child of five years or older who knows and cares for the abuser will become trapped between affection or loyalty for the person and the sense that sexual activities are terribly wrong. If the child tries to break away from the sexual relationship, the abuser may threaten the child with violence or loss of love. A child who is the victim of prolonged sexual abuse usually develops low self-esteem, feelings of worthlessness and abnormal or distorted views on sex. The child may become withdrawn or mistrustful of adults and he or she may become suicidal. Children who have been sexually abused have difficulty relating to other people other than on sexual terms. Some become child abusers or prostitutes or experience other serious problems when they reach adulthood.

There are often no obvious physical signs of child sexual abuse. A number of signs can be detected through physical examination by a doctor. Sexually abused children may develop an unusual interest in, or avoidance of, things of a sexual nature. They suffer from depression and become withdrawn from friends or family. They may make statements about their bodies being "dirty" or "damaged".

Deputy Jerry Buttimer: In 1994, the notorious mishandling of the extradition of Fr. Brendan Smyth brought down a Government. The cover-up by church authorities and the movement of the abuser between jurisdictions effectively facilitated the continuation of the abuse for many years. It is tragic that such activities were not isolated; they were endemic. Regrettably, the House is again discussing similar activities but this time the Catholic Church does not stand accused. Today these accusations, serious as they are, focus on the activities of a political party and its paramilitary wing. That is a fact, whether we like it or not. When abusers were relocated by the Catholic Church, the abuse continued and we can all recount stories from the Ryan and Cloyne reports regarding the abuse. It is only reasonable to assume that when abusers were relocated by Sinn Féin or the IRA, the abuse continued.

Two decades later, we find ourselves in the House discussing similar allegations while the party involved continues to support its leader who is its Uachtarán. This raises questions on a political level for every member of Sinn Féin. What does their response say about them as party members and as individuals regarding the morality and ethics they bring to their public role? Abuse in any form cannot be tolerated and it should never be tolerated.

It is regrettable that we are again discussing the issue of abuse of children and women. As a country and society, we have been discussing this issue for far too long and on too many occasions. Never before has a political party in this House been so closely linked to abuse. For weeks we have been hearing distressing stories of victims being subjected to kangaroo courts and a perverse form of justice. This week, Professor Liam Kennedy of Queen's University Belfast published a report which laid bare the reality of this abuse and how paramilitaries ruled communities, often with a fatal combination of fear and violence. It is conservatively estimated that in the period between 1990 and 2013, more than 500 children were abused by paramilitaries in the North, the IRA, the UDA and their ilk. That is a frightening statistic which, as stated by Deputy Neville, is about the lives of young children. It is an aspect of the Troubles and the campaign of terror that has never been acknowledged until now.

It is upsetting to read that some children committed suicide following a beating or the beating of a friend. It is truly terrifying to read that, according to an eminent professor: "Sinn Féin centres acted as co-ordinating centres for human rights abuses against children." That kind of moral cowardice has no place in any democracy or political party. If this was the case in respect of my party, the Fianna Fáil Party or the Labour Party, the people opposite would be demanding that we make changes and that the people in charge would go, and they would be right.

Thankfully, the element of fear for many victims has receded. There are many for whom it has not. Victims are now finding confidence and courage to confront those who compounded the abuse to which they were subjected. Some victims are demonstrating their resolute bravery by speaking out. Victims of abuse in whatever jurisdiction or country deserve our support every day.

I hope that serious consideration will be given to the establishment of a commission of inquiry. In the interests of everyone in our society, irrespective of political allegiance, we must never allow the abuse of the type which has happened in our country to continue. There can be no ambiguity. We are one State, North and South, made up of four provinces. We can never allow the issue of having one police force to go unhindered. We have one Army and one justice system. Regardless of one's political views or aspirations, on these fundamental principles there can be no negotiation. Victims of abuse deserve not only our words but our support and solidarity.

Deputy Mary Lou McDonald: The experience of sexual violence or abuse is a crime like no other. It brings with it the physical trauma, fear and shock associated with any violent assault and much more. It is an insidious crime, a secret crime, unspoken and unacknowledged and, in many cases, denied and disbelieved. It is, perhaps uniquely, a crime which leaves many victims feeling responsible, guilty even, for their own suffering. The profound sense of stigma, silence and isolation associated with the crime of abuse has scarred the lives of countless victims across Ireland, across generations and across class and creed. It takes courage to disclose, to make a complaint or to speak out. I acknowledge every person who has taken those decisions and those who have stepped into the public light to tell their story. Máiría Cahill took that brave decision. I also acknowledge how essential anonymity is for many victims. It affords them the privacy and protection in which to pursue justice, to cope, to heal and to come to terms with their ordeal. The alleged rapist at the centre of this controversy and debate is alleged to have committed offences against two other people in addition to Máiría. Their legal representative has made clear that the sensationalist commentary of recent weeks has caused them distress. We should be mindful of their rights and their feelings.

While much of the public debate and commentary on sexual violence and child abuse has centred on people's experiences in various institutions, it is true to say that the place where women and children are most vulnerable to abuse is in their home and among their family circle. Abuse is most often carried out by perpetrators who are close to and trusted by the victim. Statistics published today by the Rape Crisis Network reflect that 91% of perpetrators are known to their victims. Máiria Cahill's case follows a tragic, disturbing pattern for teenage victims. The crime was rape, the alleged perpetrator was a family member, known and trusted, and the assaults took place in the perpetrator's home. She first disclosed to a family member, someone within her circle of trust. That person was the late Siobhan O'Hanlon, her cousin.

Many families did not know and still do not know how to respond to the earthquake in their lives that is a disclosure of abuse. It is, perhaps, the most traumatic and potentially the most divisive revelation that any family can experience. I know of cases where people have gone to their graves still not having been believed by their family members. That is why it is so essential that the State and its institutions have the confidence and trust of victims and their families. That confidence and trust is the first requirement for people to come forward and make complaints. It is the most basic prerequisite of justice. That trust and confidence did not exist in the Northern State. We have recognised this. People did not and could not trust the RUC. The political chaos of conflict left many victims in ongoing, agonising silence, afraid of their abuser, the war, armed groups, the police, Special Branch and the British Army, afraid for their families and their lives.

Many victims of sexual violence and rape in the course of the conflict never told anyone or reported anywhere. Others reported to the social services or the RUC. Some of those cases were mishandled and others were cynically exploited in the game of one-upmanship in the course of a vicious conflict. Other victims came forward to other groups, including the IRA. The IRA should never have been involved in dealing with accusations of sexual violence or abuse but it was. Rough justice or summary justice for alleged perpetrators meant no justice for victims. That is the reality. The IRA was not and could never be a substitute for the due process that is at the core of upholding victims' rights and punishing those found guilty of such an heinous crime.

Máiria Cahill claims that she was subjected to a coercive investigation by the IRA. This version of events is vigorously contested by the women and men who stand accused of acting as interrogators. For the record, two of those so accused are women. Earlier, the Taoiseach conjured up the image of the disappeared - this was repeated by Deputy Smith - in his words of condemnation of those who he asserts carried out this kangaroo court. He went on, for reasons best known to himself, to belittle Brieghe Wright in particular and to sneer at her supportive work with abused women in west Belfast. Is the Taoiseach aware that Brieghe is the sister of one of those disappeared? Was he being gratuitously cruel in making those remarks? I suppose he does not care anymore because in this case it seems anything goes.

Over recent weeks my words of condemnation for those in the Roman Catholic Church who covered up sexual abuse have been echoed and re-echoed. I wish to repeat those words this evening. Anyone associated with the abuse of a child or the cover-up of abuse must face the full rigours of the law. That is the case irrespective of who the perpetrator may be. There are no exceptions to this rule. Nobody is exempt, nobody within any group or any organisation, and let me say explicitly that includes republicans and former members of the IRA.

One in four experiences abuse. It is not that far from any of us or from our families. It is

undoubtedly the case - a statistical certainty - that abusers are found in all walks of life, and the IRA was no exception. Today, some Members read accounts into the record of this House of very harrowing stories of victims of abuse by republicans. Can I say to those victims that they were not abused in our name? Can I assure those victims, all of whom I understand have made complaints to the statutory authorities, that we support them fully and want them to find the justice to which they are absolutely entitled?

The question has been posed about whether we can get to the bottom of these matters. I believe the answer to that question is "yes". The call for abuse victims and others, including former IRA volunteers, to come forward is genuine and I hope that this call is heard and understood. I hope the Government will take up the proposals, as set out by Martin McGuinness, to establish a mechanism to support victims and find perpetrators. I hope the statements today will amplify and underscore that call because for abuse to be identified and dealt with, the silence must be broken.

Allegations have been made against Sinn Féin that we are party to a cover-up or conspiring to shield child abusers. This is not true and the mere repetition of this slander will never take from the fact that it is not true. We have, like every other political party, I assume, guidelines for dealing with disclosures of abuse and allegations of abuse, whether within our party or within the wider community. I can tell the House that in my own case, I have ongoing contact with Wellmount and Mountjoy social services on matters of child welfare and the same dynamic is true of all other Sinn Féin offices and elected representatives throughout the country. Rarely a week goes by that I do not have contact with victims of abuse in the course of my work. Many are victims and survivors of institutional abuse while others have suffered in their own homes. They and they alone will judge my commitment to victims and to justice and not opportunistic political or media hacks.

Recent weeks have seen the slur of cover-up of child sexual abuse casually made, casually repeated and reduced to a matter of common abuse. I am the mother of two young children and, like any mother, I would walk the hot coals of hell to protect my children. I attach the same value to every other child, to his or her safety and to his or her welfare. The accusation made by some in this House and amplified by some media outlets that any of us is ambivalent to the safety of children or would be party to a cover-up or would withhold information is untrue. That these slurs are made to score political advantage make them truly beneath contempt.

Deputy Buttimer distanced his party from the issue of abuse, but let me say to him that abuse was carried out in institutions supported, inspected and financed by the State. Abuse was denied by the State in those institutions and redress and justice has been afforded only most grudgingly by the State. Government after Government pursued a strategy of denial, of damage limitation and of half-hearted recognition and redress for victims. This is the record of those who today accuse me and my Sinn Féin colleagues. It is the work of utter hypocrites who have chased victims through the courts of this land and beyond to protect the State, who have offered only miserly redress and who have studiously avoided conceding State liability for the vast catalogue of suffering and grief that happened on their watch. That is the truth.

Some victims of that abuse, those whom the State failed, have muddled by, some have coped but many have not. One will find some of them among the rough sleepers in this city. Some have spent a lifetime in and out of prison. They are the inconvenient victims, the ones to be denied and obstructed by those who oversaw their abuse. There are no statements and no banner headlines for them. So much for the commitment to victims.

These matters can and must be resolved. If one message goes out from this Chamber this evening, I hope it is to every victim and every person who has any information or any evidence, hard or soft, on matters relating to the abuse of a child not to delay and to come forward now.

Deputy Robert Dowds: I find this debate very difficult because it reminds me of the horrors people have lived through for so many years in this country. I will start with the immediate case of Máiria Cahill and I call on Sinn Féin to stop the continuous intimidation of that woman through Twitter and other social media. That would be a start.

I am amazed, although I should not be, that senior people in Sinn Féin, like the normally forensic Deputy McDonald, have failed to address this issue adequately. I would like to mention something reported to me yesterday, namely, the reluctance of many women's organisations to come out very strongly on this issue. I urge them to do so.

I listened to Deputy McDonald and there is a series of questions Sinn Féin-IRA must answer, including the number of people involved in sexual offences which it has moved and where they are now. Are people in communities in Ireland, North or South, at risk because of people being moved? While Deputy McDonald and others in Sinn Féin have said it is the duty of people to come forward and report sexual abuse, there must be members of their party who know people who are guilty of sexual abuse or who have suspicions about people. It is their duty to report such people and to let the Garda or the PSNI carry out whatever investigations are required to establish the truth in these situations.

I find it very scary that a political party, with this question over it, stands together like glue, with all its members speaking with the same voice. It just does not ring true. People must have feelings about what is right and what is wrong in this situation.

All the constitutional parties in this State and others in Britain did a huge amount of work to help bring Sinn Féin away from the path of violence and sectarian intimidation towards democracy. Deputy Adams should not laugh. I know many Protestants in Northern Ireland who lived in terror for 30 years and while I may not have agreed with their political views, I agreed with their right to live. There is a smirk on your face. Imagine-----

An Leas-Cheann Comhairle: Deputy, will you address your remarks through the Chair, please?

Deputy Robert Dowds: The situation is such that a great deal of work was done to bring Sinn Féin towards democracy and, in fairness to it, it has stopped killing people.

Deputy Mary Lou McDonald: I have never killed anybody. Correct the record.

Deputy Robert Dowds: Sinn Féin has made moves in that direction and that is good. We are in a better place in this country because of that, but it has not made the whole journey yet. This recent event demonstrates that it has to move further and to work out a way to deal with the skeletons in its cupboard.

7 o'clock

Until it does so it will be impossible for any political party in this House to ever contemplate going into government with it because there will be a fear of what will happen when these skeletons fall out of the cupboard. If it had been in government when this case arose, the government would have collapsed unless Sinn Féin demonstrated serious intent in dealing with

the issue. We have to move away from a situation of *una* army council *una voce*. Sinn Féin is a political party not a military organisation now. That is a message it needs to take on board.

Deputy Michael McCarthy: I have been in these Houses for the past 12 years and I can honestly say, with my hand on my heart, that I have never witnessed the fear in and around parliamentary debate that is at the heart of this story. I am absolutely sickened by what I have witnessed from Sinn Féin since Máiría Cahill spoke out about the absurdity and evil inflicted on her by a rapist. The Sinn Féin-IRA sex abuse nexus has visited sheer horror on that brave individual and every one of the hypocritical Sinn Féin Deputies has come into the Chamber and been responsible for the manner in which she has been intimidated, bullied and questioned about her mental health. Week after week they throw arrows at the Government while we try to fix the public finances and they treat a young woman like this. They should be ashamed of themselves. There is no space in a parliamentary democracy for that kind of bullying or intimidation. Every day since that brave lady spoke out they have added to it because they have re-traumatised her through social media and their keyboard warriors. If they have any scintilla of credibility left they would stand down their keyboard warriors. It is absolutely disgusting and unacceptable.

Deputy Mac Lochlainn spoke on the radio today and was asked four times by Jonathan Healy on Newstalk would he let the Garda know if he heard there was a child abuser working with children, and four times he refused to answer that question. I never heard such rubbish. Sinn Féin has claimed ownership of the founding document of this State, the Proclamation. Let me remind the Sinn Féin Members that it says, “cherishing all the children of the nation equally”.

Deputy Jonathan O’Brien: The Government has failed them.

Deputy Michael McCarthy: The same applies in this case but Sinn Féin has not done that. The Sinn Féin Deputies have marched in around their party leader with their blind loyalty. It is almost cult-like. It reminds us of David Koresh and the ambush at Waco in 1993. It is absolutely startling and frightening, when one hears a fine parliamentarian like Deputy Regina Doherty explain a fear about making information known to our authorities. That was not contrived. That is born out of the fear and intimidation inflicted on Máiría Cahill, who is a brave individual. It is absolutely disgusting to think that a woman who makes these kind of allegations is threatened with a court martial and not believed. It is literally beyond belief.

Over the past few weeks one spokesperson after another, including one a short while ago, has urged anyone with information to go to the authorities. These spokespersons will not apply that standard to themselves. Any individual who makes a victim of rape march into a room to be confronted by her rapist is quite frankly subhuman. It was a kangaroo court. We have legitimate institutions in this country. It is appalling at a human level to think that in a functioning democracy we would begin to make light of this situation, that we would effectively try to shut down organs of the media. I know as politicians we will not always have a pleasant relationship with the media but our politics requires that. We need to allow journalists do their work without fear of intimidation. There were two high profile cases in this country in recent years where that was not the case and it resulted in the deaths of two very fine journalists. To begin to portray this argument in a light that sneers at the good work of journalists and effectively tries to suppress them or shut them down is literally beyond belief.

There is an uglier side to all of this. At the heart of this debate is a lady who no longer lives

at home, who was denied a university education. Let the record of this House reflect long after we are all gone that the Sinn Féin members have inflicted an evil on that fine individual, Máiría Cahill, and for that every one of them should hang their heads in shame.

Deputy James Bannon: I thank my party for giving me the opportunity to contribute to these statements on the allegations regarding the sexual abuse by members of the provisional republican movement. I commend Deputy Regina Doherty and others for their very passionate statements. Like many Deputies, I have followed the story of Máiría Cahill on a daily basis over the past few months. Although I have never met Máiría I have read and listened to her story and I believe she is a formidable and intelligent woman with a substantial case to make about the sexual abuse she had to endure at the hands of a member of the provisional IRA.

I congratulate her on the courageous stance she is taking. Since she came forward she has been abused again and again, mocked online and by members of the republican movement. Some republicans have sought to degrade her stance at every possible opportunity. I have seen some of the personally abusive remarks Máiría had to contend with on Twitter and Facebook. Some of them are horrific. I plead with Deputy Adams to demand that this carry-on stop. He has not made a statement to this effect. He should stop it. He has the power to stop it if he wants to and he should do it right away. It is a shame on him to allow this to happen to a decent, respectable woman. I would not wish it on my own worst enemy or on anybody else here or anywhere in the world. She is not deserving of the scandalous accusations by anonymous Internet users.

Máiría's story is a harrowing one. When she was just 16 years of age she was subjected to sexual abuse which in her own words "destroyed" her young life. She had to sit before an IRA kangaroo court and was forced to confront her alleged abuser. During this so-called court case Máiría says she was told that they would be able to tell if she was lying by her body language. How disgraceful that is. How can Deputy Adams stand over something like that? How can he, in this day and age? What he allowed to happen in his party was ridiculous.

Máiría's innocence was taken away from her at a very young age 17 years ago. She was forced to mature much more quickly than other girls of her age. I cannot even begin to imagine the pain that victims of sexual abuse must experience but the thought of having to face one's abuser and relive the ordeal in a makeshift court is one I do not like to dwell upon. Máiría described having a great personal difficulty with the people whose responsibility it was to make decisions in this court.

I am deeply concerned about an issue Máiría has raised, that IRA abusers were moved around. Republican perpetrators of abuse were moved around the country, across the Border and between parishes and townlands. This measure ensured these dreadful perpetrators were free to abuse again. They were allowed to carry on with their awful crimes against children. As Máiría Cahill pointed out in a letter to the IRA army council 14 years ago, "I can't accept the fact that he is free to live somewhere else with access to other children". How many other children was this individual allowed to abuse? Deputy Adams might be able to answer that question. I have no doubt that other victims of IRA sexual abuse are terrified by the thought of coming forward because of the manner in which they would be treated by some people in the republican movement. I hope they will find the courage that Máiría has found. They deserve justice. They should be able to come forward without having to endure the personal abuse Máiría has endured since she went public with her case. Máiría's story has been consistent. She has never deviated or changed her story from day one. I believe Máiría's testimony is credible.

I believe she is telling the truth. It is commendable that Máiría has managed to stay the course in defiance of the abuse she has suffered. Her story is finally being told to the Irish people and the world at large.

An Leas-Cheann Comhairle: Perhaps Deputies Noel Harrington and Áine Collins can share the remaining 13 minutes before I have to call the Minister to conclude.

Deputy Noel Harrington: Yes, that is fine. We are having this debate because of the brave stand taken by Máiría Cahill in telling us about the abuse she suffered at the hands of a member of the IRA and the subsequent events within the republican movement. People in the republican movement have confirmed that they believe the abuse took place, but that belief evaporates when it comes to implicating the Sinn Féin leadership. We have been subjected to a web of untruths that have been spun to protect the Sinn Féin leader, his party leadership and his supporters from his past. I suggest we might know he is telling the truth when he stops blaming everyone and anyone and instead accepts responsibility for his actions and deeds in the past and the present.

When Deputy Adams spoke earlier in this debate, he again wrapped himself in the victim's shroud by saying the republican movement was forced into this situation because the people had no faith in the police. All of the victims seem to have shared one certainty, which is that they would have been shot if they as much as doffed their cap to a policeman. How many of those who were found with their hands tied behind their backs and bullets in the backs of their heads, courtesy of this assassination squad, had turned to the police? How many of them, having been hauled before kangaroo courts, failed the body language test and turned up murdered in the ditches of country roads on both sides of the Border? How many more were spirited away and relocated in this and other jurisdictions?

This is the crux of the issue before us today. How can we believe a group of self-interested quasi-political cultists, the first priority of whom is the protection of their political party, Sinn Féin, which translates as "we ourselves"? I cannot think of anything more abhorrent to a republic. Sinn Féin has hijacked the republican ethos we all share, just as it hijacked the civil rights movement and replaced it with a violent narrow nationalism that manifested itself in intimidation, hate and confusion. Again, this is repugnant to the republicanism that was proclaimed almost 100 years ago. When Sinn Féin is criticised here or in the media, the wagons are circled. The Tricolour is draped, displayed and abused as if the ideals of this nation were being threatened. A narrow nationalism manifests itself once again.

In this case, we know that the leadership of the IRA, one of whom was the perpetrator, wanted to act as judge, jury and executioner. I remind the House that Article 38.1 of the Constitution of this Republic, *Bunreacht na Éireann*, provides that "no person shall be tried on any criminal charge save in due course of law." The response of Sinn Féin and the IRA to these matters was to set up kangaroo courts. They were not courts - they were gatherings set aside to intimidate victims. When this case was finally due to come before these IRA people, how did members of the republican movement suddenly become experts? They filled the room that was acting as a courthouse to further intimidate the victim. These people are not the protectors of their own community, but classic followers of an *omerta*.

Members of Sinn Féin claim they are the great protectors of equality, which is a noble aspiration. Sadly, protection and equality are strange bedfellows when it comes to justice for representatives of Sinn Féin and the IRA. This is the duplicitous republicanism we now see from

Sinn Féin, which has more faces than Big Ben. We are all aware of its involvement in various practices on both sides of the Border, including protection rackets, bank robberies, cigarette and drug smuggling, money laundering, diesel laundering, petrol and Lucozade stretching and milk quotas. I have heard the Sinn Féin leadership calling *ad nauseam* for measures to deal with these issues, thereby masking the reality that these main players are graduates of the university of terror that many of those who occupy seats in this House helped to establish. How could we expect a party that displays such hypocrisy to find justice for a vulnerable and terrified child who had been abused?

I know many good and fine people in west Cork who have voted for Sinn Féin and will do so again. I socialise with them. They are decent people. I can say quite frankly that what has happened was not done in their names. I ask those people, and the decent people within the leadership of this political party, to get a grip, to move away from the cult and to wake up and redeem themselves.

Deputy Áine Collins: I will begin by saying a few words about Máiría Cahill as a woman. I admire her hugely for her courage in bringing her horrific personal experience into the public domain. It is probably much easier to stay silent on an issue like this. It takes great determination, courage and fight to highlight such an experience. For any person to have to go through this once would be one occasion too many. Not only did Máiría Cahill suffer at the hands of her abuser, but she also had to face him in front of people as a very young woman. Now she has to deal with this matter again in the public domain to bring to public attention her human concern about the fact that her abuser and the other abusers she is talking about are still out there. As far as we know, they have never been dealt with properly.

We have heard a great deal of rhetoric about whether this is a political issue. It has been suggested that it is being used by other parties to bring it into the political domain. It is certainly a wonderful example of why politics should not be led by opinion polls. It seems from what we are seeing in the opinion polls that this is not bothering the people. The humane and right thing to do here is to deal with this issue. Sex offenders need to be registered as sex offenders. If they are in the Republic, or even anywhere in the country, we need to know about them. They also need help and they need to be dealt with in that light.

It was very tragic last week to see the leader of Sinn Féin joking at a dinner in New York about terrorist attacks on newspaper editors. News editors globally have condemned this behaviour. It has been said here previously that if the leader of any other political party had said what has been said by Deputy Adams in his blog and by others, they would have had to resign. It is up to Sinn Féin to decide on that. It beggars belief that Máiría Cahill has not received an apology. It is unbelievable that she has to go through this again. In light of the concern we have expressed about the protection of children, which is a human concern for all of us, I ask again for people who know where these sex offenders are living to contact the relevant authorities, even at this late stage. If they are living in the Republic, and certainly in Cork North-West, I want to know. These sex offenders should be on the register so they can be dealt with and Irish children can be protected, which is our duty as politicians. It is a shocking state of affairs that women must relive this time and again. I ask that Sinn Féin deal with the issue in the way it should be dealt, that being, openly, by telling it as it is and by apologising to this woman in order that she might have peace and get on with the rest of her life. What she has been through already is far too much.

Minister for Children and Youth Affairs (Deputy James Reilly): We now know only too

well that our response to child abuse has often been lacking. Some have put protection of their respective institutions ahead of protecting the child. Whether by the Catholic Church or the IRA, alleged perpetrators have been moved to different locations, protecting them from justice and, unforgivably, exposing more children to risk. Too many of our children have paid the price for such failures and we know from recent research that the impact of child abuse follows people throughout their lives, often with profound consequences.

The State has endeavoured to learn lessons from our history and to consign to the past many of the practices that left us with such an appalling legacy. The legislative and administrative regime now in place seeks to ensure that children at risk of abuse receive the best service possible. Robust processes are in place between the two main State agencies that work with child and adult survivors of child abuse, namely, Tusla - the Child and Family Agency - and An Garda Síochána. Child care services themselves are subject to regulations and standards against which they are inspected by the Health Information and Quality Authority. My Department actively monitors responses to these published reports as an additional quality assurance measure.

The possibility that alleged abusers in Northern Ireland were moved into this State by republican and-or IRA actions and could present a current risk to children is of deep concern. In this regard, Tusla confirms that it has received some non-specific information from survivors. This information is being rigorously pursued to determine issues arising for agencies in this jurisdiction. Tusla assesses the risk that any alleged perpetrator of child abuse presents to children, whether that abuse is current or historic, in order that we can achieve our objective of protecting children. The investigation of alleged offences falls to the Garda and, in doing so, it works closely with Tusla and other relevant services. If they are to do that job, however, they need information, and it is imperative that anyone with information about potential risks to children would pass it on to the authorities without delay.

This Government committed to reforming child protection services. We promised to create a dedicated child and welfare protection agency. Tusla was established on 1 January this year. We are putting the Children First guidelines on a statutory footing through the Children First Bill, published in April of this year. That legislation puts the child at the centre of policy and practice, which heretofore was all too often not the case. It forms part of a suite of child protection legislation, including the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

The Children First Bill has three key elements. First, it will oblige certain professionals and others working with children to report child protection concerns to Tusla and, if requested to do so, to assist in assessing child protection risks. Second, all organisations providing services to children will be required to carry out a child protection risk assessment and to develop a child safeguarding statement, which will be available both to parents and the public more generally. Third, it puts the Children First interdepartmental group on a statutory footing to oversee implementation and compliance. The group will report annually to me as Minister for Children and Youth Affairs in order that we maintain the drive for better child protection where best practice becomes the absolute norm.

I note the recent calls for an all-island approach to child protection. There already exists a structure and work programme on child protection and it is in place under the North-South Ministerial Council. As recently as this morning I met the North's health Minister, Mr. Jim Wells, in Armagh where the issue of child protection was discussed. A cross-Border group of

relevant officials in both jurisdictions has been working to intensify co-operation on child protection since 2008. There is also the interjurisdictional protocol for the transfer of child care cases between Northern Ireland and Ireland, which was completed in 2012. While the current work streams on child protection have already been agreed, should this debate indicate potential for further co-operation with our colleagues in the North, I will pursue the matter through the relevant channels.

What survivors of child abuse, both current and historical, are entitled to expect is to be at the centre of our response and that the relevant statutory agencies on both sides of the Border collaborate as necessary on child protection cases. Anyone and everyone with information about abuse should bring it immediately to the relevant authorities. We have the structures, legislation and clarity about roles in place. What is needed now is for the authorities to have the information they need to do their job, that being, protecting and supporting survivors of abuse and, as far as possible, preventing future abuse. If we are to address the failings of our past, which we know were many, we must recognise we have a duty to put children first. This means all of us all of the time. Otherwise, we will fail our children again.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Health (Miscellaneous Provisions) Bill 2014, without amendment.

Nursing Homes Support Scheme: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Billy Kelleher on Tuesday, 11 November 2014:

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

12 November 2014

— 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;

— 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.

Debate resumed on 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.”

- (Minister of State at the Department of Health).

Acting Chairman (Deputy Marcella Corcoran Kennedy): I understand Deputy Boyd Barrett is sharing time with colleagues in the Technical Group.

Deputy Richard Boyd Barrett: I wish to share time with Deputies Fitzmaurice, Wallace and Tom Fleming.

As the Minister, Deputy Varadkar, is aware, ALONE has stated the waiting list for nursing home places is spiralling out of control. Those are pretty dramatic comments. The waiting lists are completely unacceptable for elderly people who are trying to get into nursing home care. I am aware from anecdotal evidence that the bureaucracy is extremely difficult to navigate and it takes a long time for people to even get through this fair deal scheme. The Minister has acknowledged the fundamental problem is that the budgets are capped and this is the reason for these unacceptable waiting lists. I do not lay responsibility simply at the present Administration's door but I draw an analogy with the housing crisis, which is similar. It is almost exactly the same except for the older population in need of nursing home care.

Once upon a time, there was adequate public provision of housing and of nursing home care. It was perceived to be the responsibility of the State to provide both of these things directly. In recent years, there has been a creeping privatisation of both these areas, that is, the areas of housing and nursing home care. This has led to an increasing reliance on the private sector and on a model of funding such care through the fair deal scheme, in which people pay for these things out of their own assets, that is, out of their own houses or incomes, rather than funding them through central taxation in a progressive way. Essentially, the chickens are coming home to roost in this regard, just as they have with the housing crisis. The private sector cannot deliver and a two-tier system is developing. The answer to this crisis is that direct public investment in public nursing home care is needed, rather than a model that is failing in depending on the private sector.

Deputy Michael Fitzmaurice: First, I have been contacted by many families in recent months, particularly from my own electoral area, and some have been crying on the telephone about what is going on. All Members are aware that no matter how one dresses up these figures,

between 2,000 and 2,500 people are waiting to gain access to the fair deal scheme. At present, it is not a fair deal but is a bad deal and that is how they are looking at it. A figure has been given out of a waiting time of 15 weeks. I know of several families that currently have been waiting for between 20 weeks and 24 weeks. As for the turnaround about which Members hear, it is not happening. The numbers in acute units in hospitals are building up and the mathematics in this regard do not stand up when one considers what it costs to take care of someone in a hospital as opposed to a nursing home. All Members of course agree that measures such as home help require building up but one cannot rob Peter to pay Paul. One must put money into the two different methods of looking after the elderly. There is another side to this issue that people have not considered. If a nursing home that operates as a 30-bed or 32-bed unit loses two to three people, it starts to make it unviable. One then will have job losses and down the road, one will have an entire system in chaos.

Members have gone down a road whereby they basically are taking it out on the most vulnerable. People who have worked for this country, made many sacrifices and helped in many ways, now are being treated as second-class citizens. Members should ask themselves whether they should hang their heads in shame at what is going at present in that they are not looking after the most vulnerable people. I acknowledge the Minister has recognised the problem but the funding must be made available. While it is great to hear the Minister for Finance state the growth rate next year will be 4% but when facing such a scenario, Members must look after everyone. These people, with a system that currently is in chaos, need help and I urge the Minister to examine this issue and to solve it straight away because it will give ease to families and to those who are waiting day after day to get the telephone call confirming they have been accepted for the fair deal scheme.

Deputy Mick Wallace: It is pretty well accepted that the Government's method of dealing with the banking crisis has had a significant impact on the more vulnerable in society, which includes the elderly. After suffering the devastating cut of 19% to the respite carer's grant in 2012, last year's cut of €35 million to the fair deal scheme probably was both unfair and short-sighted. The Government must take a serious look at this cut and reverse it. According to ALONE, nursing home waiting lists are spiralling out of control. At present, there are 2,100 people on the fair deal waiting lists, compared with 654 in February 2014. Waiting lists have tripled in size and the average waiting time for approval now is 15 weeks. Excessive waiting times of up to four months for fair deal approval actually can put patients' health at risk as it means vulnerable older persons often are left with no alternative but to avail of care within acute hospital settings that are not specific to their individual requirements. Other elderly people are forced to cover the full cost of their care themselves for months while they wait for approval and incur significant financial costs and pressure.

Long waiting times both adversely affect applicants to the fair deal scheme and have serious implications for the wider health service, which already is under severe strain as a result of successive cuts that have left hospitals overcrowded, understaffed and overstretched. Hospitals are hindered in their efforts to free up beds because patients who are fit for discharge cannot get places in nursing homes. As I mentioned in the Chamber recently, this is directly linked to how last Sunday week, an ambulance waited for three hours outside Wexford General Hospital because there was no trolley onto which to put the patient. This was because the trolleys were being used as beds because of the number of beds that had been closed down and it is all connected. I acknowledge the Minister did not decide the budget for the health system and he has only recently come into his post. I do not know whether he will decide it the next time around

either or whether he will be told how much he will get. However, six months ago, the ECB stated the biggest threat to Ireland's finances was the overspending on health. I hope the Minister will adopt a much better approach than that and that the people who are in need of most help are of greater priority than the concerns of the ECB.

Deputy Tom Fleming: It is unfortunate that the crisis in the funding for the fair deal scheme is escalating as the winter months approach as it puts more than 2,500 patients and their families in a dilemma. They face delays of up to four months and in the meantime, these additional patients are rapidly coming on-stream to a growing waiting list. The current crisis is exacerbated by Ireland having the fastest-growing ageing population in Europe, with more than 60 people per week being added to the waiting lists for nursing home places. There is a need to re-evaluate the solutions to stem the avalanche of elderly people requiring institutional care. Consideration must be given to more preventative methods, for instance to prevent premature cases of people ending up in long-term nursing homes. There is a need for additional funding and resources to be allocated in respect of community care and community nursing. There is also a need for extra supports for day-care centres. In many instances, the latter are relying on voluntary carers and local fund-raising to provide the essential services required.

We must re-examine the stringent criteria which apply in respect of eligibility for carer's allowance. Applications are being refused on foot of an over-zealous interpretation of the medical card guidelines and, as a result, the caring relatives of patients are being wrongly deprived of social welfare assistance in many cases. There are those who provide 24-hour care and supervision in respect of their elderly relatives and many of them do not get any respite from this continuous care. They obviously become burned out and suffer from stress as a result and they do not receive any remuneration for the work they do. There is a need for the criteria to be relaxed in order that more of the applications made by these worthy individuals might be approved. We must put in place a system whereby these overworked carers might occasionally enjoy a break at weekends and proper holidays.

There is also a need to appoint more geriatric consultants in our hospitals in order that patients might be reassessed and re-evaluated and have their conditions re-diagnosed. In many instances, re-diagnosis can give people a new lease of life. We need to keep those to whom I refer out of long-term care if possible because the position in that regard is currently unsustainable. Additional moneys must be provided in respect of housing aid for the elderly. Such aid must be delivered quickly by the local authorities. I ask the Minister to consider the three suggestions I have made in the interests of ensuring that the majority of people might remain in their homes, if at all possible.

Acting Chairman (Deputy Marcella Corcoran Kennedy): I call Deputy Mulherin. I understand she is sharing time with a number of colleagues. Is that agreed? Agreed.

Deputy Michelle Mulherin: Ireland has an ageing population and we are aware that we ourselves are getting old. In that context, we must ensure there is proper and comprehensive care available for the elderly and those who are incapacitated. The most desirable for anyone who is elderly or incapacitated is to be in his or her home. In such circumstances, I welcome the €10 million that has been provided in the budget for next year in respect of intensive home-care packages. I also welcome the additional funding being provided in respect of ordinary home-care packages. The latter will allow those who are incapacitated or infirm, but who are deemed fit enough, to be discharged from hospital and sent home. These people will still require support in their homes, either on a temporary or more permanent basis. Home help and other sup-

ports are essential to make it feasible for a person who is incapacitated or infirm to remain in his or her home. There are legions of carers throughout the country who make it possible for people with disabilities to live in their homes. I know some of these carers and I am aware that what they do is a real labour of love for them. To avoid such individuals becoming burnt out, we must strive towards providing supports to ensure they enjoy some quality of life and that their lot is made easier and more bearable.

When the nursing homes support scheme was established in 2009, the admirable objective relating to it was to make nursing home care accessible and affordable for everyone. Another objective was that individuals who benefit from the scheme might make a contribution. It is a matter of great concern that, as a result of budgetary constraints, there is currently a 15-week waiting list to access the scheme. Some 1,993 people are currently on the list. Budgetary constraints and a lack of money are, unfortunately, a reality of life for the Government. The former are both most acutely felt in the context of the health budget, particularly that part of it which relates to vulnerable individuals. The budget for this year alone was €939 million. In a reply to a parliamentary question I tabled recently, the Minister indicated that since 2009 the amount of money secured through the scheme in the form of loans from individuals stands at only €30.5 million. There is obviously a large gap between what people are contributing and the actual cost of operating the scheme. I accept that this is the reality and that the matters to which I refer must be considered by the Minister.

We must also reflect on the reality for those individuals on the 15-week waiting list to which I refer. Those on the list do not all fall into the same category. Some of them are in hospital beds awaiting discharge, so we know they are being cared for properly. This is not, therefore, an issue. There are others who are still living at home awaiting admission to nursing homes. The State is in a position to provide care packages for these people, even on a temporary basis. One would hope the individuals involved are being properly cared for and supported in their homes while they wait to be admitted to nursing homes. There is one category in respect of which there is particular financial hardship. I refer to those who have been forced to enter private nursing homes and who know they are going to qualify under the fair deal scheme. These people are obliged to fund their own care to the tune of thousands of euro each month. This is money which they take from their savings and when they are eventually admitted, they are not paid any arrears. I am aware of two cases - both of which I brought to the attention of the Minister - where the savings of the older people involved were completely depleted. These are extremely difficult cases with which to deal because they relate to those who are the hardest pressed. The money in question means a great deal to these people. I am of the view that the latter should be given priority in the context of any solutions which might be brought forward.

A review of the scheme is currently under way. This review is examining how the scheme might be made more sustainable, how the issues and delays relating to it might be addressed and how the matter of funding might be dealt with. This is an extremely important matter. If people are kept in acute beds or step-down facilities, the cost to the State is considerably greater than would be the case if they were admitted to nursing homes.

I am of the view that we cannot do enough for carers who care for people in their homes morning, noon and night and who protect the dignity of those individuals. However, I accept the reality that exists. Carers are fundamental to the notion of ensuring that people remain in their own homes. Carers should be always supported. Ultimately, it is cheaper to ensure that someone remains in his or her home. I am aware of instances where certain carers have reached their wits' end and are completely stressed out from being obliged to deal with various

situations. However, they continue to provide care for people who, in most cases, are probably family members. We must remember that carers also have lives of their own. I would like to think they will take centre stage in the context of examining how we will provide for those who are elderly or incapacitated to be cared for in their homes.

Deputy Michael McNamara: The Minister will be aware that the fair deal scheme is a source of concern to me. I raised the matter with him in correspondence and he replied to the effect that when the nursing homes support scheme commenced, a commitment was made that it would be reviewed after three years. That review is currently under way. There are certain aspects of the scheme which require urgent consideration. Obviously, the level of funding is unlikely to change dramatically just because a review into how the scheme operates is under way. Every funding line is dependent on available resources and the resources available in the State for many, if not all, services are still constrained and are likely to remain so for at least the lifetime of this Government, however long that might be. Obviously, the maximum length of that lifetime is known but the minimum is not.

Delay is an inevitable aspect of administration. However, the way in which the nursing homes support scheme operates almost incentivises delay on the part of the HSE and those who administer the scheme. Applications are made and all applicants are put on a placement in chronological order to ensure equity nationally. The current delay is approximately 15 weeks. If one does not have moneys available to cater for the number of applicants - effectively, that is the current position - the best thing to do is delay making any adjudication on applications. This avoids people who have been approved being left on the waiting list. It seems to be a slightly bizarre use of State resources, particularly because the cheapest place to look after people in need of care is their home, as Deputy Mulherin said. Obviously, the next cheapest place is a nursing home. The most expensive place is a hospital. Beds in the category-4 hospitals are obviously at a greater premium than the step-down hospital beds.

While I appreciate that funding is constrained, it appears to be increasingly the case that a number of people in community hospitals could be accommodated elsewhere if their applications were properly dealt with under the fair deal scheme. There are those in category-two hospitals, such as those in Ennis and Nenagh, whose medical care might be equally well provided in community hospitals. It is not provided in the latter because there are people in community hospitals whose fair deal applications have not been dealt with. While there is an incentive to delay dealing with applicants under the fair deal scheme, this is clogging up other beds that are much more expensive for the State to provide. This seems to be symptomatic of some of the difficulties that exist within the HSE and the fact that there is not really an incentive not to exceed any particular budget because budget lines are not desegregated sufficiently in the HSE. That is a broader issue.

I welcome the spotlight being shone on this issue. I hope that, notwithstanding funding shortfalls, the scheme can be run in a more efficient manner. Perhaps other budget lines could be examined to determine whether, if by providing more funding for the fair deal scheme, savings could be achieved elsewhere through freeing up much-needed beds in acute hospitals.

Deputy John O'Mahony: I welcome the opportunity to contribute to this debate. There is a problem and it is very obvious with the lengthening of the waiting time for approval under the fair deal scheme. I raised this a few weeks ago in a Topical Issue debate. I know from speaking to the Minister that he is very conscious of this issue and that it needs to be addressed. The problem is that the scheme is demand led and there is a limited amount of money to deal with

it. Having said that, given the trauma experienced by the families involved it is important that they see some change or means of addressing the problem.

As short a time ago as last February, the waiting period was down to four weeks. In April, it expanded to six weeks. It expanded to seven to eight weeks in May and to 12 weeks in June. It is now 15 weeks. This merely outlines the problem. If families have to put their loved ones into a private nursing home for 15 or 16 weeks, they must stump up approximately €13,000, which causes all kinds of problems. I know families who have taken out loans to achieve this.

Effectively, the fair deal scheme is good. The Minister's problem, which has been outlined already this evening, is that there are 20,000 additional people over 65 every year, and there is an increase in the population over 80 of 4% per year. I welcome the fact that there is a review of the scheme and believe it must be made sustainable. The HSE service plan is due in the next couple of weeks. I presume and hope the issue will be addressed in that, certainly in the short term. People tell us the system is currently in crisis, but if the waiting lists are not reduced dramatically in the coming few months the problem will worsen.

Deputies on all sides of the House realise the difficulty associated with dealing with this issue but also realise the importance of addressing it. I have no doubt, having spoken to the Minister, that he has plans to address it in the short term. The issue will be ongoing unless there is some long-term solution found.

Deputy Áine Collins: I welcome the opportunity to speak on this important issue. Because of the ageing demographic profile of our citizens, there is no doubt that the nursing homes support scheme needs to be kept under constant review. A review of the scheme is currently under way and it will consider its future funding and sustainability. An important part of this will be to assess how community and residential services are balanced. The current scheme is very expensive and places a huge financial burden on the taxpayer. In 2014, €939 million was provided in the budget Estimates. However, analysis clearly demonstrates that the funding was inadequate to meet the need. The cost to the Exchequer and taxpayer will without doubt increase in the coming years. The Minister must continually examine new ways of caring for the elderly in our communities.

The nursing home option is probably the least favoured by those in need of care. Being looked after at home or in the community is the preferred option in most cases. In these circumstances, any improvements in the existing or new care systems implemented must provide as much certainty as possible. This certainty is essential for the peace of mind of potential patients, and it is perhaps equally important for the peace of mind of their children and carers.

I encourage the Minister to consider more villages for the elderly where they can live independently but at the same time have their care needs met. If more money were provided by the State for direct nursing home provision, it would save millions of euro by making more acute hospital beds available. The current qualifying conditions for home care packages are very generous and should be kept. One does not need to have a medical card; there is no means test and no assessment of one's income. The supports one receives will be based on one's assessed care needs, subject only to the limit to the resources available in the local health office area. This limit is a problem as it can be difficult enough to get an adequate home care package, even if it would appear far more satisfactory from the patient's perspective and most definitely from the taxpayer's perspective.

The current review of the nursing homes subvention scheme must be combined with a new approach to home care packages. The carer's allowance and carer's benefit are very useful in helping people to remain at home. The scheme in this regard, as it currently stands, is very broad. It is not based on any continuing medical needs assessment of the individual once the initial determination has been made. A review of the system that emphasises the amount of care required based on the medical assessment could lead to greater assistance being provided to carers looking after a person who would otherwise have to go into a nursing home. A close examination of this system could also be beneficial from the perspectives of the carer and taxpayer.

Sheltered housing units provide security for elderly people in transition. A clear and obvious mistake being made at present is that the sheltered housing organisations are continuing to build one-bedroom houses. Every house for an elderly person needs a room where a relative, carer or child can stay. The new building regulations will ensure that houses are more suitable for elderly people and people with disabilities in the future. All these avenues must be continually assessed and changed to make it easier for people to remain at home.

My one concern about this motion is that it may place undue emphasis on nursing home subvention. There can be other methods and means of effecting improvements to ensure the care of the elderly and disabled. Nursing home subvention will always be one component of the long-term solution but our primary objective as a society should be to care for our elderly and disabled in the best possible way, as close to their community as possible. We must appreciate that it is our sons and daughters who will be paying for our care through the taxation system, as is absolutely correct. Therefore, it is essential that we develop not only the best care system but also the most economical one for the generations to come. It is essential to construct the necessary infrastructure to enable us to offer the best care to the elderly.

8 o'clock

Deputy Mary Mitchell O'Connor: My parents are in their 80s. They live at home. They would not want it any other way and nor would I. I believe that living at home is every elderly person's first preference. It is where they feel safe, where they know best and where they feel happiest. They continue their independence, they are close to their family and they remain a part of their community.

I understand that living at home is, unfortunately, not an option for all. Some older people require care and assistance and the Government must strive to ensure that appropriate and varied accommodation options and services are offered to those who want to stay at home and those who need the support of a nursing home. Older people who have worked all their lives and helped this country through previous recessions deserve fair, equitable and affordable treatment.

For years we have all been told that Ireland will have an aging population. This means a greater demand for services and accommodation assistance. The fair deal scheme aims to ensure that long-term nursing home care is accessible and affordable for everyone and that people are cared for in the most appropriate settings. To date, I would say that the scheme has been a success but with an aging population and increasing demand that exceeds the funding that can be released we are, unfortunately, looking at waiting times. While I strongly disagree with waiting times of 15 weeks, I believe we should look at how we can provide a continuum of care and, perhaps, a more appropriate funding scheme for older people in Ireland - I refer to care complete with the appropriate care services and even social activities that would prevent

isolation and loneliness for older people.

Let me emphasise here that the Government spends a large amount on this scheme - nearly €1 billion each year. To be precise, it is €939 million this year. The Government is committed to providing for old people. We cannot have situations known as bed-blockers or those involving the inappropriately placed older person.

The fair deal scheme alone cannot address all these problems that are relevant for the elderly and the sick. Reductions of €35 million have been made in this year's scheme but €23 million of this funding has been allocated instead to alternative community services. These services can deliver a greater range of care options, prevent unnecessary hospital admissions and provide rehabilitation to support the older people to return home. Some €10 million has been allocated to provide intensive home-care packages, a welcome move. Many older people want to stay at home and this funding will ensure their continuum of care, their happiness and continued well-being. A further €10 million has been allocated to address funding shortfalls in the provision of public short-stay beds. Some €3 million has been also allocated to commission 25 intermediate transitional care beds. These steps will help to ensure a holistic approach to providing care for older people. They will help ease the pressure of demand on the fair deal scheme and it will help provide for alternatives.

I welcome the review of the scheme which is currently under way. However, I have been given detailed information that care in private nursing homes is cheaper to deliver than care delivered in public nursing homes. Why is this? It is also essential that this review considers not only the future funding and sustainability of the scheme, but also how community and residential services are balanced.

The well-being and continuum of care for the older person must continue to be the key focus of the Government. I know that the Minister, as a doctor, wants the best for the elderly.

Deputy Jerry Buttimer: One of the main benefits of the nursing home support scheme for individuals and families is that it gives them certainty about how much nursing home care will cost. Without this scheme many families would not know how much caring for their loved one will cost and they would not know how much they would have to put aside each week so that their elderly parent, as Deputy Mitchell O'Connor alluded to, gets the care he or she needs.

Given that Fianna Fáil, when in Government, has not been prepared to develop a policy regarding the care of the elderly and allowing for the fact that the Minister, Deputy Varadkar, in the recent budget achieved an increase in the health budget where we are now spending €13 billion, an increase of €635 million on last year, it is extraordinary that Fianna Fáil put this motion before us. It behoves the Members opposite, rather than coming in here with a condemnatory motion, to put forward a motion regarding their own health policy on care of the elderly.

Notwithstanding that, there are problems with the fair deal scheme. The waiting period between application to the scheme when a person takes up residence in a nursing home and the time of the first payment needs to be address. During this time the person or his or her family end up carrying the full cost of the nursing home which can prove difficult, both emotionally and financially.

I very much welcome the remarks of the Minister of State, Deputy Kathleen Lynch, last night that the scheme is being reviewed and I would ask that the Ministers in the Department provide a clear timeframe for when this review will be completed. It would also be useful that

the terms of reference for the review take account of demographic changes. We all understand that the population is living longer and the age cohort concerned is increasing. The Department of Health estimates that an additional 1,000 long-term residential care beds each year will be required over the next seven years. This places additional pressures on the funding requirements but it is something that must be planned for as soon as possible. Something Fianna Fáil did not do in Government was plan for the future. The Minister of State was correct to draw attention to this.

The review will also consider the effectiveness of current methods of negotiating and setting prices, which must be up for discussion. It has been described to me as a “cost plus system”, a system that encourages a high cost base and does not incentivise efficiencies. I say that as somebody who visited a number of nursing homes in my constituency recently. We must ensure that this process is a real negotiation that enables nursing homes to have the financial capacity to re-invest so that they can maintain and improve their facilities for those who live in them as their new homes. We should also look at enabling a third-party review or arbitration of the negotiation process which will help to ensure fairness.

One issue that we need to be conscious of is the recruitment and retention of qualified staff, particularly nurses. From speaking to the nursing home owners, I note that as soon as the HSE advertises and recruits nurses, they draw from the private nursing home sector. As the Members know quite well, the private nursing home sector cannot offer the same package of remuneration and terms and conditions, and I would hope that the review process would also examine whether this should be a factor for consideration when negotiating and setting prices.

I hope that the review process will help to develop a comprehensive approach to the care of elderly citizens. I note that one aspect of the review is looking at extending the scheme to community-based services and other sectors, such as disability and mental health. It is helpful that this is being considered, as these services are every bit as important as nursing home care. I would share some of the concerns of Nursing Homes Ireland about this proposal. Given the forecasted increase in demand, we must ensure that funding for nursing home care is not diluted. Perhaps the review should also consider whether it would be better to establish a similar but separate scheme for community-based services.

Earlier this year the Joint Committee on Health and Children, which I chair, published a report on end-of-life care. Some of our recommendations related to access to long-stay care facilities. I ask the Minister for Health to consider these proposals in the context of the review of the nursing home support scheme. The current scheme deals with everyone on a chronological basis but it might be appropriate to prioritise some patients based on medical condition. The committee suggested that this should be done for palliative care patients, enabling them to access residential care in a timely manner and thereby facilitate their final medical care in a more appropriate setting.

The committee also suggested that consideration could be given to extending the definition of long-term residential care services and the range of services covered by the scheme. I have already referred to the matter and it is something that is being examined. In reviewing the current fair deal scheme, an evidence-based cost of care model could also be used.

Acting Chairman (Deputy Marcella Corcoran Kennedy): Is it agreed that Deputy Kitt will share time with his colleagues? Agreed.

Deputy Michael P. Kitt: I compliment Deputy Billy Kelleher on tabling the motion, which he ably moved yesterday evening. There has been much praise for the fair deal scheme. The scheme is not the problem, but rather the waiting list for applicants. Families have told me that due to budget cuts, people are waiting to get into nursing homes. Processing applications is now taking longer. Previously that was a simple procedure. I understand 2,083 people are on the scheme's national placement list, with a waiting time for funding approval of 15 weeks from the date of determination. One must ask the reason for that, and why in my constituency the elderly aunt of a constituent was approved on 9 July 2014 and funding was made available on 29 October 2014, a total of 16 weeks later. That is the type of delay people face. It is very disappointing to hear of hundreds of people waiting for funding. It is a serious situation when a person goes into a nursing home and must wait for funds to become available as it leads to financial hardship. The Minister heard about cases where people have had to pay up to €13,000. Payments are no longer backdated, as happened under the nursing home subvention scheme.

We must examine how the crisis could be avoided and what we will do to improve the situation. I am aware that funds were diverted from the fair deal scheme to the community care area and home-based packages. I would like to see both areas funded properly. With a diminished budget, we will have problems retaining beds and we must consider what could be done to improve the situation. Only a few people were approved for the fair deal scheme in County Galway last week. Given that a minimum of an additional 7,600 beds are required for long-term residential care between now and the end of 2021, we must ensure careful planning in the area. Based on population projections, there will be a significant national deficit of long-stay beds by 2016 based on a target of 4% of older persons in long-stay care. We also require carers to provide care. Between 2009 and 2012, approximately 340 new nursing beds were available per annum. That compares to annual increases of approximately 1,000 per annum in the preceding years. We will hear about more cases of older people not getting a bed under the fair deal scheme.

Some people would like to be cared for at home but supports are needed for that also. Nursing homes are a more appropriate and affordable setting than an acute hospital. The cost of providing nursing care in a hospital compared to a nursing home is a multiple of between five and eight times the cost. Nursing homes have raised with me and many colleagues the level of funding they get. The matter should be investigated given that different levels of funding for nursing homes is provided even in the same town. The average cost for a resident in a private nursing home is €750 a week compared to a weekly cost in an acute hospital of in excess of €6,000. One can see the difference in the figures. I hope we will not have a situation any longer whereby people cannot access nursing homes and they remain in acute care which will cost the State more money. In County Galway, 85 people were waiting to access the fair deal scheme in September 2014, an increase of 286% on September 2013. I hope the Minister will plan better for the future in this regard.

I note that Dr. Tony O'Connell, the national director of acute services in the HSE, referred to the fact that the HSE was hampered in freeing up beds because patients fit for discharge cannot leave and no nursing home places are available due to cutbacks. He said it costs hospitals approximately €200 a day to care for patients while the cost drops to €100 once they are in a nursing home.

Many people attacked the fair deal scheme when it was introduced in 2006. It was called a death tax on the elderly. A rate of 5% was applied each year for the first three years adding up to 15% of the cost. The Government increased the rate from 5% to 7.5%, which adds up to

22.5% over three years. That shows we have not really thought out how we will fund the fair deal scheme but we should have a clear policy on it in the future.

Deputy Robert Troy: I welcome the opportunity to contribute to the debate and compliment my colleague on introducing the debate which is timely given the current crisis in the fair deal scheme. Before I speak to the motion, I wish to thank the Minister for Health, Deputy Leo Varadkar, for rowing back on his original decision to cut funding to St. Christopher's in Longford.

Deputy Leo Varadkar: In fairness, it was never my decision.

Deputy Robert Troy: The Minister is getting the credit for intervening so he might as well take it. I was in Longford last night and a couple of hundred people attended the AGM of St. Christopher's. Many parents and service users are very relieved at the intervention, which is welcome.

In recent years we have repeatedly heard the mantra from the Taoiseach that he wants Ireland to be the best small country in the world in which to do business. However, we should hear him say that we want to be the best small country in the world in which to be a child. What about being the best small country in the world to grow up in? What about being the best small country in the world in which to raise a family? What about being the best small country in the world in which to grow old? When one looks at many of the policy decisions taken in recent years, it is not the best small country in the world in which to grow old. One need only look at the savage attack on the number of medical cards for senior citizens. Not alone have we removed thousands of medical cards, but we have removed certain items covered by medical cards. We have increased prescription charges. We have abolished the free telephone allowance, something that is leaving older, vulnerable people in a difficult situation, in particular in rural areas because their personal alarm or panic button is reliant on having a land line in the house. Those benefits were abolished by the Government. Cuts were also made to housing aid for the elderly and those with a disability. The budgets have been cut and the eligibility criteria have been modified, which makes it far more difficult for anyone to avail of the grant. There has been a reduction in the electricity allowance and the introduction of property tax for senior citizens. The property tax takes no account of a person's ability to pay. An older person might live in a valuable house but they have a finite weekly income, which in many cases is only €230 a week. They simply cannot afford the additional stealth taxes and cuts the Government has introduced in recent years.

Not alone is it more difficult for people to live at home, but we are now saying to elderly people that they should not get sick, and if they do, they must be prepared to wait. There is a concerted effort by the Government to leave people languishing on waiting lists. That is morally wrong. Senior citizens, our parents and grandparents, have made this country what it is today. They deserve to be treated with decency and respect. People talk about the fair deal scheme, which was introduced by the previous Government in order to ensure that elderly people could have peace of mind in the event of becoming sick or incapacitated and that they would be looked after in their old age.

The previous Minister decided to divert €23 million from the fair deal budget to community care. I welcome the aim that where possible, older people should be supported in the home. That community budget needed additional funding. In the Longford-Westmeath area the home help hours were reduced from 331,000 in 2001 to 245,000 in 2013. At a time when the popu-

lation is getting older this is a savage cut to the number of home help hours provided. It flies in the face of what this Government is saying, that it is taking the money out of the fair deal scheme to provide supports for those living in their own homes. This is not the case.

Why does it always have to be a case of taking funding from one scheme to the detriment of other schemes? Why does every section in the HSE work in a silo? Why is there no consideration given to the effect of a decision in one department on another department?

Acute hospital beds are being blocked because families cannot take people home and elderly people with no families have nowhere to go. Not alone are elderly patients blocking beds, they are not receiving appropriate care. They are susceptible to picking up infections and viruses, they are not being offered activities during the day to stimulate their minds and they are receiving no entertainment. Quite often they are left languishing in acute hospital beds beside people who are terminally ill and dying.

If the Minister does not wish to consider the well-being of patients, surely the economic consequences must be part of his considerations. We are aware the cost of keeping a patient in an acute hospital bed is approximately €200 a day while the cost in a nursing home is €100 a day.

I know of the case of a young man who was in a serious accident. Thankfully, after a number of months in rehabilitation he was ready to be discharged home. However, he was left waiting for a number of months, despite the fact that he was ready to be discharged, because there was not a sufficient budget in the community and disability sector to bring him home. He was left waiting in an inappropriate care setting at a far greater cost to the State because one sector would not talk to the other. That does not add up.

I have plenty more to say but my time has run out.

Deputy Niall Collins: One of the distinct advantages of the Irish political system is that the vast majority of public representatives are very much in touch with how people are feeling and the effects of Government and State decisions on their everyday lives. Some people criticise us and refer to clientelism and say we are wasting our time holding clinics. I can attest to the fact that every week when I hold clinics across County Limerick, the three issues most often raised are medical cards, access to fair deal and the accident and emergency crisis in University Hospital Limerick. As a public representative for Limerick I know that the elderly in Limerick are a very worried bunch of people because of the crisis which has developed in the access to fair deal.

In January and February of this year, the waiting time for approval was four weeks; in April and May it had increased to seven and eight weeks; in June to September it rose to 12 to 14 weeks; and in October it peaked at 15 weeks. It is unacceptable that people have to wait so long for approval for their funding. Unfortunately, many of those people, by virtue of their physical condition and infirmity, have no choice but to go to a nursing home. They are then forced to carry the cost of the nursing home bed while awaiting for the allocation of fair deal funding. This is not good enough.

The Minister as well as the people who are participating in this debate live in the real political world. We know that politics is about choices and priorities. The budget was a giveaway to people who earn €80,000, €90,000, €100,000 and in excess of €100,000.

Deputy Leo Varadkar: It helped those who earn €32,000 and €40,000, as well.

Deputy Niall Collins: The budget gave tax cuts of up to €600 million and yet our elderly people in Limerick, across the mid-west and elsewhere in the country are facing a funding shortage for the fair deal scheme. That is wrong. The people know it is wrong. The Minister for Health needs to take some positive steps to address the situation. It is simply not good enough. The Government's budget gave a tax break to high earners and it is penalising the people who built this country.

I have raised it with the Minister and he will be aware of the crisis in the accident and emergency unit in University Hospital Limerick. When he next visits Limerick I ask him to take the opportunity to go to the University Hospital Limerick to see the absolutely chronic conditions which nurses, doctors, staff and patients must suffer. The physical built environment in which the accident and emergency unit operates is so unfit for purpose that it is bordering on criminal. National and local patient support groups are calling public meetings on the matter. I know the Minister is well informed about the situation and that he is concerned about it. I ask him to take steps to address the situation and to visit Limerick to see it for himself.

I have raised with the Minister the issue of primary care. The HSE must roll out the primary care centres. The HSE primary care model is bureaucratic and it throws too many impediments in the way of general practitioners entering into arrangements with the HSE to provide primary care centres. I acknowledge that those primary care centres already in operation are very successful. However, the property estate management section of the HSE is a bureaucratic nightmare in how it interacts with general practitioners and the bureaucratic hoops which the GPs must negotiate to reach an arrangement with the HSE to establish a primary care centre. These centres are hugely valuable in communities and they will help to alleviate the numbers presenting at accident and emergency units and address the issues associated with the elderly by keeping them living in their homes and so ease the pressures on the health service.

Deputy Colm Keaveney: I do not know if there is any truth in the rumour that the Minister somersaults in celebration down the ministerial corridor on a daily basis as he is the main benefactor of the mess of Irish Water. That mess has been delivered by his party and those limping with him in government. What he has successfully managed to do - I know he agrees with me on this point - is to distract the public and the media from the mess that he is covering up in the public health service.

Deputy Leo Varadkar: That is a new one, in fairness.

Deputy Colm Keaveney: I know the Minister was on a different brief, but while the public is consumed with the crisis in Irish Water the Department of Health is failing to address the concerns being highlighted this evening. The Minister will have to up his game and start addressing this. He cannot just cruise into the next general election hoping he will not be held accountable for what is going on in the health service.

Like the Minister I am prone to googling. On Monday I googled "Mr. Leo Varadkar" and "Irish Water". Since the beginning of this month the Minister has made comments on Irish Water on 30 separate occasions. When I googled "Mr. Leo Varadkar" and "the fair deal scheme" it returned four results. The Minister is deliberately stoking up a distraction from the mess. I know it is not to do with having confidence in the Minister for the Environment, Community and Local Government, Deputy Alan Kelly. I am sure he is shaking in his boots tonight. The

Minister clearly does not give a damn about the crisis in our nursing home system. He is more concerned about flagging up debate and sticking his nose into a debate and absenting himself from addressing the situation being highlighted.

I see the real distraction, which is the demise of the Minister's political party and the opportunity he has to take out the Taoiseach, Deputy Enda Kenny, as leader. That is what is going on. That is why he is speaking about Irish Water. He certainly does not want to speak about health. He certainly does not want to speak about vulnerable old people who are carrying a burden because of the Minister's inactivity in addressing the spirit of the fair deal scheme.

With regard to Cabinet collective responsibility, the Minister denied that the waiting lists published recently, for which he is responsible, exist. He denied they were stoked up and fiddled. He is sitting on a document which has a direction to cover up and "smeargle" waiting lists. He is camouflaging the disaster. That is what is going on. As Deputy Collins stated, we are meeting the consequences of the camouflage system.

I understand the Minister is a GP, which is an area that is suffering greatly. As a Deputy from rural Ireland I ask him to pay immediate attention to the crisis emerging with the exodus of GPs from the country. However, this pales into insignificance relative to the loss of our young nurses who have gone through a qualification system in Ireland at a cost to the Exchequer. Not that the Minister is responsible, because he was not at Cabinet the day they were given the yellow pack deal. This is why Irish nurses will not stay in the system and it is causing a crisis. They are voting with their feet and going to work in England, after the Exchequer has taken the liability and cost of training invaluable front-line staff.

This motion deals with a part of the health service about which the Minister has spoken only four times since the beginning of the month. However he has spoken about Irish Water 30 times. As the Minister is on his iPad he can qualify whether I am correct. It is probably a greater number now because my research was effective until Monday. I would say the Minister has spoken more times on Irish Water in the past 48 hours than he has about the fair deal scheme. That is how much he cares about elderly people. That is what is going on.

Originally the Minister and the Government committed to a review. The Minister is smirking, but I know he is not smirking at me. I know he has disdain for people like me, but I have a mandate to be here to say what I am saying, because I am saying it on behalf of people who are stuck with the liabilities he is ignoring. He can smirk all he wants, I know it comes naturally, but I have a mandate to say what I am saying. There the Minister goes for the water again.

An Ceann Comhairle: The Deputy has two minutes left.

Deputy Colm Keaveney: The Minister has an unwillingness to deal with the reality of the situation, unlike his great leader, who wants to let Paddy know. The Minister is failing to inform himself on the scale of the situation. I know the Minister is a decent person, and if he has the information we have he must find it very difficult to put his head on the pillow at night. People are being discharged from hospital early and wards are being closed as a consequence of budgetary restrictions. The Minister is precipitating the accelerated discharge of vulnerable and sick people who do not know their rights. They find themselves in a broken care pattern, where their children have emigrated as a consequence of our austerity and the Minister has slashed home helps and broken the carer's arrangement, but he denies the problem.

In July the Department advised the Minister's friend, the previous Minister for Health. On

Tuesday I told the Minister he had shifted the blame for this mess to the previous Minister. The Minister was advised about the budgetary shortfall but has done nothing. This is his legacy so far. The Minister for Health's legacy for this month is to have spoken 30 times on Irish Water, but he has done nothing for senior citizens and their domestic circumstances. He can smirk at me and lie behind this ideology, where somebody must pay €1,000 a week because of a deliberate administrative strategy. I have somebody in the Department, who rang me to tell me what is really going on.

An Ceann Comhairle: Thank you. You have seven seconds.

Deputy Colm Keaveney: This is an administrative decision, directly from the Minister, to them to slow it down. It is true. The Minister is the author of this decision. It has his fingerprints.

Deputy Leo Varadkar: If it is true, substantiate it. It is an allegation-----

Deputy Colm Keaveney: Go to the-----

An Ceann Comhairle: The Deputy is over time.

Deputy Colm Keaveney: No, the only person over time is that gentleman across there.

An Ceann Comhairle: Excuse me-----

Deputy Colm Keaveney: Pick up the glass of water and go on to Facebook, will you?

Deputy Leo Varadkar: It is an allegation the Deputy will not be able to substantiate because it is false, and shame on him for making false allegations in the House where he is under the protection of privilege.

An Ceann Comhairle: Deputy Keaveney should sit down and behave himself.

Deputy Colm Keaveney: Tell the Minister to behave himself.

An Ceann Comhairle: Will you sit down and behave yourself?

Deputy Colm Keaveney: I will sit down if you refer back-----

An Ceann Comhairle: And speak through the Chair in future.

Deputy Colm Keaveney: I am speaking through the Chair.

An Ceann Comhairle: I call Deputy Smith.

Deputy Brendan Smith: I am glad to have an opportunity to make a short contribution on this important motion. Our party spokesperson, Deputy Kelleher, has tabled a very reasonable, fair and important motion. Once again, Deputy Buttimer spoke about us having a motion which does not deal with the real world, but it very much does deal with the real world. If he listened to colleagues from his own party who spoke earlier, they all pointed out the difficulties which arise with the fair deal scheme. All of us who do constituency work have queries every day of the week on the long delays in accessing nursing home care.

Deputy Buttimer also stated no investment was made during the lifetime of the Fianna Fáil Governments, but this is absolutely incorrect. I can speak about my county in particular,

where we had major nursing home developments in the early 2000s in Ballyconell and Virginia. Alongside these public nursing homes, primary care centres were also built and provided and they provide an excellent service for these two particular towns and their catchment areas.

Many speakers on all sides of the House stated the desire and aim of all of us is to keep as many people at home for as long as possible. We all want maximum support for home care packages, but there has been terrible pressure because of the reduction in home support hours. Many decisions to approve home support hours make no sense because they mean a half an hour or 45 minutes care for a person who needs far more than this.

An issue to which reference has not been made is having a better whole of Government approach to housing adaptation grants. Far too often applications are with local authorities for a particularly long time, and unfortunately this causes undue stress, distress and annoyance for families and the person who needs the care and attention. If house improvements are to be carried out they should be carried out when the people need these extra comforts and facilities in their home and not after they wait for years for them to be delivered. It causes frustration and annoyance.

The fair deal scheme was introduced a few years ago, and it has proved to be very successful. It needs to be funded adequately. It was introduced because of the ageing demographics in the country. It was innovative and progressive, and based on providing financial support to people who need long-term nursing home care, whether in a private or public facility. It allowed people make a small contribution to their care, with the State taking on the major burden. It is quite ironic that at the time the Fine Gael leader, who is now Taoiseach, spoke about a new death tax. It showed how out of touch he was regarding that policy. The three-year cap is a very good provision in the scheme.

In my constituency, Cavan-Monaghan, there has been a dramatic increase in the number of people on the fair deal scheme waiting list, which has increased by 300% in one year. In a relatively small area approximately 83 people were on the waiting list in September. The families of those people, who are contacting the public representatives, are very worried. This whole area needs to be addressed. I hope the service plan the HSE will produce shortly will put adequate funding in place for this very important scheme. The last thing elderly people, whose health and lifestyle are deteriorating, and their families need is the constant worry about getting access to a nursing home bed when they need it.

In recent weeks I have come across cases of people in Cavan-Monaghan who had been in Our Lady of Lourdes Hospital in Drogheda and were placed in a step-down facility in County Louth, which is quite a distance from most parts of County Cavan and County Monaghan. That shows the pressure on nursing home places and step-down facilities. It gives rise to pressure on families who do not need extra stress at a time when their loved ones' health is deteriorating.

Minister for Health (Deputy Leo Varadkar): I am often complimented on my political skills and abilities. I got a very interesting one tonight; I did not think I was capable of organising the entire Irish Water debacle all on my own, just to cover up the problems in health-----

Deputy Billy Kelleher: The Minister had help from the Taoiseach, in fairness.

Deputy Leo Varadkar: -----which I am certainly not trying to do. I will ensure the person in my Department who supposedly made the comment is fully protected should Deputy Keaveney wish to substantiate that allegation, which I believe to be entirely false. I am sure he will

not substantiate it.

I appreciate the opportunity to address the House on this important issue. I wish to respond to some of what was said in the debate this evening and last night, which may be of interest to Members. Last night, Deputy Sean Fleming drew attention to the need for better links between hospital and community services. I agree with him that effective linkages in this area are essential if we are to get maximum benefit from available resources and provide the most appropriate care to patients. Improving this area is very much on the radar of both the Department and the HSE.

The Deputy also called for dialogue with private service providers who feel that they are being locked out of essential consultations on future plans. I fully subscribe to the principle of dialogue and consultation, and stakeholders already have access to officials in the Department of Health and its Ministers. For example, public consultations preceded the review of the fair deal scheme and took place during the preparation of the dementia strategy. A further meeting for private nursing home providers with my officials was agreed to as recently as this week. Indeed, I addressed their conference last week.

A number of Deputies argued that moving suitable patients currently in acute hospitals to less expensive nursing homes could free up significant funds. This is a nice idea but it is too simplistic and misunderstands how health spending works. It is true that a nursing home bed costs less than an acute bed, but it is invalid to argue that when we move a patient from that acute bed, we can then take that money and give it over to a nursing home or elsewhere because the vacated acute bed will be filled immediately by a new patient - perhaps one of the many on our waiting lists.

People who make the argument that it is cheaper to have patients in a nursing home than in a hospital do not quite understand how it works. Their economics and logic work if, after the patient is discharged to the nursing home, the hospital bed is closed behind him or her. That is something I am not willing to do at a time when patients are on trolleys and so many people are on waiting lists. I want to keep all those beds open for those who need them. So there is no false economy here. The savings that people suppose exist unfortunately do not.

Deputy O'Donovan was concerned that outsourced home care services cost the HSE far more than is paid to the workers providing the service. These services are procured by the HSE by competitive tender and include an assessment of the tenderer's capacity to provide a quality service. The objective in the future will be to identify providers in each region who can provide home supports on the most economically advantageous basis and the HSE will be responsible for that.

Deputy Ó Caoláin claimed that the review of the fair deal scheme had been completed and is being withheld. This is not the case. The review has not been completed. External consultants have reported on specific aspects of the scheme but this is and always was only an input to the overall review. When the review is completed the input from Deloitte & Touche, the consultants in question, will be published along with it. I expect the review to be completed in the first couple of months of next year.

Deputy Ó Caoláin also expressed concerns that older people formerly enjoyed universal eligibility for public facilities and that this is now removed. That is not the case. In fact, universal eligibility for public facilities remains but it is now augmented by universal eligibility for any

private facility that can meet their demands. Patient choice is central to this.

Deputy Mitchell O'Connor asked why it costs more to have somebody in a public nursing home than in a private one. I am not sure why that is. In part it may be down to staffing levels being higher in HSE nursing homes or it may be down to pay scales. However, I suspect the real reason is the dependency ratio. People who are in public nursing homes and HSE nursing homes often have greater and more complex needs. That is often missed by those who suggest that the private sector can do things cheaper. They do not always compare like with like.

The Minister of State, Deputy Kathleen Lynch, and I are very aware of the very long waiting list for the fair deal scheme. We are not satisfied with it. We are working very hard in the context of the service plan to do everything we can to reduce the waiting list in coming weeks.

An Ceann Comhairle: I call Deputy Calleary, who is sharing time with Deputy Kelleher.

Deputy Dara Calleary: I thank Deputy Kelleher for giving us the opportunity to discuss the issue, which Deputy Niall Collins and many others have said is a major bone of contention at clinics across communities.

Since the Minister's arrival in Hawkins House, he has approached the role with some degree of candour and straight talking, which contrasts greatly with his predecessor. However, we will get a chance to adjudicate on how effective that has been when we see the service plan next week. At the heart of that service plan must be a real commitment to overall community care and, within that, elder care.

The Minister spoke about his wish to keep open beds particularly in areas where surgery is needed, which we all support given that waiting lists are growing at an exponential rate. However, this was what was happening under the fair deal scheme when it was working well. I pay tribute to the hospital management in County Mayo where they had a very good step-down process for Mayo General Hospital using the three community hospitals in Ballina, Belmullet and Swinford and using the community nursing homes. However, because Mayo General Hospital was so good at doing it, it found that its budget was cut and it was penalised for being able to deliver on target. Unfortunately the system of step-down beds, which is essential particularly in large rural counties such as mine, has deteriorated considerably during the year. Substantial waiting lists are beginning to build in the Saolta university hospital group for things like orthopaedics, ophthalmics and surgery that could be done were beds available.

The change in Mayo is particularly stark. We have gone from 18 people waiting this time last year to 71 today. That represents 71 families across the county who may not have the money and are being forced to leave their families to be in hospital beds they do not want to be in or have to stump up very large sums of money in order to give their loved ones the care they need. That is not fair. When talking about economic recovery and fairness, the fact that 71 families are waiting for the go-ahead to allow their loved one to stay in a nursing home does not represent recovery. That is surely not the kind of recovery anybody in this House would support.

The Minister spoke about community care. Deputy Troy made a point earlier about the HSE's unique ability to work in silos where the H does not talk to the S, the S does not talk to the E, and the E does not talk to anybody. Community care in terms of home help hours seems to operate separately from the fair deal scheme even though they should be absolutely linked. Home help hours in my county have been cut. In some instances, people get 30 minutes a day. The carer is hardly in the door before it is time to go again. If home help is to be effective, it

must be related specifically to the client and not provided on the basis of an idealistic management information system where the person providing the home help is running around like I do not know what trying to get a half hour done here and a half hour there. Home care packages should be tailored to the needs of the patient and not to the budget of the relevant community care department. Unfortunately, at the moment the budget is winning out.

Deputy Smith raised an important point. Housing aid for older people and adaptation grant schemes are operated by local authorities. I pay tribute to Mayo County Council, which uses a good system for housing adaptation in particular. If people need their house adapted to get them out of hospital, this is done quickly because the council manages its budget to ensure money is available. I brought the Minister of State's predecessor, Áine Brady, to the county to see how it works. However, unless there is togetherness in the system, the scheme will not work and we will end up with the appalling delays being experienced under the fair deal scheme.

I listened to the usual choir of Fine Gael backbenchers with their choral notes from the party press office during the debate. It was the usual performance. Three years later, the story has not changed but the singers have worsened and the tune still does not make sense. This happened on their watch. The delays and the moving around of funding, which has resulted in the delays, happened under the former Minister, Deputy Reilly, their deputy party leader. No matter how much crowing and complaining they do, they cannot ignore that reality. The thousands of additional families who are waiting on a decision under the fair deal scheme and who cannot access a bed in a nursing home tonight can only look at one man who made the call and that is the Minister, Deputy Reilly. When the current Minister for Health publishes his service plan, he must make sure the decisions he makes do not have such an impact on people and do not result in a 300% increase in the number of people awaiting care, as is the case in my county.

I refer to the issue of GPs, who are essential to community care. The Minister recently referred to receiving various offers from Canada to work there for large sums. The difficulty in securing and protecting a rural GP service is real. Unless he and the HSE look at the system differently and reintroduce the rural practice allowance as a matter of policy rather than the HSE having to apply for an allowance for every post depending on who applies for it, these posts will not be attractive. The Minister should make this attractive. It is a fantastic challenge for people to work in a rural area but it is also a professional challenge, which requires financial and systems support that is not available currently unless people go looking for it.

The Government has made a number of attacks on older people, including in respect of medical cards, the telephone allowance and the bereavement grant. Every support for older people has been targeted by the Government parties. I do not know what older people did to them but they clearly did something.

Medical cards are also an important element of community care. The Government cannot say there is a recovery when the parent of a child with Down's syndrome is forced to go on the national airwaves to have their medical card application dealt with. That happened last week. I had been dealing with this case through the system. The mother had no more patience and she spoke about her case on the national airwaves. It worked because the local Government Deputy contacted her within minutes of her appearance on the radio and the Minister's office contacted her within hours. Parents of children with Down's syndrome should not have to do that. The Minister should do something for the parents of children with disabilities in his service plan next week.

Deputy Billy Kelleher: I thank all Members who contributed to the motion. We received a great deal of criticism from Government Members for tabling it. They said it was ill-timed, it was not constructive and it did not provide solutions, yet they then spoke to the substantive issue, which is the difficulties people face in accessing fair deal scheme beds.

The waiting lists speak for themselves. A total of 560 people were waiting for four weeks on average last January for approval under the scheme whereas now more than 2,100 are waiting on average for 15 weeks. This issue is very much to the fore of people's minds. It affects significant cohorts of the population, especially those who are vulnerable. When I asked the Taoiseach on the Order of Business earlier for a debate on the HSE service plan that will be published next week, I described the programme for Government as a book of fiction. The more I read it, the more I think the programme is fraudulent. Under the heading, "Fairness", the Government parties state in the context of care of older people and community care:

Investment in the supply of more and better care for older people in the community and in residential settings will be a priority of this Government.

Additional funding will be provided each year for the care of older people. This funding will go to more residential places, more home care packages and the delivery of more home help and other professional community care services. The Fair Deal system of financing nursing home care will be reviewed with a view to developing a secure and equitable system of financing for community and long-term care which supports older people to stay in their own homes.

This is the stated mission of the Government, as endorsed by the Parliament in 2011.

The Fine Gael and Labour parties are heading into their fifth year in government and they are going backwards in the provision of community-based funding for nursing homes, home care packages and home helps. The Government has been mean in its approach to older people. Reference has been made by Members, particularly on this side of the House, to medical cards, access to GP services, funding for nursing home packages, home care packages and home helps. There has been a systematic assault on the level of services and supports in our community. This is highlighted and reinforced by the fact that more than 2,100 people are waiting 15 weeks on average for approval to access a nursing home bed. The sinister element to this is that people who need a nursing home bed tomorrow, the day after or next week have to wait 15 weeks for approval and they will also be charged up to €15,000 while the Government's policy of delaying the application process continues apace.

The Minister referred to the famous budget cap. This is the result of a Government decision, which is not cast in statute or in stone. The cap is in place because the Government parties decided last year in the budget that was passed in this House that they would reduce the funding for the nursing homes support scheme. The HSE service plan stated there would be a reduction of 700 beds. It was evident from early last year that there would be difficulties. Opposition Members highlighted that the health budget was not sustainable overall and, in particular, in respect of the fair deal scheme. We are having this debate because the Government prioritised and decided that funding should be diverted elsewhere. This is about choices. The choice the Government made is to try to buy cohorts of the electorate through tax reductions and other means of garnering support.

We know what the Government parties are at. They have focus groups and they know the

areas they want to target in the context of the people they claim to represent. However, in the crossfire, older people suffer day in, day out as they wait inordinate periods to access a nursing home bed, which is disgraceful.

9 o'clock

Four years ago in 2010, the Taoiseach shouted to the 30,000 people protesting on Molesworth Street about the then Government's removal of the universal right to a medical card for the over 70s, "Shame on them; shame on them; shame on them", referring in that regard to the Government of the day. He was passionate. The then leader of the Labour Party, Deputy Gilmore, was equally passionate. I almost believed them myself.

Deputy Kathleen Lynch: The Deputy was always easily led.

Deputy Billy Kelleher: I now know, however, because of what is happening here in the context of the funding the Government is putting in place for the provision of care for older people, that they were only weasel words. Not only has the Government reduced the level of funding for the nursing home support scheme, it has reduced the threshold for a medical card in respect of a couple from €1,400 to €900. This is having a huge impact on people. People are contacting our offices daily about the fact that they now have to pay €144 per month for drugs.

Deputy Eric Byrne: Did the Deputy remind them why that is the case?

Deputy Billy Kelleher: They are living on €900 gross a week. The policies being pursued by this Government, which Deputy Eric Byrne supports regularly, are undermining the fabric of society.

Deputy Eric Byrne: I am very happy to do so in order that we can rescue this country.

Deputy Billy Kelleher: The Deputy certainly is.

Deputy Eric Byrne: Fianna Fáil left this country in ruins.

Deputy Billy Kelleher: Everybody in this House will agree that a nation is judged on the basis of how it supports children and older people. In this context, the Government has been mean-spirited. It has insulted in a gratuitous manner older people who have given lifelong service to this country and who in their hour of need want the support of this State in the context of their being able to access a nursing home bed. This Government has also told them that they must wait 15 weeks when most in need and that they will be billed in the meantime while their applications are being processed. That is wrong.

We are asking that in the context of the HSE service plan due to be published next week the Government would provide adequate funding in 2015 for the fair deal scheme. We will provide Government with every support in ensuring that money is extracted from the Minister for Public Expenditure and Reform, Deputy Howlin, and the Minister for Finance, Deputy Noonan, thus ensuring older people can access their entitlement with dignity and in a speedy fashion.

I commend the motion to the House.

Amendment put:

The Dáil divided: Tá, 67; Níl, 46.

<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Broughan, Thomas P.</i>
<i>Barry, Tom.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Niall.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>
<i>Cannon, Ciarán.</i>	<i>Coppinger, Ruth.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Connaughton, Paul J.</i>	<i>Dooley, Timmy.</i>
<i>Conway, Ciara.</i>	<i>Ellis, Dessie.</i>
<i>Coonan, Noel.</i>	<i>Ferris, Martin.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Fitzmaurice, Michael.</i>
<i>Costello, Joe.</i>	<i>Fleming, Sean.</i>
<i>Creed, Michael.</i>	<i>Fleming, Tom.</i>
<i>Daly, Jim.</i>	<i>Halligan, John.</i>
<i>Deasy, John.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Healy-Rae, Michael.</i>
<i>Doherty, Regina.</i>	<i>Higgins, Joe.</i>
<i>Dowds, Robert.</i>	<i>Keaveney, Colm.</i>
<i>Durkan, Bernard J.</i>	<i>Kelleher, Billy.</i>
<i>Farrell, Alan.</i>	<i>Kirk, Seamus.</i>
<i>Fitzgerald, Frances.</i>	<i>Kitt, Michael P.</i>
<i>Fitzpatrick, Peter.</i>	<i>Lowry, Michael.</i>
<i>Griffin, Brendan.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Hannigan, Dominic.</i>	<i>McConalogue, Charlie.</i>
<i>Harrington, Noel.</i>	<i>McDonald, Mary Lou.</i>
<i>Heydon, Martin.</i>	<i>McGrath, Finian.</i>
<i>Humphreys, Kevin.</i>	<i>McGrath, Mattie.</i>
<i>Keating, Derek.</i>	<i>McGrath, Michael.</i>
<i>Kehoe, Paul.</i>	<i>McGuinness, John.</i>
<i>Kenny, Seán.</i>	<i>McLellan, Sandra.</i>
<i>Kyne, Seán.</i>	<i>Martin, Micheál.</i>
<i>Lawlor, Anthony.</i>	<i>Moynihan, Michael.</i>
<i>Lynch, Ciarán.</i>	<i>Murphy, Catherine.</i>
<i>Lynch, Kathleen.</i>	<i>Murphy, Paul.</i>
<i>Lyons, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>McCarthy, Michael.</i>	<i>Ó Fearghail, Seán.</i>
<i>McEntee, Helen.</i>	<i>O'Brien, Jonathan.</i>
<i>McFadden, Gabrielle.</i>	<i>O'Sullivan, Maureen.</i>
<i>McNamara, Michael.</i>	<i>Pringle, Thomas.</i>
<i>Maloney, Eamonn.</i>	<i>Ross, Shane.</i>

Dáil Éireann

<i>Mitchell O'Connor, Mary.</i>	<i>Smith, Brendan.</i>
<i>Mulherin, Michelle.</i>	<i>Stanley, Brian.</i>
<i>Murphy, Dara.</i>	<i>Troy, Robert.</i>
<i>Nash, Gerald.</i>	<i>Wallace, Mick.</i>
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Perry, John.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Varadkar, Leo.</i>	
<i>Walsh, Brian.</i>	

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

Amendment declared.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 67; Níl, 46.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Broughan, Thomas P.</i>
<i>Barry, Tom.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Niall.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>

<i>Cannon, Ciarán.</i>	<i>Coppinger, Ruth.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Connaughton, Paul J.</i>	<i>Dooley, Timmy.</i>
<i>Conway, Ciara.</i>	<i>Ellis, Dessie.</i>
<i>Coonan, Noel.</i>	<i>Ferris, Martin.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Fitzmaurice, Michael.</i>
<i>Costello, Joe.</i>	<i>Fleming, Sean.</i>
<i>Creed, Michael.</i>	<i>Fleming, Tom.</i>
<i>Daly, Jim.</i>	<i>Halligan, John.</i>
<i>Deasy, John.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Healy-Rae, Michael.</i>
<i>Doherty, Regina.</i>	<i>Higgins, Joe.</i>
<i>Dowds, Robert.</i>	<i>Keaveney, Colm.</i>
<i>Durkan, Bernard J.</i>	<i>Kelleher, Billy.</i>
<i>Farrell, Alan.</i>	<i>Kirk, Seamus.</i>
<i>Fitzgerald, Frances.</i>	<i>Kitt, Michael P.</i>
<i>Fitzpatrick, Peter.</i>	<i>Lowry, Michael.</i>
<i>Griffin, Brendan.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Hannigan, Dominic.</i>	<i>McConalogue, Charlie.</i>
<i>Harrington, Noel.</i>	<i>McDonald, Mary Lou.</i>
<i>Heydon, Martin.</i>	<i>McGrath, Finian.</i>
<i>Humphreys, Kevin.</i>	<i>McGrath, Mattie.</i>
<i>Keating, Derek.</i>	<i>McGrath, Michael.</i>
<i>Kehoe, Paul.</i>	<i>McGuinness, John.</i>
<i>Kenny, Seán.</i>	<i>McLellan, Sandra.</i>
<i>Kyne, Seán.</i>	<i>Martin, Micheál.</i>
<i>Lawlor, Anthony.</i>	<i>Moynihan, Michael.</i>
<i>Lynch, Ciarán.</i>	<i>Murphy, Catherine.</i>
<i>Lynch, Kathleen.</i>	<i>Murphy, Paul.</i>
<i>Lyons, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>McCarthy, Michael.</i>	<i>Ó Fearghail, Seán.</i>
<i>McEntee, Helen.</i>	<i>O'Brien, Jonathan.</i>
<i>McFadden, Gabrielle.</i>	<i>O'Sullivan, Maureen.</i>
<i>McNamara, Michael.</i>	<i>Pringle, Thomas.</i>
<i>Maloney, Eamonn.</i>	<i>Ross, Shane.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Smith, Brendan.</i>
<i>Mulherin, Michelle.</i>	<i>Stanley, Brian.</i>
<i>Murphy, Dara.</i>	<i>Troy, Robert.</i>
<i>Nash, Gerald.</i>	<i>Wallace, Mick.</i>
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	

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<i>Noonan, Michael.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Perry, John.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Varadkar, Leo.</i>	
<i>Walsh, Brian.</i>	

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

Question declared.

The Dáil adjourned at 9.25 p.m. until 9.30 a.m. on Thursday, 13 November 2014.