



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 16 Nollaig 2014

Tuesday, 16 December 2014

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Government Expenditure

85. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the role of his Department in respect of the overall Book of Estimates for 2014, in view of the largest ever set of expenditure overruns across nine Departments; and if he will make a statement on the matter. [48015/14]

Deputy Sean Fleming: I wish to ask the Minister for Public Expenditure and Reform about his role and that of his Department in respect of the overall Book of Estimates for 2014, in view of the largest ever set of expenditure overruns across nine Departments.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Twelve months ago, Ireland successfully exited the EU-IMF programme of financial support. This was achieved after five years of significant expenditure reductions and restraint across all areas of Government.

The expenditure allocations published in the 2014 Revised Estimates Volume required the delivery of an expenditure reduction of €1.6 billion in order to achieve the budget 2014 deficit target of 4.8% of GDP. This target was well within the 5.1% of GDP deficit ceiling under the excessive deficit procedure.

Over the course of 2014, there has been a significant improvement in the economic and fiscal outlook. Economic growth and revenues from tax and PRSI are well ahead of the budget

2014 forecasts, with the deficit for the year now forecast to be well below the 4.8% target. It is in this context, with tax receipts €1.1 billion ahead of forecast, that decisions regarding Supplementary Estimates have been taken.

As signalled earlier in the year, some Supplementary Estimates were required to fund a further round of stimulus investment from the proceeds of the disposal of State assets and also to make additional funding available for infrastructure repair and restoration works associated with winter storms. It has now also been possible to make further funding available for essential public transport capital investment. In total, the Supplementary Estimates have delivered €200 million in additional funds to support essential capital expenditure.

The Supplementary Estimate now being provided to health will ensure effective provision of this key service and allow the health sector to deal with some one-off costs without any impact on services to the public. Some Supplementary Estimates are timing-related, with a shortfall of almost €0.2 billion in appropriations-in-aid now forecast to be received in 2015 rather than 2014. Given that the improved economic and fiscal background achieved by the Government provided fiscal space to meet additional expenditure, it was important when considering Supplementary Estimates that essential services be protected to the greatest extent possible in the light of the difficult but necessary expenditure reductions we have implemented for a number of years.

Deputy Sean Fleming: In his Budget Statement of 15 October 2013 the Minister stated:

The two Government parties agreed a strategy for this budget and the Estimates. It involves reducing the tax and spending consolidation from the published €3.1 billion to €2.5 billion, targeting a general Government deficit of 4.8% for 2014 and in the process, achieving a primary balance.

The Minister did this on the basis of a flawed Book of Estimates from which he read on that same date. He knew that they were false when he referred to them. The country also knew that they were false. Within 24 hours, the then Minister for Health and the chief executive of the HSE, Mr. Tony O'Brien, had disowned the budget because they felt it could not be achieved. The Minister, Deputy Brendan Howlin, forecast that medical cards probity cuts would offer savings of €113 million, but everyone knew the Estimates were wrong. The proof lies in the fact that we are now providing for the largest Supplementary Estimate in the history of the State to correct a budget that was flawed from the outset. The figure is now €1.2 billion, of which €680 million pertains to the Department of Health.

An Leas-Cheann Comhairle: A question, please.

Deputy Sean Fleming: Had the Minister factored that figure of €1.2 billion into his budgetary estimates last year, he would have exceeded the deficit ceiling of 5.1%. He knowingly came to the House to present a figure that was under the target of 4.8% in the hope the Department of Finance would bail him out with extra tax revenue. Did he do this deliberately?

Deputy Brendan Howlin: As the Leas-Cheann Comhairle knows, that is not a question. The Deputy made a series of false charges which were argumentative and which are not normally allowed at Question Time. When the Government took office, the deficit in 2010 left by the shambles of the previous Administration, of which the Deputy was a prominent member, was a Zimbabwe-like 30% of GDP, which was unprecedented in our entire economic history. The deficit after four years of the Government and prudent management of expenditure by my De-

partment will be 2.7% next year. We have already exited the EU support base that we required during those difficult years. The simple yardstick is whether we have achieved the 4.8% deficit target set for this year through the expenditure ceilings and controls that I implemented. The answer is that not only have we achieved the 4.8% target, but we have greatly exceeded it, to such an extent that I was in a position to give additional support in areas that the Deputy's party every Wednesday demands be given extra funding. There is, of course, a disconnect between Fianna Fáil during Private Members' time and the new Fianna Fáil presented by the Deputy.

Deputy Sean Fleming: The Minister has skirted around the fact that the 2014 Supplementary Estimate of €1.2 billion is the single biggest Supplementary Estimate in the history of the State. It was nearly matched by the Supplementary Estimate of €1.1 billion in 2012. The two biggest Supplementary Estimates since the foundation of the State have been presented since the Department of Public and Expenditure and Reform was established. The Minister and his Department have done damage to the Estimates process. In the past four years they have failed to perform their basic function of presenting a proper book of Estimates and to live within them. The Minister has rightly acknowledged that the Department of Finance bailed him out. In hindsight, given his record and that of his Department, it might have been a mistake to split the Department of Finance in two. When that Department was responsible for expenditure, as well as taxation, we never had such a gross level of wrong Estimates presented on budget day.

Deputy Brendan Howlin: The last time an integrated Department presided over the Deputy's party, there was a deficit of 30% of GDP. It was so crippling that we could not borrow a bob anywhere and had to call in the IMF. That is the record the Deputy is now applauding. It is a joke. In truth, the Deputy knows well that the €1.2 billion is due to timing factors in many cases. I will offer some details. A sum of €177 million arises from delayed EU receipts from the Department of Agriculture, Food and the Marine, which will be received next year. In the Department of Education and Skills, €77 million relates to an accounting alteration required by the Comptroller and Auditor General of money that was accounted for in 2013 but will now be accounted for this year, so it will reduce the expenditure in 2013. I can go through each of the Departments, but the Deputy knows all of this. The only substantial additional moneys was a decision to allocate €510 million in cash to the Department of Health due to the additional work it has undertaken this year. The Deputy would have something to say if we were to close hospitals rather than provide the money for essential health services.

Fiscal Compact Treaty

86. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the implications for public spending of the expenditure benchmark that will apply as of 2016, as introduced by the six-pack European Semester provision, and incorporated into the fiscal stability treaty in 2012. [47949/14]

Deputy Mary Lou McDonald: My question relates to the expenditure benchmark that will apply from 2016, as introduced by the six-pack European semester provision. Will the Minister explain in layman's or laywoman's terms what he understands the implication of that benchmark to be for government spending beyond 2016? Does he accept that the restrictions it will impose will render it impossible to spend sufficiently to ensure the delivery of full quality services? Does he anticipate that compliance with this benchmark will mean further cuts in future?

Deputy Brendan Howlin: The key fiscal objective in budget 2015 is a general government deficit of 2.7% of GDP. Achieving this target will see Ireland exit the excessive deficit procedure. Thereafter fiscal policy will become subject to the preventative arm of the Stability and Growth Pact, SGP.

Each country has a medium-term budgetary objective, MTO, for its fiscal policy. For Ireland, the MTO is to achieve a budget balance in structural terms. Under the preventative arm of the SGP, a member state which has not yet reached its MTO is required to make sufficient progress towards its achievement every year. The expenditure benchmark is a complementary measure, designed to assist fiscal adjustment towards the MTO and to ensure that expenditure grows at sustainable levels thereafter. The arrangements will require that the growth in the level of spending is kept in line with the level of growth in the economy, while also ensuring that we progress towards our medium-term objective of achieving a balanced budget.

The constraints imposed by the SGP will require the continued prioritisation of expenditure to ensure that essential public services are effectively delivered. Choices will need to be made to ensure that funding continues to be directed to deliver education to our young people, provide essential social supports and health services and address emerging priorities such as meeting social housing needs. Protecting expenditure in these areas has been a key priority for the Government while implementing its structural consolidation. Sustainable growth in expenditure also requires that there is a continued focus on public service reform to increase productivity, deliver efficiencies and improve outcomes for service users.

Deputy Mary Lou McDonald: The Minister's response echoes a response that my colleague, Deputy Pearse Doherty, received from the Minister's twin Minister, Deputy Noonan, in which he stated that decisions on allocations from 2016 onwards must not only have due regard for the level of expenditure required to ensure effective delivery of key public services but also the fiscal parameters set out under the preventative arm of the Stability and Growth Pact. This is where the problem arises. The Minister has billed this chapter of the Government's term as the point at which we move beyond austerity and begin to see a social dividend and, presumably, an economic dividend. However, that has not come to pass. My concern is that the expenditure benchmark is pitched at a structural deficit level of 0.5%. The Minister will recall that in the course of a referendum campaign we had a hot and heavy debate as to whether that was a good idea for this State. We took the view that it was not. Can the Minister tell us his understanding of the stringency of the requirement for a structural deficit of 0.5% of GDP? Is he seriously saying he does not believe it will have an impact and necessitate further cutbacks?

Deputy Brendan Howlin: I understand the very important question the Deputy is asking. The calculation of the expenditure benchmark is subject to a number of key inputs including the GDP deflator and potential growth. The Department of Finance is engaging with the Commission to calculate a reasonable benchmark for Ireland. In the answer to the parliamentary question to which the Deputy referred, the Minister for Finance, Deputy Noonan, gave an indicative figure, but the figure is not fixed because the modality is still being debated, discussed and ironed out with Brussels. Personally, I take the view that a one-size-fits-all scenario is unsuitable because our growth capacity is much greater than that of the rest of the EU. The Department of Finance is working on these matters. This time last year, we expected to be required to make additional adjustments of €2 billion for the budget in 2015. The changed circumstances allowed us not to make those adjustments but to expend an additional €1 billion. That was a change of €3 billion over a year. I expect that ongoing negotiations will give a degree of flexibility in expenditure to meet the demands we have set as well as preserving prudence.

Deputy Mary Lou McDonald: Clearly, prudence is a desirable virtue when dealing with public expenditure. I agree with the Minister that the trick is to invest sufficiently and to kick-start growth so that we move from a vicious cycle of austerity to a virtuous cycle of investment and return, socially and for the Exchequer in terms of tax returns. The Minister said a conversation was ongoing between the Department of Finance and the European Commission. What is the Minister's understanding of the expenditure benchmark? Does he regard it as a binding rule or a general guideline? I could not agree more that a one-size-fits-all approach would be bad news for Ireland. I suggest that the Minister take the latter interpretation that this is a guideline rather than a binding imposition on the State. Is this the Minister's view?

Deputy Brendan Howlin: The Stability and Growth Pact is binding on us, as it is on every eurozone country, and is designed to ensure fiscal policies are sustainable into the future and prevent economic collapse due to our being profligate at any time in our electoral or economic cycle. The estimates provided in the answer to the parliamentary question are technical and will change and evolve as potential growth rates and GDP become clearer. The negotiation will have to be agreed with the Commission, and the work is ongoing. I agree with the Deputy that we need an economic and social dividend to allay the hardships the Irish people have endured over recent years. Now that we have built economic sustainability, we need the product of it to manifest itself in people's lives. While it will be slow and steady, it will be clear. I have always believed in stimulating the economy, and this is why, two years ago, I introduced a €2.25 billion stimulus programme. Early in the new year, I will bring the new five-year multi-annual capital plan before the Dáil, which will be part of the stimulus that will do the very thing the Deputy has indicated should be done.

Public Sector Pensions

87. **Deputy Seamus Healy** asked the Minister for Public Expenditure and Reform as pay and pensions in payment are now being processed separately in the public service, if he will introduce legislation to give the Alliance of Retired Public Servants a statutory right to an audience with the Government and pension authorities; and if he will make a statement on the matter. [48118/14]

Deputy Seamus Healy: The effect of my question is to ask the Minister if he will agree to introduce legislation to provide for a legal right for public service pensioners to an audience with the Government and pension authorities and access to the Labour Court and the Labour Relations Commission on a statutory basis rather than on a concession basis.

Deputy Brendan Howlin: Again, I thank Deputy Healy for the question. The question of legislation to give rights to pensioners or representatives of pensioners to engage in industrial relations matters or to appear before the State's industrial tribunals is a matter within the remit of my colleague, the Minister for Jobs, Enterprise and Innovation, not mine. It of course is not necessary for any group to have legislation passed or to have legislation passed on behalf of its representatives to seek to engage with any Minister of the Government. I am happy that the Alliance of Retired Public Servants has formed a group to give voice to the major concerns of public service pensioners. When I first met pensioners in May 2013, I indicated to them my support for the formation of such a grouping. I also stated my intention as a matter of priority to move towards reducing the burden of public service pension reductions, with the initial focus on the people in receipt of low pensions, at the earliest date that economic progress permitted.

Following the formal establishment of the Alliance of Retired Public Servants as an alliance open to all public service pension organisations earlier this year, I instructed my officials to make contact with the alliance and to engage with its representatives on the specific matters that concern them. Moreover, I have myself met the alliance's representatives to discuss their particular concerns about the impact of the measures introduced over the last few years, especially on the incomes of public sector pensioners. I therefore am fully aware of the concerns which have been raised regarding the ongoing imposition of public service pension reductions on the pensions of many retired public servants. I am required to review the financial emergency measures in the public interest, FEMPI, legislation annually, having regard to the purposes of the legislation. In my most recent report laid before the Houses of the Oireachtas in June 2014, I concluded that the continuation of the public service pension reduction, PSPR, remained necessary. However, it is important that I, as Minister for Public Expenditure and Reform, give consideration as to how, over the medium term, pay and pensions policy currently underpinned by that FEMPI legislation will be unwound. Any proposals to amend the FEMPI Acts, including any changes to the public service pension reduction, will of course require primary legislation to be brought before the House.

An Leas-Cheann Comhairle: I thank the Minister and will come back to him. I call Deputy Healy.

Deputy Seamus Healy: The Alliance of Retired Public Servants was established informally in 2013 and formally this year. It represents approximately 75,000 retired public servants right across the Civil Service, local authorities, health employees etc. I accept fully and welcome that the Minister has met the alliance. However, he has done so on a concessionary basis and I ask him to introduce legislation that will give the alliance a legal or a statutory right to representation. That is a reasonable request from the pensioners. Briefly, the position concerning pensioners is that pensions are in fact property rights and quite a substantial number of pensioners, approximately 1,500, die each year. I request that the Minister restore the cuts in pensions and that he legislate to ensure any outstanding moneys to pensioners who have died will be paid into their estates.

Deputy Brendan Howlin: Again, the actual introduction of legislation that would give any group statutory rights of representation before the State's industrial tribunals or in industrial relations matters is a matter for the Minister for Jobs, Enterprise and Innovation and consequently, I have no function in that regard. However, as I stated, I am happy to meet the retired pensioners' association whenever issues arise regarding matters that might have an impact on their income. On the other point made by the Deputy in respect of property rights, it is something I have repeated often in this Chamber when people call on me to abate arbitrarily pensions and I believe the Government has done this as far as it safely can go constitutionally. I will seek to restore those as the FEMPI provisions are unwound in an orderly way that is sustainable for the economy of the State.

Deputy Seamus Healy: On the legislation, will the Minister use his influence at Cabinet, at the Economic Management Council and with his colleague to further the question of legislating for this group of pensioners?

Deputy Brendan Howlin: I will happily raise this point and will indicate Deputy Healy's concern on this issue with my colleague, the Minister for Jobs, Enterprise and Innovation.

Dáil Éireann
Shared Services

88. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will provide a list of shared services projects commenced across the Civil Service since 2011; the costs associated with these projects for each year; when these projects will generate an overall net saving; and if he will make a statement on the matter. [48016/14]

Deputy Sean Fleming: In this question I ask the Minister for Public Expenditure and Reform if he will provide a list of the shared service projects commenced across the Civil Service since 2011, the costs associated with these projects for each year and when the projects will generate an overall net saving.

Deputy Brendan Howlin: Shared services are a key element of the public service reform plan and a core priority for my Department. The national shared service office within the Department is leading the shared service strategy and the implementation of shared service projects within the overall reform and renewal context. The new office is directly responsible for overseeing shared service projects within the Civil Service. As part of its wider leadership role, it provides expert guidance and support for other public service sectors in progressing their shared service commitments.

My colleagues, the Minister for Health, the Minister for Education and Skills and the Minister for the Environment, Community and Local Government, will respond separately on the implementation of their individual shared service plans. Each Minister is working on this agenda.

We are advancing three key shared service projects within the Civil Service, which is my area of operation. The first is PeoplePoint, a HR and pensions administration shared service which was established in March 2013. It already services more than 26,000 employees across 21 public service bodies. We also have payroll shared service and the Deputy will be interested to know that I am going to Tullamore tomorrow to launch this shared service centre, with some 20,000 payees already on board. The third is financial management shared services, a major project which is still at a relatively early stage but which is being carefully managed to ensure the resilience of the detailed business case.

I am circulating a table which sets out the cost of each project since establishment in 2011. The total spent on Civil Service shared service projects in 2011 was €5,000; in 2012 it was €5.4 million, while in 2013 it was €10.4 million. Total expenditure on these projects to date is expected to be €7.769 million by year end.

In examining these costs, it is important to understand shared services are not a short-term efficiency measure. Both public and private sector best practice indicates that benefits are generally realised over a three to five year period.

Project	2011	2012	2013	2014*
PeoplePoint	€5,000	€5,340,553	€6,577,406	€3,141,830
Payroll Shared Services	Nil	€67,650	€3,559,408	€2,953,569
Financial Management	Nil	Nil	€262,461	€1,674,000
Total	€5,000	€5,408,203	€10,399,275	€7,769,399

*Figures based on provisional outturn for 2014

Deputy Sean Fleming: I understand the table will be circulated with the reply when we receive it by e-mail in the afternoon. Members on this side of the House have agreed with the principle and always known that there is a set-up cost. New offices and staff must be provided at new locations, while new software development systems must be put in place. Of course, it will take a few years and I am happy that the Minister has given some indication of the cost involved. My main concern is that he have a good handle on PeoplePoint and the shared services payroll. He said the financial management service was progressing separately. I am more concerned about other Departments mentioned where there is cross-departmental redeployment required to make the projects a success. This is a sticking point and the Minister proved it by saying other Ministers would answer separately. That confirms my worry - that each Department is operating in a silo - and I would prefer if the Minister answered for all Departments about shared services across the public service. It is something the Department could usefully do, rather than let each Department report separately.

Deputy Brendan Howlin: That is something I will bear in mind. We have a Cabinet sub-committee under the chairmanship of the Taoiseach and each Minister with responsibility for a shared service reports to it. Post-2016, when shared service centres are fully operational, it is projected that PeoplePoint will deliver savings in the region of €12.5 million annually, with payroll shared services delivering savings in the region of €5.6 million annually thereafter. Each Minister is responsible for shared services in the health, education or local government sector but reports to the Cabinet sub-committee on public sector reform. I will give some consideration to centralising a reporting system in order that people will be able to look at it in the round.

Deputy Sean Fleming: Will the Minister send on the full list of shared services projects in the public service? Some of these are in their initial stages, others partly up and running. I know some of these will take time. My local authority area, Laois County Council, is in charge of the shared services project for local authority payrolls. It brings on three other local authorities each quarter, so it will take two years at least to get all of them online.

Deputy Brendan Howlin: That is happening with all shared services.

Deputy Sean Fleming: There is a build-up. We are all agreed it could not have been rushed on day one.

On 23 October, I put down a parliamentary question on the number of staff redeployed within local government shared services over the past three years. The reply from the Minister for the Environment, Community and Local Government stated his Department does not collate the redeployment data as requested. How can the Minister for the Environment, Community and Local Government know what is going on when he does not even collect the data? How can the Minister for Public Expenditure and Reform and the Cabinet sub-committee know what is going on if the data is not collected? The Minister stated information is not collected up to grade 7 but grade 8 is done across the Public Appointments Service. There is a massive gap in the information on who wants to move in Departments and even in sections. A local manager can veto staff going to shared services and this causes problems which need to be addressed.

Deputy Brendan Howlin: There have been issues with mobility. As we have not been recruiting to the Civil Service, there is a reluctance to cede staff, particularly skilled staff, to

projects like this. If there is to be a common shared services centre in human resources management, all the human resources experts in a Department might migrate out of it and managers might not want to lose them. It will improve once recruitment improves as well. I will give some further consideration to having a comprehensive overview of the progress of shared services because they are an important feature of the reform programme.

Corruption Perception Index

89. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform his views on the statement of caution by Transparency International Ireland that, despite the recent improvement in the State's ranking in the 2014 corruption perception index published on 3 December 2014, there are still significant corruption risks to be addressed, including in public procurement. [47950/14]

Deputy Mary Lou McDonald: Question No. 89 refers to the country's recent improvement in the corruption perception index score of 74 out of 100, tied for 17th place with the United States of America, Barbados and Hong Kong. Those putting together this data sounded a particular note of caution and warned against complacency, identifying in particular the area of public procurement as one that was rich with opportunity for corruption and malpractice. I raised this theme with the Minister in previous questions on the new EU rules on procurement that are to be introduced. What plans has the Minister to safeguard the area of public procurement? Does he accept there is the potential for corruption in this area? What does he propose to do about it?

(Deputy Brendan Howlin): While I welcome the findings of the recently published Transparency International's index for 2014 which shows an improvement in Ireland's score for the second year in a row, there is an active debate among commentators on the robustness of such measures which indicates the results should always be treated with some degree of caution.

My priority in implementing a suite of reforms under the programme for Government to enhance openness, transparency and accountability has been to take concrete measures to reduce corruption risk permanently. In this context, a wide range of measures to facilitate more open, transparent, accountable and ethical public governance arrangements have been introduced. These include legislation for lobbying, whistleblowing, freedom of information, open government and Civil Service accountability. These comprise important elements of the broader policy framework necessary to ensure the ethical performance of public functions.

On account of important reforms previously put in place, employees in the public sector are required to adhere to ethical standards under the ethics Acts. As an essential part of the overall reform programme, my Department is finalising a review of the current legislative framework for ethics in public office, taking account of international best practice. In this regard, it is completing a detailed draft general scheme of a Bill designed to have a consolidated, modernised, simplified and streamlined set of arrangements, including a strengthening of the current investigations and sanctions regime. I expect to submit proposals in this regard to the Government early in the new year. Subject to Government approval, I intend to publish, alongside the draft scheme, a policy paper on the legislative proposals to inform and encourage public debate and to act as a basis for further public consultation on the proposed Bill. I look forward to hearing the views of Opposition Members and all Members of this House on these proposals.

In order to address concerns relating to procurement corruption risks, Directive 2004/18/EC requires contracting authorities to exclude from the tender process any tenderers who have been convicted of various types and categories of offence, including corruption, fraud, money-laundering and participation in a criminal organisation.

Deputy Mary Lou McDonald: I accept that the data to which we refer is difficult to collect because corruption is illicit and illegal and, thus, does not facilitate data collection. I also accept the Minister's points on ethics legislation, but I want to focus on the public procurement process. The new rules define conflicts of interest in a way that requires member states to prevent, detect and redress such conflicts. Detection measures include the development of red flag indicators and the rules refer to remedial measures also. Grounds for exclusion from procurement have been strengthened to include companies that have unduly influenced the decision making process. All of these elements are new and welcome. Some €8.5 billion is spent through the public procurement process, so I would like to know the specific changes that will be introduced.

Deputy Brendan Howlin: Does the Deputy's figure refer to the public procurement process excluding the construction sector?

Deputy Mary Lou McDonald: Specifically, what will be added to the regime in this State to stamp out corruption?

Deputy Brendan Howlin: The provisions I have outlined and the requirement for high standards are reflected in the model tender and contract documents for the procurement of goods and general services, as well as in instructions to tenderers and conditions of contract, where the standard forms of contract are used. These documents require that any conflict of interest or potential conflict of interest on the part of a tenderer, individual employee, agent or subcontractor of a tenderer be fully disclosed to the contracting authority as soon as it becomes apparent. Withholding information may result in elimination from a competition or termination of a contract, but this may also occur due to information disclosed. The provisions also prohibit gifts, consideration or commission of any kind as an inducement or reward relating to the award or performance of any public contract.

A public consultation process on the provisions of this directive, which, among other things, provides for additional grounds for exclusion from tender processes, has recently been concluded. The Office of Government Procurement will take full account of the responses received, though I am not sure whether the Deputy took the opportunity to make a submission. In consultation with the Attorney General, it will consider all proposals submitted and the necessity for any further measures by contracting authorities to prevent any form of corruption in procurement in Ireland.

Deputy Mary Lou McDonald: I am sure the Minister agrees when I say it is of the utmost importance that the public has full confidence in the public procurement process. People must know that contracts are awarded on the basis of merit, efficiency, cost and other social considerations, but this is not the case at the moment.

Transparency International is a very credible organisation that has raised real concerns on public procurement. Notwithstanding issues on data collection, the Minister will be aware that, to use a contemporary example, there has been considerable public disquiet about the awarding of the contract to install water meters throughout the State. The perception is that there was a

conflict of interest around this issue relating to the big beasts of the Irish commercial field but seeping into politics. It is important that we get this right. I know that consultations have now finished but I want to know that the Minister is minded to include the most robust measures possible to give effect to the directive.

Deputy Brendan Howlin: I believe the establishment within my Department of the Office of Government Procurement represents a sea change in taking away procurement from a range of organisations throughout the State and into one centralised body that has standard rules of operation. This will be not only cost-effective but far more transparent in operation. The enactment of the new EU directive will further strengthen this development. It was right to have a period of public consultation about its implementation. I assure the Deputy and the House that I will be rigorous in ensuring that we have a procurement system in this State that is transparent, open and free of corruption.

Other Questions

An Leas-Cheann Comhairle: Deputy Mick Wallace is not present for his question.

Question No. 90 replied to with Written Answers.

Office of the Ombudsman Status

91. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform to set out his views on a proposal to constitutionalise the position of the Ombudsman made at a conference hosted by the Institute of Public Administration on 7 November 2014 which the Ombudsman attended and addressed. [47798/14]

Deputy Mary Lou McDonald: My question refers to the position of the Ombudsman. As the Minister is aware, the Ombudsman had cause to make public comment recently in respect of Áras Attracta and more generally in respect of investigations into complaints in the relevant sector. He highlighted what seems to have been a lack of information flow from HIQA and the HSE to his office, thus preventing legitimate investigations. The question is more generally posited and refers to the idea of constitutionalising the role of the Ombudsman, a suggestion that comes from that office.

Deputy Brendan Howlin: The Ombudsman has submitted to me a range of proposals for reforms to his office and how it operates. I have asked my Department to examine these matters and report to me after further consultation with the Ombudsman.

I listened with interest to the Ombudsman's speech at the IPA conference to celebrate the establishment of the Office of the Ombudsman 30 years ago, in which he set out the basis for some of these proposals, including the constitutional issue referred to in the Deputy's question.

The Deputy will note that under the Ombudsman (Amendment) Act 2012, which we piloted through the Houses in recent times, there was a significant expansion of the powers and remit of the Ombudsman. This represented the most substantial extension in over three decades in the powers of the Ombudsman and his remit, which will significantly enhance the accountability of public bodies to citizens.

As part of the review of the proposals, it will be important to examine the impact and effectiveness of the reforms to date and the progress made by the Office of the Ombudsman in implementing the new powers and fulfilling the expanded mandate given to him by the Oireachtas.

As the Deputy will be aware, the Government has already implemented a substantial programme of constitutional reform. Six referendums have been held since the Government took office. Five of these referendums arose directly from commitments in the programme for Government. The programme for Government has also committed to the establishment of the Constitutional Convention to examine a range of constitutional issues. In response to recommendations in the first three reports of the convention, we have announced that we will bring forward proposals for referendums on marriage equality, reducing the voting age to 16 years and reducing the eligibility age for candidates for President to 21 years. The Government announced that it would also bring forward proposals for a referendum on the removal from the Constitution of the offence of blasphemy. In July 2014, the Government agreed to hold a referendum on the ratification of the international agreement on a unified patent court and approved the drafting of the constitutional amendment Bill for the referendum.

A range of constitutional issues are at play and we should debate, perhaps in the House, how these can be sequenced in order that we can set priorities for what should be done without overwhelming the people in any proposals to amend what is a very precious document to most citizens.

Deputy Mary Lou McDonald: I absolutely appreciate and agree with that. I note in the Minister's list of proposed amendments he did not mention the extension of the right to vote in the presidential election to citizens outside the jurisdiction.

Deputy Brendan Howlin: I do not have the full list yet.

Deputy Mary Lou McDonald: I am relieved to hear that it is on the list. I am not raising this with the Minister with an eye to asking him to fast-track it as the most important constitutional reform, but I believe it merits serious consideration, because the Office of the Ombudsman is essential from the citizens' point of view in terms of ensuring quality of service delivery, and, in some cases, periods of service delivery, as well as dealing with complaints and concerns as they arise.

The argument for making this a constitutional position is that it would serve to reinforce the independence of the office. It would offer further reassurance to members of the public that their complaints would be dealt with on their merits. That is a fair assertion. It is a very interesting proposal and one that should be considered more deeply.

Deputy Brendan Howlin: I do not have a closed mind on that at all. There has been significant appreciation and regard for the work of the Office of the Ombudsman over its 30-year remit. We have been very lucky with the people selected by various Administrations over the past 30 years to hold the office and who have built public confidence therein.

The raft of additional bodies under the remit of the Ombudsman, including third-level educational institutions, education and training boards, the National Roads Authority, the fisheries board, the Courts Service of Ireland and many others I have not time to mention, will give it a lot of additional work. I am not sure that simply giving the office constitutional underpinning would strengthen public confidence in it. It already enjoys robust public confidence. However, I do not have a closed mind in considering that for the future.

Deputy Mary Lou McDonald: The Minister would have heard the Ombudsman note in the same speech the fact that some companies — he instanced Irish Water — provide services that were once under his remit but no longer are. He cited all the networked services, including the post, electricity, gas, public transport and telecommunications services. He raised this as a really serious issue concerning public accountability. He also raised it, very fairly, as an issue concerning the assurance of quality of service, or the provision of a service at all for some sections of the population. He is arguing on the one hand for the underpinning of the position within the Constitution — we can debate whether that raises its status and whether it is desirable — and, on the other, for the expansion of the office's remit to encompass all those services that may be regarded as public services, even if provided by private providers.

Deputy Brendan Howlin: I have actually discussed this issue with the Ombudsman, because he has very good ideas on it and I would like to develop these. I do not want to overwhelm the Office of the Ombudsman, because there is a raft of new bodies that have now come within its remit.

I heard the Ombudsman on the radio last week signalling his office's openness to claims of maladministration in regard to the circumstances in Áras Antracta. That was very welcome. The net point the Deputy makes on services being provided by commercial semi-state bodies that were formerly provided entirely by State bodies is one in respect of which I have listened to the views of the Ombudsman. There is something to be developed in that regard in the future.

Ministerial Pensions

92. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform if he acknowledges the continuing public concern over ministerial pensions; his plans for further measures in this area; and if he will make a statement on the matter. [47834/14]

Deputy Richard Boyd Barrett: A question that arises time and again for me and, I suspect, quite a few Members of this House - in the context of the recent protests and, in a general sense, based on people's experience of austerity and their financial difficulties - concerns the running sore of ministerial pensions. People keep talking about this and are outraged and furious that some of the key Ministers and taoisigh involved in bankrupting this country have walked away with enormous severance payments and salaries. I would like the Minister to give some detail on this. While I know there have been some changes, I contend that even sitting Ministers and taoisigh will be entitled, after just two years of serving in this Government, to a pension. The Taoiseach will get €20,000, while a Minister or the Tánaiste will get €18,000 just after two years. The average civil servant, however, would have to work 40 years to get an equivalent amount. Ministers, on top of being entitled to pensions, get a Deputy's salary and so on. How does the Minister respond to the anger and outrage over that sort of injustice?

Deputy Brendan Howlin: One does not get a pension and a Deputy's salary at the same time. That was abolished.

The pensions of Oireachtas Members, including Ministers and other officeholders, have been subject to a range of measures in the past few years that have substantially reduced the benefits awarded by previous Governments to political officeholders and that have had significant downward effects on the pension entitlements of current officeholders. The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 introduced a new single public ser-

vice pension scheme for all new entrants, including new Oireachtas Members, from 2013. The scheme applies a new minimum pension age of 66 years, raised from 65 years, to new entrant public servants and is linked to increases in the age for the contributory State pension. Benefits under the new scheme are substantially revised, with pensions for all new entrant public servants, including Ministers and Oireachtas Members, to be based on career average earnings rather than the current final salary basis.

Successive Financial Emergency Measures in the Public Interest Acts have had an impact on the pay and pensions of officeholders. For example, the pay reductions have reduced the salaries on which pensions are calculated substantially. A progressive public service pension reduction, PSPR, was introduced from January 2011 on the pensions of those who retired before March 2012. From January 2012, a new higher PSPR rate of 20% was introduced for pensions of more than €100,000. Further PSPRs were introduced subsequently for pensions of €32,500 and above from July 2013. These will have an impact on all those retiring before the end of the current grace period. These measures were deemed necessary and appropriate to ensure that higher-paid pensioners, including officeholders, made a fair and proportionate additional contribution to fiscal consolidation.

Other measures introduced in recent years which have had an impact on pensions include the exclusion for pension purposes of long service increments, the bar on serving Oireachtas or European Parliament Members from receiving ministerial pensions and the application of aggregation of public service pensions in the calculation of a pension where the aggregated value of such pensions are in excess of €32,500 per annum.

We have reduced pay for current officeholders, including the Taoiseach, whose pay has been reduced by 41%, which has a knock-on effect on his pensions. With regard to previous officeholders, to whom the Deputy referred, I have gone as far as the legal advice available to me allows. The Deputy was not present when I debated this matter previously with Deputy Healy. A constitutional issue of preserved property rights arises and I am conscious of the need to avoid introducing any measure that would cause a collapse of the entire financial emergency measures in the public interest legislation, as to do so would be ruinous for the State.

Deputy Richard Boyd Barrett: I raise this issue because it angers many people. While I acknowledge that it is a complicated area and a number of changes have been made, it makes people's blood boil when they hear a report that 111 former Ministers were paid pensions worth €9,653,000 in 2012. Notwithstanding the Minister's response, I understand the Taoiseach can walk away with a pension of €20,000 after only two years in the role, and I presume the Taoiseach's pension increases in subsequent years. After two years, the pensions available to the Tánaiste and Ministers are approximately €18,000 and €15,000, respectively. The average public sector worker would have to work for 40 years to accumulate a pension of €20,000, whereas the Taoiseach receives that level of pension after only two years and, on reaching retirement age, he will also receive the pension provided to a Deputy and so forth. Having been hit with all the financial emergency measures, the universal social charge and pension levies, people ask the reason the Taoiseach and other Ministers can walk away from office after only two years with a pension of nearly 20 grand.

Deputy Brendan Howlin: All the levies the Deputy mentioned also fall on Members of the Oireachtas. We are not immune from any of these measures. Fast-accrual pensions apply to certain categories of person. Whereas a civil servant may be employed in the Civil Service for 40 years, a Taoiseach or garda will not be in his or her role for 40 years. Taoisigh and gardaí

have fast-accrual pensions because it is understood they will not be in the same position for a long period. Fast-accrual pensions are occupation-specific.

The Government has taken dramatic measures to reduce salaries. The first action taken by the Taoiseach on taking office was to impose a cap of €200,000 on his salary. This cap obviously has an impact on his pension, and his salary has been further reduced since. These reductions have filtered down to all officeholders.

There is public annoyance that people who were charged with oversight walked away from politics and public administration after the debacle of the crisis. People believe they did not take a proportionate hit for the crisis that had happened. That is a concern for them, but we can only go so far within the Constitution. We have introduced a pension abatement figure of 20% for those on the highest pensions, which is as far I was advised I could go legally.

Deputy Richard Boyd Barrett: I have studied the answer in detail. On the issue of constitutionality, there are two categories. There is a category of people, which includes former taoisigh and Ministers, who are associated with the bankruptcy of the country and who have walked away with large amounts of money. It infuriates people that they can be penalised for what they see as the crimes of others, while those who were at the helm walk away, effectively, scot-free. They would like the Government to re-examine what can be done and whether measures can be taken. They are outraged by this when they cannot make ends meet and have been hit with emergency measures, the imposition of water charges and all the rest. I sat through a committee meeting with the Minister at which we discussed fast accruals, firemen and gardaí. However, when we discuss Ministers, we find that the level of fast accrual is a multiple of what a fireman or garda receives. I understand that for a Deputy there is a fast accrual level of 20 years, but for a Minister it is two years, which is extraordinary and not comparable with the level for a fireman, a garda or a soldier. How can this be justified? They will also receive fairly generous pension entitlements as Deputies, having been remunerated very well as Ministers and so on. After two years they walk away with €18,000 or €20,000. Others say, “We will never get that; we might not get it as our entire pension entitlement at the end of our lives.”

Deputy Brendan Howlin: Obviously, people will not be Ministers for 20 years. I do not think it happened in the past, but it will not happen in the future. It is understood accrual would be swifter and that has been the way ever since pensions were introduced. As I indicated, we have worked to reduce the amounts considerably. I do not know whether it is the view of the Deputy that there should be no pensions for Ministers because if there was a 20 year horizon, there would be no benefit at all in being a Minister in terms of pension rights, if he wanted to equate it with a Deputy’s 20 year pension. We have imposed a significant reduction on anything which has gone before. It is a reasonable set of measures which is proportionate in terms of what is required. There are other public servants, people in academia and the Judiciary who have significant pensions - in some instances, fast accrual pensions - which are linked with and tailored to meet the specifics of their occupations.

An Leas-Cheann Comhairle: Deputy Micheál Martin is not present to take the next question.

Question No. 93 replied to with Written Answers.

Estimates Process

94. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform his views on the additional €1.1 billion in supplementary allocations sought from him by the various Departments for 2015. [47796/14]

Deputy Mary Lou McDonald: My question refers to the supplementary allocations sought by various Departments for 2015. A figure of some €1.2 billion has already been noted, the largest Supplementary Estimate in the history of the State. I appreciate that, since filing this question, time has been set aside tomorrow for a debate on the Appropriation Bill and that we will at least have some discussion in that format. We told the Minister how disappointed we were that these matters were to go through on the nod without debate and about the failure to bring forward, within the agreed timeframe, information for me and Deputy Sean Fleming. Is it fair to say a Supplementary Estimate of this scale is an explicit recognition by the Minister that the health, education and other sectors were underfunded by him?

Deputy Brendan Howlin: The Government published the Revised Estimates in December 2013, with the amount allocated being consistent, as I indicated, with the budget 2014 target of reducing the deficit to 4.8% of GDP.

3 o'clock

In the period since then, the fiscal and economic outlook has improved and strong growth has returned an initial 30,000 jobs. Receipts into State coffers are €1.1 billion ahead of what we profiled. As a result, we have been in a position to focus, for the first time in many years, on increasing the delivery of essential public service spending and to consider dealing with certain expenditure pressures through Supplementary Estimates. We are still going to meet all our fiscal targets in spades. The reduced 4.8% deficit for this year will be handsomely exceeded and we will have a deficit of well below 4% this year, reducing next year to 2.7%. Therefore, it is clear we should deploy some of the additional capacity we have to meet pressures. After years of tight budgeting, we should ease the pressure in some areas.

The Deputy is quite wrong on a number of the assertions she made and I have corrected them. The €1.2 billion additional Supplementary Estimate is not new money. Some of these things are a timing issue, as indicated. Some €177 million, for example, in the Department of Agriculture, Food and the Marine, arises because moneys expected from the European Union this year will not come until next year. We will get the money next year, but we must provide for it this year. A sum of €77 million from the Department of Education and Skills is an accounting sum, because the Comptroller and Auditor General asked for it to be accounted for in 2014 rather than 2013. Of course, that will reduce the expenditure in 2013.

The real and only additional money - because the rest has arisen largely from savings we have made across all other Votes - is in the health area, because I am conscious of the real pressures in that area. It is not that there was underfunding last year. For ten years we have had a Supplementary Estimate in the Department of Health and Children, because the provision of health services has become more complex and new drugs and services are coming on stream. There will always be that sort of pressure, not only in the Irish health service, but in every health service on the planet. I have discussed this with the OECD.

Deputy Mary Lou McDonald: I am glad the Minister has discussed this with the OECD.

No matter who the Minister discussed it with, he or she would not have to be an expert in economics or health management to tell him the effect underfunding has had within the health system. In my view, the allocation of these moneys to health are an explicit recognition that the figures the Minister delivered here in October fell well short and that he was well aware of that at the time.

I welcome the fact that additional moneys are going to the health service as they are badly needed.

Deputy Brendan Howlin: The Deputy cannot have it both ways. She cannot criticise it and -----

An Leas-Cheann Comhairle: Deputy McDonald to conclude.

Deputy Mary Lou McDonald: We talked earlier about the expenditure benchmark under the six-pack and European semester. How will Supplementary Estimates fall once this new regime is introduced, from 2016 onwards? What will be the effect of that expenditure break on any Supplementary Estimates?

Deputy Brendan Howlin: The Deputy is focusing on health expenditure and I have indicated to her that I took the opportunity to talk to the expert panel with the OECD on health expenditure generally within OECD countries. Health expenditure is a pressure point everywhere and there is no simple solution anywhere. It amounts to some degree of rationing, either through an insurance or public health model and will be a difficult nut to crack in the future. The notion that we can accurately determine at the beginning of a year exactly what the health pressures will be, what pressure will be on hospitals, what drug refunds will be made or what new drugs will come on stream to meet demand is not facing reality.

On the question regarding the effect of the new European semester on budgeting, I indicated previously that we will be able to increase expenditure in line with projected growth increases. The exact modality of that is a matter of discussion between the Commission and the Department of Finance currently. I am confident we will be able to meet all the social pressures we can afford to meet within the moneys we can generate in this country without impediment from the European Commission.

Deputy Mary Lou McDonald: The Minister for Health was not short about being able to predict accurately and speedily that the moneys allocated in October would fall well short of what will be required in the system. I am concerned about the new rules that will apply from 2016. In response to an earlier question, the Minister said he and the Government will regard the expenditure benchmark as binding on the State, as it is on all others. There is another school of thought within the European Commission that says the benchmark is simply a policy instrument and it is indicative and not binding in the way the Minister suggests.

I am concerned on two fronts - first, he will succumb to the notion that this is binding and, therefore, he must follow every detail of it; and, second, the effect that will undoubtedly have on the capacity of any future Government to introduce Supplementary Estimates. The Minister was quite glib when he said that as a matter of course we can meet all the additional spending and social pressures. If the benchmark is set at the 0.5% structural deficit limit, he will not have that discretion, which is worrying, not least at a time he is heralding the end of austerity in his own words.

Deputy Brendan Howlin: With regard to the Minister for Health being able to predict an overrun in October, I had indicated to the House that there would be an overrun in the health Estimate by October 2014. The Deputy is asking for me to have been able to predict this in October 2013 when I introduced the budgetary parameters. That would be a little more challenging but from now on it would be a brave Minister who would ever stand up and say with certainty there will never be a Supplementary Estimate required for the Department of Health because of the complexity in delivering a modern health system with incredibly fast changing diagnostics, treatment procedures and drugs, all of which put pressures on the system. However, thankfully, they are improving both life expectancy and the quality of life.

On the general question of how we will operate in budgetary terms within the fiscal parameters, I answered a previous question on that at length.

Public Private Partnerships Data

95. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the current level of exposure of the State and its agencies to public private partnerships, PPPs; his plans to increase the use of PPPs; and if he will make a statement on the matter. [47803/14]

Deputy Sean Fleming: What is the current exposure of the State and its agencies, including semi-State bodies, to public private partnerships, PPPs, that have been entered into in recent years? Has he plans to increase the use of PPPs?

Deputy Brendan Howlin: In July 2012, I announced a €2.2 billion stimulus package that included the launch of a new PPP programme. The PPP projects, involving estimated overall capital investment of approximately €1.4 billion, are being delivered by a range of Departments and agencies across the education, transport, health and justice sectors. All the projects have been issued to the market.

The capital review, which is being completed by my Department and will be published in the new year, will outline the total level of unitary payments on operational PPPs. It will also include an outline of unitary payment commitments for the programme currently in procurement and offer a complete picture of the ongoing cost of PPP projects accruing to the State. In overall terms, the report of the capital review will highlight that the State will expect to face annual PPP charges of approximately €440 million from 2020.

In budget 2015, I announced that it is this Government's intention to deliver social housing units by 2017 via PPPs as one of the various modalities to deliver such units. The units will be provided by using the successful model that has helped deliver 23 schools in recent years. Following on from the budget, my colleague, the Minister for the Environment, Community and Local Government, has announced a comprehensive housing strategy that involves providing up to 35,000 additional housing units by 2020. The strategy confirms a range of delivery methods, including the extension of the PPP programme announced.

It is my intention to use the forthcoming capital review to help inform future policy in relation to PPPs. Such partnerships have enabled the Government to make additional crucial investments across a range of areas, while respecting the constraints of our immediate fiscal parameters. Although our fiscal position continues to improve, there is a need to continue to maintain strict budgetary discipline while investing in critical infrastructure. PPPs provide

government with one approach to delivering such infrastructure. The capital review will offer an assessment of the affordability and desirability of future PPP programmes and help determine the context in which such programmes should be established.

Deputy Sean Fleming: I asked the Minister to give me a list of the current exposure. The Minister is telling me that we will get it some time in the spring as part of the capital review.

Deputy Brendan Howlin: I have indicated that the expectation is that it will be of the order of €440 million annually-----

Deputy Sean Fleming: When will we see that figure? The Minister is saying that the capital review will have the breakdown of the unitary payment.

Deputy Brendan Howlin: Early in the new year. I have not brought it to Government yet.

Deputy Sean Fleming: I will wait for that. A large element of the €2.2 billion stimulus package the Minister mentioned last year related to primary care services. The outgoing Minister for Health had identified pet projects and pet locations. Could the Minister confirm whether any of those have gone to market because he said education, transport and justice projects have all gone to tender but they might not be back yet? That is fair enough. The Minister missed the health projects. The health projects were a controversial part of that project. There was a list of 20 primary care centres dotted around different Ministers' constituencies at the time. Have they been abandoned? How is that shaping up? Is it possible as part of that capital review to use the expertise of the National Treasury Management Agency to see whether any of those can be bought out and re-financed?

Deputy Brendan Howlin: I can give the Deputy a breakdown of the PPPs per sector. In health, 14 primary care centres across the country will be delivered. A shortlist of tenderers has been selected and the final tenders are due to be returned in February 2015. Those 14 centres, which are not substantial in money terms overall, will be delivered by PPPs. The roads sector investment will see the delivery of three projects that I have indicated. There are three projects in education. Two bundles of schools will be delivered, one of which is due to achieve financial close this week. The flagship Grangegorman project will consolidate the current Dublin Institute of Technology into one centre of excellence. Tenders for that were received at the end of November. Again, we expect a preferred bidder to be determined in February but I can give the Deputy the full list.

Deputy Sean Fleming: I look forward to receiving that list. The Minister is concentrating on what he calls the stimulus package of €2.2 billion. My question was broader and concerned all the PPPs out there. It was not specifically concentrating on the ones that are currently working their way through the system.

Deputy Brendan Howlin: Does the Deputy mean previous-----

Deputy Sean Fleming: What is the unitary value of the roads and schools projects out there? I am referring to the ongoing commitments out there for the past-----

Deputy Brendan Howlin: The totality-----

Deputy Brendan Howlin: Yes. I understand that the commitments relating to the PPPs out there are of the order of €5 billion. Perhaps I am wrong. I understand that approximately up to €1 billion worth of those are in water and wastewater services through various local authorities.

I believe these might now be transferred to Irish Water but the legislation before the House is now saying that the Government will automatically transfer the assets of local authorities to Irish Water but not necessarily the liabilities. That is the legislation that is yet to be passed here which is an extraordinary new situation. Who will be left with the liability for the PPPs that are currently on the books where the asset is transferring automatically to Irish Water? I want the totality. Roads and schools are the big issue. When the Minister is sending the information, could he include the totality and not just last year's stimulus package?

Deputy Brendan Howlin: I have given the Deputy all the PPPs that have come on stream since I became Minister. There are, obviously, liabilities from the new Courts of Justice and other things that were built under PPPs under the previous Administration or Administrations. I will give the Deputy the consolidated unitary payments in a written reply.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Derek Keating - the interface between the Health Service Executive and Dublin Fire Brigade and Ambulance Service; (2) Deputy Fergus O'Dowd - the treatment of residents of Áras Attracta; (3) Deputy James Bannon - the need to fill the vacant Garda superintendent position in County Longford; (4) Deputy Terence Flanagan - the processing of medical card applications in the primary care reimbursement service; (5) Deputy Colm Keaveney - the need to establish an independent inquiry into the events at Áras Attracta care home in County Mayo; (6) Deputy Dara Calleary - the need to establish an independent inquiry into the events at Áras Attracta care home in County Mayo; (7) Deputy Pat Breen - the need to provide emergency funding for immediate prefab replacement at Ennistymon CBS secondary school, Ennistymon, County Clare; (8) Deputies Billy Kelleher and Finian McGrath - the need to address overcrowding in the accident and emergency department at Beaumont Hospital, Dublin; (9) Deputy Michael McGrath - the loss of routes and reduction of services at Cork Airport; (10) Deputy Mattie McGrath - allegations of significant levels of financial impropriety in Ervia by a former employee; (11) Deputy Niall Collins - the need to establish a commission of investigation into the circumstances surrounding the death of a person, details supplied; (12) Deputy Michael P. Kitt - the need for further information on Lough Mask regional water supply in view of the boil water notice at Williamstown, County Galway; (13) Deputy Joe Costello - the need to implement the design manual for urban roads and streets in Phibsborough, Dublin 7; (14) Deputy Seán Ó Fearghaíl - the position regarding the scheme to support national organisations funding; (15) Deputy Mick Wallace - the transformation plan for An Garda Síochána; (16) Deputy Martin Ferris - the proposal on the setting up of volunteer visiting committees to visit Health Service Executive funded residential settings for people with disabilities; (17) Deputy Clare Daly - the transformation plan for An Garda Síochána; (18) Deputy Martin Heydon - the need for funding to progress the N7 upgrade; (19) Deputy Eamonn Maloney - the need for both short-term and long-term strategies to tackle homeless emergencies; (20) Deputy Mary Mitchell O'Connor - the need to implement minimum unit pricing to combat the problem of alcohol abuse; (21) Deputy Joan Collins - the recommendations laid out by Threshold in relation to private rented accommodation; (22) Deputy Paul Murphy - the hiring of private security at Irish Water meter installation; and (23) Deputy Denis Naughten - the need to review the care and admission policy of acute psychiatric patients.

The matters raised by Deputies Eamonn Maloney, Mary Mitchell O'Connor and Billy Kelleher and Finian McGrath have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: I am sure we all agree that the appalling, heartbreaking and barbaric attack on more than 100 children in Pakistan by the Taliban is something that demands a response from our Parliament possibly in the form of a common motion of condemnation. The enormity of that tragedy defies any rational thinking.

The Taoiseach: It was an outrage.

Deputy Micheál Martin: I thank the Taoiseach. Every night, some 20 people are treated on chairs on Beaumont Hospital. People are remaining for up to 70 hours on trolleys in an overcrowding crisis in that hospital. Nurse Moira Wynne said, "It's disgusting to watch. The noise level is humongous, there is no dignity or privacy and elderly patients are disoriented." There are 49 more patients than there are beds on an average night. The Irish Nurses and Midwives Organisation has called for this to be declared a national emergency.

We know there were early warning signs to the Government relating to the crisis at Beaumont Hospital. The Taoiseach will remember that in June last, Professor Shane O'Neill resigned from his clinical directorship because he could not stand over significant clinical risks at the hospital. He described the accident and emergency department as being "entirely unsafe and indefensible". That was last June. In September, the CEO of the hospital sent an e-mail to all hospital staff as 58 patients were on trolleys. He said that in the interest of the safety of all patients, the hospital should regain its stability as a matter of urgency. Last Friday, this national tertiary hospital, which has one of the two neuro-surgical centres in this State, was taken off call. Essentially, no patients could be taken in, no ambulances could be used and no 999 calls could be dealt with. It was completely off call.

The bottom line is that incredibly, the budget of Beaumont Hospital over the past 12 months was cut by €14 million on the outturn. That is when the seeds of this crisis were sown by the Government in the very dishonest Estimate for the health services we got last year. A total of €14 million was taken out. When one adds in the fact that the fair deal scheme was screwed altogether in terms of the lack of funding over the past 12 months, one begins to see how a crisis like this develops in the days leading up to Christmas.

An Ceann Comhairle: A question please.

Deputy Micheál Martin: Will the Taoiseach accept that there is a crisis and commit to providing the necessary funding to alleviate this situation? It is about time that the Minister for Health was told that the time for becoming a commentator on the sidelines about everything that takes place in the health service is over. The former Minister, Deputy Reilly, is long gone and it is time that the current Minister took responsibility because he is the Minister for Health right now, not some sort of detached observer or commentator. That is how it is coming across. It is not good enough to say it will take 18 months for this to be resolved. Will the Taoiseach address the funding issue and the €14 million cut from Beaumont Hospital's budget this year?

The Taoiseach: It is not a satisfactory position and it is not the first time it has happened.

Beaumont Hospital is a case in point. It has had these problems for many years. It was only when the Government took office that trolleys began to be counted on a daily basis in hospitals. That never happened previously. The hospital has been working with the special delivery unit on a winter planning initiative to address the seasonal surges that occur. The Government provided an additional €25 million to address the issue of delayed discharges and targeted hospital and community services which could assist in dealing with patients discharged from the hospital by meeting their care needs outside the acute hospital setting. This will free some bed capacity. The intention was to provide money in 2015, but €3 million was advanced in 2014 to allow for the delayed discharge initiative to commence this year. This has facilitated the allocation of fair deal and home care packages-----

Deputy Mattie McGrath: There is a four month waiting list.

The Taoiseach: -----and the provision of transitional care beds for patients who do not yet have a long-term care place or an appropriate support package.

Deputy Michael Healy-Rae: They are waiting 20 weeks under the fair deal scheme.

The Taoiseach: A number of patients who had been waiting to be discharged from Beaumont Hospital were able to leave as a result of these measures. The Minister for Health is also re-establishing the emergency department forum which will meet for the first time on 22 December and will meet monthly thereafter to examine the solutions being put in place to address the problems experienced by emergency departments.

Some of the important decisions have been taken by Beaumont Hospital, one of the busiest hospitals in the country, including the use of a day ward to accommodate patients, particularly those waiting longer than 24 hours for admission, the cancellation of elective surgery, notification to GPs and the public that the hospital is experiencing severe challenges and associated advice on alternative sources of care, whether it be GP, D-Doc, pharmacy or private health care clinics, and access for frail and elderly patients who are medically stable but require a rapid geriatric assessment at the clinic led by Mater hospital consultants in Smithfield. Additional physicians have also been allocated to the emergency department to treat patients in a more timely manner.

This is not a situation one could call ideal, but Beaumont Hospital is one in which these problems have been arising for many years. I hope the additional moneys allocated and the reconstitution of the emergency department forum will have an impact both before the end of the year and throughout January, when traditionally there is a surge in delays in seeking entry to hospital.

Deputy Micheál Martin: Does the Taoiseach accept any responsibility for this situation? When one cuts a hospital's budget by €14 million, this is what happens. The waiting list under the fair deal scheme increased to nearly 20 weeks in November, or an average of 15 weeks across those applying for a fair deal scheme bed. Clearly, there will be delayed discharges from hospitals when one screws the budget to that extent. All of this is due to the budget the Government decided to introduce last year. That is why discretionary medical cards became a major issue. It was not an accident on the part of bureaucrats in doing things in the wrong way; it was something called medical card probity, based on unrealistic and dishonest figures. What has happened in the health service in the past 12 months is a scandal. We are beginning to witness more of the repercussions in what happened in Beaumont Hospital on Friday. The budget

was cut to the bone; the health service was screwed and a mirage and spin were produced to suggest people could live within budgets that were never realistic. That is why we have appalling treatment of older people in hospitals and emergency departments. There is no dignity or privacy for them. The same happened in respect of medical cards. Ill children and adults lost their medical cards because of a dishonest budgetary strategy, designed more than 12 months ago, which is still having an appalling impact on day-to-day health services.

The Taoiseach: As I said, the situation is not ideal. Ministers recognised this and substantial moneys were made available to the Department of Health and the HSE in the budget both to meet the shortfall and to stabilise and improve the situation in 2015 and beyond.

Deputy Michael Healy-Rae: Thirty-five outpatient appointments were cancelled in Cork University Hospital last week.

The Taoiseach: In the Estimates €25 million was allocated for 2015, of which €3 million is being brought forward to deal with patients being discharged. Funding has just been approved for 1,000 nursing home support - fair deal - scheme places; 700 routine approvals have been accelerated, while there have been 300 additional approvals in anticipation of €10 million in funding becoming available in January 2015 to deal with the issue of delayed discharges. This means that the waiting time for fair deal scheme approval will be reduced to between 12 and 15 weeks in quarter one of 2015.

Deputy Micheál Martin: It should never have reached that point.

The Taoiseach: A number of initiatives have been taken to mitigate the situation in Beaumont Hospital.

Deputy Finian McGrath: The Taoiseach is waffling like the Minister for Health.

The Taoiseach: Work is being done with the teams at the front door, where access is gained, and the clinical programmes to improve decision making and pathways to care. Work is also being done with the clinical teams and the director to improve throughput and the flow at the hospital. The emerging hospital groups are examining the available capacity to free up space to facilitate the emergency department. Work is also being done in the social care of patients classified as delayed discharges. The winter planning group has been established. The HSE, with the hospital's executive management, has taken a range of actions to deal with this emerging issue. It is not ideal, but the Minister, Deputy Leo Varadkar, is working very hard with the extra allocation to find a more satisfactory solution in Beaumont Hospital.

Deputy Finian McGrath: He is out of touch.

Deputy Gerry Adams: Aontaím le ceannaire Fhianna Fáil agus leis an Taoiseach faoi na páistí a fuair bás faoi lámha an Taliban. Tá ár smaointe le teaghlaigh na páistí bochta. Gabhaim buíochas le Dia go bhfuil an próiseas síochána againn sa tír seo. Tá a fhios ag an Taoiseach go bhfuil a lán brú ar an bpróiseas polaitíochta ag an uair seo. He will know that power sharing in the all-Ireland institutions faces major economic and political challenges. The economic challenges arise from the Tory Party's austerity policies, the reduction made by that government in the Executive's block grant and the lack of financial powers needed to remodel the local economy in the North. The political challenges arise from the British Government's refusal to honour international agreements and political Unionism's resistance to power sharing and partnership. No party represented in the North's Executive has a mandate to implement policies

which undermine international agreements or the rights and welfare of the most vulnerable in society. However, last week the Taoiseach and the British Prime Minister tabled a paper which did just that and put it forward on a take it or leave it basis. It does not mention Acht na Gaeilge or a Bill of Rights. It acquiesces to the British Government's use of national security to deny information to victims and close down Article 2 compliant inquests. This is deeply disappointing.

Under the terms of the Good Friday Agreement, the Irish Government has responsibility as co-equal guarantor to uphold all aspects of this and subsequent agreements and ensure the British Government will do likewise. I know that this is a very difficult task, but can the Taoiseach explain why he has agreed to a paper which is so deficient that it runs against the spirit and the letter of the Good Friday Agreement and other agreements, including some with international status?

The Taoiseach: I can. I was happy to attend the discussions that took place in Belfast on Thursday and Friday. It was the tenth week of discussions that had begun some time ago. The discussions, led on this side by the Minister for Foreign Affairs and Trade and his colleagues, were productive and constructive and were added to by the discussions that took place both in plenary session and with the individual parties around the table. Let us be clear. The position is that the particular circumstances in Northern Ireland have to take into account the legacy of the conflict period. The Irish Government, time and again both now and in the past, has shown its interest in this through the PEACE and INTERREG funds and the reconciliation fund operated by the Department of Foreign Affairs and Trade.

The Executive and the Assembly in Northern Ireland requested responsibility to take on devolved government, and that was assigned to them. However, they have not been able to agree on how that should be done. The reason I had the privilege of attending with all of the members, including the British Prime Minister, was to continue to offer our support and assistance where that is possible. The Deputy knows this. He is the president of his party and according to political commentary everything must pass through him. Social security, child supports and pensions are devolved to Northern Ireland. Section 87 of the Northern Ireland Act 1998 requires the Secretary of State with responsibility for social security and the equivalent Northern Ireland Minister to consult each other to secure a single system of social security, child support and pensions within the United Kingdom. The statement of funding principle makes it clear that the funding for the social security system is demand led and comes from the Treasury. It is a matter for the parties in Northern Ireland, who have had this responsibility devolved to them, to make that political decision, but they have not been able to make it.

The Deputy knows that if the Assembly and the Executive do not make that decision, the shortfall will come from the block grant. The case being made last week was for further monies from the taxpayer to deal with this matter. However, that is a denial of the responsibility which the Executive and the Assembly demanded and were given. It appears that the majority of parties in Northern Ireland wish to get on with the business, but it is also clear that the Deputy has made a particular case as to why this should not be so. From a political point of view, responsibility was sought and was devolved, but it is not being accepted.

The Government will continue to be supportive in the way it has been, and that is a substantial amount over the next number of years. However, the British Government, in putting its cards on the table, has left aside almost £1 billion in extra spending power to the Northern Ireland Executive and Assembly for dispersal throughout the North, provided that the political agreement is put in place on the papers that were there.

I made a specific issue of the Irish language. As the Deputy knows, the paper presented in Belfast included a paragraph on that.

Deputy Gerry Adams: What did the paragraph say? It stated that the Minister can bring forward a paper to the Executive. It does not mention Acht na Gaeilge, which is a commitment that was made in the St. Andrews Agreement by both governments. I asked the Taoiseach a straightforward question. Why did he sign up to a paper which does not mention Acht na Gaeilge or a bill of rights and which acquiesces to the British Government on the use of British national security interests and also seeks to close down Article 2-compliant inquests? The British Government made no offer of £1 billion.

The Taoiseach is not a passive spectator here. He is the Taoiseach and a player, not a junior partner. There are outstanding commitments, and this is on the Taoiseach's watch. A civic forum in the North does not exist, nor does an all-Ireland civic forum. There is no bill of rights, no all-Ireland charter of rights, no joint North-South committee of the two human rights commissions, no compliance with the European Charter for Regional or Minority Languages and no Irish language Act. It is my view that the current talks can succeed and a deal can be done. The Sinn Féin team is there to do that, but it cannot be on a purely British or Unionist agenda. Irish national interests must be upheld. That is the Taoiseach's responsibility. These propositions were hard won over many years and the Government cannot be allowed to dilute them.

The Taoiseach was present when the British Prime Minister told me that he would not be establishing an inquiry into the killing of human rights lawyer Pat Finucane, as he is obliged to do under the Weston Park Agreement. The Taoiseach sat silently and did not utter a word on the issue. It is clear that this Government and London still try to obstruct efforts to get to the justice and truth that victims of the conflict are seeking. Why did the Taoiseach sign up to this agenda? A deal can be done and will have to be done. Will the Taoiseach explain how he intends to be part of this, as opposed to a spectator to, or a commentator on, what happened?

The Taoiseach: As usual, the Deputy is very economical with the truth. The fact is that the Deputy, as the leader of his party, has put his foot down and said there will not be welfare reform in Northern Ireland.

Deputy Gerry Adams: Welfare cuts.

The Taoiseach: It is welfare reform.

Deputy Gerry Adams: The Taoiseach wants to nationalise austerity.

The Taoiseach: Social security arrangements are a devolved power. The Deputy's party sought that and got it.

Deputy Noel Harrington: Now it does not want it.

The Taoiseach: Nonetheless, the costs are borne by the Treasury in London and are separate from the other funding stream of the block grant.

Deputy Gerry Adams: The Taoiseach should talk about his Government, not the government there.

The Taoiseach: Northern Ireland has no power to act autonomously here. If there is a shortfall, it comes out of the block grant.

Deputy Pádraig Mac Lochlainn: The Fine Gael and Tory alliance is alive and well. It is back to John Bruton's time.

The Taoiseach: That will be £13 million between January and March of this year, £87 million next year and £114 million between 2015 and 2016. There was a separate legislative measure dealing with the introduction of welfare reform in Northern Ireland. It got as far as the Second Reading and Committee Stage, but it has not progressed beyond that since 2013.

Deputy Gerry Adams: We are talking about the Taoiseach's Government, not Mr. Cameron's government.

The Taoiseach: The Deputy put a stop to that. He asked for devolved responsibility, but he will not accept it.

Deputy Gerry Adams: We would not accept cuts.

The Taoiseach: He is afraid to make decisions about welfare reform.

Deputy Gerry Adams: We are not afraid. We are making decisions.

The Taoiseach: The Deputy asked why we signed up to this. The paper presented, in which I had a central part to play from the Irish Government's point of view, included a direct and specific passage about the Irish language, Scots Gaelic and so forth.

Deputy Gerry Adams: It does not refer to Acht na Gaeilge.

The Taoiseach: We made that point very clearly.

There is significant movement in respect of the historical investigative unit-----

Deputy Gerry Adams: Backwards.

The Taoiseach: -----which will allow for the chairperson, when appointed by both governments, to receive even the most sensitive documentation from the British Government and from its agencies. That includes issues such as Ballymurphy and would include, in my view, other elements of what might not have been produced in the de Silva report in respect of Pat Finucane.

Deputy Gerry Adams: The Finucane family rejected the de Silva report.

The Taoiseach: We could still be in Northern Ireland going around in circles and not making a decision. The fundamental issue is that the Executive and the Assembly sought responsibility for devolved authority and got it in respect of welfare reform-----

Deputy Gerry Adams: The Taoiseach has responsibility to honour the agreements.

The Taoiseach: -----pensions and child support, but the Deputy is afraid to face the music and make a choice on welfare reform.

Deputy Gerry Adams: The Taoiseach is afraid to face the British Government.

Deputy Pádraig Mac Lochlainn: He is like a poodle, Cameron's poodle.

The Taoiseach: He is putting off the long day. The Irish Government will continue to support Northern Ireland, as it has done. That will amount to approximately €0.5 billion over the

next number of years. The British Prime Minister, in the discussions he conducted with both the First Minister and deputy First Minister, because this is a matter of devolved responsibility, said he was giving them extra capacity to have access to spending power of almost €1 billion.

Deputy Gerry Adams: No, he did not.

The Taoiseach: However, Deputy Adams said this was ham-fisted and amateurish and that they were the worst discussions he was involved with in all his years.

Deputy Gerry Adams: They were the first in which the Taoiseach was involved.

The Taoiseach: If we put together a political paper upon which agreement can be reached, if Deputy Adams has the courage to face it, and if both governments are in Belfast for the purpose of signing off on an agreement which will give extra spending power to the Executive and Assembly in Northern Ireland, that is neither amateurish nor ham-fisted.

The Deputy should have the courage to face up to his political responsibility-----

(Interruptions).

Deputy Gerry Adams: So should the Taoiseach.

The Taoiseach: -----and do what he must do, or else tell his Deputy First Minister, “Martin, you have responsibility for this”. He wants to do a deal, but the Deputy will not let him. It is a major sign of what might happen down here if the people were ever to give the Deputy that type of responsibility in this country.

Deputy Maureen O’Sullivan: The Technical Group wishes to express how appalled it is at the atrocity in Pakistan, which is particularly horrendous in the way it targeted young people in education. My question also relates to Northern Ireland. We are familiar with the unresolved issues of flags, parades and legacy issues, as well as the recent issues of finances and economics. However, one issue is conspicuous by its absence, although a number of Senators and Deputies have been pursuing it for a number of years through meetings with the Northern Ireland Minister for Justice, Mr. David Ford, MLA; the Secretary of State for Northern Ireland, Ms Theresa Villiers, MP, and other authorities in Northern Ireland. That issue is prisoners in Maghaberry Prison which we have visited a number of times. We are all totally opposed to violence and our interest in and engagement with the prisoners is because of our commitment to protect the human rights of all prisoners in every jurisdiction. One of the issues is strip searching which continues, despite all of the technological advances made. There are some particularly horrendous examples; for example, a prisoner in Maghaberry Prison was handcuffed to a warder in order to attend a hospital appointment. Although the appointment was cancelled before he left the prison, he was strip searched before being returned to his cell. We have other examples of prisoners who when appearing in court are handcuffed the whole time, but who nonetheless are strip searched when they return to prison. It is one of the most degrading and humiliating experiences for a prisoner. There are other issues regarding controlled movement, the isolation of prisoners, health care and education. It all led to an 18 month dirty protest by republican prisoners. We have also met loyalist prisoners with similar issues regarding health care and controlled movement.

In the past eight years there have been investigations and reports with recommendations that have not been implemented, leading to the most recent stock take. When we visited in Au-

gust, there were expectations among the prisoners we met that the stock take would lead to real change. Approximately three weeks ago, we returned and there was disappointment at the lack of real progress on the issues raised. Have the issues relating to prisoners and their rights ever been addressed at any of the meetings? If not, will the Taoiseach ensure they are addressed in the interests of a conflict-free environment in prison and society?

The Taoiseach: It is a good question, in which the Deputy has had an interest for some time. The matter of prisoners' rights was not discussed, either in the plenary sessions or the discussions with the individual parties on Thursday and Friday. This is not to say it has not been discussed in the past ten weeks with the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan; the Minister of State, Deputy Sean Sherlock, and the Secretary of State for Northern Ireland, Ms Theresa Villiers, MP, although I cannot confirm this. Thursday and Friday's discussions were about the broader political issues. This is an important issue in its own right and I will have it pursued for the Deputy. I will ask the Minister for Foreign Affairs and Trade to confirm whether discussions about it took place in the past ten weeks and, if not, I will ask him to take it up directly with the Secretary of State for Northern Ireland.

Deputy Maureen O'Sullivan: Another issue which previously affected republican prisoners and is now affecting loyalist prisoners is the revocation of licences which can be revoked based on closed information, which makes it very difficult for prisoners to try to defend themselves. There may eventually be a Parole Commissioners of Northern Ireland hearing which could be cancelled at the last moment. If release is eventually granted, it is with very stringent conditions. Our group is also concerned with miscarriages of justice similar to those suffered by the Birmingham Six and the Guildford Four. The late Gerry Conlon took up the issue of the Craigavon Two. The two men concerned have been in prison for a number of years, despite the fact that the case was not proved against them; it was reliant on the word of a very dubious witness and the forensic evidence was contradictory and discredited. However, the men will be in prison for another two years while they wait for their case to go before the UK Supreme Court.

These issues cannot be left unaddressed because they undermine peace and stability. Regardless of one's view of the Good Friday Agreement, nobody wants Northern Ireland and the Republic of Ireland to return to violence. We need real engagement, discussion and dialogue with those who disagree with the Good Friday Agreement, both republicans and loyalists, because they feel abandoned and let down. We also require real engagement on prisoner issues and implementation of recommendations reached in agreements. In the interests of fair peace and justice, I ask that these matters be part of talks that take place with the authorities, particularly with the Northern Ireland Minister for Justice and the Secretary of State for Northern Ireland.

The Taoiseach: The Minister for Foreign Affairs and Trade answered the Deputy's question in November confirming that justice and policing powers had been devolved to the Northern Ireland institutions following the Hillsborough Castle Agreement in 2010. Mr. David Ford, MLA, has since been Northern Ireland Minister for Justice, while an executive agency of his Department, the Northern Ireland Prison Service, is responsible for implementing prison policy there, as the Deputy is aware. A comprehensive review was chaired by Ms Anne Owers, from which flowed the Hillsborough Castle Agreement which was published in October 2011. The review set out a path for the prison system in the North. Implementation of the 40 recommendations made in the agreement is due for completion next year. Progress is being overseen by an independent group which reports on progress every six months. Ms Owers recognised that Maghaberry Prison was unable, as the Deputy said, to meet the challenge of providing appro-

prorate security and sufficient and relevant activities for its long-term and short-term prisoners, including those in prison for paramilitary offences.

In the summer of 2010 republican prisoners in Maghaberry Prison's Roe wing protested about conditions. An agreement between prisoners and prison management, known as the Roe House agreement, was concluded in August that year and four independent assessors were appointed to assist in its oversight and delivery. On the recommendation of the Prisoner Ombudsman, Mr. Tom McGonigle, the independent assessors carried out a stock take of the implementation of the Roe House agreement in August and September. The Northern Ireland Minister for Justice published the results of the stock take on 12 November, highlighting the areas in which progress had been made since 2010 and issues of concern to prisoners and management. The report was based on free access to Maghaberry Prison and its prisoners, as well as contact with the prison authorities, the Prisoner Ombudsman and prison officer representatives. Any documentation requested was made available.

The independent assessors highlighted the murder of a prison officer, Mr. David Black, in November 2012 by so-called dissident republicans as a significant challenge and a breach of the principles underpinning the agreement. Ongoing threats against members of the Northern Ireland Prison Service and officials dealing with prison welfare have further complicated relations and damaged trust between the prison service and prisoners. All threats against those working in prisons and with prisoners in Northern Ireland are unacceptable. The recent stock take was accepted by the prison service and the relevant prisoners and opens an opportunity to resolve outstanding matters in order that the unimplemented elements of the Roe House agreement may be put in place. The independent assessors recommend a time limit of six months for the resolution of the outstanding issues involved. I will follow through with the Minister for Foreign Affairs and Trade and the Secretary of State for Northern Ireland and advise the Deputy of the outcome. I thank her for the question.

Ceisteanna - Questions (Resumed)

Departmental Records

1. **Deputy Micheál Martin** asked the Taoiseach if his Department has in place and is implementing an adequate standard of record-keeping. [36508/14]

2. **Deputy Micheál Martin** asked the Taoiseach the protocol on taking minutes of meetings where officials attend in his Department; and if he will make a statement on the matter. [37635/14]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

All records held in my Department are kept in compliance with the provisions of the Data Protection Acts, the Freedom of Information Act and the National Archives Act. Minutes are taken of meetings held in my Department, where judged appropriate. My Department has a designated member of staff who is responsible for managing the Department's records and a designated certifying officer who is responsible for compliance with the National Archives Act 1986. National Archives staff assist with work relating to the annual transfer of departmental

records to the National Archives. These staff maintain a central registry record-keeping system comprising a registry file tracking system and a central repository for the storage of departmental records. The location of files in the Department is monitored from the time of their creation until they are transferred to the National Archives for permanent preservation. As part of an ongoing programme of in-house training, workshops on the creation and maintenance of records have been provided for staff by relevant officials from the Department and the National Archives Office. The Department of Public Expenditure and Reform has recently appointed a chief information officer, CIO, to give guidance and leadership in the development of an ICT and record management strategy across the Civil Service. My Department will actively engage with the CIO in this work.

Deputy Micheál Martin: I thank the Taoiseach for his reply. All Members can agree that there is a disturbing trend in Dáil Éireann for some Deputies and parties to play fast and loose with the reputations of others. Instead of allowing due process, it appears that it is now fair game to throw out allegations and say “to hell with giving any person the right to be protected against false allegations.” What has emerged is that it is the rule of politics first, while basic decency has been forgotten. This is relevant to the two questions I tabled because the Taoiseach will remember that both he and the Chief Whip made allegations in this House that files in the Department of the Taoiseach had disappeared. The question now is whether the Taoiseach has the basic decency to withdraw the slur against the officials of his Department and his predecessor. At the very least, if he is not capable of giving an apology, he could state he was withdrawing any suggestion that the files, in his own words, had disappeared “behind radiators” or anywhere else. Will he give a straight and honest answer to that question and withdraw the assertions made? Now that the banking inquiry committee is starting its public work, it must work very hard to show it is not a body to be driven by the Government’s desire to be sure of the outcome. It would be an important start to its work if the Taoiseach was willing to state in this Chamber that he was not alleging that files had disappeared and that he did not want anyone to prejudge anything or anybody. It has been proved repeatedly that a large number of files are available in both the Department of the Taoiseach and the Department of Finance. I wrote to the Secretary General of the Department of the Taoiseach who is satisfied that all records were kept in accordance with the law. I believe the Taoiseach’s own reply today confirms the same point about the central registry, the process by which files are initiated and then removed to archives when they are perhaps no longer needed in current day-to-day work.

It also has been confirmed that the Taoiseach does not keep minutes in the way he stated was basic. Previously, when he was responding on this issue, he stated it was basic to keep minutes. I tabled a question to him about the commitment in the programme for Government on record-keeping and it has now been sent to the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. However, Members on this side of the House have formally sought the minutes of the conversations that led to the effective dismissal of the Garda Commissioner, only to be told that there are no such minutes and that there does not appear to be any record of them. In essence, it is important and the Taoiseach’s reply clarifies a number of issues regarding how files are created, how they are kept and how they are monitored consistently. I ask that he now withdraw the assertions he made about his predecessor and potentially officials in his Department.

The Taoiseach: The Deputy received a letter in November 2013 from the Secretary General of the Department of the Taoiseach confirming to him that there was documentation relating to the bank guarantee held in the Department and listing the issues, the things the Deputy has

received. I recognise this and stated in June 2014, “There is a faxed cover sheet regarding an *Iris Oifigiúil* notice, No. 87; an *Iris Oifigiúil* notice regarding the NTMA delegation of functions ...; a letter from the Clerk of the Seanad; a memorandum for the Government and a submission slip regarding a memo, No. 79.” I also stated, “there are notes of a telephone call by the [then] Taoiseach with the then British Prime Minister, Gordon Brown, points for telephone discussion with the Scottish First Minister, ... an e-mail from the Office of the Attorney General, including a letter to the Taoiseach, and so on.” I readily admit that it is in the Official Report for June 2014 and the Deputy has confirmation from the Secretary General of the Department that there is documentation within the Department of the Taoiseach. I accept this and if I have caused any offence about it, I certainly withdraw it. However, what I would have expected - clearly, there may be much more information available in the Department of Finance on meetings that took place there; I do not know the range of meetings that took place in either Department-----

Deputy Micheál Martin: It was the phrase the Taoiseach used. He stated files had disappeared behind radiators.

The Taoiseach: If I said that-----

Deputy Micheál Martin: The Taoiseach did say it.

The Taoiseach: I might have made a comparison with what had happened or references in other cases-----

Deputy Micheál Martin: No, it was what the Taoiseach said. He used the word “disappeared”.

The Taoiseach: -----where papers had slipped down behind boxes and radiators. I withdraw it. Obviously, the banking inquiry is now starting and it is very limited in the range of questions it can ask about how all of this occurred, it was dealt with and so on. It is completely independent in the manner in which it will do its business, as I have confirmed to members from my own party. Consequently, I will confirm it for the Deputy.

As for the Fennelly commission, it is under way with the eminent justice and I do not propose to make any comment on it, nor do I have any control, good, bad or indifferent, over the work of the commission, as I am sure the Deputy understands.

Deputy Gerry Adams: I was somewhat surprised by the audacity of the Fianna Fáil leader in complaining about some Deputies naming names and making allegations about others because, as the Ceann Comhairle is aware, Teachta Micheál Martin only recently completely ignored due process and named a number of Sinn Féin activists, including private citizens, and alleged that they were involved in serious crimes. There is a need for all Members to practise what they preach in these matters. Good record-keeping is important, as the Taoiseach has acknowledged. He also has stated - this is both welcome and obvious - that staff are trained in the keeping of records. I do not know whether he has stated they are also trained in a widespread way in how to deal with freedom of information requests, which are an important device to elicit information. If it is not possible to make available such information, reasons should be given for this because people may understand if a reason is given, whereas many times no reason is given.

In addition, I refer to the claim the Taoiseach made in this Chamber in my presence that Department of Finance files at the time of the bank guarantee were not available. It was not just

that they were not available or were missing, but the suggestion was they were hidden. Given the number of times this remark was repeated in the Chamber, to now withdraw it seems somewhat reprehensible to me. Moreover, given that the banking inquiry is starting and will seek access to records, there is a case for a high standard of record-keeping and that such assertions and allegations should not be made. As for the idea of public confidence, citizens must have confidence, regardless of whether they like, respect or agree with what the Government or the Oireachtas might do. They must have some confidence that Members are serious in how they approach their job. How can the Taoiseach make an assertion not just that files were missing but that they were deliberately hidden, destroyed or not available to the incoming Government led by him and now, on the eve of the banking inquiry getting under way, simply withdraw it?

The Taoiseach: I dealt with that issue in response to the question from Deputy Micheál Martin. I am withdrawing my remarks that these things were deliberately or otherwise not made available. In respect of record-keeping, staff are trained and upgraded in that regard. They work with staff from the National Archives in order that records are kept to the highest standards. There has been a change under the new Freedom of Information Act in respect of claims or issues under freedom of information legislation that are raised by Deputies who may have been in government a number of years ago such as Deputy Micheál Martin who was a Minister in the previous Government or the former Minister, Eamon Ryan.

4 o'clock

With the change in the Act, if the current leader of a political party in government at the time the decision was made and any Government member who was not a member of the political party, from a practical point of view, must be consulted about Government records, memos, agendas, decisions and minutes of meetings before a decision is made to release them. In the case of Deputy Martin and Mr. Eamon Ryan, the Department is currently dealing with a number of freedom of information requests for Cabinet-related decisions that are five years old or more, including requests for records relating to the bank guarantee. The Department has written to both gentlemen advising them of the requests received and that records will be available for inspection, giving them a two week period to respond, in accordance with the Act. The correspondence may not have arrived yet with Deputy Martin.

The statutory framework relating to freedom of information keeps the decision-making process at arms length from the political head of the Department so, as Taoiseach, I have no role in processing freedom of information requests, nor do I know what they are. Under the new Act, they will be sent to Deputy Martin and Mr. Eamon Ryan and, as heads of their respective political parties now, they will have two weeks to respond to the requests. In so far as the standard and credibility of the record-keeping are concerned, I am happy the initiatives taken by the Department of the Taoiseach and others are up to the standard and will be there for future reference.

Deputy Micheál Martin: On the last point the Taoiseach made, which was not quite relevant to the question, perhaps the Taoiseach can forward a note to me. I have not received anything yet.

The Taoiseach: I am not sure when the records will be released to Deputy Martin but I will have a note sent to him this afternoon.

Dáil Éireann
European Council Meetings

3. **Deputy Micheál Martin** asked the Taoiseach the position regarding the discussions at the September EU Council meeting on the plight of the Syrian refugees; and if he will make a statement on the matter. [37653/14]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach the discussions he had at the EU Council meeting in August 2014; if Ireland's corporate tax rate featured in these discussions; and if he will make a statement on the matter. [37747/14]

5. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the recent European Council meeting; and if he will make a statement on the matter. [39845/14]

6. **Deputy Gerry Adams** asked the Taoiseach the discussions that took place at the August European Council meeting on the issue of refugees from the Syrian conflict; and if he will make a statement on the matter. [40964/14]

7. **Deputy Gerry Adams** asked the Taoiseach if he has discussed the Transatlantic Trade Investment Partnership with other EU Heads of State; and if he will make a statement on the matter. [40965/14]

8. **Deputy Gerry Adams** asked the Taoiseach if the Transatlantic Trade Investment Partnership was discussed at the August European Council meeting; and if he will make a statement on the matter. [40966/14]

9. **Deputy Micheál Martin** asked the Taoiseach if he had any bilateral meetings at the October 2014 European Council meeting; and if he will make a statement on the matter. [41673/14]

10. **Deputy Micheál Martin** asked the Taoiseach if Ireland's retrospective debt was discussed at the European Council meeting in October 2014, particularly in the context of the June 2012 Council agreement regarding same; and if he will make a statement on the matter. [41674/14]

11. **Deputy Micheál Martin** asked the Taoiseach if he has met or spoken with Chancellor Merkel recently; and if he will make a statement on the matter. [41675/14]

12. **Deputy Joe Higgins** asked the Taoiseach if he will report on the recent European Council discussions; and if he will make a statement on the matter. [41697/14]

13. **Deputy Micheál Martin** asked the Taoiseach the position regarding the status of his communiqué made in October 2012 with Chancellor Merkel; and if he will make a statement on the matter. [43797/14]

14. **Deputy Micheál Martin** asked the Taoiseach the position regarding the June 2012 European Council agreement; and if he will make a statement on the matter. [43798/14]

15. **Deputy Micheál Martin** asked the Taoiseach if he will provide an update on the Government's attempts at European Council level to address Ireland's retrospective debt; and if he will make a statement on the matter. [43799/14]

16. **Deputy Micheál Martin** asked the Taoiseach if he has requested support from other EU leaders to deal with Ireland's retrospective debt; and if he will make a statement on the matter.

[43804/14]

17. **Deputy Micheál Martin** asked the Taoiseach his views on whether the June 2012 agreement following the European Council meeting was a game-changer; and if he will make a statement on the matter. [43805/14]

18. **Deputy Gerry Adams** asked the Taoiseach if he will report on the discussions held at the August European Council meeting; and if he will make a statement on the matter. [45806/14]

19. **Deputy Gerry Adams** asked the Taoiseach the position regarding Government efforts at European Council level to deal with Ireland's retrospective debt; and if he will make a statement on the matter. [45807/14]

20. **Deputy Gerry Adams** asked the Taoiseach if he has sought support from other EU leaders in regard to this State's retrospective debt; and if he will make a statement on the matter. [45808/14]

21. **Deputy Micheál Martin** asked the Taoiseach if he has any concerns regarding sustainable growth in Europe; if he will be discussing same at the December European Council meeting; and if he will make a statement on the matter. [46768/14]

22. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or written to Mr. Junker regarding Ireland's retrospective debt; and if he will make a statement on the matter. [47786/14]

Deputy Enda Kenny: I propose to take Questions Nos. 3 to 22, inclusive, together.

I attended the special European Council meeting in Brussels on 30 August. At that meeting, Donald Tusk was elected as the new President of the European Council and Federica Mogherini was appointed High Representative of the Union for Foreign Affairs and Security Policy.

The European Council also discussed the situation in Ukraine. It expressed its concern about the ongoing fighting there, and condemned the illegal annexation of Crimea and the flow of fighters and weapons into eastern Ukraine. It requested the Commission and the European External Action Service to prepare proposals for further restrictive measures against Russia. These proposals were subsequently enacted and remain in force, with further measures agreed at the Foreign Affairs Council on 17 November.

While there was no meeting of the European Council held in September, the situation in Syria and Iraq was also considered by the August European Council. It expressed its dismay at the deterioration of the security and humanitarian situation as a result of the occupation of parts of the territory of those countries by ISIL. It firmly condemned the indiscriminate killings and human rights violations perpetrated by ISIL and other terrorist organisations, in particular against Christian and other religious and ethnic minorities, who should be part of a new, democratic Iraq, and called for those responsible for such crimes to be held to account. It also addressed the threat posed to Europe by Islamist-extremist terrorism and the need to stem the flow of foreign fighters to the region.

The European Council also acknowledged that instability in Syria, caused by the Assad regime's brutal war against its own people, had allowed ISIL to flourish and stated that a lasting solution requires a political transition in Syria.

No aspect of corporate tax was discussed at the August European Council meeting.

I also attended the European Council meeting in Brussels on 24 and 25 October. I reported to the House on the outcomes of that meeting in a comprehensive statement on 5 November. The main outcome was agreement on an EU climate and energy policy framework for the period to 2030. The economic situation was also discussed at the European Council and at the separate Euro Summit, and conclusions were also adopted on combating the Ebola outbreak.

While I did not have any separate bilateral meetings in the margins of the October European Council meeting, I did, of course, engage with all of my colleagues, including Chancellor Merkel, during the course of discussions. I have not had a bilateral meeting with Chancellor Merkel since my visit to Berlin in July.

The Transatlantic Trade and Investment Partnership was not discussed at the European Council meetings in August or October and I have not recently discussed the issue bilaterally with other EU Heads of State or Government. However, the completion of negotiations on TTIP was included in the strategic agenda for the European Union agreed by the European Council in June.

Moreover, at a Council meeting of Trade Ministers on 21 November, which was attended by Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, Ministers reconfirmed their strong expectation of concluding a deep, ambitious, balanced and mutually beneficial agreement on all three pillars of the negotiations as soon as feasible.

As negotiations between the EU and US continue, Ireland continues to be a strong proponent of an ambitious agreement.

The possible use of the European Stability Mechanism for bank recapitalisation has not been up for discussion at recent European Council meetings, but it is for consideration by Finance Ministers. During, and in the margins of, European Council meetings, I continue to engage with my colleagues in regard to Ireland's economic situation.

I have not written to Jean-Claude Juncker on this issue, nor spoken to him about it since his appointment as President of the European Commission.

It is widely recognised, including in the annual growth survey launched by the Commission recently, that the economic recovery in Europe is weaker than had been hoped for. Urgent action is required to re-establish a pattern of sustainable growth and to reduce the persistently high levels of unemployment. The investment plan for Europe announced recently by President of the European Commission, Mr. Jean-Claude Juncker, will be one of the key issues to be discussed by the European Council this week.

I will provide a full statement to the House tomorrow on the forthcoming European Council.

Deputy Micheál Martin: This group has quite a number of questions covering a range of issues from me and other Members of the House. It says something about how often questions to the Taoiseach have been cancelled that some of these questions have been on the paper for three months. It has taken three months to reach some of them.

The Taoiseach said he had not written or spoken to Jean-Claude Juncker on bank recapitalisation since his appointment. In response to previous questions, the Taoiseach confirmed that he did not ask him for support on bank-related debt before agreeing to his appointment as Presi-

dent of the European Commission. The Taoiseach confirmed that he did not ask Donald Tusk about bank-related debt before his appointment as President of the European Council. The Taoiseach made a big song and dance on June 2012, as did the then Tánaiste, Deputy Eamon Gilmore, who described it as a seismic shift. The Minister for Finance, Deputy Noonan, and the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, said some €6 billion could come Ireland's way and speculated about how much Ireland would benefit from what was then lauded as the separation of bank debt and sovereign debt. Nothing has happened and the Taoiseach has gone strangely quiet. He has not explained to me why he did not raise this with Jean-Claude Juncker. He is President of the European Commission. Why did the Taoiseach not raise the matter with Donald Tusk before his appointment as President of the European Council? Why is there reluctance to raise this issue when we were told two years ago that this was a seismic change and a seismic shift?

It seems the Taoiseach is waiting until the next crisis comes along and hoping something can be agreed that can be extended automatically to Ireland, just like earlier deals concerning interest rates that Ireland did not deliver but piggybacked on. What is the Taoiseach planning now if he is not going to ask these people or put the case to them? Will we be seeking retrospective relief from Europe?

It is accepted that the Syrian crisis is one of the greatest humanitarian crises in many years and it has the capacity to turn into a disaster on a scale that is truly shocking in the 21st century. The estimate of the number of displaced people is as high as 9 million and there is no sign of any solution. During the summit, support for the refugees was discussed. An entire generation is at risk in terms of the lack of basic sanitation, meagre diets, chronic uncertainty and very little access to education for children and young people. To be fair to Europe, it has done a lot but it has a lot more to do. Europe should step up its support for Syrian refugees. There is a global crisis with Islamist extremist violence. There is today's shocking event in Pakistan in which more than 100 children were slaughtered. One must ask, "In the name of what?" It was absolutely barbaric. It is just one appalling episode on top of another one every day. It is as if the values that we cherish in Western democracies, namely the upholding of the basic rights of the individual and of women, are being negated, undermined and reversed in many parts of the globe. This will be of major consequence to Europe over the next several years. We saw the situation yesterday in Sydney, Australia. This type of extreme violence can visit anybody at any time on any street in any country in the world. In Pakistan today, six individuals with suicide vests attached to them were sent into a military school. In Sydney yesterday, innocent people having a coffee in a shop died because of extremism.

Likewise, in the Middle East itself, there have been appalling atrocities. We have heard pleas from minority Christian groups who are being massacred - ethnically cleansed from their regions. Very often their voices are not heard because of the difficulty of getting heard above all the other noise. I use the phrase "noise" in a cautionary way, in the sense that there is so much going on that terrible atrocities very often go unnoticed. Many Christian minorities in the Middle East have been dealt a severe blow as a result of the turbulence, turmoil and terrorism in the region, particularly at the hands of ISIS. Globally and at European level, the bar needs to be raised in the response. I am not talking about an immediate knee-jerk response but a more deliberate and considered one, grounded in an understanding of what is happening. We need education and proper resourcing of the forces of good to deal with these situations. Extremism thrives on counter-extremism. We need a more immediate- to long-term scientific and educated response to what is going on, because it is truly calamitous and creating grave uncertainty

across the world, as well as death and destruction. This should feature as a number one priority at the next European Council summit.

The Taoiseach: If the Deputy wants a facility for a priority system for Taoiseach's questions, I am happy to accommodate that.

Deputy Micheál Martin: The problem is that some questions were cancelled.

The Taoiseach: If I made my answers shorter, we might get through them more quickly.

Before he became President of the European Commission, Mr. Jean-Claude Juncker was a strong supporter of Ireland in respect of the European Council's 2012 decision on the question of bank recapitalisation and naming Ireland in that regard, a decision to which the now President of the European Council, Mr. Donald Tusk, was also a party. It was a game-changer in its own right in so far as it allowed for the breaking of the link between bank and sovereign debt. That will not apply again in the future, as happened in Ireland's case. It was what happened in Ireland, and the negotiations that followed on this complex issue, that led to that decision by the European Council to break that link, which will apply in the future. As the former Tánaiste and Minister for Foreign Affairs and Trade said, that decision was a seismic shift. Deputy Martin asked me why I did not raise this with Mr. Juncker and Mr. Tusk. Obviously I did when we needed their support in respect of getting that European Council decision which named Ireland.

What are we looking for in this regard? We are looking for the best deal for the Irish taxpayer - namely, to get back as much money as we can by whatever deal can be done. As the Minister for Finance has pointed out on numerous occasions, other options can be considered. One is recapitalisation as per the Council decision. The banking union and the mechanisms to deal with that are in place, so we can consider whether it is appropriate to lodge an application for recapitalisation. The second option is to consider what can be done with the restructured domestic banks such as Bank of Ireland and AIB. The moneys that went into Anglo Irish Bank are gone and cannot be recovered from that particular black hole. The Irish taxpayer put €4 billion into Bank of Ireland and got back €6 billion while still owning 14% of the bank. What does one do with the taxpayers' 99% shareholding in AIB? How does one value it? Is it a better proposition to sell these shareholdings off rather than lodging an application for recapitalisation, which requires unanimous support from EU Governments?

Deputy Micheál Martin: That was always on the agenda.

The Taoiseach: The objective is to get the best result for the Irish taxpayer.

Deputy Micheál Martin: The Taoiseach knew that back in 2012.

The Taoiseach: The state of the Irish banks back in 2012 was very different from what it is now. Obviously, with the decisions made by the Government and the return of confidence, the banks are worth a lot more than they were then.

The Government has these two options. The Minister for Finance has made it perfectly clear that he does not propose to dispose of the shareholding that we have in Bank of Ireland yet. We need to measure its approximate value and decide how best to go about disposing of it, if it is appropriate to do so. We also have to consider the same action for AIB if it is deemed appropriate. We can also consider an application for direct recapitalisation as per the European Council decision. The objective in all of these options, or any others that might come along, is

to get the best return for the Irish taxpayer.

The situation in Syria is terrible. Nearly two thirds of the Syrian population, almost 3 million people, are now refugees, which is almost three quarters of the Irish population. This is of the gravest concern, and I agree with Deputy Martin that it now poses a global threat. The ISIS caliphate covers a population of 15 million across various borders. The consequent scale of suffering and humanitarian issues in the region, including south Lebanon and Jordan, caused by the Assad regime and the growth of ISIS as part of a mercenary so-called opposition to that regime beggars belief. This is an issue that is of the gravest concern to the European Council and other global powers. The denial of humanitarian relief and rights to so many people is utterly unacceptable. I have seen the reports on the possibilities with regard to reform of the United Nations to give it the power and authority that it might or should have. Mr. Staffan de Mistura, the UN Secretary General's special envoy for Syria, has been working hard to find a political alternative to violence in the region. We remain focused on ending the violence; the experience of this in Ireland may be on a smaller scale but it is of no less importance. We are also focused on the appointment of a new and inclusive transitional governing body and the holding of democratic elections for the formation of a new Syrian Government.

Following the suspension of aid there I am glad to say that Ireland supports the World Food Programme, WFP, in its assistance of Syria. Ireland provided €1.5 million to that organisation for its response to the Syria crisis in 2014 and this was part of a €14 million package of Irish Aid support for the people of Syria this year. Some €1.5 million was provided to Syria in 2013 and €200,000 in 2012 so the total of Irish Aid's funding in this regard is around €3.2 million to date. The total of Ireland's support for the WFP comes to just under €13 million for 2014. This includes an annual un-earmarked contribution of just under €10 million from the Department of Agriculture, Food and the Marine and a further €3 million provided by the Department of Foreign Affairs and Trade through the Irish Aid programme.

This year has seen unprecedented demand for humanitarian aid and the Syrian crisis accounts for a proportion of this. We are very conscious of this fact. At the second international humanitarian pledging conference for Syria in Kuwait in January 2014 the then Minister of State, Deputy Costello, announced that Ireland would contribute €12 million in support of the humanitarian aid effort in 2014. Funds have been provided to a range of established UN partners including €1.5 million to the World Food Programme and €5.3 million to the Red Cross, Red Crescent and other non-governmental organisations, NGOs. There is an enormous strain. Ireland provided €2.5 million for the regional development and protection programme, which is led by the European Commission and Denmark and aims to work in Lebanon, Jordan and Iraq over three years. This programme takes a different approach that bridges humanitarian development programming for both refugee and host communities.

Everyone in this House is appalled at the massacre today of more than 100 children in Peshawar by the Taliban. This act was the wanton slaughter of innocent children and it is appalling. I expect that it will be a focus of the European Council meeting on Thursday and Friday and I expect that the European Council, the United Nations, global powers and those interested in protecting human life will take an exceptionally strong view. This was an act of wanton murder. We will raise and discuss this matter at the European Council meeting on Thursday and Friday and contribute to the response. I expect that more powerful players will also have views on the Taliban's actions today.

In answer to Deputy Martin's question on Syria, a situation of global significance and threat

has been unleashed and an appropriate response is required.

Deputy Richard Boyd Barrett: My main question relates to corporation tax in Europe but I will first address other issues dealt with by the Taoiseach.

I agree with the Taoiseach in his condemnation of the Taliban attack in Afghanistan, which he rightly described as wanton murder. That attack must be roundly and comprehensively condemned as an outrage but I hope our moral compass will be consistent when it comes to other outrages perpetrated against innocent children and families in Afghanistan. It seems to me that consistency is lacking as I have never heard the Taoiseach or anyone else speak of wanton murder when referring to the use of drones, controlled remotely in the United States of America, to kill innocent people in Afghanistan and Pakistan. The Taoiseach and others have, rightly, expressed outrage at this latest atrocity but I hope they do precisely the same and use the same type of language when it comes to the use of drone weaponry by the United States in Afghanistan. If anything has fuelled support for the Taliban it is the US occupation of Afghanistan and its consistent use of drone weapons to bomb wedding parties, villages and so on. Sadly, this is driving some people in Afghanistan into the hands of the Taliban.

Much outrage has been expressed regarding the dire situation in Syria and the appalling record of the Assad government. The Taoiseach made reference to the latter and I could not agree more with the sentiments he expressed. The growth of ISIS in the mess that is Syria presents a serious danger and millions of Syrian people are suffering in the humanitarian crisis as they have been forced to flee their homes or killed. The Taoiseach articulated all of this but, as I have said previously, the key to unlocking this situation is to at least not obstruct the ordinary Syrian people from waging their struggle against Assad and ISIS, both rightly condemned by the Taoiseach.

The Turkish Government continues to obstruct the capacity of Kurds in Syria to take on ISIS and Assad. Incredibly, the international community continues to designate the representative of the Kurdish people, the Kurdistan Workers' Party, PKK, as a terrorist organisation when, clearly, it is the legitimate representative of the Kurdish people and has been the most effective force in protecting ordinary Syrians against Assad and ISIS, most notably in Kobanê. Why does the international community continue to designate the PKK as a terrorist organisation when, clearly, it is not? The PKK has waged an effective fight on behalf of ordinary, innocent citizens who are victims of Assad and ISIS. I ask the Taoiseach to raise his voice on behalf of ordinary Syrian people and their political representatives who are fighting to save their lives and protect them from despots and sectarians. There is a big international campaign seeking the de-listing of the PKK as a terrorist organisation and Ireland should add its voice to this.

On corporate taxation, the new Economics Commissioner, Mr. Pierre Moscovici, rightly said that the winds of change are blowing when referring to multinational companies that engage in aggressive tax avoidance across Europe. He noted that Ireland and Luxembourg are constantly implicated in such aggressive corporate tax issues. I found it interesting that the Taoiseach was effusive in his praise for Mr. Jean-Claude Juncker. He is now at the centre of this storm as, during his premiership of Luxembourg, tax rulings were passed in favour of multinational companies, including Irish multinational companies, that engaged in very aggressive tax avoidance on a massive scale. There has been a serious move against aggressive tax avoidance by the multinational sector in Europe. The problem is that we seem to be on the wrong side of the dividing line of attitudes in Europe to this phenomenon, with Mr. Juncker and the Taoiseach on one side while others say we have to do something about these multinational companies get-

ting away with blue murder when it comes to not paying a fair contribution in corporation tax. Is that not the case?

An Ceann Comhairle: We have only 18 minutes left and there are two other Deputies with a large number of questions.

The Taoiseach: There are reports of a possible siege of Aleppo and attacks by ISIS on the Kurdish population of Kobanê. Some reports indicate a beating back of ISIS in Kobanê. If this is true, it might deal with its perception of invincibility.

Deputy Richard Boyd Barrett: It is led by the PKK.

The Taoiseach: I understand that. The question of the delisting of the PKK and the opposition to the Assad regime generally is one that has given rise to a good deal of discussion at the various European Council meetings, and I imagine it will be at the centre of discussion again this week. I will refer to the point Deputy Boyd Barrett raised.

We do not have any idea of the scale or the reality of what is happening there. One in seven is now a refugee and some 3 million ordinary people from Syria have fled into Iraq, Lebanon and Jordan. This is a humanitarian catastrophe and there is no plan in place other than an immediate response to try to give humanitarian aid to these people. There may be action on the instruction of the special representative of the UN Secretary General to try to talk some sense to people and discuss how something can be done such that the ordinary Syrian people can have their say. An election process is required in order that they can be in control and decide who they want to have in a government in Syria. Obviously, it is now an awful mess. It is a complex situation exacerbated by a humanitarian disaster.

I have always made the point that the question of taxation is a matter for each individual country, as is the case in Ireland, and we recognise that. We have been and we remain one of the leaders in contributing to the European Council debate on sorting out the consequences of the fact that the digital world moves far faster than the legislative world in terms of corporate tax. Ireland has been very up-front by getting rid of the stateless concept last year, the “double Irish” tax arrangement this year and our presentation in respect of clarity between now and 2020, as well as in the development of a so-called knowledge patent box arrangement, which would be appropriate for Ireland’s position. We have been very much to the fore in the context of the debate at the OECD, with the view that this deserves a full-scale international response.

We have been in charge of our corporate tax rate of 12.5%, which has been a constant, moving neither up nor down. Similarly, we have been forthright in our support of and contribution to the debate on base erosion and profit shifting, BEPS, and the need to have a final international response to the matter.

A letter was issued from the finance Ministers of Germany, France and Italy to the Commission calling for an EU campaign to tighten up the rules and the tax rules as well as improve the exchange of information between member states. The French minister with responsibility for finance discussed this with the Minister for Finance, Deputy Noonan, during his visit to Dublin last month. The Minister, Deputy Noonan, told him that Ireland welcomes the move in a positive sense as being a contribution to the wider international debate on how best to tackle aggressive tax planning. As Deputy Boyd Barrett is aware, the main thrust of that letter was a call for a new directive that would counter aggressive tax planning in the European Union. The Commissioner indicated that it was the intention of the Commission to propose various measures in

this area. These measures will take some time to design, discuss and develop. Of course, tax remains a matter for agreement by unanimity at EU level. We will contribute to this debate.

An Ceann Comhairle: Sorry to interrupt you, Taoiseach, but only 13 minutes remain and there are two Deputies with questions.

Deputy Gerry Adams: This little session has been rather instructive for me. In response to the first question, the Taoiseach simply withdrew charges that he has made consistently and repeatedly. The position on the big question of retrospective debt was claimed by the Taoiseach and the Tánaiste of the day, Deputy Eamon Gilmore, as being a game changer and a seismic shift. We had all of the spin and responses to that decision, claiming it would deal with retrospective debt. I remember asking the Taoiseach the question repeatedly, because I saw nothing in the communiqué or in what was said that gave any sense that this was going to be the case. Now, the Taoiseach is telling us that it is simply about the separation of banking debt from sovereign debt and that from here on in that is the seismic shift and the game changer. Of course, taxpayers should never have been saddled with private banking debt and it should never have been made sovereign debt. Therein lies the reason the Taoiseach has not discussed any of this, formally or informally, with our partners in the European Union, and the Taoiseach has said as much in his answer today. This is also the reason the Taoiseach has not written or spoken to Mr. Juncker regarding the debt. Ultimately, it was all spin and there was no real substance to it. There is a consistency in the Taoiseach's position, revealed earlier during Leaders' Questions, when the Taoiseach's attitude to the British Government was expressed with a good deal of spin as well.

Now we learn that the Taoiseach has not discussed the transatlantic trade and investment partnership, TTIP, either. This is a highly controversial deal that has been negotiated behind closed doors. Its promoters maintain it will streamline and enhance trade between the USA and the EU. It may well do that, but this will be at the expense of proper regulation, workers' rights and safety, the environment and the public sector. It may well give multinational firms far more power than sovereign governments. Furthermore, there are serious challenges on issues such as food safety. The Taoiseach knows this because we are so dependent upon our agriculture industry. We have high standards and it would be disastrous for our agricultural industry if Irish farmers were directly competing with US farmers, given the vast discrepancies that exist between EU and US standards with regard to animal welfare, growth hormones and the ban on genetically modified crops.

I am mindful that we are running out of time. It strikes me that on all of these issues a certain consistency shines through. The matter was not even discussed by the Taoiseach, although the introduction of TTIP potentially jeopardises the ability of the State to guarantee citizens' rights. It could give control to companies whose only goal is the generation of profit. Will the Government commission an objective report - perhaps the view I have is jaundiced, and it could be incorrect - in the interests of transparency, to assess the benefits and risks that TTIP poses to the people of this State? I emphasise that it should assess the benefits as well as the risks in order that we can have an informed debate on all of these issues.

The Taoiseach: Let me go back. Our country went over the cliff in terms of the economy. We had a €64 billion borrowing requirement, which put pressure on every person in the country. We have seen mass emigration and unemployment, negative equity and so on. The moneys put into Anglo Irish Bank are gone and cannot be recovered. However, the moneys put up for other banks were the subject of long discussions at the European Council and at the points before this

arose at the European Council. The reason for all that was an attempt by Ireland, particularly because it was the first country to suffer from this, to ensure this could never happen again so it would be able to draw compensation again for its taxpayers. That took a long time, believe you me. The effect of the decision of June 2012 was actually to put an end to circumstances in which citizens, such as those of Ireland, would be the first to be hit or the first point of attack. In other words, the taxpayer took the brunt of everything first.

Deputy Gerry Adams: Because the Government agreed to it.

The Taoiseach: To break from that, the European Council decided that if issues like this arose in the future - it is hoped they will not – there would be a break between bank debt and sovereign debt. That was the effect of the decision. However, the consequence was that it allowed for potential recapitalisation where applications were merited and where applications would be received. As far as I can figure out, Ireland is the only country that could benefit from the clause in the decision about direct recapitalisation. What is that about? It is about getting money back for the taxpayer. It is a question of determining the best thing to do for the Irish taxpayer if one has to make a judgment. Is it to make that application and process it through the system that is in place, and have unanimity from the governors involved? Alternatively, is it better to consider the option of determining the value of AIB, for instance, and how best it might be determined? It is also a matter of the decision the Government might make in the most appropriate way and at the appropriate time in the best interest of the Irish taxpayer.

Deputy Micheál Martin: That choice was always available.

The Taoiseach: The objective was twofold. One element was making the decision that what occurred could never happen again in terms of breaking the link between bank and sovereign debt. As Ireland was the first and main negotiator of the arrangement, it is now a case of determining the best option for the Irish taxpayer. In other words, the Government has to make the decision in the best interest of the taxpayer. If one is to get back €10 billion or €15 billion from the direct recapitalisation and finds that one could get back €5 billion or €6 billion more by another option, one would choose the second option as it is best for the taxpayer. However, that is a decision the Government would have to make collectively at the right time and based on all the relevant information. That is why the game changer and the shift in European Council and ECB regulation took place.

I do not mind having a debate here on TTIP and its benefits. Obviously, the seventh round of discussions took place at the end of September and quite significant progress was made. There is a range of very difficult and complex issues. Is this important for Ireland? The United States is one of Ireland's most important trading partners, with exports reaching €18.4 billion in 2013. It is expected that Irish exporters will see a direct benefit from reductions in tariffs and other non-trade barriers to the United States. Obviously, the Department of Jobs, Enterprise and Innovation has commissioned a study, being conducted by Copenhagen Economics, on the specific benefits for Ireland, and the final report is expected before the end of this year. Perhaps we could have a debate on that here in the spring. At an aggregate EU level, trade in goods and services with the United States is worth €2 billion daily, almost 50% of global GDP. Studies have estimated the net gains from an ambitious agreement between the European Union and United States could amount to approximately €119 billion for the European Union and €95 billion for the United States, with 400,000 extra jobs across the 28 member states and a very significant boost to European GDP. When the report from Copenhagen Economics, due before the end of the year, is reviewed, I will be happy to have a discussion on what it means here in the spring.

Deputy Joe Higgins: The problem is not that there should not be trade between the United States and Ireland; it is that it is incredible that this matter would not be a subject of major debate at summits of European leaders. That really mirrors the reality of what happens in trade agreements, which involve secretly conducted talks in which representatives of major European corporations have access to key officials conducting the talks on the EU side and in which American corporations and powerful lobby interests have direct access to those on the US side. There is a huge threat, including to environmental standards that the people of Europe demand. Examples concern a prohibition on the general release of genetically modified organisms into our environment, which release the US corporates are strongly pushing for, and the question of allowing into the European Union hormone-treated beef and chlorine-washed chicken, which are anathema to European consumers. In the trade deal between the United States and Canada, for example, a question arises over the right of big business corporations in one state to interfere directly in the other state's affairs by bringing governments to court should environmental standards be too strict according to the corporations' prosecutors. This has incredible implications for the rights of ordinary people, both in Europe and in the United States. It is incredible that the European summit would not be seized of this in a big way.

Second and last, it is also incredible that the taxation scandal is not a major subject of debate at European summits. This shows that, at the very top of Europe, it is really the interests of big businesses, the super-rich and financial markets that are represented, rather than those of ordinary people. It is incredible that literally billions of euro are being saved through taxation deals that are legal but utterly immoral in the cases of Luxembourg, Ireland and the Netherlands, and that the Taoiseach stands over all this. This is evident because the international press has shown that €3 trillion in uninvested profits are lying in banks in Europe instead of going towards creating jobs for the 26 million unemployed. Included are huge amounts that should have been paid in taxes. It is incredible that this is not a source of concern to the Taoiseach.

The Taoiseach: The Deputy raised the point about transparency. It was during Ireland's Presidency that authorisation was received to put in place the discussions that would lead to the TTIP. This was followed on the American side with the declaration by President Obama at the G8 Summit in Fermanagh that the talks should begin immediately. As I stated, the seventh round took place in September.

Commissioner Malmström outlined two proposals recently for boosting transparency. The first is to extend access to the texts dealing with TTIP to all members of the European Parliament beyond the limited group that currently receives them, the European Parliament's international trade committee. All Members of Parliament will be able to gain access to the documents, including restricted texts, through a reading room facility. Second, the Commissioner took a decision to publish texts setting out the European Union's specific negotiating proposals on TTIP after each negotiating round. These will be made available through the Commission's website. From that point of view, the process is very open and transparent, and it is now being made more so. The Commissioner presented the proposals on TTIP transparency to the international trade committee of the European Parliament on December 2014, and they were also discussed with member states at a meeting of the trade policy committee on 5 December 2014. This, of course, was discussed at the European Council meeting in some detail. The European Council gave its authorisation during our Presidency. We were to seek the approval of the European Parliament so the discussions could begin, and that is what has happened.

I agree with the Deputy that we have particular issues. One of the big obstacles at present for the dairy sector is the question of grade-A equivalence, or the failure by the US authorities

to recognise EU and Irish milk production standards, particularly for milk powders, as being equivalent. This is an important issue for us. There was some progress made. At our behest, Ireland was added to the list of two other European Union member states taking part in a pilot project to move this forward. We recently hosted an inspection by the US Food and Drug Administration and await its report.

Progress has also been made in seeking access for Irish beef to the United States. This matter is not part of the trade negotiations; rather, the restrictions imposed by the United States on beef from Ireland and the rest of the European Union are a hangover from the BSE crisis. The US inspection of Irish plants last summer was very successful and this may be the first country in Europe to gain access to the United States for beef. I am sure this would be welcomed by everybody, particularly those involved in the beef sector. The Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, has made it very clear that Ireland is exceptionally sensitive about its beef production standards for the reasons mentioned by the Deputy. He has also made it clear to the US Secretary of Agriculture, Mr. Vilsack, who was in Ireland recently that our plan in the negotiations is to ensure the Irish beef sector is declared sensitive and afforded protection.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. *a*20, motion re sittings and business of Dáil; No. 20, motion re withdrawal of Road Traffic Bill 2014; No. 21, motion re referral to select sub-committee of proposed approval by Dáil Éireann of the terms of the agreements between the European Union and Canada, the Republic of Moldova, Georgia and the Hashemite Kingdom of Jordan; and No. 37, Water Services Bill 2014 - Committee Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. and adjourn at the conclusion of Topical Issues; that Nos. *a*20, 20 and 21 shall be decided without debate; that Private Members' business shall be No. 70, Thirty-fourth Amendment of the Constitution (Right to Personal Autonomy and Bodily Integrity) Bill 2014 - Second Stage; and that tomorrow's business after Oral Questions shall be No. 37, Water Services Bill 2014 - Committee Stage (resumed).

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

Deputy Micheál Martin: No, I object to the way business has been ordered for today and the rest of the week and was ordered last week. It is extraordinary, for example, that Topical Issues have been moved to 10 p.m. The debate is meant to provide an opportunity for Deputies to raise and give a profile to an issue that is topical and obtain a response, yet it is proposed to take the debate at 10 p.m. The Government made a big thing of this at the beginning of this Dáil when it changed the name from the Adjournment Debate to Topical Issue Matters, provided more time for the debate and held it at the start as opposed to the end of the day. Last week the debate was arbitrarily taken off the agenda at the whim of the Government parties. This week it will be held at 10 p.m. this evening, 11 p.m. tomorrow and 8.30 p.m. on Thursday. This illustrates that the Government's commitment to Dáil reform has been an abject failure.

The seeds of many of the issues that have arisen in recent weeks in terms of disruption of the Dáil and so forth were sown in the Government's arbitrary approach to the regulation of the House, with business changing from day to day. Tomorrow the debate on the Water Services Bill will essentially be guillotined in the evening. Any sense that the Dáil has an input into how things are done in terms of the organisation of the House is being undermined by the Government to suit its political agenda from day to day. I oppose the proposal that the Dáil sit later than 9 p.m. for these reasons. I cannot for the life of me understand the reason the Topical Issue debate was not scheduled for 1 p.m. Why did the sitting start at 2 p.m. when we could have met at noon or 1 p.m.? The relevant Deputies and Ministers would have made it their business to be here. Playing fast and loose with the daily schedule, as the Government is doing at will, is not good enough.

Deputy Gerry Adams: May I also speak to No. a20?

An Ceann Comhairle: We will deal, first, with the proposal for dealing with the late sitting.

Deputy Gerry Adams: The way in which the Government which majored on Dáil reform, political reform and so forth has ordered the business of the House in the past short period is incomprehensible and does not make sense. It is all about trying to rush through measures without proper scrutiny - that is the crucial point. It is not that we want to prolong or have an artificial debate but that we want to scrutinise the measures being brought forward. The Topical Issue debate is a very important tool for Teachtaí Dála of all parties, including the Government parties, to raise issues which are topical. The business, as proposed, has been reordered, as it was in recent weeks. I oppose the proposed late sitting and give notice that Sinn Féin will also oppose No. a20.

Deputy Joe Higgins: I, too, am concerned, although I will leave my remarks and objection until the discussion on the next proposal, No. a20, which deals with the guillotining of the debate on the Water Services Bill.

The Taoiseach: The Government changed the way business was conducted by changing the old Adjournment Debate which was held at midnight or 1 a.m. for years without anyone showing an interest in it. On a small number of occasions, we have had to change the time of the Topical Issue debate, which normally takes place in the course of the day. The debate gives Deputies the right to ask questions and obtain answers from Ministers.

We are in the closing stages of this session. The Water Services Bill was published on 2 December and so far there have been 11 hours of debate on Second Stage and 13 hours of debate on Committee Stage. Of the 46 Committee Stage amendments submitted, 16 were ruled out of order. When the debate was adjourned on Friday, Deputies had voted on amendment No. 29 and were debating section 7. Fourteen amendments remain to be debated in eight groups on Committee Stage. The Minister and a number of Deputies have indicated that they intend to table amendments on Report Stage. The Committee Stage debate is scheduled to resume after the Order of Business and continue until 8.30 p.m. when we will take Private Members' business which will be followed by the Topical Issue debate. The debate will resume at 10.45 a.m. on Wednesday and continue until noon when we will take Leaders' Questions, the Order of Business and statements on the European Council. It will resume again at 2 p.m. and continue until 6 p.m. when we will have a sos for one hour. The debate on Report and Final Stages will commence at 7 p.m. and continue until 9.30 p.m. when the House will take Private Members' business and the Topical Issue debate before rising at 11.50 p.m. If Deputies wish to take the

Topical Issue debate at the time scheduled for statements on the European Council, I do not mind. The Water Services Bill will then be brought to the Seanad where the Second Stage debate has been scheduled to begin at 2 p.m. on Thursday, 18 December, with Committee Stage scheduled to be taken at 10 a.m. on Friday, 19 December, and Report Stage being taken subsequently. The Seanad may also sit on Monday, 22 December. The schedules of both Houses are subject to change.

The proposal which aims to bring some cohesion to the remainder of the debate is to group the Committee Stage amendments to the Bill in the way that is normally done, for instance, in the case of the Finance Bill. There are rankings of committee proposals in order of priority. A number have been ruled out of order and all of the others will be discussed individually.

Deputy Micheál Martin: Is the Taoiseach referring to today's business?

The Taoiseach: I am referring to the business for today and tomorrow.

An Ceann Comhairle: The first issue to be dealt with is the proposal for dealing with the late sitting.

The Taoiseach: I am not sure whether Deputy Micheál Martin's party was represented at the Whips' meeting earlier at which these matters were discussed.

An Ceann Comhairle: Is the proposal for the late sitting agreed to?

Question, "That the proposal for dealing with the late sitting be agreed to", put and declared carried.

5 o'clock

An Ceann Comhairle: Is the proposal for dealing with Nos. a20, 20 and 21 agreed to?

Deputy Micheál Martin: It is not agreed. What we have here is the arbitrary rescheduling of the Dáil to suit the Government's political agenda. I have not heard any rationale as to why the Road Traffic (No. 2) Bill should be withdrawn, given the numbers of lives lost on the roads and so on. There is always an imperative to have legislation like this passed. In terms of how the Dáil is organised, we will be writing to the Ceann Comhairle about the need for a radical change in how we do our business. The Government has to lead on this. We sent our document on political reform to it over a year ago-----

Deputy Emmet Stagg: You had 75 years.

Deputy Micheál Martin: The bottom line is that a democratic revolution was passed. We are witnessing a constant and consistent suppression of the rights of Deputies to articulate issues, whether it is Question Time or Topical Issue debates being circumscribed and restricted, as they have been, on a consistent basis or otherwise. We now have the guillotining of Bills. The Minister, Deputy Varadkar, more or less told the Seanad yesterday that Senators had better shape up and pass the Water Services Bill without amendment.

Deputy Emmet Stagg: He did not say any such thing.

Deputy Micheál Martin: If they did not, the original regime would apply and people would pay higher charges, despite the fact they have been deferred to April by the Government. This kind of approach, namely, that we do things the Government's way or there will be conse-

quences, is the very antitheses-----

Deputy Emmet Stagg: You had five or six guillotines a day.

Deputy Micheál Martin: -----of the Dáil reform that was promised by the Government. The Taoiseach said it would do things differently, and every political party signed up for change at the time of the general election. Nothing has happened in that regard. The Taoiseach, in the last reply-----

An Ceann Comhairle: I think you have made your point.

Deputy Micheál Martin: -----went through three days of the ordering of the business of the House and the rationale behind it. There is no rationale behind having Topical Issue debates at 11 p.m.

Deputy Emmet Stagg: You used to have adjournments at midnight every day.

Deputy Micheál Martin: The consistent approach to trying to manage the House is causing difficulties for the House and Ceann Comhairle. I do not want to draw the Office of the Ceann Comhairle into it, but it is causing difficulties in terms of ongoing disruption. I do not tolerate some of the behaviour of others, but if the Taoiseach does not treat the House with respect, the House then falls into disrepute, which is a major issue.

Deputy Gerry Adams: We will call a vote on this measure. The guillotine is being imposed on Committee and Report Stages of the Bill. We have to remember that this is the Government's second chance at this Bill. It is highly controversial, unpopular and unfair. Can I use the word "hames"?

Deputy Michael Healy-Rae: You could, or "a hash".

Deputy Gerry Adams: It made a complete hames of it and ignored everything that was said and every amendment. It did not accept one amendment from Sinn Féin. This time, it is doing the same thing. It is rushing the Bill through. It has been edifying that the debate we have had here has exposed some of the flaws in the Bill. The notion that one can get something wrong once, and then twice, is not the way to do business. One would imagine that the Government would be a bit sensitive about this issue, given that it is a major issue in the public mind. Sinn Féin is opposed to the guillotine being imposed.

Deputy Joe Higgins: It is not acceptable in any sense, in particular in regard to the Water Services Bill, that a guillotine would be imposed. The Bill would have progressed much faster if the Minister had not come in here last week and tied himself up in knots, giving wholly contradictory figures to the Dáil and being unable to answer the legitimate and forensic questions from Opposition Deputies.

In regard to the ludicrous so-called conservation scheme, theoretically water charges will leave houses at the same time as social welfare bills will arrive to pay partly for them. The Minister could not answer the most basic questions and disappeared a third of a million households in providing only €130 million for so-called conservation grants. A grant of €100 would cost €165 million.

An Ceann Comhairle: We are not debating the issue; we are only debating the timing.

Deputy Joe Higgins: Yes, but one can see the problem with shutting down the debate. In terms of income, the Minister provided €271 million next year for income, but has lost €218 million.

An Ceann Comhairle: We can deal with that when we deal with the Bill.

Deputy Joe Higgins: If the Minister is acknowledging that there will be a significant level of non-payment and boycott, he should say so rather than trying to arrogantly shout down the legitimate questions of Opposition Deputies. I recommend that there be no guillotine. I strongly recommend that the Government postpone further consideration of this Bill until January, when we can have a full and logical enumeration of the figures and the realities, and suspend the water charges until then. With the benefit of a month of contemplation, perhaps the Government will abolish the odious water charges anyway, which is what will happen, whether it takes six months or a year. It will take no more than 18 months.

The Taoiseach: I thank Deputies for their comments. In regard to what Deputy Martin said, he is aware of what is required. When the Road Traffic (No. 2) Bill was introduced, it was as a Dáil Bill. It is a matter of considerable importance. In order to bring it before the Seanad, which the Minister proposes to do, a motion has to be moved to withdraw it from the Dáil timetable. The Whip has met all spokespersons, including those from Fianna Fáil, and this is the reason the motion appeared today. It is being brought before the Seanad because it is of such considerable importance.

In respect of the adjustment of the timetable, another change introduced by the Government was to have comments before, as well as after, European Council meetings. I am quite prepared to come in tomorrow at 11 p.m. and discuss the European Council agenda. The time allocated for Topical Issues can be substituted for the time allocated originally for European Council statements after the Order of Business tomorrow, with the proviso that the time for Topical Issues might have to be brought forward. If Deputy Martin is agreeable, I am happy to come in tomorrow at 11 p.m. and discuss the European Council. He can discuss his important Topical Issue after the Order of Business tomorrow if he wishes.

Deputy Micheál Martin: The cynical smile of the Whip shows the truth of the cynical approach.

Deputy Michael Healy-Rae: That is not a smile, it is a grin.

The Taoiseach: There were 11 hours of debate on Second Stage and 13 hours so far on Committee Stage. Deputies Adams and Higgins mentioned the conservation grant. The same applies in respect of unemployment lists. When the Minister of the day introduces a budget at the end of any year, there may be an increase in the unemployment rate, which has to be catered for, or the number of medical cards to be granted, or whatever. The allocation of €130 million may well have to be increased, and if it has to be increased-----

An Ceann Comhairle: We will not go there.

The Taoiseach: -----then that is what will happen.

An Ceann Comhairle: This is about time.

The Taoiseach: The Fianna Fáil spokesperson on the environment, who is not here, talked about paying for that money and the removal of USC from increased taxation. Perhaps he

might explain that to the population at large.

Question put:

<i>The Dáil divided: Tá, 83; Níl, 51.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Adams, Gerry.</i>
<i>Bruton, Richard.</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, Catherine.</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>Cowen, Barry.</i>
<i>Coffey, Paudie.</i>	<i>Creighton, Lucinda.</i>
<i>Conaghan, Michael.</i>	<i>Crowe, Seán.</i>
<i>Conlan, Seán.</i>	<i>Daly, Clare.</i>
<i>Connaughton, Paul J.</i>	<i>Doherty, Pearse.</i>
<i>Conway, Ciara.</i>	<i>Donnelly, Stephen S.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ellis, Dessie.</i>
<i>Costello, Joe.</i>	<i>Ferris, Martin.</i>
<i>Creed, Michael.</i>	<i>Fitzmaurice, Michael.</i>
<i>Daly, Jim.</i>	<i>Flanagan, Terence.</i>
<i>Deasy, John.</i>	<i>Fleming, Sean.</i>
<i>Deenihan, Jimmy.</i>	<i>Fleming, Tom.</i>
<i>Deering, Pat.</i>	<i>Grealish, Noel.</i>
<i>Doherty, Regina.</i>	<i>Halligan, John.</i>
<i>Dowds, Robert.</i>	<i>Healy, Seamus.</i>
<i>Doyle, Andrew.</i>	<i>Healy-Rae, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>Higgins, Joe.</i>
<i>English, Damien.</i>	<i>Kelleher, Billy.</i>
<i>Farrell, Alan.</i>	<i>Kirk, Seamus.</i>
<i>Feighan, Frank.</i>	<i>Kitt, Michael P.</i>
<i>Fitzgerald, Frances.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Fitzpatrick, Peter.</i>	<i>McDonald, Mary Lou.</i>
<i>Gilmore, Eamon.</i>	<i>McGrath, Finian.</i>
<i>Hannigan, Dominic.</i>	<i>McGrath, Mattie.</i>
<i>Harrington, Noel.</i>	<i>McGrath, Michael.</i>
<i>Harris, Simon.</i>	<i>McGuinness, John.</i>
<i>Hayes, Tom.</i>	<i>McLellan, Sandra.</i>
<i>Heydon, Martin.</i>	<i>Martin, Micheál.</i>
<i>Howlin, Brendan.</i>	<i>Mathews, Peter.</i>
<i>Humphreys, Heather.</i>	<i>Murphy, Catherine.</i>

<i>Keating, Derek.</i>	<i>Murphy, Paul.</i>
<i>Kehoe, Paul.</i>	<i>Naughten, Denis.</i>
<i>Kelly, Alan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Kenny, Enda.</i>	<i>Ó Cuív, Éamon.</i>
<i>Kenny, Seán.</i>	<i>Ó Fearghail, Seán.</i>
<i>Kyne, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Lawlor, Anthony.</i>	<i>O'Brien, Jonathan.</i>
<i>Lynch, Ciarán.</i>	<i>O'Sullivan, Maureen.</i>
<i>Lynch, Kathleen.</i>	<i>Pringle, Thomas.</i>
<i>McEntee, Helen.</i>	<i>Ross, Shane.</i>
<i>McFadden, Gabrielle.</i>	<i>Smith, Brendan.</i>
<i>McGinley, Dinny.</i>	<i>Stanley, Brian.</i>
<i>McHugh, Joe.</i>	<i>Troy, Robert.</i>
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>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'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, John Paul.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

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

Question declared carried.

An Ceann Comhairle: The time for the Order of Business is up, but I will allow the two party leaders to ask a quick question.

Deputy Finian McGrath: Do not forget the Technical Group.

Deputy Micheál Martin: First, will the Taoiseach organise an opportunity to table a motion of condemnation of the appalling attack earlier? With the agreement of the House, we could have a common motion as a national Parliament condemning what happened with the slaughter of so many innocent children.

Second, we need a considered debate on recent developments in Northern Ireland. Could such a motion be tabled?

Third, when will the climate change Bill be brought before the House, given the conference held in Lima last week?

Fourth, is there proposed legislation in the event that the Water Services Bill does not go through? The comments of the Minister for Health come to mind. He said there would be higher charges if the Bill was amended by the Seanad.

Deputy Noel Grealish: Bully boy tactics.

Deputy Micheál Martin: Does that mean there will be further legislation next week in the House? What are the Government's intentions to give effect to the Minister's comments?

Deputy Gerry Adams: I refer to the terms of reference of the commission of investigation into the mother and baby homes. I understand from our spokesperson that the Minister for Justice and Equality is bringing them to completion, but she said in June that it was expected that they would be before the House prior to the summer recess. That did not happen. We need an opportunity to debate these serious issues. Will the terms of reference include county homes, the Westbank Orphanage, some of the Protestant institutions and the Magdalen laundries? There is an indication that others will be appointed to the commission. When can we expect to know who they might be?

The same sex marriage and presidential election referendums deal with important issues relating to fundamental human rights, on which the Constitutional Convention took a progressive stance. The Minister of State with responsibility for the Diaspora is reported as having told an Irish-American audience that the date for the referendums would be set before Christmas. When will the referendum on same sex marriage be held? When will the referendum to lower the age to vote in and extend voting rights to presidential elections be held?

The Taoiseach: In respect of statements on Northern Ireland, I do not know whether Deputy Micheál Martin is talking about after the Christmas break, but I do not have an objection to this. I will also see whether we can do something about having a common condemnation of the

Taliban's wanton murder of children.

The climate change Bill will be taken in the first week following the resumption of the Dáil.

I expect the debate on the Water Services Bill to conclude in the Dáil and the Seanad before Christmas and hope we can agree on dealing with it.

The terms of reference of the mother and baby homes commission of investigation will be brought to the Cabinet at the first meeting after Christmas. They will be debated in the House.

In respect of the referendums, the Government made two decisions this morning to hold a referendum on the proposal put by the Constitutional Convention on the reduction of the eligibility of age to vote in presidential elections and to give authorisation to the Minister for Justice and Equality to draft the marriage equality Bill to hold a referendum on the issue. Both referendums will be held on the one day in May 2015, but the Government did not decide on a final date. The Minister will come back to the Government when she has finalised her proposals in respect of the marriage equality question. The Government has to set up a referendum commission and so on in dealing with these matters.

Family Home Mortgage Settlement Arrangement Bill 2014: First Stage

Deputy Michael McGrath: I move:

That leave be granted to introduced a Bill entitled an Act to provide for the enactment of a Family Home Mortgage Settlement Arrangement by the Insolvency Service of Ireland to assist mortgage holders in arrears.

I am pleased to introduce the Bill on behalf of the Fianna Fáil Party. The issue of mortgage arrears has slipped down the political agenda in recent months and listening to Government spokespersons, one would think the issues involved had been resolved. In reality, the number of people in serious mortgage arrears continues to soar. A total of 37,484 owner occupiers are more than two years behind in their mortgage payments. This category constitutes 32% of all accounts in arrears and account for 73% of the arrears outstanding.

Nearly 50,000 legal actions, which may result in repossession notices, have been issued on behalf of the banks. This is a problem that will come into sharp focus again in 2015.

Our intention with this legislation is to help families and individuals who have fallen behind on their mortgages to put in place an arrangement with their bank which will allow them to stay in their homes with a sustainable monthly mortgage repayment. Central Bank data shows that two-thirds of those in arrears are in employment, indicating that it should in most cases be possible to put in place a payment arrangement that is sustainable and manageable for the individual concerned. It is important that we examine carefully the data relating to mortgage arrears. A total of 109,000 mortgages have been restructured to date and 82% are meeting the terms of their arrangements. However, this should not be interpreted as a measure of sustainability, as not all restructurings represent genuine long-term solutions.

On foot of a suggestion I made earlier this year, the Central Bank is now publishing quarterly data on which restructuring arrangements are working best. The variation in performance across the different restructuring options is quite stark. It shows clearly that the split mortgage

arrangement is likely to be the best means of dealing with a mortgage that has fallen into arrears. It is significant that, according to the data supplied by the Central Bank, split mortgages are working in 94% of cases. The most common arrangement - arrears capitalisation, where the arrears are simply added to the overall balance and spread throughout the remainder of the mortgage term - has a 32% failure rate. This is not surprising, given that it does not tackle the underlying reason why the mortgage fell behind in the first place.

This piece of legislation seeks to tackle the current haphazard and inconsistent manner in which arrears are tackled. At the moment, the Insolvency Service of Ireland, which was set up under the Government's personal insolvency legislation, is being completely under-utilised. Only 800 cases were processed in the first year, when the number was expected to be 15,000. We would utilise the insolvency structure that is already in place in order to allow people who have fallen into arrears to get an order specifically relating to the family home. This is very important, as it ensures that there are no additional costs imposed on the State from the setting up of a new structure. Under our proposal, the mortgage holder would be represented by a personal insolvency practitioner, who will bring a proposal before the courts. There is a range of orders that the court can make, including a split mortgage or debt-for-equity arrangement. In parallel, we are suggesting that a system of State- and creditor-funded insolvency practitioners be established. These practitioners would take on cases in which the debtor's repayment capacity is so impaired that existing personal insolvency practitioners are unwilling or unable to do so. Our legislation would allow a judge to take a range of information into account when considering a proposal put before a court by a personal insolvency practitioner.

The family home mortgage settlement arrangement would have the effect of diluting the power of the banks to dictate the nature of arrangements for mortgages in arrears, allowing the making of an order for the best possible restructuring arrangement to be put in place. We have built safeguards into our proposals to strike a balance between the reasonable interests of borrowers and lenders, including the mortgager. They may enter a family home mortgage settlement arrangement only once, must have exhausted the appeals process as set out in the code of conduct on mortgage arrears, must have completed a prescribed financial statement and must have made a statutory declaration confirming that the statement is a complete and accurate statement of the borrower's assets, liabilities, income and expenditure.

I am confident that if our proposals are adopted there will be a considerable improvement in the current situation, with a much higher proportion of successful restructuring arrangements being implemented. It would put the interests of the mortgage holder at the centre of the process and act to dilute the control that banks currently have over the process. I look forward to debating the Bill on Second Stage at the earliest opportunity.

An Ceann Comhairle: Is the Bill opposed?

The Taoiseach: No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Michael McGrath: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Health (Amendment) Bill 2014: First Stage

Deputy Fergus O'Dowd: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Health Act 2007, to allow the Health Information and Quality Authority to investigate any unsolicited communication received by them which expresses concerns about the safety, quality of care and standards of the services being provided by the Executive, a service provider, the registered provider of a designated centre, or the person in charge of a designated centre if other than its registered provider to any resident or residents of designated centres.

This Bill will empower the Health Information and Quality Authority, HIQA, to investigate immediately, should it wish, all unsolicited complaints which it currently receives. At the moment, the law does not allow HIQA to investigate individual complaints. It clearly allows HIQA to investigate and license homes in their generality, but it does not have the power to investigate individual complaints, of which it has received 860 since 2013.

Such complaints can be very serious, and the matters involved can range from physical abuse to sexual abuse to financial abuse to psychological abuse. They are all underlined by one simple issue: people are in fear. Quite often, when a resident in a HSE home or private nursing home sends unsolicited complaints to HIQA, he or she fears being thrown out of the home. Some of the complaints enumerate the fact that the complainant has been given notice or is in fear of being given notice forthwith should he or she continue with the complaint. Staff in these nursing homes, whether they be a person in charge, in some cases, or a nurse or care assistant, fear that they will lose their jobs should their names become known to the people who run the homes. Why is this fear there? It is because it is the home itself that is the investigator of the complaint in a private nursing home. If it is a HSE institution, the HSE investigates itself. This Bill is saying that this is not enough and that we need an independent authority such as HIQA to go in and do that.

If it is a HSE facility and the complaint has been heard but the complainant is not satisfied, he or she can appeal to the Ombudsman. However, if it is a private nursing home - and two-thirds of nursing homes are private - the person has nowhere to go. There is a serious gap in respect of investigative ability, and my Bill will clearly address that. HIQA is the competent and qualified authority in this regard. It has the skills, staff and knowledge, and people trust it time and again. The problem is that HIQA can go into the home but it cannot investigate the individual issue. This is what is crucial, following on from the case of Áras Attracta last week and other issues that have come to my notice since. I am sure other Deputies are now getting some of these complaints as well. We need to vindicate the rights of the most oppressed and the weakest sectors of our community. As Hubert Humphrey said, one judges a society by how it deals with those commencing life as children and those who are in the twilight of life. We need to ensure that nobody in any of our homes or disability centres, public or private, is abused and that there is a competent, independent and qualified authority to go in there and deal with it immediately should it so wish. That is not the case currently, which is why allowing this Bill to proceed to Second Stage is very important.

An Leas-Cheann Comhairle: Is the Bill opposed?

The Taoiseach: No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Fergus O'Dowd: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Sittings and Business of Dáil: Motion

The Taoiseach: I move:

It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply in relation to the sittings and business of the Dáil today and tomorrow:

(i) the proceedings today on certain sections of the Water Services Bill 2014 at Committee Stage shall be brought to a conclusion in accordance with the following timetable:

Proceedings	To conclude after:
Section 7	10 minutes
Sections 8, 9 and 10	45 minutes for each section

and, where proceedings have not concluded by the stated time, they shall be brought to a conclusion by one question, which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government in relation to those sections of the Bill;

(ii) Private Members' business today shall be taken for 90 minutes following the conclusion of proceedings on section 10 of the Water Services Bill 2014;

(iii) Topical Issues today shall be taken following the adjournment of Private Members' business;

(iv) the proceedings tomorrow on certain sections of the Water Services Bill 2014 at Committee Stage shall be brought to a conclusion in accordance with the following timetable:

Proceedings	To conclude after:
Sections 11 to 14, inclusive	45 minutes for each section
Sections 15 and 16	15 minutes for each section

and, where proceedings have not concluded by the stated time, they shall be brought to a conclusion by one question, which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government in relation to those sections of the Bill;

(v) the suspension of sitting tomorrow under Standing Order 23(1) shall take place

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on the conclusion of Committee Stage proceedings on the Water Services Bill 2014;

(vi) Report and Final Stages of the Water Services Bill 2014 tomorrow shall take place after the suspension of sitting and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after two and a half hours by one question, which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government;

(vii) Private Members' business tomorrow shall take place on the conclusion of proceedings on the Water Services Bill 2014, and shall be brought to a conclusion after 90 minutes; and

(viii) Topical Issues tomorrow shall take place on the conclusion of proceedings on Private Members' business.

Question put and agreed to.

Road Traffic Bill 2014: Leave to Withdraw

The Taoiseach: I move:

That leave be granted to withdraw the Road Traffic Bill 2014.

Question put and agreed to.

Proposed Approval by Dáil Éireann of the Terms of Agreements between the European Union and Canada, the Republic of Moldova, Georgia and the Hashemite Kingdom of Jordan: Referral to Select Committee

The Taoiseach: I move:

That the proposal that Dáil Éireann approves the terms of the following Agreements—

(i) Agreement on Air Transport between the European Community and its Member States, on the one part, and Canada, on the other part, a copy of which was laid before Dáil Éireann on 11 December 2014;

(ii) Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part, a copy of which was laid before Dáil Éireann on 11 December 2014;

(iii) Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, a copy of which was laid before Dáil Éireann on 7 November 2012; and

(iv) Euro Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, a copy of which was laid before Dáil Éireann on 12 December 2012,

be referred to the Select Sub-committee on Transport, Tourism and Sport, in accordance with Standing Order 82A(3)(b) and (6)(a), which, not later than 27 January 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Water Services Bill 2014: Committee Stage (Resumed)

SECTION 7

An Leas-Cheann Comhairle: In accordance with the order of the Dáil of today, the proceedings on certain sections of Committee Stage of the Water Services Bill 2014 shall be brought to a conclusion with the following timetable: section 7, ten minutes; and sections 8 to 10, inclusive, 45 minutes for each section.

Question again proposed: “That section 7 stand part of the Bill.”

Deputy Seamus Healy: As I noted last Friday, section 7 would establish a public water forum. I ask the Minister for the Environment, Community and Local Government to withdraw the section because it is worse than useless. It is just a smoke screen for Irish Water, the Minister and his Department. We found it impossible to get answers from either the Minister or Irish Water regarding domestic water charges. On three occasions in the past week I raised a question with the Minister but he has not yet addressed it. The forum will comprise at least 12 and not more than 60 members. In effect, it will be another quango. It is not clear what functions it will perform or what interests its membership will represent. Will people who are strongly in favour of privatisation be represented on the forum? Will the members be nominated on the same basis as every other committee established during this Dáil, with a ratio of 2:1 of Fine Gael and Labour Party representatives? That is how nominations have been made to various boards, committees and authorities. Will the nominees be paid and, if so, what level of payment is proposed? Will they be entitled or encouraged to waive payments? How much will this cost overall? How many staff, and what grades, will be appointed to support the forum in performing its functions? What will be the forum’s overall costs? In view of the fact that we have been able to get very little information, the Minister would do well to withdraw the section.

Deputy Noel Grealish: Section 7 provides for the establishment of a public forum with between 12 and 60 members. What is the purpose of this forum? I do not think it will have any powers or real functions. It is like the HSE health forum in the west, which is a talking shop in my experience. It has no powers or functions, and it cannot formulate policy for the health services because they are governed nationally by the HSE. Is the purpose of this forum simply to dress up Irish Water with the pretence that people will have a say in how it is run? Will the members of the forum be political appointees or will they be recruited through advertisements? Will it be filled with failed Labour Party councillors who were not elected in the last local elections? I cannot see any reason for establishing this forum. We have a health forum in Galway and nothing comes out of it because it is a publicity stunt for councillors who want to get their names on radio or television by attacking HSE officials. I cannot see a justification for establishing this forum.

Deputy Brian Stanley: We had 31 forums for water services, namely, the local authorities.

That is where water services plans were devised and people were made accountable by their peers in the electorate. The Minister met councillors in County Laois yesterday, and he saw local government in action there.

Deputy Alan Kelly: I was very impressed.

Deputy Brian Stanley: That is good. The Sinn Féin presence on the council makes all the difference.

Deputy Alan Kelly: There is also a Labour Party presence.

Deputy Brian Stanley: There is a small Labour Party presence. It is Sinn Féin's firm belief that local authorities and the Dáil are the best way of providing accountability. Unfortunately, Irish Water is at one remove from such accountability. There may be an occasional clinic or a hotline but that is as good as it gets. It is the difference between democratic accountability and corporatism. Corporatism has its place but it happens in boardrooms. Democracy also has its place. If one came up with a proposal like this 30 or 40 years ago, no party in this House would entertain the idea of taking a vital service like water from democratic control and moving it into a corporate structure with questionable origins. There is little accountability in Irish Water. It is not accountable to the Comptroller and Auditor General, the Minister for the Environment, Community and Local Government or the Houses of the Oireachtas in any proper way. I proposed an amendment which would allow householders, commercial water users and trade union members to be represented on the forum. The last speaker is correct that the health forums are talking shops, although they were established by his former party, the Progressive Democrats. Consultative forums are talking shops. The difference is that local authorities had the right to make plans, hold executives to account and decide how money for water services should be spent. The electorate, in turn, held the council members to account, providing a straight line of accountability. The water forum will be a talking shop but Sinn Féin wants to ensure that the three aforementioned groups will at least be involved with it.

Section 7 provides for a right to comment on any consultation document produced by the Commission for Energy Regulation in respect of public water and waste water services. That is an example of the convoluted nature of the legislation. Matters are being taken very far away from where people can be held to account for decisions. We would prefer that Irish Water does not exist but given that the Minister is steaming ahead with it, I ask Government Deputies, including in particular Labour Party Deputies, to take my proposals on board. The water services workers in local authorities and Irish Water need to be represented on this consultative forum, along with householders and commercial water users who are paying for water every day. I ask that the Government, in a spirit of co-operation, at least ensure that those three sectors are represented.

Deputy Catherine Murphy: I will be brief and not labour the points. The fact is that we are removing it from the democratic control of the local authorities. Somebody said on the last occasion we discussed this that customers' interests would be represented when discussing matters such as leaks. Such matters were dealt with at local authority level and there was great variation. Where there was investment the leak rate has been significantly reduced, even without meters. People see the difference between paying for water and paying for Irish Water. They have a major resistance. Even people who say they have no resistance to paying for water have a resistance to paying for Irish Water. It is a quango within a quango. That is 160 degrees away from what Fine Gael proposed during the general election campaign.

Question put:

<i>The Dáil divided: Tá, 82; Níl, 48.</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>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</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>Cowen, Barry.</i>
<i>Coffey, Paudie.</i>	<i>Creighton, Lucinda.</i>
<i>Conaghan, Michael.</i>	<i>Crowe, Seán.</i>
<i>Conlan, Seán.</i>	<i>Daly, Clare.</i>
<i>Connaughton, Paul J.</i>	<i>Doherty, Pearse.</i>
<i>Conway, Ciara.</i>	<i>Donnelly, Stephen S.</i>
<i>Coonan, Noel.</i>	<i>Ellis, Dessie.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ferris, Martin.</i>
<i>Costello, Joe.</i>	<i>Fitzmaurice, Michael.</i>
<i>Creed, Michael.</i>	<i>Flanagan, Terence.</i>
<i>Daly, Jim.</i>	<i>Fleming, Sean.</i>
<i>Deasy, John.</i>	<i>Fleming, Tom.</i>
<i>Deenihan, Jimmy.</i>	<i>Grealish, Noel.</i>
<i>Deering, Pat.</i>	<i>Halligan, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Dowds, Robert.</i>	<i>Healy-Rae, Michael.</i>
<i>Doyle, Andrew.</i>	<i>Higgins, Joe.</i>
<i>Durkan, Bernard J.</i>	<i>Kelleher, Billy.</i>
<i>English, Damien.</i>	<i>Kirk, Seamus.</i>
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Feighan, Frank.</i>	<i>McDonald, Mary Lou.</i>
<i>Fitzgerald, Frances.</i>	<i>McGrath, Finian.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Mattie.</i>
<i>Gilmore, Eamon.</i>	<i>McGrath, Michael.</i>
<i>Griffin, Brendan.</i>	<i>McGuinness, John.</i>
<i>Hannigan, Dominic.</i>	<i>McLellan, Sandra.</i>
<i>Harrington, Noel.</i>	<i>Martin, Micheál.</i>
<i>Harris, Simon.</i>	<i>Murphy, Catherine.</i>
<i>Hayes, Tom.</i>	<i>Naughten, Denis.</i>
<i>Heydon, Martin.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Howlin, Brendan.</i>	<i>Ó Cuív, Éamon.</i>

<i>Keating, Derek.</i>	<i>Ó Fearghail, Seán.</i>
<i>Kehoe, Paul.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Kelly, Alan.</i>	<i>O'Brien, Jonathan.</i>
<i>Kenny, Enda.</i>	<i>Pringle, Thomas.</i>
<i>Kenny, Seán.</i>	<i>Smith, Brendan.</i>
<i>Kyne, Seán.</i>	<i>Stanley, Brian.</i>
<i>Lawlor, Anthony.</i>	<i>Timmins, Billy.</i>
<i>Lynch, Ciarán.</i>	<i>Troy, Robert.</i>
<i>Lynch, Kathleen.</i>	<i>Wallace, Mick.</i>
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mulherin, Michelle.</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'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Ruth Coppinger.

Question declared carried.

6 o'clock

SECTION 8

Deputy Brian Stanley: I move amendment No. 30:

In page 9, to delete line 35.

On studying the Bill, I see no mechanism for resolving disputes with Irish Water. In my constituency, a contractor working on behalf of Irish Water came to an estate to fit meters. A retired nurse living there was away for a week with her family when the meters were fitted. The valve on the meters is not like the old valve, which one had to turn several times to turn the water off or on. The new valve needs only a small twist, which results in a sudden gush. The sudden gush blew the middle out of the person's water softener and some of the other appliances in her house, and flooded her whole house as a result. There were no leaks in her house before the Irish Water contractors fitted the meter and did what they did. She raised the issue with me and I raised it with the contractor and Irish Water, which bounced it back and forth between them. First, Irish Water said it had not happened; then it said it had happened and the contractor was responsible. The contractor disputed this, despite the fact that the householder had brought in a suitably qualified person who verified that the excessive water pressure when the contractor turned the water back on was the cause of the problem. The water took the resin and other fillings out of the water softener in the person's utility room and flooded her whole house. I see no mechanism for sorting out such issues.

We are dealing with a corporate body with no direct line of accountability. Irish Water can listen to us if it wants to. A previous speaker raised the fact that while people on consultative bodies may discuss matters, final decisions are made in the boardroom, not in council chambers or here in the Dáil. We are all accountable and must take these matters seriously because, whichever side of the House we sit on, we must be interviewed by several thousand people at least every five years. Irish Water is not directly accountable to the Comptroller and Auditor General or the Minister. Like Bord na Móna or any semi-state company, it must publish an annual report, nothing more, and remains at arm's length. Councillors and Deputies certainly are completely sidelined under reformed local authorities for which the Labour Party and Fine Gael argued in this Chamber. Sinn Féin supports local authority reform and some of what the Government has done is good. I do not agree with all of it but everyone seeks stronger reformed local authorities. There is no better mechanism for holding to account public services than local authority members, be they Fianna Fáil, Fine Gael, Labour Party, Sinn Féin, Independent or anything else because those people are directly accountable and are close to those they represent. That is the straight line of accountability. I do not have faith in this customer dispute resolution. It is a sop that creates the illusion that some kind of mechanism will be in place but in my experience thus far with Irish Water, it is completely unaccountable. It does not resolve problems, there is no straight line of accountability, there is no mechanism for holding the company accountable and therefore, I will oppose the section.

An Leas-Cheann Comhairle: Before calling Deputy Catherine Murphy, I remind Members there is a time limit, which is on display on the clock in the Chamber.

Deputy Catherine Murphy: Much of this comes down to the definition of what is a customer. As Members are aware, many people do not wish to be customers, as they discern the difference between being a citizen and being a customer. However, there appear to be two definitions, one of which is in the 2013 legislation and which pretty much defines it as the occupier. However, when it comes to customers, there are two definitions because on the form, it states one can opt out of being a customer, whereas the legislation states one cannot do so and one is a customer regardless of one's wishes. As the dispute resolution process states the customer is someone who has registered, there appears to be a variation as to what in fact is a customer. There is the customer as defined by Irish Water and then there is the customer as defined by legislation and this is quite a significant issue with regard to dispute resolution.

People will have disputes of all kinds about bills, water leaks and a range of different things and irrespective of whether people are in dispute, it is absolutely ridiculous that they can be shut out of a dispute resolution process when there is a dispute to be resolved. I do not understand how one can be a customer as defined by Irish Water and a customer as defined by the legislation because I believe there is a difference between the two. I asked the Minister about this last week when I asked about the number of people who actually had registered. I must state I find it extraordinary - given the reports I have heard from people who sent back forms that were incomplete and who did not even open the envelope but simply wrote on the envelope to send it back - that one is supposed to believe that only approximately 20,000 of the forms were returned like that. This issue of the definition of the customer and defining it in two different ways goes to the heart of this particular section of the Bill.

Deputy Mattie McGrath: I also wish to speak on this amendment and if the Government was serious, I recall I brought forward a Private Members' Bill, namely, the Water Services (Amendment) (No. 2) Bill 2014, in which I made provision for an ombudsman to be appointed because there will be disputes by the dozen and more. Members know this to be the case in respect of utilities, as does anyone with experience on the ground. Indeed, the Minister himself knows about dispute resolutions and where he ended up himself to sort out a dispute some time ago with his neighbour. That is his own business and I will not comment on it but-----

Deputy Alan Kelly: What has that got to do with it?

An Leas-Cheann Comhairle: Please Deputy, stay on the Bill.

Deputy Mattie McGrath: ----- disputes like this can be fractious and can be niggly at the start but with the situation-----

An Leas-Cheann Comhairle: I remind the Deputy we are on section 8.

Deputy Mattie McGrath: Yes, I am speaking on section 8, on dispute resolution, the customer and what is a customer in this Bill.

Deputy Alan Kelly: What has the dispute with my neighbour got to do with it?

Deputy Mattie McGrath: It just goes to show the Minister's arrogance again. That is all it does continuously again.

An Leas-Cheann Comhairle: Through the Chair, please,

Deputy Alan Kelly: The Deputy might note the outcome of that case.

Deputy Paudie Coffey: Deputy Mattie McGrath has had a few disputes himself.

Deputy Mattie McGrath: I might note the outcome. That is fine but I am just making the point, by way of illustration, of how disputes can turn nasty-----

Deputy Ciarán Cannon: It is completely irrelevant.

Deputy Alan Kelly: It shows the type of individual the Deputy is.

Deputy Mattie McGrath: ----- how an ombudsman is needed and how disputes can turn expensive.

My point is that when issues arose with the county council, there always was a dedicated officer. A leakage form was available if there was a dispute, people were dealt with fairly and I salute the council officials who dealt with such issues. In this case, the customer is described in one situation by Uisce Éireann and in another situation is described by the Minister himself. It is the same as the Commission for Energy Regulation setting the prices, only for the Minister to take the job from it and from one amendment to the next, this Bill becomes more farcical. I reiterate that in my Private Members' Bill, I had proposed a dedicated ombudsman because there will be disputes by the dozen and by the hundred as that is the nature of the thing, especially when the meters have been fitted and, as could happen, the wrong number is mistakenly allocated to the householder or the customer in this case.

Moreover, any Member who has represented a rural constituency for any length of time has had issues over the years with farm accounts, business accounts and with different people. As I indicated earlier, we had a 98% record of payment from that sector in County Tipperary but disputes will arise and have arisen and there is a need for mediation and contact. That is where politicians came in, as they intervened as Teachtaí Dála or as comhairleoirí and meaningful discussions were held. There always was dispute resolution but the Minister has set his face against it completely. He does not want any dispute resolution, as it is all one-way traffic in this Bill. It is a case of let the money flow in agus ar aghaidh le hUisce Éireann. However, that is not good enough and I am totally opposed to this section.

Deputy Michael Healy-Rae: I also wish to speak in support of the amendment as there must be a proper, working user-friendly means of resolution to disputes that will arise because disputes of course will arise. As the Minister is aware, I was completely opposed to the setting up of Irish Water in the first instance but what has happened over the past number of months with the U-turns by the Department and the Government is absolutely disgraceful. A meeting was held last week for which I am grateful and I thank those responsible for bringing in Irish Water to answer Members' questions. I appreciate that and it was helpful but during one question-and-answer session, Members discovered that the lifespan of the meters being installed will not even be ten years, regardless of whether they are used. If the meters are not going to be used it means that by the time the Government begins to use them and to charge people for the usage of water, rather than a capped amount, it will need to go to the expense of installing a second meter. In this context, people in recent days have made the point about Irish Water not making money and bringing in revenue to repair pipes. This is what this project should have been about at all times, not about metering water or accounting for water but about fixing broken pipes in the ground. The staff who were working in the water departments of local authorities knew what were the problems and where they were. However, what they need is money for investment into new infrastructure and instead of providing money to do the work

on the ground, the Minister has created a monster. In the Minister's case, I acknowledge he did not create the monster; he adopted the monster. I must question the sanity of so doing, because had I the say in adopting something like this, I would have gone to some other Department. I swear that were I the Minister, I would rather have been in the Department of Foreign Affairs and Trade or somewhere far away from this.

Deputy Alan Kelly: The Ballinskelligs.

Deputy Michael Healy-Rae: However, the Minister took the chalice.

To return to the point at hand, we are where we are. In speaking to the motion - I respect the proposal that has been made - there must be a proper mechanism in place in order that when an issue arises, the person with the problem can be dealt with speedily and in an honest, open and frank manner. I hope the amendment will be accepted on the basis of the sincerity and the grounds on which it is being put forward.

Deputy Barry Coven: In the context of the section, can the Minister comment on litigation claims that may exist against Irish Water on the part of people who feel aggrieved in the case of, for example, flooding? Insurance may not have been taken out on the property but it can be argued that the cause was that the defence was not sufficient because of the manner in which treatment systems were maintained. This may apply to local authorities or to Irish Water if it happened since the legislation giving effect to the transfer of network assets from local authorities to Irish Water. I am aware of instances where such cases exist and I am conscious of the fact Irish Water has initiated legal proceedings to defend itself against the claims, which may prove to be correct in the absence of the court adjudicating.

In this section, I note it is proposed CER may become the arbitrator in such cases. Can the Minister confirm that this can be retrospective in so far as the thrust of the legislation was something the Minister's predecessor would have preferred to bring to the House 18 months ago rather than what he now finds necessary to do in light of the public backlash? This is a technical issue that needs to be clarified. Will the Minister stand aside and allow existing cases to proceed whereby CER might have a legal obligation to adjudicate? The same upgrading and maintenance of plants continues. In the event of a similar situation this winter, the same claims may be made. It is incumbent on the Minister to instruct CER to act as arbitrator, similar to the role of an ombudsman, as previous Deputies mentioned.

Deputy Thomas P. Broughan: I echo the concerns of colleagues about section 8. As set out, it seems a reasonable process. What happens if CER gets it wrong? Should the Minister include an appeals mechanism? Will the Minister have any role in an appeal against the decision? I base my concerns on the lack of an appeals mechanism, other than going the legal route.

I refer to the concerns I put to the Minister last week about Ervia or Bord Gáis Éireann, which the Government flogged to the private sector. Looking at the historic role of Bord Gáis Éireann and the successor network company, which has the new name of Ervia since yesterday, many representatives found it a remote company to deal with even when its headquarters were on Foley Street in the inner-city. When issues arose, such as a welcome extension of the gas network around the north and west sides of the Dublin, there were concerns about how responsive Bord Gáis was to complaints and considerations when we represented housing estates.

Another factor is regulation in general in this country and the role of CER. I do not have much confidence in CER or other regulators on the economic side because they have not de-

livered over the past 15 years when we needed them most to make strong determinations on energy pricing. CER did not deliver in its role for this House. CER having a fundamental right of decision in section 8 is not a move I welcome. I ask the Minister to examine a further appeal mechanism. Will the Minister have a role?

I am totally opposed to the establishment of Irish Water and I believe the process embarked upon was outrageously outlined on Thursday night and Friday. After the general election, there will be major changes. It is important to get the process right and I ask the Minister to answer on the issue of an appeal. Will only a legal remedy apply to consumers?

Deputy Ruth Coppinger: It is clear in the course of the debate that two major mistakes have been made. The first is on the referendum. During the course of the debate, the Minister's refusal to insert the word 'shall' instead of 'may' was unearthed but he has now changed his mind, which is good.

The second concerns the €100 grant, which the Government will abolish in no time if it gets through because it is so cumbersome and costly to implement. Now, it looks like the Government is making another serious mistake setting up a monster commission to take complaints and refusing to incorporate everyone who uses water into the complaints procedure.

Who do people go to right now if they have a problem with their water? I would love the Minister to answer. Last week, in my estate a woman had a major leak in her house with thousands of litres pumping out. She contacted Irish Water but was told that it was not the responsibility of that body. She contacted her council and was told it was not its responsibility. Meanwhile, the water was leaking to beat the band when this was supposed to be about conservation. Eventually, the fire brigade attended and closed the gap. It appears young people are getting their hands on keys to meters and pipes and opening them up, causing leaks. It would be great if people knew who to contact.

When talking about a complaints procedure, the Minister knows tens of thousands people have no intention of registering to become customers. They are vehemently opposed to the establishment of Irish Water and the privatisation of the service and opposed to paying for water a second time and the commodification of water. The Minister intends to exclude these people from making a complaint to CER. In a section of the Bill, the Minister states that a person is not entitled to make a complaint unless registered with Irish Water as a customer. If someone has a serious leak in the next year, they will be denied service.

Before the Minister got his hands on it, if people had leaks or flooding in their homes they knew who to call. The local authority provided service and did not question whether people had registered or paid. The local authority just dealt the problem. By setting this up, it shows the Minister is commodifying and privatising the system. What about people who cannot afford to register? Will they be denied a water service or will their complaints be dealt with?

Most companies set up a complaints department rather than people having to go to a separate agency to have complaints dealt with.

Deputy Alan Kelly: Yes, Bord Gáis.

Deputy Ruth Coppinger: Perhaps the Minister does so but that is not the way things used to be. People used to ring a company and it dealt with the complaints. Perhaps the Minister can tell Deputies who to go to when they have complaints about Irish Water. Over the past three

days, my office has sent e-mails to Irish Water and it bounced back e-mails saying it acknowledges receipt of the e-mail. Is there any chance elected representatives, who have more power than the average person, can get a service from Irish Water?

The Minister still has not clarified the nature of registrations, the number that referred to no contract and no consent, the number that were not filled in properly. Every Member on this side has asked that question over the past week. If we cannot get answers from Irish Water, God help the so-called customers of Irish Water if the Minister succeeds in implementing his water charges which, frankly, I do not believe he will.

Deputy Richard Boyd Barrett: Yet again, as we move through this Bill section by section, it stumbles from the shambolic to the borderline comic to the Chaplinesque and then back to the outright dreadful.

Deputy Michael McNamara: Is that Karl Marx or Groucho Marx?

Deputy Richard Boyd Barrett: I actually said I was thinking more of Charlie Chaplin. To be honest, there is a good bit of Groucho and the Three Stooges in there too. It would be funny if it were not so serious.

Last week we spoke about the hidden costs of Irish Water. Here is another cost. Judging from the anecdotal evidence we have already heard from Deputies, we will have a hell of a lot of disputes with Irish Water. Where is the Commission for Energy Regulation going to get the staff and resources to deal with these complaints? It will be putting in for more money too. This will be another cost to add to the €130 million - or is it €160 million or €210 million? - for the conservation grant, as well as the hidden costs of administering these grants. It all piles up, leading one to believe the whole idea is becoming ridiculous. Due to all these consequences of setting up this quango, it will not make a cent but will rob people of more money.

Following on from what Deputy Coppinger said, it is obvious that this will produce more problems and complaints because there are far more demarcation lines. There is the demarcation of what the customer's responsibility is and what it is not. If it is not a customer's responsibility, is it Irish Water's, the local authority's or the contractor's? We have all these stools and everyone batting everything back to everyone else.

A subject we have not brought up yet is that of rats. I am not talking about the Government or a certain builder who is in dispute with bricklayers.

Deputy John Lyons: Leave that Deputy out of it.

Deputy Richard Boyd Barrett: I am discussing actual rats in pipes. A man who came to my office this week had rats coming into his house because of cracks in his water pipes. This is a serious problem and happens quite a lot when rats get into cracked sewer pipes. Many of these sewer pipes go across some of the demarcation lines I spoke about. In this man's case, the sewer pipe is coming from a council property into a private property. Whose responsibility is it? It is quite possible that the rats are coming from the council's area, but the problem is manifesting in somebody's private property. The man in question claims it is the council's problem, while the council is claiming it is Irish Water's problem.

Deputy Derek Nolan: There is a dispute resolution mechanism in place.

Deputy Richard Boyd Barrett: The point is that we are going to have more disputes like

this because we have Irish Water.

Deputy John Lyons: Will Deputy Boyd Barrett give me that crystal ball when he is finished? I want to see what the numbers will be tonight.

Deputy Richard Boyd Barrett: It is obvious. To add to Deputy Coppinger's examples, we have had two major leaks in Dún Laoghaire, one of which, on the West Pier, went on for weeks, with tens of millions of gallons of water pouring out of the pipe while the council and Irish Water argued over which of them was responsible. It went backward and forward and backward and forward, and the water just kept pumping out. Another leak in Monkstown went on for two weeks, with tens of millions of gallons of water pouring out on a main road. Who is responsible? Nobody is responsible - or we will fight for weeks over who is responsible. Somewhere down the line, in this interesting bureaucracy, the customer will have to navigate from the council back to Irish Water and then on to this gang. Will this gang be running a call centre? I do not know. The customer will go backward and forward, around and around on the merry-go-round, whereas once upon a time they just went down to the council and said, "Can you sort this out?". While they might have had to fight with the council, at least they could ask their local representatives to argue the case for them. There was some line of accountability and a physical office with real human beings, not disembodied voices in a call centre, with whom one could engage, as well as a democratic forum in which to raise matters. Now we have lots of demarcation lines, so nobody will be responsible and everybody will be responsible, and we have some disembodied entity a far distance away that is going to resolve the dispute.

There will be far more disputes than we have now. Will the Minister enlighten us as to the costs for all of this? Are extra costs anticipated for the extra resources and staffing the Commission for Energy Regulation will need to deal with this new job? Believe me, it will have a big and confusing job.

Deputy John Lyons: I have listened to what many in the Opposition have said about section 8, and although I agree with some of their concerns - for example, I hope the Oireachtas helpline will remain open, as a direct line will be important for Oireachtas Members when constituents contact us about general issues concerning water supply-----

Deputy Ruth Coppinger: It will be very busy.

Deputy John Lyons: Deputy Catherine Murphy made a point about whether people who are not customers will be able to make a complaint about Irish Water. Even if one is not a customer of a gas company, there are enough radio advertisements to remind people what to do when they smell gas. I am trying to be practical here, although I realise the Deputy may have another agenda. There is a number available for non-gas customers in such an event. If I were to see a water leak on my way home to Ballymun, there should be a number I can ring so that it can be responded to. The corollary is that if I have central heating in my house and I pay a bill to Bord Gáis, or Eiría, I should be able to contact that company. That is what we are setting up with this system. It will give me as a customer an opportunity to deal directly with the supplier of whatever I am buying from any utility company. I do not see why, for example, somebody who is not a customer of Vodafone-----

Deputy Brian Stanley: That is Vodafone. It is a different matter.

Deputy Thomas P. Broughan: This is about water.

Deputy John Lyons: -----should be able to speak to Vodafone about an issue. If one is not a customer of a particular utility or energy company, how can one make a complaint? It is the same with every other semi-state company.

Deputy Catherine Murphy: That is my point.

Deputy John Lyons: I just do not get that.

Deputy Seán Crowe: It is important we debate the dispute resolution aspect. Regardless of what Bill is involved, I would imagine one would be strengthening it rather than weakening it. This is what the amendment is about. We all accept that many people are unhappy with Irish Water. Some will not register, while others will. My concern is that the rights of those who are not registered will be waived. I do not understand where the Minister is coming from on this. We all accept that there will be significant difficulties coming down the track. This has been described as the carrot-and-stick approach, which I do not understand. There may be another reason this has been done, but I do not understand.

I can give examples from my constituency and the Minister probably does not want to hear them, but I have seen problems similar to those mentioned by other speakers in recent weeks. I have telephoned various entities about problems and been told that responsibility lies elsewhere. In one case a leak was discovered; I do not know for how many years it had continued, but I mention it because the Minister made reference to a period of six years. I was told by Uisce Éireann that the leak had not affected the basement of the building in question, but I could see water coming down. These things can happen and mistakes can be made. In Deputy Robert Dowds's constituency of Dublin Mid-West a pipe collapsed and a gusher ensued. If the water had entered the property of a person not registered with Irish Water, what mechanism could have been used?

The Minister may say these things will not happen, but we have given examples and must make provision in all legislation for unexpected curved balls. We must try to encompass all ideas. The Minister must come back to us on the idea of people's rights being waived as the amendment relates to persons not being able to make a complaint. To follow up on what a previous speaker said, Vodafone and the like may have to deal with matters of nuisance, but water presents a different issue. As it knows no boundaries and could impact on broader society, I could imagine a person in a complex of flats having a problem with it. He or she might have a complaint and the Minister may counter that the courts offer a mechanism, but it is generally better for society if matters can be resolved without recourse to legal action. The best and cheapest mechanism to deal with a leak is to simply telephone the company responsible, set out the damage done to sofas and the like and have the company send an assessor. This is a cheaper approach than going to court.

I am concerned about how the legislation is being framed. The Minister knows that the Government has a majority in the House and can pass this legislation if it so wishes, but I ask him to re-examine and reconsider this section on dispute resolution as it must be strengthened. I am not thinking of what might happen today but in the future. If the legislation is passed, so be it, but this will be a recurring problem.

Deputy Stephen S. Donnelly: The amendment relates to section 8 and seeks to delete subsection (4)(a)(i). This part of the Bill states that for a citizen to avail of the dispute resolution mechanism, he or she must be a customer of Irish Water. This, therefore, is a very sensible

amendment. Deputy John Lyons asked the Chamber for an example of a person who might not be a customer but who should be able to avail of the dispute resolution mechanism. I will give one.

I live in Greystones and Irish Water recently accidentally increased water pressure in a housing estate there. Pipes burst and houses were destroyed as a consequence. Many of the people affected are not and have no intention of becoming customers of Irish Water. As its actions caused this trouble, the question is: should people who are not registered with Irish Water but who have been directly affected by its actions have access to a dispute resolution mechanism if it refuses to take responsibility? We do not know that this is the approach Irish Water will take, but the effect of the proposed amendment to section 8 would be to allow citizens in these circumstances to escalate matters to an independent arbiter, the Commission for Energy Regulation, CER. I suggest I have given a live example from the town in which I live of the usefulness of the amendment. There is a straightforward, non-political case for allowing non-customers of Irish Water access to the dispute resolution mechanism. The Minister should, therefore, consider accepting the amendment.

On section 8(4)(a)(iii), the Bill sets out that a customer, or, ideally, as we have just discussed, a citizen, will have access to the dispute resolution mechanism having exhausted any mechanism provided by Irish Water. I urge caution. It is possible that in the future Irish Water could put in place all manner of mechanisms to allow it to argue that it is in the middle of investigating complaints using internal processes, thus denying customers access to the independent arbiter, the CER. The Minister should examine this issue and the section might be amended on Report Stage. Perhaps it is as simple as changing the wording to say the customer has exhausted all reasonable dispute mechanisms provided by Irish Water because it is possible, based on a strict reading of the Bill, as it stands, Irish Water could avoid independent arbitration by stating a complaint is still within its own system. The company could keep the process tipping along for months and months and rectifying this could be as simple as adding the word “reasonable”.

To conclude on subsection (4)(a)(i), it is clear that citizens who are not registered customers will need access to the dispute resolution mechanism; therefore, the Minister should consider accepting the amendment.

Deputy Thomas Pringle: The line is nonsensical and should be deleted from the Bill as the amendment is very reasonable. I can envisage many circumstances in which a person who is not a registered customer of Irish Water might wish to make a complaint about the company. Why should only Irish Water customers have the right to call on the Commission for Energy Regulation to engage in dispute resolution? Irish Water’s code of practice for handling complaints does not set out that only customers of the company can make complaints; why, therefore, does the legislation bar non-customers from taking complaints further?

There are many circumstances in which this could be an issue. A non-customer of Irish Water could be affected by the company’s shoddy workmanship in meter installation or leak repair and might, ultimately, need to elevate a complaint to the Commission for Energy Regulation. The Minister says a person with a complaint will first have to register with Irish Water and make a complaint to the company and only then, if the internal resolution process fails, will that person have the right to elevate the matter to the Commission for Energy Regulation. This is a nonsensical approach that will affect many people as an adult may live in a house without being the registered owner and still have a valid complaint to make to Irish Water. Such a person will have to register with it to progress a complaint. This makes no sense.

The sensible approach for the Minister to take is to agree to the amendment and delete line 35 from the Bill, as this would make no difference to the functioning of the Commission for Energy Regulation and would give citizens a right of recourse when a complaint to Irish Water fails. The amendment would allow for a simple, cost-effective process that would make sense, while the Bill, as it stands, will force people to go to the courts as a last resort to seek dispute resolution. I urge the Minister to consider the amendment.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I thank Members for their contributions. The amendment proposes to delete the requirement that a person be registered as a customer with Irish Water in order to be entitled to make a complaint against Irish Water. I do not believe this is appropriate since section 8(4) requires that a person must have exhausted any dispute resolution mechanism provided by Irish Water.

It is important to note that we know what we are doing by putting this on a statutory footing. It is important to reflect on what sections 8(2) and 8(4) state.

Deputy Ruth Coppinger: Famous last words.

Deputy Alan Kelly: Section 8(2) states:

The Commission shall not provide the dispute resolution service where the complaint—

(a) is or has been the subject of legal proceedings before a court,

(b) is made after the expiration of 6 years from the date on which the cause of the complaint is alleged to have occurred,

(c) relates to a matter that does not concern the functions or objectives of the Commission...

This may help Deputy Cowen with his query. Furthermore, section 8(4) states:

A person is not entitled to make a complaint unless—

(a) at the time to which the complaint relates he or she—

(i) was registered with Irish Water as a customer,

(ii) has previously communicated the substance of his or her complaint to Irish Water in writing, and

(iii) has exhausted any dispute resolution mechanism provided by Irish Water,

and

(b) a final decision on the complaint has been issued by Irish Water to the customer in writing.

If Deputy Donnelly wishes to make an amendment in respect of the last matter I will consider it on Report Stage. It is something that I will need to digest. Anyway, I take the validity of what he has said.

It is important to point out that a customer is anyone who receives a service from Irish Water. There is a difference between a customer and a registered customer. That is the nub of the

issue. The benefits for registered customers of Irish Water include certain allowances, the fact that they will receive a correct bill and that they will be able to get the water conservation grant. Now, through this measure, they will have access to the dispute resolution process.

An Leas-Cheann Comhairle: Thank you, Minister.

Deputy Alan Kelly: That is the critical point. Anyone can make a complaint to Irish Water. However, to avail of the statutory process for dispute resolution which is being put in place through this Bill a person must be registered.

Deputy Ruth Coppinger: That is not what the legislation states.

Deputy Alan Kelly: Of course, this does not take away the fact that anyone can go through the legal process of the courts, if they so wish. I might also point out-----

An Leas-Cheann Comhairle: Please conclude, Minister.

Deputy Alan Kelly: I am concluding. Several Deputies have raised various issues relating to Irish Water. Irish Water has an operational call centre and there is an operational line for Members as well. Irish Water representatives have been present in Leinster House every week lately. The company is handling up to 4,500 calls on operational issues per week. I am keen to put that on record as well as the fact that an information line is available.

Deputy Ruth Coppinger: A Leas-Chathaoirligh-----

An Leas-Cheann Comhairle: No, I am sorry, Deputy. I have to put the question.

Deputy Ruth Coppinger: On a point of order, the Minister said that a person can make a complaint even if he or she is not registered. However, on page 9, section 8 states-----

Deputy Alan Kelly: I was referring to Irish Water.

Deputy Ruth Coppinger: Section 8(4) states:

A person is not entitled to make a complaint unless—

(a) at the time to which the complaint relates he or she—

(i) was registered with Irish Water as a customer...

Deputy Alan Kelly: I just said that.

Deputy Ruth Coppinger: The Minister said that a person could make a complaint-----

Deputy Alan Kelly: Yes, to Irish Water.

Deputy Ruth Coppinger: The Minister said that people can make a complaint but they cannot.

Deputy Alan Kelly: Yes, to Irish Water.

Deputy Ruth Coppinger: They cannot make a complaint according to section 8(4).

An Leas-Cheann Comhairle: I am sorry, Deputy. The time permitted for this debate having expired, I am required to put the following question in accordance with the order of the Dáil

of this day: "That section 8 is hereby agreed to in committee". Is that agreed?

Deputy Stephen S. Donnelly: Are we not discussing the amendment?

An Leas-Cheann Comhairle: No, the order was that we conclude on the section after 45 minutes.

Deputy Stephen S. Donnelly: Do we not have to put the amendment?

An Leas-Cheann Comhairle: No, the question is on the section.

Question put:

<i>The Dáil divided: Tá, 72; Níl, 42.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Adams, Gerry.</i>
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>
<i>Butler, Ray.</i>	<i>Broughan, Thomas P.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Eric.</i>	<i>Coppinger, Ruth.</i>
<i>Cannon, Ciarán.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Creighton, Lucinda.</i>
<i>Coffey, Paudie.</i>	<i>Crowe, Seán.</i>
<i>Conaghan, Michael.</i>	<i>Daly, Clare.</i>
<i>Conlan, Seán.</i>	<i>Donnelly, Stephen S.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Conway, Ciara.</i>	<i>Ferris, Martin.</i>
<i>Coonan, Noel.</i>	<i>Fitzmaurice, Michael.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Flanagan, Terence.</i>
<i>Costello, Joe.</i>	<i>Fleming, Tom.</i>
<i>Creed, Michael.</i>	<i>Grealish, Noel.</i>
<i>Daly, Jim.</i>	<i>Halligan, John.</i>
<i>Deasy, John.</i>	<i>Healy, Seamus.</i>
<i>Deenihan, Jimmy.</i>	<i>Healy-Rae, Michael.</i>
<i>Deering, Pat.</i>	<i>Kelleher, Billy.</i>
<i>Doherty, Regina.</i>	<i>Kirk, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Dowds, Robert.</i>	<i>McDonald, Mary Lou.</i>
<i>Doyle, Andrew.</i>	<i>McGrath, Finian.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Mattie.</i>
<i>English, Damien.</i>	<i>McGuinness, John.</i>
<i>Farrell, Alan.</i>	<i>McLellan, Sandra.</i>
<i>Fitzgerald, Frances.</i>	<i>Mathews, Peter.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Catherine.</i>
<i>Gilmore, Eamon.</i>	<i>Naughten, Denis.</i>

<i>Griffin, Brendan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harrington, Noel.</i>	<i>Ó Cuív, Éamon.</i>
<i>Harris, Simon.</i>	<i>Ó Fearghail, Seán.</i>
<i>Heydon, Martin.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Howlin, Brendan.</i>	<i>O'Brien, Jonathan.</i>
<i>Humphreys, Heather.</i>	<i>O'Sullivan, Maureen.</i>
<i>Keating, Derek.</i>	<i>Pringle, Thomas.</i>
<i>Kehoe, Paul.</i>	<i>Smith, Brendan.</i>
<i>Kenny, Seán.</i>	<i>Stanley, Brian.</i>
<i>Kyne, Seán.</i>	<i>Troy, Robert.</i>
<i>Lawlor, Anthony.</i>	<i>Wallace, Mick.</i>
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Catherine Murphy.

Question declared carried.

7 o'clock

SECTION 9

An Leas-Cheann Comhairle: Amendment No. 31 is out of order. Amendment No. 32, in the name of the Minister, and amendments Nos. 33 to 35, inclusive, are related and are to be discussed together.

Amendment No. 31 not moved.

Deputy Alan Kelly: I move amendment No. 32:

In page 11, line 10, after “authority” to insert “or the Local Government Management Agency”.

Amendment No. 32 is to provide for staff of the Local Government Management Agency who have been appointed as employees by Irish Water. These staff are members of the local government superannuation scheme and are treated as local authority staff for pension purposes but are not actual employees of a local authority.

Amendment No. 33 is required to clarify that Irish Water does not have financial liability for the past services of offices of the Minister or the local authorities other than the net effect of any increase in pensionable remuneration due to actions of Irish Water. The first part of amendment No. 34 relates to clarifying this same liability issue. The second part of amendment No. 34 is to address the case of the employees who were asked to resign from the local authority and were employed by Bord Gáis, now Ervia, on an interim basis until such time as Irish Water’s defined benefit scheme was set up. Amendment No. 35 is required to enable staff from Bord Gáis and Ervia who have taken up employment in Irish Water to remain in the Ervia defined benefit scheme.

Deputy Catherine Murphy: I have a number of questions. Have the costs of superannuation been quantified? Clearly, those who will be employees of Irish Water must have their pensions covered.

I presume one of the reasons for tabling these amendments is to correct an omission made in drafting the Bill in respect of the Local Government Management Agency. If people employed by the local authorities are seconded to Irish Water, where does the pension liability lie?

Deputy Barry Cowen: Section 9 and the proposed amendments thereto appear to deal with legacy issues relating to the pensions of those employed previously by Ervia or Bord Gáis who will transfer to Irish Water. Will those who are entitled to receive bonus payments under the auspices of Ervia or Bord Gáis be entitled to receive them under the auspices of Irish Water?

In recent weeks, when confronted with the issue of bonus payments, the Minister has stated both inside and outside the House that it is his intention that they will not be paid. If that is the case, is it possible to introduce legislation to give effect to that intention and, if so, will he do so? How does he plan to rectify this matter, with which he is clearly not satisfied?

Deputy Mattie McGrath: These are pick and mix amendments. We have all kinds of things crossing back and forth from Bord Gáis, the county councils and Ervia. It is a case of

“Whatever you are having yourself, Johnny.” The amendments appear to be an effort to introduce a catch-all mechanism to allow local authority employees to move back and forth to Uisce Éireann with impunity.

The section is not clear on the bonus culture. Does it include bonuses? I may be wrong about the section and the Minister may well inform the House that it is not a pick and mix or whatever you are having yourself effort. I hope he will speak voluntarily rather than involuntarily this evening and we will be given answers in order that Deputies know the Minister meant to say what he said and said what he meant.

Deputy Brian Stanley: I am concerned to ensure the pension rights of workers transferring to Irish Water are protected, especially for workers who do not have large salaries. I note that section 9(1)(b) proposes to insert the following paragraph, “members of the staff of a local authority (unless their contracts of employment provide for a defined contribution scheme).” Will the staff who transfer to Irish Water enjoy defined benefits?

The section and proposed amendments refer to Irish Water not having any financial liability or responsibility in respect of a scheme prepared by the Minister under subsection (2). This statement is a cause of concern for employees, especially manual workers who will never receive a great pension. The value of local authority pensions is being eaten up by the universal social charge and other deductions. I am concerned that the pension rights of employees, specifically those who have salaries of less than €50,000, will be placed in jeopardy or made less secure. I ask the Minister to clarify the position.

While I do not wish to stray from the amendment, the people who stood to receive the greatest benefit from the bonus scheme were obviously holding the hand of the person who drafted the scheme because they were giving themselves bonuses of 17% and 18%, while lower paid workers were set to receive 8% of a much smaller amount. If this culture is reflected in the pension scheme, people will not have confidence in it. Many Irish Water workers will have salaries of less than €30,000 and certainly less than €25,000 net. Many will be also dependent on family income supplement. It is important, therefore, that their small pension entitlements are protected and, if possible, enhanced.

Deputy Derek Nolan: This is an important section because pensions are dear to people and cause a great deal of concern. People pay into their pension schemes for long periods to ensure they have certainty and security in retirement. It is important, therefore, that absolute clarity is provided when a new body such as Irish Water is being created and employees are transferring from Ervia, the local authorities and the Local Government Management Agency. As we have seen with many pension schemes, major problems can arise where there is any legal doubt or ambiguity, with the result that people take legal action and go before the courts. It is important that this does not happen in the case of Irish Water. The company’s employees must have certainty.

I have been engaging with a number of workers in Galway who are transferring to Irish Water on pensions. Their trade union representatives in SIPTU and other unions have been also engaging with the Minister on the issue and I am pleased to note that this engagement has fed into the amendments.

On the bonus culture, I also understand the Minister, Irish Water and the board of Ervia have announced that the first task of the new board will be to produce a new pay structure, with

a view to establishing a payment system in Irish Water that enjoys the confidence of staff and those who pay for water. People must know that the revenue from the bills they pay for a water service are used effectively.

Clarity has been provided to address the concerns of workers in respect of pay, conditions and entitlements. It is important that this is copperfastened in the Bill. In the period ahead, a new pay structure must be also introduced that will provide people with comfort that pay in Irish Water is fair, reasonable and transparent and enjoys public confidence. I welcome the amendments.

Deputy Seán Crowe: Deputy Cowen may be correct that the amendments arise from legacy issues. I am more concerned about the legacy left by other organisations and what we got wrong and right at the time. Previous speakers noted the importance of getting this right and ensuring that workers do not lose any of their rights, particularly pension rights, as a result of transferring to Irish Water. The letters of comfort provided to Team Aer Lingus workers were not worth the paper on which they were written. It needs to be set in stone and the legislation needs to be watertight. That is not meant to be a pun.

It is not even about those with small pensions. The Minister is correct. Regardless of the size of a person's pension, if he or she paid into it and is entitled to it, it should be guaranteed that whatever he or she signed up to, whether with a local authority or another organisation, it should be transferred smoothly and seamlessly. That is what people want to hear and why the union lobbying has been so intense. We know what we got wrong in the past in regard to the many of the new organisations and bodies that have been set up which we have made a balls of, if one can excuse the expression. The most important thing is that we do not make the same mistake.

The amendments are trying to strengthen the position, in particular the sections that deal with workers' rights. When I spoke on the previous section, I mentioned rights. This is another section in which we should not undermine the rights of workers; rather, we should strengthen them.

Deputy Alan Kelly: I accept that there are many politically contentious issues in this Bill. This should not be one of them. We can talk about the bonus culture and other such matters, but this concerns issues related to people's pensions and workers. I would not accuse anyone in the House of not wanting to do the right thing. This section is about ensuring that everyone is protected and deals with a number of issues. The purpose of the section is to certify and put in place watertight consolidation to make sure everybody who has come into the utility is protected.

The purpose of section 9 is to provide for a number of technical amendments to superannuation provisions contained in the Water Services Act 2013 and the Gas Act 1976. It has been agreed that staff transferring to Irish Water will transfer with no less favourable pension terms. As we all know, this is a standard phrase. I was involved with a number of transfers within State bodies where I negotiated transfers and it is a phrase which has stood the test of time. The provisions regarding the superannuation in section 28 of the Water Services (No. 2) Act reflected the understanding that Irish Water would bear the liability of future pensions of staff transferred to Irish Water from my Department or local authorities, with deficits relating to past service to be met by the State or local authorities, through appropriate subvention.

Section 28 has not yet been commenced as Irish Water has concerns that the current wording would mean the financial liability for past service would be on the balance sheet of Irish Water, with local authorities or the State defraying the cost of paying the superannuation benefits. This would present a significant financial liability which could result in credit or funding issues for Irish Water, depending on how it played out.

For this reason, the amendments have been brought forward and we want to introduce them immediately before the section is commenced. Irish Water does not have financial liability for the pre-transfer service. It has been decided to provide for two separate pension schemes, one for Irish Water service which would be fully funded by Irish Water and would meet the required funding standards, and another for past service with local authorities of my Department which would be funded on a pay-as-you-go basis.

The new scheme to be established covers past service for local authority staff, which includes those from the Local Government Management Agency transferring to Irish Water following the termination of a service level agreement. This is provided for in section 19 of the Water Services (No. 2) Act 2013. It also includes local authority staff, including staff from the Local Government Management Agency or staff of the Department who, immediately before commencing employment with Irish Water, were employees of my Department or a local authority, and former local authority staff who resigned from the local authority and were employed by Bord Gáis and Eiría on an interim basis until such time as the Irish Water pension scheme was set up. Their contracts of employment include a commitment to transfer them to the Irish Water pension scheme on its establishment.

These amendments are necessary to clarify that Irish Water does not have the financial liability for past services of officers of the Minister or local authorities, other than the net effect of any increase in pensionable remuneration due to the actions of Irish Water. A separate scheme will now cover the past service of such employees and this will remain funded by the State. We are certifying what is necessary to clean up a number of technical points regarding pensions. The unions are privy to the ongoing discussions and will be anxious for these issues to be dealt with immediately.

I cannot recall which Deputy asked about secondment. All secondments are funded by the local authorities from which staff are seconded for the period of time involved.

There was some commentary on bonus payments. While that issue is not addressed in this section, it is important to say that I have been quite clear on this issue. I do not want and it is not my intention to see any form of bonus culture in Irish Water. I do not believe such practice is the best way to do things and it is not something I would have tolerated or established. I understand the process by which Irish Water was set up as a result of its parent, Bord Gáis Éireann.

Having said that, later in the Bill we will deal with issues regarding the board and its establishment, and I will be asking for support to increase the board numbers and bring in expertise, which I have said is necessary. The first task of the board will be to deal with this issue and examine the pay structure across the organisation in a reasonable way. We have to respect the fact that the unions have negotiated with Irish Water and we have to reflect on the fact that everybody who is working there has expectations. I have spoken to trade union officials who represent many of the workers. There is a way in which this can be dealt with reasonably. I will task the board, when it is constituted with new members and expertise, to deal with this issue.

I accept that, from the point of view of the public, the language, ideas and vision of people receiving bonuses and the way in which the system was constructed is worrying and concerns people. I can understand how that has emanated into a discourse of concern. It is an issue which will be dealt with it. I have spoken to the chair of Irish Water about it and I am quite confident it will be dealt with. In fact, it has to be dealt with as a matter of priority. It will form part of the discussions and negotiations which will be ongoing once the new board is constituted.

Deputy Barry Cowen: I accept the response of the Minister in regard to the technical issues related to the transfer of pensions and pension rights when one moves from one company to another, and that recognition of the past working service is enshrined in pension rights. I accept the technical aspects of the amendments to rectify that to ensure rights are protected. I acknowledge the opportunity the Minister has taken to elaborate on the broader picture of superannuation and pay, specifically performance related pay. It is something the public and many in here abhor. I note what he said in that regard. The Minister has said that he thinks this issue will be dealt with, that it must be dealt with, that he expects it will be dealt with and he will instruct the board to deal with it. I take from that therefore that no legislation will be brought into the House to give effect to any future pay for those under contract currently. Perhaps the Minister will confirm this during debate tonight or tomorrow. Effectively, he is saying this issue is being put on the long finger and the new board will be asked to look at ways and means of addressing it. However, no indication is being given as to what reporting structure will be put in place so Members can be assured the matter will be dealt with effectively or that a timescale will be put in place under which these conditions for employees can be retracted.

Is this proposal only for future employees? I would imagine it cannot be retrospective, but will the Minister confirm that? It is incumbent on the Minister, having made public pronouncements that if he had charge over this process since inception, this would not have happened under his watch, to confirm how it will be reversed under his watch. He should do this more definitively than simply say he will give the new larger board this task. I believe the Minister has this responsibility and that he could bring forward proper and effective legislation to deal with the matter and that he should inform the House he will do so.

Deputy Catherine Murphy: Quite a few senior staff have transferred from local authorities to Irish Water. These staff would possibly have completed 40 years service, entitling them to a full pension and that pension liability clearly rests with the local authority. However, when they transfer will they be entitled to a new pension entitlement from Irish Water as a consequence of the additional years of service with it?

In regard to the pay-as-you-go arrangement, does this refer only to people seconded to Irish Water? If so, does the Department have a separate budget for that? Clearly, these people would formerly have been local authority staff and the liability would have rested with the local authority. Presumably, that liability has transferred to Irish Water. Does the Minister know the amount involved in this or the number of people involved? Is it a small or negligible number?

Deputy Alan Kelly: It is a negligible number. I have some figures here and will read them into the record.

Deputy Catherine Murphy: In regard to the bonus scheme, Irish Water tried to describe this as part of the way salaries and wages were constructed. The implication was salaries were discounted where work was not done correctly and that the bonus was not part of a bonus culture. In regard to how salaries are constructed, is all of the income pensionable or is the bonus

segment not and is the arrangement built into the contracts? If so, is there an issue in regard to contracts being binding? Clearly there would be an issue for the new board in terms of this changing.

In the context of security for workers in regard to their pensions, there would be concerns about the viability of Irish Water. I presume that if Irish Water becomes unviable in future, whether in six months time, five years or ten years time, the former local authority staff would be re-employed by local authorities and their pension liabilities would be picked up by them.

Deputy Alan Kelly: I appreciate that Members have accepted that this section is quite technical and that it attempts to ensure everybody is protected.

Everybody has a legal contract of employment and all income is pensionable. There are issues relating to the performance model and for that reason I have stated publicly that the issue must and will be dealt with quickly. It cannot remain an ongoing issue. We will obviously have to look at some retrospection, but I do not believe this should cover a long period.

In response to Deputy Cowen, I do not intend to bring in legislation although that could be proposed. Everybody has a contract of employment and these contracts have been negotiated through the unions. Therefore, the best way of dealing with the issue is to negotiate further and introduce whatever model is required for the future.

In regard to those staff who have transferred from local authorities, while I have some figures on the numbers that transferred, I do not have figures on the number of secondments. I understand the number is quite small, but will get the figures for the Deputy and try to get them to her as quickly as possible. On those who have transferred from various platforms or organisations, including local authorities and the Local Government Management Agency, their pension entitlements depend on what status they transferred on. If, for example, somebody transferred his or her fund, that pension will be protected and Irish Water will continue with the pension for that person. Therefore, there will be two funds in respect of that person - defined benefits - and the person will receive a pension based on that.

However, there is a differentiation in regard to people who, for want of a better phrase, were “financially retired” once they transferred. This may have been for various reasons. For example, people may have started working earlier and reached 50 plus and then moved across to Irish Water. If they were “financially retired”, in other words had chosen to leave or finish up, they obviously start off in Irish Water on a different pension scheme.

On the issue of bonuses, I wish to make it clear that what was negotiated in regard to payment and the model used was negotiated in a bona fide way. We must accept this model is not unique to Irish Water, but came about from how these issues are dealt with in other organisations. However, I accept the public has concerns and issues in this regard. These concerns relate to the fact that a percentage of a person’s pay relates to the person’s performance and performance rating. This is not a model I would have favoured if I had been starting from scratch. That said, I must deal with the issue and the public’s concerns.

I have stated clearly the board must deal with this issue as its first priority and I believe an agreement will be negotiated. I have spoken about this to the management of Irish Water and to the chairperson of the board and I made my intentions clear. I have also spoken about this issue to the union representative. I would rather that this happened as quickly as possible and that they sat down and negotiated whatever changes are needed and whatever model needs to

be put into place to ensure all workers are protected and everyone is happy with the model and is paid a wage commensurate with their experience and position. It is a little unfortunate and disconcerting for many of the individuals.

The Irish Water workers I have met are fantastic people. Everyone will have their opinion on executives and their performance and so on. I understand that and I have heard commentary from Members, which I appreciate, but there are people working for Irish Water who go out every day and do a fantastic day's work. Great credit is due to them for the work they do and we should acknowledge that. It is not all about the commentary on bonuses and the issues that have been raised about managers and so on. Many people working in Irish Water's head office earn modest salaries and they are doing excellent work to set up the largest utility in the history of the State. They have progressed that well, given it is unique.

The workers on the ground dealing with the issues we have discussed in the House and who are planning for the future sometimes do not work in an acceptable environment. The way in which some of them have been treated is unacceptable. I am not talking only about people who work for the many different companies that won tenders and are contracted to install meters. It is disgraceful and outrageous to think that workers could be locked in a van for ten hours or more and that they could feel they could not leave the van for a long period. That is no way for people to be treated and every Member will accept that. Let us imagine a meter installer being followed home and assaulted. Everyone present would condemn that. At the end of the day, they are workers doing their work for an honest day's wage. The notion that they could be treated in this fashion is unacceptable. I could fill the House with stories about how they have increasingly suffered over the past number of months, although in recent times the problems may have dissipated as common-sense has prevailed given the coverage many decent people have seen about their treatment.

Everyone can have their issues, concerns and disputes about Irish Water but the company is engaged in a number of fantastic projects around the country, which are necessary. Irish Water staff are ensuring this work is done, for example, to remove the boil water notices in County Roscommon, to provide better services, particularly in the Dublin conurbation, and to make sure plants stay alive when at times that is marginal if they do not get in to do the work. They are ensuring people have a water service every day and night. Sometimes the manner in which they are treated is unacceptable.

This is about not only those doing the manual work or those doing the analysis, engineering work and so on, it is also about the workers who at a corporate level are working to deliver a service. They are doing their best as well. I have said out straight that lessons needed to be learned, particularly in the context of customer service. That is why the new telephone line is in place.

An Ceann Comhairle: I have to ask the Minister to return to the amendments. He is into a Second Stage contribution.

Deputy Alan Kelly: That is fair enough.

An Ceann Comhairle: We have to stick to the timetable. We are on amendment No. 32.

Deputy Alan Kelly: Workers need to be protected. These are technical amendments relating to their pension schemes and I ask for the co-operation of the House to support them.

Deputy Mattie McGrath: I appreciate the Ceann Comhairle allowing me back in to contribute as I had to leave the House. I do not disagree with one word of the Minister's comments about the employees on the ground who have been intimidated and threatened, which is unacceptable, and the staff elsewhere in the company, even though I am fundamentally opposed to Irish Water. We all have stories about that.

I am concerned about the language the Minister has used about this issue and his reference to retrospection and asking the board to do the work that clearly should be set out in these amendments regarding the pay structures, performance pay and the bonus culture. He said that if he had been in office when the legislation was introduced, this would not have happened. There might be a different Minister in the office in two years. This is only a case of "live horse and you'll get grass" and the public will not accept that. This is the forum in which to deal with the legislation and whatever expertise the Minister provides for on the board, they will be faced with the legislation as passed by the House. They will say they cannot change the structures. That is not good enough and the public will not accept that. We are trying to make the legislation acceptable to the public but they will not accept that and that should be clear to all of us. We are here to amend the legislation and this is the opportunity, given all the time we are giving to it, including possibly sitting next week, to get it right. We did not get it right last week.

The Minister stated Irish Water cannot under any circumstances take on any financial liability. This is a one way street. The company gets all the properties rate free-----

An Ceann Comhairle: These amendments relate to a superannuation scheme.

Deputy Mattie McGrath: I am replying to what the Minister said. We put questions to him.

An Ceann Comhairle: This is not about what the Minister said. We are discussing the superannuation scheme. There are four minutes remaining and three Members wish to contribute.

Deputy Mattie McGrath: I accept that. We are putting the cart before the horse and this is the place to amend the scheme. There is no point in asking the board to do that unless they are magicians. It is like writing to Santa Claus and it is wishful thinking.

Deputy Brian Stanley: I wish to ask the Minister about pensions and section 9. I listened very carefully to what he said. My concern relates to the powers he has. I mean no disrespect but I am not so sure that he has that much power. I know it is a public company. The Minister knows how concerned we are about that - that it stays a public company. I am chairperson of the board of a small not-for-profit company. We set the pay. Under company law, the board sets policy in respect of pay structure and the same is true of pensions. If the board of Eiría decides to set pension and pay policy within certain parameters, I am not too sure how much leverage the Minister has here any more than the leverage he would have with Bord na Móna or the ESB. What kind of power does he have to intervene to say that they have gone too far? I believe the chief executive should not be getting the money he is getting. He is paid more than the president of France. We should not be paying people that kind of money. We do not need to do so. A maxim during the boom stated that if one paid people peanuts, one got monkeys but we paid them millions and we still ended up with monkeys.

An Ceann Comhairle: There are two minutes remaining.

Deputy Brian Stanley: Could the Minister address the point concerning his powers relat-

ing to curtailing excessive pensions for senior executives and pay structures?

Deputy Mick Wallace: In respect of the Minister's point about workers being abused on site-----

An Ceann Comhairle: This is superannuation - section 9.

Deputy Mick Wallace: I understand that but I would not be the first in here to stray from the subject.

An Ceann Comhairle: I have the responsibility. There are only two minutes left and another Deputy wishes to speak so Deputy Wallace must stick to the section.

Deputy Derek Nolan: The Minister discussed the pensions policy and how it will come through the board. Irish Water is being set up so that it will be off-balance sheet so it can borrow. As a result, it is a private company with a majority public shareholding. It is publicly owned, although it is governed by private company law rules. I cannot think of any precedent where a private company would have its pension or pay structures legislated for in the House. It does not seem to make any sense whatsoever.

Deputy Barry Cowen: You said the charges would not be legislated for by the House either. You said that 12 months ago. You said this House would have nothing to do with charges.

Deputy Derek Nolan: Are there other elements of that kind? Could the Minister comment on that?

Deputy Alan Kelly: I apologise as I meant to give the number with regard to the transfer to the Deputy earlier. Approximately 144 have transferred and 145 from local authorities for asset management, three from local authorities under the customer operations side and 16 under support services. Wages are a matter for management at Irish Water. Under the board's guidance, it will have to deal with pay and all related issues. I have not seen a circumstance where the legislation that was referenced earlier on would be necessary or where it has happened previously. I want any changes to be done through negotiation.

In respect of Deputy Stanley's question, the term "no less favourable" comes to mind. The company must operate under section 28 of the Act. As long as it operates under section 28, if it deviates from acting under this section, whoever is Minister at the time would have to intervene and deal with it.

An Ceann Comhairle: I am required to put the following question in accordance with the order of the Dáil of this day: "That the amendments set down by the Minister for the Environment, Community and Local Government to section 9 and not disposed of are hereby made to the Bill and that section 9, as amended, is hereby agreed to."

Question put and declared carried.

SECTION 10

Deputy Alan Kelly: I move amendment No. 36:

In page 12, between lines 10 and 11, to insert the following:

"(3) The Minister may request the Minister for Finance to make payments up to a to-

tal amount of €460,000,000 to local authorities for the purpose of repaying any Housing Finance Agency water related loans under section 5 of the Housing Finance Agency Act 1981 held by local authorities. The Minister for Finance shall make any such payments, subject to such conditions (if any) as he or she may determine, out of the Central Fund or the growing produce thereof.”.

Section 10 provides that where the Minister makes an order to provide that the water services property is transferred from a local authority to Irish Water, any financial loans associated with the property are not automatically transferred to Irish Water. This section is being introduced to facilitate a more efficient transfer of water services assets and liabilities from the various local authorities to Irish Water. Under the current legislative arrangements provided for in the Water Services (No. 2) Act 2013, the Minister may designate by order water services property for transfer to Irish Water. Any liabilities, including loans, relating to such property would also automatically transfer on the same date.

In preparing for the transfer of property to Irish Water, it has become apparent that there are some issues with the automatic transfer of loans. For example, many of the loans taken out by water services property do not clearly specify the assets to which they relate. As such, it is not clear which loans would transfer to Irish Water. In addition, another important factor was the Government’s decision that the debt owed to the Housing Finance Agency, HFA, should not transfer to Irish Water. Instead, these HFA loans, which are currently counted as part of the Government debt, will be unwound by the provision of the necessary finance from the Central Fund to the relevant local authorities to repay the HFA. Non-HFA liabilities, including loans, will be transferred to Irish Water as specified water services liability in accordance with section 14 of the Water Services (No. 2) Act 2013. This will provide a clear and more transparent process for the transfer of water services loans to Irish Water. The section provides that any transfer of property by the Minister shall not be treated as a disposal of property by the local authority. This is to ensure there is no adverse impact on the financial standing of the local authorities from the transfer of assets to Irish Water.

This amendment proposes to allow the payment to local authorities of €460 million for the purposes of repaying any HFA water loans. It is not proposed to transfer this debt to Irish Water as this would impact on Irish Water’s debt-raising capacity with interest payable potentially impacting on it. As HFA loans to local authorities are already counted as part of the Government debt, it is now proposed to provide for the unwinding of this HFA debt. This will include the payment of funds to local authorities from the Government and this will be used to repay the loans.

Deputy Barry Cowen: This is a very serious amendment. We know the Water Services (No. 2) Act was in the main passed without discussion, scrutiny or adequate questioning. It was assumed then that the assets and liabilities of local authorities would in their entirety transfer to Irish Water. I know we and others put down many parliamentary questions in the intervening period seeking details of those liabilities and who exactly would be liable to repay them. We were conscious of agreements entered into for the maintenance of plant and treatment plants which were previously the duty of local authorities. We never got the sort of answers that gave us a conclusive indication of what the situation was.

8 o’clock

We are now saying that the Department of Finance will make €460 million available to pay

off those debts. When is this to be done and when was it decided? Has an audit been conducted on the breakdown of those funds countrywide? Will this arrangement impinge on the Irish Water model for off-balance-sheet borrowing under the EUROSTAT market corporation test? Will it be regarded as a further subvention on the part of the Government in addition to the 44% subvention which it assures us will allow Irish Water to pass the test?

We will have to stray slightly from the exact content of the amendment to consider the broader picture. This relates to another question I have put to the Minister on several occasions, in respect of which I am not sure I have been given the correct answer. What is the total value of the assets of the networks previously owned by local authorities and now being transferred to Irish Water? Have all of these assets been transferred? My engagement with several local authorities suggests that a full valuation of the assets has yet to be carried out. The figured bandied about for the subventions offered by the Government to compensate local authorities for the loss of income from commercial rates was approximately €60 million. Dublin and Waterford are the only counties in which full valuations have been carried out in recent times. The Government has to come clean on this. It would be ill-advised to approach the EUROSTAT test without detailed answers to these questions. Given that it is failing the test in this House, I have no doubt it will fail the test in Europe. In the event that this model, which is built on sand, fails the test in Europe, it will collapse and the Government will collapse along with it.

We learned today that the liabilities associated with the assets of Irish Water, for which we do not have full details 12 months after the legislation was brought into effect, will not necessarily transfer to Irish Water. Some €460 million of taxpayers' funds will be used to pay the outstanding debts. I do not know when this will happen or to what locations or infrastructure it relates. The Minister is asking us to accept this amendment in the absence of information about the other liabilities that may exist in addition to the €460 million relating to the Housing Finance Agency. What other maintenance contract agreements are in place throughout the country? Would it not be appropriate for the Minister to inform the House about this before introducing an amendment in the last hour of the last day? We heard threats throughout yesterday and today that if we do not allow the legislation to be guillotined, we will be hit with the charges that previously applied. We are supposed to take the blame for that even though we are only now learning that €460 million is being moved from the Department of Finance to meet liabilities to the Housing Finance Agency. Is that the full extent of the liabilities? Perhaps I am missing the point completely, but I am shocked at what I have seen in this amendment.

Deputy Brian Stanley: I have serious concerns about this section. We tried to address the issue of the assets and liabilities of local authorities with the previous Minister for the Environment, Community and Local Government, Phil Hogan, including their extent, their complex nature and the method for transferring them. This is my first term in the Dáil, but I have never seen a local authority by-law, even one pertaining to a graveyard or a parking regulation, being rushed through as quickly as the earlier legislation. I knew by Phil Hogan's face that the previous Bill did not deal with the liabilities of local authorities. We sought to find out the extent of the assets over a long period. Section 10 is an attempt to regain control of a situation that has gone out of control.

Water infrastructure is very complex and involves several dimensions in addition to the network. There are various types of plant. In County Laois, for example, there are several kinds of design-build-operate, DBO, plants. I always had a problem with DBO plants because they privatised water infrastructure serving villages and small towns. Senior officials in the Department of the Environment, Community and Local Government put a gun to the head of the city

and county managers and local authority members. They were told they had to go with the DBO approach or they would not get funding for new plants. By involving a private company, they were able to get the money. We now find that local authorities owe €460 million to the Housing Finance Agency for these loans. That is a huge sum of money but it may not be the full story.

An issue also arises with public-private partnerships, PPPs. Portlaoise sewage treatment plant received an investment of €30 million and huge sums of money were handed over every year for its operation in addition to the moneys paid up front at considerable cost to the ratepayer, householder and taxpayer. How are PPPs going to be handled? There cannot be a one-size-fits-all solution. The original legislation was rammed through and signed into force on Christmas Day not by Santa Claus but by the President, who was just doing his job. The activation date for the legislation was 1 January 2014. At one second past midnight on that day, all water infrastructure in the State, which previously belonged to local authorities and the people, was spirited away to Irish Water. The issues of DBO and PPP plants have not been thought through properly.

Section 10 of the Bill provides that the divesting of any property, including interests in land, on the property vesting day is not to be considered a disposal of property by the water services authority concerned but as a transfer to Irish Water. This wording got around the important mechanism under section 183 of the Local Government Act 2001 so that members of local authorities could be pushed to one side by a bulldozer driven by the previous Minister. They did not have the right to exercise their powers to dispose of properties. Those who were democratically elected were marginalised. There are four Labour Party Deputies in the Chamber. How does this provision sit with them? They could not be happy with it. This provision does not sit right with me. Suddenly, the Minister for Finance is going to make payments up to a total of €460 million “to local authorities for the purposes of repaying any Housing Finance Agency water related loans under section 5 of the Housing Finance Agency Act 1981 held by local authorities”. That is a mouthful. The figure of €460 million is plucked from the air to meet a situation that was not even discussed here last year and has not even been waved through by local authority members. Members of this House have been rendered powerless to do anything about it. This is a huge figure.

There is also the question of meeting the EUROSTAT criteria. We have had many debates about that in the past week. The Government is winging this. How will this be treated by EUROSTAT and how will the figures add up? How will it sit with the imaginary conservation component of the conservation grant? The whole thing is an illusion. The Minister is creating terms to fit what he is doing and creating figures to catch up with what he should have done. No audit of the assets of local authorities has been done to date in 23 or 24 counties, not to mind an audit of the liabilities. What the Minister is doing here is serious stuff. It has not been thought through properly, so I will oppose this section.

Deputy Catherine Murphy: Will the €460 million be borrowed money? How will it be funded? Will it be counted in the context of the EUROSTAT test? We were told that the conservation grant will not be counted in the Irish Water grant. We are continually told that the idea behind establishing Irish Water is to save us billions of euro, but all we can see at present are additional costs. Obviously, the reason for keeping the €460 million off the balance sheet is so that money can be raised through bank loans and other money generating opportunities such as bonds or the like. At present, it appears that Irish Water is doing some of its funding through overdrafts. I believe we should hear about all of these savings we are supposed to be making.

With regard to the assets, the impression has been given that the water and wastewater system is in universally dire condition. However, there are a number of assets and when the Irish Water team appeared before the Oireachtas committee its members told us about them. They said:

This team scoped out the full project to deliver a new company with the capability to manage all of the public water and wastewater assets and deliver services to customers. That programme was to run from April 2012 to April 2015 – with one of the key milestones to ensure that we had all of the systems, processes and capabilities in place to take over €11 billion worth of assets from 1 January 2014. The budget as submitted by Bord Gáis for the programme was €150 million with a project contingency of €30 million.

We have paid an amount of money to take over those assets, yet it is not clear if they have been accounted for, taken over or even if there has been an audit of those assets.

There was a discussion earlier about the staff who run these services. It must be said that some fantastic work has been done over the years under the local authority system. The systems were run to the maximum efficiency and the same people will be running the same water and wastewater treatment systems, whether they are called local authority or Irish Water staff. It is not a new bunch of people who have come in to do it. In fact, it will be delivered in the same way it has been delivered over the years.

We need to know if the Government is borrowing this money. If it is, how much are we paying for it, where is it being borrowed from and at what rate is it being borrowed? Is it included in the EUROSTAT figures and, if not, how can it be accounted for?

Deputy Mattie McGrath: I am aghast at what I have learned about amendment No. 36 from the Minister. I am aware from being in business that if I submitted a set of accounts at the end of a financial year that contained these types of phoney figures, I would be brought before the courts by the Revenue Commissioners. It is just funny money. It is crazy. If it was Hallowe'en rather than Christmas, I would say it was a magician at work. Last week, we were arguing about the number of houses, which was underestimated by 350,000. Tonight, the Minister is seeking to transfer all of the assets, as was signed into law. I tabled two parliamentary questions to find out when it was signed into law. It was signed on 25 December, Lá Nollag, last year, so there are no ifs or buts. I have asked hundreds of times why there was such a panic that it was signed on that day, when the country rests except for the emergency services.

We are now told that no financial loans will transfer. I would love to be a business man who gets a deal such as this, where one gets the assets but no loans. In addition, €460 million of the Housing Finance Agency loans will be paid by somebody else. The somebody else is the taxpayers, the people who will pay for the water and all the other taxes. Nobody else will pay. There are no sugar daddies around who will be generous and cough up money. I have serious issues about this €460 million. There is no explanation of where it will come from. Has it already been paid? It probably has been. How will we keep it off the balance sheet? There is not an accountant or auditor in the country who would sign off on this set of accounts. One could not find one who would. A first year student accountant would not do it. In addition, nobody would go near the tax office with them because one would be run out of town. The tax office would bring the house of cards down. One would not be in business for long because the Revenue Commissioners would close it down, and rightly so. One just would not get away with it.

I am also concerned about the huge amount of design, build and operate projects. Unlike Deputy Stanley, I supported that as a county councillor.

Deputy Brian Stanley: I did not.

Deputy Mattie McGrath: I agreed with it at the time. It was a good idea to fast-track projects. There were 17 big projects in all the big towns in south Tipperary and in many of the smaller towns and villages. The schemes were done and handed over to a private company. I cannot recall its name. What is its position now? It is probably eight to ten years into a 20 year design, build and operate contract. Under that contract, I was assured it would hand over the plants in pristine condition, operating almost as they did on the first day apart from the normal wear of parts. What is the position with that project? What about the money that was provided by loan and given out on that contract by the county council at the time, at the behest of the Department of the Environment, Community and Local Government and the Department of Finance? As Deputy Stanley said, we did not have a choice. If we wanted to get the projects and sewers in the towns, we had to take that route. Otherwise, none of them would have been done. That is not to mention the countless other plants that have not been touched at all.

I am very concerned. The Minister is bringing forward this amendment to the Bill at the eleventh hour. This time last year the last Bill was rushed through the House. We left because there was only three hours for the debate, so one could not debate it. Rushed legislation is bad legislation. There is no time to debate or examine it. The former Minister was smug and scoffed at us when it was passed. His backbenchers told us he did all the heavy lifting and that everything was hunky-dory, but now tá sé imithe and the chickens have come home to roost.

I am extremely concerned about that and the so-called conservation grant. The figures were exposed last week. The Department's figure last week was €130 million. However, Irish Water sent out 2 million packs. It is not hard to break it up; there is no need for any phoney accountancy. It is €200 million, so there is a shortfall of nearly €70 million. The whole thing is farcical and beyond a joke. We are elected by the people, and the people are incensed. Who can blame them?

I would love to be a small businessman or an employee who gets this type of deal. We discussed the employers earlier under the last amendment. This just beggars belief. I am astounded and shocked. If the Minister presses this amendment I, like Deputy Cowen, challenge the four members of the Labour Party who are present. This might be passed, but it will be end game for the Labour Party in my home town of Clonmel, and is *mór an trua é sin*.

Deputy Stephen S. Donnelly: The figure of €460 million in the amendment is very big. The method is complex in that it deals with asset shifting, liabilities shifting in the other direction and liabilities being paid down with the €460 million. It seems to be in contravention of what was promised in terms of assets and liabilities shifting to Irish Water, but maybe I am wrong.

I have three questions on the amendment. On Deputy Cowen's point, can the Minister explain how the €460 million was calculated? Was it on the back of a national inventory audit? Is it expected the full €460 million will be used? Is the €460 million from the Exchequer, as required in the amendment, new funding or money that was already ring-fenced? Will it put an additional charge on the Exchequer? We have an asset with a liability against it. The asset is going to Irish Water and the liability is staying with the local authorities. The Exchequer is giv-

ing money to the local authorities to deal with the assets and, presumably, the local authorities will pay down the liabilities in full. Does it mean the loans will be wiped out and the Exchequer will pick up an additional loan of €460 million? To help me and the House understand what is transferring, I would find it very useful if the Minister could walk us through a single, real example.

Deputy Mattie McGrath: A dance.

Deputy Stephen S. Donnelly: Based on the amendment, what will happen to the assets and liabilities, and what will happen to the Exchequer as a result?

Deputy Paul Murphy: The Minister often feigns shock at the idea that anyone could suggest privatisation is a possibility. The Government repeatedly states that nobody in the Dáil could possibly want Irish Water to be privatised. I would hazard a guess that he is incorrect although they may not feel able to put forward the idea now. The same Government wanted to privatise our forests and, if it felt it could get away with it, would like to privatise our water services sooner rather than later. Is it any wonder people have concerns when there is a section devoted to transferring assets but not liabilities? It is gift wrapping the valuable assets held by local authorities, handing them over to a semi-State body, Irish Water, without the associated liabilities and debts.

Deputy Mattie McGrath: Santa Claus.

Deputy Paul Murphy: Would the Minister not agree, at least on a theoretical level, that it would make Irish Water a more attractive option for any future major multinational corporation seeking to buy it in the context of a future privatisation? The money that is to come from the Department of Finance to the local authorities does not deal with the fundamental question. It is a transfer from one part of the State to another, but the semi-State company is being created with assets and lesser liabilities and it has the potential to be privatised in the future. Does the Minister not accept that there is a good reason for people to have concerns about it?

Already, creeping significant privatisation is under way in our water services in the form of the design, build and operate, DBO, model. Major multinational corporations which would like to buy our water services in the future have 20-year contracts to design, build and operate improvement schemes, sewerage schemes and water treatment plants throughout the country. Large parts of our water infrastructure are already being taken over by the private sector through DBOs on the basis of profit with no interference by the State, public or taxpayer in those 20 years, after which, presumably, another 20-year contract will open up. The purpose of the magic, off-balance sheet operation in which the Government is engaged is to make it easier for Irish Water to borrow money on the international markets. The Government is trying to create the impression that there is free money out there, that if one takes Irish Water off balance sheet one will be able to generate money one would not otherwise be able to generate. People understand that any money Irish Water borrows must be paid back by the people through water charges.

People have Detroit in mind, given that the Detroit Water Brigade was here. Detroit Water was not privatised, but had a fund-raising model that was akin to the model the Government proposes for Irish Water, a model of borrowing off balance sheet through international bondholders. Although, formally speaking, Detroit Water was in public ownership, the primary way the agenda of water privatisation was pursued, resulting in the shut-off of water to tens of

thousands of people, came from the role of the bondholders in the off-balance sheet finance. Of every dollar Detroit Water collected in revenue, 50 cent went to the bondholders and the key demand for the shut-offs came from the bondholders and the credit rating agencies. This is the positive story of what the Government is proposing. This is why it has such a section to make it easier for Irish Water to borrow on the international markets. This is the Trojan horse of water privatisation. Water privatisation will be pursued through the DBOs and the funding model well in advance of the actual potential privatisation, if this or any future Government were to get away with it.

Deputy Liam Twomey: Most European countries have a public system of water supply which is operated on a commercial basis by public authorities or enterprise and which impose a charge on households. The fact that Deputy Paul Murphy had to go all the way to Detroit to get an example to back up his argument substantiates the Government's claim that Irish Water will work. It is not for privatisation. We are following a model that is the same in most of Europe.

Deputy Thomas P. Broughan: He could have gone to the UK.

Deputy Liam Twomey: The only places one can find publicly regulated but privately owned and operated water services are England and Wales. Even Northern Ireland does not have it. The Deputy's arguments are wrong. According to the Northern Ireland Water website, of which Deputy Stanley would be aware, a scheme of charges for 2014-2015 includes domestic water supply. Nobody is saying Sinn Féin is going to impose charges on the people of Northern Ireland. Where does the argument go?

Deputy Brian Stanley: The Northern Ireland Minister for the Environment is from the SDLP, not Sinn Féin.

Deputy Liam Twomey: The Opposition is using silly arguments. This is a very effective means of managing a utility which works across Europe. Next time Deputy Paul Murphy is having a protest outside and needs to get somebody up on the bandstand with him, maybe he might try and find someone closer to home to back up his arguments.

Deputy Paul Murphy: We will need a Greek person there.

Deputy Brian Stanley: England.

Deputy Robert Dowds: The Opposition might bear in mind that the country is in a very difficult financial situation and it is important Irish Water gets a fair wind in its establishment.

Deputy Mattie McGrath: A hurricane.

Deputy Robert Dowds: Could the Minister confirm that the €460 million will not have to be paid by Irish Water or the local authorities-----

Deputy Mattie McGrath: Who will pay? Santa Claus?

Deputy Brian Stanley: The taxpayer.

Deputy Robert Dowds: -----and that this is removing a cost from both Irish Water and the local authorities?

Deputy Alan Kelly: The issue is being pushed into a bracket in which it should not be. It is a necessary transaction. While it is a large figure, it has been flagged previously.

Deputy Paul Murphy: When?

An Ceann Comhairle: Let the Minister make his point. Time is limited.

Deputy Alan Kelly: Local authorities have water related loans totalling €600 million. That figure is broken down as follows: €150 million from various commercial lenders and, as has been outlined, approximately €450 million from the Housing Finance Agency. In May 2014 the Government agreed that these loans should not be transferred to Irish Water, as the combination of these loans and other liabilities, estimated at approximately €200 million, would place an unnecessary burden on Irish Water's customers.

Deputy Barry Cowen: When were Members informed about this?

Deputy Alan Kelly: Moreover, if one takes account of the fact that the loans were included-----

Deputy Barry Cowen: On a point of order, the Minister has referred to a decision made in 2014 that contravened the terms of previous legislation, the debate on which was guillotined in this Chamber last December and which set out the authority for Irish Water to take on board assets and liabilities. It was then decided in May 2014 that this would not be the case and that the liabilities would not be taken on board by Irish Water. Would this not have required legislation to be passed in this House?

Deputy Mattie McGrath: Were Members told about it?

Deputy Barry Cowen: It contravened the terms of legislation-----

An Leas-Cheann Comhairle: I am sorry, Deputy, but I have not-----

Deputy Barry Cowen: -----and no matter how ridiculously it was put through the House, it was nonetheless legislation passed by the majority of Members of the House.

An Leas-Cheann Comhairle: I do not have the answer to that question.

Deputy Barry Cowen: It set out clearly that the assets and liabilities would be transferred to Irish Water. Members still do not know what the assets are or how much they amount to. They have now been told - at this late hour as usual - that there is €460 million owed to the Housing Finance Agency which will be financed by the taxpayer. As for the outstanding €150 million pertaining to commercial loans, it is not known when or how it will be paid because there is no provision in the amendment before Members. I simply must ask the Minister what authority the Government had to make that decision in the absence of proper legislation being put before the House?

An Leas-Cheann Comhairle: This is Committee Stage and I have just arrived in the Chamber. Was the Minister in the process of explaining this?

Deputy Alan Kelly: Yes, a Leas-Cheann Comhairle, and I will go through it now.

An Leas-Cheann Comhairle: Please do.

Deputy Alan Kelly: Work proceeded during the year in establishing the full extent of the liabilities, other than loans, and they are now estimated at approximately €50 million, rather than the previous figure of €200 million. Therefore, it should be possible to accommodate the

€150 million of local authority water services-related debt held by commercial banks within the €200 million liabilities figure already included in the regulated asset base by the Commission for Energy Regulation. In addition, it now is proposed that the €450 million owed to the Housing Finance Agency should be-----

Deputy Mattie McGrath: The Minister said the figure was €460 million a while ago. On a point of order, is the amount €450 million or €460 million?

An Leas-Cheann Comhairle: That is not a point of order.

Deputy Barry Cowen: One presumes it is €460 million.

Deputy Mattie McGrath: He said €460 million.

Deputy Catherine Murphy: There is a difference of €10 million.

An Leas-Cheann Comhairle: The Minister is responding.

Deputy Mattie McGrath: Is it dropping by €10 million every few minutes?

An Leas-Cheann Comhairle: Please, Deputy, the Minister is responding.

Deputy Alan Kelly: For the purposes of clarity-----

Deputy Mattie McGrath: I seek clarification. Is the figure €460 million or €450 million?

An Leas-Cheann Comhairle: The Deputy will get it.

A Deputy: Deputy Mattie McGrath is confusing everybody.

Deputy Mattie McGrath: I am not confusing anybody.

Deputy Alan Kelly: It is under €460 million.

Deputy Finian McGrath: The Minister is making it up as he goes along.

An Leas-Cheann Comhairle: Please, Deputies, on all sides, the Minister has the floor.

Deputy Finian McGrath: It is “Father Ted” economics.

Deputy Alan Kelly: For the purposes of clarity, there is a range of loans and the figure is under €460 million; I understand it is closer to €450 million. In addition, it now is proposed that the €450 million owed to the Housing Finance Agency should be unwound by the provision of necessary finance from central funds. I am talking about debt with local authorities being transferred to central funds. It is not with Irish Water and will be paid from central funds.

Deputy Barry Cowen: Therefore, it is a subvention.

Deputy Alan Kelly: In summary, it makes sense not to transfer the Housing Finance Agency loans from local authorities to Irish Water for a number of reasons. First, Irish Water’s cost base will be reduced and it will not be required to take on other local authority loans in respect of the €450 million in loans for water infrastructure. These loans originated within the Housing Finance Agency and, to answer Deputy Donnelly, are already counted as part of the Government’s debt. Local authorities will not-----

Deputy Stephen S. Donnelly: The point of clarification was about whether it was already accounted for in the budgetary figures. I appreciate it is not a debt-----

Deputy Alan Kelly: Yes.

Deputy Stephen S. Donnelly: -----but is the figure of €450 million or €460 million already accounted for in the budget?

Deputy Alan Kelly: Yes.

Deputy Barry Cowen: Of course, it is, as the local authorities owed it.

Deputy Alan Kelly: Of course, it is. Local authorities will not be left liable for these loans which will be recouped from central funds.

Deputy Mattie McGrath: That is, the taxpayer.

Deputy Alan Kelly: It is already Government debt.

Deputy Mattie McGrath: Point taken.

Deputy Barry Cowen: It is another major sweetener for Irish Water.

Deputy Alan Kelly: I do not see it that way at all.

Deputy Barry Cowen: Members do not know how much the assets are worth.

An Leas-Cheann Comhairle: Can we have some order, please?

Deputy Alan Kelly: Yes, it is €11 billion.

Deputy Barry Cowen: It is €11 billion.

Deputy Alan Kelly: Approximately, yes.

Deputy Barry Cowen: Will the Minister put that in writing?

Deputy Alan Kelly: Yes, I will.

The real issue is that there is a list of loans which were taken out by local authorities. I do not hear Deputies present complaining about how local authorities borrowed this money during the years to ensure services were provided across the country.

Deputy Mattie McGrath: Of course not. They voted for it.

Deputy Barry Cowen: They were members of the local authorities that decided to do it.

Deputy Alan Kelly: The provision being introduced is to facilitate the more efficient transfer of water service assets and liabilities from the various local authorities. Under the current legislation enacted in 2013, the Minister may designate by order water services property for transfer to Irish Water. Liabilities, including loans, relating to any such property would also automatically transfer at the same time. However, section 10 provides that where the Minister makes an order to provide that the water services property is transferred from a local authority to Irish Water, any financial loan associated with that property is not automatically transferred. In preparing for the transfer of assets and loans and considering that aspect it became apparent

there were some issues which meant that an automatic transfer in all cases would not necessarily be possible. This must now be reflected in the legislation. For example, some of the loans taken out by various local authorities did not automatically and absolutely state the assets exclusively to which they belonged. There are some related issues and the amendment is necessary to ensure it is not done automatically and can be done on a case by case basis.

Deputy Catherine Murphy: What about EUROSTAT?

Deputy Alan Kelly: There are no issues in respect of EUROSTAT.

Deputy Mattie McGrath: Why would there not be?

Deputy Alan Kelly: There are no issues with regard to the market-----

Deputy Barry Cowen: It contravenes the Water Services (No. 2) Act 2013.

Deputy Alan Kelly: There are no issues-----

Deputy Mattie McGrath: Does the Minister think not?

An Leas-Cheann Comhairle: One voice, please.

Deputy Alan Kelly: The Deputy asked me to answer a question and I am giving him my answer. There are no related issues. I repeat, this is already Government debt. That is a simple fact.

Deputy Barry Cowen: Yes, but it was assumed that it would be Irish Water's responsibility.

Deputy Alan Kelly: Wait one second.

Deputy Barry Cowen: Assets and liabilities

Deputy Alan Kelly: Moreover, if it was transferred to Irish Water-----

Deputy Barry Cowen: Now it is not being transferred.

Deputy Alan Kelly: Yes, it is not being transferred.

Deputy Barry Cowen: It is a subvention.

Deputy Alan Kelly: However, if it was transferred to Irish Water, it obviously could result in changes to its cost base that could have an impact on everything relating to it in respect of-----

Deputy Mattie McGrath: Paying the bills.

Deputy Joe Higgins: Accountancy trickery.

Deputy Alan Kelly: It is not accountancy trickery.

Deputy Mattie McGrath: It is.

Deputy Alan Kelly: It would be if it was not Government debt, but the Deputy should note it is already Government debt.

In response to issues raised regarding a list of local authorities and to provide the rationale

for the figure of €11 billion, based on local authority accounts for 2013, a considerable amount of work has been undertaken in 2014 to identify all loans and liabilities. This work is only being signed off on by local authorities and I do not believe we will have a full picture for a short while yet because the work is ongoing. It is year one and it is being based on the 2013 accounts. Deputy Barry Cowen put a question directly to me concerning the current value of the assets. They are estimated to be worth approximately €11 billion. I am unaware of whether the Deputy has been provided with that answer previously and, if not, I am glad to be able to give it to him.

Deputy Brian Stanley referred to maintenance contracts. The design build contracts were transferred to Irish Water by statutory instrument and a list is publicly available. If the Deputy cannot get hold of it, I am willing to provide it.

I will conclude by saying to colleagues who have asked on numerous occasions that this component of the Bill has nothing to do with the market corporation test. It will have no impact on the it.

Deputy Barry Cowen: The Minister constructed Irish Water.

Deputy Alan Kelly: Our debt is our debt as a nation. Deputies can say whatever they want but this will have no impact on it.

Deputy Barry Cowen: Why is it off-balance-sheet?

Deputy Alan Kelly: The legislation strengthens our position on the future market corporation test.

An Leas-Cheann Comhairle: The time permitted for the debate having expired, I am required to put the following question in accordance with the order of the Dáil of this day: "That the amendment set down by the Minister for the Environment, Community and Local Government to section 10 and not disposed of is hereby made to the Bill and that section 10, as amended, is hereby agreed to in Committee."

Question put:

<i>The Committee divided: Tá, 76; Níl, 41.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Butler, Ray.</i>	<i>Adams, Gerry.</i>
<i>Buttimer, Jerry.</i>	<i>Boyd Barrett, Richard.</i>
<i>Byrne, Catherine.</i>	<i>Broughan, Thomas P.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>
<i>Carey, Joe.</i>	<i>Coppinger, Ruth.</i>
<i>Coffey, Paudie.</i>	<i>Cowen, Barry.</i>
<i>Collins, Áine.</i>	<i>Creighton, Lucinda.</i>
<i>Conaghan, Michael.</i>	<i>Crowe, Seán.</i>
<i>Conlan, Seán.</i>	<i>Daly, Clare.</i>
<i>Connaughton, Paul J.</i>	<i>Doherty, Pearse.</i>
<i>Conway, Ciara.</i>	<i>Donnelly, Stephen S.</i>
<i>Coonan, Noel.</i>	<i>Ellis, Dessie.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ferris, Martin.</i>

<i>Costello, Joe.</i>	<i>Fitzmaurice, Michael.</i>
<i>Creed, Michael.</i>	<i>Flanagan, Terence.</i>
<i>Daly, Jim.</i>	<i>Fleming, Sean.</i>
<i>Deasy, John.</i>	<i>Fleming, Tom.</i>
<i>Deering, Pat.</i>	<i>Halligan, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>
<i>Dowds, Robert.</i>	<i>Higgins, Joe.</i>
<i>Doyle, Andrew.</i>	<i>Kelleher, Billy.</i>
<i>Durkan, Bernard J.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>English, Damien.</i>	<i>McDonald, Mary Lou.</i>
<i>Farrell, Alan.</i>	<i>McGrath, Finian.</i>
<i>Fitzgerald, Frances.</i>	<i>McGrath, Mattie.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Michael.</i>
<i>Gilmore, Eamon.</i>	<i>McLellan, Sandra.</i>
<i>Griffin, Brendan.</i>	<i>Murphy, Catherine.</i>
<i>Hannigan, Dominic.</i>	<i>Murphy, Paul.</i>
<i>Harrington, Noel.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harris, Simon.</i>	<i>Ó Cuív, Éamon.</i>
<i>Hayes, Tom.</i>	<i>Ó Fearghail, Seán.</i>
<i>Heydon, Martin.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Humphreys, Heather.</i>	<i>O'Brien, Jonathan.</i>
<i>Keating, Derek.</i>	<i>O'Sullivan, Maureen.</i>
<i>Kehoe, Paul.</i>	<i>Pringle, Thomas.</i>
<i>Kelly, Alan.</i>	<i>Smith, Brendan.</i>
<i>Kenny, Seán.</i>	<i>Stanley, Brian.</i>
<i>Kyne, Seán.</i>	<i>Troy, Robert.</i>
<i>Lawlor, Anthony.</i>	<i>Wallace, Mick.</i>
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</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'Reilly, Joe.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

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

Question declared carried.

Progress reported; Committee to sit again.

An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (An Ceart chun

Féinriarachta Pearsanta agus Sláine Colainne) 2014: An Dara Céim [Comhaltaí Príobháideacha]

Thirty-fourth Amendment of the Constitution (Right to Personal Autonomy and

Bodily Integrity) Bill 2014: Second Stage [Private Members]

Deputy Clare Daly: Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

Acting Chairman Deputy Alan Farrell: I understand Deputy Clare Daly is sharing time

with Deputies Coppinger, Finian McGrath and Pringle. Is that agreed? Agreed.

Deputy Clare Daly: I move the Thirty-fourth Amendment of the Constitution (Right to Personal Autonomy and Bodily Integrity) Bill 2014 with a mixture of sadness, feeling a bit mad as well as glad. This Bill seeks to repeal the Eighth Amendment of the Constitution Act 1983 to protect women's lives, health and choices. It is regrettable that we have to do this, that we have to acknowledge the background to this and the fact that so many women's lives have been negatively impacted upon by the State's decision to take women's health and reproductive choices out of our hands and put them into the Constitution. That decision has resulted in horrendous scenarios for women, including several unnecessary deaths - casualties of a nation's hypocrisy. It is regrettable that decades down the road it has been left to the Opposition to use this twilight slot at the end of a Dáil term to launch a last-minute plea to the Government on this issue. We are actually not begging but demanding that the Government respects women, our health and our human rights and repeals the eight amendment. It is a regrettable that, given the Government announced today it will hold several referenda in early May, it could not also include this Bill when it is such a long overdue measure. It is a poor reflection on the Government that it is not introducing this amendment.

That said, I am glad to have the opportunity to introduce the Bill. It is a significant and important issue in which I have been involved through all my adult life. It is an issue which affected ten women today, ten women yesterday and will affect ten women tomorrow. They will be forced to take the journey from these shores to access what is a routine medical treatment in many other countries. This Parliament now has an important opportunity with this Bill to do something positive. We have a chance to send a signal that we meant it when we said we were sorry to the women who were banished behind the Magdalen laundries, to the women who had their babies taken from them to be given up in forced adoptions or to those women who had their pelvises broken in symphysiotomy, as well as for the way we treated crisis pregnancies of the past. If we really meant all that, we would ensure it would not happen again. Instead, all of that has been replaced by a Ryanair ticket or a packet of pills illegally purchased over the Internet with the possibility of a criminal sanction.

9 o'clock

If we were serious and meant it when we said this is a new era we would develop a society that supports people rather than passes judgment on them. Society should be open and should not stigmatise women, thus forcing them into secretive behaviour. We must respect women and the choices they make and trust that they know what is best for them. This Bill gives us the opportunity to do something positive at the end of this term so the Government should reconsider its attitude and include this measure among the referenda to be held in the new year.

When we consider repealing the eighth amendment of the Constitution we should examine how it came about in the first place. In 1983 abortion was already illegal in Ireland. Under the Offences Against the Person Act 1861 the penalty for abortion was penal servitude for the woman involved and anyone who helped, including a doctor or medical practitioner. This created a serious chilling effect but in the background society was changing via the swinging 60s and the movement in the 1970s. Women demanded access to contraception and wanted to be a part of the workforce. Meanwhile, in the United States, the *Roe v Wade* judgment was handed down and certain elements of Irish society, particularly those in the Catholic hierarchy, felt that the abortion ban here could be undermined through the courts. In the early 1980s they began a well-funded and well-organised pro-life amendment campaign using sustained political pres-

sure to be sure there would be no abortion in Ireland.

This unmitigated failure must be our starting point because the campaign stopped abortion in Ireland but did not stop Irish abortion. Some 160,000 women were expelled from this country in order to access treatment and every family in the State has been affected, whether they know it or not. Women were stigmatised and told not to talk about it, extending an unbroken thread from the days when we hid women in Magdalen laundries. We could call it an Irish solution to an Irish problem but it was more than that; it was an English solution to an Irish problem. Let us be clear, if it were not for the proximity of Britain, far more women would have lost their lives to this reprehensible amendment. If it were not for the proximity of Britain, there would have been a campaign to eliminate this provision before now because the eighth amendment says the State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect and, as far as is practicable by its laws, defend and vindicate that right. How could anyone make sense of this? The confusion was evident at the time.

It is ironic that a Fine Gael and Labour Party Government moved the referendum but used the wording put forward by Fianna Fáil. The Government at that time ended up in this position because it gave a free vote to all Deputies and, again, this is ironic as it illustrates that the democratic revolution promised by this is redundant. It is particularly sickening that much of what has happened since the passing of that referendum was forewarned. The legal problems were flagged by the Attorney General of the time who warned those seeking protection and certainty that this measure would have the opposite effect. The Government was told on moving the referendum that it would conflict with the European Convention on Human Rights, and it did, but the State pressed on and the referendum was passed by a two to one majority with only 53% of voters participating.

Some thirty years on, this referendum is referred to as the decision of the Irish people. Most of those involved in that referendum are no longer around and it is not the mandate of the Irish people. We face a peculiar scenario where everything is different but stays the same. Legislatively everything is the same but abortion is actually a normal part of everyone's reproductive life in Ireland because Ireland's abortion rate is comparable to that in every other country. The attitudes of Irish people have moved on and the Government is out of touch. The result of all this is poor women and those with a precarious immigration status in the country cannot exercise the constitutional right to abortion. That right says women can have abortions but not in Ireland and those who are too sick, disabled or impoverished pay the price.

I welcome the statements of Mr. John Douglas, general secretary of the Mandate trade union and president the Irish Congress of Trade Unions, who believes this is an important trade union issue. In welcoming this legislation he made the point that many Mandate members are low-paid and the cost of travelling for this treatment can equate to over 10% of annual income, forcing many young women into debt and causing serious mental health problems.

I know the Minister saw the tragic report in *The Irish Times* yesterday as it highlighted the fact that in the past 12 months some 26 asylum seekers and women facing travel restrictions came to the Irish Family Planning Association for help with an abortion. The association said those women faced insurmountable obstacles - five of them had to continue their pregnancies and four of them tried to self-induce an abortion. This is the reality and the chilling effect of the legislation that is still on our books but it is not a surprise as these issues were well-flagged by the United Nations Human Rights Committee last year. All too tragically, the predicted

events came to pass in the horrific Y case. I will not go into the details of that case but it is horrendous that the young woman involved must go through the court process at the moment. It is beyond dispute that she was suicidal, that her life was in danger and that she was a rape victim; in other words, the circumstances mirrored those of the X case, the very circumstances that the Government said the new legislation would provide for. The young woman involved could not access an abortion in Ireland and while the European Court of Human Rights ruled that we have an obligation to provide for the legal right to an abortion in those circumstances this was not delivered on. Yesterday's report highlighted the fact that in the A and B cases the court ruled in favour of Ireland as the women were able to travel to other states to access treatment. The 26 women who came to the Irish Family Planning Association could take a case against the Irish State and win because they have been denied the right to travel. The Y case exposed the inadequacy of Irish legislation in this area in a horrific way. We are shackled to the eighth amendment and the words of Mr. Nigel Rodley ring true: the young woman involved in the case is nothing more than a vessel as her opinions and rights do not count.

The constitutional barrier is at the heart of this issue and must be addressed. We are debating this today because 30 years ago the State built an impossible Chinese wall between defending the right to life and the right to health. This cannot be done and is completely out of sync with the rest of Europe as some 44 of the 47 states allow abortion to protect a woman's health. The peculiar clause in the Constitution that we seek to amend has resulted in a scenario the former Minister for Justice and Equality, Deputy Alan Shatter, highlighted well when we moved legislation here previously. He made the clear point that:

In the absence of constitutional change, there will continue to be a British solution to this Irish problem. It is also the position that a pregnancy which poses a serious risk to the health, as opposed to the life, of a woman - even where such risk could result in permanent incapacity - does not provide a basis for effecting a termination in this State.

He went on to state that this constitutional provision meant that not all our citizens are equal and women have only a qualified right to health. Anyone in favour of equality for women in this State must recognise that the eighth amendment must go. The Dean of St. Patrick's Cathedral at the time of the referendum in the 1980s made a prophetic and valid point when he said that the Constitution should steer clear of controversial and moral questions. He was absolutely right.

In successive opinion polls a majority of the Irish people have said they favour a repeal of the eighth amendment.

The United Nations Human Rights Committee has said that for Ireland to be compliant with human rights laws, we need to revisit our Constitution in respect of these matters. A considerable number of Deputies from the Government benches, including prominent Ministers, have come out and said that we need to repeal the eighth amendment. They have clarified this, however, by suggesting it should not happen on their watch and that we need to wait for someone else to do it. This is not good enough for the ten women who had to leave Ireland today or for the women who have had to risk purchasing abortion pills over the Internet. While I recognise the statement the Minister made today to the effect that he believes our abortion legislation will be different in 20 years time - I agree that it will be - it is not good enough for the Minister for Health now to say that. We need to revisit this issue immediately.

This is not about whether Deputies or individuals in the House agree with abortion or oth-

erwise. That is a personal matter and it has nothing to do with it. If a woman does not want to have an abortion or if someone's partner does not want to have an abortion, I will spend my time defending their right to continue with a pregnancy rather than be forced to end it. Thankfully, that scenario does not arise in this State, except for some circumstances in which economic poverty, in many instances stood over by this Government, by attacking single parents and so on, has meant that some people who would like the choice of having a child cannot elect to do so because of economic reasons. The issue is not whether anyone is for or against abortion but whether the Minister respects women's right to make that decision for themselves.

There is no mystery about this. The women who have abortions are the women who have children. It is as simple as that. They include me, other female Deputies, the Minister's partner, his mother and my daughter. In women's reproductive lives, which span from the early teens sometimes into their early fifties, choices will be made. As a society we expect women to manage their fertility and when they have their family, children and so on. It is a valid expectation in a modern society. There will be many instances in the 30 to 40 years of sexual activity and possible reproduction when women will be faced with having to make this decision. None of these decisions is easy or taken lightly. All of them are valid because they are the decisions of the women themselves. It vindicates an international statistic suggesting that on a global scale one in three women will have an abortion in their lifetime. It is not a big deal. In most instances it is like a miscarriage. That is all it is: a little cramping and a little bleeding. It can be done relatively simply.

In previous debates the Minister made the point that human experience is not black and white. He made the point that we will never get perfect legislation to remove all of life's tragedies. I agree fully with the Minister's statement; he is absolutely right. Regret and tragedy are part and parcel of life, but the least we can do is ensure that when people experience a crisis, they are supported and helped rather than stigmatised and cast out. The role of the State in these instances should be to ease the burden of people rather than add to it. Of course the rape victim who becomes pregnant has been violated and her life has been irretrievably altered, but should we make it worse by saying she has to carry the resulting pregnancy to full-term against her will? Let us consider the family of a much-wanted pregnancy who discover that the foetus has an abnormality incompatible with life. Would they not wish for anything other than having to terminate the pregnancy? Of course they would. The least we can do is free them from the cruel and degrading treatment of carrying that pregnancy to full term, having people congratulate them or being expelled from this country away from their family and support. Is that not what a civilised society would do? What of the case of someone who perhaps faces permanent incapacity and who must make the choice to have a termination? Should that person be criminalised by that? That is all that this Bill seeks to do and that is all that we want to do.

No one currently of a reproductive age has had a chance to vote on this matter. That is absolutely ridiculous even from a basic democratic standpoint. People who can get pregnant now should have a right to a say on the matter. That is all we are asking for. The only response the Minister gave on this issue when we discussed it previously was that if we were to remove the eighth amendment, we would remove all protections for women. That is bizarre. It is as if suddenly women were going to be the victims of some rampaging murderers or whatever. In actual fact we would only be put in the same position as men and our bodily integrity would be correspondingly protected. The reality is that our Constitution does not protect women. In fact it has been interpreted to mean that women's constitutional rights have been successively subordinated to the right of the foetus to be born. Instead with this legislation we seek to replace

the current provision with an explicit commitment to bodily integrity of born persons.

The Minister would do everyone a great service if he were to announce today that he will include this referendum with the others scheduled for May. It is ridiculous that we have to say it in this day and age but it would be an incredible step forward for human rights in this State, for women's health and choice and for the rights of pregnant people to make decisions about their bodies and whether to have children or otherwise.

This is not about whether people agree with abortion or otherwise. That is absolutely irrelevant. Everyone is entitled to their opinion, but that is a private matter. It should be decided between a woman and her doctor, with full support and backup to ensure any decision is the best decision for her. Whether the decision is to end the pregnancy or to continue it, what matters is that she gets the necessary support and backup. This is an opportunity to bring us into the modern era, to make us human rights compliant and to protect women's health. I urge the Minister to reconsider and agree.

Deputy Ruth Coppinger: The British Pregnancy Advisory Service released figures estimating that one in three women will have an abortion in their lifetime. It is regrettable to see no women politicians on the other side of the House. Let us suppose this figure is true. I call on the Minister to think of the number of male Government politicians whose wives, partners, daughters, sisters, aunts and even mistresses have had abortions through travelling abroad safely over the course of the lifetime of Ireland's abortion ban. The figure must be sizeable. Of course we are glad those women had the ability to travel, but they should not have had to travel. They should have been able to have it in this country. It is a sickening hypocrisy that these same politicians continue to stand over Ireland's medieval abortion ban, especially when migrant, poor and sick women are being denied the right to have an abortion.

A total of 26 migrant women went for counselling to the Irish Family Planning Association in the past year and sought abortions, but they were denied the right to them. Five were forced to continue their pregnancies against their wishes. There is only one term for that, that is, barbaric. It is barbaric to force a woman to carry a pregnancy that she really does not want, not to mention the impact it will have on those children as well.

Is there any shame or embarrassment in this Government about this situation? Poor women, people with disabilities, victims of domestic violence and women in State care are being denied abortions in this country. The Government likes to market Ireland as a modern country and a great place to do business and so on. However, the following countries have more liberal abortion laws than Ireland: Ethiopia, Nigeria, Tunisia, Zambia and South Africa, which, by the way, when it liberalised abortion, halved the number of deaths associated with abortion. Even Burkina Faso, the poorest country on the planet, allows abortion where a woman's life or health is at risk as well as in cases of rape or incest. In India and Pakistan, a country that everyone believes is very backward, and even in Saudi Arabia, where women cannot drive cars, women are allowed to have abortions when their health is at risk. That is where the Government is placing Ireland with its continuing hypocrisy and the maintenance of the ban on abortion.

While there are very pressing issues in this country facing ordinary people, including working-class people, such as the housing crisis, water charges and the ongoing austerity onslaught people have faced in the past six years, the continuing existence of the eighth amendment is equally pressing for women in this country. In the past two weeks alone in my constituency and that of the Minister, I have been approached by women in absolute desperation. They are

women who have children already but who just cannot afford to have any more. Therefore, there are many working-class women who must find €1,500 to try to travel to Britain or elsewhere to avail of an abortion. They cannot wait any longer for the eighth amendment to be repealed. Some 160,000 of them have had to travel.

On the last day of the Dáil session in July, the Tánaiste, Deputy Joan Burton, said the Government would not revisit this issue and that the people have spoken. What people have spoken? Nobody from this generation spoke on this issue. This generation never got a say on the matter. The Tánaiste stood against the eighth amendment in 1983 but she is choosing to ignore it 31 years later. She built her reputation on women's rights.

The Minister, Deputy Varadkar, said today he knows the law will not be the same in 20 years. What is he saying, therefore? Is he saying women should sit tight and wait until he finds an opportune moment to allow them to avail of what is a human right? They cannot wait 20 years, another generation, for the Minister to do what he knows is right.

When the Minister last spoke on this matter, he said we should not bring the Catholic Church into this. It is only the Catholic Church that argued and lobbied for this amendment in 1983. No other church argued for it. It is a sectarian amendment in that respect. Now the Catholic Church does not have the hold it had in 1983 but the Minister is continuing to give it inordinate power through its control of health and education. The mantra from the Government is that it will not revisit this issue as there is no appetite for it but there is actually an appetite. Successive polls have shown a majority of people favour a repeal of the eighth amendment in the lifetime of this Government. Only 10% opposed abortion in any circumstances in the last significant poll that was carried out. The Government is legislating for the 10%. I ask the Minister to recognise that the politicians in here are way behind ordinary people. I have noted that at the ROSA stalls when talking to people. They are eager to bring this country into a progressive place, break the stranglehold of the Catholic Church and send a message to that effect.

I ask the Minister to note the trend in Spain, where a conservative Government similar to that of the Minister's party, Fine Gael, tried to withdraw freedoms that women had in terms of the abortion laws but it had to backtrack spectacularly. In 20 cities, ordinary people came out onto the streets to demand maintenance of the liberal abortion law in Spain.

It is very disappointing that the Labour Party is not here tonight. I ask the party whether it will continue to support the legacy of a Catholic Church-influenced State, the kind of State that led to the Magdalen laundries, the mother-and-baby homes, symphysiotomy, the controlling of women's bodies and the denial of their health care and rights. I call on the Labour Party to support this Bill and the repeal of the eighth amendment, and to hold a referendum at the time it should be held, that is, with the other referendums in May, as announced today. How could a decrease in the presidential voting age be more important than this issue? It is absolutely an insult to women to bring people out to vote on a range of issues and not put this to the people also.

Consider the news that 26 migrant women were effectively incarcerated in this country and denied a right to abortion. I call on the agencies that are counselling and advising these women and others not to be put in the invidious position of seeing these women suffer in the way Ms Y did. I ask them to give these poor women the information they need. They should give them the information that Women on Web is a resource available to them and that they can access safe abortion pills – pills just like those I have to hand, Mifipristone and Misoprostol, which induce miscarriages safely and which are used all over the world but not allowed to be used

here. Why did that girl have to suffer? She could have been directed to use these pills, which are available through Women on Web for €90, a fraction of the cost of an abortion. These are on the list of WHO essential medicines. They are very safe and there is no reason they should not be available. I ask the Government to make them available and to hold a referendum to repeal the eighth amendment. There should be no more hypocrisy and no more denial. The Minister said himself that the law will be gone in 20 years. We should not wait 20 years; the Government should do something right for a change.

Deputy Finian McGrath: I am thankful for the opportunity to speak on this new legislation, the Thirty-Fourth Amendment of the Constitution (Right to Personal Autonomy and Bodily Integrity) Bill 2014. I welcome this debate and commend my colleague, Deputy Clare Daly, on bringing the legislation before the House. She made an excellent contribution and put the facts on the table. She showed the world the reality of what is going on in Ireland in 2014.

Of course, there are many views on this issue but I will always come down on the side of the health and safety of the women in question. I, too, always stress tolerance for different views and will always respect the individual consciences of all Deputies. This is another issue in respect of which we should all ignore the Whip system in this House. People should be allowed to express their views and be inclusive and respectful of other views. Difference and diversity are always good for democracy but the Dáil should decide and people should be allowed to vote on how they feel.

I feel many people in this Dáil want to support this legislation. Those of us on the liberal side of this debate should never hand over the pro-life slogan to other groups. There is nobody in this House who is anti-life, and this should be stated clearly in this debate. We want to save lives and protect women and children, and we need less hypocrisy, particularly on this issue. We need to deal with what is going on in Ireland in 2014.

There should be no running away from this issue, and straight talk is essential. The fatal foetal abnormality issue must be dealt with in a compassionate way. What is currently going on is a scandal and, to be quite honest, it is very cruel. Compassion and care have to be at the top of our political agenda. There should be no more fudging by forcing women to travel. Just think of the circumstances if one of our daughters or sisters was affected. Have we, as a society, lost our humanity on this issue? This is where we are at in regard to this legislation tonight.

The purpose of the Bill is to provide a referendum to delete Article 40.3.3°, the eighth amendment, which equates the life of a woman with that of the foetus. This makes the foetus an independent entity whose well-being has to come before a woman's by virtue of the fact that the woman is carrying the foetus. What about the well-being of the woman? Mr. Nigel Rodley, a former UN rapporteur on torture stated in front of the UN Human Rights Committee that Ireland's laws treat women as a vessel and nothing more. That is not acceptable in the Ireland of 2014. It discriminates against women with no income and women facing pregnancy knowing the foetus has foetal abnormalities. Migrant workers need a visa and the burden falls entirely on the women. If a woman has sufficient funds and a visa, she can travel to England. If she does not have the money to travel, she must face a panel that will decide her fate. What century are we living in? The Salem witch trials come to mind in this regard.

Our current law does not stop women from terminating their pregnancies; it makes the journey more difficult. It affects only the disadvantaged and marginalised minorities. Anyone else can easily travel to England. Once more, the rich can do what they want while the poor,

disadvantaged and people on lower salaries are left behind once again. We must change the law which vindicates the rights of the unborn at the expense of the mental health of a pregnant woman. Thousands of women leave Ireland every year to have abortions in England. We are happy to make it someone else's problem. Time and again, opinion polls have shown that a large majority of voters are in favour of holding another referendum on abortion.

The most recent legislation, which promises access to abortion in a few cases, was tested in the summer when a young, vulnerable woman came to Ireland following a traumatic rape and was forced to give birth by caesarean section despite being prepared to starve herself to death. Little has changed since Savita Halappanavar died from sepsis in Galway. At a minimum, women must be allowed safe and legal access to abortion when their life or health is at risk. I respect the right of a woman to decide, as should the Government.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate on the Thirty-fourth Amendment of the Constitution (Right to Personal Autonomy and Bodily Integrity) Bill 2014. Like previous speakers, I commend Deputy Clare Daly on her introduction of the Bill. Anyone who listened to the Deputy's contribution will know what needs to be done with regard to this legislation. Everything I say will appear inadequate after her speech, but it is important that we place our views on record.

We must show that society has compassion towards women who are in very difficult circumstances. As previous speakers noted, an estimated 160,000 women have travelled to Britain for an abortion since the Eighth Amendment of the Constitution Act was passed in 1983. Society has failed utterly on this issue. Do we want to stand over another 160,000 women having to travel to Britain for abortions - provided they can afford it - in the next 30 years? I certainly do not want to do so.

As Deputy Daly stated, the right to choose whether to have an abortion is a private decision and one that a woman should be able to make in her own right. Women should be able to rely on their community and society to give them the support they need to make the difficult decision to terminate a pregnancy. It is vital that we show compassion and allow women to do this in familiar surroundings with the support of their families and communities. We must ensure that, having made their decision, they are able to emerge from the experience in one piece and participate again in society.

The Protection of Life During Pregnancy Act was the source of great controversy last year. Soon after its enactment, however, we were presented with the Y case, which involved a woman who came to Ireland, having been raped in her own country, but was unable to travel abroad to obtain an abortion, which caused her to become suicidal. We continue to fail women by introducing piecemeal half measures that do enough to get us over the line politically. Politicians are behind the curve, because all recent opinion polls show that society is much more compassionate than we are on this issue. Members of the public recognise that women have difficult decisions to make and should be facilitated and supported in doing so. Despite this, the Oireachtas cannot get it together to act on the issue.

Deputies are afraid of a small minority of people who form a vocal lobby that puts pressure on them. Some of us find it difficult to deal with this issue because it involves making difficult choices and decisions. It becomes easy, however, when one realises that terminating a pregnancy is a decision that a woman should be able to make in her own right and in her own way. Women, in conjunction with their partner if they have one, can decide what is best for them.

This decision should be removed from the Oireachtas and given to women to ensure they have their say.

Nothing demonstrates the need for change more than the issue of fatal foetal abnormalities. I attended a meeting at which women recounted details of the most horrific experiences that were forced on them when they were not allowed to terminate their pregnancies. Following a scan, a woman in such a case is told by a doctor that her child has no chance of life outside of the womb and nothing more can be done for it. It is an indictment of society that we rely on the authorities in Liverpool to deal with the problems we refuse to address. We heard women speak of the horrific experiences they endured as they tried to bring their babies home from Britain for burial in order that they could grieve. They spoke of how they felt on their return and their belief that they should keep quiet about having to leave the country to have a termination. It was horrific listening to the details of these cases, and if we had any compassion we would not allow such cases to happen again. We had the opportunity to do so last year when we discussed the Protection of Life During Pregnancy Bill and we now have another opportunity to do so. All that is required of the Minister is that he take the courageous decision to ensure this happens.

The pro-life side will always trot out the argument that some women decide to go through with the pregnancy in cases in which they have been informed that there is no chance of life. I pay tribute to the women who make this decision in order that they can spend some time with their child after birth. However, we must recognise that the decision in such circumstances is one for the woman to make, and not one we should impose.

Minister for Health (Deputy Leo Varadkar): The Private Members' Bill before the House proposes to do two things - namely, to delete the Eighth Amendment to the Constitution and, in so doing, remove the constitutional right to life afforded both to the mother and to the unborn child, and to insert a new provision acknowledging the citizen's right to personal autonomy and bodily integrity. It also affords us another opportunity to debate our abortion laws, which I welcome.

I am hopeful that we will have a rational and measured debate tonight and tomorrow. For too long, the debate on abortion has been dominated by the extremes on both sides, who have, in turn, crowded out the middle ground. Instead of a genuine debate, there has been name calling and a corrosiveness that has damaged how we approach this most difficult and sensitive of issues. I do not believe one side is anti-life simply because it calls itself pro-choice, any more than I believe that one side is rigidly anti-choice simply because it styles itself pro-life. Medicine and the human condition are coloured in grey and cannot be reduced to binary or black and white arguments.

We need to approach this issue with compassion rather than cold certainty. Let us approach this debate in a new spirit. Let us prove to those who have become disillusioned with the extremes of both sides, even with politics, but know in their hearts what is right and just, that we can do so. I hope we can have a calm and measured debate and an exchange of views about what is right and wrong for women, the unborn, families and society. I am glad Deputies have done so thus far tonight.

Individual cases often give rise to ethical and legal dilemmas that are very hard to resolve. While I do not propose to refer to any specific case, Deputies will be familiar with at least some of them. Advocates on both sides of the debate often use such cases to advance their argument, insisting that such cases should never happen again. This is a nonsense, as no law can ever

eliminate all human tragedy from pregnancy. Countries such as Ireland which have very conservative laws risk putting the lives of women at risk by refusing terminations, while countries with very liberal laws do likewise in allowing the life of the unborn to be ended and exposing women to potential injury, loss of fertility and even death as a consequence of abortion. Such cases may be rare but they occur.

Dilemmas about late-term abortion, when the unborn child or foetus is at 20, 22, 24 or 26 weeks' gestation, occur in other jurisdictions, as do dilemmas about the viability of an unborn child, fatal foetal abnormalities and even disabilities that are compatible with life. This is not just an Irish problem, as every country and parliament regularly grapples with these issues. We are not unique and there are no easy answers and, unfortunately, no social consensus on which we can all agree. We can never say "never again" and think to mean it. We need to face up to that and be honest about it. There is no perfect abortion law and never will be. We will always be challenged to amend and refine whatever law we have, and so we should.

The proposal in this Bill asks us to acknowledge the right of all citizens to bodily integrity and personal autonomy. I think this proposal is flawed. It is not clear what the author intends by providing that the State will acknowledge the rights of all citizens to autonomy and bodily integrity. The proposal is vague. It makes little sense to state that the State simply acknowledges that rights exist. Usually once rights are acknowledged, the State then indicates how it intends to protect them.

For example, Article 40.3.3° as it currently reads provides that the State acknowledges the right to life of the unborn, but continues by stating that with due regard to the equal right to life of the mother, the State guarantees in its laws to respect, and as far as practicable, by its laws to defend and vindicate that right. In other words, the State in Article 40.3.3° is doing more than acknowledging rights; it is also protecting them.

In the same vein, Article 42 acknowledges that the primary and natural educator of the child is the family, but it goes on to guarantee to respect the inalienable right and duty of parents to provide for the education of their children. In Article 43, the State acknowledges that man has a natural right to ownership of private property, but goes on to provide that the State accordingly guarantees to pass no law attempting to abolish the right of private ownership. In other words, there is little point in acknowledging a right without adding the specifics as to what the State is going to do to protect that right.

The language employed in the Deputy's proposal is opaque and unsure as to what it actually wants the State to do. These points are all the more important in the context of the Constitution, a document laying down the fundamental legal structure and basic laws of the State. Article 40.3.1° provides that the State guarantees in its laws to respect and, as far as practicable, to defend and vindicate the personal rights of citizens. Specific rights are referred to in Article 40.3.2°, namely, the right to life, person, good name and property rights.

The Judiciary has identified a number of additional personal rights arising from Article 40.3.1°. One of these is the right to bodily integrity. Another is the right to privacy, which has been recognised as an unenumerated personal right under Article 40.3.1°. Autonomy is related to privacy, and the constitutional values of autonomy and self-determination have also been accepted by the courts as recognised by the Constitution. Thus, autonomy and bodily integrity are personal rights already protected under the Constitution. Therefore, the proposed amendment contains rights that are already in our Constitution.

If there is one thing that we have learnt from the mistakes of the past, it is that ambiguity in wording can be the source of terrible problems further down the line. While I have no doubt about the Deputy's sincerity, passion and feeling in putting forward this amendment for inclusion in our Constitution, I do not believe she has given full thought or due regard to the law of unintended consequences, and I cannot support the inclusion of this wording in our Constitution. To avoid repeating the mistakes of the past, this Government will not be supporting this Bill.

Indeed, it seems to me that the Deputies in favour of this, in not considering the effects and outcomes that could flow from their proposal, are perhaps making a similar misjudgment to those who sought the inclusion of the eighth amendment in our Constitution in 1983. I doubt any of them thought that the effect of their actions would be, in fact, the creation of a constitutional right to a termination in certain circumstances. That is exactly what happened, and the Oireachtas legislated to codify and clarify that constitutional right only last year in the Protection of Life During Pregnancy Act.

In the early 1980s we had what Gene Kerrigan has described as a moral civil war, as two opposing sides fought over principles they genuinely believed in. There were no winners in this cultural civil war, only losers, and the result was a flawed amendment. Just as damaging, as one of the most perceptive commentators, Ann Marie Hourihane, has noted, reflecting on the events of 1983 exactly 20 years later, was the fact that, "one of the biggest results of the amendment was that parliamentary politics lost its thrust". The momentum came from outside of parliament, and she noted that as a result the Dáil never got to grips with this issue. Such criticism is deeply wounding for parliamentarians, and I would like to think that it is no longer correct. On both sides of this House, politicians care deeply about these issues and want to see them resolved, even if we may disagree about how best to do that.

In considering the eighth amendment, we should recall the words of some of the wise voices of the time. The Attorney General of the day, Peter Sutherland, was clear in his objections to the proposed wording but, unfortunately, the Dáil voted against an alternative proposal. In his 33 page memo to the Government, he predicted all the problems that came to pass and warned that, far from providing the protection and certainty which was sought by many of those who advocated its adoption, it would have a contrary effect. He recognised that the eighth amendment would confuse doctors as to their responsibilities and inhibit them from making decisions rather than assist them.

Speaking in the Seanad on 26 May 1983, Mary Robinson attacked the amendment as something "so uncertain in its scope and so potentially contradictory in its meaning" that it would be "so potentially damaging to existing practices in the area of family planning and medical treatment". How prophetic those words were and have turned out to be.

Last September, in this House, I was asked for my views on the eighth amendment. I declined to give them at the time. Ministers for Health do not just represent their own private views; they are guardians of the nation's health care and must work to protect and safeguard all of its citizens. Perhaps people may be interested in where I am coming from. I consider myself to be pro-life in that I accept that the unborn child is a human life with rights. I cannot, therefore, accept the view that it is simply a matter of choice. There are two lives involved in any pregnancy. For that reason, like most people in the country, I do not support abortion on request or on demand.

I also know that this is an issue where there are few certainties. There can be a conflict of rights and difficult decisions have to be made every day, sometimes to save a life and sometimes because the quality of the lives involved also need to be considered. I like to believe that I am a conviction politician, often definite and sometimes blunt, but this is an issue that is different. It requires compassion, subtlety and empathy, and not unshakeable certainty. That was the mistake we made as a Dáil and a society in the 1980s when we engaged in a simplification of politics to present this as a straight choice between right or wrong, when human decisions are rarely so simple.

Speaking today as Minister for Health and as a medical doctor, and knowing all that I do now, it is my considered view that the eighth amendment is too restrictive. While it protects the right to life of the mother, it has no regard for her long-term health. If a stroke, heart attack or epileptic seizure happens, perhaps resulting in permanent disability as a result, then that is acceptable under our laws. I do not think that is right.

Similarly, it forces couples to bring to term a child that has no chance of survival for long outside the womb, if at all. It forces them, against their own judgment, to explain for weeks and months to all enquirers that their baby is dead. I have been present at stillbirths. I know they can be handled well and sensitively, by giving parents a lock of hair, a footprint and the chance to cradle a child, but I do not believe anything is served by requiring women or couples to continue with such pregnancies should they not wish to do so when there is no chance of the baby surviving for long.

The eighth amendment continues to exert a chilling effect on doctors. Difficult decisions that should be made by women and their doctors, a couple or the next-of-kin where there is no capacity, and on the basis of best clinical practice, are now often made on foot of legal advice. That is not how it should be and is not how it used to be.

It is not my right to impose my own views on others, and the current Government has no electoral mandate to do so. This is not a decision that should be rushed. We are told that Civil War politics is now behind us. Perhaps we need to ensure that the politics of the moral civil war are consigned to history as well. I oppose this motion because, although it is well-intended, it repeats the mistakes of the past, and replaces some old errors with some new ones.

Instead, I propose that we have a considered and careful debate, and not attempt a rushed referendum in the spring. We need a real debate and a genuine attempt to find a consensus. The solution is not to create further moral and legal confusion, but rather to try to come together to find a consensus, and in doing so we must first replace our old convictions with renewed compassion.

Deputy Liam Twomey: There is no denying the prevalence of terminations in Irish society today. Many hundreds of thousands of women in the country have travelled to the United Kingdom and elsewhere to have a termination carried out. There is also no denying that there is still a lot of fear and secrecy around travelling for and returning from a termination. I would not be even slightly dismissive or blasé about the medical complications which can occur with a termination. Numerous complications have been dealt with by doctors and hospitals here when women have returned from the United Kingdom, but regrettably some women do not go straight to the doctor when they suffer complications because of the fear they could be considered criminals and rejected by society. We need to get rid of this attitude in society. We must be very compassionate towards women who have had a termination and must assure them that

they will always receive the optimum care from our doctors and hospitals and that nobody will ring the Garda the minute they turn up in accident and emergency units and say they have had a termination.

We must be careful not to be casual about the drug the Deputy mentioned, RU486. This is not a drug that should be taken casually as it can lead to catastrophic bleeding. If such bleeding was to occur outside of a medical facility, where the patient could not get medical care quickly, this could destroy that person's life or quality of life.

In the context of this discussion on termination, I do not believe Irish society is ready for any variation of abortion on demand. There is no doubt there is strong public support in the case of foetal abnormalities, incest and rape, but I do not believe the support is strong enough to ensure that if we had a referendum next spring that it would succeed. Given the inflammatory language used in debates on this emotional issue, I believe we would lose any referendum on this issue. The Deputy may shake her head, but that is my opinion. If such a referendum was defeated, because of being badly thought out, poorly put together and poor quality debate, this would serve no purpose for the women concerned. For that reason, I support the Minister's position that when dealing with a highly emotional issue - we saw how emotional the issue is last summer - we must be careful in how we approach this debate.

I believe we should stay away from the type of language that has been used on this issue suggesting it is somehow an issue of rich versus poor. Those types of sound-bites are already being used in this Chamber and this is being set up as an issue of whether people have money or not. This is a hugely emotional issue and if we want to win the argument with the public, we must make it a women's health issue and an issue of what women want. We must stay away from the emotional type language that boxes people into corners of being pro-life or pro-choice, forgetting the people in the middle who want to be rational and reasonable on this issue.

I have seen this happen. I saw how Deputies were bullied into one position or another when we discussed legislation here just over a year ago. The same sort of thing will happen again unless we approach the issue in a cool, calm and compassionate way. We should not confuse the issues. What happened to Savita Halappanavar in University Hospital Galway was tragic, but it had nothing to do with our abortion laws. Deputies should read the reports rather than blind themselves to what happened. It was a shocking event where a young woman developed sepsis when having a miscarriage and lost her life. The accusation may well be made that there was a delay in treatment, but that had nothing to do with our abortion laws.

We must move forward on this issue. We will move on by talking about the issues, such as about foetal abnormalities, incest and rape, because there is consensus on those issues, not just between political parties and politicians, but within the public. However, I do not see the consensus the Deputy believes exists for a type of abortion on demand. I do not believe Deputy Daly is calling for abortion on demand, but for some liberal variation of our abortion law. However, I do not believe we have support for that at this point in time.

I would support a referendum on this issue. I am a pro-life legislator, but I do not feel the need to deny the placing of pro-choice legislation on our Statute Book. I know we are not in the right space now to put this type of referendum to the people because no matter how well we word it or put it together or what consensus we reach in regard to who it should provide for, our debate would break down into the same tribal debate we have seen so often when this issue has been discussed over the past 50 years.

We have a long road to travel to reach consensus on this issue in this House before we go to the people. The Deputy has her view and the issue is easy for her because in her mind her view is absolutely right and she does not countenance any other. However, other people in this House who are members of political parties would have to bring their political parties with them before we could bring this legislation to the people. Within those political parties, there are Deputies with difficulties. It is only when we have reached consensus here and have managed to bring everybody in this Chamber together that we will manage to bring forward this legislation.

The Deputy is right that we are usually way behind the curve when it comes to what the general public thinks or will accept, but we go to the trouble of thinking out these issues. This one is very important. The day will come when a referendum on this issue will be put to the people. I hope that when this happens, individuals or political parties do not see it as a niche opportunity for them to use the issue to seek political favour for themselves. This would be to the detriment of the women Deputy Daly speaks about representing here.

The time will come for a referendum. I do not know when it will take place, but it is a lot closer than 20 years away. However, the debate on the where and when and how soon we can have a referendum depends on how we as politicians and members of political parties handle the issue in the meantime. I was not filled with encouragement when I saw how the pre-legislative hearings were handled in the Oireachtas Joint Committee on Health and Children that it will happen in the foreseeable future. However, if we approach the matter in the right way and engage with the wider society, which is further along than us, it might drag us along rather than the other way around.

Deputy Billy Kelleher: I welcome the opportunity to speak on this issue, which has been debated quite a lot in recent years. More recently, the issue was debated in the context of the Protection of Life during Pregnancy Bill which was debated last year and enacted. The Minister has referred to some issues and fall-out from that debate, such as the Ms Y case which may come before the courts. We are also waiting for a reporting system to be put in place that will inform us of the numbers of people who have been treated in the context of that legislation.

We must accept this is a divisive issue, but there are also many people who take the middle ground. Deputies on the other side mentioned those who favour provisions in the context of fatal foetal abnormalities, incest and rape. A broad body is of the view that these should have been accommodated in the context of the legislation we discussed previously, but that could not be done because of the constitutional barriers arising from the 1992 Supreme Court judgment and interpretation in the X case and on foot of the eighth amendment of the Constitution.

10 o'clock

Most people in the country on either side, if they had their time back, would not have campaigned or advocated for the inclusion of this measure in the Constitution in the first place. Reference has been made to many of the eminent minds at the time in the 1980s when this referendum was put to the people who said it was the wrong decision. They could foresee where we would end up and many of their views came to pass, including that at some stage there would have to be an adjudication by a court on the vindication of the right to life of the pregnant woman versus the right to life of the unborn.

I will quote from my Second Stage contribution on the Protection of Life During Preg-

nancy Bill 2013:

I do not like to stereotype people or to put them in boxes but I am pro-life in the sense that I believe we should do everything possible to vindicate the life of the unborn. It is something I hold personally dear. I am not a member of any organisation that espouses that view but as a Deputy I believe it is something we should do. It is the fundamental right of the unborn to be brought into this world. However, we face conflicting difficulties when we must provide for complicated medical procedures. I find it difficult to oppose this Bill because I would not like our clinicians and those who deal with this issue every day of the week to have their hands tied because there is not clarity or certainty in the law in terms of clear and definitive guidelines on when they can intervene to save the life of the woman without facing the prospect of a criminal sanction.

That was the purpose of the Bill but the debate has moved on for a number of reasons. There are advocates who express the view that we should have abortion on demand in this country, but on the other side of the equation there are people who believe a pregnancy should not be terminated in any event. Some people have gone so far as to say that this should not happen even in the context of a threat to the life of the mother. There are many people in between who believe the eighth amendment to the Constitution places onerous restrictions on clinicians in making decisions. A number of people continue to argue that the Protection of Life During Pregnancy Act 2013 is onerous and restrictive and the health of a woman could be damaged because of it. Some argue that the threat to the life of a woman is dealt with in this legislation but the health of the woman is put at risk in the context of the restrictions it provides for. The reason it is restrictive is the public have been consulted twice in the 1994 and 2002 referenda on the substantive issue and there are conflicting opinions in the sense that the people said women had the right to information and the right to travel but abortions could not be carried out in this country.

A total of 150,000 women have travelled to England since 1983 for a termination and that fact is indisputable. I refer again to my contribution to the previous legislation:

Every year, 5,000 Irish women travel to Britain for terminations. We should not pretend this is not the case. We should show moderation in our use of language when discussing this issue to avoid offending others and be conscious of the need to avoid being judgmental about the 5,000 women who travel abroad for terminations each year. I do not want to make their decision any more difficult by using inflammatory language or making them feel bad. They are our mothers, aunts, sisters, daughters and neighbours. I feel very strongly that people should not use nasty, inflammatory language to try to vindicate an argument, because these women are living among us. We should not be judgmental and our language and tone should reflect the fact that at least 150,000 Irish women have travelled overseas for terminations in the past 30 years and they are among us. I welcome the fact that Members of the Oireachtas and people outside the House have, by and large, been responsible and moderate in the language they have used when expressing their views on this issue.

The language used during that debate was moderate but if a broader consultation is conducted with the public, there will be two extreme views and a significant middle ground. I am not sure which Members can claim to speak on behalf of the majority, the minorities or the middle ground. The only way that can be tested is to have a referendum because no Member can claim to be the absolute guarantor of one side or the other. We have varying views. There is a facility in place to provide for a consultative referendum on whether people are satisfied

with the present legislation or whether they want it to go further.

Reference has been made to the issue of fatal foetal abnormalities and, as Deputy Twomey said, there is a strong view that this should be addressed. Many people hold strong views on the notion that we would force a woman to carry to full term a baby that will die. I refer to the issue of incest and rape. As a father, I cannot say what I would do if my 14 year old daughter was raped and became pregnant or how I would react. Some people would react by booking a Ryanair flight and taking their daughter to England. There are also cases of foetuses not being compatible with life outside the womb. This happens regularly. Up to 5,000 women a year go abroad for terminations for various reasons.

Many people are not of the view that we should have abortion on demand in this State but there is a strong body of opinion that the issues of fatal foetal abnormalities, incest and rape should be addressed within the State. Nobody in this House can claim that he or she definitively knows the answer to that question. The only way that can be addressed is by having the debate with the public and allowing them to adjudicate. The wording proposed by Deputy Daly has flaws. It advocates regarding one particular area and there are concerns that there would be a liberalisation of the current regime. It is proposed to replace the eighth amendment to the Constitution with the thirty-fourth which would have repercussions. However, a consultative referendum could be held to ask people whether they are satisfied with the *status quo* or whether they believe the issues of fatal foetal abnormalities, incest and rape should be legislated for. There are people who think we should have abortion on demand but nobody in the House can claim that he or she knows definitively what the public is thinking.

The Minister said the law will be different in 20 years. Why will that be the case? Is it his view that society will become more liberal on this issue or that people will be dragged along screaming and kicking in the context of further court challenges with the Government of the day consistently having to amend legislation? The one way we can definitively find out what the public is thinking now is to have a consultative discussion with them. I do not advocate that the eighth amendment should be amended but we could ask the public what they think as opposed to reading polls in the Sunday newspapers every now and again on the issue.

Deputy Éamon Ó Cuív: I might not necessarily agree with everything that was said but the contributions to the debate have been interesting and good. Before I come to the substantive issue, the Protection of Life During Pregnancy Act 2013 is wrong in the sanctions it provides against women and I believe that the Government parties were totally wrong in the provisions it put in the Act in respect of women who procure abortions. They are draconian. Whatever my personal beliefs, we have to show tolerance and the Act does not do that.

I heard the word “consensus”, and Deputies spoke about arriving at one. I do not think we will ever arrive at a consensus on this issue because there are legitimately different views and those views fundamentally arise from one’s belief as to whether or not an unborn child has any fundamental, inherent rights of its own. I think I heard the Minister say that he believed it had but that there were certain limitations on it. I think other people believe, genuinely and absolutely, that an unborn child does not deserve the protection of human rights and does not fundamentally have any rights and that, therefore, abortion is purely an issue for the mother. Of course, the awkward decision that then arises is how late in the pregnancy would one say this goes. One will never reconcile the views of those who believe fundamentally that an unborn human being is a person and, therefore, has rights - which the Constitution tries to protect, regardless of whether people, in some sense or other, modify those rights - and those who believe

that the unborn has no independent rights whatsoever and that the matter is totally an issue for the mother. However, there needs to be a debate. No more than with other issues that show up here for a quick stand-up debate for an hour and a half, I do not believe this is the parliamentary forum to tease out the very complicated issues that arise.

One thing that was very interesting, coming from the two doctors on the other side, was how the fear of litigation has become such a factor in medicine. I think the two doctors would agree that no matter how one draws the line and how one draws up legislation, if one lives in a very litigious society, as we now do, one will always watch one's back in respect of the decisions one makes. That is good in certain ways, but it does have its drawbacks, because no matter what way one goes at this, one will have a law, there will be a line in that law and one must make judgments in real human circumstances. I have always taken the view that if I believe a doctor acted in good faith, he or she should not be convicted of any wrongdoing. Then there is the question of the definition of good faith. I always recognised that if one is in a real-life situation and making real-life decisions, one must make them there and then in the moment; one cannot have a three-week discussion about what one will do. This must be taken into account.

There is common ground. Unfortunately, I have only another half a minute. I would like to make one suggestion, which is that all of these issues be thrashed out in all their complexity, and there are massive complexities, in a committee. Could I start with the one on which we can all find common ground - something that is of deep concern to me, not only because of what happened in my constituency but because of what I read in newspapers-----

Acting Chairman (Deputy Alan Farrell): The Deputy's time has expired.

Deputy Éamon Ó Cuív: Could the Acting Chairman give me some more time?

Acting Chairman (Deputy Alan Farrell): I will give the Deputy ten seconds.

Deputy Éamon Ó Cuív: The number one item on the agenda should be to examine maternal mortality rates in childbirth or its immediate aftermath in our hospitals in recent times. Perhaps it just gets more publicity now, but it seems to be at a higher level than previously. Surely we should always start where we can get agreement and work on that issue? It is now acknowledged in the Savita Halappanavar case that if proper medical practice had been followed, there would not have been what was an unnecessary death. That is a starting place from which we could begin to discuss this issue, and then we can move on to the other issues on which there might not be the same consensus.

Deputy Caoimhghín Ó Caoláin: We are once again addressing the very complex and sensitive issues surrounding abortion. Ireland sees these issues brought into stark relief from time to time, often due to tragic cases, and they evoke a mixture of deep emotions. These tragic cases represent only the tip of the iceberg. We must ensure the very best legal framework for all our people. Too often, either of the absolutes in this debate have tried to shout each other down. I am of the view that it is best to address such complex issues in a calm and considered way based on evidence and reasoned argument, and always in an endeavour to understand and to be compassionate. I appreciate that there are very strongly and sincerely held views on all sides on this most difficult issue.

For many, and I include myself, this is always a very challenging subject. I have always been, as others have already declared, and remain, pro-life. I recognise too that the lives of women can be placed at a substantial risk due to their pregnancy and that only a termination

of the pregnancy - as distinct from a termination of the life of the unborn, although this might occur - might save a woman's life. This is the accepted practice in Ireland and it is also the legal position, as is an intervention where the woman's life is at real and substantial risk due to a threat of suicide.

Sinn Féin's current policy would require an amendment to the eighth amendment to the Constitution. We believe that the issue of amending Article 40.3.3° should be considered by a second Constitutional Convention.

Recently, we again heard calls for the repeal of the eighth amendment. Reports in August stated that a woman was forced to undergo a caesarean section following the refusal of an abortion.

The proposed amendment to the Constitution before us this evening is not in line with Sinn Féin party policy and, therefore, we cannot support it. We have a policy that is democratically decided and we as elected voices of Sinn Féin have a duty to articulate and uphold party policy irrespective of our own personal positions. We in Sinn Féin have stated previously that the woman's voice must be at the centre of the process and that no undue obstacles or delays should be put in the way of necessary treatment.

Over many Sinn Féin Ard-Fheiseanna, we have debated this issue and reached an agreed policy position. It is the members of our party, as democratically delegated, who decide policy. We believe that all possible means of education and support services should be put in place to prevent crisis pregnancies. We believe that Irish society has a responsibility to not only address the issue of abortion but to also address the fact that 5,000 Irish women travel to the UK each year for abortions. Sinn Féin believes that the way to reduce the number of women seeking abortions is by way of State provision of comprehensive sex education, full access to safe birth control options and full access to child care and comprehensive support services, including appropriate financial support for single parents. Sinn Féin believes that full information and non-directive pregnancy counselling should be freely available. Sinn Féin is opposed to the attitudes and forces in society that compel women to have abortions and that criminalise those who make that decision. We accept the right of a woman to seek a termination of a pregnancy where her life is at risk or in grave danger and in cases of rape or incest. The issue of fatal foetal abnormalities is a very serious and complex aspect of the abortion issue and one that requires the most careful and compassionate consideration. This consideration is a matter for our members to undertake democratically and is currently under address.

The Protection of Life During Pregnancy Act was necessary due to the lack of clarity around when terminations were allowed. In this respect it was necessary, but that is not to say it is without its flaws in practice. It undoubtedly has them. Sinn Féin cannot support Deputy Clare Daly's Bill. That does not mean we do not hold this question in importance and address it on a regular basis. The opposite is the case. We address this issue annually, and not only at Ard-Fheiseanna but in preparation for same. We are doing that once again. We must ensure that our policies are truly representative of our members - ones that they have a say in determining. We recognise that our policy position does require a re-visitation of Article 40.3.3°. That is something we will develop and articulate in the future. We accept the right of a woman to seek a termination of a pregnancy where her life is at risk or in grave danger and in cases of rape or incest. Any development of that position will only be determined through thorough consideration and debate within our structures.

Deputy Ruth Coppinger: Scandalous.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Topical Issue Debate

Accident and Emergency Services Provision

Deputy Billy Kelleher: I welcome the opportunity to raise the issue of the number of people waiting on trolleys in Beaumont hospital. This issue does not pertain solely to Beaumont, however, because we now have a major crisis on our hands in emergency departments throughout the country. Mr. Duffy, the CEO of Beaumont, rightly expressed concern about the more than 100 people on late discharges who are tying up bed availability in that hospital. Shall I wait until the Minister for Health has finished his conversation?

Deputy Finian McGrath: He is trying to sort his life out. He is a busy man.

Deputy Billy Kelleher: More than 45 people were waiting on trolleys in the emergency department in Beaumont recently. There is a lack of urgency in dealing with this issue. At any one time, 100 people are in Beaumont hospital when they should be in nursing homes, in receipt of home care packages or in other step down facilities. The funding provided as recently as the budget shows that the Minister is not taking this issue seriously enough to provide adequate funds to shift people from acute hospital settings to more suitable facilities. Forever and a day we have been debating the numbers waiting in emergency departments and on trolleys. The HIQA report on the ambulance service found inordinate delays in transferring people from ambulances to emergency departments because of overcrowding. The Minister has to take a hands-on approach with this issue. He cannot say it needs a long-term solution. Four years ago the Government committed to resolving the problems affecting emergency departments. This is a national crisis which persists without any effort on the part of the Minister or the Government to address it in a meaningful way.

Deputy Finian McGrath: Beaumont hospital, which is located in my constituency of Dublin North Central, faces a serious crisis. The Minister needs to wake up and face the reality because many families of patients have the impression that he does not understand what is happening on the ground. One nurse who worked in one of the wards expressed disgust that people were being left on trolleys for 70 hours and that 20 patients were waiting on chairs. Beaumont can only accommodate 26 extra patients on trolleys and the rest have to go on chairs. In recent weeks, there were 49 more patients than beds. Nationally, in the region of 300 patients are on trolleys. This is a national emergency. Beaumont Hospital had to go off call during the week because it could not deal with the crisis. In 2007, the former Minister for Health, Deputy Reilly, was prancing around the Dáil on this issue as Opposition spokesperson on health. The silence on that side of the House has since become deafening, however. Approximately 100 beds in the hospital are occupied by patients who should be accommodated in nursing homes or other long-term care. This is part of the solution. We need to fund these packages and nursing home places if we do not want to leave more senior citizens and ill people on chairs and trolleys. That

is not acceptable in 2014.

Minister for Health (Deputy Leo Varadkar): I thank Deputies Billy Kelleher and Finian McGrath for raising this issue. Many emergency departments are currently experiencing overcrowding, although Beaumont is one of the worst. It is a busy time of the year, with increased numbers presenting for treatment and requiring extended observation or admission. This is compounded by a rise in winter-related illnesses.

As well as larger numbers attending emergency departments, including those attending Beaumont, the older age profile and nature of their medical needs result in longer than average stays in hospital and delays in discharges. This is a further difficulty in the management of patient flow. Additional funding of €25 million has been provided in 2015 to address delayed discharges. These funds are targeted at hospital and community services which can assist in discharging patients by addressing their care needs outside of an acute hospital setting and will free up bed capacity and, therefore, reduce emergency department overcrowding. An extra €3 million was allocated in this year's recent Supplementary Estimate for health to allow the delayed discharge initiative to start this year, rather than next year as originally intended. This has facilitated the allocation of 1,000 additional fair deal and nursing home places in the past week, compared to the usual 700, an additional 400 home care packages and the provision of step-down and community beds, including 19 for Beaumont, for patients who do not yet have a long-term care place or an appropriate support package to facilitate their return home. A number of patients who had been awaiting discharge from Beaumont have been able to leave hospital as a result. Many others have been approved for funding but there have been delays in getting them to the nursing home or back home.

As well as allocating additional physicians to the emergency department to assess patients, Beaumont Hospital has cancelled elective surgery and is currently accommodating patients who have been waiting the longest in its day ward. The media have highlighted the pressures on the hospital, and this has helped reduce presentations. Patients have been advised, where possible, to attend GPs or other health care clinics. GPs are also being asked to consider referring frail elderly patients who require rapid geriatric assessment to the Mater-led clinic in Smithfield so they do not have to wait in busy emergency departments.

Hospitals have been working with the special delivery unit on winter planning initiatives to address the anticipated seasonal surge arising principally from changing weather conditions. However, the successful management of access to emergency and acute care cannot be solely dependent on intensive, short-term solutions. The emergency department task force is being re-established to develop such solutions. It will meet for the first time on Monday, 22 December - I intend to be present - and monthly thereafter in order to address solutions to problems being experienced by emergency departments.

Overcrowding in emergency departments has been a feature and failure of our health service for as long as I can remember. It was a problem this time ten years ago when I was a senior house officer in Beaumont's emergency department, and it was a problem when I visited the emergency department last week to speak with patients on trolleys and chairs. Overcrowding waxes and wanes and its severity varies from place to place but I want to get a handle on the issue in the coming year. The report due to be published later this week will show a significant improvement in ambulance hand over times, which is evidence that the actions we put in place are producing results. Short-term actions are under way but they are not enough. We also need long-term solutions. On the northside of Dublin and in other parts of the country there are

simply not enough nursing homes, even if fair deal packages were available. Generally, people in Dublin are not willing to send their relatives to nursing homes hundreds of miles away and, frankly, they are right.

It was not, in fact, the last Minister who described this as a national emergency, but a Minister ten years ago. He was an Independent Minister in a Fianna Fáil-led Government. Declaring it a national emergency ten years after it was declared a national emergency seems a little silly. What is important is to get things done.

Deputy Billy Kelleher: The Minister's difficulty is that it is a national emergency, because 45 people were waiting on trolleys in Beaumont Hospital a few days ago. Despite all the excuses and the pretence, this did not sneak up on the Minister. The problem has been evident for some time. It has also been evident in the context of nursing homes. As everybody knows, the demographic trends clearly show that our population is getting older annually. There is a 4% increase in the number of people over the age of 80 every year. The idea that this just happened all of a sudden and everything had been fine all along is not the case. The Minister was forewarned about this, as was the previous Minister.

We simply cannot have a situation where over 700 people who are defined as late dischargers are in beds in hospitals throughout the country every night. Mr. Duffy said there are 100 in his hospital who should be elsewhere. However, there is a paltry sum for nursing homes in the Supplementary Estimates and in next year's funding as well. The bottom line is that there is a huge scarcity of nursing home beds and that issue has not been addressed either in the context of extra funding for the fair deal scheme or in the incentivisation of the provision of extra nursing home beds. Until such time as the Minister resolves that, there will be people on trolleys for a very long time.

Deputy Finian McGrath: The Minister's response shows that it is a national emergency and crisis. It also shows the priorities of this Government. Intelligent people can plan for the seasonal problem issue and the cold winters. There will be times when there are build-ups, but there can be a long-term plan and a crisis or emergency plan put in place. As Deputy Kelleher said, there is the wrong patient in the wrong bed syndrome. Liam Duffy said that during the week with regard to the 100 beds in his hospital. The patients should be placed in proper nursing home care environments or be given home care packages.

The catchment area of Beaumont Hospital on the north side has an older population with many senior citizens. Also, last August the Minister was warned by people who work in the front-line services that a crisis was coming down the line. I urge the Minister to focus on this issue and to get his priorities right.

Deputy Leo Varadkar: There is no pretence. I am very aware that there is a serious problem with overcrowding, trolleys and delayed discharges in our hospitals. In many ways, they are symptoms of a more systemic problem within our hospitals. Warnings are not solutions. Solutions require plans, money, action and co-operation. It was mentioned that there are approximately 800 delayed discharges. The additional €25 million is not paltry. It is 300 additional long-term care places and 400 additional home care packages. That is a total of 700. It is not as simple as 800 minus 700 because, of course, new delayed discharges arise every week. However, it will allow us to get a handle on this for a period in the short term. It will not solve the problem.

Part of what is being put in place for the longer term is the opening of Mount Carmel as a community hospital in Dublin. Dublin, uniquely, does not have a community hospital for step-down care. It will now have one for the first time, with the first beds opening next March. We are putting in place additional community intervention teams. These are nurses who can see patients at home. Patients can be discharged more quickly and get their IV, intravenous therapy, at home. Nurses can also go to nursing homes. For example, if an elderly person in a nursing home has a urinary tract infection, UTI, or an infection, they can be treated in the nursing home and not be required to go through the emergency department.

We have a suite of short-term solutions and a suite of long-term solutions. There are also big issues around patient flow, and that will require a lot to happen. It is disappointing, but true, that in many of our hospitals ward rounds are not happening at weekends and during the day. Patients are not being discharged by consultants as they might be. It is also unfortunately true in our hospitals that when beds become available they go to elective admissions, even when there is overcrowding in the emergency department. It is a very difficult issue to tackle.

It is interesting to see the huge variations from hospital to hospital. Two miles away from Beaumont Hospital is the Mater Hospital, which has a very similar catchment area and a not dissimilar budget, and not far away from there is St. James's Hospital. They have their problems, but certainly not on the scale of Beaumont Hospital. Beaumont Hospital has had problems since the day it was opened.

These are not straightforward issues. It is not a case of Action Man Minister going there with a bag of money or a ministerial order-----

Deputy Billy Kelleher: The Minister was an Action Man in opposition.

Deputy Leo Varadkar: -----but it will be a very high priority for me next year. I will not promise that I can magic it away through action and money. It will require a persistent focus over a long period of months.

Homelessness Strategy

Deputy Eamonn Maloney: I thank the Ceann Comhairle for selecting this matter. It focuses on the issue of homelessness and I phrased it so that it relates to families.

Our traditional view of homelessness tends to be that it affects an individual whose particular circumstances have led to the person, be they male or female, ending up on the street. However, something different is happening now. It is largely the fall-out from the collapse of the economy and the banking system. People sometimes boast about the great things that came from the Celtic tiger economy. I am sure there were some, but there were many things that were not so pleasant, such as emigration and so forth. The housing crisis was one of them and the present Government is left in the situation of trying to resolve it, given the history of not only social housing but also private housing over the past ten years. Social housing was practically abandoned by the previous Government and the current Government had no money. Just as in the case of hospitals, which was the subject of the previous Topical Issue, if one does not have money, one cannot do things. That is the reality.

Currently, we have the highest percentage of people in the private rented sector in the his-

tory of the State. That includes families and students. It is a mixture of families. Some are comfortably off while some are on very low incomes. There are also families who are in receipt of the rent supplement, which quite rightly gets much attention. However, a new problem that has got out of control is the increase in private rents. It is spiralling. It is said to be a phenomenon confined to Dublin, but it is not. Private rents are out of control. I can offer the example of my area, Dublin 24, which has seen the highest increases. In some of the cases I am dealing with, private rents have increased by 31% in a period of 24 months. No rent supplement can compensate for that. We must get a handle on whether the hard-pressed taxpayer should continuously chase after the increases that private landlords add to the rental for their premises. I do not believe they should, and it is something to which many taxpayers would object.

Essentially, given the increase in rents in the private rental sector, I believe families who are in private rented accommodation will end up as part of the homeless population - the individual people we tend to talk about - unless we introduce a rent freeze for a period of two years. While some in the House think we can introduce a programme and build houses in three months, the reality is different. It takes 18 months to two years to build a house and I would expect legislators to know this. In the intervening period it is getting out of control and homelessness will affect not just individuals but also families. The argument has been made that controlling rents is a constitutional matter. If so, it is up to the Minister and me to do something about it. What use is a Constitution that leads to families finding themselves homeless?

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): On behalf of my colleague, the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, I thank the House for providing me with an opportunity to update Deputies on actions being taken to address homelessness in the immediate, short and longer term.

It is a very positive reflection on our society and political culture that this ongoing debate on homelessness is taking place. There are very few nations across the world that place such an emphasis on the plight of the homeless and fewer, even among our EU colleagues, that are so effective in implementing responses and bringing about solutions. The issue of homelessness is complex and about much more than just funding and money, as the Deputy pointed out. Statutory responsibility for the provision of accommodation for homeless persons rests with individual housing authorities. The HSE also has a role to play in providing the health care and social supports required by homeless individuals.

I assure the Deputy of the commitment of my Government colleagues on the issue. There has been a focused and co-ordinated approach to tackling homelessness. In February 2013 the Government published its homelessness policy statement which outlined its aim to end long-term homelessness by the end of 2016. The statement emphasised a housing-led approach, which is about accessing permanent housing as the primary response to all forms of homelessness. Last May the Government considered and approved the implementation plan for the State's response to homelessness. This is a practically focused delivery plan which contains 80 actions which will contribute to the delivery of a ring-fenced supply of 2,700 units of accommodation by the end of 2016.

The long-term solution to homelessness is to increase the supply of homes. Last month the Minister launched the Government's social housing strategy 2020. This six year strategy sets out to provide 35,000 new social housing units at a cost of €3.8 billion and restores the State to a central role in the provision of social housing through a resumption of direct building on a sig-

nificant scale by local authorities and approved housing bodies. The strategy is about providing housing for all social housing households, including homeless households, during the course of the six year period. Significant funding has also been made available to housing authorities to refurbish vacant units and this work will continue. This is a priority because it can provide much needed homes for homeless households. For example, there are 655 units in Dublin city that, with refurbishment, could be returned to productive use. Work has started on 245 of these and a further 410 will be completed in the next four to six months.

It is also essential to increase the volume of housing supply being made available to homeless households so as to meet the current urgent situation. Therefore, the Minister will be issuing a direction to the four Dublin housing authorities to allocate 50% of all housing allocations to homeless households and other vulnerable groups for the next six months, having regard to the time spent by these households on the homeless and other housing lists as at 1 December 2014. He will be considering a similar approach for other housing authorities across the country. He is also approving regulations to provide for the new housing assistance payment to be rolled out in the Dublin region on a pilot basis and which is specifically focused on homeless households. The pilot scheme will ensure homeless households in the Dublin region can access accommodation in the private housing market.

Earlier this month the Minister convened a special summit on homelessness to reaffirm the Government's commitment to end involuntary long-term homelessness by the end of 2016. The summit was attended by the Catholic and Church of Ireland Archbishops of Dublin, Deputies, elected members, officials and politicians from the Dublin local authorities, representatives of the NGO sector involved in the delivery of homeless services and officials from a range of Departments and State agencies. A number of actions arising from the summit were considered by the Cabinet sub-committee on social policy and public service reform at its meeting on 8 December and were then formalised in an action plan to address homelessness which was noted by the Government at its meeting on 9 December. The action plan which is available on the website of the Department of the Environment, Community and Local Government contains a number of actions which constitute an immediate response to the issue of rough sleeping in Dublin, as well as actions identified which tackle the more systemic issues, classified under the three categories of the housing-led approach.

Deputy Eamonn Maloney: I thank the Minister of State for his comprehensive reply. I commend both the Minister, Deputy Alan Kelly, and the Minister of State, Deputy Paudie Coffey, for the substantial, historic investment in social housing. It is the first time in the history of the State that such a substantial amount of money has been provided for the provision of social housing. I commend the speedy action taken in recent weeks, in bringing homelessness to the top of the agenda, not just in Dublin but also nationally. I know that the Minister of State, Deputy Joe McHugh, will convey to the Minister my point about a rent freeze. In the next two years we will walk into a situation where houses will be on stream. I do not believe in the broad brush characterisation of landlords, as there are good landlords. However, there is evidence that our difficulty with supply of and demand for homes is being exploited. It is for us, as legislators, to protect tenants. There should be emergency legislation. I am advised that while a constitutional change might be required to introduce rent control, it would not be required to introduce a rent freeze. We should be at the front in doing this before the crisis worsens.

Deputy Joe McHugh: I will convey the Deputy's specific point to the Minister. This is about supply and demand and the increase in rents. The issue is not confined to the capital but also manifests itself in places such as Limerick, Galway, Waterford and Cork. The Deputy ac-

knowledge of the short timeframe in which the Government has taken a series of actions. Within a period of six years the Government plans to invest €3.8 billion in the building of 35,000 houses, comprising public private partnership and State provision. This is an attempt to address the supply and demand issues. As an economics student, my first lesson was on supply and demand. There are supply issues in Dublin. There was a high profile issue in recent weeks. I acknowledge the proactive approach taken by the Cabinet and the Minister and the Minister of State in introducing the 50% quota to ensure 50% of local authority stock within four local authorities go to homeless persons to ensure that over the Christmas period we will not have people on the streets, aside from those who decide to do so voluntarily.

I appreciate the supply and demand points raised by the Deputy. He raised the issue of interfering with the market through a rent freeze. The market is the market, but the Government can lead from centre stage by addressing the issue of supply. We can work towards resolving it in partnership with the private sector.

Alcohol Sales Legislation

Deputy Mary Mitchell O'Connor: The Minister for Health, Deputy Varadkar, will be aware the ready availability of cheap alcohol is a serious problem in Ireland that requires urgent attention. There are 2.48 million people in Ireland who drink alcohol, 54% of whom drink harmfully and excessively according to the Health Research Board survey in 2014. In other words, 1.24 million people drink harmfully and excessively. Three people die every day due to alcohol and 2,000 hospital beds are occupied every night by people with alcohol-related illnesses. In 2010, the average Irish consumer drank 11.9 litres of pure alcohol, which is equivalent to 428 pints of lager, 125 bottles of wine or 45 bottles of vodka. I could continue with the worrying statistics but I believe the Minister gets the picture.

Moreover, due to low supermarket prices and aggressive price promotions, consumers can purchase large amounts of alcohol at ridiculously low prices. However, hundreds of deaths could be avoided each year with a minimum price for alcohol units. I urge the Minister to implement swiftly the public health (alcohol) Bill and to ensure it firmly includes a fair and feasible solution through minimum unit pricing. Unless minimum unit pricing is introduced, we will allow the serious link between cheap alcohol and anti-social behaviour to only grow worse. Our streets often are dangerous late on weekend nights because of marauding and demented youths fuelled up on cheap alcohol, which more than likely has been consumed in their own homes or the homes of their friends. As matters stand, Irish teenagers are more likely to be heavy drinkers than teenagers in any other European Union country. We are failing young people by not responding to the normalisation of alcohol misuse through the cheap and widespread availability of alcohol. Moreover, parents must wise up and take on their responsibilities as primary carers for their children and teenagers. Today, the Irish Heart Foundation launched a campaign called “Can you stay On The Dry in January?”. To put it bluntly, this campaign is fighting to keep more hearts beating by asking the Irish public not to drink for one month and to avoid the temptation of cheap and readily available alcohol. When I cite the statistics in respect of binge drinkers, I do not refer to the stereotypical alcoholic but to the everyday person who does not even realise the volume of alcohol he or she drinks or the frequency at which he or she drinks. We almost boast about our identity as a nation of heavy drinkers and this is extremely worrying. Research has shown that Irish women drink significantly more than their European counterparts. Most women do not even realise that drinking three to six glasses of wine a day

can increase their risk of breast cancer by 41%. There is an urgent need for a major sea-change in how we view our national relationship with alcohol. I believe that minimum unit pricing will help discourage and deter people from buying cheap alcohol.

Deputy Leo Varadkar: I thank Deputy Mitchell O'Connor for raising this important matter and acknowledge her long-standing interest in this important social problem. Ireland has a serious problem in that we drink too much alcohol, even if consumption now is falling. Furthermore, when we drink, we tend to binge-drink. Ireland has the second-highest rate of binge-drinking in the world and this pattern of drinking causes significant harm to individuals, their families and society. I will take a moment to mention some other harms that alcohol can cause. It is linked to more than 60 different types of diseases and conditions, including cancer, as Deputy Mitchell O'Connor mentioned, physical injuries and cardiovascular disease. It is a factor in half of all suicides and deliberate self-harm and can be associated with public order offences, road traffic collisions, sexual violence and abuse.

The Health Research Board reported yesterday that alcohol was involved in one of every three poisoning deaths in Ireland in 2012 and remains a substance implicated in most poisonings. Our alcohol problem is significant and decisive and innovative action is needed to address it. In October 2013, a comprehensive and detailed package of measures was approved. The overall objective is to reduce Irish consumption of alcohol from 12 litres of pure alcohol per person per year to 9.1 litres, which is the OECD average, by 2020 and thereby to reduce harms caused by the misuse of alcohol. The key measures in the drafting of the public health (alcohol) Bill will include provisions for minimum unit pricing, restrictions on marketing and advertising, structural separation of alcohol from other products in mixed trading outlets and labelling of alcohol products among other measures.

Minimum unit pricing is a key part of the Government's strategy to deal with alcohol misuse. I believe it is the one measure that will make the most difference most quickly. Minimum unit pricing, MUP, sets a minimum unit price for alcoholic drinks below which alcohol cannot be sold. Under MUP, alcohol which is cheap relative to its strength is increased in price. MUP is able to target cheaper alcohol relative to a strength because the minimum price is determined by and is directly proportional to the amount of pure alcohol contained in the drink. It mainly is aimed at those who are higher risk, such as adolescents and people who have a harmful and hazardous alcohol consumption pattern. It therefore should have only a very marginal effect on moderate drinkers. There is strong and clear scientific evidence that an increase in alcohol prices reduces hazardous drinking and serious alcohol-related problems. My Department, in conjunction with our colleagues in the North, commissioned a health impact assessment from Sheffield University as part of the process of developing a legislative basis for minimum unit pricing. The research studied the impact of different minimum prices on a range of areas, such as health, crime and the economy. Work on developing a framework for the necessary Department of Health legislation is continuing and the heads of the Bill have just been sent to other Departments for observation. All things going to plan, I intend to publish the heads of this Bill in January 2015, allowing some time for the Oireachtas committee to consider them.

Deputy Mary Mitchell O'Connor: I thank the Minister and am delighted to hear he intends to publish the heads of the Bill in early January 2015. I note he spoke about the dangers of drink but if I may, I wish to bring another aspect to this issue. I ask that Members not forget the sale of cheap alcohol is contributing greatly to the decline in people shopping locally. Local retailers and publicans are struggling to compete with supermarkets, below-cost selling and massive advertising expenditure. Instead, customers are loading up on cheap alcohol in large

supermarkets. As the Christmas season is under way - the Minister mentioned this - I also must highlight that almost one in three road deaths in Ireland are alcohol-related and such deaths are avoidable. In addition, it is known that excessive alcohol consumption can contribute to domestic violence and according to Women's Aid, alcohol often is a trigger or de-inhibitor and can be used as an excuse by the abuser for domestic violence. If this culture of harmful binge-drinking is to be tackled effectively, the key areas of alcohol pricing, marketing and availability must be tackled, beginning, as the Minister has just announced, with the swift implementation of the public health (alcohol) Bill.

Deputy Leo Varadkar: While one spends a lot of time in this Chamber disagreeing with people, I could not agree more with Deputy Mitchell O'Connor. There is absolutely no doubt but that alcohol is a contributory factor in domestic violence, as well as an excuse for it on some occasions, which is unacceptable. In my previous position as Minister for Transport, Tourism and Sport, much work was put into road safety and even though there has been an increase in the number of deaths on the roads over the past year or two, it has come down from a very high level of more than 600 per annum to approximately 200 per annum at present. This really demonstrates that interventions do work and among those interventions was mandatory alcohol testing, which made a big difference.

On the issue of the shops, I take the Deputy's point. I have no doubt but that large supermarkets and multiples use cheap alcohol as a footfall generator to get more business into their shops and that this probably does have a detrimental impact on smaller stores on main streets. Obviously, however, my responsibility in bringing forward this Bill as Minister for Health is on public health grounds and on those grounds alone.

The Dáil adjourned at 11 p.m. until 9.30 a.m. on Wednesday, 17 December 2014.