



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 22 Eanáir 2015

Thursday, 22 January 2015

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

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

Northern Ireland Issues

1. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the specific actions that have been taken to implement the latest agreement reached between all parties in Northern Ireland; and if he will make a statement on the matter. [2917/15]

Deputy Brendan Smith: I welcome the Stormont House Agreement which will help to bring much needed stability to the workings of the Northern Ireland Executive and the Northern Ireland Assembly. The agreement averted the political collapse of the Northern Ireland Executive and impending financial suspension. As I said to the Minister previously, we need a continuous hands-on approach by the Government to ensure the agreement is implemented and that substantial progress is made in meeting other outstanding commitments made in previous agreements such as the Good Friday Agreement, the St. Andrews Agreement and the Hillsborough Agreement.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank the Deputy for his question and acknowledge his continued interest in this important matter. The Stormont House Agreement is a significant achievement that has the potential to restore effective partnership government in Northern Ireland. It also has the potential to advance genuine reconciliation between divided communities and progress economic prosperity for all. For its potential to be fully realised, it is vital that the provisions of the agreement are implemented effectively and expeditiously. This is a priority for the Government. I am pleased to inform the House that on 20 January the Government agreed to take all necessary steps to implement the agreement.

In the context of the agreement, the Government undertook a number of commitments, which will be an important focus of our work in the period ahead. They include the drafting of

legislation, where necessary, on the establishment of new institutions to deal with the legacy of the past. In particular, legislation will be required to establish an independent commission on information retrieval which will enable victims and survivors to seek and receive information on the deaths of their loved ones. As regards financial aspects, the Government committed to the continuation of the annual provision of €2.7 million for the Department's reconciliation fund, which supports community groups and voluntary organisations working to repair and build relations and trust across the community in Northern Ireland, and to improve relations between North and South and Ireland and Britain.

The Government also committed to a number of measures, which will contribute to economic renewal in Northern Ireland, as well as being beneficial to the all-island economy. They include £50 million sterling in financial support to complete the A5 road project in the north west and a commitment to further progress the north-west gateway initiative. The Government has fulfilled a commitment related to the agreement to allocate €5 million to the International Fund for Ireland to support its important work of reconciliation in Northern Ireland and the Border counties, including the Deputy's constituency.

Deputy Brendan Smith: I welcome the Minister's outline of what has been done to date. I hope the processes are also put in place to ensure the agreement is implemented through the workings of the Northern Ireland Assembly and Executive and also with the co-operation of the British and Irish Governments. Will the Minister take into account the significant concerns that have been outlined by the SDLP about this agreement? Its members have stated that the concerns relate to the agreement being far too silent on very important issues, including the proposed bill of rights, which was a commitment in the Good Friday Agreement, the Irish language Act - *Acht na Gaeilge* - and the also the re-establishment of the civic forum. They also rightly point out the potential of further co-operation on a North-South and all-Ireland basis for economic development and the development of Irish society, encompassing the Thirty-two Counties. We must be conscious of the concerns expressed by a party which has been the bedrock of progress in Northern Ireland and the development of political institutions on all of the island. I hope the Minister can work with all other parties to ensure those concerns are addressed. The SDLP would not outline concerns as a means of political play-acting but rather from a genuine belief that the issues must be addressed in a more meaningful way. We need to have progress on those issues, which do not threaten anybody in Ireland.

Deputy Charles Flanagan: I acknowledge the important role of all the parties in Northern Ireland towards reaching an effective agreement on the eve of Christmas Eve. The Deputy mentioned the SDLP and I acknowledge its role in the negotiations under the leadership of its chief negotiator, Dr. Alasdair McDonnell. Deputy Smith is right in that there are important issues that must be advanced, both in the context of the agreement and in areas where it was not possible on this occasion to reach a consensus. As is the case with participants in this or any talks, there were a number of issues that the Government wished to see progressed further but there was not sufficient consensus among the parties at this time to enable that consensus and include those matters in the agreement. However, the Government will avail of further opportunities to secure progress on a number of outstanding issues. That should not detract from a very successful conclusion to challenging and difficult talks over 12 weeks last autumn and winter.

Deputy Brendan Smith: I thank the Minister for his response. Will he outline the timeline for the establishment of the historical investigations unit? The Minister is aware of a number of issues that I have previously raised relating to the carnage which occurred on this side of the

Border and which we must have referred to that commission. My understanding is these cannot be referred to the historical investigations unit unless they are cleared by the Northern Ireland Police Ombudsman. It is an area I would like to see the Minister address. There are particular tragedies in which so many lives were needlessly lost through paramilitary activity which led to the carnage involving innocent people. I hope the concerns of those families of victims, as well as survivors of these terrible atrocities, can be addressed. That must happen and I hope the Minister can progress some long-standing issues in that respect.

Deputy Charles Flanagan: The implementation of all aspects of the agreement is the focus for early this year and beyond. As part of the efforts to ensure effective implementation of the Stormont House Agreement, I will attend a review meeting with the British Government and the Northern Ireland parties in Belfast next week, at which our implementation timeline will be agreed. It will involve a level of legislation, including in this House, and in that regard I have contacted my colleague, the Minister for Justice and Equality. There must be preparation of appropriate legislation to enable our engagement in the new institutions, and this has already commenced. It will be introduced to the Houses by the Minister for Justice and Equality in early course.

The Deputy mentioned the historical investigations unit. That will take some time to set up but there is a resolve on the part of all parties in Northern Ireland, the Executive and the British Government to ensure that both the historical investigations unit and the retrieval body will be established and set up at the earliest opportunity. I will keep the House fully informed of developments in this regard and I look forward to the Irish Government being committed fully to all aspects of the agreement where we have engagement and compliance responsibilities.

Northern Ireland Issues

2. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade the actions he has taken to ensure the full implementation of previous peace agreements during the recent Stormont House talks in Belfast. [2987/15]

Deputy Seán Crowe: We had an interesting discussion about the Stormont House Agreement on Tuesday but I want to raise specific aspects relating to the full implementation of previous agreements and what actions, if any, will be taken by the Minister to ensure these outstanding matters are brought to the table and implemented. Is there a plan or timescale for these issues?

Deputy Charles Flanagan: Throughout the recent talks, the Government maintained the view that the best way to strengthen peace and reconciliation across this island is to implement fully the commitments undertaken in the two foundational agreements of the peace process, the Good Friday Agreement and the St. Andrews Agreement. These agreements, together with the Stormont House Agreement, will remain at the core of the Government's approach to Northern Ireland.

In the course of the talks, progress was made regarding the implementation of a number of commitments from previous agreements. The St. Andrews Agreement included a commitment to take forward a review of the North-South implementation bodies and areas for co-operation. Progress secured in the Stormont House Agreement means that the North-South Ministerial Council, meeting in institutional format, will agree by end February 2015 a report on new

sectoral priorities for North-South co-operation, identified during ministerial discussions since November 2013. In the context of the Good Friday Agreement commitment regarding a Northern Ireland civic forum, the Government advanced the position that greater civic engagement would stimulate informed public debate in Northern Ireland in key societal challenges. I welcome that the Stormont House Agreement provides for the establishment of a civic advisory panel to meet regularly on key social, cultural and economic issues.

As is the case with all participants in the talks, there were issues which the Irish Government wished to see concluded but, unfortunately, sufficient consensus was not reached. For example, I was disappointed that a commitment to an Irish language Act, either enacted in Westminster or the Northern Ireland Assembly, did not form part of the final agreement. I welcome, however, the explicit endorsement in the agreement by the British Government of the principle of respect for and recognition of the Irish language in Northern Ireland. The Government will continue to advocate for an Irish language Act and encourage those Northern Ireland parties which currently support an Act to continue to build the necessary enabling consensus among their Executive colleagues.

Deputy Seán Crowe: That is useful. In the few minutes we have, I want to get some sense of how we can move on many of these issues. For example, there was agreement that there should be an inquiry into the Finucane case. What will the Irish Government do with that issue? The Barron report on the Dublin and Monaghan bombings is not part of the agreement but it must be dealt with if we are to move things on. What are we going to do to try to get the British Government to release the information? A bill of rights is a key component of what we are talking about. I refer to the Irish Human Rights and Equality Commission in the South and the Northern Ireland Human Rights Commission in the North. Part of the agreement was that there would be a synergy or a coming together in that regard. I imagine that is something about which there would not be a huge difficulty in terms of moving those two bodies together.

However, there does not seem to be any plan or we are not hearing if there is a plan or about how the Government, together with other parties, in particular the British Government, will progress those issues. It is about the nuts and bolts. Is the Minister working to a specific plan? When he meets the British Government, are these issues raised on a regular basis with it? We are not getting feedback on what the reaction is and so on.

Deputy Charles Flanagan: I understand what the Deputy is saying but, as usual, he continues to see the glass half empty rather than half full. A large measure of progress was made in the context of this agreement. In fact, people were of the view early on in the talks that a successful conclusion would not be reached. I accept what the Deputy said that a number of issues remain outstanding and on which, to my mind, agreement can be reached over a period of time.

The Deputy mentioned specifically the case of Pat Finucane. He will be aware of the fact that individual and specific case did not come within the scope of the Stormont House Agreement. However, the position of the Irish Government on this issue has not changed. We believe that a commitment to have a public inquiry into the murder of Pat Finucane, as provided for in the Weston Park Agreement of 2001, should be honoured. We will continue to raise this issue with the British Government. It is an issue on which we will continue to pursue and raise at every opportunity.

In the short period of time at the Deputy's disposal, he concentrated on issues that did not come within the scope of the agreement. He needs to acknowledge, as does this House, that the

Deputy First Minister, Martin McGuinness, on the evening of the conclusion of the successful deal, described the Stormont House Agreement as a fresh start and an opportunity to be seized with both hands. I wish to welcome that comment and acknowledge the very important and crucial role of the Deputy First Minister, Martin McGuinness, and others in the talks.

Deputy Seán Crowe: I do not know who wrote the script in this regard but maybe I am not explaining myself very well. I am asking about the full implementation of previous agreements; I am not asking about the Stormont House Agreement. I welcomed the agreement but it could have been better. Perhaps my demeanour portrays the glass is half full. There were other agreements, of which the Minister will be aware, including the Weston Park and the Good Friday Agreements. Many commitments have been given over the years. I am asking about the outstanding matters in regard to those agreements and not about the Stormont House Agreement, which is a move forward. I am asking about the outstanding issues from the Good Friday and the Weston Park Agreements. What is the plan in regard to full implementation of them?

I am a member of the Joint Committee on the Implementation of the Good Friday Agreement. Part of our remit is to meet with groups and get some sort of consensus. In the limited time available, I am trying to find out what is the Minister's plan in trying to deliver on those matters. It is not about looking back at what happened in the Stormont House Agreement and so on but it is about looking forward. That is what I am trying to do. I am not into having an argument or a disagreement in regard to the Stormont House Agreement. I am more interested in what the Minister is going to do in regard to the other matters.

Deputy Charles Flanagan: The Deputy raised the Pat Finucane issue specifically but my understanding is that the other issues to which he referred would include the Irish language Act, for example. A specific commitment in regard to the Act was not included in the recently forged agreement, nevertheless recognition was contained in the agreement of the role of the Irish language in Northern Ireland. We will continue to raise this issue. Similarly, as far as the North-South Consultative Forum and the issue of a bill of rights for Northern Ireland are concerned, the enabling consensus was not around the table to have the specific initiatives included in the agreement.

However, I want to confirm to the Deputy that there will be other opportunities to raise these issues. Having regard to the fact that the agreement was concluded before Christmas, the review mechanisms contained in it and issues of importance will continue to be raised at the meetings that will take place on a quarterly basis. With specific reference to the issues raised by the Deputy, there will be an opportunity to raise them at the North-South Ministerial Council, which will take place in February. Now more than ever, there is a very high degree of contact and a very positive relationship between representatives of this House and the Northern Ireland Assembly and the British Government. I can assure the House that we will continue to raise outstanding issues at every opportunity.

Northern Ireland Issues

3. **Deputy Thomas Pringle** asked the Minister for Foreign Affairs and Trade in view of the recent stocktake report on the August 2010 prison agreement in Maghaberry Prison, if he has any contact with the Northern Ireland Office in regard to the independent assessment of the rationale for the ongoing isolation of certain prisoners held in the care and supervision unit; and if he will make a statement on the matter. [2919/15]

Deputy Thomas Pringle: This question relates to the stocktake report, which was published before Christmas, on the August 2010 prison agreement in Maghaberry Prison and the ongoing isolation of prisoners in the care and supervision unit, the CSU. Some prisoners have been there for years at the behest of the Northern Ireland Office. The stocktake report recommended an independent assessment of the rationale for keeping prisoners in the CSU. What contact has the Minister had with the Northern Ireland Office in regard to it?

Deputy Charles Flanagan: I am aware that the Deputy has concerns about this matter. I will refer to previous questions on the record of the House in this regard. The current system of accommodating republican and loyalist prisoners in Northern Ireland separately from each other and from the rest of the prison population was established in Maghaberry Prison in 2003. Decisions on who can be admitted to the separated regime are made by the Secretary of State for Northern Ireland. This did not change with the devolution of policing and justice powers to Northern Ireland in 2010, since access to the separated regime is deemed to be a matter of national security and hence a reserved power.

I wish to confirm again to the Deputy that the Government has on a number of occasions raised humanitarian issues in certain prisoner cases directly with the Northern Ireland Office and with the Prisoner Ombudsman and will continue to do so, as appropriate.

On 15 January, I met one of the independent assessors who concluded the recent stocktake report on the 2010 agreement. That report states that not all the principles of the August 2010 agreement have been adhered to nor have all undertakings been acted on. The stocktake report provides a six-month timeline for implementing its recommendations and thereby resolving the outstanding issues. It is my view that the report, if properly implemented, offers an opportunity to create a conflict-free environment in the prison. The Northern Ireland Minister for Justice, David Ford, has accepted the stocktake report. The report also recommends that the Northern Ireland Office should clarify eligibility criteria for access to Roe House for separated paramilitary prisoners. There should also be an independent assessment of the rationale for the isolation of prisoners and an appropriate appeal process.

Following up on these recommendations is also currently part of a regular dialogue between my officials and their Northern Ireland Office counterparts. At my request, my officials have raised these issues and have been informed by the Northern Ireland Office that it is still considering its response to these recommendations. My officials have reminded the British side of our continuing interest in the humanitarian welfare of those prisoners in the separated regime.

Deputy Thomas Pringle: I thank the Minister for his response. It is very important that the independent assessment of the rationale for isolating prisoners in the CSU is carried out. In correspondence I have had with the Northern Ireland Office and the Prison Service of Northern Ireland, it seems they are both playing off each other with one saying it is the others' responsibility but with nobody taking responsibility for it.

10 o'clock

We have been informed that the Secretary of State for Northern Ireland decides who is separated from the separated prisoners, which is the case in point here in relation to the care and supervision unit. There were five prisoners in the unit. I think two of them have been released at this stage. They have been separated for over three years. They are even in isolation from other isolated prisoners. It is a human rights situation. It is in the interests of removing the

seeds of future conflict that these issues be dealt with. It would be important to impress on the Northern Ireland Office the need for this rationale to be looked at. Those in the office need to accept responsibility for the isolation of these prisoners within the prison - it is happening on their orders - and they need to deal with it.

Deputy Charles Flanagan: The Deputy will be aware that it is generally accepted, including by the Northern Ireland authorities, that conditions in Maghaberry Prison are not ideal. That is why I believe it is important that every opportunity be given to allow for the recommendations of the recent stocktake report to take place. There is an element of independence, as the Deputy mentioned. The Northern Ireland Prison Service has accepted the report's recommendation that the prison forum meeting should take place. The service will engage with the forum. Meetings will take place every two months. The agenda will be agreed a week in advance. I understand that Tom Miller, who is a former principal officer in the Northern Ireland Prison Service, has been appointed as chair of the prisoner forum. I accept the Deputy's contention that there have been some difficulties on the prisoner side regarding the acceptability of certain issues. I appreciate that there is an element of tension. I believe the resolution of the difficulties is a matter of ongoing work. I assure the Deputy that I will continue to monitor matters on a regular basis to ensure a certain balance is achieved. I accept that timelines are important. I was very satisfied with the outcome of my meeting last week. Officials from my Department will continue to monitor the process of implementing the stocktake report.

Deputy Thomas Pringle: I have to go back to the independent assessment of the rationale for the care and supervision unit. It seems to me that neither the Northern Ireland Office nor the Northern Ireland Prison Service will carry out that assessment. They are both kicking it over and back between each other. This was recommended as part of the independent assessment of the 2010 agreement. If they have accepted the recommendations, this independent assessment should take place. I ask the Minister to step up his communications with the Northern Ireland authorities on the independent assessment of the rationale for the care and supervision unit. He needs to make sure that actually takes place.

Deputy Charles Flanagan: I remind the Deputy that while conditions in Maghaberry Prison are not ideal, there are people in that prison who have been convicted of the most serious and grave offences. The continued threats against prison officers and prison personnel are a cause of very serious concern and must be condemned at every opportunity. I believe Maghaberry Prison must be seen in the context of overall prison reform. An early priority of the Northern Ireland Department of Justice was the commissioning of a major report on prison reform. This was subsequently published as the Owers report. I agree with the analysis of Minister David Ford, with whom I have continual contact on these and other issues, that "the delivery of a reformed justice system has a major part to play in building and protecting a more positive future" for Northern Ireland. I thank the Deputy for raising this issue. I will continue to keep in contact with Members of the House on it. I am sure the Deputy will avail of opportunities to meet those who are involved in this matter, particularly those who are engaged in the formulation of reports.

Anti-Terrorism Measures

4. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the way his Department plans to address the threat of religious fundamentalism to Ireland; the measures or

discussions which will be taken at a European Union Foreign Affairs Council level with regard to this issue; and if he will make a statement on the matter. [2918/15]

Deputy Brendan Smith: It is extremely important for the Minister and his Government colleagues to be in a position to give the public a clear message that our State forces remain diligent, vigilant and very alert in their monitoring and surveillance work to ensure any potential terrorist threats to our security are dealt with successfully in the wake of recent terrorist activity in Europe.

Deputy Charles Flanagan: A number of terrorist groups that are linked to a brand of religious fundamentalism claim their actions are in pursuit of their religious beliefs. Religious leaders have condemned such actions as not in accordance with religious beliefs. We must continue to make this distinction. The threat is posed not by religious beliefs, but by terrorist and criminal groups. The Minister for Justice and Equality takes the lead role in assessing and responding to the threat to national security posed by international terrorism. The Minister recently said that there is no specific information concerning any threat to Ireland and that the level of threat is kept under constant review by An Garda Síochána. The appalling attacks in Paris and Nigeria, as well as the action taken by police to prevent further attacks in Belgium, have served to remind us that terrorism does not respect borders. The Paris attacks showed that the potential for terrorist attacks is heightened by European citizens returning from areas of conflict.

International co-operation is vital to preventing and responding effectively to the terrorism threat. At EU level, the Foreign Affairs Council endorsed the EU counter-terrorism strategy for Syria and Iraq, which has a particular focus on foreign fighters, in October of last year. Last Monday in Brussels, foreign Ministers agreed to make a summary version of the strategy publicly available in the interests of transparency and to demonstrate to the public the comprehensive nature of the EU response. The strategy is built around the four pillars of preventing, pursuing, protecting and responding. Its objectives include preventing violent extremism, promoting a counter-narrative, pursuing terrorists by building human rights-compliant capacity for investigations, detention and prosecution of offences, enhancing aviation security and tackling the movement of arms and weapons technology. On Monday, we discussed the need to implement the strategy urgently, to intensify engagement with and assistance for countries in the Middle East and north Africa and to continue to work closely with partner organisations such as the Arab League. I assure the Deputy that we are taking a two-pronged approach to this issue. This involves the national strategy, under the auspices of the Minister for Justice and Equality, and the work that is being done at EU level, at which the Government is represented by me and the Minister of State, Deputy Dara Murphy.

Deputy Brendan Smith: I thank the Minister for his reply. I concur with all the sentiments he has outlined. As he is aware, it has been estimated that at least 25 to 30 Irish citizens have travelled to Middle East conflict zones in the last four years. He will also be aware that three Irish citizens have died in the conflict zones in that region since 2010. Does the Minister have any reasonable grounds to accept that those figures are correct? He is probably aware that a report compiled by CNN in 2014 suggested that Finland is the only country that is the country of origin of more foreign fighters per head of population than Ireland. The EU Commission estimates that approximately 5,000 people have left Europe to fight in wars in Syria and Iraq. Those countries were mentioned by the Minister earlier. Does the information available to the Minister, to the EU or to other State agencies, particularly the Department of Justice and Equality, if that information is available to the Minister, confirm or refute the figures I have quoted,

which have been in the public domain for some time?

Deputy Charles Flanagan: The Minister for Justice and Equality has given the Cabinet a comprehensive report on the possible threat posed to Ireland by international terrorism and the measures to prevent attacks. There is no specific information in relation to any threat to Ireland from international terrorism. The Deputy made the point that Ireland might be being used in some way as a hub or transit area, or indeed as a location for training camps. This has been suggested in the media. Ireland is not a transit hub for people to travel to Turkey or beyond on their way to Syria, any more than any other country with international flight connections could be said to be a hub for such people. There is no evidence to support assertions that appeared in the media that there are organised terrorist training or recruitment camps in this country. We take such threats very seriously. The Minister for Justice and Equality is updated on a regular basis by the Garda Commissioner and the Minister of State, Deputy Dara Murphy, and I are in constant contact with our European colleagues. Only last Monday, on behalf of the European Union, the High Representative, Ms Mogherini, issued details of an EU-wide plan to ensure we were alert to a threat and also to ensure there was no accommodation or tolerance for people who were prepared to threaten the legitimacy of the state or engage in terrorist activity.

Deputy Brendan Smith: The comments of the new High Representative are important and worthwhile. We had a similar exchange in our short meeting with her when she visited this country. It is extremely important that this issue be kept on the agenda of the EU Foreign Affairs Council at all times to ensure there is an EU-wide approach and that the message will still go out to the public to be vigilant and diligent in addressing any issue that might arise.

Did the Minister have an opportunity during the recent annual meeting of ambassadors to address the specific issue of threats from terrorist sources with ambassadors in the Middle East region? We need to have intelligence from our diplomats and representatives based in these countries.

Deputy Charles Flanagan: Both my Department and I are in regular contact with ambassadors of the many states in the Middle East and beyond that have offices and residences in this jurisdiction. On Monday of this week I was very pleased to have the opportunity to engage with the secretary general of the Arab League, Mr. al-Arabi, when the issue was raised with him in the context of the current difficulties.

I wish to revert to what I said about the comprehensive strategy of the European Union under the headings of prevention, pursuit, protection and response. It is very important that the issue of capacity building in partner countries be addressed to investigate suspected offences in order that we can ensure there is a proper and adequate exchange of information across EU member states. We must share as much information as possible, but we also must ensure there is not a level of isolation in communities. I very much welcome and acknowledge the very close relations between minority communities in this city and the authorities. It is important that every effort is made towards inclusivity and integration and that there not be any level of isolation or grievance on the part of anyone living in this country that might lead them to travel to Syria or the Middle East or to engage in the type of terrorist activity to which the Deputy referred.

Human Rights Issues

5. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if his attention has been drawn to the arrest of 12 lawyers in Spain who were involved in defending Basque

political prisoners; and his views that this move is a worrying development which damages the potential peace process. [2988/15]

Deputy Seán Crowe: Last week 16 individuals, including 12 lawyers representing Basque political prisoners, were arrested. The arrests came just days after a huge demonstration in Bilbao when more than 80,000 people marched in support of the fledgling peace process and also Basque prisoners. There is huge support across the political spectrum for the peace process in the Basque country. Does the Minister of State believe the arrests are damaging to the fledgling peace process? Given our history, will he use his positive influence to consider calling for the release of the lawyers? Will he indicate whether there is anything the Government could do to help the fledgling peace process?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Dara Murphy): I thank the Deputy for his question. I am aware of the circumstances surrounding the recent arrest of a number of individuals, including lawyers, in the Basque country and also in Madrid on 12 January. However, as the issues involved are being examined by the Spanish courts, it would not be appropriate for me to comment on the cases referred to. More broadly, the Government continues to support and encourage all efforts aimed at securing a definitive peace in the Basque country following several decades of violence.

Deputy Seán Crowe: Everyone is entitled to legal representation and lawyers engaged in such sensitive political cases deserve to be allowed to carry out their work without interference. I accept what was said about the cases being before the courts. However, unfortunately, in this country we know what can happen when the State tries to prevent human rights lawyers from carrying out their work. The Finucane case was mentioned earlier. Another case is that of Rosemary Nelson, whom I also knew, who was murdered by loyalist gangs in collusion with British state agents. There is a question mark over what happened in that case and when the state attempts to frustrate the justice system. Given the history of the Irish peace process, is there anything the State can do to kick-start, promote or nurture the process? We know from our history that there were difficulties with what we described as securocrats within the system who did not want the peace process to develop and bloom. Perhaps I am taking the arrests out of context, but there seem to be parallels between what is happening in Spain and what happened in the North. There are similarities between the groups attacking Basque separatists, for example, Grupos Antiterroristas de Liberación, GAL, which assassinated people on behalf of the Spanish state during the conflict. There seems to be such elements involved. Is there anything we can do to assist the peace process? The Minister of State meets his colleagues on a regular basis. It would be helpful if he were even to express his dismay or concern about what was happening or to ask whether this was a new development in the process.

Deputy Dara Murphy: As I stated, I will not be drawn into discussing the specifics of this matter which is one for the Spanish Government. However, in general, it is true that everyone is entitled to legal representation and that all of us, legal representatives and others, are subject to national law. The Deputy referred to similarities between the peace process in the North and the situation in the Basque country. I agree that similarities can be drawn between conflicts around the world, but the reality is that each conflict has specific characteristics and requirements and I would, therefore, be reticent about drawing exact parallels in this specific case. Obviously, based on the experience of the peace process in the North, the Government would support any democratic initiative proposed by the Spanish authorities that could lead to a continuation of the peace process. We very much support all efforts to bring an end to violence in all conflicts. I hope the declaration by Euskadi Ta Askatasuna, ETA, in 2011 will continue to be a very im-

portant step in that direction.

Deputy Seán Crowe: There is agreement across the political spectrum in the Basque country that this is the way forward. There is a difficulty in terms of prisoners. The Spanish Government adopted a dispersal policy, as a result of which prisoners were located away from their families, across Spain and as far away as the Canary Islands. Given our experience, there are issues the Government could address, including stressing the importance of prisoners as part of the overall peace process. There are simple messages. It need not be done today in this Chamber, but there are messages that we could send privately to the Spanish authorities that this is what worked in Ireland. They might pick up on them, and it might defuse the situation and might help create the conditions for that fledgling peace process to bloom.

Deputy Dara Murphy: As the Minister, Deputy Charles Flanagan, stated in response to an earlier question, we all are aware that the issue of prisoners is a sensitive and complex one, but in this instances decisions on such specific matters continue to fall within the jurisdiction of the Spanish authorities and courts and need to be determined within their legal and constitutional provisions. As such, I must continue to state it would not be appropriate for me to comment on the specifics involved in this case.

Trade Relations

6. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the impact of sanctions on Russia on trade to and from Ireland; his position on the issue of sanctions; if he foresees the lifting of sanctions in 2015; and if he will make a statement on the matter. [2603/15]

Deputy Brendan Smith: This is an extremely important issue. As Russia is the third largest non-EU export market for Irish goods after the United States and China, the ongoing tensions between the EU and Russia over the crisis in Ukraine are creating serious obstacles for Irish exporters to Russia, according to the Irish Russia Business Association. I understand that companies, particularly in the Irish agrifood sector, have been hit hardest by the retaliatory sanctions against the European Union and the concerns of these companies, particularly in the agrifood sector, are growing. These companies are really worried about the continuation of these sanctions and the lack of a resolution.

Deputy Dara Murphy: I thank Deputy Smith for his question and his interest in this area. Of course, he is correct that this is a serious situation in Ukraine.

In July and September 2014, the EU agreed a package of restrictive measures against the Russian Federation on access to capital markets, trade in arms, dual use goods and access to sensitive technologies, particularly in the field of energy.

When the sanctions were introduced our initial assessment was that their impact on our bilateral trade with Russia would be modest given that the vast majority of goods exported from Ireland to Russia are not subject to the targeted EU restrictions. This has been borne out by recent trade figures which show that merchandise exports to Russia from Ireland for the first 11 months of 2014 amounted to €693 million. This represents an increase of 16% on the same period in 2013. As for imports from Russia, these amounted to €213 million for the first 11 months of 2014, representing an increase of some 60% compared to the same period in 2013.

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The sanctions were imposed in response to Russia's actions in Ukraine and with the clear aim of encouraging a change in its behaviour towards its neighbour. They are clearly having an effect on Russia's economy and they remain a key element of the EU's approach to the crisis in Ukraine. The measures can be strengthened or eased in light of developments on the ground and progress made towards the objectives set by the EU when they were put in place. Whether they can be lifted in 2015 depends on the extent of this progress.

I remain of the view that the restrictive measures against Russia, coupled with open dialogue and continued political and diplomatic engagement with the various sides involved in the conflict, offer the best way of creating the conditions for a peaceful resolution of the crisis.

Deputy Brendan Smith: I thank the Minister of State for his reply. In regard to his concluding remarks on the possible easing or strengthening of sanctions, is there any indication from his discussions at European Union level of which way we are likely to go?

I instance, in particular, the difficulties facing the pigmeat sector. Quite a number of years ago, both State agencies and individual companies made significant efforts and progress in opening up the Russian market. It is an important market for pigmeat exports from this country. The individual pig producers and pigmeat processors are concerned about the non-availability of that market, not only to Ireland but to the other European Union 27 members some of which, particularly those in central Europe, have had a strong export market in pigmeat to Russia as well. We are experiencing the effect of the ban on an Irish product, but also on products from the other 27 member states which is creating a glut and oversupply on the European Union domestic market.

Deputy Dara Murphy: There were two elements to Deputy Smith's supplementary. First, as he will be aware, the current sanctions are having an impact and, as I stated, they remain the key element of the European Union's approach to the crisis. We have always stated that Ireland believes restrictive measures are scalable, in both directions. They can be strengthened or eased depending on developments on the ground and progress towards the objective set out by the Union when we put the existing measures in place. It is vital that unity and consistency remain a part of the response to the crisis from the European Union to Ukraine. It is important we remain resolute and united in our strategic approach to Ukraine and in our efforts to create the conditions that can lead to a peaceful crisis.

With respect to pigmeat, as Deputy Smith will be aware, there have been continued efforts, and some successes, in opening new markets in that regard. Russia remains a major strategic market for Irish dairy produce. Regarding the impact on beef exports, there has been no clearly discernible impact on prices in the European Union - in fact, with them strengthening - but we are aware of the difficulties being caused to many Irish food exports due to the retaliatory sanctions imposed on us by Russia.

Deputy Brendan Smith: I emphasise it is not only that Irish products are excluded from Russian markets but that the products of the other 27 members states are excluded as well and those products seek shelf space in what one might call the western part of the European Union.

The Minister of State, Deputy Dara Murphy, will be aware of the importance of the pig producing sector in the north of his county, particularly in the Minister of State, Deputy Sherlock's, area, and from Edenderry and north Tipperary, the Minister, Deputy Charles Flanagan, will be aware of the importance of Rosderra, and the industry that supplies the raw material to

those plants. Over the years, those companies, supported by State agencies, did excellent work in sourcing new markets. There has been a significant, and unfortunately, negative, impact on prices paid to primary producers.

Could the Minister of State inform the House whether individual member states in the European Union have been able to negotiate an exemption from the imposition of sanctions for individual products, and if such process is available, would he ensure that efforts would be made to exempt those key products in the general agrifood area?

Deputy Dara Murphy: With respect to developing markets, the Deputy will be aware that, in December last, senior officials at the Department of Agriculture, Food and the Marine met their counterparts in Moscow to discuss the temporary restrictions not covered by the presidential ban.

As I stated, there has been some success. The Minister for Agriculture, Food and Marine, Deputy Coveney, led a trade mission to China, which is a crucially important growth market for Irish food and drink. There was also the opening up in the Philippines of new markets for Irish beef, pigmeat - as Deputy Smith mentioned the pigmeat sector is of strategic importance - and sheepmeat. We acknowledge, as Deputy Smith mentioned in his question, that given the sanctions, the issue of displacement is having an additional consequence. However, we must remember the reason for the sanctions and the great difficulty the people of Ukraine are suffering. The continuation of work on the ground and at diplomatic and EU level to secure an improvement in the situation is required.

Foreign Policy

7. **Deputy Thomas Pringle** asked the Minister for Foreign Affairs and Trade the impact that moves within the EU to a common security and foreign policy have had on the independence of Ireland's foreign policy; and if he will make a statement on the matter. [2653/15]

Deputy Thomas Pringle: My question relates to the development of the common security and foreign policy in the EU and the implications it has had for our independent foreign policy and the future.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): In its foreign policy review published last week, the Government comprehensively set out its approach to international affairs and its continued support for a fairer and more just, secure and sustainable world through our development programme, human rights policies, peacekeeping, disarmament and security policies. In a globalised world, we work with other countries who share common values and interests so as to amplify our voice in an increasingly complex international landscape. A key pillar of our international engagement is our input into the shaping and formulation of the EU common foreign and security policy, CFSP, most notably at the monthly meetings of the EU Foreign Affairs Council in which I participate on behalf of the Irish people and Government.

The CFSP allows the EU to act in a unified way in the external sphere, including in the areas of conflict prevention, peacekeeping, institution building, trade and development, and, thereby, contribute to the maintenance of international peace and security in support of the United Nations. This approach reflects Irish values and is fully consistent with our traditional policy of military neutrality, which the Government has reaffirmed in the foreign policy review, and

which is protected under the Lisbon treaty. At its heart is a commitment to improving the lives of its own citizens and of those of neighbouring countries and regions. By acting together as the EU, Ireland like the other 27 member states, has a far greater influence on international affairs than if we were to act individually.

The Lisbon treaty provided the EU with the necessary tools, namely, a permanent President of the European Council, a High Representative for Foreign Affairs and Security Policy and a European External Action Service, to play a more effective role on the international stage. The post of High Representative is firmly established as a key figure in international diplomacy, raising the EU's profile on key foreign policy issues and ensuring a more consistent and coherent approach to the EU's external relations. I was delighted to welcome the EU High Representative, Ms Federica Mogherini, to Dublin on Monday, 12 January 2014, where she delivered the keynote address and met members of the Oireachtas Joint Committee on Foreign Affairs and Trade.

Deputy Thomas Pringle: Could the Minister point to examples of how our traditional policy of independence in foreign affairs has had a positive influence on the development of the EU's common security and foreign policy? I do not see it. The one example we had of the development of the policy was our abstention from the UN vote over the summer on the conflict in Gaza, which sent a very negative message to Palestinians. Given the very strong role we have traditionally played on the world stage regarding the conflict in the Middle East, aligning ourselves with the interests of France, Germany and England did nothing to develop the relationship.

Deputy Charles Flanagan: Ireland continues to play a leading role in shaping the policies of the EU in areas of priority concern from an Irish perspective. For example, the articulation of the approach of the EU to conflict prevention and resolution and the EU guidelines on promoting and protecting the rights of human rights defenders who face persecution for defending the rights of others. We play a leading role on the establishment of protocols on the rights of lesbian, gay, bisexual and transgender individuals. In addition, Ireland has a long and credible record of support for a lasting peace in the Middle East. We continue to be a strong voice and play a leading role advocating a two-state solution. We play a prominent role in shaping and achieving EU positions in the Middle East, including benchmark sets of Foreign Affairs Council conclusions in which the EU has focused on specific issues relating to the viability of a future Palestinian state. Last Monday I again participated on behalf of Ireland in discussions on how best the EU can play a positive role in bringing about a lasting solution to the crisis in the Middle East.

An Ceann Comhairle: Deputy Coppinger is unable to attend and sends her apologies. We therefore move on to Question No. 9.

Question No. 8 answered with Written Answers.

Visa Agreements

9. **Deputy Denis Naughten** asked the Minister for Foreign Affairs and Trade if progress has been made on establishing an E3 visa agreement between Ireland and the United States; and if he will make a statement on the matter. [2538/15]

Deputy Denis Naughten: We all welcome President Obama's comments in his state of the Union address earlier this week that he is determined to progress plans on immigration reform. Although this will benefit many undocumented Irish in the US, many more will not fall into the category and it will not deal with the lack of a clearly accessible route into the US from an immigration perspective. Unless we can progress an E3 visa, the problem will continue to recur.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank the Deputy for raising the issue and I acknowledge his role in that regard. The intention to establish an E3 visa agreement between Ireland and the US remains a key element of Ireland's overall position on US immigration reform and one which we continue to emphasise in our contacts with US spokespersons and at ministerial level through the immigration reform activities of our embassy in Washington DC. The Minister of State, Deputy Deenihan, is in the US availing of the opportunity to review progress and our embassy continues to follow up on our contacts on a cross-party basis with Congress. I urge the Deputy to play his role in this, which I know he does, on a regular and active basis.

Deputy Denis Naughten: I thank the Minister for his response. I acknowledge the role the Irish ambassador to the United States is playing in this. She has been very significant in progressing many of these issues. The appointment of the Minister of State, Deputy Deenihan, in this specific role is significant. While we had hoped for a more expansive programme, what is being progressed is very welcome. Some years ago, Bruce Morrison addressed Members here and pressed home how important it was to have a comprehensive immigration programme in the US. He also pointed out that solving the problem without addressing the need to be able easily to access the US will lead to a recurring problem in the future. It is fundamentally important that we try, in so far as possible. Given that we have significant, very credible and highly influential friends in the US, we need to secure their support to progress this to finality as soon as possible.

Deputy Charles Flanagan: The Deputy is correct in his approach. I wish to assure Deputy Naughten and the House again that through its embassies and consulates across the United States, as well as through direct political contact with the Administration and Congress, the Government will continue to advocate and encourage further steps that will reflect the concerns and needs of the Irish people. I also refer again to the Deputy's comments with specific reference to the E-3 visa, which is a vehicle that has been used to good effect in respect of relations between Australia and the United States in particular. It is the Government's intention to continue to pursue at every opportunity the facilitation of such an agreement between Ireland and the United States and I will keep the House informed of developments in this regard.

Deputy Denis Naughten: Briefly, may I ask the Minister one final question? As the Minister is aware, the President indicated in his state of the Union address his determination to make progress with the issue of immigration reform. It is important to ensure that as many Irish citizens as possible who are eligible to apply under the scheme so do. To ensure this happens, it is necessary to ensure the groups working with the undocumented Irish in the United States have the resources and capacity available to them to assist people through what will be a highly complex process. It is in our interests and those of the authorities in the United States that this be as seamless as possible. Can the Minister assure the House that whatever resources are required will be made available to those organisations to ensure there is the maximum possible uptake of this scheme?

Deputy Charles Flanagan: I assure both the Deputy and the House that the resources

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for Ireland's emigrant groups will continue to be made available. On foot of a visit I made to a number of centres last autumn, I am satisfied that all these funds are being expended well. While I am conscious of the time, I note briefly that I was pleased to see reference in the President's state of the Union address to the matter of immigration reform. Work continues within the United States Administration to finalise the details and what now is needed is to give effect to the measures. I am satisfied, from assurances given, that this will take place this year.

Humanitarian Aid

10. **Deputy Maureen O'Sullivan** asked the Minister for Foreign Affairs and Trade Ireland's contribution in respect of the Ebola crisis; his views on concerns relating to low survival rates in the management centres; and if enough is being done to ensure better survival rates. [2539/15]

Deputy Maureen O'Sullivan: This is to ask the Minister about Ireland's contribution with regard to the Ebola crisis, about the low survival rates in the centres and whether he believes enough is being done to ensure better survival rates.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Sean Sherlock): Ireland is playing a strong role in the international response to the Ebola crisis through the work on the ground of its embassy in Sierra Leone - it is one of very few countries that have such a bilateral relationship with that country in particular - and through its significant financial support. In 2014 alone, the Government provided more than €18 million directly and through non-governmental organisations, NGOs, to the most affected countries in that region. This included approximately €10 million through its annual development programmes in its partner countries, namely, Sierra Leone and Liberia, which have a particular focus on strengthening the national health systems. Moreover, the Government has provided more than €5.6 million specifically for Ebola treatment facilities and for work on contact-tracing, community mobilisation and child nutrition programmes. The Government intends to continue this strong focus in 2015.

While there appears to have been a welcome slow-down in the incidence of cases of Ebola in recent weeks, there are fluctuations from country to country. It is therefore essential that the international community maintains its resolve to defeat the epidemic and not lose the momentum of its response. The World Health Organization, WHO, reports that fatality rates for hospitalised patients in the most affected countries are between 57% and 60%, which still is too high. However, deaths outside treatment centres are significantly under-reported, making it difficult to provide a completely accurate case fatality rate for the outbreak as a whole. Now that Ebola transmission rates are dropping slightly and pressure on beds is reducing, more suspected Ebola cases will go directly to treatment centres rather than transiting through holding centres while awaiting test results. This will allow more patients to receive the highest quality of care at an earlier stage and that will lead to improved outcomes.

Deputy Maureen O'Sullivan: One must distinguish between treatment centres and management centres. There is a low survival rate, I believe it is 30%, among those who go into what are known as and must be called management centres. The fear is that not enough is being done and the point has been made by various medical people that were Ebola to be present in a western developed country, there would be much greater emphasis on its treatment. Members can see, for example, the amount of effort that goes into the treatment of individuals who return from countries such as Sierra Leone or Liberia. One must draw the point that Ebola is an illness of poverty that comes about because of inequality in society. Unless this is considered as part

of the overall picture, the statistics will continue to be extremely bad. I met recently Ireland's ambassador to Sierra Leone and I acknowledge completely that in a sense, her life is on the line, as well as her total commitment. I had the opportunity with the Joint Committee on Foreign Affairs and Trade to visit Sierra Leone two and a half years ago but another aspect of this problem concerns the breakdown in society and the lack of socialisation. We visited St. Joseph's School for the Hearing Impaired run by Sr. Mary and to think that school had to be stopped and those children now have been left without any support. While I acknowledge that some kind of outreach is going on there, I refer to the social impact and do not believe we are concentrating enough on survival and getting through it. Moreover, one must distinguish between treatment centres and management centres. Another issue concerns burials and the manner in which they are a major cause of contamination.

Deputy Sean Sherlock: Through the Chair, I wholeheartedly agree with everything Deputy Maureen O'Sullivan has said. In fairness to the Irish response, it has been extremely influential in influencing the United Nations response. There is a United Nations mission on the ground - I was present in Freetown on the very weekend it arrived - and because of the presence of our ambassador and team on the ground, as well as Irish NGOs being on the ground in Sierra Leone and Liberia, we were able to influence the global response to the crisis. However, for our part and in respect of our response as a nation, it was early and effective. While I agree absolutely with Deputy O'Sullivan when she states there are more fundamental problems, the Government has an embassy and accreditation there by virtue of the fact that Sierra Leone is third from last on the human development index. This signifies Ireland's commitment to those countries on the very issues such as education, maternal health, nutrition, gender and so on. When I visited, I spoke to the President and the Ministers for social welfare, education and health on those very issues because the Government believes strongly that there must be action on them and that Ireland has a role to play in assisting countries such as Sierra Leone in that respect.

Deputy Maureen O'Sullivan: Briefly, one other aspect on aid is the need for it to go to established community organisations that are run by the people of Sierra Leone because they are located within their communities. Sometimes, an NGO can be a little bit removed and it is important that aid should go to those community groups, which are established and are out in the field. They know their communities and in particular, they know how to communicate with those communities on the best way to deal with the illness, as well as on the best way to handle burials and on how dangerous it is to continue people's usual practices for dealing with those who have passed away.

Deputy Sean Sherlock: To their credit, the Irish NGOs are working directly with people and seek to empower people on the very dynamics about which the Deputy has spoken. While I acknowledge the Deputy is not necessarily making this point, Ireland does not take a patronising or patriarchal view in this regard. We help people to empower people to build up capacity in order that they can do it themselves. However, the immediacy of the Ebola crisis has caused the Government to shift the focus towards directing funding towards that crisis *per se* by directing funding to things like call centres, community mobilisation and psychosocial issues. However, once the Ebola crisis is over, the work to which the Deputy refers will continue apace and the Government's commitment to that region of west Africa is as strong as it ever has been.

An Ceann Comhairle: As we were late starting, there are a couple of minutes of the allocated time remaining. With Deputy Terence Flanagan's agreement I will ask the Minister, Deputy Charles Flanagan, to reply first to his question and I will then allow him a brief supplementary question.

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Missing Persons

11. **Deputy Terence Flanagan** asked the Minister for Foreign Affairs and Trade if he will provide regular briefings to the family of a missing person (details supplied); if he will meet them; and if he will make a statement on the matter. [2469/15]

Deputy Charles Flanagan: The Embassy of Ireland in Madrid and the consular assistance section of my Department provided consular assistance at the time of this individual's disappearance, and have continued to maintain contact with family members and to provide assistance in the years that have followed. Our embassy in Madrid remains in ongoing contact with the local police authorities regarding the case. Successive Irish ambassadors in Madrid have had detailed meetings with the Spanish authorities and the Guardia Civil. In addition, the consular division of my Department, as well as senior Government figures and taoisigh, have met on many occasions with members of the named person's family. Most recently consular officials from my Department met with family members in November and remain in ongoing contact with them and with other family members. My officials will continue to meet with them as circumstances require.

We are informed by the Spanish authorities that the police investigation remains open. The police continue to follow up possible leads and to cross-check new cases for any potential links with the named person's disappearance. I am aware that a family liaison officer has been appointed by the Garda to work with family members in Ireland, to receive information from them as necessary and to keep them briefed on any developments in the case.

The investigating police force in Spain has advised our embassy that any new information coming from Ireland in relation to the case should be sent via the Garda through appropriate police channels rather than through my Department or the embassy. My Department and our embassy in Madrid will continue to monitor developments in this case and will, of course, remain on hand to provide any consular support required.

Deputy Terence Flanagan: I thank the Minister for his reply. The missing person concerned is Amy Fitzpatrick, an Irish citizen who at 15 years of age went missing in Spain seven years ago. At the time of her disappearance the Government made many promises to do everything necessary to find out what happened to her and to bring a conclusion to this matter. The missing girl's aunt, Christine Kenny, would like to meet with the Minister to ensure a proper protocol in terms of quarterly meetings with officials is put in place. Despite the many promises made by the Government to do everything possible, in Ms Kenny's experience, that is not happening. The family would welcome greater and better communication.

Deputy Charles Flanagan: I can assure Deputy Flanagan that I have requested the Head of Council to keep me fully informed and briefed on any discussions or developments in this case. I also can assure him that the Department of Foreign Affairs and Trade has provided extensive and continuous assistance to the family since Amy's disappearance in 2008. The Department has also liaised consistently with the appropriate Spanish authorities.

I take this opportunity to again assure the Deputy and the House that the Department will continue to provide all possible assistance to the family of the individual concerned.

Written Answers follow Adjournment.

Garda Síochána (Amendment) (No. 3) Bill 2014: Second Stage (Resumed)

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

Deputy John Halligan: The description last year by a Minister of the Garda Síochána Ombudsman Commission, GSOC, as a toothless dog was in some way pitiful but none the less an apt analogy. Revelations over the past two years of Garda malpractice have done enormous damage, with many concluding that restrictions on investigations and limited manpower are resulting in investigations being passed on to the Garda Síochána, without oversight by GSOC.

Despite repeated assertions by Government that it wishes to enhance accountability within the Garda Síochána, an opportunity to move towards an organisation that has the power, leadership and manpower to carry out this task, has been or will be missed. I do not believe this Bill will achieve what many of us wished it to achieve. However, there are some merits in it which deserve to be noted, including the powers in regard to criminal investigations and to examine Garda practices, policies and procedures. I welcome the requirements regarding the timely supply of information to GSOC by An Garda Síochána. This has been a serious issue in the past. Last year, GSOC stated that it finds the failure by An Garda Síochána to release information unacceptable. It also stated that its inquiries are regularly frustrated by the refusal of officers to hand over documents. I understand that on one occasion GSOC was forced to wait 542 days for information. This is the type of scenario one would expect in a developing Third World country.

In the wake of last year's controversies, one of the key powers for which GSOC pleaded was the power to investigate not only Garda complaints but Garda culture. This Bill will not put an end to that culture. Some months ago, when two friends of mine, one of whom is an ex-garda, met with other ex-gardaí and currently serving gardaí in a hotel, all the latter wanted to talk about were derogatory remarks made by Deputies such as Deputy Mick Wallace and Deputy Clare Daly. They had no interest whatsoever in any independent authority investigating gardaí. In their view there is nothing wrong within the Garda Síochána. That culture, I believe, still persists.

Mandatory powers of investigation remain limited to a narrow range of cases involving death and serious harm. All other cases, for example, allegations of sexual offences or excessive use of force during Garda operations, may effectively be referred by gardaí to the Garda Commissioner for investigation. I may be naive but I thought the purpose of this Bill was to cease the practice of An Garda Síochána investigating serious disciplinary matters. I do not believe this will be acceptable to the public. It is certainly not acceptable to me. Why is GSOC not being given the authority and wherewithal to recruit independent investigators? Surely independent investigators would ensure impartiality. If my understanding of this Bill is correct, GSOC will not be permitted to do this. That is completely unacceptable.

I am also not satisfied that GSOC must obtain the consent of the Minister for Justice and Equality to investigate the Garda Commissioner. I am concerned that if GSOC believed investigation of a Garda Commissioner was warranted the Minister for Justice and Equality at the time would have the power to veto it. What would happen if that Minister refused to approve such an investigation? Will, as promised, the explanation for this refusal be full and frank? Crucially, and in the interests of transparency, will GSOC be allowed to publish that explanation? From my interpretation of this Bill that will not be the case. Where then is the openness and transparency? We are, in this Bill, again plámáising the Garda Commissioner and members

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of An Garda Síochána. As this comes to light over the coming years it will be unacceptable to the public.

There are a myriad of reasons why our policing force is in a mess. A culture of silence and a fear of speaking out is at the root of it. I accept it has been acknowledged by Ministers that this is a problem within An Garda Síochána. I was a little bewildered last July when the then Acting Garda Commissioner, Nóirín O'Sullivan, said that the policing service available to the public had not deteriorated as a result of Garda cuts in recent years. In what country is she living?

11 o'clock

The new Garda Commissioner is on record as saying there has been no deterioration in services, but every Deputy and councillor knows that there has been. I am aghast that the Garda Commissioner believes there has not been. That is not such a good start. I know from what has happened in my home city, Waterford, that despite Trojan efforts by the Garda, the lack of personnel and money for overtime payments, not to mention the cuts in spending on Garda infrastructure, have had a terrible and detrimental effect-----

Acting Chairman (Deputy Bernard J. Durkan): It is not customary to mention people outside the House by name. The reference to the Garda Commissioner makes the individual identifiable when he or she is not in the House to defend him or herself.

Deputy John Halligan: I have not mentioned anyone by name.

Acting Chairman (Deputy Bernard J. Durkan): No, but the Deputy has identified a person.

Deputy John Halligan: Who? The Garda Commissioner.

Acting Chairman (Deputy Bernard J. Durkan): Yes.

Deputy John Halligan: Everyone knows who the Garda Commissioner is.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, but that is standard procedure, of which I am asking the Deputy to be mindful.

Deputy Mick Wallace: That is ridiculous.

Deputy John Halligan: Yes, it is. I will have a legal check made.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy can have any legal check he likes made.

Deputy John Halligan: That is wrong.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, but it is not. It is a rule of the House that should always be respected by every Member.

Deputy John Halligan: Therefore, one cannot mention the President's name in the House.

Acting Chairman (Deputy Bernard J. Durkan): No, one is not supposed to mention the President in the House.

Deputy John Halligan: Therefore, one cannot mention anyone's name?

Acting Chairman (Deputy Bernard J. Durkan): A Deputy cannot mention the name of a person outside the House in a fashion that might be seen as a reflection on his or her character.

Deputy John Halligan: I will check it out. As I have mentioned her, there is nothing you or I can do about it.

Acting Chairman (Deputy Bernard J. Durkan): Presumably, the comment has been withdrawn.

Deputy John Halligan: No.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, but the rules of the House-----

Deputy John Halligan: What are they?

Acting Chairman (Deputy Bernard J. Durkan): If the Deputy wants me to read the rules of the House, I will do so.

Deputy John Halligan: No; I did not make any allegation.

Acting Chairman (Deputy Bernard J. Durkan): This has nothing to do with the Deputy at all. If he wishes to argue about the issue-----

Deputy John Halligan: I did not make any allegation about anybody outside the House.

Acting Chairman (Deputy Bernard J. Durkan): -----we can do so all day.

Deputy John Halligan: I just happened to mention that the Garda Commissioner was on record as saying-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy can refer to an institution other than a person by name who is not in the House and cannot respond. The same would apply to the Deputy if he were not a Member of the House and was mentioned in it in a fashion which might reflect on the way he did his job. He would need to be protected.

Deputy John Halligan: I made no criticism of the Garda Commissioner; I merely quoted something she had said.

Acting Chairman (Deputy Bernard J. Durkan): Will the Deputy, please, continue and take note of what I said?

Deputy John Halligan: I will; thank you.

Lack of personnel and money for overtime payments, not to mention the cuts in spending on Garda infrastructure, have had a detrimental effect in Waterford, as they have had in many other areas. Last year a Private Members' Bill in which I attempted to tackle the issue of restorative justice was rejected by the Government. In 2014 the Garda dealt with an increase in the number of burglaries and thefts across the division in Waterford. The city has seen the highest increase, with 638 reports of burglaries. At the same time, there are now just three community officers for the entire city who at any time could be sent to another unit. There was a promise in the programme for Government to have more gardaí working with communities. Now, however, we are at the stage where there might be only one community officer operating in Waterford city this year.

Gardaí are reporting a worrying increase in the use of heroin in the city, which is having a devastating effect on local communities, as well as contributing to the increase in the number of burglaries. At the same time, cuts in staffing have resulted in the number of drugs units in Waterford being reduced from two to one. There are a number of days in every shift cycle on which there are no drugs unit officers on duty, of which major players in the drug scene in Waterford are only too aware - so much for the fight against drugs. How is it acceptable, particularly when Ireland is recognised across Europe as having a serious problem with illegal drugs, that there are days in a major city on which no members of the drugs unit are available?

It is estimated that the Garda's IT systems alone need an upgrading investment of €40 million to bring them up to international standards. The ageing fleet of Garda vehicles has previously been described as a ticking timebomb. Last year's Garda Inspectorate report showed that Garda sergeants and inspectors were so overburdened by administration work that they only got to spend 10% of their time working with their charges. This has been recognised for many years, but in spite of repeated requests from former Garda Commissioners and gardaí to bring the IT systems to international standards, it has still not happened and I have not heard of any major investment that will be made for several years. Even if there was some moderate investment, it would certainly fall short of the €40 million required. I am sure Garda representatives have made this point to the Department. Gardaí in my constituency have told me that an upgrade is badly needed.

Senior gardaí and the Commissioner are prepared to deny that the effects are being felt in communities, presumably out of fear of a political reprimand. If we are to have transparency in the policing system, we need complete disclosure about the challenges facing the force, without fear of damage to senior officers' career prospects. How else will we foster a culture of speaking out? Some very good gardaí work tirelessly on behalf of the public and do their best under extraordinary and difficult circumstances. They will maintain, however, that there is still a fear of speaking out. There is still that culture and it would be naive of Members to think it is not the case. Elements of the Bill will not do anything to change this.

It is one matter to bring forwards legislation, but it is quite another to give people renewed confidence in the Garda Síochána Ombudsman Commission, GSOC. In the light of recent controversies, the general public is already sceptical, to say the least, that GSOC will ever adequately address the issue of accountability in the Garda. Further clarifications or amendments are required to the legislation if the Minister is serious about convincing people that the Bill will address An Garda Síochána's deficiencies, as well as ensuring a level of professionalism and transparency in the force. All Members want to see a competent, cohesive and top-class Garda force. It is not easy for Opposition Members to criticise the Garda, particularly when criminal elements are only too delighted to see this happen. However, if there is something wrong within the force, it must be acknowledged. It has been acknowledged by many Members for several years that there are serious deficiencies in the Garda. We are at a stage where crime levels are dramatically on the increase, particularly the sale of illegal drugs and cigarettes and gang crime. It is not that the Garda needs the community to come to the fore in order to help it. Many in the community want to do this. However, to work with any organisation in the State, one must have trust in it. All of the controversies in recent years have in some way damaged that trust in the Garda. Will the Minister re-examine the Bill and some of the points made by Members on the Opposition Benches? We have done so for the betterment of the legislation and the Garda which should have nothing to fear in having to be held accountable. All of us as legislators are accountable for everything we do and rightly so. We all know that in many

situations the gardaí are the last resort for many people who suffer as a result of anti-social behaviour, if some criminal damage has been done, if they have been abused etc. The gardaí need to have the people's trust. Unfortunately, not enough effort or thought has been put into this Bill to deal with accountability.

Deputy Derek Nolan: We are coming to the end of a very difficult time for the policing authorities in this country, namely An Garda Síochána and the Garda Síochána Ombudsman Commission, GSOC. The last two years have been full of controversies relating to penalty points and the relationship between the gardaí and the commission, which got so strained at one point that it led to public hostility between both organisations. There were allegations of cover-ups and of investigations not being properly investigated by the gardaí. There was the resignation of the Garda Commissioner and the Minister for Justice and Equality. Just this month we see that one of the GSOC commissioners is leaving his post to take up another post in the UK.

During that time, one of the things which GSOC was involved in and to which this Bill relates was the allegation that the office was subject to bugging. The idea that someone was bugging the independent ombudsman of An Garda Síochána created a national furore and was on the front page of many newspapers. It led to several hearings in this House in which I took part. There was much media and public commentary and concern about the implied suggestion that the gardaí were bugging the GSOC offices.

At the time, I remember looking at some of the information and questioning the then commissioners as to the exact nature of what was happening. They were very concerned about information which was critical and crucial to their role being printed in public newspapers. It turned out a long time later that what we actually had was information making its way out by other means. The bugging, when looked at by retired Mr. Justice Cooke, had not actually taken place or there was no evidence of it whatsoever. This showed us that in GSOC, like in any organisation, things can go wrong. No organisation is infallible. In that instance, GSOC did not stand up to the highest ideals that we would like it to. It fell short and created somewhat of a national furore when none was necessary.

The internal report which dealt with bugging was considered extremely confidential within GSOC. Yet that report managed to get out into the public domain. GSOC therefore still has some questions to answer about its ability to control and maintain secrecy and privacy over information which is extremely sensitive. If we want people to feel free to speak up and to go to GSOC and to give information about alleged malpractice in the Garda Síochána and so forth, the knowledge that there may be someone within GSOC who is letting that information out or that GSOC cannot control that information is extremely serious. We would want to be sure that this issue is being dealt with.

Some of the things the Government is doing to deal with the issues in policing are extremely important. The new Garda authority that is being established will revolutionise where we are going in terms of civilian and public oversight of our Garda Síochána force. There has been much criticism that until now we had simply a two-way relationship between the Garda Commissioner and the Minister for Justice and Equality, that in that relationship one could become almost too close, that relationships could develop that would prevent proper accountability and that this would lead to a situation whereby the ability to keep an objective distance would be compromised.

I am delighted to see that Josephine Feehily has been appointed to the Garda authority. I

have had some experience dealing with her as chairperson of the Revenue Commissioners in the Committee on Public Accounts. She is an extremely capable and able person. I have no doubt that she will bring those skills and more to her position in the Garda authority.

Some of the powers that are being given to GSOC will give a new added impetus to its function and will give it the power to be a bit more aggressive in some areas. The power provided for in the Bill that allows GSOC to initiate investigations off its own bat, without having to require someone to come in with a complaint or an official external source to start the investigation, is something that is particularly welcome.

The ability of GSOC to expand its role to that of almost a monitoring body and to decide when it can and cannot investigate is a particularly good change. There was a perception that the Garda Commissioner, by virtue of the Act and the Commissioner's relationship with GSOC, was somehow beyond reproach. We cannot have that. If what we are trying to do is to establish a new public confidence in the policing structures, we cannot have the head of the Garda being perceived as someone who is not to be investigated, not to be held to account and not to be subject to the same investigations and accountability mechanisms as other members of the force. The way the Bill expands this role and allows the Garda Commissioner to be subject to a GSOC investigation, albeit with the consent of the Minister for Justice and Equality, is an important step and one that will stand to the governing structure in the future.

I also welcome the logical extension of the deadline for complaints from six months to 12 months. This makes sense and will allow people to feel comfortable with what they do and to take the necessary time. Everyone is not always of the one view about if or when they should begin such processes. Giving that extra time makes it simpler, clearer and better for everyone. I also wish to welcome the granting of powers to GSOC to intercept communications, post and so forth. These are powers which are open to the gardaí when they are investigating criminal investigations. It is something which will benefit GSOC given the time limits on it.

I understood that I had five minutes, but the Chair is being very generous with the time.

Acting Chairman (Deputy Bernard J. Durkan): I should have mentioned that the Deputy has 20 minutes and he can stop whenever he likes. He has 13 minutes remaining.

Deputy Derek Nolan: I may just simply say, because the main points I had were prepared, that sometimes we take for granted some of what functions so properly in this country - that we have a Parliament that meets, a Judiciary that is independent and a policing body that works and maintains the rule of law. These things are very fragile. We take them for granted because we are, in fact, one of the oldest functioning democracies in Europe and around the world. These extremely important functions are goals for which other countries have strived and are incapable of getting on a firm footing. Take the idea that the Garda will investigate a Minister or a Deputy and that Deputies are afraid, and rightly so, and do not feel comfortable or competent to interfere in a Garda investigation. Under no circumstances would I feel it in any way possible to telephone a judge to try to interfere in a case.

These are basic aspects of the rule of law for which countries strive and which can take a very long time to build up. We should never get complacent. If we have been analysed and found to have flaws - which have been clearly found in our relationship between the Executive, in this instance the Minister for Justice and Equality, and the policing authority - and we can improve on this and keep that accountability, then we must do so. We can never become

complacent or take for granted that which other countries have simply failed to attain or are incapable of having and which history has shown us can be torn down much more quickly than can ever be built up. I therefore welcome this Bill as one element of the infrastructure which will do that, in tandem with the Garda authority which will get up and running. We will be in a much better place as a result.

A person just needs to talk to gardaí to see the bruising of morale that has happened in the Garda Síochána. This is not, to be honest, due simply to the scandal. It is also due to the level of resources over the last number of years and the difficulties gardaí have been facing in terms of their wages, their working hours and the fact that they cannot get a car so that they can do their job. This Bill puts in place a very robust platform on which we can build to get back to a properly working police force with the necessary morale, resources and accountability to ensure it is effective, trusted and always seen as an important and reliable part of the community.

Deputy Shane Ross: I am grateful for the opportunity to speak on yet another Garda Bill and to express a familiar story of disappointment that the Government has once again not just failed, but refused, to reform An Garda Síochána in any radical manner. I suppose it is no coincidence that I and other Independent Deputies, in particular Deputies Wallace and Daly, have been hammering away at this problem for a long time. Indeed, we have brought it successfully to public awareness and we have achieved a great deal in the sense that many of those who were responsible for the debacle represented by the Garda and the Department of Justice and Equality are no longer in their positions. The response of the Government was to throw bodies into the river. This may have political advantages but we had expected a radical reform of these areas, which are so politically sensitive that they should be taken out of the political arena. It seems that the opposite has been the case in the Government's response to the crisis in the Garda and the difficulties in the Judiciary. Successive governments have acted irresponsibly in addressing these fragile issues, which are so sensitive that the public is beginning to lose confidence not only in the Judiciary or the semi-State bodies, in respect of which it lost confidence many years ago, but also in those entrusted with keeping and enforcing law and order impartially.

I would have thought that a reforming government of Fine Gael and the Labour Party or anyone else would have seen the opportunities that have arisen from the debacle represented by the Garda Síochána to take the axe to the force and clean it up. However, that is not what has happened. Instead, we have seen the same response that we always see from this Government when it finds disasters and hand-grenades inherent in these institutions. The Government seeks to solve the problems that have exploded but all it brings to the issues are little bits of sticking plaster.

The first criteria or demand of a Bill of this nature, which attacks the Judiciary and other areas where the Government has such powers of patronage, should be to ensure that the word "Minister" never appears in the Bill at all. That should be the first demand if the Government is really interested in reform, because the root problem of the matters I have addressed is the fact that successive Ministers have had almost ultimate power within the Garda, the Judiciary and semi-State organisations.

Another common theme is that all Ministers have in effect abused that power. Therefore, to see provision in this Bill to the effect that the Minister for Justice and Equality - this is no reflection on any particular individual, it is a reflection on the ability and capacity for abuse down the road - has the power to veto an investigation by the Garda Síochána Ombudsman Commission into the Garda Commissioner or any future Commissioner is totally unacceptable.

Why is that necessary? Why should a Minister be allowed to obstruct an investigation into a Commissioner? The only reason I can think of is the need for that good old tradition of political favouritism and political interference. That clause in the Bill is an abomination. It is symptomatic of the fact that this Government, for reasons known only to itself, is incapable of releasing the power of patronage, the power to make appointments to the Garda, the administration of the Garda and the power to protect people in high places. These should be taken completely out of the political arena but this has not been done.

I believe there are good intentions and that the current Minister for Justice and Equality has good intentions and has intended to make some sort of break with the past. However, we have seen in the case not only of this Bill but in other Bills of this sort an approach so piecemeal and cosmetic that the abuses will continue.

I am afraid this has been a characteristic of the Government in the area of patronage. I am not only referring to appointments to Seanad Éireann but to the guidelines issued by the Minister for Public Expenditure and Reform early in November. He made some gestures in the light of a rather scandalous attempt to appoint someone to the Seanad that could not be justified. The Minister stated that the guidelines included new procedures for appointments to semi-State bodies, but they are not really worth the paper they are written on because ultimately any appointment can be either vetoed or made by the Minister.

As everyone knows, the same applies to the Judiciary. The Judicial Appointments Advisory Board is stuffed with political appointees in case anyone has failed to remember. The board makes recommendations to the Minister, who can either listen to them or not. A wonderful old fig-leaf is in place to protect whoever the Minister making the appointments happens to be. If he does not get those he wants, that is, people who normally have had identifiable political affiliations in the past, then he can appoint one of his chums to the Bench in any event.

This trend or disease is noticeable in the appointments to inquiries or investigations in areas like the Garda and elsewhere. Why, in the name of God, do we always fall back on a member of the Judiciary or a retired member? These people, many of whom are honourable and of great integrity, have all been political appointees. They have all gone through the same diseased process that top gardaí have to go through. This means extraordinarily embedded establishment people appointed by a Minister for justice are called on to investigate people who have also been appointed by a Minister for justice. What conclusions can we expect them to reach? We cannot blame them, but they are so embedded in the system and so compromised by their initial appointments that they are not of necessity from the pool to which the Government should go when seeking someone to carry out an independent investigation of extraordinary political sensitivities.

The whole business of politicians with various agendas being able to appoint to positions people who are sympathetic to their political points of view should end now. Those in the Government had an opportunity to act when this shambles represented by the Garda - it is in danger of threatening the Judiciary as well - broke out. The Government had the opportunity to take a radical step and by deciding not to involve itself in the kind of activity I have outlined. It did do one or two things but it promised a good deal more. For example, yet again we have been waiting four years for something on judicial appointments to materialise. We will wait and see what happens. In the meantime I can predict that any Bill in this whole area will ensure the last word comes from the Minister. Nothing will be done without ministerial approval or appointment.

What will be called an independent Garda authority will be set up shortly. Who will make the appointments to that authority? I do not know but I suspect that it will be the Minister. We have already got a chairperson for the authority. What process was implemented in that regard? Did we have a long process of advertising and interviews for this, the most sensitive post in the history of the State? No, we did not. We had a bit of advertising, we may even have had a few interviews but then we had a parachute and lo and behold, landing there in the plum position of chairman of the authority was the person who had been chair of the Revenue Commissioners. I am not saying for one second that she is a bad person. I happen to think that she was a particularly good chair of the Revenue Commissioners. I have come across her time and again at the Committee of Public Accounts and her competence, ability and integrity are undoubted but her suitability for the position of chairman of the new independent Garda authority is questionable to say the least. At the very least, there should have been a public process so that we could have confidence that the person appointed was impartial, independent and well-versed in Garda matters, which must be open to challenge. The problem is that the parachute was provided by the Minister. That is the problem and will continue to be the problem. The other members of the Garda authority will also be appointed by the Minister. There will be a process but at the end of the day, these will be political appointments. There is very little doubt that whatever cosmetic umbrella or structure is put in place to recommend three or four people, as long as the ultimate decision and the ultimate veto rests with the Minister, appointments to the top of An Garda Síochána will be flawed and confidence in the Garda Síochána will be tainted.

I am sure the Minister knows - and I have heard of no plans to change it - the staggering fact that the top 200 appointments in the Garda Síochána are political. I asked a question about that recently, either of the Garda press office or the Department, I cannot recall which. It took a long time for them to respond to that because, I presume, they did not want to. The top 200 positions are political appointments. Why on earth does this Government not say, "We are going to make a clean break with the abuses of the past. We are not going to have Cabinet Ministers interfering in appointments in the Garda"? If one talks to members of An Garda Síochána one will hear them say that they have to be on the right side of the political divide to get promotion. It is not always the case but it is an advantage. That is what still exists in An Garda Síochána today. I see no sign that this Government has any intention of reforming that because all Governments want control of the Garda. I can understand those who say that it is necessary for a Government to have good relations with An Garda Síochána and an overlap in certain areas where the security of the State or of individuals is paramount or is in danger. That is fine, but there is a huge difference between that and political control, political favouritism and protecting those who are in positions of power. What ought to be done here is the introduction of a totally new system which removes the Government, and Ministers in particular, from the picture. I am not referring to any Minister in the current Government when I say that there have been cases of very obvious and indefensible abuses by Ministers for Justice in this country. Those Ministers had powers which they abused, for which they were not accountable at the time. We must not put Governments or Ministers in the way of temptation, which some have seemed unable to resist.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): On behalf of the Minister for Justice and Equality, who unfortunately cannot be present, I thank all of the Deputies who have contributed to this debate. The Minister is pleased that the Bill before us has attracted a significant degree of consensus, particularly regarding its key provisions which provide for the expansion of the remit and powers of both GSOC and the Garda Síochána Inspectorate. The Minister is grateful to Deputies for their support for these aspects of the Bill and hopes, given the level of consensus that has been demonstrated, that it

will be possible to enact this Bill quickly.

As the Minister outlined in her opening contribution, this Bill is one of a series of measures being taken by the Government as part of a comprehensive programme of justice reform which will substantially strengthen Garda accountability. This reform programme is being informed to a substantial extent by the excellent work undertaken by the Joint Oireachtas Committee on Justice, Defence and Equality. In line with the recommendation of that committee, for example, section 11 of the Bill will allow the Garda Inspectorate to conduct, on its own initiative, inspections or inquiries relating to particular aspects of the operation and administration of An Garda Síochána. At present the inspectorate can only do so with the prior consent of the Minister.

I wish to inform Deputies that this Bill is not, and was never intended to be, the only or primary legislative response of this Government to the relevant work of the aforementioned Oireachtas committee. Deputies will be aware that the Minister has published the scheme of a Bill for the proposed new policing authority which takes into account a significant number of the recommendations made by the joint committee. The Bill is being drafted on a priority basis and the scheme has been considered by the joint committee in the course of pre-legislative scrutiny. The Minister is looking forward to publishing the Bill and bringing it before the Oireachtas as soon as possible. In addition, the Government has approved the nomination of Ms Josephine Feehily as the chairperson designate for the policing authority and she participated in the selection process for the appointment of the Garda Commissioner, Ms Nóirín O'Sullivan by the Government, following an open and competitive competition organised by the Public Appointments Service. Ms Feehily will be involved in the arrangements for the establishment of the authority.

Overall, the recommendations made by the joint committee are being examined in the context of the Government's reform programme. Deputies will be familiar with the fact that on 19 December 2014, in accordance with the Commissions of Investigation Act 2004, the Minister laid before this House a draft of the order, which includes the terms of reference, proposing the establishment of a commission of investigation to address the recommendations of Mr. Seán Guerin, senior counsel, in his report on allegations made in respect of certain Garda matters. The Minister also made a statement outlining the reasons for the establishment of the commission. All of the matters recommended by Mr. Guerin for inclusion in a commission of investigation are included in the terms of reference. A resolution approving the draft order is required to be passed by each House of the Oireachtas. The relevant resolution has been tabled for discussion and approval by this House on 28 January. This will provide an opportunity for Deputies to debate the matter. Subject to approval by the Houses, the Government will then take the order establishing the commission.

In the course of the debate on this Bill, Deputies referred to the independent review by a panel of counsel about allegations of Garda misconduct or inadequacies in the investigation of cases. The Minister previously outlined that the role of the independent review is, effectively, to assess those cases with a view to determining to what extent, and in what manner, further action may be required. Where counsel recommend further investigations, the Minister will be very strongly guided by that advice. Clearly there are a number of possible options for further investigations, in particular by way of referral to GSOC. Any recommendation for a referral of a case to a commission of investigation will be very carefully considered, including whether this could be achieved by way of amending the terms of reference of an existing commission or the establishment of a separate commission.

Reference was made to a number of specific topics, including the significant contribution to policing made by the Garda Reserve. The Minister is very much aware of the excellent work undertaken by members of the reserve. In terms of overall Garda recruitment, reserve members are provided with an opportunity under the Garda admission and appointment regulations to demonstrate the experience they have acquired as reserves. This takes place during the interview process managed by the Public Appointments Service and enables reserve members to highlight their skills. In that regard, it is significant to note that of the 100 Garda recruits who entered the Garda College in September last year, 23 were members of the Garda Reserve. As Deputies will be aware, this was the first intake of Garda recruits since 2009 and it was followed by an intake of a further 100 new recruits in December last which also included former Garda Reserve members. An additional intake of 100 recruits is due to enter training at the end of this month, bringing to 300 the number of recruits in the Garda College since last September. This development is a measure of the Government's commitment to the Garda Síochána.

The first intake of recruits will attest as members of the Garda Síochána in May 2015 and will be assigned to Garda stations by the Garda Commissioner. It is a key objective of the Garda Commissioner to allocate all the resources at her disposal in a manner which maximises their impact on the protection of members of the public and prevention and detection of crime. In that context, Garda management keeps under continuing review developments in respect of security assessments, crime trends and policing priorities to ensure the best possible use is made of resources.

The operation of Garda rosters was also raised. The new Garda roster was introduced on a pilot basis in April 2012 after negotiation and agreement by Garda management and staff associations. It was developed in compliance with the European working time directive to better match the supply of and demand for resources and took on board best practice from a welfare perspective. The pilot period was extended under the Haddington Road agreement to June 2014 and has been further extended by agreement. As is the case with this pilot, the practical application of the complex systems involved has identified where changes may be required. The purpose of the current review is to identify and implement any necessary changes and this process is being actively pursued.

A number of Deputies also referred to providing the Garda Síochána Ombudsman Commission with access to the Garda PULSE system. In that regard, GSOC has confirmed to the Department that it is satisfied with the level of access to PULSE being provided. In addition, section 9 contains a provision that will underpin any requirement on the Garda Commissioner to provide information to the Garda Síochána Ombudsman Commission. The section, which inserts a new section 103A into the Garda Síochána Act 2005, places a statutory obligation on the Commissioner to provide GSOC, as soon as practicable, with information the commission requires for the purposes of carrying out its functions. Deputies may also be aware that an additional €1 million in funding has been made available to GSOC in 2015 to resource the organisation's activities this year. Arrangements have been put in place for a recruitment campaign for additional staff. The issues of efficiency and resources are being kept under continuing review by the Garda Síochána Ombudsman Commission.

A short technical amendment is required to section 8 and the Minister intends to introduce such an amendment on Committee Stage. On behalf of the Minister, I express my gratitude to Deputies who have expressed support for the Bill. The Minister looks forward to its early enactment.

Question put:

<i>The Dáil divided: Tá, 85; Níl, 15.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Collins, Joan.</i>
<i>Butler, Ray.</i>	<i>Coppinger, Ruth.</i>
<i>Byrne, Eric.</i>	<i>Daly, Clare.</i>
<i>Calleary, Dara.</i>	<i>Halligan, John.</i>
<i>Cannon, Ciarán.</i>	<i>Healy, Seamus.</i>
<i>Carey, Joe.</i>	<i>McGrath, Finian.</i>
<i>Coffey, Paudie.</i>	<i>Mathews, Peter.</i>
<i>Collins, Áine.</i>	<i>Murphy, Catherine.</i>
<i>Colreavy, Michael.</i>	<i>Murphy, Paul.</i>
<i>Conaghan, Michael.</i>	<i>O'Sullivan, Maureen.</i>
<i>Conlan, Seán.</i>	<i>Pringle, Thomas.</i>
<i>Connaughton, Paul J.</i>	<i>Ross, Shane.</i>
<i>Conway, Ciara.</i>	<i>Shortall, Róisín.</i>
<i>Coonan, Noel.</i>	<i>Wallace, Mick.</i>
<i>Corcoran Kennedy, Marcella.</i>	
<i>Costello, Joe.</i>	
<i>Creed, Michael.</i>	
<i>Crowe, Seán.</i>	
<i>Daly, Jim.</i>	
<i>Deasy, John.</i>	
<i>Deering, Pat.</i>	
<i>Doherty, Regina.</i>	
<i>Donohoe, Paschal.</i>	
<i>Durkan, Bernard J.</i>	
<i>Ellis, Dessie.</i>	
<i>English, Damien.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzmaurice, Michael.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Flanagan, Terence.</i>	
<i>Griffin, Brendan.</i>	
<i>Harrington, Noel.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	

<i>Keating, Derek.</i>	
<i>Keaveney, Colm.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McDonald, Mary Lou.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLellan, Sandra.</i>	
<i>McLoughlin, Tony.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moynihan, Michael.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Fearghaíl, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>Ó Snodaigh, Aengus.</i>	
<i>O'Brien, Jonathan.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Sherlock, Sean.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanley, Brian.</i>	
<i>Stanton, David.</i>	
<i>Timmins, Billy.</i>	
<i>Tóibín, Peadar.</i>	
<i>Troy, Robert.</i>	
<i>Twomey, Liam.</i>	

22 January 2015

<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Emmet Stagg and John Lyons; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried.

Garda Síochána (Amendment) (No. 3) Bill 2014: Referral to Select Committee

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to 82A(3)(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Order of Reference of Select Committees.

Question put and agreed to.

12 o'clock

Leaders' Questions

Deputy Billy Kelleher: Over the past few months we have seen the nursing organisations express great concern at the increase in the retention fee by the nursing board, from €100 to €150. This has been an ongoing situation for some time and has been highlighted by political parties, advocacy groups, patient groups and the nursing organisations. A 50% increase in any fee is an extraordinary demand, particularly when coupled with the fact that payment is mandatory for registration. The fee is payable to the registration board and under law nurses must register with the board. Therefore, nurses have no choice. If they want to practice in this country, they must register with the board. No reason or rationale was provided for the increase in the fee, other than that the board says it must continue with significant changes in the fitness to practise area, which include the introduction of a new preliminary proceedings committee, and the fact that it needs to upgrade its systems as continuing professional development will become a mandatory requirement for nurses and midwives. This is the only reason the board has give for increasing the registration fee from €100 to €150.

We all know that people on front-line services are under extraordinary pressure in delivering health care to patients. The least that should happen is that there should be engagement between the board and the organisations representing the nurses to ensure we have a registration system that is fair, professional and affordable. It is unacceptable that any fee could be increased by 50% without reason.

Our straight talking Minister for Health claims he “says it as he sees it”. On this occasion, he wrote to the board asking it to engage with the nursing organisations. However, there has been no activity from either the Minister or the board in an effort to provide engagement. Will the Tánaiste therefore take up the cudgel for the nursing organisations and ask the board to engage in a meaningful way with them?

The Tánaiste: On 17 September 2014, the Nursing and Midwifery Board of Ireland, NMBI, voted to increase the annual registration fee for nurses and midwives, from €100 to €150 for 2015. I agree this is a large increase, particularly at a time when the danger to the eurozone is not inflation but the risk of deflation.

The staff associations have undertaken a campaign against paying the new fee and have advised members to pay the old fee of €100. Potentially, nurses who do not pay the appropriate fee will be removed from the register. As the Deputy said, in order to resolve this issue we need negotiation, discussion and consultation so as to reach an agreement. I know and have spoken with nurses who have found this a significant increase, in particular in a situation where their budgets are stretched.

Officials from the Department of Health have written to and met the president of the Nursing and Midwifery Board of Ireland on a number of occasions - two meetings took place in December 2014 - and they expressed concern about the possible implications for the health services and patient safety if this situation should lead to some form of industrial dispute which would have an impact on patients. The board met the staff associations and the matter was discussed at board meetings. However, I am conscious the issue has not yet been satisfactorily resolved. The Minister for Health continues to monitor the situation closely and has asked the board and staff associations to continue discussion. I cannot report a satisfactory outcome to the Deputy as yet.

Deputy Finian McGrath: There is a crisis in our health services as well.

Deputy Billy Kelleher: The problem is that the Minister for Health merely monitors what is happening. This seems to be his forte. He monitors waiting lists and trolley counts, but we need activity in this situation. We do not need the Minister to monitor further. We need him to ensure that the board engages with the nursing organisations to ensure we have an affordable retention fee so that nurses can register and be allowed practise in our public health system. The nurses are threatening to pay just the previous fee of €100. If they do, we will then have a situation where our nurses will no longer be employed by the health services. That is the situation we face.

I suggest it would be easy for the Minister to ensure there is positive engagement between the board, which has unilaterally decided to increase the fee by 50%, and the nursing associations. The board has increased the fee without a meaningful need to do so, other than a bland statement saying it must do so for fitness to practise reasons. Is it that in moving from Fitzwilliam out to Blackrock the nursing board got caught up in the property bubble? We cannot expect nurses who are already under financial pressure to now pay a mandatory increase of 50% on their registration fee. They are not given a choice. If they want to work, they must pay this. It is a form of tax. There is nothing voluntary about the fee and nurses must pay it.

I suggest the Tánaiste should ask her constituency and Cabinet colleague to roll up his sleeves and ask the board to engage meaningfully over the coming weekend in order to bring this issue to a satisfactory conclusion.

The Tánaiste: The establishment of registration bodies for different groups of professional workers is one that all of the groups have by and large welcomed. This has been debated from time to time both in this Dáil and previous Dáileanna and Members have been positive towards it. I refer to the registration of teachers and professionals in the social work sector

Deputy Dara Calleary: Are wafflers registered?

The Tánaiste: Similarly, nursing is a graduate profession which involves significant training and investment by the State and the individuals involved in their education and training. There is strong underlying support for the principle of professional registration, but when the professional registration structures were put in place, it was made clear that the board would be independent and that it would deal with the safeguarding of the professional practice of nurses which has an enormous impact on patient health, safety and the delivery of services.

The Deputy referred to the board having some difficulties-----

Deputy Timmy Dooley: It is amazing that the Labour Party takes such a blasé approach to industrial relations.

The Tánaiste: -----but following discussions with the Department of Health in 2013, it was agreed that a one-off sum of €1.6 million would be granted by the Department to cover costs in 2013-14 on the basis that the board would review its overheads and increase its income in 2015 to meet its commitments under the legislation. The board has, therefore, been significantly assisted by the Department and the Government in addressing the financial issue referred to by the Deputy, but at this point the only way it will be resolved is by further discussions between the parties and them sitting down to resolve it. For the nurses who are working in the health service or who travel abroad to work in other health services, it is important that the registration fee be fair and that the dispute be resolved as soon as possible.

Deputy Billy Kelleher: Is the Tánaiste calling on the board to engage directly with nurses?

Deputy Finian McGrath: The Government is cheesing off nurses and teachers.

Deputy Billy Kelleher: Will the Tánaiste ask the board to engage directly with nurses?

The Tánaiste: This issue can be resolved by further discussions and negotiations.

Deputy Billy Kelleher: Therefore, Paul Gallagher should engage with them.

The Tánaiste: That is the appropriate thing to do because the principle of registration is important.

Deputy Mary Lou McDonald: Secondary school teachers throughout the State have today embarked on their second day of strike action on the issue of junior cycle reform with the prospect of a third day of industrial action looming large. I am sure the Tánaiste will agree that this causes huge disruption for families, students and teachers. She will also appreciate that the mock leaving and junior certificate examinations are not far away and that this will, undoubtedly, add pressure to students and teachers. The current situation is testament to the Government's failure to engage constructively and positively with teachers on the issue of junior cycle reform. There is consensus that reform needs to happen and that a model of continuous assessment needs to be adopted, but the disagreement revolves around the Government's insistence that teachers mark and grade their own students. I cannot understand the Government parties' insistence on this when teachers who are the professionals and experts in the sector have told them clearly about the difficulties to which this will give rise. If they persist, teachers say the current situation risks damaging their relationship with their students, but, perhaps more importantly, it also runs the serious risk of damaging the credibility of the State examinations and qualifications. Why is the Government being so unreasonable? Why has it not sorted out this

matter? Why will it not heed the concerns and insights of the teaching profession?

The Tánaiste: For a long period I was a member of the TUI because I taught for a lengthy number of years as a senior lecturer in Dublin Institute of Technology. As somebody who set and marked my own examinations-----

Deputy Dara Calleary: Look where it got the Tánaiste.

The Tánaiste: -----and also took part in administering the examination structures of a number of the professional accounting bodies, notwithstanding the Deputy's welcome commitment to reform, Deputy Mary Lou McDonald is mistaken on this issue.

Deputy Finian McGrath: She is not.

The Tánaiste: As a country, if we are to progress and get all of the people who lost their jobs back to work-----

Deputy Finian McGrath: The Government did this two weeks ago in the primary sector. The sector was assessed independently. The Tánaiste is coddling the people.

The Tánaiste: -----one of the essential ingredients will be to give children the best education we can provide. That means implementing critical reforms which bring into the classroom at second level collaboration and work both by the individual and class groups that will allow children to be creative, participants and leaders in their own learning process.

Deputy Dara Calleary: The Tánaiste will have them marking their own examinations next.

Deputy Finian McGrath: The performance of children has been poorer under the Government. The Tánaiste should read today's newspapers.

The Tánaiste: The Deputy was previously a principal. Book and rote learning had an essential part to play in education, but it is not the only way for people to get an education and develop educationally. When Deputy Ruairí Quinn became Minister for Education and Skills, he set out to improve literacy and numeracy in primary schools.

Deputy Timmy Dooley: We saw what the Tánaiste did to him.

The Tánaiste: He introduced reform which was not popular with everybody.

Deputy Finian McGrath: The primary sector is assessed independently by outsiders. The Tánaiste is missing the point.

Deputy Timmy Dooley: She got rid of the Minister who had done all of the good work.

An Leas-Cheann Comhairle: Leaders' Questions are between party leaders and the Tánaiste.

The Tánaiste: It was assessed in the recent publication of the results of that reform. Anybody who has the opportunity, as I do all the time, to go into wonderful new and older schools that have been refurbished by the Government throughout the country-----

Deputy Dara Calleary: Thanks to Brian Lenihan.

Deputy Timmy Dooley: The last time the Government parties went among the people, it

did not work out so well.

The Tánaiste: -----will see at primary level the excitement in learning and developing and learning to reason and critique, not simply learn for an examination.

Deputy Peter Mathews: Get real. What about ordinary English?

The Tánaiste: Deputy Mary Lou McDonald's vision for education would lead to poorer outcomes. The country needs educational reform.

Deputy Finian McGrath: We all support reform.

The Tánaiste: The teacher unions need to engage in discussions. The Minister has said it will be a two part system - 60% will be addressed through the traditional examination which Sinn Féin wants to see as the cornerstone of the system, while 40% will take into account what we have all learned will stand to children when they come out of primary and secondary school and enter the wider world. The teacher unions need to pause and think again about what is best for our precious children.

Deputy Mary Lou McDonald: I am interested to hear the Tánaiste's exposition to teachers and me, presumably as a parent, on what is best for our precious children.

Deputy Aodhán Ó Ríordáin: The National Parents Council is in favour of this reform.

Deputy Finian McGrath: The council did not consult parents.

Deputy Mary Lou McDonald: The Tánaiste is making a false argument and, perhaps unsurprisingly, addressing the wrong issue. There is no dissent on the need for reform, continuous assessment and creativity, participation and so on among all children at primary, second and third level. The issue concerns marking, grading and accreditation. Teachers are saying - many parents and students agree with them - that in grading junior cycle achievement we have to be sure the system is objective, standardised, fair and credible. That is the great beauty of external assessment. The teachers argued that point. I trust teachers absolutely and I trust their judgment on this matter. For all the flaws it has and all the arguments people have with it, the leaving certificate has always been justifiably recognised for one sterling quality, which is its objectivity. People, teachers, students and parents value that. We need the reform. Why is the Government holding it up by a stubborn refusal to listen to teachers who say that they are for all of that but insist that it is externally graded and accredited?

The Tánaiste should not try to make a comparison between a third-level institution where students come from every corner of the country and beyond to be taught and a school in a rural area or even an urban area where teachers live and where relationships are very strong. It is a very different dynamic. The teachers make a fair call for external grading and assessment to ensure the credibility of the junior cycle, learning and learning achievements. Why can the Government not listen to that and do the reasonable thing?

The Tánaiste: I have had the privilege of visiting one to two schools per week - not just in my current job but since I became a Deputy - because one of my abiding interests is education. I go into very well-off schools - fee-paying schools. Deputy McDonald would be familiar with them. What I find is that the students have a collaborative learning experience. Often when I go into a poorer community, I find that many children drop out of secondary school around the age of 15 and 16. Through the school completion programme, we are keeping a huge number of

children in school until their leaving certificate but the reason many children drop out is because the current curriculum does not meet their needs or interests. The junior certificate reform is part of a vital reform to make the school experience positive for many children and help them to complete it successfully.

All around the world, teachers at first, second and third level set, mark and assess their own pupils. It is accepted as being key in all of the best-performing countries in the world in terms of education. In respect of our children studying history, English or mathematics, Deputy McDonald wants everything to depend on a book-led examination rather than collaborative learning. I think she is wrong. I hope that teachers return to the negotiations. I noticed that Sinn Féin's spokesperson on education has spoken very well about being in favour of reform. Deputy McDonald is like St. Augustine, "Lord, make me reform but not just yet."

Deputy Ruth Coppinger: I start by sending the full support of the Anti-Austerity Alliance to the secondary school teachers today.

I do not feel I have any choice but to raise with the Tánaiste the disaster of the housing crisis. All the signs are that the Government's housing strategy is a bumbling disaster. Even if its myriad plans ever emerge, it will take years for houses to actually be built. The top management in Dublin City Council has confirmed to me that no serious amount of houses will be built for at least two years. Fingal County Council, which is the Tánaiste's own local authority, has a staggering figure of 38 new builds planned so the figures just do not stack up. In fact, the Tánaiste seems to be oblivious to a housing crisis in her own area of Dublin 15 and Dublin West. Families in Dublin West are becoming homeless for a second time. Not a single new council house is planned for the greater Blanchardstown area, which is in the Tánaiste's constituency.

While the Government is sweeping rough sleepers off the streets and putting them indoors, whole family homelessness is continuing unabated. The mix will be added to by a crackdown by the banks to repossess homes, including buy-to-lets, with no protection for tenants in those properties. Since families cannot expect a home any time soon from this Government, can the Tánaiste tell us what it is going to do in the meantime?

The one tiny measure it took to prevent homelessness was to set up a Threshold emergency helpline to negotiate rent supplement increases behind closed doors. The Government could have allowed community welfare officers to do this anyway but they do not have any power to keep people in their homes in the case of repossession or eviction. Interestingly, 47% of calls to the Threshold line come from north county Dublin, which includes the Tánaiste's constituency.

The Tánaiste and her Department must take major blame for the homelessness crisis. They are relying on the private sector to house council tenants and those waiting on homes. Between the Government and its Fianna Fáil predecessors, rent supplement has been cut by 28%. The top ups that we know most people must pay have gone up by 67%. That is through a combination of increasing the minimum amount a family must pay and reducing the maximum rent limits. Is it any wonder there are a million people on the breadline, which has been confirmed in surveys today?

The Tánaiste stated in 2012 that there would be no incidence of homelessness from rent supplement decreases. She actually said they were a positive move. Obviously, she is not going to listen to the Anti-Austerity Alliance and the housing action groups that are out there but for how long will she stubbornly ignore what housing agencies are telling her from the front

line? Focus Ireland and Threshold categorically say that rent supplement is one of the immediate cases of the sharp rise in family homelessness. They have called the rent limits in Dublin a fiction. Some of these people are long-time members of the Labour Party so would the Taoiseach not listen to them?

While people wait for the Government's illusory houses, will it at least agree to put a bandage on the haemorrhage of homelessness? Number one, will it reverse the rent supplement cuts and revise the limits, particularly in Dublin where the crisis is most acute? Will it stop dithering and introduce rent controls, which are so obviously needed and are called for by all the agencies? There is nothing unconstitutional about them. Will it direct the banks to stop repossessions which result in evictions of families from their homes and instead agree to keep those families in their homes renting, which they would like to do? If the Government will not agree to do this, would it agree that the next step is what county managers are calling modular housing - shanty towns, container homes and prefabs?

The Tánaiste: Social housing is a key priority for this Government. We have set out an additional €2.2 billion in the budget for 2015 and the next three years to provide social housing. As the Deputy may be aware, particularly in Dublin West, housing construction has actually recommenced. This will help huge numbers of people interested in buying a starter family home on an affordable mortgage basis to find a home as opposed to what has been happening since the banking collapse, namely, many families being forced to rent in a market where rents have certainly increased in recent times. Rents have increased significantly, as we know from various reports. The commitment of €2.2 billion in the budget to provide for social housing is probably the most radical and largest investment in providing social homes for families who need to be housed. It is a key priority for the Labour Party and Fine Gael. As Deputy Copping was a member of a Dublin local authority for a significant period of time, she will be aware that some time around 2000, under the previous Government, for reasons that have not been fully explored the local authorities basically stopped building social housing.

Deputy Seán Ó Fearghail: That is not true.

The Tánaiste: We are now commencing-----

Deputy Finian McGrath: The Labour Party controlled Dublin City Council for the last five years.

Deputy Seán Ó Fearghail: She is misleading the House.

An Leas-Cheann Comhairle: Deputy Ó Fearghail, please.

The Tánaiste: We are now commencing a very ambitious social housing programme.

Deputy Billy Kelleher: She already misled the people.

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

The Tánaiste: That social housing programme will make significant provision for new housing units over the year. In addition, particularly in Dublin City Council but also to a lesser extent in the other local authorities in Dublin, Cork and Limerick, local authorities adopted the unfortunate practice of boarding up houses and flats whenever vacancies occurred.

Deputy Dara Calleary: Dublin City Council was controlled by the Labour Party.

The Tánaiste: A crash programme is now under way, and is bearing fruit as I speak, to re-open those houses, which should never have been boarded up in the first place.

Deputy Dessie Ellis: The Government starved Dublin City Council of funds.

The Tánaiste: That is going to add significantly to the supply of housing over this year.

Deputy Seán Ó Fearghaíl: On a point of order-----

An Leas-Cheann Comhairle: There are no points of order during Leaders' Questions.

Deputy Seán Ó Fearghaíl: -----the Tánaiste is misleading the House, and not for the first time, on this matter.

Deputy Aodhán Ó Ríordáin: Fianna Fáil gave people private sector shoe boxes under Part V.

Deputy Billy Kelleher: They are sleeping in cars under this Government.

Deputy Aodhán Ó Ríordáin: The Galway tent.

An Leas-Cheann Comhairle: I ask Members to desist.

The Tánaiste: History will show-----

Deputy Aodhán Ó Ríordáin: There were many ways for developers to get around Part V because they wrote Fianna Fáil's housing plan.

An Leas-Cheann Comhairle: Order, please.

Deputy Timmy Dooley: Give the Tánaiste the opportunity to withdraw her remarks

The Tánaiste: With this investment, we will have an enormous increase in the number of houses being made available. Deputy Coppinger referred to the Threshold protocol, which was established by my Department in the middle of June. I am sure she is aware that the protocol has worked very well. Where families have been approached by landlords in regard to a threatened increase in the rent, through the combined offices of my Department, Threshold and other housing associations we have been ensuring those families can stay in their homes and, more importantly, we are dealing with families on a case-by-case basis. I want to send a message in this regard.

Deputy Timmy Dooley: Is it a truthful one?

The Tánaiste: If a family in receipt of rent supplement has a difficulty with a landlord who is increasing the rent, I want them to use the protocol because it has worked reasonably well for those families who have used it. Deputies should acknowledge the work done by the staff of my Department in the homelessness unit and of voluntary organisations like Threshold. The protocol is working well and is being extended around the country as we speak.

Deputy Ruth Coppinger: It is amazing, when the thrust of my question was about rent allowance and rent supplement, that the Tánaiste failed to mention those words even once in her reply. These are issues over which her Department has control. She is the person in charge of rent supplement and imposing rent limits, which are adding to the homeless crisis. She did not answer my question but I hope the Leas-Cheann Comhairle allows her additional time to do so.

The Tánaiste has been dithering on the question of rent controls for a long time. We were told that the proverbial committee was looking into the issue. Does she agree there is no other solution to preventing the escalation of rents in Dublin in particular, and in other cities? Threshold now has to print out the telephone numbers of Deputies to hand them out to people who seek its advice. They are being sent to my door but that is okay because I will send them to the Tánaiste's door from now on.

With regard to house building, I ask the Tánaiste to table a debate on housing in this House. No time has been set aside to allow us to question her figures. We would love to see houses being built but the problem is that the Government is relying on public-private partnerships, Part V arrangements and landlords. Very few new builds are coming on stream but even if we see more construction, what is going to happen during the two years we will be waiting for the houses to be completed? Where in Dublin West has housing construction restarted? Nobody has seen a building worker or a crane in Dublin West for the last five years.

The Tánaiste said one untrue thing. I was on Fingal County Council for 11 years. Council building projects have decreased since her Government came to power.

Deputy Finian McGrath: That is correct.

Deputy Ruth Coppinger: I can give her the figures. The situation was better under Fianna Fáil than under the current Government.

Deputy Billy Kelleher: That is an endorsement.

Deputy Ruth Coppinger: This Government allowed fewer than 300 houses to be built last year, while allowing 500 council houses to be sold off. Council housing stock has actually decreased under the Labour Party.

Deputy Dara Calleary: The truth hurts.

An Leas-Cheann Comhairle: I ask the Deputy to frame a question.

Deputy Ruth Coppinger: If the Tánaiste is really confident about her figures, she might table a debate so that she and the Minister for the Environment, Community and Local Government can show us where the houses are being built.

The Tánaiste: Given that we are having an exchange of questions and views, perhaps the Deputy can explain why the people associated with her party who sit on the local authority of which she was once a member voted against a social housing development before Christmas.

Deputy Aodhán Ó Ríordáin: In Fingal.

The Tánaiste: She might find out because one of the issues is that parties such as the Deputy's have to persuade their representatives on local authorities to be positive in terms of allowing social housing to be constructed.

Deputy Ruth Coppinger: Will the Tánaiste answer my question on rent allowance?

The Tánaiste: Perhaps the Deputy should investigate the issues arising and whether they could have been resolved. I do not know what drove the opposition but it would be interesting to find out. The Deputy made a comment about local authorities selling houses to council tenants. Since 1973 there is a long-standing policy, which I understood was supported by most

parties in this House, that people who held long-term tenancies in local authority houses could be in a position to apply to purchase their homes at a certain point. I heard the Deputy condemn the right of people who live in local authority estates.

Deputy Ruth Coppinger: What is the Tánaiste talking about?

The Tánaiste: By implication, she is condemning the local authorities for selling houses to tenants on a tenant purchase scheme.

Deputy Robert Troy: That scheme has been discontinued.

Deputy Billy Kelleher: Social mobility is a good thing.

The Tánaiste: She is wrong in that regard.

Deputy Ruth Coppinger: My question was on rent supplement.

The Tánaiste: The newly appointed Fingal county manager has brought forward an extremely ambitious programme, starting with the identification of the sites and areas in Swords, Blanchardstown and the wider Dublin 15 area where new social housing can be built. That is a positive development which will result in many thousands of families getting the homes they want.

Deputy Ruth Coppinger: What about rent supplement?

The Tánaiste: Rent supplement is a critical support for 75,000 individuals and families who are housed through the scheme. The protocol established last June is working very well on a case-by-case basis.

Deputy Brian Stanley: It is not working.

Deputy Ruth Coppinger: A Leas-Cheann Comhairle, can I get an answer to my question?

Order of Business

The Tánaiste: It is proposed to take No. 1, Vehicle Clamping Bill 2014 [*Seanad*] - Second Stage. The Friday fortnightly business shall be No. 77, Thirty-fourth Amendment of the Constitution (Members of the Houses of the Oireachtas) Bill 2014 - Second Stage; and No. 17, report of the Joint Committee on Environment, Culture and the Gaeltacht on the outline heads of the climate action and low carbon development Bill 2013.

An Leas-Cheann Comhairle: There are no proposals to be put to the House today.

Deputy Billy Kelleher: The Taoiseach is in Davos rubbing shoulders with millionaires and billionaires.

Deputy Aodhán Ó Riordáin: Deputy Kelleher's guy went to Galway.

Deputy Billy Kelleher: Today he is partaking in a debate entitled "The Rise of Populist Parties in Europe". He might have to come back here and look at the demise of one or two populist parties in Ireland.

Deputy Ciara Conway: Deputy Kelleher could tell us a thing or two about that.

Deputy Finian McGrath: Do not go there.

Deputy Billy Kelleher: The CSO published a survey on income and living conditions in Ireland and, by any stretch of the imagination it makes very disturbing reading, particularly as regards child poverty. Over the last weeks we have seen many announcements by Ministers and Ministers of State on commitments to be entered into over the next 18 months. In other words, these are election promises, including promise on child care and funding for GP cards. Could we not have a genuine debate in the Chamber on the direction we are beginning to take? We are now leaving cohorts of our community behind as the Government convinces itself and tries to convince the public that everything is rosy in everybody's garden. I assure the Tánaiste that there is a great deal of poverty and deprivation and the idea that the Government can spin the living standards survey upwards is not possible. It must be done by meaningful targeted policies.

The CSO's survey on income and living conditions is an indication - as has been highlighted by the ESRI previously - that the Government is targeting its scarce resources in the wrong areas. It is time to have a debate on this and the direction we are taking with regard to where we are providing funding and scarce State resources to those who most need them. The income report highlights that in stark terms.

The Tánaiste: On the Taoiseach being in Davos, where I presume there are far more millionaires than in the Dáil, he is spending his time meeting senior executives in companies such as Facebook and Google with a view to bringing jobs to Ireland.

Deputy Billy Kelleher: I was just stating a fact; millionaires and billionaires.

The Tánaiste: I wish the Taoiseach well in bringing more employment to Ireland.

Deputy Dara Calleary: The country is in safe hands.

The Tánaiste: The SILC report is a very important one. If Deputies want to take the matter up with the Whips, I would be happy to make provision for a debate on the report in the House at any stage. The report relates to the second half of 2012 and the first half of 2013, which was just as Ireland began to emerge from the crisis. It shows that the incomes of those in the lowest income groups increased in absolute terms and relative to the highest earners. As a result, the numbers at risk of poverty fell for the first time in three years by a small amount of 1.3%.

Deputy Dara Calleary: It is statistically insignificant according to the CSO.

The Tánaiste: This is based on 2012 and 2013. It shows that the 300,000 plus jobs that Fianna Fáil lost the country after the disastrous bank guarantee were still working their way through.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Finian McGrath: There was less poverty in 2008.

The Tánaiste: If Deputies care to recall, the jobs recovery was beginning very slowly at the very end of 2012 and it began to gain momentum in 2013. More importantly, I agree to a debate and I want to respond to some of Deputy Kelleher's points. The most important thing in

the SILC report is that the median household disposable income went up. That is the one that is regarded internationally as being the most important sign of improvement for ordinary people. The median income increased by a small amount. Given where the country was coming from at that point, it was a significant achievement.

Deputy Bernard J. Durkan: Hear, hear. I am sorry about that but Deputy Kelleher made a bad choice.

Deputy Billy Kelleher: Deputy Durkan has spoken. It is time to go.

An Leas-Cheann Comhairle: I appeal to Deputies for brevity. A lot of people are offering and I have five Members from yesterday. We only have 20 minutes in total.

Deputy Mary Lou McDonald: I welcome the fact that the Tánaiste is open to assigning Dáil time to a debate on the findings of the report. It would be a very useful discussion to have. Try as she might to soften their edges, the findings are shocking, particularly in regard to child poverty and poverty in families headed by single parents. There is probably nothing very new in those findings but they are shocking nonetheless particularly as the Tánaiste proposes to increase the burden on single parent homes in the near future.

When can the House expect to see the consolidated domestic violence legislation? In terms of the findings and outcomes of the Constitutional Convention, we have raised repeatedly with the Tánaiste and the Taoiseach the huge disappointment that having heralded the convention as a significant initiative of reform, the Government is now indifferent to the deliberations of the citizen participants in particular. It is clear now that we will not see the range of issues discussed and decided on brought to referendum. It appears we may not even see Dáil debates on the full range of issues. If we are to see those debates, can the Tánaiste tell us when they will happen?

The Government has published legislation on the issue of amendment of the voting age and the removal of the blasphemy provision, which I see in the new legislative programme. Does the Government intend to publish legislation on the outstanding Constitutional Convention commitments? I refer in particular to gender equality, the women-in-the-home clause, extending the right to vote in presidential elections to citizens resident outside the State, and on enshrining full economic, social and cultural rights.

The Tánaiste: As I said to Deputy Kelleher, I am happy to facilitate a debate on the SILC report. The critical issue relates to poverty and it is important as we approach 2016 that we do everything as a country to secure an economic recovery that gets people of working age who are entirely dependent on social welfare incomes into employment. The best way to help lone parents is to help them into employment when their children are settled in school. When the youngest child is seven or more, a parent should be encouraged - as happens in the UK and Northern Ireland - to go back in particular to education, retrain and get a job. That is the absolute best way to help people who are parenting on their own with children. That is why the success of the Government in having an additional 80,000 people go back to work is one of the key indicators of a recovery taking hold in Ireland.

I am very aware of the fact that not every family has experienced recovery, which has been most difficult for those who are unemployed, including the long-term unemployed. The Deputy expressed concern about child poverty. Notwithstanding the economic difficulties this country has experienced and which have been very hard on people, I have prioritised in a very tight

budget situation the weekly core social welfare benefits.

Deputy Dara Calleary: What about large families?

The Tánaiste: The SILC report shows that has reduced the number of those at risk of poverty in Ireland by 60% because of the social welfare supports. Every year, I have also prioritised putting direct funding into additional school meals, particularly school breakfast clubs so that when children arrive in school, they can get breakfast.

Deputy Billy Kelleher: This is a debate.

Deputy Dara Calleary: This is wasting our time.

Deputy Ruth Coppinger: What has this to do with the Order of Business?

An Leas-Cheann Comhairle: On the legislation.

The Tánaiste: On the legislation, the Government takes the reports of the Constitutional Convention with the utmost seriousness and we were very happy to make an historic announcement yesterday on this State and its citizens having the opportunity to vote on marriage equality. Yesterday I also introduced transgender legislation into the Seanad. The Government has taken the issue of social reform very seriously.

Deputy Billy Kelleher: Are we having a debate on it now?

The Tánaiste: There is no legislation on the voting age or blasphemy listed for this period because the focus will be on the two referendums announced by the Government, namely, marriage equality, a very important social issue on which voters will make a decision, and the lowering of the age at which a person can stand for election as President from 35 to 21.

Deputy Seán Ó Fearghaíl: It is a very important issue.

An Leas-Cheann Comhairle: I call Deputy Mathews and I appeal for brevity.

Deputy Peter Mathews: I raise the matter that will be discussed in the Private Members' debate tomorrow at 10 a.m. Yesterday, I met the Chief Whip just outside the Chamber to ask what the position of the Government parties was on this Private Members Bill because it affects our Constitution, parliamentary representation and responsibility to conscience. The proposed section has the exact same wording as the official translation of Article 38.1 in the constitution of the Federal Republic of Germany.

Deputy Paul Kehoe: This is outrageous.

Deputy Peter Mathews: The Chief Whip said he could not tell me the Government's position on it.

Deputy John Lyons: The Deputy will find out tomorrow.

Deputy Paul Kehoe: It is absolutely outrageous.

Deputy Peter Mathews: It was discourteous. Earlier this week, I had spoken to the Secretary General of the Department of the Taoiseach to apprise him of what was in this, its meaning and why it was being proposed.

An Leas-Cheann Comhairle: Please, resume your seat, Deputy. I will call the Tánaiste.

Deputy Peter Mathews: I am sorry.

An Leas-Cheann Comhairle: No, I am sorry.

Deputy Peter Mathews: Yesterday, The Taoiseach told me he had consulted the Attorney General. There is no need to consult the Attorney General at this stage.

An Leas-Cheann Comhairle: Deputy Mathews, please co-operate with the Chair.

Deputy Peter Mathews: I have always co-operated with the Chair.

An Leas-Cheann Comhairle: I know, I am asking you to resume your seat.

Deputy John Lyons: The Leas-Cheann Comhairle is on his feet.

An Leas-Cheann Comhairle: I will have to ask you to leave the House if you do not resume your seat.

Deputy Peter Mathews: You do not have to ask me to leave; you may choose to ask me.

An Leas-Cheann Comhairle: This is very unfair. I will have to suspend the House, and many Members are trying to ask questions.

Deputy Peter Mathews: I will take only one further minute.

(Interruptions).

An Leas-Cheann Comhairle: No. Please, Deputy. I call the Tánaiste to deal with the question if she is able to.

The Tánaiste: I thank Deputy Mathews for his question. His Bill will be debated in the House tomorrow and the Ceann Comhairle - I mean the Chief Whip-----

Deputy Peter Mathews: It was a Freudian slip.

Deputy Robert Troy: Is that a sign of what is coming down the track?

Deputy Seán Ó Fearghail: Now we know.

The Tánaiste: -----will be present at the debate and will respond to the proposals in the Bill on behalf of the Government.

Deputy Peter Mathews: I hope he knows his lines by heart.

Deputy John Lyons: All will be revealed.

Deputy Peter Mathews: The Chief Whip is a theatre actor. He can learn his lines by heart.

Deputy Bernard J. Durkan: Given the urgency of the ongoing concern about the lack of appropriately trained apprentices and apprenticeships, when will the Bill be passed? Is it intended that the proposed health (reform) Bill will encompass reforms within the Bill, or is it intended to bring the Bill before the House and carry out the reforms afterwards as a result of it?

The Tánaiste: I do not have a date for either Bill.

Deputy Brian Walsh: I welcome the Government's publication yesterday of the wording of the marriage equality referendum. On a slightly related piece of legislation, when does the Tánaiste expect the children and family relationships Bill to be published? Does she anticipate that the Bill will have concluded its passage through the Oireachtas before the marriage equality referendum?

Deputy Billy Kelleher: They are unrelated and trying to relate them makes it difficult.

The Tánaiste: A great deal of work is ongoing in preparing this very important legislation, which will be published in February.

Deputy James Bannon: Many sentences handed down by the courts for murder and other serious crimes are an insult to ordinary, decent, law-abiding citizens of the State. The granting of bail needs to be tightened, monitored and improved. It has been on the agenda for some time. Electronic tagging for people on bail is a must for serious offences. While we cannot blame our judges, they need clearer guidelines for serious offences. When will the bail Bill be introduced?

The Tánaiste: I do not have a date for the publication of the bail Bill.

Deputy Finian McGrath: The education (admission to schools) Bill sets out to make the process of school admissions more inclusive, equitable and transparent. Does the Tánaiste agree that we need a process to ensure there is confidence in the junior certificate process?

Deputy Ruth Coppinger: Hear, hear.

Deputy Billy Kelleher: Hear, hear.

Deputy Finian McGrath: Will she encourage the Minister for Education and Skills, Deputy Jan O'Sullivan, to talk to the teachers' unions about protecting the integrity of the junior certificate? We need outside, independent assessment and professionalism, and, above all, we need confidence in the process. I support the Teachers Union of Ireland, TUI, and the Association of Secondary Teachers Ireland, ASTI members, who are on the picket line today. They deserve our support. They are standing up for education, pupils, teachers and this country.

Deputy Mary Lou McDonald: Hear, hear.

The Tánaiste: The education (admission to schools) Bill is very advanced. I commiserate with the tens of thousands of students due to sit their leaving and junior certificate exams and who are working intensively. I have talked to students who feel very put out and upset in their study plans by the two strikes that have happened so far and I am concerned about them. As an experienced trade unionist such as the Deputy would know, the way to deal with it is for the two unions to sit down with the Minister, who has offered a very readily implementable structure, which meets the needs for reform and retains a significant, externally moderated exam.

An Leas-Cheann Comhairle: I call Deputy Troy.

Deputy Ruth Coppinger: On a point of order, I had my hand up last Thursday.

An Leas-Cheann Comhairle: I will get to Deputy Coppinger. Only three Deputies remain.

Deputy Robert Troy: The Tánaiste does not realise the severity and consequences of what

was in the CSO report. It stated that 140,000 children, one in eight, were without food and heat in 2013. The Tánaiste has agreed to a debate. When will the Government make time available to debate the findings of the CSO report? We need the debate not at some distant future time but now.

1 o'clock

My second point is about the manner in which the Government is ignoring rural towns.

An Leas-Cheann Comhairle: No; the Deputy should table a question on that issue.

Deputy Robert Troy: In Longford town third-generation family businesses are closing down and the Government is doing nothing to support them.

An Leas-Cheann Comhairle: The Deputy knows how to raise that issue. He can raise it by way of a Topical Issue or a question.

Deputy Robert Troy: When will the Valuation (Amendment) (No. 2) Bill 2012 be brought before the House to give all Deputies an opportunity to discuss it and to ensure archaic practices are outlawed and that people will pay rates based on their profitability, not on the size of their premises?

The Tánaiste: On the survey of income and living conditions, SILC, report, I have indicated that it is a matter for the Whips. However, I would certainly welcome such a debate. Second, the valuation legislation is listed for debate in the forthcoming weeks.

Deputy Joe Carey: When does the Tánaiste think the courts (consolidation and reform) Bill will be brought before Members for debate?

The Tánaiste: As yet, I do not have a date for that item of legislation.

Deputy Seán Ó Fearghail: The National Concert Hall Bill appears on the A list. The purpose of the Bill, obviously, is to establish the National Concert Hall on a statutory basis. Is there a timescale for bringing forward the Bill?

I call on the Tánaiste to correct the record of the House. She misled the House for the second time recently with regard to the construction programme carried out by the previous Government for social housing. I have checked the records and note that between 2002 and 2011 the previous Government built 45,000 social houses and delivered 10,000 affordable units. That equates to half the number of people currently on waiting lists. The least Members have a right to expect is that statements made by Ministers will be truthful.

Deputy Robert Troy: Factual.

Deputy Seán Ó Fearghail: Will the Tánaiste admit that she was wrong and misled the House? Will she correct the record?

The Tánaiste: On the National Concert Hall legislation, it should be before the House shortly.

In respect of my comment, if the Deputy wishes me to expand, what I said was that from 2000 onwards - during the time the bubble was building, during the period the Deputy's party was in government - local authorities moved away from an emphasis on the key role played by

social housing.

Deputy Seán Ó Fearghail: No; that is not what the Tánaiste said.

The Tánaiste: Social housing-----

Deputy Bernard J. Durkan: It is a fact.

Deputy Dara Calleary: There were 45,000 units provided. The Deputy is unbelievable.

Deputy Ruth Coppinger: I wish to ask the Tánaiste specifically about forthcoming referendums and legislation. Two referendums have been announced, one on marriage equality and the other on the age limit to stand in presidential elections. Amazingly, however, there has been no announcement on the repeal of the eighth amendment. Is this also the view of the Labour Party because in the House last week the Taoiseach stated there would not be a referendum on the eighth amendment? This is despite the horrific case over Christmas and a court case today involving a migrant rape victim where women were demeaned and used as vessels and incubators under the eighth amendment. Is it the Tánaiste's view that women should be treated in this way or will she allow a repeal of the eighth amendment which is supposed to be Labour Party policy? Will she argue for this at Cabinet level or has she also voted at the Cabinet to exclude the eighth amendment from forthcoming referendums?

The Tánaiste: The Deputy perhaps needs to think a little. The eight amendment - this has been on the public record for a long time - does not serve the best interests of women or the unborn child a pregnant woman may be carrying. That is my considered view and why, when the eighth amendment was put before the people, the Labour Party, as it does now, stated it was not in the best interests of women. If one looks back at the history of the times when the eighth amendment was brought forward and argued, one reason it has not served women well is that nobody will deny that it was an extremely rushed constitutional amendment. The consequence of that rush is that what was inserted into the Constitution does not serve the best interests of women in my view or that of the Labour Party. From what the Deputy has just said, she appears to wish to rush into a further situation in respect of the eighth amendment-----

Deputy Ruth Coppinger: It has been 30 years.

The Tánaiste: -----without any serious consideration being given on a broad basis to what is in the best interests of women. The Deputy referred to the Labour Party, members of which are working on the issue. They are considering and examining all of the issues that arise in considering this most delicate, difficult and important issue of women having children and having them safely in a strongly supportive environment. The Deputy may wish to rush into another amendment without even looking at what the best outcomes ought to be for women, but that is not the approach of the Labour Party. Moreover, the rhetoric she is using does a disservice to women in Ireland. What we are all seeking are the best outcomes for women who are pregnant and their babies.

Deputy Ruth Coppinger: The Tánaiste is blustering.

The Tánaiste: That is my position and that of the Labour Party. If the Deputy has a different position, that is her entitlement, but this House should look at the best interests of women, women who are mothers and expecting babies and the best outcomes for children.

Deputy Ruth Coppinger: It is amazing the way the Tánaiste-----

Deputy Michael Creed: Will the Government consider making time available at the earliest possible opportunity for a debate on the anticipated imminent offer for the State's minority holding in Aer Lingus?

An Leas-Cheann Comhairle: In fairness-----

Deputy Michael Creed: I am simply asking if the Government will consider making time available for a debate on that issue. That is legitimate on the Order of Business

An Leas-Cheann Comhairle: That is fine, as long as the Deputy does not start a debate on it.

Deputy Michael Creed: No, I will not. There are critical issues pertaining to accessibility for the regions and, in particular, Shannon and Cork airports. I ask that the Government consider making time available for such a debate.

The Tánaiste: This is an important issue in terms of connectivity and access for the entire country, not for one particular region. Certainly, arranging such a debate would be a matter for the Whips. I ask the Deputy to refer to his own party Whip in the first instance.

Deputy Michael Creed: The Chief Whip is sitting behind the Tánaiste.

Vehicle Clamping Bill 2014 [Seanad]: Second Stage

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I move: "That the Bill be now read a Second Time."

The Vehicle Clamping Bill 2014 addresses the commitment in the programme for Government to legislate to regulate clamping. The impetus for this commitment stems principally from public concerns about the activities of some clamping operators and the extent to which clamping may be carried out in a less than fair manner with no obvious consistent or transparent recourse to appeal against perceived abuses. The issues of greatest public concern relate to the frequent absence of appropriate information signage for motorists, the level of clamp release charges applied and the lack of a clearly identifiable and accessible clamping appeals process.

Section 101B of the Road Traffic Act 1961, as amended, provides for the clamping or relocation or both of vehicles unlawfully parked on a public road. A member of An Garda Síochána, a person appointed in writing by a local authority or a traffic warden can carry out the act of clamping or relocation. However, there is currently no regulation of clamping activities carried out on private land. The legal issues surrounding the situation where a clamp is placed on a vehicle, in circumstances other than those provided for in existing legislation relating to the public road and certain State agencies, primarily relate to the manner of the contract between the owner of the land or car park and the car driver or vehicle owner. No account is taken of the need to regulate clamping activities in the broader public interest, nor do such circumstances carry with them the same transparent safeguards for motorists as apply to clamping activities carried out under statute. It is appropriate, therefore, that clarity be given in legislation to this situation in order to protect the rights of citizens and property owners alike in relation to an activity which has become an increasing feature of urban life in Ireland.

In December 2011 my predecessor, Deputy Leo Varadkar, presented a discussion docu-

ment to the then Oireachtas Joint Committee on the Environment, Transport, Culture and the Gaeltacht in which he set out the principal issues to be addressed, together with proposals on the shape of appropriate legislation, on which he invited the committee's views. The committee responded in a comprehensive report which contained a number of recommendations, the majority of which have been taken into account in the Bill.

A number of options for proceeding were contained in the discussion document. For example, the question was posed as to whether the primary focus of the legislation should be on those individuals or companies undertaking the clamping activity or, alternatively, if the circumstances surrounding the activity of clamping a vehicle should instead be regulated. The issue of whether the related activity of relocating vehicles should be regulated was also raised. The broader issues of who might regulate, how regulation might be funded, the setting of maximum clamp release charges, the provision of an independent appeals process and other relevant matters were also outlined for the committee's consideration.

The joint committee invited a number of representative stakeholders to make oral presentations to it or submit written submissions for its consideration. The stakeholders who presented at the hearings or made submissions to the committee included local authorities, representative bodies in the sector, AA Ireland, representatives of the clamping industry, business organisations such as Chambers Ireland and Retail Excellence Ireland, the Irish Patients Association, Dublin City Council's independent parking appeals officer, the Irish Property and Facility Management Association and officials from my Department. The hearings and submissions raised some important and interesting matters and, after due consideration, the committee formed the view, as part of the options for reform, that any legislative proposal on clamping should ensure harmonisation in the processes and procedures involved, regardless of where clamping took place, be it on public roads or private property.

Most of the core suggestions arising from the main areas of concern identified by the joint committee have been provided for in one form or another in the Bill. They include the designation of the National Transport Authority, NTA, as regulator of clamping activities; the setting of maximum permissible clamp release charges on private lands; an obligation to provide clear and prominent signage in areas where clamping is operated and the establishment of a two-tier appeals process. The Bill does not provide for the registration and licensing of clamping operators. Although the provision of such a measure was outlined in the original general scheme of the Bill, following detailed consideration of the issues involved, including extensive consultation with the Office of the Attorney General, a different approach was decided on and is set out in the Bill.

It was felt a compulsory licensing and registration regime for clamping operators, complete with the associated requirements and stipulations attaching to such a regime, would not, in terms of cost and practical effectiveness, represent the most appropriate manner of addressing the issues of public concern which had been represented to my Department. In the final analysis, the introduction of a statutory licensing regime was deemed to be excessive and too costly to implement, both for the taxpayer and clamping operators. Owing to the relatively small number of sizeable parking enforcement and clamping operators in existence in the country, the public would have been hit on the double in the establishment of such a regime. It could have ended up subsidising what might have been, in essence, an economically unsustainable licensing regime, while at the same time having to pay increased clamp release charges imposed by clamping operators who chose, as part of their business model, to increase such charges to offset licensing fees imposed by the State. It was decided that the issues arising would be more

appropriately addressed through the statutory regulation of clamping activities, irrespective of the location in which they were carried out. In choosing to regulate the activity of clamping, rather than licensing the person or company carrying out the activity, the provisions of the Bill will cater for all scenarios in which a vehicle is clamped, whether by a local authority, a State body, an individual or a contracted party such as a clamping operator on public or private land.

In policy terms, it is not the aim of the Bill to determine in what places clamping should or should not take place. Neither does it set out to decide parking policy. Bodies responsible for parking areas, be they local authorities in respect of public roads, State agencies in relation to their parking areas or owners of private lands, will continue to determine parking policy and appropriate parking controls. The Bill sets out that if clamping is used as a means of parking control, its provisions must be complied with. It is entirely reasonable that landowners can deal in a fair and cost effective manner with nuisance parking. For example, on the parking of cars all day in a shopping centre to the obvious disadvantage of other customers or in apartment complexes to the inconvenience of residents, the owners or managers involved should have the right to take reasonable action. However, the manner in which clamping activities are carried out needs to be proportionate and consistent. There is a clear need to establish broad rules governing these activities and the manner in which these rules should be complied with. Local authorities have a responsibility to ensure effective traffic management in towns and cities, as well as to facilitate the optimum use of finite parking resources on the public road. However, while the use of clamping as a parking enforcement mechanism is highly effective, the rights of landowners and the responsibilities of the State should not be exercised to the detriment of the individual motorist. These competing rights and responsibilities should at all times be exercised in the interests of both the individual citizen's rights and the good of society as a whole.

Bearing these issues in mind, I am proposing in the Bill to regulate clamping wherever it takes place. Irrespective of where clamping activities are carried out, the Bill provides for the regulation of such activities in a non-discriminatory and proportionate manner across the public and private sectors. In essence, it aims to provide a balanced regulatory framework within which clamping operators may operate, while also protecting motorists from any disreputable practice. As well as regulating clamping activities, the role and responsibilities of those persons or bodies that engage clamping operators are addressed. Under the Bill, landowners or persons responsible for places in which clamping is operated will be obliged to provide appropriate signage in accordance with regulatory requirements, as well as providing for a statutory appeals process.

I will outline the main provisions of the Bill which is in six Parts. Part 1 deals with technical matters such as the Short Title and commencement, definitions and interpretations of terms used, the laying of regulations and orders before the Oireachtas and matters relating to regulations made by the NTA. It also allows for other places where clamping is carried out under statute to be brought within the ambit of the Bill.

Part 2 contains many of the recommendations suggested by the then Joint Committee on the Environment, Transport, Culture and the Gaeltacht relating to the regulation of clamping activities. I am confident that this Part's provisions will address the regulatory requirements that need to be put in place for the operation of clamping activities on private land.

Under section 10, persons responsible for enforcing the law or rules applicable to parking in a particular place where clamping is operated, referred to as parking controllers, will be obliged to provide prominent regulatory advisory signage which clearly indicates that clamping activi-

ties are in operation and detailing the clamp release and vehicle relocation charges that apply. A parking controller who fails to provide regulatory signage commits an offence and is liable on summary conviction to a class C fine of up to €2,500.

Other than on the public road where the Minister will retain responsibility for regulatory signage under section 95 of the 1961 Road Traffic Act, the NTA, as regulator, will make regulations with respect to clamping signage, including its location, information content, dimensions and design, symbols to be displayed, as well as the number of signs to be provided in a particular place. Under section 14, the NTA will be conferred with regulatory powers to set the maximum clamp release and vehicle relocation charges. It will be able to prescribe the maximum clamp release and vehicle relocation charges that may be levied in non-statutory clamping places such as private car parks and car parks associated with shopping centres, retail parks, sports stadia and so forth. Where no maximum charges stand prescribed by the NTA, the Bill provides that the default clamp release charge will be €100 and the vehicle relocation charge, €50, or such other amounts as may be prescribed by the Minister following consultation with the NTA. A person who imposes or attempts to impose clamp release or vehicle relocation charges greater than the set maximum charges commits an offence and is liable on summary conviction to a class B fine of up to €4,000.

In statutory clamping places such as at State airports and railway stations the bodies responsible will be obliged to have regard to the recommendations made by the NTA in setting their charges. The Minister, after consultation with both the Minister for Justice and Equality and the NTA, will continue to prescribe clamp release charges on the public road.

The Bill makes provision to enable the NTA to regulate the actual physical processes involved in clamping. The principal day-to-day clamping processes that may be regulated include the period that shall elapse before a vehicle may be clamped and the maximum clamp release time after payment of the appropriate charge. The NTA may establish codes of practice under this Part for the purposes of providing practical guidance on clamping matters. It is envisaged that standards of general behaviour, performance of duties and the conduct of clamping operators in the carrying out of clamping activities and their interface with the general public will be at the centre of any such code of practice.

Part 3 makes provision for the establishment of a complaints procedure to address issues of perceived misconduct by clamping operators in the discharge of their duties, as well as providing for a two-tier appeals process to hear appeals against incidents of clamping or vehicle relocation. Although some clamping operators have put in place appeals processes to cater for such instances on private land, there is no uniform approach and the Bill addresses this issue. Under these provisions, a person whose vehicle has been clamped or relocated may appeal, in the first instance, to the parking controller responsible for enforcement of the parking rules in that place. Where the person is not satisfied with a determination made at this stage, he or she may lodge a second-stage appeal to an independent clamping appeals officer appointed by the NTA. A parking controller who fails to put appeal procedures in place commits an offence and is liable on summary conviction to a class B fine not exceeding €4,000.

In line with recommendations made by the Oireachtas joint committee, the Bill gives the NTA the power to put a procedure in place to consider complaints from members of the public about the discharge by parking controllers of their responsibilities, as well as about the conduct and behaviour of clamping operators.

Part 4 provides the NTA with the necessary legislative powers for enforcing compliance with the Bill's provisions and regulations made under it. In particular, it makes provision for the appointment of authorised persons by the NTA and the specifying of their powers of investigation. It provides for the issuing of directions by the NTA to parking controllers and clamping operators in respect of their compliance, or otherwise, with the Bill's provisions.

This Part also provides for the taking of proceedings by the NTA regarding the commission of an offence under the Bill. The Bill allows the NTA to operate a fixed-payment notice system for some offences committed by parking controllers or clamping operators. Similar to the fixed-charge processing system under road traffic legislation, the NTA will have the power to issue notices to alleged offenders seeking a payment of €250 within 28 days. Where payment is not made in that timeframe, an additional 50% payment will apply for the following 28 days. A person who receives a notice will, of course, be entitled to defend his or her position in court if he or she so wishes.

To emphasise the robustness of the powers of authorised persons under this Part, it will be an offence to obstruct or impede a person authorised by the NTA to investigate compliance with the Bill or knowingly give false or misleading information to such a person. This offence is liable to attract on summary conviction a class A fine not exceeding €5,000.

Part 5 provides for the application of equivalent regulatory provisions in the Bill to the public road. This is in line with the commitment to ensure the regulation of clamping activities provided for in the Bill is harmonised across all areas. As I stated previously, the Bill will regulate clamping activities, irrespective of where they are carried out, be it on private land, the public road or land belonging to or occupied by statutory bodies.

Part 6 provides for the amendment of various existing statutory provisions relating to the clamping of vehicles on land belonging to, or occupied by, CIE, the Railway Procurement Agency, State airports and harbours. The intention of these amendments is to bring uniformity to existing statutory provisions.

Through its various stages of drafting, every effort has been made to ensure provisions are put in place in the Bill to address the issues of greatest public concern with clamping activities. Chief among these are the setting of maximum clamp release charges, the establishment of an independent appeals process and the provision of appropriate advisory signage in areas where clamping is operated. In the early stages of drafting the Bill went through the consultation process with the Oireachtas transport committee which culminated in an initial report from the committee. That model of putting together legislation is to the benefit of the legislation and builds on the work committees do. The Bill's focus is on how the activity of clamping is regulated. The breadth of that focus provides space in which many issues can be dealt with which are of concern to those whose vehicles have been clamped or those involved in the clamping business.

The final point is an issue of which I am very much aware and which became clear when I took this Bill through the other House. This is the balance that needs to be struck between the rights and responsibilities of people who are clamped, people who own public or private spaces and the companies who are involved in clamping. Legislation always has to strike a balance between the issues of rights and responsibilities. I believe this legislation, in the way it has been drafted, does this and I commend the Bill to the House.

Deputy Timmy Dooley: I thank the Minister for setting out the background to this legislation. Fianna Fáil, for its part, supports this long-awaited Bill, which will finally provide the legislative framework for the clamping of vehicles on public and private land. The legislation will ensure that all clamping activities are carried out in a fair and transparent manner and will protect motorists, legitimate clamping companies and, in particular, landowners, who in many cases find themselves having to deal with the difficulty of illegal parking which is causing an obstruction to their businesses or the activities of others.

The Bill introduces consistency to the clamping regime for the first time, whether the clamping is on public or private land. As the Minister has stated, legislation is already in place governing clamping on the public road and on land occupied by certain statutory bodies. However, this Bill will also regulate clamping on private property. It sets up a new regulatory regime which is balanced, adequate and a proportionate response to the issue that arises. It does not seek to overburden those who will ultimately pay for the system and this is positive. In the past, we tended to set up agencies that became almost self-fulfilling and required an extensive amount of money to maintain. Often the focus of what that entity might ultimately do was lost.

It is very clear that the approach taken by the Minister's predecessor - having the consultation on the heads of the Bill at the outset, allowing people from a committee perspective to address their concerns, listening to the various stakeholders, the people who would ultimately be affected by the introduction of the legislation, allowing all of us in a collective way to put our best thoughts together and feed that back to the Department officials and trying to come up with a comprehensive solution to a difficult problem - is a model for the future. I have always been a strong advocate of our Parliament having a much greater role in the development and passage of legislation. It is a source of concern that there has not been that level of political reform which accepts that it does not matter from where a good idea comes. It is not enshrined in the hands of the Government to have to come up with all aspects of legislation. People are elected here for their abilities by the citizens of the State. It is worthy and right that Members, regardless of their party affiliation and people of none, get an opportunity to feed into legislation. Often, the difficulty from a Government point of view, when it brings a Bill to the House, is that it is the combined wisdom of the Minister and his officials and they do not like to take amendments because it impacts on other elements of the legislation. The Department of Transport, Tourism and Sport, its officials and the Minister have been very good at recognising that one should engage with stakeholders in the early stages and listen to people's views before becoming entrenched in the heated political battle, if that is to be the case. This way one ends up with legislation which has a broader acceptance and resolves many of the problems that often happen at a later stage. That is very welcome.

I am also conscious that for the senior civil servant involved in the development and drafting of this legislation, Mr. Maurice Treacy, this will be his final piece of legislation. He is retiring shortly and I wish him well. I wish to recognise in this House his abilities and the fastidious manner in which he goes about his work in order to ensure that the great detail is covered. He is one of the stalwarts of the Department and we wish him well. I will not be complicating his life on this particular Bill in any shape or form because it has the distilled wisdom of all in this House and hopefully we can get it passed relatively quickly.

The Minister rightly identified that the Bill seeks to address and balance the rights and responsibilities of all concerned. This is hugely important. Sometimes people make mistakes. Sometimes people park in inappropriate places inadvertently. We do not want to over-penalise them. There are others who are serial offenders and we need to send them a message. There

are people whose property rights are impacted in a very negative way by the actions of others. It is right and appropriate that there is a balancing exercise. That is why the appeals mechanism that is in place is one that requires the operator or the owner, in the first instance, to set out the first line of defence. They have to explain and to review the decision that was taken. Then there is an independent appeals process. The National Transport Authority, NTA, is the appropriate body to deal with this. I am happy that this part of it is sorted.

I am pleased that there is a cap in terms of what someone can charge. There were some outrageous practices, particularly in apartment complexes and other private properties, where, in essence, it was an effort by the owner to abuse the position they had as owners of the property. People were parking in places where there was no nuisance created or the owners had a site that was subject to people parking on it and the owners were abusing this situation by charging ransoms for unlocking people who parked there, inadvertently in some cases. The Minister will be aware of some of the issues concerning tourists, in particular in tourist destinations, where the unsuspecting tourist parked his or her hired car, not knowing the local situation. Someone would then look for a ransom of hundreds of euros to declamp the vehicle. The clampers were watching for someone to park and jumping on it straight away. This sent out a very negative image of Ireland. It is right that we deal with this.

Vehicle clamping in public spaces is in force in the majority of cities in Ireland. The services are operated in those cities by private companies on behalf of the local authority. The employees of the vehicle clamping company are entitled, as the Minister said, to clamp and declamp vehicles and to issue clamping notices where vehicles are in violation of the parking regulations. The number of vehicles clamped in Dublin, I understand, in 2013, on public land, was 56,285. The Department of Transport, Tourism and Sport has stated that clamping is one of the most effective ways of ensuring that parking laws are respected in urban areas. I agree with that. Some of the fixed penalties do not act as a deterrent to the same extent. Some people will get caught and they will pay, but there is nothing like the nuisance - I know it well - of returning to your vehicle and finding a yellow clamp attached to it. In many cases, it is the ultimate signal and encourages a change of behaviour.

Clamping services are also common on private land, in car parks of hotels, hospitals, universities and shopping centres. This is to discourage long-term parking at the expense of staff, customers and, in particular, clients. Clamping on private property is currently not covered by legislation. The legality of clamping on private property has always been unclear. There has been some concern about this, because of the inherent property rights of landowners and their recognition in the Constitution. I hope this legislation is successful in addressing this concern. If it is not, and someone seeks to test it in the courts, one would wonder what can be done ultimately. I hope it will stand the test of time because it is a very considerable nuisance.

Emerging out of the passing of this legislation, and this is why I am pleased with the methodology in place, the encumbrance will be placed on the person who owns the land to manage the clamping, rather than licensing clampers which would not have been a good practice. A sort of bounty hunter system would have been created which would not work. I am hopeful that we will see the emergence of car park management companies that will do this in a structured and coherent way and that we will not have the type of fly-by-night operation I was concerned about had we gone down the road of licensing. I realise some of the larger parking management companies provide these services in a structured and controlled way and hope that is what will emerge as a solution to this problem, but it remains to be seen how the owners of the various properties will proceed. The larger supermarkets manage this issue well and generally have an

effective system in place. However, in some smaller apartment complexes there are operations which may happen to use ransom strips and so on which could become problematic. At least now we have been left in a situation where there is a recognised cap and the ability of a person to appeal is perfectly clear.

Perhaps some guidelines might be drawn up on what procedures might be expected for an appeals process. I imagine the National Transport Authority will come forward with some guidelines for its officers in this regard. Some particular examples have been brought to my attention relating to lands owned by CIE around some railway or DART stations. In some cases a person had failed to get a ticket from the ticket machine because it had malfunctioned. I know that in the past vehicles have been clamped or people fined for not having a ticket in these circumstances. Obviously, ticket machines do not operate all the time and there will be periods when they are broken. Such issues need to be clarified in terms of what constitutes a legitimate appeal. Other cases have involved people with disabilities or elderly persons who were unable to operate particular equipment. We need a comprehensive set of guidelines to assist the appeals process in order that people will know in advance the heading under which they might seek to make a valid appeal or have an appeal upheld. Obviously, that is a matter for the NTA and I have every expectation that it has the necessary expertise to treat the rights of both sides involved in a balanced and proportionate way.

I thank the Minister for continuing the process set in train by his predecessor. It has followed a methodology involving everyone in Parliament not only in the passage of the legislation but from its inception when the heads of the Bill were produced with a non-partisan and interactive approach. This bodes well for future Governments that adopt such methodology. It will ensure we can proceed with legislation in such a way that by the time we enter the Chamber most of the issues will have been ironed out.

I wish Mr. Maurice Treacy all the best and thank him for the service he has provided for the State during his time as a senior civil servant.

Deputy Dessie Ellis: I welcome the Bill, like many citizens who have been the victims of rogue clampers and a process which has been seen generally to be rather frustrating to deal with and often too rigid in application. In particular, I commend the process by which the Bill has been developed. It began at the Oireachtas Joint Committee on Transport and Communications as the work of a cross-party group for the most part and such a process is to be encouraged.

Clamping is and has been a major thorn in the sides of many workers and residents of larger towns and cities for many years. When legislating in this way, we should always be willing to go back to basics and ask, whatever about the best way to administer clamping, whether clamping is the best available option. It is an imperfect tool that can be used with a wide range of measures to avoid parking congestion and the problems, big and small, that can arise as a result.

On the face of it, clamping can seem to be a bizarre measure, since it involves immobilising a vehicle to promote a more free-flowing and fluid parking environment. However, it has clearly been shown to be an effective deterrent against irresponsible and illegal parking. It is effective, therefore, for several reasons. It works by prompting a fear in motorists not only of a fine but also of the nuisance, frustration and embarrassment caused in being clamped. This double effect works to deter those of modest means, as well as those for whom a small fine would cause no concern. The effectiveness of causing this fear of inconvenience requires clamping to be administered in a way which is fair and seen to be so. This makes the regula-

tion of the system under which cars are clamped central to its success as a deterrent, as well as its longevity as one people will tolerate. Ordinary people must be satisfied that they are not at risk of having their vehicles clamped if they follow the rules and avoid, as much as possible, causing disruption to the flow of traffic or risk to safety. Under this system there is a genuine need for fines and clampers to operate effectively when people act irresponsibly. This arises in most cases when a car is clamped, but we should bear in mind that clamping is not always the best option, even in some of the cases I have cited, since it could potentially increase or prolong risks caused by irresponsible parking.

Furthermore, we should bear in mind that mistakes are not only made by motorists but also by clampers. Therefore, it is important to have a process by which those who believe their vehicles have been wrongly clamped can appeal a fine and seek recovery of costs incurred. I appreciate the inclusion of a two-stage appeals process and know that this will be welcomed by the driving public. Where a private company has been found to have unfairly clamped a car, a local authority should be able to fine it for the disruption caused. This would serve to deter such clamping in the future.

These issues bring into question the fundamental problem of clamping being administered by a private company because profit will always be the motivator. While profit may be best made by providing the best service for the contractor, since the local authority is the contractor, this might not always be the path chosen by the clamping company. It may see revenue from fines as a motivator or take the view that meeting quotas in respect of clamping or fines is more important than administering the system laid down by regulations effectively. Local authorities should be directly responsible for clamping and fines, as they are best placed to run a clamping system that is fair and in the best interests of the community.

The clamping sector is potentially a lucrative market for those who put profit above procedure. In Dublin city last year a total of 56,601 clamps were placed on cars. This is equivalent to approximately 155 per day and represents an increase on the 2013 figures. A total of €4.2 million was made from clamping fines alone last year, six times more than the amount collected in the city in parking fees. This illustrates the importance of providing proper parking facilities for motorists. Clampers should operate within a culture that does not encourage clamping for its own sake or financial gain. The only merit of the practice is discouraging drivers from parking illegally. In some cases it may be better not to clamp a car, despite an infringement, in the interests of allowing traffic to flow as freely as possible.

There should be a campaign to raise the level of public awareness of the type of parking that will result in clamping. Where offences are most common, signage explaining the potential for offending should be posted. There is confusion among the public about where and when a vehicle can be clamped. Thankfully, the Bill brings clarity in formulating clear regulations for public and private property and lands.

The measures included in the Bill to tackle the problem of rogue clampers are important. They will help us to create a driver culture in which motorists will expect fair but firm treatment in parking.

I understand the arguments in favour of the operation of clamping at hospitals, but the practice should be considered with great care. Clamping is only useful when it does not increase or potentially increase the level of disruption or risk, but that is very much a possibility in a hospital setting. Clamping should not be allowed to impede the use of hospitals by emergency

services where a vehicle that should be removed is clamped. A long-term patient who has a car clamped should be given some recognition. Although an infringement cannot be ignored, certain conditions may be recognised as relevant or “complicating” to a case. I will seek to amend this at a later stage.

It is important to set maximum and minimum charges for both public and private clamping in order to end the private practice, particularly among management companies, of setting their own clamping fees. I welcome new rules with regard to signage and the clarity given to both private and public clampers. The exemption of emergency services vehicles gives greater clarity for those performing essential duties. Proper training and best practice with regard to interacting with people in a tense atmosphere should be provided as a matter of course.

I reiterate my belief that clamping should be outlawed in hospital environments. Other means should be employed to manage parking because people have been caught up in emergency situations only to come out and find that their cars have been clamped or their parking ticket has run out. I have seen that happening at Connolly Hospital in Blanchardstown and found it very upsetting. The appeals mechanisms are welcome and the inclusion of an independent appeals officer after the first port of call for an appeal has been exhausted is very welcome.

I welcome the Bill and commend the process by which it was developed. I would encourage the Minister to use such a process more often and to urge his Cabinet colleagues to do the same. The Minister has stated that he hopes to continue to develop legislation in this way, which I welcome. I also wish to thank the Oireachtas committee and officials from the Department for their work on the Bill. This has been a very good example of how the Opposition can operate alongside departmental officials and the Government in delivering what I believe is a reasonably good Bill.

Deputy Clare Daly: It is an indictment of the situation that this is the first time we are discussing vehicle clamping regulations in this House. What we have had on the ground, in many areas, is some companies operating like extortion rackets. Clamping firms are patrolling the streets, trying to ensnare and entrap unsuspecting motorists. This is an area which needs to be regulated and controlled and while I welcome this Bill as a move in that direction, I am not sure that it fully addresses the situation. That said, I welcome the fact that we are, at last, discussing the area of regulation.

However, we cannot discuss regulation in a vacuum and must do so in the context of the companies providing the service. Deputy Wallace and I have met the clampers who carry out the work for Dublin City Council on a number of occasions. As a result of financial pressures and the huge amount of money that can be made from this activity, those workers were being put under unbearable pressure to achieve targets for fines and clamping, which completely stood on its head the principle of what vehicle clamping should be about. If that is the case with a body that carries out work for a local authority, how much worse must the situation be in the private sector?

How are these regulations going to be enforced? The Bill provides the NTA with the power to oversee and enforce this legislation but how much additional resources will the NTA be given to do this? The NTA would be far better off spending its time trying to get people out of cars and onto public transport by developing a comprehensive public transport system in the cities around Ireland. That would take the pressure off the parking situation while also contributing to a reduction in our carbon emissions and so forth. The NTA should not be spending its time

acting as an adjudicator in the money-making racket that clamping has become. While I welcome some regulation, I would prefer to see a situation where we are either greatly restricting the ability of clampers to engage in their activity or even banning clamping outright.

We must step back and look at why clamping and parking charges were introduced in the first place. The motivation behind it was the need to moderate driver behaviour. That was what it was supposed to be about - to ensure free flow. It was to stop the person who was so brazen and who blocked the yellow box or parked on the double yellow line, causing an obstruction. Clamping gave the power to remove the obstruction and allow free flow and I do not think any right-minded person would disagree with that in principle. It was a valuable contribution in the public interest and was very important in the context of health and safety and so forth.

However, that ethos - or the excuse given to introduce clamping - has been stood on its head. Parking fines and clamping are now a lucrative business. In essence, what they represent is part of the process of the privatisation of public space. Clamping is a lucrative money-spinner for the local authorities - against the backdrop of huge cutbacks to their budgets - and for other more unscrupulous individuals as a fund-raising mechanism for themselves. This scenario is not just confined to Ireland. In Britain last year the transport committee of the House of Commons examined the area and found that councils were exploiting parking fines in order to raise revenue illegally. That was the finding of British MPs. The RAC found that the surplus generated from these activities - on-street and off-street parking under public control - was almost €600 million per annum. It became a source of funding which the councils relied on for their other activities.

This has also become a multi-million euro industry in Ireland, as Deputy Ellis pointed out. The five main city councils in Ireland collected almost €50 million in parking payments, including clamping, in 2013 and nationally, the figure is €115 million annually. Those figures do not include moneys raised by private operators. Tens of thousands of vehicles are being clamped in Dublin every year. Retailers and other business people in the cities have argued that over-zealous parking fines and clamping regimes are contributing to driving people away from city centres and are acting as a deterrent to important economic activity. Hard-pressed motorists would agree.

All of this is a consequence of a society which has not invested adequately in public transport. That is where the pressure is coming from. Parking fines and clamping release fees have become another stealth payment that people must pay. In some cases, they must pay to park outside their own homes. Some people are living in areas regulated by management companies, for example, and those companies are failing to provide a decent service and are in dispute with residents. As a punitive measure, the management companies are introducing clamping and denying people the right to park outside their own homes unless they pay disputed management fees. It is extortion and means that people cannot live comfortably in their own homes. It is disgraceful and should be regulated far more than what is provided for in this Bill.

2 o'clock

Public clamping in this city has been too successful in some respects. In the early years when clamping was introduced in Dublin it succeeded in moderating driver behaviour. One no longer sees any of the ridiculous carry-on that used to happen years ago. However, because the private company to which the activity was outsourced had to make a profit, targets were built into the contract.

This was a reprehensible decision because increasing targets turns clamping into a revenue generating exercise and another stealth charge on hard-pressed motorists who are already being fleeced in other ways and would prefer in any case to use a bus or train service if public transport were available in their areas.

In recent years, clampers have been sent out to engage in reprehensible activity. Pressure was placed on them to meet targets with the result that mothers rushing a child to hospital had their cars clamped when they parked outside the hospital. Certain areas also became known as rich in easy pickings. Docking workers' wages for failing to meet clamping targets placed them under pressure to drive out to places such as Crumlin hospital at the end of their shift to victimise a few families. Unfortunately, this was the only way they could prevent their wages from being docked. Unsuspecting tourists have also been subjected to ridiculous decisions. For example, tourists who parked at the lights outside Kilmainham Gaol received parking tickets because one car tyre extended slightly beyond the white line. This practice of seeking easy pickings is the result of pressure to make profit arising from a contract negotiated by Dublin City Council. The problem is significantly worse in the unregulated private market.

I appreciate some of the measures in the Bill, for example, in respect of signage because the lack of signage in some areas is a joke. I have been clamped many times and neither I nor anyone I know who has been clamped has ever successfully appealed a clamping decision. The only time the clamping company can be reached is when a telephone call is made to have the clamp released by providing credit card details. People do not have any human contact and they never receive a genuine personal letter that addresses their grievances. This issue must be dealt with. If the appeals process is to be meaningful, it must be independent.

Cities cannot be run on the basis of private transport. I would much prefer if the National Transport Authority were to use its limited resources to develop a comprehensive public transport system for Dublin and the rest of the country, rather than wasting its time adjudicating on what has become another stealth charge on ordinary people.

Deputy Ruth Coppinger: I will make a few brief points on the Bill. Having been introduced for traffic management purposes, clamping has morphed into a major revenue raising exercise by private companies. This approach should be outlawed. Clamping for traffic management purposes is one thing but its use as a means of extorting money from drivers is unacceptable.

It is obscene that people returning from a hospital visit, whether to visit a patient, drop in a sample or undergo a test, often find their cars clamped because they have been delayed by a few minutes. I am sure all Deputies could relate tales of woe caused by clamping. My car was clamped on one occasion while I was dropping a sample into Connolly Hospital. I was speaking to the consultant at the entrance after he called me back and my car was clamped right in front of us. My daughter was also present. The consultant, who was a member of the board of the hospital, failed to persuade the clampers to remove the device. It is beyond belief that such practices are taking place on hospital grounds.

I ask the Minister to consider introducing an amendment to rectify a deficiency in the Bill related to private management companies, which are not covered. Private estate management companies are a scourge in Dublin West, a constituency in which much of the house building of the past ten years has taken place. Many of these are multi-unit estates have a mix of apartments and houses and residents, including - wrongly - the residents of houses, are frequently

required to pay management fees. Many management companies are using clamping to get people to pay management fees. This has occurred in the Phoenix Park Racecourse estate and other estates in Dublin 15 and elsewhere and is currently taking place in Ongar. What happens is the management company holds a meeting at which it introduces a system of parking permits. Subsequently, anyone who fails to pay the full management fee is not issued with a parking permit, with the result that his or her car will be clamped outside their door. Parents who are trying to get their children to school or leave for work will then discover their car has been clamped. Does the Minister propose to do anything about this practice?

Private management companies are a burden that should never have been imposed on people, especially those living in houses. Many of them are not subject to proper regulation or accountability because they are operated by developers. It is unacceptable that people have to put up with such companies engaging in clamping. I guarantee that this will be a live election issue in many areas because if anything annoys people, it is being prevented from relaxing in their home.

Clamping was started by local authorities in cities but has since been outsourced to large multinational companies. In 2012, APCOA Ireland, one of the companies involved, had accumulated profits of €3.4 million. It is clear from where the pressure to clamp comes and it is not connected with traffic management.

I am sure Deputies will have read reports indicating that Merrion Square, at the rear of Leinster House, is the most clamped area in Dublin. All of us will have observed clampers lying in wait in the hope that people will return to their cars one or two minutes late. Many Deputies have brought guests to the House to attend a debate or for other reasons whose cars have been clamped because they were delayed by two minutes. If this practice is taking place 100 yd. from this Chamber, the Minister should do something about it.

I ask the Minister to address the issues I raise. Failing that, I will seek to amend the Bill to take account of the experiences of residents living in estates with private management companies. Many young families are feeling the strain of the property tax, management fees and, potentially, water charges and many have lost their jobs. Should they endure the practice of clamping in the areas in which they live? I think not.

Deputy Catherine Murphy: I do not disagree with the Minister that clamping is a highly effective parking enforcement mechanism, provided it is practised on public roads and, occasionally, where vehicles are restricting access to a site. Clamping is, however, the only enforcement mechanism in most areas in my constituency where private pay parking is in force. The reason is that it is a highly lucrative activity.

This issue has been approached in the wrong way. We should have debated how we could design a parking system that people would accept. This would require the participation of local authorities and members of the public.

When clamping was outlawed in Scotland in 1992, landowners received a boost because ticketing was made easier. The issue was not one of enforcement but what type of enforcement would apply. England and Wales followed the approach taken in Scotland when they sought to introduce a means of regulating limited space and rewarding people for investing in the delivery of parking spaces on private land that was fair to motorists. This Bill does not take the correct approach.

I attended the briefing that was offered to Members. I knew before I asked a question on England and Wales what the answer would be, namely, that the United Kingdom does not have a written constitution. We have a written Constitution but the right to private property is tempered by social justice in that it has to be in the common good. I do not believe what we are doing in terms of designing a parking system is in the common good. While I will not oppose this legislation, I just do not think we are going about it the right way. There is the right to ownership of private property but it is a question of how we use that private property. For example, if a person wanted to build a house and the land is not zoned and is outside an area such as a town centre, the person has to go through a process and does not have an automatic entitlement because we regulate that entitlement. There is every reason to believe we could regulate the entitlement to use or not use private spaces for parking and have a system that is designed to work.

I come across people who will avoid at all costs going into the town and village centres in Kildare because they have been clamped or have got a parking ticket for perhaps being parked for only a very short time. It is not about traffic flows; it is that the enforcement is very heavy-handed. I completely echo the points that have been made in regard to the hospitals. I am not surprised Deputy Ellis and Deputy Coppinger have referred to Blanchardstown Hospital, which is the hospital I have received most complaints about. I had a constituent who was visiting his relative but the situation got so stressful that he ended up being a patient himself. There is great pressure when people are in having tests or perhaps queuing for an X-ray and then have to run out because it is only possible to put in money for two hours. If the time goes to two hours and ten minutes, the worry for the person is whether to leave the queue to move the car. It is not as if this is bringing in money for the hospitals because, very often, the land is actually owned by somebody else and the benefit and the return goes to somebody else. It is an outrage.

The same situation arises daily in my constituency in regard to the management companies. Where someone has bought a house or an apartment in a housing estate, and the services they paid for are not being delivered and they decide not to pay the fee, they do not get the parking ticket and they then find their car is clamped - that is if they can even get in, if it is a gated development. It is not just being clamped; if the person continues the dispute, there is an extra charge added on for every day. The amounts of money being talked about are €100 or €120. However, this is not in any way connected with parking or using a limited resource and it is not about traffic management. It should be outlawed if it is not to do with that.

By-laws are another issue. I wanted two points dealt with in legislation. One is that, to take Kildare as an example, there can be two or three different arrangements in an area, whereby the local authority has pay parking and two or three different companies are managing or enforcing a particular site. The person nearly has to know who owns the land and who the enforcer is. To just put money in a meter, a person would nearly need to know the by-laws that underpin it. I believe a law that requires this kind of information is deficient. Any parking in a town or village centre environment should be subject to a set of by-laws, whether it is on private or public property, and there should be a public consultation around that. The second point is that there needs to be a change whereby by-laws can be reviewed but that this can be done in a way such that pieces of law can be taken out and reviewed, rather than the very costly and heavily administrative approach of having to review the entire set.

With regard to the payment of parking charges, tickets are issued on the street in the North and people are offered the opportunity to pay the fine within 14 days, and they pay only half of the fine if they pay within that period. This makes absolute sense because it cuts down hugely on administration and appeals and is still a means of enforcement. I was told that is not for this

Bill. However, if we were talking about legislation that was actually covering the spectrum and looking at it from the point of view of what kind of parking arrangement and sanctions we should have, and in what locations clamping should be enforced, although in an entirely different way - obviously, through fines - I believe the public should have an entitlement to be included in that process. We have a supposedly reformed local government system that is supposed to have additional powers. This is one of the powers that would be very meaningful. I believe we would find that, for example, traders in many of our towns and villages would very much appreciate having an involvement in the design of something that works for them and which turns over spaces but, at the same time, is not punitive in regard to putting people off going to shop in our towns and villages. I do not think we are even at the point of talking about that.

If we are looking at this from the point of view of containment, there is no doubt there are positive aspects to the legislation, for example, the fact that people can appeal. People have come to me, having just been clamped, who do not have the €120 to pay the bill but they are not able to talk to these people. It has been my experience that, even in the most extreme of situations, they are not able to get through to the clamping company to get an answer. If that is going to change, it is certainly an improvement. However, I believe we are going about this in the wrong way and that we could do so much better than this limited approach and could have a much more inclusive approach.

This is something I have talked about at the committee which used to cover local government, arts, heritage, the Gaeltacht, transport, tourism and sport before it was divided up. The reform meant we were more efficient in covering a wider gambit but, thankfully, transport, tourism and sport went to another committee, making it a little more manageable. This is an issue that is a staple for practically every one of us here. There is a genuine issue in providing parking spaces and in having the money to provide them. However, there has to be a fair approach to how that is enforced. I think the public have to be included in the design of that because, otherwise, it creates huge resentments and does quite a bit of damage in terms of the viability of town and village centres. Obviously, this is a very limited Bill from that point of view, but I believe it would be useful for the Minister to outline whether he is considering doing something more comprehensive in regard to the overall approach to parking and the viability of town and village centres in that context.

Deputy Frank Feighan: I wish to share time with Deputies James Bannon and Seán Kenny.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Frank Feighan: I would like to thank the previous Minister, Deputy Varadkar, for presenting the discussion document on this Bill to the then Joint Committee on the Environment, Transport, Culture and the Gaeltacht in 2011. This good legislation demonstrates good politics and I thank all the stakeholders who made submissions on this important Bill.

I am from County Roscommon, a county where we have no parking fees or traffic wardens, but where we face the issue of competing rights versus responsibilities. We tend to take a Mediterranean or *laissez faire* attitude to using a motor vehicle. Seat belts were introduced to save lives and drink driving rules were introduced years ago. Most people decided they would not drink and drive, not because that might cause the death of somebody else or themselves, but because if they were caught they might lose their licence or their insurance would increase. The introduction of penalty points had a similar effect on people's attitudes and stopped people speeding. I am one of those people whose mind was focused on safer driving following the

introduction of the point system.

Driving a vehicle carries with it rights and responsibilities. Years ago, the main road to Dublin passed through every town and it was not uncommon to find traffic stopped because somebody parked a lorry, van or tractor on the main street. The attitude then was that the driver did so because he was busy, but thankfully we now have rules and regulations in place. This was certainly necessary.

Clamping is an issue, particularly unfair clamping in hospital car parks. It is good that we will now have a system in place to deal with this issue. If people feel they have been unfairly clamped, they can appeal first to the authority and if dissatisfied with the response can go to the NTA to state their case. I believe that “parking controllers”, as they are called, have not always displayed signage regarding clamping prominently and people who have inadvertently parked wrongly have felt unfairly treated. I am very careful about parking and, fortunately, I have never knowingly parked in a disability space or the like.

In the past it has happened that people have been fined wrongly, and not just for illegal parking. Fianna Fáil was fined once after a presidential election for posters that had not been taken down within the time limit. Sometimes people remove posters and then replace them a week later. They then telephone the local authority complaining how awful it is that the poster is still up. This happened after the presidential election. Two signs were taken down and later erected again. Despite the fact there were hundreds of illegal signs regarding a certain hospital protest erected, Fine Gael was fined €150 because two signs from the presidential election were not removed. I agree a fine should be imposed for leaving posters up, but treatment should be equal across the board. I am always fearful of such situations arising and of people posting pictures on Facebook. Sometimes a restricted parking sign might be covered up, yet a photograph is taken of an uncaring Deputy parking in the area. We need a system in place that allows people make an appeal in cases of unfairness.

It is good to see the provision of a separate complaints procedure to the NTA. A function of the NTA will be to regulate clamping activities, which is what people want. They want citizens to work together in regard to their rights and responsibilities. Some people take advantages of certain situations, but this Bill closes that loophole. I thank the Minister and the committee for working closely together to achieve what I believe is a good Bill.

Deputy James Bannon: I am pleased to contribute to this debate on the Vehicle Clamping Bill and to offer my thoughts on certain aspects of the legislation. I am sure that many of us have heard some of the horror stories outlined by Deputy Catherine Murphy about rogue clampers. We have all heard about cases where barely noticeable clamping signs are strategically positioned in car parks in order to attract the least amount of attention in a bid to catch unaware motorists. We have all heard various stories about clampers prowling around hospital car parks, looking to make a profit. These individuals had free rein and could do as they liked to vulnerable people visiting their loved ones. Many of these visitors were from country reasons and that is the reason I decided to contribute on the Bill.

I am particularly pleased with the first aspect of the Bill I would like to discuss. As the former Minister for Transport, Tourism and Sport said last summer when the Bill was first published, “The clamping Bill will protect motorists from rogue clampers. It will ensure that clamping activities are carried out in a fair and transparent manner”. I welcomed this statement back in June 2014 and I do so again now. The Bill will protect members of the public from

rogue clamping by introducing a level of consistency to clamping for the first time. More importantly, it will now regulate clamping on private property, be it a hospital car park, a shopping centre or a private apartment complex.

I do not favour an outright ban on clamping because it has proven very effective in eliminating unauthorised parking, for example, where someone parks in a disability parking space. What I am in favour of is introducing a specific set of laws to govern clamping on private property, to ensure that all clampers are obeying the same set of laws and rules and there are no discrepancies between clamping companies. By enacting this legislation, we are for the first time regulating the entire industry, regardless of whether it is concerned with public or private property. This is significant for the public as it provides certainty and consistency. It is also significant for the legitimate clamping operators who have always obeyed the law.

In regard to signage, I am pleased that the Bill obliges landowners or persons responsible for areas in which clamping is operated to provide prominent signs indicating that clamping is in operation. They are also obliged to provide information on the clamp release fee and whether any relocation charges will apply. This is a good example of how the legislation acts to regulate the clamping industry. I understand the National Transport Authority will regulate for where this signage is located, the information to be provided, dimensions, design and so forth. The only suggestion I would make to the National Transport Authority is that it should ensure this signage and its location are as visible and as clear as possible. I am sure that will be done.

I mentioned at the beginning of my contribution that there are far too many examples of private car parks with little or no signage visible to alert people to clamping in a bid to catch them out and make a profit. I welcome any moves to rectify this problem. I also welcome the simplicity of the appeals system. I believe the two-tier system concept is important. For the first stage, the person must make his or her appeal to the body responsible for enforcing parking in a particular area. The fact that this appeal is free is important, as it creates a certain degree of fairness in the appeals process. If they are unsatisfied with the result of this first appeal, they are then allowed to proceed to the second stage, where an independent clamping appeals officer designated by the NTA will examine the case. There will be a fee for lodging a second stage appeal and this fee is to be decided upon by the authority. I would like more clarity on this provision. I ask that the NTA considers a reasonable fee for any second stage appeal. An individual may well have incurred an expense of between €100 and €150 by being clamped and having to pay a relocation fee and, therefore, I would not like greater expense placed on an individual if appealing the case.

I refer to a transport issue that is not related to the legislation but that I would like addressed, which is the provision of sensible speed limits of greater than 50 km/h on national primary routes on the outskirts of villages, for example, Rathowen and Ballinalack on the N4. The Minister has received a great deal of grief from me regarding the legislation that came into effect on 8 December last, which introduced changes to the penalty point system, particularly in respect of the national car test. No appointment dates are available in counties Longford and Westmeath until March, April and May and this is causing untold hardship and annoyance. I would appreciate it if this issue could be addressed as soon as possible. I have received a significant number of e-mails from people following the introduction of the new regulations regarding the national car test service. Not alone have I received e-mails from those affected but I have also received e-mails from sons and daughters pleading on behalf of elderly parents who are fearful that they may be put off the road. The issue is causing genuine concern throughout the length and breadth of rural Ireland because an appropriate public transport service is not in place to

cater for people who are disqualified or who incur penalty points. I would appreciate it if this could be addressed as soon as possible because it is a huge issue in rural Ireland.

I welcome the legislation, which brings a great deal of clarity and certainty to what was previously an unregulated system. It will greatly curtail the operations of rogue clampers by establishing a code of practice for standards and provide guidance to clamping operators and it sets out a fair process of appeals for individuals who wish to contest their case. I commend the Minister on introducing the Bill. I acknowledge the other issues I raised are not relevant to the Bill but this is an opportunity to raise issues of great concern to my constituents, which is what I have done. I would appreciate it if the Minister took them on board.

Deputy Seán Kenny: This Bill addresses the commitment in the programme for Government to legislate for the regulation of clamping. The impetus for this commitment stems principally from public concern about the activity of some clamping operators, and the extent to which clamping may be carried out in a less than fair manner, with no obvious consistent or transparent recourse to appeal against perceived abuses. The areas of greatest public concern relate to the level and variation in clamp release charges currently applied, the lack of a clearly identifiable and accessible clamping appeals process, and the frequent absence of appropriate information signage for motorists. There are also issues with the clamping practices on private land, which needed to be examined and legislated for, and it is only right that the Oireachtas considers these matters, and legislates accordingly.

In December 2011, the Joint Committee on Transport and Communications, of which I am a member, met to discuss the issue of clamping. The committee discussed a number of options that proposed to address public concerns about clamping. These options included banning clamping, whether proposed legislation should be confined to clamping activities on private property only, or to both private and public property or allowing clamping operators to self-regulate. The committee discussed the regulation of clamping activities and how this might be done. For instance, in introducing legislation, should the primary focus be on those individuals or companies undertaking the clamping activity or, alternatively, should the circumstances and requirements for the application of a clamp to a vehicle be regulated instead? The issue of whether the related activity of towing should be regulated was also considered.

The result of these deliberations was the recommendation that the NTA should be designated as regulator of clamping activities and that there should be a maximum permissible clamp release charge on private lands. In addition, it was agreed that there should be a two tier appeals process and an obligation to provide clear and prominent signage in areas where clamping is operated, as well as the establishment of codes of practice to provide practical guidance regarding compliance with regulatory requirements. It was further decided that there should be regulations concerning how clamping operators identify themselves and there should be appropriate penalties for breaching provisions of the Bill or regulations made under it. Most of the core suggestions arising from the main areas of concern identified by the committee have been provided for in this Bill, which I commend to the House.

Deputy Martin Heydon: I am delighted to have the opportunity to contribute to the debate on this important Bill, which was promised in both the programme for Government and the Fine Gael's general election manifesto in 2011 to address clamping issues. It has been the source of annoyance for many people who have gone toe to toe with a clumper, particularly private clampers who act without a strict set of guidelines and structure in respect of signage, an appeals mechanism and so on. I very much welcome the Bill, which will mean that for the

first time the regulation of private clamping operators will be put on a statutory legal footing.

The purpose of the legislation is to ensure all clamping activities are carried out in a fair and transparent manner and to protect motorists and legitimate clamping companies. It will introduce consistency to clamping for the first time, whether it takes place on public or private roads. I am happy that the Bill will establish a new regulatory regime, a simple two step appeals process, a default maximum clamping release fee for private property, a code of practice for operators, and a new requirement that signs must always be displayed where clamping is in operation.

I am aware of many cases in Athy and Newbridge in my constituency where excessive charges have been applied by clampers. Where difficulties arise, the ability of the motorists to raise complaints and have them adequately heard has been a running sore for some time. I recall being approached by a constituent who was hit with a €120 fine. The only way to have the car released was to pay the fine. The person had a valid ticket but it had fallen off the dashboard on to the car floor. The staff member who released the clamp and collected the fine said he had no way of adjudicating on the matter and the motorist would have to ring the company. He rang the company and got nowhere. Following months of frustration, he gave up. That is not good enough. If that is happening on a regular basis, the company is abusing the system. The legislation will make sure rogue companies are held to account from now on.

Under this Bill, the regulation function will pass to the NTA. Following its passage, the main areas which can be regulated by the NTA are the clamp release and vehicle relocation charges; the provision of appropriate advisory signage in areas where clamping is carried out; and the establishment of a two tier clamping appeals process. A separate complaints procedure to consider complaints from members of the public is necessary and crucial. There has been a lack of flexibility in the past in genuine cases but the companies will know there is someone watching over them and it is important that there are set rules to adhere to.

The maximum clamp release charge is also important. Figures such as €120 plus for a clamp release are excessive. It nearly encourages a culture of trying to make as much money as possible. Another complaint I have heard is that people were not aware that they could be clamped in certain areas as there was limited signage with the operating times. Alternatively, the signage might have been slightly covered such that it could always have been said that there were signs, even though they were not that visible. There were genuine cases in which people I knew had their vehicles clamped and never thought they needed to purchase a ticket in certain areas. Persons responsible for enforcing parking restrictions in places where clamping is operated, who are referred to in the Bill as “parking controllers”, will be obliged to provide signage which should be prominently displayed, indicate that clamping is in operation and provide details of the relevant charges applying to such activities. This is crucial and very much sought.

There are issues around parking in general. The Bill addresses many issues relating to clamping in private areas. There is public paid parking in many towns in south Kildare where cars can be parked on the main streets. In many respects, this system was introduced to aid local business and stop the person who either works in the town or is commuting to Dublin from parking his or her car on the street for the day and taking up a valuable space a shopper might use. It is a good idea in principle and should provide revenue for the local authority that could then be spent on local services. I know that it relates to the issue of planning and as such is as much a matter for the Minister for the Environment, Community and Local Government as it is for the Minister for Transport, Tourism and Sport. The planning laws that allow large-scale out-

of-town developments where there are ample free parking spaces in some way result in footfall moving from town centres. Some businesses will consider paid parking on streets is a disincentive to business when the system was designed to be the opposite and allow spaces for shoppers to come in to town for a couple of hours and make sure there would be a turnover of cars and traffic in the town. We are seeing viable businesses in certain towns closing or moving to larger retail units on their edge. I know that this has definitively happened in Naas. We do not want to see this phenomenon proliferate in the rest of the country. Planning should be sequential from the centre outwards and encourage and make sure town centres remain vibrant hives of activity.

I am very happy to support the Bill which has been designed to protect motorists and legitimate clamping operators. It will also penalise bad behaviour on the part of rogue operators. I accept that clamping is necessary, as it provides an incentive for people to park responsibly. Without it, we would have other difficulties. However, the variety and inconsistency of release charges applied in privately owned car parks have caused serious annoyance and are not acceptable. That is why I commend the Bill to the House.

Deputy Anthony Lawlor: I thank the Minister for bringing forward the Bill which is very welcome and part of Fine Gael policy. We have had a serious issue in my area with clamping, particularly in private car parks. I am in favour of car parking spaces being turned over quickly, particularly on main streets, because that is what traders in towns want. However, I have a real problem with clamping in private car parks which I have experienced on a number of occasions. As Deputy Martin Heydon said, there is a variety of release charges applied and I am delighted that we have been able to make a decision on what the maximum release charge should be.

I encourage the Minister to encourage private car parking operators to move to using the barrier method. This is not social policy; it has more to do with car use policy. I encourage private car park operators to, where possible, use a method where people pay based on the length of time they use a car park. The key factor, particularly in Naas, is that people should shop and want to spend money in the town. They should not be distracted in having to rush out to pay their car fee while they are buying an article of clothing. Sometimes they will try on four or five items of clothing and forget that the time is up. They then find that their vehicle has been clamped. As a result, they will talk to others and ask why should they should shop in the town because every time they do so, their vehicle is clamped. They will talk about how they are put under pressure when they shop. I ask the Minister to look at whatever methods he can find to encourage more private car park operators to use a method where people pay based on the length of time they use a car park. Perhaps the rates charged might be looked at. Perhaps we might have a situation where one pays a higher rate to the local authority than if one was to use the barrier method in a private car park. Perhaps tax breaks might be given to those who operate barrier car parking systems in order that people would not be under pressure to leave shops and rush back.

We have a good deal of out-of-town shopping centres which discourage people from coming into town centres. Deputy Martin Heydon spoke about the planning laws. Is there any possibility of increasing the local rate for out-of-town units that provide free parking spaces because they discourage people from going into the centre of town? I hope the Minister will take these two ideas on board to encourage the greater use of barrier systems in private car parks in towns in order that people will be able to spend their money not on having their vehicles released but in shops in towns.

I welcome the Bill and encourage the Minister to look at other angles. It is important that

the public understand that wherever vehicles could be clamped there is consistency across the country and that the system is fair and equitable. I will be supporting the Bill and again encourage the Minister to have a look at barrier systems in private car parks to see if he can encourage their use.

Deputy David Stanton: I am pleased to see this Bill being brought forward and join the Minister in acknowledging the work the Oireachtas joint committee put into this issue. I am a big fan of the pre-legislative scrutiny process and note that it happened in this instance on the double, which is great. It is great to see such work being done, given the fact that members of the public and interested bodies can have an input into legislation before it is drafted and published in order that changes can be identified and made at a time when they can be made far more easily.

The Bill is not before time. I recently received a complaint from a constituent who had parked her vehicle in Cork city on a very wet evening. She did not see any sign indicating that clamping was in operation in the area or that a parking ticket was required. After she had done her shopping, she came back a little while later to find her car had been clamped. It took the company an hour and a half to come and unclamp her car at a cost of €165. It is, therefore, welcome that the Minister is restricting the charges that may be levied.

I suggest we take account of the length of time it takes to have a car unclamped. If somebody has to wait an enormous length of time, it is extraordinarily inconvenient, as he or she has to get on with his or her life. He or she may have appointments to attend and other things to do. The woman in question was picking up her daughter and they had to wait in the rain until the people in question came to unclamp the car. If a company cannot unclamp a car within a reasonable length of time, say, 30 minutes, fees should be waived. This should be a condition of policy.

The two previous speakers mentioned parking in town centres as opposed to parking in out-of-town centres. If there are major restrictions and penalties in connection with parking in town centres, town centres will die. This is happening all over the country. If clamping is added, it will further disincentivise people from shopping in town centres. The Minister has a responsibility to ensure there are adequate parking spaces in towns because being able to park is a commercial imperative. Many businesses in our towns need places where people can park in order to do their shopping. The principle behind parking charges in towns is to encourage a turnover in the use of parking spaces, whereby people would have to move their cars after a certain period so that others can take their place. Business owners are the main offenders in this regard. They often leave their cars parked outside their business premises all day long, only to wonder why customers are not coming to them. We have to encourage business owners and their staff to avoid parking in the vicinity of main streets so that customers can park in these areas. That is common sense.

Clamping should be a last resort except in the case of people parking in disabled spaces. I suggest that the Minister should consider mandatory clamping for cars parked in disabled spaces without permits. It is the only approach that might prevent people from parking in designated disabled spaces. All of us have observed individuals pulling into such spaces, thereby denying it to somebody who needs the space because he or she is wheelchair bound or has another disability. Fines do not appear to work in these situations. The penalties for parking in disabled spaces are not strict enough but clamping would end this problem for once and for all. There is no excuse for an able bodied person parking in such spaces, except laziness. It is

inconsiderate and downright mean behaviour.

The Minister referred to apartment complexes. Many of the apartment developments constructed in the recent past failed to provide adequate car parking space. The planning regulations were changed several years ago to allow for high density developments. I have encountered cases in which neighbours fell out with each other over the lack of car parking space in apartment complexes and housing estates. We need to ensure housing developments provide adequate car parking.

Does the legislation make provision for emergency vehicles, including doctors' cars, so that they are not clamped? If a GP parks his or her car on the street and rushes into a premises to deal with an emergency, is there a prospect that he or she will come out to find that the car has been clamped? There have been instances in the past where this has happened. I suggest that if a car displays a doctor's sign it should not be clamped.

The NTA and other agencies responsible for implementing this legislation should treat clamping as a last resort. If people park in dangerous places, their vehicles should be moved but if clamping becomes the norm it will be very inconvenient for everybody. There is also an inconvenience in purchasing parking tickets. Deputy Lawlor spoke about the use of barriers, which are a good idea. We might encourage shopping centres to make use of barriers so that people can park in underground car parks or designated spaces without having to worry about rushing back to put money in the meter. We need to find a balance between out-of-town shopping centre car parks and on-street parking. People will go where it is easiest to park. I have heard stories of people parking as close as they can to the door of the gym to avoid having to walk any distance. There appears to be a mentality whereby walking is regarded as an inconvenience. Perhaps we should encourage people to park a bit further away in order to take exercise. I have been trying to park a couple of hundred yards away from my intended destination so that I can take a stroll.

This is a timely Bill. I am curious about the decision not to require licensing of places where clamping might occur. We need to keep an eye on this. Locations where clamping can occur should be designated. However, if this goes overboard and clamping becomes a money making racket we may need to consider introducing a licensing regime for clamping. The Minister decided not to proceed in that direction because he regarded it as too expensive. What is the expense in sending a map and a letter to the NTA and asking it to say "Yes" or "No"? It should not be very expensive to get permission from the NTA to introduce clamping in a particular public area. If we go down the route of having local authorities make the decision on clamping, this has to be based on safety concerns and considered very carefully as a last resort. I commend the Bill to the House.

Deputy Bernard J. Durkan: This is a Bill we have been seeking for quite a long time. Parking and clamping can have a serious impact on towns and villages all over this country. It goes without saying that when parking restrictions are applied to the extent that business ceases on our main streets, an alternative has to be found which is legal from the point of view of the person who wants to visit a shop or other commercial premises. Any such arrangement should be within reason. A person should not be able to leave a vehicle in one place all day. It is extraordinary that parking regulations have been applied so rigorously in some of our towns and villages that commercial activities have faded. That commercial activity has been replaced by out-of-town multinational corporate supermarkets which offer plenty of space. I do not know what was intended in the first place. Was it expected that the unfortunate people who were

clamped for parking on main streets would repeat the experience rather than going to a location where they would not be clamped? This needs to be considered in the context of applying parking rules and regulations.

The original purpose of parking restrictions was not solely to raise money. They were also intended to regulate obstructions to the flow of traffic. That appears to have been forgotten somewhere along the way. In recent times we have heard more about the receipts from clamping. I have tabled numerous questions to ascertain the precise amounts raised through parking charges and clamping but I found it difficult to access such information. It is a sign of the times that Members of the Oireachtas are finding it difficult to access information which should be readily available.

Clearly one should not park in a no-parking area.

3 o'clock

There may be an emergency where somebody gets ill and it may not be possible to do something. There should, therefore, be a method whereby some consideration can be given in those circumstances. I remember dealing with a case not so very long ago where the spouse of a person who was terminally ill was rushing back and forth to hospital on a regular basis for obvious reasons. On one occasion, the person parked short of a clear zone. There was no sign at the particular location from the point at which the person drove in there to say there was no parking. The car was clamped and the person had to pay the unlocking fee. I remember trying to explain at the time to the relevant authorities how difficult it was for the person who was traumatised by the illness the family was suffering and who was making an effort to visit her spouse and did so every single day. I might as well not have spoken to the people in authority at all. I would have been better off. Despite the fact that there was a very compelling reason as to why the woman's case should have been listened to much more carefully, all I got in return was a sneer. There is always another side to a story and it is not always necessary to decide that a person is guilty and that they were simply in the wrong spot. They could not even say that while it was tough luck, they were sorry that the family was in dire straits and the health of the person was not good.

I had an experience myself in the last six months. I was not parking in a no-parking zone, but in an approved car park in a certain part of this city. I made the mistake of paying the meter in full view of the clamping attendants who were in the area unclamping another car at the time. I regret that. I paid double the fee as I did not have the right change, which was fine as I was only going to be there for a short period of ten to 15 minutes anyway. At 6.01 p.m., I paid the fee. Unfortunately, the window of the car was slightly open and there was a gale blowing. It turned over the ticket which was on the dashboard. When I came back at 6.15 p.m., I discovered that I had been clamped at 6.02 p.m. How cynical one can get in a situation like that. I had to pay the unclamping fee. I remonstrated with the guys saying that they had been present when I parked the car ten minutes earlier. "Gosh no, that would have been somebody else" they said. In fact, it was the same people. I mention the case as a need for some reasonable application of the rules in situations where there are compelling, extraordinary or totally explainable reasons as to why something should occur. I am not at all suggesting that people should disobey the parking rules, but there is a need for common sense to prevail. Incidentally, while situations like the one I have just referred to are subject to an appeal, I would not advise anyone who makes an appeal to some of those institutions to hold his or her breath.

By and large, the legislation is welcome. I hope the Minister will take into account the opinions expressed by the Members which are being put forward in good faith. There is no rule that pleases everybody, nor should there be. It would not be a rule if that were the case. However, I note strongly that there may be extenuating circumstances pertaining in particular case. To a great extent, some of these situations can be addressed in advance. I ask that this be done in the context of the legislation now before us.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank all Deputies for the points they have made on the Bill this afternoon. I might begin with the issue Deputy Durkan raised as it was a common theme of colleagues' submissions; that is the issue of perceived unfair clamping. Deputy Durkan appears to have been the victim of such a practice that I am made to wonder whether it was a political opponent that was behind the clamping. For the time being, we will rule that out as a possibility.

Everyone raised the issue of clamping in circumstances which people consider to be very unfair. Deputies gave examples of being clamped only a minute after the parking was due to expire. I would like Deputy Durkan to be aware of section 9 of the Bill which I hope addresses the points that colleagues have raised. Section 9 provides for what are referred to at times as "grace periods". Section 9 provides that the National Transport Authority may make clamping regulations and one of the specific issues it can look at will be periods of time in which clamps have been applied or periods of time when a vehicle may be relocated. Under the section, the NTA will be given the ability to make regulations and to provide for consistency in relation to how matters like that can be dealt with so that people feel they will be treated fairly. If people are not treated fairly, they will have recourse to an independent clamping appeals officer, which the Bill also provides for. I wanted to directly answer the question put by Deputy Durkan as it is an issue that has been raised by many Members this afternoon.

I acknowledge the broad support for the Bill. I acknowledge also the fact that this is a Bill that came out of the Joint Committee on Transport and Communications. One can see the effect of that in the way in which people have responded to the Bill this afternoon. While not everybody supports it fully, most people on balance do. There is a very good understanding of what the Bill seeks to achieve and the methods it employs in that regard. Deputy Ellis put the very fair point to me about whether this is something I want to continue. I absolutely do. When I was in the Seanad before Christmas on the earlier part of the Bill, I took amendments from Senators which have improved the legislation. If amendments come forward here from any side of the House that will do the same, I will definitely accept them. I note, however, that it will not be possible for me to do so in respect of some of the issues some Members have raised and propose to deal with by tabling amendments. In other areas where amendments are proposed which improve the Bill, I will certainly take them.

In relation to other Bills in respect of which I would also like to take this approach, I note the legislation we will bring forward later in the year on drug driving tests and strengthening the law on driving while intoxicated with drugs. It is a new area of road safety policy that will definitely merit debate and consultation within the House as well as greater use of the committee system than other Bills necessarily require. That is certainly legislation on which I will take everybody's input to ensure that we have the strongest law possible in the area.

I will go through the different points Deputies have raised this afternoon and respond to them briefly.

Deputy Timmy Dooley acknowledged the consultation which had taken place on the Bill, consultation I have acknowledged. His main point was about the need to find a way to balance the rights and responsibilities of everybody who had been clamped or who clamped. The Bill seeks to do this. He also said we needed to be very careful not to overburden the sector with regulations or to create agencies the sole job of which would be to implement regulations. I inferred from this that he meant that sometimes doing this created a momentum that was disproportionate in dealing with the issue. That is a fair point. In the Bill we have taken the approach of using an existing body, the National Transport Authority, to try to ensure this will not happen. We have also decided to examine the regulation of clamping activity as opposed to a registration approach, on which Deputy David Stanton touched. This will strike the balance to which Deputy Timmy Dooley referred.

Deputy Dessie Ellis was one of the first to agree with something in the Bill which other Deputies went on to acknowledge, namely, the appeals process. Like many Deputies, my car has been clamped - at least twice as far as I remember. On both occasions I went through the appeals process, which can be very frustrating, to put it mildly. Although we debate very important legislation in the House, the consequences are not always directly and immediately apparent to the people we represent. A practical consequence of the Bill will be the appointment of a clamping appeals officer in the NTA who will provide a consistent appeals process by which citizens will be able to raise cases in which they have been unfairly treated. While this is not to say everybody who goes through the appeals process will be happy with the outcome, there will be an improved process.

Deputy Dessie Ellis has said we must ensure we do not encourage clamping for its own sake, which is a fair point. He also raised the issue of the amount of money some local authorities, mainly Dublin City Council, raised from clamping. The figure was placed in the public domain recently, as Deputy Bernard J. Durkan pointed out. An interesting perspective on the figure is the fact that Dublin City Council pays a very significant amount of money, €6.1 million per annum, for the operation of parking enforcement services. Given that the income generated in 2013 was €4.3 million, the cost to the council of running the service outweighs the revenue generated from it, showing that the council sees clamping as an instrument of parking regulation, rather than as a profit making activity. The figures debunk the point which we may be able to debate further on Committee Stage.

From Deputy Clare Daly's comments on the Bill, one would think nobody's vehicle was ever clamped because he or she had parked on a double yellow line or in an illegal manner. I might be able to exchange views with the Deputy as the Bill passes through the Dáil. Her language suggested it was a case of extortion and a stealth charge. While I acknowledge that there are practices that must be tackled and issues raised - that is why I have brought forward the Bill which we want to have implemented - the primary objective of clamping is to deal with illegal parking.

Deputy Clare Daly also made a point about the lack of investment in public transport. Just before Christmas I brought forward a Supplementary Estimate to invest €101 million in public transport, which included over €50 million for the modernising of the bus fleet for Bus Éireann and Dublin Bus. I also point to the Government's ability to fund, at desperately difficult times, initiatives such as the Luas cross city line, on which there will be an additional 10 million journeys in public transport when it becomes operational in 2017.

Recently published figures showed that Irish Rail had carried 1 million more passengers

last year than in the previous year. This week Dublin Bus announced it was to hire more bus drivers. While I would be the first to acknowledge that we need to make much progress in public transport, despite the great difficulties the country and the Government have faced, we have done all we can to support public transport and there are plans in place to improve it in the future. Deputy Clare Daly argued that clamping was in place to deliver revenue to local authorities. However, when we implemented the local property tax to try to generate additional legitimate revenue for local authorities, she opposed it.

Deputy Ruth Coppinger and other Deputies emphasised what happened at hospitals, an issue on which perhaps we might touch when we discuss amendments to the Bill. She also raised the issue of private management companies, a major issue in Dublin 15, a part of the city I know very well. It is also an issue in parts of my constituency and I would like to discuss the point more with the Deputy on Committee Stage because she made the point that people were not able to relax inside their homes in some areas in which vehicles were subject to clamping by private management companies. However, clamping can and should take place only where there is illegal parking. Therefore, if people's vehicles are parked on their private property or legally on public property in a housing estate or elsewhere, they should not be clamped. I want to hear more evidence from the Deputy to understand whether the Bill could address the point.

Deputy Catherine Murphy said we needed to examine how we regulated the use of private space for parking. This should be done through the planning process. When planning permission is granted for new buildings or developments, the amount of parking space involved is examined by the local authority or An Bord Pleanála. Other parking spaces that might be available in a town or village are subject to the planning process. It is unfair to say there is no regulation of space for parking purposes because the issue should be dealt with through the planning process. The Deputy said we needed to examine how we regulated clamping, but it is the objective of the Bill to give the NTA the power to do this. She also said she supported much of what was in the Bill. If there are other areas in which she believes the Bill could be strengthened, I will be very happy to examine them on Committee Stage.

Deputy Frank Feighan raised the issue of hospitals and supported the appeals process. It will be a major improvement that will be delivered through the Bill.

Deputy James Bannon touched on the issue of road clamping, an issue about which he felt strongly and which the Bill seeks to address. He also referred to the consequences of the lack of signage and the difficulties it could create for commuters and others who were parking their cars. I agree entirely and the issue is specifically identified in the Bill as one that will be regulated. I also acknowledge he has raised with me many times the need for sensible speed limits outside major towns and has raised with me, on behalf of his constituents, the issue of national car test, NCT, centres. This is a matter of which I am aware and on which I have responded to him.

I thank Deputy Seán Kenny for being broadly supportive of the Bill. He touched on some issues he thought the Bill would address and approved of the process through which I have gone to get to this point. Deputy Heydon noted that under this Bill, limits will be put in place in respect of clamping fees that people might face. I again revert to a point I made earlier, namely, this is an example of legislation that should have a practical and tangible effect on issues that inconvenience people as the Bill will introduce limits to make sure that people do not find themselves in a position where they are subject to charges and fines that are unfair and disproportionate. Deputy Lawlor also made the point about the need for consistency in respect of how people

are treated nationally. This is why I am giving such a level of power to the National Transport Authority to deal with this issue.

Deputy Stanton raised a number of issues on which I would like to touch. He raised an issue regarding signage that was covered by an earlier contribution and again, this is a matter that will be tackled explicitly in this Bill. Having been involved in this issue within my own constituency - as the Deputy is aware, it covers much of Dublin city centre - I have seen that many of the issues raised with me refer back either to signage that is not in place at all or to signage that is present but which lacks the requisite level of detail on it. When this happens, the person who is clamped can fairly claim he or she was not aware of the limits. For example, the person may not have been aware the limits were applying on particular days or at particular times. This is something the Bill should address.

The Deputy then raised a point with me on the kinds of people for whom an exemption might apply. This may be an issue to which Members may return because under section 13 of the Bill as proposed, it prevents clamping of the following vehicles: an ambulance, a fire brigade vehicle, any vehicle used by a member of the Garda Síochána or the Defence Forces in respect of his or her duties and a vehicle that could be used by the Garda for other purposes, as well as the issue raised by the Deputy when a disabled person's parking permit is in place. These are the areas that currently prohibit clamping. I believe the issue raised by the Deputy regarding parking in places that are designated for drivers with disabilities would be covered within section 13 of the Bill but perhaps the Deputy might look at this again. If he believes the provision could be strengthened, that can be considered. As for the issue concerning doctors who are using a parking space in the course of their duties, how it might be provided for in the Bill must be considered somewhat more carefully. One factor that allows one to deal with the other duties I have just listed is the fact that many of those people have a specific vehicle that can be identified clearly. Perhaps this is a matter that can be considered on the latter Stages of the Bill. The Deputy then made the point that clamping should be used as a last resort and I completely agree with him. I hope that one consequence of the enactment of this Bill will be that this genuinely will happen. Moreover, when clamping does happen, it will be far better regulated than has been the case in the past.

Deputy Durkan made those points to which I responded at the outset and again raised the issue of how unfairly people can believe they are being treated when they are being clamped. I reiterate my hope that this Bill, when implemented, will go a long way towards addressing the issues raised by Deputies.

Deputy David Stanton: A Leas-Cheann Comhairle, will the Minister give way for a brief question?

An Leas-Cheann Comhairle: If the Minister wishes.

Deputy Paschal Donohoe: I would be delighted to.

Deputy David Stanton: I raised the issue of clamping people who park in spaces designated for disabled drivers, which is a different matter to disabled drivers parking there themselves. The Minister might respond to that as it is something about which I feel strongly. Perhaps people who take a disabled parking space illegally and so forth should be clamped automatically. That would be a major deterrent to inconveniencing someone who is a disabled driver and for whom the impact of losing a space is enormous.

Deputy Paschal Donohoe: I thank the Deputy. I was just double-checking that point and while I will check this again for the purposes of considering the Bill on Committee Stage, my understanding is that a person who is parked in a designated parking space for people with disabilities and who does not have a permit on his or her dashboard should be clamped for so doing or should be subject to whatever sanction a member of the Garda or a local authority believes should be imposed. It should already be possible for clamping to take place under the current law. If the Deputy believes there is some way in which this can be made more automatic, for example, I definitely will consider it. I draw the Deputy's attention to section 13(1)(b) of the Bill which makes provision for where such disabled parking should take place. It provides for making an exemption if the clamping operator or car park controller believes someone might be parked on such a space for reasons beyond convenience. For example, in the case of an emergency, that could be recognised. However, someone who parks in that spot without having a permit to so do, should either be clamped or be open to the sanction the Garda or the local authority deems to be applicable.

I again thank all Members for raising these issues and I have taken careful note of the different points made. I believe that as currently drafted, the Bill will go a long way towards addressing the issues raised by colleagues. As for the main thing the Bill will not be able to do, its purpose is not to put in place parking policy, because that is the role of local authorities. However, the Bill seeks to regulate something that can be a consequence of parking policy, namely, clamping. The Bill seeks to do this in the broadest way possible by focusing on the issue of clamping itself, as opposed to how it is being done. However, I reiterate that as the Bill continues its passage through the House, it can be considered in greater detail. I am sure that when the National Transport Authority acquires the powers to actually do this, it will monitor how this is being implemented and if the authority has ideas as to how it can be strengthened, it certainly will inform the Department.

Question put and agreed to.

Vehicle Clamping Bill 2014 [Seanad]: Referral to Select Committee

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I move:

That the Bill be referred to the Select Sub-committee on Transport, Tourism and Sport pursuant to Standing Orders 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

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 Terence Flanagan - the need for a fresh inquiry into the Stardust fire; (2) Deputy Michael McCarthy - the position regarding the Bandon flood relief scheme; (3) Deputy Jack Wall - the guidelines of the primary medical certificate regulations; (4) Deputy Mary Mitchell O'Connor - Justice for Magdalenes group; (5) Deputy Marcella Corcoran Kennedy - the delay

in decision-making on energy generation; (6) Deputy Olivia Mitchell - the plans to promote the message of the European Year of Development 2015; (7) Deputy Eamonn Maloney - housing and the need for democratic control as the Governor of the Central Bank appears to be insisting on a 20% deposit as a requirement for mortgage applicants, which will marginalise many aspiring house purchasers who have not got the 20% and will put increased pressure on the need for rental accommodation and social housing and the role of the Governor should be advisory, with the Dáil setting the standards; (8) Deputy Seán Conlan - that the Minister for Communications, Energy and Natural Resources, Deputy White, will ensure those communities affected by the North-South interconnector are consulted by EirGrid about specific underground route options before he allows it to make any fresh application to An Bord Pleanála; (9) Deputy Helen McEntee - the position in respect of the funding and provision of the drug Soliris; (10) Deputy Seán Kenny - the need to commence the Fines (Payment and Recovery) Bill Act 2014; (11) Deputy Brian Stanley - the staffing crisis in Portlaoise hospital; (12) Deputy Clare Daly - to discuss the recent senior Garda promotions and the need to hold off on implementing them until the conclusion of internal and GSOC investigations under way; (13) Deputy Mick Wallace - to discuss senior Garda appointments in the context of internal and GSOC investigations which are not yet completed; (14) Deputy Barry Cowen - the closure of Ulster Bank branches in rural Ireland; (15) Deputy Dessie Ellis - the issues arising from the use of private security firms by landlords forcing evictions; (16) Deputy Seán Ó Fearghaíl - the need for the Minister for Social Protection to tackle the increase in deprivation in Ireland; (17) Deputy Paul Murphy - the teachers' strike taking place today; (18) Deputy Robert Troy - the need for measures to be introduced to support and revitalise Longford town; (19) Deputy Dan Neville - the need to make the new cystic fibrosis unit operational in University Hospital Limerick; and (20) Deputy Richard Boyd Barrett - the persecution of a person (details supplied) in Saudi Arabia.

The matters raised by Deputies Olivia Mitchell, Richard Boyd Barrett, Jack Wall and Barry Cowen have been selected for discussion.

Topical Issue Debate

Overseas Development Aid

Deputy Olivia Mitchell: I am grateful to have this topical issue chosen today and I thank the Minister for coming into the Chamber to participate personally in the short debate. I have just come from Dublin Castle, where the European Year of Development was launched at the Dóchas conference by the President. I tabled this matter today to coincide with that event because I am conscious that often, when one has European years of this or that to highlight a particular issue, they are announced with a great splurge of publicity but then sink without trace and in many cases, that is the last one hears of them. I am anxious, as I am sure is the Minister, that this would not be the fate of the European Year of Development but that the potential benefits of the designation would be maximised to enhance and promote the development agenda and to spread the word about development co-operation. What the EU Foreign Affairs Council had in mind in designating this European Year of Development was that we would communicate to European citizenry what is happening in the area of development co-operation and identify needs and what has been achieved. This is the first year a European Year has been designated to the celebration of something that goes beyond the borders of Europe. We have always been

a little bit more inward looking. We now have an opportunity to highlight Europe's role as a global player. It certainly is a global player when it comes to development co-operation in that 50% of all world development aid comes from Europe. Ireland has played its part and has been always a generous contributor in direct aid, through its NGOs and multilateral aid through the EU and UN. If the generosity of the Irish people, through their support for development aid which has persisted even in the face of the very deepest domestic recession, is to continue it is important they understand this generosity is not wasted and that money is being well spent and to good effect in the developing world. Feedback is vital.

I raise this issue today in part to highlight the importance of development aid but also to inquire of the Minister if there are plans this year to use this event to communicate to the Irish people the beneficial outcomes of their generosity, both as taxpayers and as direct contributors to our NGOs. Like me, many people, including, I am sure, the Minister, have donated money to development aid, which when we were children was known as aid for the black babies. There may be a perception that because this has been going on for so long it is a case of putting money into a black hole and nothing ever seems to get better. That is far from being the case. There is a good news story to tell and we should tell it.

This year of development is chosen, as the Minister will be aware, to coincide with the deadline for the achievement of the millennium development goals. One of the advantages of having goals, targets and indicators is that we can measure the progress that has been made, as well as identify what needs to be done. Progress has been made. There are now fewer people hungry in the world, the number of people now living in extreme poverty, as compared with the number in the 1990s has halved, more children, particularly girls, go to school and fewer women die in childbirth. There is more to do. It is important we use this opportunity to communicate the positive message that with a good plan, backed by funding, we can succeed. In this way, we can engage public support for the achievement of the millennium development goals.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank Deputy Mitchell for raising this issue and allowing me to put on the record of the House the Government's welcome of the designation of 2015 by the EU Foreign Affairs Council as European Year of Development.

This year is a hugely important year for development as it coincides with important inter-governmental negotiations on development and climate change which will take place during the course of 2015. Negotiations will conclude in September on a set of sustainable development goals, SDGs, to be adopted by a summit of world leaders at the UN in New York in the autumn. The goals will be negotiated and agreed by the world's 193 countries and cover every area relevant to human well-being and development, including poverty and hunger, health and education, employment and environmental degradation. Ireland is at the heart of this process, following its appointment as co-facilitator with Kenya on the intergovernmental negotiations to agree these goals. This is testament to Ireland's standing internationally, to our proud record of development, our promotion of human rights, our long-standing participation in peacekeeping across the world and our diplomacy. Our appointment reflects just how integral development is to our foreign policy. Only last week, we published a review of our foreign policy, *The Global Island: Ireland's Foreign Policy for a Changing World*. This places a strong emphasis on our values as a people and our actions to build a fairer, more just, secure and sustainable world. It recognises the centrality of our international development policy, One World, One Future and our aid programme, Irish Aid, in achieving this.

We are confident that the new sustainable development goals will have a profound impact on the lives of the world's poor. These processes will also garner huge national and international attention and it is intended to use this to promote further the messages of global citizenship, solidarity and responsibility that are integral to the European Year of Development. The European Year of Development aims to inform EU citizens about EU and member states' development co-operation, encourage active interest and direct involvement of citizens in development issues and raise awareness of the benefits of EU development co-operation. Ireland, along with all EU member states, will undertake key activities to support the European Year of Development.

I acknowledge the long-standing programme of activity on the part of Deputy Mitchell through a number of organisations down through the years on this issue, and her record of raising it in this House and beyond. The Deputy will be aware that Dóchas, the umbrella group for Irish development, humanitarian and global justice organisations, was nominated by the Department of Foreign Affairs and Trade to co-ordinate the Irish action plan for the European Year of Development, in recognition of the extremely close co-operation between our official aid programme and the NGO sector in Ireland. In response to the Deputy's direct question, funding has been made available for our national campaign in that regard.

To launch the European Year of Development, a special conference was, as mentioned by Deputy Mitchell, held in Dublin Castle today. The conference was opened by President Michael D. Higgins, who spoke of the need to develop a deeper understanding of global issues and development. It also included excellent discussions and debate on sustainable development involving the Minister of State with responsibility for development, Deputy Sherlock, representatives from civil society, representatives of the African community in Ireland, the private sector and youth groups. In its capacity as national co-ordinator, Dóchas will ensure key events during 2015, such as Africa Day and One World Week, include targeted activities to promote the European Year of Development, and engage with the public on issues of poverty, hunger, inequality and social justice. In addition, my Department will continue to use our established methods of communication and public outreach to share the messages of the European Year of Development. These include a very active online presence through the Irish Aid website and social media platforms, public outreach events such as Africa Day, the Ploughing Championships and BT Young Scientist and engaging with students, teachers and volunteers through our various workshops and volunteering fairs.

Deputy Olivia Mitchell: I thank the Minister for his reply and the positive news that Dóchas is to drive the action plan for the year. I again reiterate how important it is that we achieve ambitious post-millennium goals. I know that our ambassador is playing a key role in this regard in terms of driving this deal forward and getting buy-in for it from world leaders. I know also that the Minister will use his powers of persuasion at the European Council to ensure a strong and ambitious European input in this regard.

The Minister will be aware that Brian Hayes, MEP, who is a member of the development committee in Europe, has suggested that now is the time to set a timeframe for achieving the 0.7% aid target. I realise that our aspirations have to be set in context and that perhaps this is not the context for that particular figure. However, perhaps we could use this year to discuss a timeframe for achieving it in the coming years.

Important as money is - and it is important - development co-operation is about more than money. It is about trade, what we buy and sell, investment, tax policies and, as mentioned by

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the Minister, climate change, some of which issues may be outside the direct remit of the Minister but fall within the remit of other Ministers. I ask the Minister to use his persuasive powers at the Cabinet table to ensure that other Ministers buy into this year and use their voices at the European Council to ensure a strong European input across all the areas through which we interact with the developing world.

Deputy Charles Flanagan: On the final issue raised by the Deputy, the matter is on the agenda for discussion at this week's meeting of the Foreign Affairs Council in Brussels. It will continue to be accorded prominence on agendas for the forthcoming months.

Regarding the post-2015 development goals, our ambassador to the United Nations, Mr. David Donoghue, will play a most prominent role by chairing the negotiations and discussions leading up to the announcement of the post-2015 plan, the target date for which is September 2015.

Dóchas has been awarded €26,000 in support of its role as national co-ordinator of the Irish action plan for the European year, in addition to the sum of €113,000 received directly from the European Commission. As per standard practice, Dóchas will report on the use of funds, including outlining a programme of activities, as well as the results of the work plan at the end of the project's period. Brian Hayes, MEP, has been appointed to the development committee of the European Parliament. I wish him well in that regard and look forward to receiving reports from him in due course.

The Government is strongly committed to Ireland's overseas aid programme which is at the heart of our foreign policy. This reaffirms our commitment to achieving the UN target of 0.7% of gross national product, GNP, to official development assistance, once economic circumstances permit. Since coming into office and in the context of difficult economic circumstances, the Government has successfully stabilised official development assistance aid including the budget aid programme. In budget 2015, the Government protected the aid budget providing for a total allocation for overseas development aid of over €600 million. This demonstrates the Government's commitment to the aid programme and represents a significant contribution on behalf of the people of Ireland to assist those in the world who are less fortunate than ourselves.

Human Rights Issues

Deputy Richard Boyd Barrett: At 6 o'clock this evening outside the Saudi Arabian embassy in Dublin a protest will take place organised by the National Union of Journalists and Amnesty International to highlight the plight and persecution of Raif Badawi, a liberal from Saudi Arabia who set up a website called *Free Saudi Liberals* which called for a debate on the freedom of speech in Saudi Arabia and for the separation of church and state there.

For his troubles, last year he was sentenced to 1,000 lashes over a period of 20 weeks which coincidentally began the very same week of the killings of the Charlie Hebdo cartoonists in Paris. He received the next 50 lashes the following Friday. Tomorrow, he will get another 50 lashes. This punishment will continue for another 17 weeks after which he will then serve ten years in prison - all just for calling for the freedom of speech and the separation of church and state. His lawyer, Waleed Abu al-Khair, was also sentenced to 15 years in prison for criticising human rights abuses in Saudi Arabia. This is against a background where 83 people were beheaded in Saudi Arabia last year. As one Italian journalist put it recently, when it comes to

beheadings ISIS, Islamic State of Iraq and al-Sham, has nothing over Saudi Arabia.

Given the justified outrage expressed by our Taoiseach and world leaders who went to the trouble of attending a mass rally in Paris after the Charlie Hebdo killings, declaring their commitment to freedom of speech, declaring their outrage that anybody would suppress freedom of speech or persecute or kill journalists, where is the outrage, condemnation and the demands for leniency by the Saudi Arabian Government in the case of Raif Badawi? Where are declarations that this will not be tolerated and action will be taken against Saudi Arabia over this persecution of a journalist?

Will we also do the same for the killing of 17 journalists during the Israeli assault on Gaza? This was justified by officials of the Israeli Defence Forces publicly with no condemnation, no rallies, no marches or threats of sanctions. World leaders, however, flocked to Paris saying they will not put up with the persecution of journalists. It was right to do this in Paris. Why do we say nothing when it comes to Saudi Arabia? Will the Taoiseach join the demonstration outside the Saudi Arabian embassy later, particularly if he went to the trouble of going to Paris several weeks ago? If there is this lack of consistency in calls for the upholding of the freedom of speech and defending journalists' right to freedom of speech everywhere, can we really take seriously those very declarations of a commitment to the freedom of speech in Paris several weeks ago? It was utterly nauseating to see Benjamin Netanyahu on the Paris protest when he was responsible for the killing of 17 journalists in Gaza. Not a word was said about that. There were no protests, no rallies and no leaders joining marches against those killings in Gaza.

Will the Minister explain these double standards? Will the Government speak out loudly and angrily about what is happening to Raif Badawi? Will we demand trade sanctions be imposed on Saudi Arabia? Will representatives of the Government join protests demanding his release and the end to the persecution of journalists and people who wish to engage in free criticism and speech about social and political affairs in Saudi Arabia?

Deputy Charles Flanagan: The case of Raif Badawi which the Deputy raised is clearly a matter of ongoing and serious concern to the Government. Our concerns relate both to the conviction of Mr. Badawi for activities widely regarded here as the peaceful exercise of his right to freedom of opinion and expression and also to the nature of the sentence which included corporal punishment. The carrying out of this sentence began with the public flogging of Mr. Badawi in Jeddah on 9 January 2015. When I met with the director general of the Irish branch of Amnesty International this afternoon, we had an opportunity to discuss this case.

Our concerns about this case have been repeatedly raised by the European Union on behalf of its member states, including Ireland, with the Saudi authorities when Mr. Badawi was convicted and, again, now that punishment has commenced. They have also been conveyed directly to the ambassador of Saudi Arabia in Dublin by a senior official in my Department. EU embassies in Riyadh, including Ireland's, are continuing to work intensively on this case.

In addition, the spokesperson of the High Representative of the Union for Foreign Affairs and Security Policy, Ms Federica Mogherini, issued a statement on the case of Mr. Badawi on 9 January, calling on the Saudi authorities to suspend the flogging, a call which was echoed on 15 January by the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein. I sincerely hope the Saudi authorities will answer the High Commissioner's call for Mr. Badawi to be pardoned and for this harsh form of punishment to be urgently reviewed.

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In the meantime, I welcome the fact the second session of punishment of Mr. Badawi, scheduled to take place on 16 January, has been postponed. I also welcome the reports of a further postponement which have emerged just this afternoon. The reports that his case has been referred to the Saudi Arabian supreme court is a positive development. I hope this will presage a wider rethink of the case, as well as the important issues it raises, by the Saudi authorities.

We normally raise human rights issues, including specific cases such as Mr. Badawi's, in conjunction with our EU partners in Saudi Arabia as we do in many other locations. It is quite clear we have the greatest impact on matters of foreign policy, including human rights, when the 28 EU member states speak with one voice. Ireland has always been at the forefront internationally in raising human rights issues through bilateral contacts and through the European Union and the United Nations, and we have never shied away from addressing these issues. As the Deputy may be aware, the Government's review of foreign policy, *The Global Island*, which was launched last week, underlines the Government's continuing commitment to promoting human rights.

Ireland specifically sought and fought for election to the UN Human Rights Council as one means to fulfil this commitment. Membership provides us with an opportunity to make a positive contribution to the work of the Human Rights Council and to the global protection and promotion of human rights. As a member of the Human Rights Council, Ireland makes specific recommendations to many countries on human rights issues under the universal peer review procedure. In October 2013, Ireland made two recommendations during the UN universal periodic review of Saudi Arabia.

Let me assure the Deputy and the House that Ireland will continue to closely follow the human rights situation in Saudi Arabia and to monitor the case of Raif Badawi in this context.

Deputy Richard Boyd Barrett: I welcome the fact that there has been a postponement of a couple of the episodes of the flogging. However, I cannot help but note the stark difference between the tone of concern raised by the Minister and European and international leaders when it comes to a case such as this or the 17 journalists killed in Gaza - the other example I mentioned - or the fact that there were over 80 beheadings in Saudi Arabia last year. This would be a regular occurrence. Mr. Badawi was lucky in the sense that his flogging took place at the same time as the *Charlie Hebdo* atrocity and for that reason has gained some international focus. However, what happens when that focus is gone and this barbaric action continues? All we get from the European Union and from leaders in this country and elsewhere are expressions of concern or appeals to the governments in question, in this case the Saudi Government.

When the *Charlie Hebdo* atrocities occurred we had a much more vigorous response, including declarations of zero tolerance. To put it simply, we would not allow an embassy of ISIS to open in Dublin. However, the Saudi Arabian Embassy is allowed. They are beheading people week in week out, jailing journalists, flogging them and cutting people's hands and legs off. Yet we continue to treat them in the normal diplomatic manner. We continue to trade with them. There are no sanctions. There is not the same tone of unequivocal outrage we saw expressed in Paris. It was as if a war against extremism was declared in the aftermath of the *Charlie Hebdo* affairs, yet when atrocities just as bad or worse take place in countries with which we happen to do business, we are much more muted in our language and in the substance of our response.

Where are the sanctions? Where are the penalties? Where are the Government-organised protests over the behaviour of the Saudi Government or, for that matter, the outrageous attempt

by Israel to justify the killing of 17 journalists in Gaza? It sought to publicly justify this and called some of the journalist terrorists. Where is the consistency in our concern for human rights and freedom of expression and how is that going to be manifested?

Deputy Charles Flanagan: I wish to reiterate for the benefit of the Deputy and the House that the case to which the Deputy refers is clearly a cause for serious and deep concern. As I mentioned earlier, Ireland has always been to the fore internationally in raising issues of human rights and the Government's ongoing commitment to human rights is expressed in the recently published Irish foreign policy review. I invite the Deputy to read it.

With specific reference to Saudi Arabia, Ireland made two recommendations in its most recent review under the Human Rights Council review process. These were that Saudi Arabia would set a clear timeframe for the enactment and implementation of a law on associations which respects international human rights standards. This was noted by Saudi Arabia. Second, that Saudi Arabia would prohibit employees of government from requiring a guardian's permission to allow women to conduct official business, particularly in situations such as filing complaints for domestic violence. This was also accepted by Saudi Arabia.

I reiterate that this case is a matter of serious concern. Ireland will continue to express our concern through official channels. We will continue to closely monitor the situation in conjunction with our EU colleagues and it is our hope that this issue will be dealt with by the Saudi authorities, with particular reference to a pardon in respect of the offence. If the behaviour took place in this jurisdiction this would not be an offence by any manner or means. Further, if a full pardon is not forthcoming, we trust that the issue will be dealt with by way of severity of sentence. We believe the sentence, as currently handed down, is by no means in accordance with human rights standards.

Disabled Drivers and Passengers Scheme

Deputy Jack Wall: I thank the Minister for coming into the House to take this Topical Issue matter. I understand the procedure in respect of the application for a primary medical certificate, the appeal system and the possibility of a further appeal to the Office of the Ombudsman. I have no problem with this procedure and I know that each board do their assessments and appeals according to the rules and guidelines as laid out. The problem is that the guidelines are too severe and they act as a deterrent to applicants who are seeking to develop their independence to the point where they can move out of the family home, to a rural setting or even further afield, by being able to purchase a properly designed car that suits their needs.

The rules state an applicant must be completely or almost completely without the use of both legs, or completely without the use of one of his or her legs and almost completely without the use of the other leg to the extent that he or she is severely restricted as regards movement in his or her legs, or without both hands or both arms, or without one or both legs, or completely or almost completely without the use of both hands or arms and completely or almost completely without the use of one leg, or have the medical condition of dwarfism and serious difficulties of movement of the legs. A case in point that has further raised my concern is that of a constituent who very sadly had a bad stroke at the very early age of eight years. This caused great concern for his family and despite a huge commitment that saw the family travel to the UK, the US and other countries, their son never regained the use of his arm and hand. Thus from eight years of age, he had to learn to write, eat and dress himself and so forth without that arm and hand.

While he sought to move on in life - he has been very successful in this regard through the use of computers and so forth - he cannot get any assistance under this scheme. He underwent the assessment and the appeal was unsuccessful. The next step was the Ombudsman. I informed the family that it would be a fruitless exercise. I said this with the best of intentions and it was not a slight on the office. However, I believe that because the applicant was assessed rightly on both occasions, the office would not and could not change the decision.

Can the guidelines be re-investigated to determine if they are still fit for their purpose? Do the number of refusals far outweigh the number of acceptances for applications for the certificate? Does this raise enough concerns to ensure a review of the system? During the years I have been in this House, the successful percentage has been very small and probably less than 5%. This is a very high refusal rate. I ask that a review be undertaken. If the regulations and guidelines stand up to scrutiny that would be acceptable. At least applicants will know that the guidelines had been reviewed and updated. If it is the case that the guidelines stand up to scrutiny, people will accept that. At the moment it is a frustrating and very difficult time for those who make the application in good faith. They go to the investigation stage and are turned down. When they appeal, in most instances they also fail because they do not qualify under the very difficult and strict guidelines which apply.

4 o'clock

However, in almost every case that has come to my attention the feedback suggests the appeals board simply recommends that the person in question go to a local Deputy, Senator or other public representative to see whether something can be done about the guidelines. In the light of this I call on the Minister to see whether the guidelines could be reviewed with a view to ensuring people like the person in question will have an opportunity to move on in life.

Minister for Finance (Deputy Michael Noonan): I thank the Deputy for raising this matter. As he will be aware, the primary medical certificate is required to access the disabled drivers and disabled passengers scheme. An applicant must satisfy one of six medical criteria to receive a primary medical certificate.

I will set out a brief description of the scheme, as it stands. It provides relief from vehicle registration tax and VAT on the purchase of a specially adapted vehicle, assistance with fuel costs relating to the running costs of the vehicle and an exemption from motor tax for drivers and passengers with disabilities who fulfil the medical criteria required to qualify for the scheme.

The primary legislation authorising the making of regulations providing for tax concessions for disabled drivers and passengers is contained in section 92 of the Finance Act 1989. The regulations introduced subsequently to govern the scheme, including the eligibility criteria, are contained in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

To qualify for the scheme an applicant must have a permanent and severe physical disability within the terms of the regulations and, as stated, satisfy one of the six qualifying criteria outlined in the regulations. The senior medical officer of the relevant local Health Service Executive administrative area makes a professional clinical determination on whether an individual applicant satisfies the medical criteria. A successful applicant is provided with a primary medical certificate which is required under the regulations to claim the reliefs provided for under the

scheme.

An unsuccessful applicant can appeal the decision of the senior medical officer to the Disabled Drivers Medical Board of Appeal which makes a new clinical determination in respect of the individual concerned. The regulations mandate that the medical board of appeal is independent in the exercise of its functions to ensure the integrity of its clinical determinations. After six months a citizen may reapply if there has been a deterioration in his or her condition.

The six qualifying criteria are necessarily strict and precise. To qualify an applicant must be wholly or almost wholly without the use of both legs; be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted in movement of the lower limbs; be without both hands or both arms; be without one or both legs; be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; or have the medical condition of dwarfism and serious difficulties in movement of the lower limbs.

The scheme and qualifying criteria were designed specifically for those with severe physical disabilities. My Department frequently receives correspondence from applicants who do not meet the qualifying criteria but believe they could benefit from the scheme. While I have great sympathy with those who do not qualify, given the scale and scope of the scheme, I cannot expand it further within the current context of constrained resources.

The scheme represents a significant tax expenditure. Between the vehicle registration tax and VAT forgone and the assistance with fuel costs used by members of the scheme, provisional figures indicate that it represented a cost of €48.6 million to the Exchequer in 2014, an increase of €5.1 million on the 2013 cost. This figure does not include the revenue forgone to the local government fund in the respect of the relief from motor tax provided for members of the scheme. There were 4,936 claims for vehicle registration tax and VAT relief and 12,338 claims for the repayment of excise on fuel under the scheme in 2014.

I recognise that the scheme plays an important role in expanding the mobility of citizens with disabilities. I have managed to maintain the relief at current levels throughout the crisis and despite the requirement for significant fiscal consolidation. As such, while I recognise the Deputy's position, given the still challenging fiscal environment, I have no plans to expand the medical criteria beyond the six provided for in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

Deputy Jack Wall: Obviously, I understand the fiscal position. However, the qualifying criteria are so strict that many people are being deprived of independent living, etc. because they cannot move from their homes. In many cases, they are financially unable to purchase a car because there are no incentives in place to do so. The Minister set out two figures. I am unsure whether they refer to successful or unsuccessful applicants and call on him to clarify the position. Time and again, all of the disability associations have made representations to me to the effect that the regulations are simply too strict. If the criteria were reviewed, those badly in need could find a way to meet them. Given some of the unsuccessful cases I have come across, I wonder who could possibly be successful. For over 23 years or as long as I have been working with the scheme, the number of successful cases has amounted to one or two at most. Will the Minister, please, examine the matter again to see what could be done? If a review still comes up with the same quantitative answer, we must accept it, but there really is a need to review the criteria from the perspective of those who find themselves in these circumstances. Will the

Minister indicate whether it is possible to do this?

Deputy Michael Noonan: As I said, it was only with difficulty and pressure from home and abroad that I was able to avoid reducing the benefits during the bad times we had come through. The figures I gave were for the numbers who had benefited from the scheme in 2014. I cannot give the Deputy a commitment that the scheme will be reviewed. However, we receive submissions from the organisations that have been in touch with the Deputy in advance of budgets and always review these matters. In the context of the next budget and as a matter of routine, we will be reviewing everything, but I am not making a commitment that there will be a change.

Bank Branch Closures

Deputy Barry Cowen: I imagine the Minister is well aware that Ferbane is a small town in west Offaly. For almost a century it has had a branch of Ulster Bank at its centre. Long before RBS took over Ulster Bank or it grew in size and strength the people of Ferbane supported their local branch of Ulster Bank. They kept their savings in it; they borrowed from it to build their homes and finance their children's education. Local businesses were given their first start by it and stayed with it. The people of Kilcormac and Shannonbridge who previously used sub-offices have also stood by the bank. They, too, gave credence to the commitment given by Ulster Bank not to close the branch in Ferbane.

Some 4,000 people have availed of branch services. Now, unfortunately, this history has been placed under a dark shadow by a corporate decision by executives based in the vast sprawling building on George's Quay in Dublin. For them, the struggles of a small midlands town can be reduced to an accountancy exercise. However, the real impact of the branch closure will not be felt on asset sheets at Ulster Bank's headquarters; rather, it will be felt on the streets of Ferbane and countless other rural towns in County Offaly and throughout Ireland where, unfortunately, many bank branches are dying. The plight of Ferbane and the disregard shown towards the town and rural Ireland by Ulster Bank reflect a broader attitude which I fear is evident in the way in which the Government treats rural affairs at times. The squeeze on small schools, the closure of 140 Garda stations, the threats to post offices and their contracts with Government Departments and the crippling burden of commercial rates are bleeding Irish towns dry. Fianna Fáil has highlighted these issues time and again. It is not as if we have remained on the sidelines; we have offered alternatives. I produced a document entitled Streets Ahead, which puts forward a road map by which Irish towns could be assisted in moving again.

The Government has continually failed to address the crux of the issue. What we are witnessing in the recovery that has been spoken about is the emergence of a fragile, two-tier recovery, where economic growth is confined to a few areas on the east coast and the larger cities while the rest of the country continues to suffer. We must ask ourselves if that is what we want for the country. Addressing the crisis which has been unfolding before our eyes like a slow-motion car crash must become a priority for the Government, businesses and corporates.

A situation emerged over the Christmas period at a shopping centre in Tullamore whereby the anchor tenant in the Church Road shopping centre, Dunnes Stores, opened its fire door onto the car park to allow customers easier access to the store, depriving other shops in the centre of valuable passing trade. It did so in defiance of the planning legislation that exists and the permission that was granted initially. That is just one example of the situation we are facing, when large businesses and corporates take advantage of their position and do not recognise the

community spirit and ethos of many rural towns.

I ask the Minister and Fine Gael to step up to the plate and confront this crisis. The banks also need to recognise their important social role. The people of this country, as the Minister knows only too well, have stood by the banks in the past. It is now time to repay the favour, irrespective of the fact that Ulster Bank was not one of the banks to benefit from the assistance mentioned earlier.

Tomorrow the people of Ferbane and its hinterland will march on the midlands headquarters of Ulster Bank in Athlone. That march will provide them with the opportunity to inspire other towns, and the Government hopefully, to stop the rot and try to breathe life back into rural communities. I hope the Government recognises this and that the Minister will use his good offices and influence to impress upon the CEO of Ulster Bank, Mr. Jim Brown, to meet representatives of the community. Those representatives have already met high-placed officials from the bank and appreciate those meetings and the efforts made to try to assist the community in terms of continuing to exist in the absence of banking facilities. It should not stop there, however. I implore the Minister to use his influence to ensure that the CEO meets the community and hears their concerns directly. They were given a commitment in the past, not only locally, but by way of the charter of RBS itself, which declared that the bank would not leave any town in which there was no other bank in operation. That commitment has been thrown out of the cot at this stage.

Deputy Michael Noonan: I thank the Deputy for raising this important topic. I am aware of the concerns of Deputy Cowen and other Deputies as Ulster Bank moves to implement the closure of a number of branches and sub offices around the country. Indeed, this was the subject of a previous topical issues debate last summer when the bank announced these closures. A number of representatives have been in contact with my officials about this important issue.

I must be very clear that this is a commercial and operational matter for the Ulster Bank, a wholly-owned subsidiary of the Royal Bank of Scotland group, and it would not be appropriate for me as Minister for Finance to become directly involved in the number of branches that the bank may decide to close or the selection of which branches are to close. That said, I fully understand the concerns of the bank's customers at the closures and the additional expenses that they will incur if they have to travel additional distances to avail of banking services. I also regret that there may be job losses involved. However, Ulster Bank has said that the redundancies will be volunteer-led and workers will be invited to redeploy to other areas within the bank.

As with other banks in Ireland reducing the number of branches, there are a variety of factors impacting on the selection of branches to close. In addition to income and costs, banks will also assess the level of usage of each branch and whether the premises are owned or leased in the decision making process. I should also point out that it has been public knowledge for quite a while that Ulster Bank is seeking to reduce costs across its network and that branch closures were on the cards. The bank had previously announced its intention to reduce its network and what is happening now is that a previously announced decision is being implemented. However, I also understand that Ulster Bank is in discussions with An Post in relation to a potential link-up to retain basic services in some locations. If this can be arranged, it would certainly be a positive development, ensuring that valuable financial services continue to be available at local level to personal customers and businesses.

Ulster Bank has said that it is reducing the number of branches in response to changing

customer behaviours, in particular the use of mobile and online banking. This will hopefully lessen the burden for many people. On a more general point, Royal Bank of Scotland has publicly committed to building on Ulster Bank's current position to make it a compelling challenger bank to the main domestic banks and focus firmly on the customer and I have previously welcomed this. The continued presence of a viable and active Ulster Bank in the Irish market will be important in fostering competition for banking services. It is vital that businesses and consumers have a range of banking options available when using financial services and accessing credit, all of which will become increasingly important as the economy recovers.

I have previously said that I expected that the restructuring of the banking sector in Ireland and the recovery of the economy will present opportunities for the entry of new market participants. We have also said that competition is central to a functioning financial services market. Royal Bank of Scotland's commitment to Ireland can be seen as a recognition of the recovery of the Irish economy and a vote of confidence in the opportunities that supporting this recovery offers to the providers of financial services. The Deputy may also be aware that KBC is opening a number of branches around the country and this is very much to be welcomed. I also welcome the fact that Ulster Bank confirmed that it currently has no further plans to reduce its branch numbers in 2015.

Deputy Barry Cowen: I thank the Minister for his attendance and his response. I join with the Minister in acknowledging the efforts of other Deputies in the House, particularly my constituency colleague, Deputy Marcella Corcoran Kennedy who has been to the forefront in seeking to address this issue in a manner favourable to the community. The Minister said that 14 branches are due to close, bringing the total number of closures to 26 or 27 since this process began. However, Ferbane is one of only two towns - Croom in Limerick being the other - which will have no other financial institution or bank remaining after the Ulster Bank closure. I am merely pointing out the commitment made by the parent company, RBS, that it would not leave any town without any banking facilities. I acknowledge that Ulster Bank is in negotiations with An Post with a view to providing banking facilities in those areas where its branches will close. However, I am also conscious that An Post in another location in Offaly is finding it very difficult to find a new provider to work on its behalf or to enter into a contract with it to provide financial services. One of the issues that has arisen is the size, scale and security requirements of any building, which must meet the guidelines as laid down by An Post. With the best will in the world, the facility that is currently available in Ferbane may not meet the criteria. I am conscious that Ulster Bank has been in the same location in Ferbane for a very long time - up to a century I believe. The building is the bank's own and is a fine premises, located in the heart of the community. That building may be of some use to the community if the worst happens and the branch is not retained.

The implementation of this process has not met with approval in the community in so far as it has not been given time to explore other options and ensure they are in place when the fateful day arrives and the bank closes its door. People in the locality have shown resilience, dedication and commitment. Having met other impediments in recent times, including the reconfiguration of Bord na Móna and closure of workshops in that realm, the community has emerged stronger and now has a development association that is second to none. Furthermore, local people, through their own fund-raising efforts, have established an industrial park and facilities for business start-ups. This initiative shows their dedication and commitment to their community and its hinterland. They have been assisted by the West Offaly Partnership and funding provided by Bord na Móna and the ESB.

Local people are not immune to change or challenges. They simply want fair play and a level playing pitch. They seek a meeting with the person with responsibility for overseeing Ulster Bank at his convenience and in his preferred location. They want to be sure in their own minds that their community has had a fair crack of the whip and wish to place on the table their sentiments, feelings, commitment, dedication, history and association with Ulster Bank. It is against that background and having made the same request to the Taoiseach previously that I ask the Minister to use his influence to impress upon the chief executive officer of Ulster Bank the need to meet representatives of the community and public representatives to allow such a discussion to take place. We will deal with the consequences thereafter. This is the only role the Government will play and the only offer of assistance it can provide given that Ulster Bank is a commercial entity in its own right, one which has not had the benefit of capital input by this Government or the previous Government. In recognising that, I also reiterate my earlier comment on the position facing Ferbane and similar towns in rural areas. The Government must be seen to be more proactive in seeking to assist such communities in re-emerging from the recent crisis in a better way. To this end, I ask the Minister to consider in earnest the document that was produced.

Deputy Michael Noonan: I again thank the Deputy for raising this issue. As with other banks on the island, Ulster Bank experienced insolvency problems. Its parent, the Royal Bank of Scotland Group, is under the regulatory control of the Bank of England rather than the Irish banking system. The bank had its problems and at one point some years ago, it looked as if it would pull out of Ireland completely. Such a scenario would have been a great loss, especially in the northern half of the country, both in Northern Ireland and the Republic of Ireland.

We had some dialogue, including with Mark Carney, the Governor of the Bank of England, and we got assurances that the Bank of England would support the continuation of Ulster Bank services on the island. Ulster Bank will continue to trade as a competitive bank in Northern Ireland and the Republic of Ireland. However, because it had the kind of problems with which we are very familiar in the other banks, it began to cut its cost base and, in doing so, decided to close some branches.

To give the Deputy the overall picture, in June 2014, Ulster Bank had 79 branches in Northern Ireland. This figure declined to 74 in December 2014 and it is projected to fall further to 64 by March 2015. Ulster Bank had 135 branches in the Republic of Ireland in June 2014. This figure declined to 125 in December 2014 and it is projected to fall to 111 in March 2015. Notwithstanding this, Ulster Bank remains a strong retail bank trading on the high street. Of its original 214 branches North and South, 199 remained in December 2014 and the bank hopes the figure will settle at 175 in March 2015, with no further closures after that date. The bank will maintain a strong network.

On the specific case of Ferbane, it is always difficult when a bank that traditionally provided services leaves an area. This is hard on customers, residents and individual businesses. I see the Deputy's point of view and I will respond to his request and the requests of other Deputies in his constituency by asking my officials once more to contact senior figures in Ulster Bank requesting that they engage with the community and, in particular, further explore whether Ulster Bank can enter into an arrangement with An Post to provide alternative services for the people of Ferbane and other towns from which it is withdrawing banking services. I again thank the Deputy for raising this important issue, which deserves to be highlighted.

The Dáil adjourned at 4.25 p.m. until 10 a.m. on Friday, 23 January 2015.