



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 10 Feabhra 2015

Tuesday, 10 February 2015

Chuaigh an Leas-Cheann Comhairle i gceannas ar 14.00 p.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

National Concert Hall

130. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht her plans for the National Concert Hall; her further plans to place it on a statutory footing; if the resignation of five members from its board in 2014 raised any issue of concern for her; and if she will make a statement on the matter. [5596/15]

Deputy Seán Ó Fearghaíl: The question simply seeks to ask the Minister her plans for the development of the National Concert Hall and the timescale for moving towards placing it on a statutory footing. It also seeks to explore with the Minister what has been learned from the resignation last year of a number of members of the board. Will their resignations have an impact on her as she constitutes the new board?

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): In February 2014, the Government approved my predecessor's proposal to place the National Concert Hall on a statutory footing. As a consequence, the Department has prepared the general scheme of a Bill, which has been the subject of pre-legislative scrutiny by the Oireachtas Committee on Environment, Culture and the Gaeltacht.

It is intended that the Bill will provide, *inter alia*, for a governance framework that ensures appropriate reporting and accounting to the Minister and the Oireachtas by the National Concert Hall. It is my intention to publish the National Concert Hall Bill in the coming weeks.

As the Deputy referred to in his question, a number of changes took place on the board of

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the National Concert Hall in 2014. At this point, I am satisfied that the board is focused on helping the National Concert Hall make the transition from a company to a statutory body, while maintaining the highest standards of musical performance for the enjoyment of the public.

Deputy Seán Ó Fearghail: I welcome the Minister's announcement that she will be bringing forward the legislation in the coming weeks. That is a positive development. Last year, in the aftermath of the resignation of five members of the National Concert Hall board, I raised a question with the Minister's predecessor in regard to those resignations and he responded:

There were disagreements among members who focused primarily on a fund-raising initiative in America at that particular time which, I understand, could have cost the National Concert Hall €1.5 million. What was thought to be a philanthropic arrangement resulted in a commercial arrangement. That just could not be allowed to happen, and it was not allowed to happen either by myself or by the board. Members were not happy with that arrangement and as a result they stepped down because of it.

The then Minister gave a clear understanding to the House on that occasion that the five people who resigned were the same people who had been advocating this supposed philanthropic arrangement with the US, which was not the case. Will the Minister accept that the Dáil was not given accurate information on that occasion?

Deputy Heather Humphreys: To refer specifically to the case the Deputy has asked about, this matter was primarily dealt with by my predecessor. The position is that, following advice from the Attorney General, the National Concert Hall was found not to have the power to embark on a proposed foundation project. The matter resulted in a dispute among board members with some of them resigning because they were opposed to the proposed project and, following the resignations, my predecessor requested the former Secretary General of the Department of Education and Skills to undertake a governance review at the National Concert Hall. The review is now complete and this has been placed on the website.

The National Concert Hall Bill is at an advanced stage and I expect to publish it in the coming weeks. It will put the National Concert Hall on a statutory footing. It will provide for clear accountability to the Minister and the Oireachtas and it will address and update the governance structures.

My focus is on the future. I accept that there were problems in the past. I am satisfied that we are ready to move on. The National Concert Hall is doing very well. Its visitor numbers have been very good for the past year - they have increased. There is a big development in terms of the Kevin Barry Room and the front of the National Concert Hall will be developed as well. I am pleased to say that it will have a significant role in the hosting of the events for the 1916 commemorations. My focus is on the future of the National Concert Hall and the huge contribution it continues to make to Irish society.

Deputy Seán Ó Fearghail: I welcome what the Minister has said, but there is a significant difference in what she said and what her predecessor said. Will she accept on the record of the House that her predecessor, if he did not mislead the Dáil or give us significantly inaccurate information, certainly did not give us information that was accurate? What could have been understood from what he said on the previous occasion was that the people who resigned did so because they had been advocating this arrangement with the US when the reality was, as the current Minister has correctly said, they were the people who opposed this arrangement. They

were the people who caused the then Minister to get advice on the matter from the Attorney General but some of the people who advocated that approach, which the then Minister, Deputy Deenihan, indicated could have cost the National Concert Hall €1.5 million, and which was advised against subsequently by the Attorney General, are still members of the National Concert Hall board. People with a concern about this issue would be concerned lest those people would in the future become members of the statutory board given their history on this matter.

Deputy Heather Humphreys: I presume the debate to which the Deputy is referring is that of 7 May when the National Concert Hall was the matter of a Topical Issue debate. In that debate the then Minister stated:

At this stage, the reason for the disagreement has been outlined in various Sunday and weekday newspapers, so it is fairly well known. There were disagreements among members which focused primarily on a fund-raising initiative in America at that particular time which, I understand, could have cost the National Concert Hall €1.5 million. What was thought to be a philanthropic arrangement resulted in a commercial arrangement. That just could not be allowed to happen, and it was not allowed to happen either by myself or by the board. Members were not happy with that arrangement and as a result they stepped down because of it. That will not happen now.

I have the transcript of what was said.

As I said, I want to focus on the future of the National Concert Hall. I do not want to get into who said what. The idea is that the National Concert Hall will be on a statutory footing. I do not think anybody disagrees with the idea of making it a statutory body. The details will be addressed as we bring the Bill through the Oireachtas. Good consultation will take place and there has been engagement with the concert hall. It has been through pre-legislative scrutiny with the committee. The Bill is moving forward and it is my priority to bring it before the House as soon as possible.

Waterways Issues

131. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Heritage and the Gaeltacht the position on the development of the Ulster canal, in view of the fact that the Department of Culture, Arts and Leisure in the North is awaiting approval from this State to proceed with works on the first phase of the project, which would restore the line of the canal as far as Castle Saunderson at a cost of approximately €2 to €2.5 million, with the Department of Culture, Arts and Leisure in the North meeting 100% of the capital cost; and the reason there has been such a delay in granting the approval necessary for preliminary works to commence. [5515/15]

Deputy Aengus Ó Snodaigh: My question is to find out the reason for the delay in progressing approval for the works on the first stage of the restoration programme for the Lough Erne to Clones stretch of the Ulster Canal, which is to be done at no cost to this State. I ask why we are now awaiting the grant for the first phase.

Deputy Heather Humphreys: At the outset, I should make it clear to the Deputy that, contrary to the suggestion in his question, the Department of Culture, Arts and Leisure in Northern Ireland is neither awaiting approval for, nor proposing to meet, the capital cost of the first phase of the Ulster Canal project. The facts are that in July 2007 the North-South Ministerial

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Council agreed to a proposal with the then Irish Government to proceed with the restoration of the Ulster Canal between Clones and Upper Lough Erne and, in that context, the Government agreed to cover the full capital costs of the project, estimated at that time to be of the order of €35 million.

Planning approval for the project has been secured from the relevant authorities in the two jurisdictions - namely, Cavan County Council, what was Clones Town Council, Monaghan County Council and the Northern Ireland planning service. An updated business case was recently completed for my Department, and options for progressing the project within the current fiscal constraints are being explored. This includes the option of enabling access from Upper Lough Erne to the International Scout Centre at Castle Saunderson near Belturbet in County Cavan at an estimated cost of some €2.5 million, including VAT as appropriate. I hope to be in a position to bring the matter forward for further consideration by the Government in the coming weeks.

Deputy Aengus Ó Snodaigh: I thank the Minister for the clarification and correction of what was stated in my question. However, that does not deal with why we are still awaiting physical progress on a decision that was taken in 2007 - that is, the proposal to reopen the Lough Erne to Clones section of what was a 73 km canal that went from Lough Erne to Lough Neagh. The project has potential in terms of the development of tourism and leisure activities, not just in Cavan and Monaghan but also in Fermanagh, Tyrone and Armagh, an area that has often been starved of funding and tourism. How quickly can we see progress on the section to Castle Saunderson, if it is to proceed? What about the overall proposal to deliver a restored canal to Clones?

Deputy Heather Humphreys: I want to assure the Deputy that I am very familiar with this project, especially given the fact that it is in my constituency. My predecessor, Deputy Deenihan, did a lot of work on progressing this important proposal and I consider this project to be a priority for me. Planning approvals have been received for the project from the relevant authorities, as I said, in both jurisdictions. An updated business case will be completed very shortly. I hope to bring the matter to the Cabinet in the coming weeks. I have had a number of discussions with my counterpart in Northern Ireland, Ms Carál Ní Chuilín, MLA, the Northern Ireland Minister for Culture, Arts and Leisure. We both want very much to progress this project, because it is so important to the area that work on the canal be started. The first phase is to Castle Saunderson.

Genealogical Services

132. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht her plans, once access to the records and indexes in the Government Records Office, GRO, is made available at www.irishgenealogy.ie, to provide free access, without charge, to these records and indexes, just as records currently accessible at the site are; what the fee regime will be if not; if she will acknowledge that the introduction of a fee for access to full records would present a serious impediment to the accessible, open nature of the site; and if she will make a statement on the matter. [5598/15]

Deputy Catherine Murphy: I have asked questions about this before and I just wanted to expand on it. What will be the format when the records from the General Register Office, GRO, are placed on the www.irishgenealogy.ie website? Will the records be pay-per-view or will they

remain as the genealogy website is now, which is free to view? Has a decision been made?

Deputy Heather Humphreys: The website *www.irishgenealogy.ie* operates under the auspices of my Department. The national genealogy policy was approved by the Government in December 2012 and my Department has been engaged in its implementation since that time. The aim of the policy is to help bring coherence to the area, particularly for persons with no genealogical research experience. At present, no charges are levied for accessing the information available on the *www.irishgenealogy.ie* website and I have no plans to introduce a fee regime when the GRO records and indexes are made available.

Deputy Catherine Murphy: That is a change from the current position, as there is a charge if somebody goes to the research room on Werburgh Street. If it remains the case, it is a very welcome development. That would contrast with Northern Ireland, where there are charges. I can take that as the decision on the approach. When is it likely that the records - as opposed to the indexes, which have seen problems - will be put online? Will they be put up incrementally, with births, marriages and deaths being dealt with separately? It may be possible to have an incremental approach if all the records are not available at the same time.

Deputy Heather Humphreys: There was an issue with the data, as the Deputy knows, where the register entries include complete information on a life event, as one would expect to see in a copy of a birth, death or marriage certificate.

Online availability of historical register data through *www.irishgenealogy.ie* is provided for in section 27 of the Civil Registration (Amendment) Act 2014. The provision relating to the historical register entries, along with the bulk of the Bill, will be the subject of a commencement order by the Minister for Social Protection in 2015. Section 17 amends section 61 of the Civil Registration Act 2004 and provides for public access via the above portal to register entries in respect of births more than 100 years ago, marriages more than 75 years ago and deaths more than 50 years ago. Currently, a member of the public cannot search the register but may apply to the register general, a superintendent register, a register or an authorised officer to search the registers on his or her behalf. The provisions in the 2014 Act will allow a member of the public to search these historical registers online for the first time. I do not know if that addresses the Deputy's question.

Deputy Catherine Murphy: Will the entire collection of records go online at the same time, or will it be an incremental process? I know there is some work to be done with one of the sets, but some are pretty much ready to roll at this stage. Is it intended to do this as each set becomes available? Has a decision been made?

Deputy Heather Humphreys: I am not sure of the answer to that. I would expect it to be on an incremental basis, but I will revert to the Deputy on the timeframe involved.

Seirbhísí Oileán

133. D'fhiafraigh **Deputy Michael P. Kitt** den Aire Ealaíon, Oidhreacht agus Gaeltachta cad iad na polasaithe atá aici mar gheall ar chúrsaí farantóireacht agus cúrsaí taistil go dtí na hoileáin Ghaeltachta, go hairithe Inis Bó Finne; agus an ndéanfaidh sí ráiteas ina thaobh. [5597/15]

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Deputy Michael P. Kitt: Fáiltím roimh an Aire. Bhí ceist agam cúpla mí ó shin faoi thais-teal go dtí na hOileáin Árann agus go hInis Bó Finne. Ba mhaith liom fáil amach cén chaoi a bhfuil an tais-teal sin ag dul ar aghaidh agus go háirithe faoi Inis Bó Finne mar gheall ar an méid airgid a chaitear gach bliain, €20,020 gach bliain do na aer-stráichéis ar Inis Bó Finne agus sa Chloigeann, i gContae na Gaillimhe. Cén dul ar aghaidh atá ann ó chur mé an cheist cúpla mí ó shin?

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): Tá sé mar pholasaí ag mo Roinn tacú le seirbhísí iompair, atá sábháilte agus rialta, do na hoileáin a bhfuil daonra buan orthu, lena n-áirítear oileáin Ghaeltachta. Tacaíonn na seirbhísí iompair seo - idir seirbhísí farantóireachta, aeir agus lastais - le forbairt inbhuanaithe na n-oileán. Maoiníonn mo Roinn seirbhísí iompair a fhreastalaíonn ar 16 oileán, lena n-áirítear oileáin Ghaeltachta, faoi 24 chomhaontú éagsúil. Chomh maith leis sin, bíonn cúnamh áirithe ar fáil ó mo Roinn, trí na húdaráis áitiúla ábhartha, d'oibreacha chun uasghrádú a dhéanamh ar infreastruchtúr rochtana ar na hoileáin féin nó ar infreastruchtúr ar an móirthír chun freastal ar na hoileáin.

Ní miste a rá go bhfuil mé sásta go mbeidh an soláthar céanna de €5.9m ar fáil do mo Roinn in 2015 le haghaidh seirbhísí iompair do na hoileáin. Chomh maith leis sin, beidh soláthar de €644,000 ar fáil do mo Roinn in 2015 le caitheamh ar chothabháil infreastruchtúir ar na hoileáin.

Maidir le hInis Bó Finne i gContae na Gaillimhe, cuireann mo Roinn seirbhís iompair farantóireachta agus seirbhís lastais ar fáil faoi fhóirdheontais don oileán. Tháinig conradh nua farantóireachta do phaisinéirí, a mhairfidh cúig bliana, i bhfeidhm ar 1 Eanáir 2015. Faoi gconradh seo, cuirtear 14 seoladh fillte in aghaidh na seachtaine ar fáil don oileán. I gcás seirbhís lastais, cuirtear dhá sheoladh hastais ar fáil don oileán go seachtainiúil.

Deputy Michael P. Kitt: Tá an tAire Stáit ag labhairt faoi chonradh mar gheall ar aerseirbhís do na hOileáin Árann agus tá sé sin an-tábhachtach, go háirithe mar go bhfuil muintir na hoileán ag súil anois leis an samhradh agus go mbeidh turasóirí ag teacht go dtí na hoileáin. Táim ag caint freisin faoi chúrsaí oideachais agus scoláirí ag dul ar scoil, go háirithe cúrsaí gnó ar na hoileáin agus freisin córas taistil do dhaoine atá tinn nó daoine atá orthu dul go dtí na hospidéal. An bhfuil an tAire Stáit sásta go bhfuil an conradh sin deimhnithe anois sna míosa agus na blianta atá amach romhainn chun seirbhís aeir agus farantóireachta a chur ar fáil?

Deputy Joe McHugh: Chur an Teachta ceist faoi gach oileán, oileáin na Gaeltachta agus na hoileáin lasmuigh den Ghaeltacht, Inis Bó Finne, mar shampla. Mar atá a fhios aige, tá seirbhís fíor-mhaith ann. Chuaigh mé go dtí Inis Oircín, agus Oileán Thóraí i mo cheantar féin. Bhí mé lasmuigh den oileán Árann Mór. Tá na seirbhísí seo iontach tábhachtach agus tá sár-obair ar siúl.

D'ardaigh an Teachta an cheist faoi sheirbhísí farantóireachta ar Inis Bó Finne. D'ardaigh an Teachta ceist maidir leis an aerstráiche fosta. Cuireadh tús leis an gconradh i mí Eanáir, mar a dúirt mé ag tús na díospóireachta inniu. Tá an conradh sin i bhfeidhm ón gcéad lá de mhí Eanáir an bhliain seo. Tá mé sásta leis an gconradh sin agus leis an tseirbhís atá ar fáil faoin seirbhís laistis fosta. Beidh cuid mór seoladh fillte ar fáil. Beidh 14 seoladh fillte ar fáil in aghaidh na seachtaine. Tá na seirbhísí seo fíor-thábhachtach do daoine atá i mbun oibre. Aontaím leis an Teachta maidir leis an méid a dúirt sé faoi sheirbhísí dochtúra agus sláinte agus a leithéid. Tá an ceangal idir na hoileáin - pé an oileán lasmuigh de cheantar Gaeltachta nó

laistigh atá i gceist - agus an mhórhír fíor-thábhachtach.

Deputy Michael P. Kitt: Tá sé an-tábhachtach go mbeadh an tseirbhís ar fáil ó thaobh cúrsaí ghnó, sláinte agus oideachais de. Níor thug an tAire Stáit freagra maidir leis an gcostas a bhaineann leis an tseirbhís fé láthair. Sin costas €120,000 gach bliain don aerstráiche ar Inis Bó Finne. An bhfuil aon dóchas ag an Aire Stáit go mbeidh aersheirbhís ar fáil go dtí Inis Bó Finne? An bhfuil an tAire Stáit sásta an chonradh a bhaineann le hOileáin Árainn a shíniú, an tseirbhís sin a choinneáil, feabhas a chur air agus an tseirbhís sin a chur ar fáil go fad-téarmach? Tá inní ar a lán daoine nach mbeidh na seirbhísí sin ar fáil amach anseo.

Deputy Joe McHugh: Tá mé sásta le hachan seirbhís atá á chur ar fáil. Maidir le Inis Bó Finne, ní bhaineann an infheistíocht leis an aerstráiche idir Clifden agus Cleggan. Tá cinneadh le déanamh agamsa. Níl an cinneadh maidir leis an aerstráiche déanta. Táimse freagrach as an gcinneadh mór. Bhí comhrá agus díospóireacht ann idir na páirtithe leasmhara éagsúla maidir leis an aerstráiche idir Clifden agus Inis Bó Finne, ach níl an cinneadh déanta fós. Is mise an tAire Stáit atá freagrach as an gcinneadh sin. Muna bhfuil cinneadh ar fáil, beidh mé i dteagmháil leis an Teachta. Má tá eolas breise ag an Teachta maidir leis na tograí seo, táim sásta éisteacht leis an Teachta maidir leis sin agus má tá eolas breise ar fáil ón Roinn, cuirfidh mé an eolas sin ar fáil don Teachta.

National Cultural Institutions

134. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide details of how the recently announced extra €2 million funding for the national cultural institutions is to be distributed; the basis on which the formula for distributing the funds was agreed; if need assessments have been carried out; if so, if she will publish the findings and details of the specific needs being targeted; and if she will make a statement on the matter. [5600/15]

Deputy Catherine Murphy: This question relates to the extra €2 million which has been allocated to the national cultural institutions and how it is broken down between the various institutions.

Deputy Heather Humphreys: I was very pleased, at the conclusion of the recent Estimates processes, not only to have ensured there would be no reduction in funding for the arts and culture areas of my Department for 2015, but also to have secured an additional €2 million in funding for the national cultural institutions. All of these institutions have unavoidably taken reductions in their allocations in recent years, as the Government worked to re-balance the public finances. The institutions are to be commended on their commitment in continuing to provide excellent services to the public and to protect our national collections, notwithstanding the reduced resources available to them during this time. The additional allocation to each institution for 2015 was determined, having regard to the specific needs and issues identified by my Department as part of an ongoing consultation with the individual institutions, as well as the overall level of funding available. Accordingly, I decided to make the following additional allocations for 2015: some €650,000 for the National Museum to assist with the cost of pay, storage, utilities and education initiatives; €600,000 for the National Library towards the cost of keeping the National Photographic Archive open, maintaining opening hours at the library generally and security; some €100,000 for the National Archives towards operational costs and commemorative projects; some €100,000 for the National Gallery towards the costs

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of its exhibition programme for 2015; some €100,000 for the National Concert Hall to support its development office and education and outreach programme; some €100,000 for the Irish Museum of Modern Art towards the costs of its commemorative programme; some €100,000 for the Chester Beatty Library towards its staffing and operational costs; and some €100,000 for the Crawford Art Gallery towards its staffing costs and exhibition and commemorations programmes. A contingency of €150,000 was retained and will be available to meet specific needs that may arise during the year.

Deputy Catherine Murphy: Has the Minister undertaken an assessment of what is needed in the various institutions? The Department of Arts, Heritage and the Gaeltacht has experienced greater cuts than any other Department. It has had to contend with cuts of approximately 40%. We know from the breakdown the Minister has given us that money has been provided for very basic aspects of the Department's activity. Major institutions like the National Museum and the National Library have expressed concern about their ability to keep their doors open. While it is welcome that an additional sum of money was allocated this year, it is fairly small in the context of the number of outlets we are talking about here. Some of it relates to the commemorative programme as well. It is a one-off kind of thing. Has an assessment of the protection of the national collections been done? What is the minimum that would be needed for the cultural institutions to function properly? We know that there are 70,000 uncatalogued boxes of records in the National Archives and that just 1% of the collections in the National Library are conserved to international standards. Given that the literary background in this country would be the envy of many other countries, it is absolutely essential for these collections to be protected. Has the Minister done an assessment of the minimum that should be done to reverse what has been done and put these institutions onto the kind of platform they should be on? If not, does she intend to do so?

Deputy Heather Humphreys: I reiterate that I am very pleased that there were no cuts or reductions in the funding provided for arts and culture. The provision of an additional €2 million in funding for the national cultural institutions, which was welcomed by all those institutions, arrested all the cuts that unfortunately had to take place. I accept that the cuts made since 2008 averaged between 37% and 40%. It was not easy for the cultural institutions. I commend them on working within very difficult financial constraints. With regard to the method of allocating funding, I knew what the cultural institutions were asking for and I knew what the allocation was. I was keen to ensure all the institutions benefitted in some way. There were some particularly acute cases, including the National Museum and the National Library. I wanted to ensure all the cultural institutions benefitted. I want the House to be aware that all this was part of an ongoing discussion with the cultural institutions. We meet them on a regular basis and we work with them individually. In each case, the funding was provided to address specific needs. In terms of their directors and boards, there is ongoing assessment. Not only is there contact at budget time with all of the cultural institutions regarding their plans and needs, but also throughout the year.

Deputy Catherine Murphy: I welcome the extra money, but the Minister will acknowledge that it is small in the overall scheme and has come on the back of the National Museum's mention of needing to charge an entry fee or restricting the hours it is open to the public. Contrast this with the policy positions taken on, for example, attracting tourists to Ireland via a reduction in VAT. It seems that the Government would have accrued as much of a return with a lesser reduction and a greater investment in those institutions that have a high level of engagement with the public, for example, the National Library and the National Museum. Is there an

overall plan to get from A to Z and bring them back up to standard within a certain number of years or will the approach taken just be from one budget to the next?

Deputy Heather Humphreys: No. We are in constant discussion with the cultural institutions and there are plans. For example, I have discussed with the National Museum its plans for storage facilities and the National Gallery is undertaking considerable renovations. I visited the latter last week. The work that has been done is fantastic.

Each institution works closely with my Department. Their chairs meet us and put to me their plans, which we then work around. There is a budget for capital projects, for example, the works being undertaken at the gallery and elsewhere. I hope I have answered the Deputy's question.

Other Questions

Invasive Plant Species

135. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Heritage and the Gaeltacht in respect of the amount of the €500,000 spent on *Rhododendron ponticum* since 2009, the amount spent on contractors; the amount spent on voluntary work camps; and the amount spent on clearance between 2004 and 2009. [5519/15]

Deputy Aengus Ó Snodaigh: If I could only find my question.

Acting Chairman (Deputy Liam Twomey): It relates to the €500,000 spent on *Rhododendron ponticum*.

Deputy Aengus Ó Snodaigh: The invasive species that is attacking our native woodlands, particularly in our national parks. Is there a more effective way of using that money?

Deputy Heather Humphreys: My Department carries out an annual targeted programme of works to manage the spread of the invasive species *rhododendron* in Killarney National Park. The extent of the problem varies from area to area within the park and the programme and control methods used are regularly reviewed and refined to respond to the dynamic and vigorous nature of the plant in order to mitigate its impact. While a wide range of control methods are considered for this purpose, those chosen are generally selected on the basis of optimum effectiveness, having regard to the most efficient use of available resources. Despite the challenging budgetary constraints of recent years, my Department continues to commit a significant portion of its available funding towards this important programme.

Deputy McLellan previously requested a breakdown of certain expenditure in respect of this work. I appreciate her forbearance while my staff have collated the relevant historical data, much of which predates the formation of my Department in 2011. I should clarify that the sum of €500,000 referred to in the question relates to the period since 2011 only.

As advised by letter to Deputy McLellan last week, my Department has expended €898,590 in total on the programme since 2009, broken down as follows: €819,633 on external contractors; €55,206 on costs associated with volunteer work camps; and €23,751 on related supplies,

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equipment etc. used by volunteers and Department staff in the clearance programme.

Between 2005 and 2008, a total of just over €1.9 million was spent on contract work on the programme. While precise figures are not available for this period for costs associated with volunteer work camps or supplies, it is estimated that these costs were of the order of €20,000 per annum and €5,000 per annum, respectively.

The work involved is arduous and resource intensive, and is carried out by outside specialist companies, Department staff and by volunteer groups under staff direction and supervision. In this regard, I would like to recognise the important contribution, both past and continuing, of volunteer groups to this work, and also the innovative work of my own Department's staff in Killarney National Park, who have been instrumental in developing new methods to control this plant.

Deputy Aengus Ó Snodaigh: I thank the Minister. Her reply points to the fact that contractors receive a substantially greater amount of money than those in the voluntary work camps. The latter group has been most successful in clearing much of the Killarney National Park of rhododendron for a period.

Is the Minister aware that Groundwork, the group that carried out many of the voluntary work camps, has revisited the matter? Those work camps have not been on for three years due to a change in the Department away from funding the camps to funding private contractors. Groundwork's representatives have retraced their steps and revisited some of these sites in Killarney National Park. They have found that rhododendron has now spread back into those areas because the work they did was not continued and maintained. That shows that the money being spent at present is not cost-effective and does not prevent rhododendron from recurring, unless the clearance work is undertaken year after year.

It does not just concern Killarney National Park because other areas also require such an approach, rather than depending only on the National Parks and Wildlife Service.

Deputy Heather Humphreys: In Killarney National Park the Department continues to avail of the work of volunteer services. Four to eight volunteers are constantly available throughout the year to carry out work under the supervision and direction of regional staff. These are usually volunteers from universities abroad who carry out this work as a component of their university course.

In recent years, there has been a shift towards specialist companies for a number of reasons. In some cases the rhododendron management takes place in remote places and it would not be appropriate for volunteers to go to these locations. In other cases, the use of contractors was considered to be the fastest, most efficient and most cost-effective method to undertake clearance work.

The working relationship between the National Parks and Wildlife Service and Groundwork came to an end - in so far as the on-site work camps are concerned - in 2009 when Groundwork declined to cooperate with the National Parks and Wildlife Service's prescribed Rhododendron management programme. I understand that Groundwork did not agree with the National Parks and Wildlife Service's prescribed methodologies. Groundwork wanted to continue with the use of massive and systematic work-throughs of woodlands with a large number of volunteers, as opposed to Killarney National Parks management methods involving stem treatments, including non-herbicidal methodologies.

Deputy Aengus Ó Snodaigh: The Department needs to consider whether the National Parks and Wildlife Service's use of contractors is having the same systematic effect as the work done by the Groundwork volunteers to whom I refer. In a previous reply, the Minister referred to the adopt a woodland scheme. That scheme might represent the way forward in order that Groundwork or other voluntary organisations might play a role in trying to reinstate the flora and vegetation of the habitats to which I refer. Is the Minister in a position to confirm that she will outline fully in the future how the adopt a woodland scheme will work? Will she also indicate how the volunteers are going to be managed and who will be responsible for ensuring that their work, whether being done in remote locations or otherwise, will continue to have the desired effect?

Deputy Heather Humphreys: The National Parks and Wildlife Service has always acknowledged the significant contribution made by Groundwork volunteers over many years. The Deputy referred to the adopt a woodland project in Killarney National Park, which is designed to assist with the control of rhododendron in the park. The project will harness additional assistance from volunteer groups to augment the resources already being applied in respect of the ongoing control and management programme. The targeted woodland at a number of designated sites has been cleared of the mature rhododendron, and maintenance work has been carried out over a period of years to remove seedlings and saplings. The sites to which I refer will require ongoing, low-level maintenance work for many years to come, and they will remain the target locations for the adopt a woodland project. The project has the joint aims of assisting in the work to control rhododendron in Killarney National Park and involving the local community. It will commence in 2015. Procedures and conditions are being elaborated. It should be noted that this project will represent a supplementary element to the overall control programme and is not in any way intended to displace the ongoing core rhododendron work.

Heritage Centres

136. **Deputy Seán Ó Fearghail** asked the Minister for Arts, Heritage and the Gaeltacht the discussions she has had with regard to the development of the Bank of Ireland building on College Green, Dublin 2; and if she will make a statement on the matter. [5528/15]

Deputy Seán Ó Fearghail: In April of last year, the Minister's predecessor informed me that he had agreed that the Bank of Ireland building on College Green would be developed as a cultural and heritage centre. The aim behind Question No. 136 is to explore with the Minister the progress that has been made with regard to the planning for that development in the interim. Last April, her predecessor's plans were quite sketchy but he did indicate that this cultural and heritage centre would be developed in the context of the decade of centenaries.

Deputy Heather Humphreys: In February 2014, an announcement was made in respect of a partnership between the State and the Bank of Ireland, which will result in the creation of a new cultural and heritage centre at the bank's College Green building, the former Parliament House. Bank of Ireland has made the space available for this centre to the State for a ten-year period and will cover the agreed refurbishment and operational costs that arise. My Department, in partnership with the bank, will manage, operate and animate the space for this period. When open for use, the cultural and heritage centre will be accessed by the public via the Gandon-designed entrance to the College Green buildings on Westmoreland Street. Since the announcement in February 2014, my Department has been liaising with the bank in identifying

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the scope of works necessary to convert the space in question to cultural and heritage use. The bank will be applying to Dublin City Council for planning permission for these works. At this stage, it is anticipated that the centre will be ready for use by cultural bodies in 2016, subject to grant of planning permission as applicable.

The ten-year licence for use of the cultural and heritage centre, to be executed between the bank and my Department, will overlap with the decade of centenaries. It is envisaged, therefore, that exhibitions at the centre will include a focus on key events in Irish history up to the centenary of the Civil War which led to the creation of modern Ireland.

Deputy Seán Ó Fearghail: I thank the Minister for the update she provided. I would be interested in discovering what is meant by her proposal to “animate the space”. Perhaps she might indicate the type of events that are likely to take place at the centre. One assumes that if planning permission is being prepared for Dublin City Council, planning for the overall use of the space is at a fairly advanced stage. Therefore, could the Minister be a little more specific on what sorts of event will take place there?

Could the Minister tell us what is envisaged for ten years down the line? Will the building simply revert to being a Bank of Ireland building or will it continue to be used for cultural and heritage purposes? I imagine that many people will appreciate the project’s development if it is carried out well and would be reluctant to see it put to another use, if that is to be the case.

Deputy Heather Humphreys: To answer the last question first, it is currently a ten-year partnership. I am sure this can be re-examined when the ten years are up. We will leave that for now.

We are working to make progress on the project as a priority. Expressions of interest for the use of the facility were invited through public advertisement on my Department’s website. Those expressions have been considered by an assessment panel, and I intend to announce the successful applicant in the near future.

The bank is applying to Dublin City Council for planning permission for works to convert the building into a culture and heritage centre. It is anticipated that the building will be ready for use in 2016. The license arrangement had to be agreed, and this took some time as there was no precedent for it. A number of issues had to be addressed at the same time, such as planning permission and the restoration plan. It is an historic building and the project is close to being concluded.

Deputy Seán Ó Fearghail: I am still not sure what the Minister means when she says she is going to animate the place. That said, I have two very specific questions. One is on staffing and the other is on resourcing. Deputy Catherine Murphy has alluded to the difficulties that the other national cultural institutions face owing to ongoing funding pressures. We are well aware of these. Although the Department is entering a partnership arrangement with the Bank of Ireland, one assumes none the less that the Department will be incurring significant costs. What are those costs? Is the Minister prepared to publish the staffing and resources plan she has for this development, which plan is being prepared in parallel with the planning application? It will not run on fresh air; somebody will have to pay for it. Where will the money come from? Can the Minister assure us that the money will not be taken from other cash-strapped cultural institutions?

Deputy Heather Humphreys: This is a unique partnership involving the use of an historic

space. It takes time to get the legalities and other matters right. Therefore, I am not in a position to give the Deputy any further information on what is taking place, other than to say that the project was advertised, expressions of interest have been considered by the assessment panel, and I intend to announce the successful applicant in the near future.

Deputy Seán Ó Fearghail: What were the applicants interested in?

Deputy Heather Humphreys: The use of the facility.

Deputy Seán Ó Fearghail: For what?

Deputy Heather Humphreys: For what we are going to use it for in terms of what is going to be put in it. It is for the creation of a culture and heritage centre. I am sorry I cannot give the Deputy any further details. A few issues have yet to be resolved. The project is progressing well. As soon as I have the final details, I will be happy to let the Deputy know.

Arts Funding

137. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Heritage and the Gaeltacht the supports in place for aging artists in this State, once they have reached retirement age; and, in view of their valuable contribution to cultural life, if a system of assessment of lifetime earnings within the State will be developed with the aim of supporting those without financial security in old age. [5518/15]

Deputy Aengus Ó Snodaigh: I ask the Minister to consider the supports that are in place or need to be in place for aging artists in the State once they reach retirement age or are in ill health in later years, given their valued contribution to the cultural life of the State.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): The nature of employment within the arts sector encompasses a wide range of activities. It can include those engaged in the arts practice within specific artistic genres and can encompass areas that flow from such artistic pursuits. It may also embody the industrial creative sectors, including audiovisual production. Therefore, income and pension arrangements for artists can vary widely across the sector.

The Government appreciates the importance of the arts, culture and the creative industries to society and to the international artistic reputation of this country. Ireland has a reputation for being supportive of artists through the provision of the tax exemption for artists. I was particularly pleased that the Government introduced a 25% increase in the artists' tax exemption for 2015. This important measure recognises the invaluable contribution which arts and culture practitioners make here at home and abroad.

The feedback available to me indicates that artists very much welcome the increase in the exemption limits. The scheme ensures that Ireland continues to be a place where the work of artists is valued and where their place in society is assured.

Deputy Aengus Ó Snodaigh: We all have heard and have been told stories over the years of some of our most famous artists, creative thinkers, painters, actors, etc. dying in abject poverty and destitution. It is not an image of which Ireland should be proud. I seek that the Department would look at ways to ensure that there is some type of safety net to capture such artists when

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in ill health or infirm because of old age to help them through their ill health in order that they are not left destitute and in poverty. The Department should also look at ways to ensure that there is a mechanism to capture and recognise their lifelong contribution for pension and other purposes to ensure that they are appreciated, not only through their art but also in their lifetime.

Deputy Heather Humphreys: In addition to what I mentioned earlier, Aosdána, which was established in 1981, is a unique State initiative which honours artists whose work has made an outstanding contribution to the arts in Ireland. Membership of Aosdána, which is by peer nomination and election, is limited to 250 living artists who have produced a distinguished body of work. Members of Aosdána may avail under certain conditions of the Cnuas, a stipend which is designed to enable them to devote their energies fully to their work. A defined contribution pension scheme, to which the Arts Council also contributes, is in place for all members of Aosdána.

With regard to State pensions, I understand that artists can avail of such pensions subject to the standard eligibility conditions. Where a person does not meet the qualifying conditions for a contributory State pension, I understand that he or she may apply for the means-tested, non-contributory State pension.

There is merit in Deputy Ó Snodaigh's proposal to support artists who are off sick or unable to work due to illness. As the economy improves, that merits consideration.

Departmental Strategies

138. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht further to Question No. 621 of 18 December 2014, if her Department is now in a position to publish the finalised national landscape strategy; the expected timeframe towards implementation of the strategy; if it remains her opinion that no legislative changes will be required; and if she will make a statement on the matter. [5506/15]

Deputy Catherine Murphy: This relates to the national landscape strategy, a draft of which was produced in July of last year and which was opened to submissions until 18 September. When will the finalised landscape strategy be published?

Deputy Heather Humphreys: As I outlined in my reply to the Deputy's Question No. 621 of 18 December 2014, a draft national landscape strategy for Ireland 2015-2025 was approved by Government on 1 July last and subsequently screened for strategic environmental assessment and appropriate assessment. I expect to publish the national landscape strategy early this year. It remains my view that no legislation will be required at this stage to give effect to the objectives and actions of the strategy. Implementation will take place on a phased basis over the ten-year lifetime of the strategy.

Deputy Catherine Murphy: Were issues such as for example, wind farms, considered in the context of the landscape strategy?

3 o'clock

Will new measures need to be put in place to include communities? That dovetails with the Aarhus Convention, which requires meaningful engagement with communities when something is planned for an area. It is clear that it cannot just be a box-ticking exercise. It must be meaningful. In the first instance, when drawing up a landscape strategy it would be very im-

portant to know the right places and the wrong places to put things. I welcome the publication of the strategy early this year.

Deputy Heather Humphreys: The strategy is the first step to meeting our obligations under the European Landscape Convention adopted in 2000 and ratified by Ireland in 2002. The definition of landscape drawn up by the European Landscape Convention reflects the concept that landscapes evolve through time as a result of being acted upon by natural and human forces. It also underlines the fact that the landscape is composed of various elements that have to be taken together and not in isolation. The core objective of the strategy is to allow for the sustainable management of change and it is not about the freezing of the landscape at a particular point in its continuing evolution.

There are six core objectives derived from the European Landscape Convention: to recognise landscapes in law; to develop a national landscape character assessment; to develop landscape policies; to increase landscape awareness; to identify education and training needs; and to strengthen public participation. The strategy contains 19 related actions, one on implementation, four relating to planning, five dealing with public awareness and the remaining actions are related to education, training and research.

In response to the Deputy's question on the development of energy, transport or other infrastructure, the strategy is a policy framework which will inform and assist in the resolution of challenges arising from competing priorities when dealing with the landscape. A national landscape character assessment will be a critical first step in mapping the character and diversity of Ireland's landscapes, which will ensure a consistency of approach to landscapes at local planning authority and agency levels, in particular for neighbouring planning authorities sharing the same landscape and agencies whose functions affect the character of many landscapes.

Cultural Policy

139. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht her plans to publish a national cultural policy; and if she will make a statement on the matter. [5526/15]

Deputy Seán Ó Fearghaíl: The Minister and her predecessor have both committed themselves to the publication of the first ever national cultural policy. That is a positive and innovative move. The question seeks to provide the Minister with an opportunity to tell the House how she has progressed towards the eventual publication of the document. It was described as culture 2025. I assume we will not have to wait until 2025 before it is published.

Deputy Heather Humphreys: No, we certainly will not. We will publish it in 2015. I am committed to the delivery of the country's first ever national cultural policy - culture 2025. In this regard, I plan to initiate a wide-scale consultation process to ensure that all stakeholders and members of the public can make their views known. With that in mind, I have initiated some general discussion on issues around the process of developing the policy with a number of stakeholders, including the Council of National Cultural Institutions. A draft discussion paper is currently being finalised within my Department, having regard to those discussions, and I intend to publish it shortly. I look forward to substantive engagement with the arts and culture sector, the general public and other interested parties in the development of the new policy.

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As the Deputy indicated, this is the first time a cultural policy is being developed. We are breaking new ground. A draft document will shortly be available for consultation. I want as many people as possible to get involved in the consultation process. In drawing up the document, the Department has been in contact with a number of interested parties and we have taken soundings from the cultural institutions. I am very keen that as many people as possible will buy into it because it is a very important document. New Orleans has a document on the city as a cultural capital and the importance of culture to both the economy and the promotion of the arts in its communities.

Deputy Seán Ó Fearghail: I would probably be very impressed with what the Minister is saying if it was not a direct repeat of what the then Minister, Deputy Deenihan, said to me back in January 2014. He said at the time that there would be widespread national consultation and that a draft discussion paper would be published shortly. However, 13 months later, this has not happened.

I take it that the new Minister has got her teeth into this matter and that she will drive the initiative forward. She has told us it will be done in the current year. The Minister has her work cut out if she is to undertake a comprehensive consultation, obtain the details of the consultation, study them and then present the document. Is the Minister confident that this challenge, which she has set for herself, will be attained in 2015?

Deputy Heather Humphreys: This document is definitely one of my priorities. It is a very important document and is the first of its kind. It will focus on the meaning of culture in the 21st century. Within the next few weeks the draft document will be published and made available for consultation. I agree with the Deputy that the timescales are short, but we intend to make it available in order that people can become involved. We want people to buy into it and to give their views. We want to find out what can be done to embed culture at the heart of public sector decision-making and discourse and in corporate sector and private sector decision-making.

I emphasise the importance of culture to this country. Everything that leaves this country is a representation of Ireland's culture which is such an intrinsic part of us. Many different areas will feed into this policy document to define what culture is for 2025.

Deputy Seán Ó Fearghail: Does the Minister accept that this document must re-establish quite clearly the arm's length principle to the effect that this Government accepts that a body such as the Arts Council, for example, must be autonomous in its work in disbursing grants? Does she also accept that it is essential that the independence of the national cultural institutions, which have felt threatened by her Government, will be reaffirmed in this document and that it will address their concerns?

Deputy Heather Humphreys: I accept the arm's length principle by which the Arts Council works and also the cultural institutions. I refer to the legislation to put the National Concert Hall on a statutory footing. The institution will be accountable to the Minister for its corporate governance and how it spends its budget. Monetary controls will be in place. However, the artistic side of the cultural institutions will be left to them as their business. It is up to the Minister to ensure accountability for the taxpayers' money invested in these institutions.

Wildlife Conservation

140. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if she will confirm that all outstanding matters brought by the European Commission against Ireland concerning the State's transposition and implementation of the birds directive, details supplied, relating to the protection of endangered birds have been resolved; the measures that have been put in place to ensure implementation; if fines have accrued against Ireland; if so, the amount; and if she will make a statement on the matter. [5507/15]

Deputy Catherine Murphy: This question relates to the conservation of species of birds that are dwindling. It refers to the complaint heard at the European Court about Ireland's implementation of the directive.

Deputy Heather Humphreys: My Department, in conjunction with a number of other Departments and agencies, has been engaged in a significant programme of work to meet the requirements of this case since the judgment issued in 2007. The majority of issues in the judgment have now been addressed to the satisfaction of the European Commission and no fines have been applied against the State. However, the case is not yet closed, as some unresolved elements remain. These issues, and actions to deal with them, have been agreed with the Commission and are set out in a programmes of measures, which may be viewed on the Department's website. Progress on implementation is demonstrated by six-monthly updates of the programme, co-ordinated by the Department.

The background to the case was to create a comprehensive scheme of protection for all wild bird species naturally occurring in the European Union, which was adopted by a directive in 1979 in response to increasing concern about the decline in Europe's wild bird population resulting from pollution and loss of habitats as well as unsustainable use. It is recognised that many wild bird species are migratory and require international co-operation for their conservation. The codified version of the directive, which was adopted in 2009, places great emphasis on the protection of habitats for endangered as well as migratory species, particularly through the establishment of a network of special protection areas comprising all the most suitable territories for the species.

Deputy Catherine Murphy: We signed up to an obligation but we did not fulfil it. This obligation predates the Government, and the Minister is working towards resolving this issue. Conservation is never easy, and we know a number of species have dwindling populations. Do the European institutions take account of the staff and resources required to fulfil these obligations, particularly at a time when there are huge constraints on the economy? We can see from Question Time today the variety of matters for which the Department is responsible, at a time when it has probably been losing staff and expertise. Is there any give from the European Union in terms of insisting on conservation when, unfortunately, it would be fairly far down the food chain when it comes to other issues at European level?

Deputy Heather Humphreys: Under the new rural development programme, GLAS, some assistance is available for farmers. The scheme, which is operated by the Department of Agriculture, Food and the Marine, continues to provide payments for farmers under the corncrake grant scheme, which is offered to farmers with calling corncrake on their land in a given year, and for a small number of five-year farm plans. With regard to resources, I am unsure whether funding is available through Europe, but I can check and get back to the Deputy.

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Turf Cutting Compensation Scheme

141. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide details on the bogs that are to be closed to turf cutting on foot of the publication of the review of raised bog natural heritage areas; and if she will make a statement on the matter. [5462/15]

Deputy Denis Naughten: This time last year we were told by the then Minister, Deputy Deenihan, that another round of designations would take place. At the time, he gave a commitment to the House that within a number of months those bogs would be listed and there would be consultation with the people cutting turf on them. We are now 12 months down the road but we still have not received the list of new designations that will take place, and further turf cutters who have established rights on these bogs will have those rights denied because we have not yet published the relevant list.

Deputy Heather Humphreys: The report entitled Review of Raised Bog Natural Heritage Area Network, published in January 2014, which is available to download from the Department's website, provides detail on future arrangements regarding turf cutting on each of the 75 current raised bog natural heritage areas. The review has concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focused protection and restoration of a reconfigured network. This will entail the phasing out of turf cutting on certain natural heritage areas by 1 January 2017, and the partial or complete de-designation of certain natural heritage areas. To compensate for the loss of habitat within sites where it is proposed that turf cutting can continue, 25 undesignated raised bogs which are in public ownership or where there is reduced turf cutting pressure will be designated as natural heritage areas. Compensation will be made available to affected turf cutters.

I do not propose to identify these sites until I am in a position to apply the relevant legal protections to them. This will be done following the completion of the necessary preparatory work. However, I am advised that up to 140 active turf cutters may be affected by these new designations. As with all designations, the Department will, in due course, directly contact individual landowners in the relevant areas, and advertisements will be placed in local newspapers. An explanation will be given as to why a site is being proposed for designation and of the process through which individuals may appeal against the designation of their lands, up to having their cases considered formally by the independent designated areas appeals board.

Topical Issue Matters

Acting Chairman (Deputy Liam Twomey): 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 Lucinda Creighton - the deteriorating tax environment for productive investment in small and medium-sized enterprises; (2) Deputy Terence Flanagan - the need for a fresh inquiry into the Stardust fire; (3) Deputy Éamon Ó Cuív - the escalating situation in HM Prison Maghaberry and the impact on Portlaoise Prison; (4) Deputy Colm Keaveney - the need for the Minister for Education and Skills to address growing concerns that the new model for special educational needs will see many schools losing vital supports; (5) Deputy Fergus O'Dowd - the action that can be taken to deal with the very serious issues raised in the RTE "Prime Time" programme on 5 February regarding a company called Home Funding

Corporation Limited; (6) Deputy Sean Fleming - whether the Minister for Transport, Tourism and Sport will give a statement on the powers of the National Transport Authority to accept, reject and amend applications by bus companies to curtail services on bus routes throughout the country, and if he will consider giving greater powers to the National Transport Authority with respect to same; (7) Deputy Brendan Smith - the need for the Minister for Foreign Affairs and Trade to provide an update on the latest developments in Ukraine and the EU's engagement on the matter; (8) Deputy Michelle Mulherin - the need for the Minister for Education and Skills to end the long-standing educational discrimination against the pupils of Inver national school, Erris, County Mayo, which has neither been afforded nor considered for DEIS status despite being located in one of the areas of highest educational disadvantage in the country, while all other schools in the Erris area have been so designated; (9) Deputy Peter Mathews - the urgent need for the Department of Education and Skills to provide additional classes for entry to primary schools in Dublin south to meet the increasing demand for school places; (10) Deputy John O'Mahony - the need for changes in the licensing of major outdoor concerts; (11) Deputy Martin Heydon - the implications of the loss of Newbridge Credit Union, locally and nationally; (12) Deputy Seán Conlan - the importance of retaining the Department of Social Protection's offices in Ballybay; (13) Deputy Michael McGrath - the need for the Minister for Finance to explain the steps the Revenue Commissioners are taking to ensure that any person with a HSBC Swiss bank account who is liable under Irish tax law is pursued for any outstanding tax liability, and to state whether he has any concerns arising from the revelations regarding any work carried out by HSBC or persons associated with it for this State in recent years; (14) Deputy Clare Daly - the policing approach to anti-water-charge protests, including the co-ordinated dawn arrests of protestors; (15) Deputy Mick Wallace - the policing approach to anti-water-charge protests, including the co-ordinated dawn arrests of protestors; (16) Deputy Richard Boyd Barrett - the need to fully investigate all issues surrounding Irish account holders in HSBC's Swiss private bank and possible tax evasion; (17) Deputy Dessie Ellis - staffing levels at Cappagh National Orthopaedic Hospital; (18) Deputy Barry Cowen - the need for the Minister for Environment, Community and Local Government to discuss the recent media investigation into the misallocation of housing funds; (19) Deputy Billy Kelleher - the need for the Minister for Health to make a statement on when he expects free GP care to be available at the point of use for all children aged under six years; (20) Deputy Seán Ó Fearghaíl - the need for the Minister for Finance to adapt the home renovation incentive scheme so that family care givers funding adaptation renovations in the home of a person with dementia can avail of it; (21) Deputy Joan Collins - the need for the Minister of the Environment, Community and Local Government to make a statement on the fact that by 5.30 p.m. every day, dormitory beds or otherwise are all allocated and homeless people are being advised to ring back after 10.30 p.m. in case there are "no show" beds available, while more than 70 people are still sleeping rough in Dublin city; (22) Deputy Joe Higgins - the arrest of anti-water-charge activists from the Tallaght area yesterday and today; (23) Deputy Ruth Coppinger - the arrest of anti-water-charge activists from the Tallaght area yesterday and today; (24) Deputy Paul Murphy - the arrest of anti-water-charge activists from the Tallaght area yesterday and today; and (25) Deputy Brendan Griffin - the increasing difficulties and threats faced by small schools because of increased thresholds for teacher allocation.

The matters raised by Deputies Seán Ó Fearghaíl, Lucinda Creighton, Brendan Griffin and Dessie Ellis have been selected for discussion.

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Leaders' Questions

Deputy Micheál Martin: Today, more than 530 patients are on trolleys in accident and emergency departments. In some hospitals the situation is truly chaotic, and it is extremely stressful for many patients throughout the country. In Beaumont Hospital 45 patients are on trolleys. I am reminded of the Minister's statement in December that the situation in Beaumont Hospital would be alleviated fairly quickly, but it is getting far worse. In Cork there are at total of 53 patients on trolleys at Mercy University Hospital and Cork University Hospital. The number in Our Lady of Lourdes Hospital is 50. In Galway the number is 30 and in Limerick, where sources state that the situation is absolutely chaotic, it is 37. In Wexford the number is 32. Last week we learned about a 100-year-old woman who spent more than 24 hours on a trolley, and the story was well covered in the *Irish Daily Mail*. She was one of up to ten people aged over 80 who spent up to 23 hours on trolleys, which is a truly scandalous situation.

This could have been avoided. When Deputy Billy Kelleher tabled a parliamentary question last week about people availing of the fair deal scheme, the real story came out as to why the accident and emergency departments were in such crisis before Christmas. In January 2014 only 512 people were waiting for four weeks for approval under the fair deal scheme, but these numbers progressively increased over the year. In May, 1,265 people were waiting for up to eight weeks for approval. It got decidedly worse by October, when 2,114 people were waiting 15 weeks for approval. It was a deliberate budgetary decision that the Taoiseach took to neglect health and that then led to delayed discharges from acute hospitals and, ultimately, to the accident and emergency crisis we are currently experiencing. As of 29 January, 1,333 people were waiting an average of 11 weeks.

An Ceann Comhairle: A question, Deputy, please.

Deputy Micheál Martin: The HSE asked for €200 million to deal with demographic pressures for 2015 and it got €25 million, which is clearly inadequate. When one reads the consultants' analysis of the draft action plan, they say it lacks any concrete, clear recommendations in regard to increased capacity. The question is why did the Taoiseach deliberately choose a policy at the beginning of 2014 of starving the fair deal scheme, neglecting our elderly and creating this crisis about which he was warned? Does he accept that current plans are inadequate to deal with the enormity of the situation that faces acute hospitals and what does he propose to do about it?

The Taoiseach: The reason the Government made the decisions it made was that the Deputy's party left the country in an absolutely catastrophic economic situation. The Deputy denies that and denies all responsibility for it.

Deputy Finian McGrath: The Taoiseach has been running the shop now for four years.

The Taoiseach: This Government does not do that. We recognise the scale of the challenge we have faced as a country and as a people from the point of view of the economy and how that impacts on people every day. Today, on 10 February, the number of patients on trolleys was 462 at 8 a.m. The Irish Nurses and Midwives Organisation also counts patients on trolleys on wards and that increases the number to more than 500. Yesterday, on 9 February, the number was 332 at 8 a.m., and 253 at 2 p.m. The day before, on Sunday, it was 280 at 8 a.m. and 189 at 2 p.m. On Saturday, 7 February, it was 237 at 8 a.m. and 150 at 2 p.m. The Minister has recognised the challenge that is there and has set up the particular task force to deal with emergency

departments and numbers on trolleys. He has also pointed out how this has been exacerbated in respect of the flu-related admissions where approval was given to open up 173 extra beds in 15 units across the country for a specific 13-week period. The Department and the Minister have not tried to sweep under the carpet the scale of this challenge.

An allocation of €25 million was given to the fair deal scheme to reduce the waiting periods from 16 weeks and 17 weeks to what might be regarded as much more manageable periods of 11 weeks and eight weeks. It is not a satisfactory position but the simple fact of the matter is that it is very difficult to determine all the issues that can arise in health from week to week given that one does not know the scale of flu-related incidents or whatever else. The HSE is now accessing all suitable non-acute accommodation for dealing with and providing services to people who come in through emergency departments. The €25 million allocation in the national service plan is being used in addition to funding 50 transitional beds in the greater Dublin area, 65 beds that are to come on-stream in Mount Carmel on a phased basis from April and additional home care packages. Having regard to some hospitals around the country, I know of one nursing home which sent in nine patients one evening because of flu-related illnesses; these were elderly people who were not able to be attended to in an appropriate medical service within the nursing homes in question. These matters make the situation worse and it is not satisfactory but the Minister is acutely aware of it. He set up a particular unit to look at this and the HSE, as the Deputy knows, has the capacity to recruit necessary front-line services where that is necessary. As we pointed out on a number of occasions, we hope that the situation can be regularised and made more amenable.

I point out to the Deputy that €600 million more was allocated to the health budget for 2015 in order to deal with the challenges which arose from 2013 right through 2014.

Deputy Micheál Martin: The Taoiseach deliberately under-funded health throughout 2014 and he knew that when he pushed his budget towards the end of 2013. The then Minister, the Minister, Deputy James Reilly, knew it at the time, but the Taoiseach sacrificed him and the Taoiseach probably knew he was going to be sacrificed at some stage during 2014. It was a deliberate policy of neglect and that is why thousands of elderly people were waiting more than 15 weeks for a fair deal bed, and why we had such an extraordinary increase in delayed discharges. The Taoiseach had choices and, above all, he knew about it. The Minister, Deputy Varadkar, knew about it as well because he was told about it in his briefing notes when he became Minister. He was told there would be a crisis if something was not done but nothing was done before Christmas in terms of the fair deal scheme or making additional beds available. The Taoiseach took a calculated political decision that we will fly by the seat of our pants in regard to health and we hope we will get there by the end of the year, but he did not.

An Ceann Comhairle: A question, Deputy, please.

Deputy Micheál Martin: The result is that people suffered because of the Taoiseach's deliberate political decision. He has choices in everything he does but he chose this particular route and he has not allocated enough for this particular area for 2015. The only reason €500 million extra was allocated is because that is the amount the Taoiseach deliberately short-changed it in the preceding year, and he was told that at the time. I remember it well in this House and there was an extraordinary scene where the then Minister disowned his own allocation at the time of the budget. He said they were not his figures, that he was handed them by the Minister, Deputy Howlin, and the Government and the famous Economic Management Council of the Cabinet. It was a diktat and it was one that short-changed the people and elderly people

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in particular. If the Taoiseach does not believe me, he should go out to the hospitals and talk to the doctors, nurses, care staff and others and they will tell him morale has never ever been so low in our health service.

(Interruptions).

Deputy Micheál Martin: It is because of the lack of leadership and the absolute neglect by the Taoiseach and his Government during the past number of years.

The Taoiseach: That is the same old story from Deputy Martin. When €16 billion was being spent on the health service, the situation was actually worse. Doctors and those managing hospitals will tell him that if he talks to them.

Deputy Micheál Martin: It was not.

Deputy Robert Troy: They were not waiting 16 weeks for a fair deal scheme bed.

The Taoiseach: They are delivering more now with less than they were before because of changes to the structure and the way services are delivered.

Deputy Niall Collins: Is that what the Economic Management Council has told the Taoiseach?

The Taoiseach: Regarding the fair deal scheme, as of 20 January, there were 1,260 people on the national placement list with an average waiting list of 11 weeks.

Deputy Micheál Martin: That is a disgrace. That is something the Taoiseach started.

The Taoiseach: Deputy Martin had his chance to raise his point. Everything with him is right and his memory is very short term.

Deputies: Hear, hear.

The Taoiseach: The budget for the NHSS in 2015 is €948.8 million and that includes €10 million allocated specifically for the initiative related to delayed discharges. That increase of €10 million will allow for the provision of an additional 300 long-stay care places under the national homes support scheme. That has reduced the waiting period for allocation under the fair deal scheme from 17 weeks to 11 weeks. As the Deputy is aware, last year there was a further €5 million allocated for an initiative to improve access for appropriate care for older people. Nobody on this side of the House is suggesting, and this is now the Deputy's mantra, that the Government made a deliberate decision to do down elderly people. That is beneath the Deputy. It is a disgraceful comment from him.

Deputy Micheál Martin: The Taoiseach did that. He calculated it-----

Deputy Robert Troy: That was his policy decision.

Deputy Micheál Martin: The Taoiseach might not like to hear that but that is what he did.

An Ceann Comhairle: Deputies, please. We are over time.

The Taoiseach: When Deputy Martin stood on this side of the House and denied all responsibility-----

Deputy Micheál Martin: I am not making it up. The Taoiseach can read his Minister's replies to parliamentary questions.

The Taoiseach: -----for his actions, when a national crisis and emergency was declared-----

Deputy Micheál Martin: The Minister, Deputy Varadkar, has said it. It is there in black and white.

Deputy Finian McGrath: It is a giveaway for the elections.

An Ceann Comhairle: Deputies, please.

Deputy Willie O'Dea: We are four years on and there is a crisis now.

The Taoiseach: I am not suggesting that everything is the way that it should be in the Department of Health.

Deputy Micheál Martin: These are the Taoiseach's figures.

The Taoiseach: We put in €600 million more this year and we hope to regularise that. The Minister for Health has admitted that the situation is not the way it should be.

Deputy Micheál Martin: He has been a very good commentator.

The Taoiseach: That is why we are working to change that system-----

Deputy Finian McGrath: The Minister is great at spin but there is no substance.

The Taoiseach: -----so that people get the very best attention at the front line that they need.

Deputy Finian McGrath: It is all spin.

An Ceann Comhairle: Thank you. I call Deputy Adams.

Deputy Gerry Adams: A major global conspiracy assisting the wealthy elite, including individuals from this State, to conceal wealth and to avoid tax was publicised this weekend. The Swiss branch of HSBC advised clients on how to keep money hidden from State authorities and offered deals to aid and abet tax dodgers. Irish money held in that bank, on which due tax was not paid, is ultimately - I am sure the Taoiseach would agree - money taken from ordinary citizens, citizens such as the 530 who lie today on hospital trolleys, including 50 in Our Lady of Lourdes Hospital in my constituency. The people who pay the price are those citizens and moneys have been taken from Irish hospitals, schools, children's benefits, carers' allowances, allowances for children with disabilities and from the elderly. The Swiss HSBC account contained €3.1 billion. I repeat, €3.1 billion, linked to 350 clients associated with Ireland, yet only 20 Irish account holders made settlements, worth just over €4.5 million, with the Revenue Commissioners. Unlike the anti-water charge activists, there were no early morning raids or arrests. In the USA, France, Belgium and Argentina, the bank now faces criminal investigation, but not in Ireland, which is the smallest, best country in the world in which to avoid tax if one is wealthy. Why did the Revenue Commissioners not pursue a case against HSBC for facilitating tax evasion by Irish citizens? As I have said, it involves Irish accounts containing €3.1 billion held by 350 clients. Does the Taoiseach believe that €4.55 million is a reasonable amount for the State to have recovered in tax settlements? Does he agree that this scandalous and corrupt behaviour is a matter for the Committee of Public Accounts to investigate?

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The Taoiseach: The existence of a foreign bank account is not evidence in itself of tax evasion and clearly no liability will arise where relevant tax is paid on funds or any interest accruing on them. The Revenue Commissioners received data under the double taxation agreement from French authorities in June 2010. On receipt of that, they undertook an assessment and evaluation process which indicated that no further liability arose in the State in a number of cases and that further investigation would be required in a number of other cases. Where required, the Revenue Commissioners, as is their responsibility, initiated an investigation. To date, it has initiated 33 investigations as a direct result of the data received and there have been 20 settlements related to that information. The total amount received was, as Deputy Adams indicated, €4.55 million. A further €174,444 has been received to date as payment on account in two investigations which are ongoing.

The Revenue Commissioners took relevant action in any case where sufficient admissible evidence was available to bring a criminal prosecution in respect of any identified Revenue offences. To date, three prosecutions have been secured and one case is under criminal investigation. The Revenue Commissioners are perfectly entitled under the responsibility given to them by the Act to take criminal cases where they believe that is appropriate, and that is what they are doing and have done to date.

Deputy Gerry Adams: The Taoiseach did not answer the two important questions I put to him, a point to which I will return. We all know that the activities of some of the banks and a small wealthy elite, facilitated by some politicians, caused the financial crash in this State. It is not that well-known that €62 billion in private bank loans was in the hands of just 190 individuals. It is not that well-known that half of the Irish bank loan book of Anglo Irish Bank was held by just 20 individuals. They are the people, aided and abetted by others in the golden circle, who impoverished the vast majority of citizens in the State.

Has the Government learned a lesson from this experience? It appears to me it has not. For example, Michael Geoghegan was the chief executive of-----

An Ceann Comhairle: Please do not mention names in the Chamber.

Deputy Gerry Adams: I am stating the fact that he was the chief executive of HSBC at the time that its Swiss operation facilitated tax evasion. The Government knew this, yet the Minister for Finance, Deputy Michael Noonan, appointed Mr. Geoghegan as an adviser to the Government on the operation of NAMA. Did the Minister ask Mr. Geoghegan about HSBC prior to his appointment to NAMA?

I refer to my earlier questions, which the Taoiseach did not answer. Does he think that the return of €4.55 million, when €3.1 billion is linked to 350 clients, is a reasonable tax settlement? I would like a direct and clear answer to my second question. Does he agree that this behaviour is a matter for the Committee of Public Accounts to investigate?

An Ceann Comhairle: It is a long-established practice in this House, since the foundation of the State, that we do not mention the names of people who are not here to defend themselves. I would appreciate if that long-established principle would be maintained.

The Taoiseach: I respect the ruling of the Ceann Comhairle. The position is that Deputy Adams is questioning the Revenue Commissioners.

Deputy Gerry Adams: I am questioning the Taoiseach.

The Taoiseach: He is suggesting that their investigations should have yielded more than €4.55 million.

Deputy Gerry Adams: I am asking the Taoiseach.

The Taoiseach: I do not speak for the Revenue Commissioners, nor does Deputy Adams. They have very extensive powers under the Act which set them up.

Deputy Thomas P. Broughan: Why was the Dáil not informed in 2010?

The Taoiseach: The Revenue Commissioners are well able to speak for themselves. They initiated 33 investigations as a direct result of the data given to them by the French authorities in June 2010, and 20 settlements have been reached in regard to those data. That amounts to €4.55 million.

Deputy Aengus Ó Snodaigh: Were there any arrests?

The Taoiseach: A further €174,442 was received in payment on account in respect of two ongoing investigations. Deputy Adams is asking me to question the authority or the way the Revenue Commissioners have gone about investigating information that they were given by the French authorities, in respect of which they have taken three criminal cases. Another case is under criminal investigation.

Deputy Aengus Ó Snodaigh: Did they raid any houses for the information?

The Taoiseach: The Committee of Public Accounts, with its Chairman, can reflect upon this. The Revenue Commissioners are completely independent in the way they do their business-----

Deputy Gerry Adams: What about the Minister, Deputy Noonan?

The Taoiseach: -----and have very extensive powers to take criminal cases, which they have done under what they said here. In respect of the Deputy's second comment, Mr. Geoghegan-----

Deputy Gerry Adams: It is a matter of public record.

The Taoiseach: The person mentioned was referred to by the Minister for Finance. He advised, not in respect of taxation issues, but in respect of the remuneration of senior executives and other issues of the strategy proposed by NAMA.

Deputy Gerry Adams: The Taoiseach did not answer the question.

An Ceann Comhairle: We are over time.

The Taoiseach: I tend to constantly remind Deputy Adams of this because every time-----

Deputy Gerry Adams: Did the Minister, Deputy Noonan, ask Michael Geoghegan about HSBC?

The Taoiseach: The Minister, Deputy Noonan, will answer that question when he replies to questions here.

Deputy Gerry Adams: I am asking the Taoiseach.

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The Taoiseach: I do not know in their entirety the conversations any Minister has had. I assure the Deputy that the Minister, Deputy Noonan, has been very clear-----

Deputy Gerry Adams: He knew about this. He should have known.

An Ceann Comhairle: Deputy Adams, please.

The Taoiseach: -----about the work that the person he appointed was asked to do, and that was in respect of the strategy proposed by NAMA. I remind the Deputy again that every time he speaks in the Chamber he has all the answers to all of the questions.

Deputy Gerry Adams: No, I do not. I do not have any answers.

The Taoiseach: He is the person who continues to say that the EU should take its money and go away-----

Deputy Gerry Adams: Come on. Answer the question.

The Taoiseach: -----and does not want the Irish people to get back money they put into AIB.

Deputy Aengus Ó Snodaigh: This is not Deputy Gerry Adams's question time. It is Leaders' Questions.

The Taoiseach: I remind him of those two black holes in his economic policy and I will remind him of them every day I can do so.

Deputy Clare Daly: In about an hour's time the Taoiseach will frogmarch his backbenchers in here to vote down my Private Members' Bill, a Bill designed to support families who receive the devastating diagnosis that their pregnancy has a fatal abnormality incompatible with life. My Bill enables them, if they feel they cannot continue with that pregnancy, waiting for the baby to die, to terminate it here in Ireland surrounded by their families and friends. Instead, the Taoiseach proposes inaction, condemning those people to a lonely journey, most likely to Liverpool, surrounded by holidaymakers and businesspeople while the bottom falls out of their world, and then to come home and have the ashes sent in a jiffy bag in a DHL van.

It is cruel, inhumane, torture and a violation of human rights, and it is avoidable. Some 80% of the people have said they want the Government to do something about this. The three masters of the maternity hospitals, the United Nations Human Rights Commission and 43 legal experts have said it can do it. Not just that, 50 Deputies, including half of the Cabinet, have said something must be done. What is that something and who is going to do it? If not us, who? If not today, when?

People are sick of excuses and the only reason advanced to oppose this is the allegation that it is unconstitutional. The Taoiseach knows that is rubbish because only the High Court and Supreme Court can adjudicate on whether something is constitutional and they have not done so in this instance. All the Government has is the opinion of the Attorney General. With the greatest respect to her, she is not infallible; she is a human being and, at least once, she has been proved wrong, specifically in the case of the children's referendum. These issues are too important to leave it at that. I want to see her opinion before this vote because so many people disagree with it.

Deputy Finian McGrath: Hear, hear.

Deputy Clare Daly: Will the Taoiseach publish the Attorney General's decision so we can see it? Does he think it appropriate that highly paid parliamentarians are expected to come here to vote on such critical issues like nodding donkeys without full possession of the facts? At the very least, may we have the date of the opinion and confirmation that it relates to my Bill and not other generalities? Finally, will the Taoiseach justify why the constitutional amendment which he claims gives rise to the reason the Government cannot support my Bill was brought in here on a free vote, without a Whip, over 30 years ago, and in this era of democratic revolution, the Taoiseach cannot give his backbenchers a free vote on this? Would it not be better with regard to adhering to human rights if the President could be allowed refer this to the Supreme Court under Article 26 of the Constitution? In 60 days, we could have an end to the misery that families are going through today or could feel tomorrow. Does the Taoiseach think it is okay to have us violating international human rights?

The Taoiseach: The first comment I make to Deputy Daly is that the reason she can bring her Bill in here is that the Government reformed Dáil procedures to allow for backbench Deputies like herself-----

Deputy Micheál Martin: There has always been Private Members' business.

Deputy Joe Higgins: We thank the Taoiseach.

The Taoiseach: -----to be able to bring Bills before the House. It is right and proper, and it is the Deputy's right to bring a Bill before the House. This is a very sensitive matter and all these cases are quite tragic for the woman, in particular, who is involved, the mother of the unborn child. However, Deputy Daly does not own the Constitution and neither do I. She cannot change the Constitution and neither can I. It is the people's Constitution and it is only they who can change it.

There has been a long-standing position in this country where the advice given by the Attorney General of the day has never been published. Article 15.4 of the Constitution, of which the Deputy is well aware, states quite clearly that it is not lawful for legislators to vote for something which they know is "repugnant" to the Constitution. The Deputy wants to fly in the face of all that, pass a piece of legislation and then have it tested by the Supreme Court. I suggest to Deputy Daly that it is not the way to go. This is a far more serious matter than the sensitive case she mentions. When we speak about the eighth amendment, we are talking about a range of other complicated issues beyond this particular example. When the Deputy asks that something be done, it will not be done in respect of Article 15.4 and this particular issue.

The Deputy is quite entitled to bring forward her Bill under the reform process but she does not own the Constitution. It is the people's Constitution and they are the only party who can change this. The Deputy believes we can introduce legislation contrary to the Constitution and then send it to the Supreme Court but that is not the way to go about business.

Deputy Joan Collins: What will be done?

Deputy Clare Daly: The Taoiseach's retort, or lack thereof, is an absolute insult to the families enduring this issue. It is the people's Constitution and laid down in law is the fact that only this House can bring in legislation and only the courts can interpret it. How dare the Taoiseach attempt to have the arrogance to interpret the Constitution when it is something that only our courts can do?

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An Ceann Comhairle: Is there a question, please?

Deputy Clare Daly: That is a fact. We have had bodies that are hardly the most radical, such as the Irish Council for Civil Liberties, Amnesty International, the National Women's Council, the Irish Family Planning Association, as well as multiple legal people, telling the Government that this can be done under the Constitution. The Attorney General is one person.

The Taoiseach is correct that Article 15 indicates we cannot introduce measures "repugnant" to the Constitution. "Repugnant" means something which is clearly and undeniably unconstitutional. This is clearly and undeniably not such a case. How do I know this? The previous Attorney General argued exactly as I am now arguing that this is entirely within the remit of the eighth amendment to be legislated for now.

What the Taoiseach has done is a cop-out. If he believes the Constitution is a problem and he wants to help the families, as some of his backbenchers and Ministers have said, what will he do about it? How does he justify the fact that before Christmas, when I tabled a precise Bill for constitutional amendment, the Government voted against it? Is the Taoiseach now telling us that in the spate of referenda planned for the spring, this will be included? If he is not saying this, he is letting down these families and, quite frankly, he is a hypocrite.

An Ceann Comhairle: That is very unparliamentary language.

The Taoiseach: As I have said to Deputy Daly, the reason she has the right to bring a Private Members' Bill before the House is because the Government reformed the way we want to do business here.

Deputy Micheál Martin: It could have been done under Private Members' business anyway.

The Taoiseach: The Deputy chose to bring this Bill before the House, as is her right and entitlement.

Deputy Ruth Coppinger: Answer the question.

The Taoiseach: The eighth amendment to the Constitution is very clear and it refers specifically to where there is a threat to the life of the mother. I cannot change that and neither can the Deputy. It is a matter for the people to decide by a vote. The Deputy expects that the House will follow her advice and proposal and pass her legislation - clearly it is in conflict with the Constitution - and have it interpreted as such within 60 days. I do not propose to do that.

The Deputy knows as well as I do that when the conversation starts about fatal foetal abnormalities, complications, sensitivity and the tragedy involved, it would automatically go along the line with respect to when pregnancy occurs because of incest or rape.

Deputy Finian McGrath: Rightly so, too.

The Taoiseach: The discussion starts about the entire issue with respect to the eighth amendment. I do not propose to go there, arising from the Deputy's Bill. Clearly, on the advice of the Attorney General, the Bill is unconstitutional. It has been a long-standing tradition over very many years that the advice of the Attorney General is given as formal legal adviser to the Government.

Deputy Clare Daly: Why not publish it so?

Deputy Finian McGrath: What about Barry Desmond in 1983?

An Ceann Comhairle: We are over time.

The Taoiseach: Of course, the Deputy can have all the legal advisers she likes. I have one and it is the formal legal adviser to the Government, the Attorney General. On that basis, I do not propose to publish the advice given by the Attorney General.

Deputy Ruth Coppinger: Where are the Members from the Labour Party?

Deputy Finian McGrath: The Labour Party is hiding out again.

Ceisteanna - Questions (Resumed)

Alcohol Advertising

1. **Deputy Lucinda Creighton** asked the Taoiseach if he will provide an update on the work of the working group on regulating sponsorship by alcohol companies of major sporting events; and if he will make a statement on the matter. [40960/14]

The Taoiseach: The interdepartmental working group on regulating sponsorship by alcohol companies of major sporting events was established as part of a package of measures to address alcohol misuse agreed by the Government in late 2013. In the case of sports sponsorship by alcohol companies, the Government acknowledged the public health concerns associated with alcohol sponsorship of sport but also the potential impact of any regulation on funding for sport, and established the working group to consider the “value, evidence, feasibility and implications of regulating sponsorship of major sporting events”.

The working group was chaired by the Department of the Taoiseach and included representatives from the Departments of Health; Public Expenditure and Reform; Finance; Social Protection; Transport, Tourism and Sport; Arts, Heritage and the Gaeltacht; Agriculture, Food and the Marine; Children and Youth Affairs; and Education and Skills. It held a public consultation process seeking relevant information from interested parties. Nineteen submissions were received in response to this request and these are available on my Department’s website.

The working group finalised its report in December and it has been considered by the Cabinet committee on social policy and public service reform. The report is also available on my Department’s website.

Arising from consideration by the Cabinet committee, the Minister for Health finalised proposals on the Bill in conjunction with his ministerial colleagues and brought these to Government last week. The Government gave approval for the drafting of a Public Health (Alcohol) Bill and the Minister for Health has published the general scheme of the Bill. Any questions on the Government’s proposals can be referred to the Minister for Health. I also anticipate that the relevant Oireachtas committee will have an opportunity to consider the general scheme he has published as part of the pre-legislative scrutiny process, which is another element of Dáil reform.

Deputy Lucinda Creighton: On what moral or ethical basis does the Taoiseach believe it is appropriate that we impose a ban on tobacco sponsorship of sport in this country, when he has failed to grasp the opportunity to impose a similar ban on alcohol sponsorship, given that alcohol causes far more damage to individuals and families throughout the State?

The Taoiseach: I do not accept the Deputy's assertion. This was given careful consideration. Clearly, marketing and advertising are inherent parts of sponsorship. The Government and the working group looked carefully at this in the 19 submissions that were made. There will be serious regulation of both the marketing and the advertising, which have an impact on young people and particularly on those who are vulnerable to excessive drinking.

As was pointed out by every group, access and affordability are the key issues that have an impact on young people in respect of drink and the consequences of continuous over-drinking. Under the proposed legislation the Minister will be able to introduce restrictive practices for marketing campaigns to ensure that alcohol products are not produced, designed or promoted to appeal to children. On those grounds, the difference between drink and tobacco is quite clear. Marketing and advertising are inherent parts of sponsorship and for that reason the general scheme of the Bill published by the Minister will regulate those aspects of marketing and advertising which might impact directly on young people and particularly children.

Deputy Lucinda Creighton: The Taoiseach said he does not accept my assertion. Does he accept that the Government's steering group on national substance misuse in September 2012 found that a quarter of Irish adults binge drink every week and that the average Irish person drinks the equivalent of 482 pints of lager, 125 bottles of wine or 45 bottles of vodka every year? Does he accept that 1.5 million Irish adults are drinking in a way that is harmful to their health, that over 50% of 16 year olds have been drunk and that one in five 16 year olds drink on a regular weekly basis?

It is extraordinary that the Taoiseach does not see the correlation. The most lucrative, targeted and effective form of advertising is to link a product to sport. Sport is sexy and the vast majority of people, particularly young people, are interested in sport. That is the reason the alcohol companies sponsor these major sporting events. It is the reason that Benson & Hedges sponsored cricket, Embassy sponsored darts, Winston and Camel sponsored the FIFA World Cup, Silk Cut sponsored the rugby league and Regal and Winfield also sponsored rugby. It is the reason that motor sports were sponsored by Imperial Tobacco, Rizla and so forth. In this State, Carrolls, Benson & Hedges and all the familiar cigarette companies sponsored almost all of the major sporting events until the ban was introduced and the sponsorship was phased out. There was no difficulty finding alternative sources of sponsorship funding. I have no doubt that the many foreign companies investing in Ireland, such as Google and the technology companies, would love the opportunity to be associated with major sporting events in this country. I cannot understand why the Government, which made such strong noises about this subject earlier in its term, has caved in to vested interests.

The gap is €20 million. That is the sum for alcohol sponsorship in this State in a range of sports. Why can the Taoiseach not see beyond the short term? Why will he not agree at least to phasing this in? I do not understand it; it is illogical. It worked with tobacco and is effective. Along with other measures, it is reducing the number of young people who are taking up smoking. As somebody who was formerly quite a heavy smoker, I consider that an extremely positive step.

The problem is that we have a huge number of mental health issues and an unacceptable level of suicides, which are directly linked to alcohol consumption in many cases and particularly in respect of young men. However, the Government is burying its head in the sand. It appears to be unconcerned about trying to address it.

Finally, does the Taoiseach agree with his fellow county man and former GAA president, Dr. Mick Loftus? He said: “As a doctor and former coroner, I know first hand the damage alcohol does. Eighty-eight people a month die in this country due to alcohol related reasons. If that number of people were dying any other way they would be taking all sorts of action to try and stop it, but instead they are promoting it.” That is the stark reality. I urge the Taoiseach to listen to the expert medical advice of his fellow county man, who also happens to be a very prominent figure in sporting circles and especially in the GAA.

The Taoiseach: Deputy Creighton failed to address in her question the two fundamental issues that are accepted by everybody - availability and affordability. She will have seen the pallets of cheap beer being sold in every small shop throughout the country. Availability and affordability are the key determinants of access to drink and abuse of drink, particularly among vulnerable and younger people. I do not accept-----

Deputy Lucinda Creighton: On a point of order-----

An Ceann Comhairle: No, resume your seat. You had a good run.

The Taoiseach: The Deputy made no point about that.

Deputy Lucinda Creighton: That is not the question I asked.

An Ceann Comhairle: Resume your seat. The Taoiseach is entitled to expand on his point.

Deputy Lucinda Creighton: My question was specifically about sponsorship and advertising. The Taoiseach can answer the question I asked or he can answer a question that he wanted me to ask.

An Ceann Comhairle: Deputy, please resume your seat.

The Taoiseach: I am entitled to reply to the Deputy’s question-----

Deputy Lucinda Creighton: I wish he would.

The Taoiseach: -----by pointing to what the Deputy failed to address in her question, the two key determinants.

Deputy Lucinda Creighton: I asked about advertising.

The Taoiseach: That is the reason minimum unit pricing will be introduced-----

Deputy Lucinda Creighton: Answer the question.

The Taoiseach: -----as well as segregation and separation within commercial outlets. There will be proper regulation of the advertising and marketing where sponsorship is involved.

The Irish cricket team is in India. It failed to get sponsorship from the companies the Deputy mentioned which are not associated with either drink or tobacco. For the last number of years the Irish Open has had to be funded by the taxpayer through Fáilte Ireland. There was

no take-up from commercial companies, where one might think it would be easy to sponsor such an event.

It is true that there are serious mental health issues in the country. That is the reason ring-fenced moneys have been made available for the past number of years by the Government and there is more help available than ever before. Young people in particular are advised to talk about these matters and to open up, discuss and connect with their peers.

I do not accept the Deputy's statement that the Government has caved in to vested interests. This matter has been discussed here for six years and nobody has done anything about it.

4 o'clock

In this case, the Government has acted decisively. Everyone will have an opportunity to say his or her piece during the course of the discussion on the Bill being drafted by the Minister. The Bill will set out the areas in which there will be regulation and a serious impact in terms of labelling, minimum unit pricing, enforcement powers for environmental health officers, regulation of advertising and the marketing of alcohol. All of these things will have an impact on access, affordability and the way alcohol is perceived by young people and vulnerable drinkers.

Dr. Loftus has been for many years an advocate for sport and physical well-being. He still has the opportunity to jog a few kilometres every day himself, being someone who was a noted Gaelic footballer way back in the early 1950s. He has been very consistent in his view on alcohol. Even he will accept that the introduction of regulations on advertising, marketing, separation within commercial outlets and the introduction of labelling will have an impact on general physical health and, as a consequence, mental well-being, and that access and affordability, as the Deputy well knows, are issues which impact on many young people. I accept the person involved has been a very strong advocate of better lifestyles and well-being and of people taking better care of themselves. The Bill will be very much in line with this.

I ask the Deputy to read the report which is on the website. She will see the difficulty in trying to separate sponsorship from marketing and advertising. The Deputy is also aware that, as a country, we are limited in many ways on this issue because in many ways we cannot regulate multimedia outlets and particular products. The focus of Government is on separating out sponsorship, which has an inherent impact on advertising and marketing. It is coming after six years of discussion, during which no one wanted to do anything about this. Now it is being done and I hope it will have a very beneficial impact.

Deputy Gerry Adams: I have raised the issue of alcohol abuse in society and, in particular, the public health (alcohol) Bill with the Taoiseach many times. There are good things in this Bill. Let me say that and also that we welcome these. However, on the issue of drinks sponsorship of sporting events, the Bill will fail miserably. This is despite the fact that this is one of the issues it is supposed to tackle.

I have a whole pile of statistics from reputable agencies but I do not have the time to go through them in this House today. Professor Joe Barry puts it best when he states that, simply put, alcohol sponsorship of sports works in terms of increasing sales and alcohol consumption and that, if it did not, the alcohol industry would not be spending so much money on it. It is also scientifically proven that teenagers and young people are most at risk through this promotion and the alliance between some of the drinks companies and sporting events.

To keep this short, the Minister, when he was putting forward his Bill, stated that the sporting organisations need the €30 million which such deals bring in. It appears to me that this is the nub of the Government's acquiescence on this issue. I appeal to the Taoiseach. It is not too late. Only the heads of the Bill have been published. The Government can still rescue this by listening to the public and, in particular, the experts and by doing the right thing, which is to ban alcohol sponsorship of sporting events. Will the Taoiseach consider this and amend the Bill accordingly?

Deputy Micheál Martin: This appears to be a complete U-turn. We were led to believe for the past two years that a ban on sponsorship was going to happen and that it was going to be phased in. The Minister for Health, who should be standing up for public health, was in a very weak position because when he was Minister for Transport, Tourism and Sport, he railed within Cabinet against the idea of banning alcohol sponsorship. He was very much against the views of the then Minister of State, Deputy Róisín Shortall, who initially pioneered this legislation.

I put it to the Taoiseach that many measures on reducing alcohol consumption have been taken. One of the most effective measures has been random breath testing, which was brought in by the former Minister and Deputy, Noel Dempsey. This had a very significant impact, as it did in other countries, although he took a lot of criticism for it at the time.

The issue of sponsorship and the recipient bodies in sport, arts or culture was faced by Australia many years ago in the context of tobacco sponsorship. It was also faced by us. When I banned tobacco sponsorship in Ireland, the major sporting event was the snooker championship. The marketing and promotion unit of the Department of Health took over the sponsorship. We turned what was a negative in terms of public health into a positive. It may have seemed unlikely at the time, but the event was festooned with positive health messages and anti-tobacco messages for approximately three years. Australia did this much more comprehensively in the context of positive health and its promotion by turning around the tobacco sponsorship agenda and supplanting the money with money from the Australian exchequer.

The sense is that the industry got its way on this. Sponsorship has been controversial for quite some time. Within the GAA, we have had the Guinness sponsorship for quite a long time. Many young people, some of whom I know, were so absorbed by the quality of the sponsorship and all that went with it that they could draw Seán Óg Ó hAilpín with a hurley and a pint of Murphy's at the end of it. They would readily draw and depict Amstel sponsoring the European Champions League. It does have an impact. We have to face up to it.

In advertising, it is more complex. We have terrestrial television, Sky, multiple channels and so on. It is very difficult, therefore, to regulate that which is global. In terms of sponsorship, the situation is different. The idea of identifying how to bridge the gap has not been effectively explored. This goes down to the local festival. Many of our festivals are alcohol-soaked, whether we like it or not, because they depend on the sponsorship of an alcohol company to support them.

We did not have real debate on this in the House. The Government kept this very tight until it made the announcement that the Bill was in and the decision had been taken. We did not have a wider and more open debate on ensuring that cultural, artistic and sporting associations would not suffer, for instance, by a combination of other sponsors and some State support. Does the Taoiseach not agree that such an examination should take place on Committee Stage in this House? It could look at the issue in terms of the various groups and how we might best bridge

that gap. We could have a proper assessment of how one would bridge that gap and how bridgeable the gap is. We have not had that debate or worked through those particular mechanics and implications of the Bill.

Deputy Joe Higgins: How on earth can the Taoiseach speak about separating sponsorship of sports events by alcoholic drinks companies from marketing and be serious? What is the point of the sponsorship by the alcohol companies except to market their product? More fundamentally, is it not perverse in the extreme that major alcoholic drinks companies are allowed to advertise freely and use massive funds to advertise the product ethyl alcohol, which is by far the most destructive drug in society at present? People who push illegal drugs are despised and denigrated in the media. However, the biggest legal drug pushers of all are the major alcohol companies and they are lionised and validated. Does the Taoiseach not see a huge contradiction in how his Government and the establishment have for decades and generations treated alcohol companies? Can I ask the Taoiseach to agree that it would be very socially progressive to ban all advertising of alcoholic drinks products and to confine information on alcohol in any advertising to places where alcohol is and should be available to people? It should not be glamorised and outed in the way that is done at present. How can the Taoiseach seriously talk about divorcing the general advertising of alcoholic products from appealing to children? Does he not see on the national television channels, for example, that by far the most expensively produced, technically brilliant and artistically imaginative advertisements are usually those for alcohol? Given that they incorporate colour and movement and invoke themes that attract children, such as the heroic legends of the past, how on earth can the Taoiseach speak about a type of alcohol advertising that does not attract children?

I am by no means an abolitionist. Alcohol is a pleasant product. It is a good substance in its place. People should have the right to enjoy it. The lethal side effects of alcohol unfortunately have to be recognised. In my view, any drug of this power should be publicly owned. It should not be the source of private profiteering by privateers. Any excess made in the sale of alcohol by a publicly owned entity should be devoted to education, harm reduction in relation to that drug and health remediation where unfortunately there are casualties of it.

An Ceann Comhairle: I ask the Taoiseach to reply again now before I call the last two Deputies. We have spent 23 minutes on this question so far. There are other questions.

Deputy Richard Boyd Barrett: Should we not come in first then?

An Ceann Comhairle: No. It would not be practical to get back to the points made by the other Deputies.

The Taoiseach: The points made by the Deputies are very valid. The Government considered this matter carefully before it arrived at this decision. Discussions have been going on here for six years. Sponsorship cannot be considered as an isolated issue. It is directly related to marketing, advertising and other forms of promotion. That is the problem. That was identified clearly by the working group that dealt with 19 different serious submissions, which are published on the website. That is why the Government looked at this in a comprehensive way. It dealt with promotional activities, labelling, outdoor advertising, television and cinema advertising and sponsorship. As Deputies are aware, a number of channels come in on people's mobile phones, tablets and televisions from other countries that have different standards. One cannot just block out an advertisement that suddenly goes beyond the jurisdiction of its own country.

It is clear that alcohol marketing has a very important role in fostering consumption of alcohol. A range of studies have shown that young people who are exposed to alcohol marketing are more likely to start drinking at an earlier age or, if they are already drinking, are likely to drink more. These points have been made by Deputies. That is why the Government has now decided to act in respect of minimum unit pricing; availability and affordability; and marketing, advertising and sponsorship.

Deputy Martin said we did not have a discussion here. No, we did not. We have had discussions for six years. We are now at the pre-legislative scrutiny stage. I guarantee the Deputy that everybody will have an opportunity to state his or her case. When the Bill comes back here, there will be full discussions at the committee and back in the House.

Deputy Higgins made a good point. It is true that much of the advertising seen on television is technically brilliant, very artistic and full of movement and energy. That is exactly the reason the Government intends to regulate marketing and advertising. Drink can be advertised, but young people cannot associate alcohol with being impossibly thin, beautiful or world-famous. Equally, the laochraí of the past and the wonderful things that happen in sport cannot be directly associated with the consumption of alcohol. That is where the regulation of marketing and advertising, about which Deputies have made points, will take place. Just because drink is advertised, it will not be possible for it to be associated in young people's minds with prowess on the sporting field or the athletics track, with accuracy or with all of these other things. That is exactly why the regulation will be introduced for marketing and advertising.

While it will be possible for festivals to be supported in terms of sponsorship, the marketing and advertising associated with that will not be focused on young people being all-achievers as a consequence of alcohol consumption. The same thing will apply to cinemas and other places where this will apply. The Government has made a series of decisions here with particular reference to labelling, general health, the carrying of identification, minimum unit pricing, affordability and accessibility. All the studies show that this will have an impact on young people and, in particular, vulnerable people. For those who might be more experienced in drinking in terms of their years, it is not going to have an undue impact on the current situation where the alcohol consumed is of a level where people appreciate its quality. In that sense, I think the pre-legislative scrutiny will give Members and other groups an opportunity to state their case.

An Ceann Comhairle: I ask Deputies Mathews and Boyd Barrett to be quick because we want to get on to the other questions.

Deputy Peter Mathews: It is obvious from the contributions that have been made and the questions that have been raised that this is a key issue in Irish society at the moment. As Deputy Martin said, this process has been going on for six years. I agree with Deputy Creighton that we have now reached the crunch time. As the leader of the country, the Taoiseach should not suggest that the Government says this or thinks that.

An Ceann Comhairle: Will the Deputy put his question, please?

Deputy Peter Mathews: Sorry, a Cheann Comhairle-----

An Ceann Comhairle: I am sorry too. We have spent almost 30 minutes on this question. I have to think of other Deputies who have questions here. We cannot make-----

Deputy Peter Mathews: Maybe in future the Chair might like to ask me first.

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An Ceann Comhairle: No, I do not have to ask you at all, Deputy.

Deputy Peter Mathews: I am just giving you a suggestion.

An Ceann Comhairle: It is not your question.

Deputy Peter Mathews: It is a suggestion.

An Ceann Comhairle: We do not have suggestions - we have questions.

Deputy Peter Mathews: Every time it comes to my turn to make a contribution-----

An Ceann Comhairle: It is Question Time. You have to ask a question.

Deputy Peter Mathews: -----or ask a question, you say “we are out of time, look at the clock, blah blah blah”. It is the same business.

An Ceann Comhairle: Please put a question. You have no question down on this.

Deputy Peter Mathews: I am putting a question. I am asking why the Taoiseach is not grabbing this by the neck and saying, “I want the Government to bring in a restriction on sponsorship, marketing and advertising”. If the leader of our country cannot join up the dots, we are in a bad way. It is very simple.

Deputy Richard Boyd Barrett: I would like to come at this issue slightly differently. I certainly have no particular truck for the drinks industry as it pumps its products at young people through advertising. I would like to hear a little more detail in this debate about the precise link between advertising and levels of alcohol consumption. To my mind, there were chronic problems of alcohol abuse in the days before there was any advertising. This was often linked to deprivation. We need to discuss these things. I do not make that comment in defence of the drinks industry. Alcohol abuse among any group in society, including young people, is quite a complicated issue.

As I am coming at this from a slightly different angle, I want to know whether the Taoiseach believes it would be worth considering putting extra taxes on the corporate profits of the drinks industry. Is there not a case for that, given that problems related to alcohol abuse have such a huge cost for Irish society at so many different levels? Setting aside the wider debate on corporation tax, which as the Taoiseach knows I feel is too low, is there not a good case for applying a special levy on the profits of the drinks industry and using that money for rehabilitation programmes, sport, youth services and community services? The conundrum of where to get extra revenue for sports and young people could be solved by directly taxing the enormous profits of the alcohol industry.

The Taoiseach: As I said, the Government has made a decision. It has asked the Minister and given him authorisation to go and produce the Bill. It will deal with below-cost selling, minimum unit pricing, advertising, marketing and labelling. It is not as simple - believe me, Deputy Mathews - as just saying “Ban the lot,” because-----

Deputy Peter Mathews: We did it with smokeless fuels.

The Taoiseach: -----sponsorship of any description carries with it an inherent association with marketing and advertising. That is why, as I said in response to other questions, the Government will regulate this very clearly.

There is a massive amount of evidence available - a compelling body of evidence, I might say, a Cheann Comhairle - that where young people are exposed to alcohol marketing, whether it be on television, in public places or in the cinema, this encourages access to alcohol and, as a consequence, abuse for those who are vulnerable, particularly for those who have started to drink or who are likely to start to drink. It impacts more in terms of low-cost alcohol being freely available at very low prices. The Government has made a decision to act really decisively in this area so that many hundreds of festivals around the country can still be sponsored, but the marketing and the advertising associated with those festivals will not and cannot be focused on young people to create a perception that the use of drink, such as is involved, allows them to do all things in an extraordinary way. That is where the regulation will apply and that is where every Deputy can have a say at the pre-scrutiny stage when it comes back here.

As I said to Deputy Creighton in the beginning, while it might be easy to assume that companies will take up the opportunity to sponsor, it does not always happen. As I said, the Irish cricket team is in India and the Irish Open has been sponsored by the taxpayer for the last number of years. If particular companies wish to get involved in sponsorship, then that is their right.

This is a genuine attempt by the Government to deal with something that is a scourge to many families and that results in the use of up to 2,000 beds per night in public hospitals because of drink-related consequences for those who are unfortunate enough to get locked into that.

Official Engagements

2. **Deputy Micheál Martin** asked the Taoiseach the position regarding his meeting with the ambassador of the United States of America to Ireland; and if he will make a statement on the matter. [40967/14]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the ambassador of the United States of America; and if he will make a statement on the matter. [43809/14]

4. **Deputy Joe Higgins** asked the Taoiseach if he will report on his meeting with the ambassador of the United States of America to Ireland. [43819/14]

5. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to New York and the economic events designed to increase jobs and investment here. [44902/14]

6. **Deputy Micheál Martin** asked the Taoiseach if he will report on his recent trip to the United States of America in November, 2014; and if he will make a statement on the matter. [45778/14]

7. **Deputy Micheál Martin** asked the Taoiseach if he met any Government representatives on his recent trip to the United States of America in November 2014; and if he will make a statement on the matter. [45779/14]

8. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to New York in November 2014; and if he will make a statement on the matter. [2150/15]

9. **Deputy Gerry Adams** asked the Taoiseach if he met with any of the Irish immigration

lobby groups while in New York; and if he will make a statement on the matter. [2151/15]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his letter to President Obama on immigration reform; and if he will make a statement on the matter. [2152/15]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the meetings he attended during his visit to New York in November 2014; and if he will make a statement on the matter. [4355/15]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed Ireland's corporate tax rate at any of his meetings in New York; and if he will make a statement on the matter. [4356/15]

The Taoiseach: I propose to take Questions Nos. 2 to 12, inclusive, together.

I have had a number of recent engagements in support of Ireland's relationship with the United States of America. I met with the new ambassador, Mr. Kevin O'Malley, on Friday, 10 October, in Government Buildings. I welcomed Mr. O'Malley to Ireland and congratulated him on his appointment. The ambassador told me he was looking forward to his term and spoke warmly of the overwhelming welcome and support he had received since arriving in Ireland.

Our discussions were wide-ranging. We discussed the excellent relationship between Ireland and the US, acknowledging the strength of economic, personal and political ties. We recalled the successful visits by President and Mrs. Obama and my own visits to the United States. We discussed the economic situation in Ireland and Europe, and the ambassador was complimentary about the remarkable progress made by our country in recent years. We spoke about the Transatlantic Trade and Investment Partnership, recalling that a negotiation mandate was secured during Ireland's Presidency of the Council of the European Union, and discussed the potential for increased investment, trade and job creation on both sides of the Atlantic. I also briefed the ambassador on the latest state of play in Northern Ireland and the all-party talks that were, at the time of the meeting, proposed by the British and Irish Governments.

The subject of US immigration reform has been a key priority for the Government and a constant element in our discussions with the American Administration. While I did not have occasion to meet any of the immigration lobby groups during my brief visit to New York in November, I took the opportunity to raise the issue with the ambassador, Mr. O'Malley, and to emphasise the importance of people's ability to move freely between the US and Ireland.

Since that meeting, as Deputies are aware, President Obama announced some welcome changes to the US immigration system, which represents a strong start on immigration reform. These changes should benefit a significant number of our own citizens. For those covered, it promises to lift the threat of deportation and should allow them to work and travel more freely within the United States. I followed up on President Obama's announcement by writing to him to welcome this development and to ask that the arrangements be as open and as flexible as possible in order to protect the undocumented Irish in the United States.

I must stress, however, that, while this is a good start, our work is not yet done. The President has acted within his own powers, but legislation in Congress is still needed to build on what has been achieved in the President's announcement. For that reason, the Government and our embassy in Washington have been working and will continue to work with the Administration and with both Republican and Democratic political leaders. We have strong contacts

across both sides and we will continue to build on this particular network.

I visited New York in November with a programme focused on boosting trade, investment and job creation. In engaging with business groups and companies, I highlighted a number of key messages, including Ireland's strong economic recovery, our advantages as a place to invest and to do business, the strong offering of Irish exporting companies and the Government's roadmap for Ireland's tax competitiveness. My engagements included a round-table event at the New York Stock Exchange with the CEOs of a number of leading international financial services companies. I spoke about Ireland's continued economic recovery, our strengths as a location for investment and the new international financial services strategy currently being prepared by the Minister of State, Deputy Harris. While at the New York Stock Exchange, I also had the opportunity to meet its new CEO, Mr. Thomas Farley, and was pleased to be invited to ring the opening bell that morning. I met again with Mr. Farley during the World Economic Forum in Davos last month.

I also attended a meeting with members of the Partnership for New York City, a membership organisation made up of CEOs of leading businesses with headquarters in New York. This was a follow-on to my previous meeting with members of the partnership earlier last year. Again, I spoke about the strengths of Ireland's economy and Ireland's excellence as a location for investment, as well as our new roadmap for Ireland's tax competitiveness.

During my visit, I attended a dinner event hosted by the Ireland-US Council, attended by a range of leading US and Irish business leaders, where I highlighted Ireland's progress towards economic recovery and its many advantages as a location for business, investment, tourism and high-quality goods and services. I was pleased to have a follow-up meeting with Bristol-Myers Squibb at which it confirmed its major new investment in Ireland, involving about 1,000 construction jobs while the facility is being built and then up to 400 permanent high-tech jobs in the pharma sector. I also availed of the opportunity to visit North Shore-LIJ Health System's new state-of-the-art health care facility, the Lenox Hill HealthPlex, and meet with North Shore's president and CEO, Mr. Michael Dowling, and some of his senior colleagues. As Deputies will be aware, Mr. Dowling is a native of Limerick and maintains a close interest in developments here in Ireland. While at Lenox Hill, I chaired a round table with North Shore, representatives of the Visiting Nurse Association and Enterprise Ireland, EI, client companies with a view to building the necessary links and expertise amongst the EI companies to supply goods and services to the health care market in the US.

Overall, while it was a brief visit to New York, my programme covered a wide range of business engagements aimed at promoting Ireland's continued attractiveness as a business location and helping Irish companies to pursue further business opportunities in the US.

Deputy Micheál Martin: I welcome the Taoiseach's reply, particularly regarding immigration. I met the ambassador as well. He is energetic and will be a constructive voice in enhancing and nurturing relationships between our two countries.

This is our first occasion to question the Taoiseach on President Obama's announcement on immigration. The President's actions are welcome, but they do not include everything that we want to be in a proper programme. There are still thousands of undocumented Irish out there. There are also still issues with the level of certainty around President Obama's policies and his relationship with Congress. There are challenges with regard to whether Congress will approve those policies or go further in terms of a comprehensive immigration Bill. People believed

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that could happen two years ago, but it does not look as though it will happen now, before a presidential election. President Obama's statement has implications concerning people returning home and those with a particular status in the United States. We are concerned by utterances from some members of the US Congress who say they will undo much of what President Obama has announced. Is our lobbying and diplomacy focused on members of Congress to at least get commitments that they will not roll back on what President Obama has announced? That is important in order to have certainty about our undocumented. If what President Obama has said was allowed to prevail, that, in itself, would give some certainty to the undocumented in the United States. The fact that some members of Congress are suggesting otherwise is a worry. I ask the Taoiseach to assess that issue.

I do not think the Taoiseach mentioned the tax situation. We know that tens of thousands of people in Ireland rely on jobs that are directly provided by American investment and US multinational companies. Many of them use tax schemes which are entirely legal and in line with practices found in many other countries. In the budget, the Taoiseach announced a move to a new system concerning a particular dimension of the global tax situation. What measures does the Taoiseach intend to take to provide long-term certainty on tax matters to investors in Ireland? Long-term certainty is the key issue on tax matters. Will the Taoiseach be raising that matter when he is next in Washington?

The European Parliament and other European institutions are beginning to single out individual American companies and employers for attack. For example, a recent vote by the European Parliament calling for the break-up of Google is naked populism but it could have a serious impact on jobs here and elsewhere across Europe. Unfortunately, Sinn Féin and the far left had no problem with that motion, which is directly damaging to Ireland's interests. Does the Taoiseach and his Government talk with all our MEPs, irrespective of party affiliation, about the national interest regarding issues that emerge in the European Parliament from time to time? Will he take steps to assure Google and other important investors that Ireland will stand against such damaging grandstanding in Europe?

As regards the forthcoming events in America in March, other parties, including Sinn Féin, will be out there also. One of the most remarkable things is how Sinn Féin never mentions any of its domestic policies when its representatives fly across the Atlantic. That is probably because they know their policies would horrify most of the people they are trying to raise money from. Perhaps this year the Government might find an opportunity for Deputy Adams to explain Sinn Féin's policy of attacking the United States as being co-responsible for Russia's invasion and brutalisation of Ukraine. That is an important issue which has gone unnoticed in the public domain. The Taoiseach might be kind enough to print off the speeches of Sinn Féin Deputies and MEPs and make them widely available in Washington.

Deputy Gerry Adams: We do that already.

Deputy Micheál Martin: I do not think you do.

An Ceann Comhairle: We are running short of time now.

Deputy Micheál Martin: Two individuals, John Hume and Seamus Mallon, have been outstanding in their support for peace over many decades. In the early days, they pioneered the engagement with the United States to develop a broad consensus in Congress, including key personnel who were then influential in American policy and thus influential for the peace

process. They are two of our greatest heroes for peace. They stood against all sides and never compromised on their commitment to human rights, dignity and equality for all. Something official should be done to acknowledge their work. I am conscious that has happened in Washington in recent times as, for example, people have been honoured by the Ireland Fund. Would the Taoiseach consider that his visit to Washington might be a good opportunity to announce something in particular to acknowledge the work of two great constitutionalists, John Hume and Seamus Mallon?

An Ceann Comhairle: I ask everybody to be conscious of the clock. We only have fourteen and a half minutes left and there are three other Deputies waiting to contribute.

The Taoiseach: Deputy Martin has raised a number of important issues and I will refer to some of them. Clearly, the question of emigration has been a source of activity by all governments in recent years. It will be a real priority for this Government as we continue our discussions with and through the new US ambassador, Mr. O'Malley. The establishment of an E3 visa is an outstanding issue which we must continue to discuss.

The proposals made by President Obama last November should benefit thousands of undocumented Irish in the US. Under those proposals, undocumented immigrants who have been in the US for more than five years, or who have children who are US citizens, or legal residents who register, undergo background checks and pay their taxes, will be given temporary legal status and protected from deportation. President Obama made the point that they were after criminals in the US. We know that the vast majority of people there from our own country pay their taxes and social security. Many of them have raised their families in that context.

A number of further possibilities are being considered by the US Congress, but the President's announcement is a welcome step in the right direction. I have listened carefully to the Republican Party, which now controls both Houses of Congress, and clearly there are implications concerning exactly what it wants to do. I hope it will proceed to build on the announcement that has been made by President Obama. As Deputy Martin pointed out, there are differing voices but we consider President Obama's announcement as being entirely within his remit and a positive direction for Ireland. I would like to see that being built upon. I intend to raise this matter with US representatives when I have the opportunity to travel to Washington in March.

We are aware of President Obama's latest tax proposals. The Government abolished the stateless concept in 2013 and we abolished the double Irish in 2014. We are fully compliant in participating in the OECD's base erosion and profit shifting, or BEPS, analysis for providing an international response to the tax situation. It is not yet known what the implications will be of action by the Republican-controlled House of Representatives and Senate in respect of President Obama's statements on tax.

As regards what President Tusk and President Juncker said the other day, Ireland will continue to have a 12.5% corporation tax rate into the very distant future. We are not changing that, up or down. Under the EU treaties, taxation is a matter of national competence. That statement is important for would-be investors and those who have already invested here. The Minister for Finance, Deputy Noonan, has clarified that the double Irish will be replaced, in addition to considering the introduction of an information patent box here in Ireland. We have made it clear that this country does not support the harmonisation of taxes.

As regards companies being challenged by the European Commission, there is one major

company here in Ireland, but that now it is being extended to all of the countries in Europe. The Government is clear that, over the years, nothing untoward was carried out by the Revenue Commissioners in respect of any of these companies. We are prepared to defend that right through the courts, if necessary. That is where we are in respect of taxation issues.

Deputy Martin's point about two sons of Ulster, Seamus Mallon and John Hume, should certainly be considered and I will examine that. Both men are outstanding examples of people who are unafraid to stand up for human rights, equality, dignity and political progress with peace in Northern Ireland. I will consider that.

Deputy Gerry Adams: I know we do not have much time and I have four questions. However, I want to assure Teachta Martin that Irish America knows Sinn Féin's policies. It is clear that we receive our support there, despite some of them disagreeing with our policies. We receive support because we have a united Ireland strategy and a peace strategy, both of which we are working, and because most of the Irish in America are there as a result of the punitive austerity policies pursued by the previous Fianna Fáil-led Administration and the current Government.

We all know the many links between Ireland and the US. Those links were very clear during the recent negotiations which took place at Stormont House. I commend President Obama's envoy, former Senator Gary Hart, who was regularly in contact and who offered his support and advice. I thank him for that. I was also in contact with Meghan O'Sullivan and Richard Haass, who provided the template for what was eventually agreed at Stormont. I met Ambassador O'Malley during the negotiation period and I thank him for his support. I especially wish to commend the US Consul General, Greg Burton, who is soon to leave his position but who was omnipresent during the talks. There is still a great deal of work to be done. Teachta Martin made no mention of the threat made once again against the life of the Deputy First Minister by so-called dissident elements. That threat shows that we cannot take the peace process for granted. We continue to work to make it a reality for more and more people.

The questions tabled in my name relate to those who are in America illegally, particularly in the context of the initiative taken by the US President, which was broadly welcomed by most Irish American groups. The Taoiseach is aware of Ciaran Staunton and his work on behalf of the undocumented. I take this opportunity to commend our ambassador to America, Anne Anderson, and her consular staff on their work in this area. After President Obama made his announcement, the Taoiseach wrote to him stating that there would be some capacity for the undocumented Irish to travel home and that the full details of this would be worked out. Will he indicate if those details have been worked out? What resources are being provided by the Department of Foreign Affairs and Trade and our diplomatic service to assist those who might potentially benefit from President Obama's executive order? The Taoiseach alluded to the fear that an executive order made by one US President might be reversed by another. I must note at this point that there are others who fall outside the scope of this new arrangement. Will the Taoiseach be raising this issue - if God spares him - when he returns to the United States in March? Will he raise it with Republican leaders as well as with President Obama? I witnessed his very forthright push for citizenship for Irish people there and for legal rights for them. Will he continue to press the White House for a more comprehensive and bipartisan legislative Bill which would give the undocumented a path towards citizenship?

An Ceann Comhairle: In light of the time constraints, I ask that the two remaining Deputies put their questions now.

Deputy Joe Higgins: I will deal with just one of the huge number of issues that arise. Was the Taoiseach asked in any detail about the controversy with regard to Irish corporation tax policy or about the race to the bottom throughout Europe in respect of corporation tax, which this and previous Governments have championed? Did any civil society organisations or others raise this issue with the Taoiseach? Earlier, the Taoiseach referred to the abolition of the “double Irish” tax scam. Did he advise anyone who asked him that this mechanism will remain in place for another five years for all the major corporations which have scandalously availed of it in order to legally avoid paying tax? As with St. Augustine, it is a question of hankering after purity but not quite yet, as far as taxation policies relating to big business are concerned. Is the Taoiseach aware that non-governmental organisations such as Christian Aid that are heavily involved in poor countries have outlined the damage done by what he describes as tax competitiveness but which is, in fact, a mechanism to allow massive global corporations to avoid paying billions in taxation? The tax in question should be used for social good and social investment but the Government’s policies prevent that.

Is it not incredible that the leader of the biggest Opposition party in this Parliament has chosen to weigh in to this debate in order to bolster the giant multinational corporations to which I refer? For example, he mentioned Google and Apple. The latter made a profit of €18 billion in one quarter of last year. However, the Deputy in question did not have a word to say about the Garda’s dawn raids on the homes of ordinary activists and public representatives who are fighting injustice and austerity. Was the Taoiseach aware that gardaí were going to be sent to the homes of public representatives and anti-water-charge activists?

Deputy Richard Boyd Barrett: In his initial reply, the Taoiseach indicated that he had met a litany of CEOs of large corporations in New York. He referred on two occasions to what he calls the roadmap to tax competitiveness in Ireland and stated that he had encouraged the corporations in question to invest here as a result of that competitiveness. There have been widespread reports of the Government conferring with multinationals in order to reassure them that the changes to the double Irish tax arrangement will not impact on the amount of tax they pay. Is evidence not piling up to the effect that the policy of this and previous Governments has been to act - to some degree and in a pretty shameful way - as the corporate tax prostitute of Europe, particularly when it comes to attracting investment from the United States? A report in the business section of today’s edition of *The Irish Times* indicates that the high-powered barrister the Government has hired to defend Ireland in the context of the European Commission’s investigation into Apple’s tax affairs and the possible state aid extended to or special arrangements made for it by the Government has gone on record in the past month implying that the new knowledge box arrangement with which the double Irish will be replaced may be found to be very problematic. The individual in question apparently indicated that the knowledge box may constitute further state aid and may not involve a proper imposition of tax on the corporate sector. Even people the Government is hiring have stated that something about the Irish corporate tax regime stinks. That regime allows multinationals to literally get away with murder when it comes to corporate tax.

Does the Taoiseach communicate with the American Administration in respect of the fact that it is considering pouring fuel on the fire of the dire conflict in Ukraine by discussing the possibility of providing arms to one side, thereby inflaming an absolutely disastrous situation? What does the Taoiseach think of the proposal to supply arms? Would he join some of us in stating that it would be a disastrous move - and would make the situation even worse - for the United States to pour arms into what is an already dire conflict?

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The Taoiseach: Deputy Adams raised a number of points. I am not going to become involved in any controversy involving him and the party whose Deputies are seated to his left.

I will raise the issue of the undocumented Irish with Republican leaders when I return to the United States. Ambassador O'Malley understands the position of illegal Irish immigrants in the US. He also understands perfectly that for Irish people the ability to travel home and back to the United States while their undocumented status is changed is of critical importance. We will continue to press the White House in respect of this matter.

Deputy Higgins referred to tax. We did abolish the concepts of stateless companies and the double Irish. There were perceptions of Ireland being a tax haven. These perceptions are completely unfounded. Clarity now exists for the period to 2020.

I did not know of anything to do the activities of the Garda in so far as a Member of the House is concerned. It is an entirely independent operational matter for the Garda.

Deputy Joe Higgins: Does the Taoiseach condemn it as over the top and heavy-handed?

The Taoiseach: With regard to Deputy Boyd Barrett's point about my meetings in New York, we have spoken to many of the chief executives and have given them a very clear understanding that our corporate tax rate will continue at 12.5%-----

Deputy Richard Boyd Barrett: Six and a half percent.

The Taoiseach: -----and of our opposition to tax harmonisation, and our defence of the position in so far as the company being investigated by the European Commission in Ireland is now concerned. It is now investigating the tax practices in all 28 countries. We are very clear that, over the years, there was no untoward activity in so far as state aid for any company was concerned. The knowledge box that we are now considering is one in respect of which we will continue to play hard and fair to win. We expect the rate will be competitive and Ireland will continue to be a very attractive location for investment. As Deputy Boyd Barrett knows, we can pride ourselves on our tax and technology positions and our track record, and mostly in respect of the talent of our young people to meet all the challenges.

The answer to the question on Ukraine is that it is a matter for discussion on Thursday. The agenda for the European Council meeting concerns terrorism, Ukraine and the EMU. These matters will be discussed in some detail.

Deputy Joe Higgins: The Government is going to stab the Greek people in the back. That is shameful.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 18, motion re Standing Order 107I, and No. 43, Redress for Women Resident in Certain Institutions Bill 2014 - Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that in the event that a division is in progress at the time fixed for taking Private Members' business, the Dáil shall sit later than 9 p.m. tonight and Private Members' business, which shall be No. 180, motion re

child care, shall, if not previously concluded, adjourn after 90 minutes; and the proceedings on No. 18 shall, if not previously concluded, be brought to a conclusion after 25 minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed five minutes in each case, and such Members may share their time; and the speech of a Minister or Minister of State who shall be called upon to make a speech in reply shall not exceed five minutes. Tomorrow's business after Oral Questions shall be No. 1, Education (Miscellaneous Provisions) Bill 2014 [Seanad] - Second Stage.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 18 agreed to? Agreed.

Deputy Micheál Martin: With regard to legislation on the Order Paper - namely, Deputy Clare Daly's Bill on fatal foetal abnormalities - it was stated earlier that there was no precedent for the putting of the Attorney General's advices before the House. However, my understanding is that in 1983, the then Minister, Mr. Barry Desmond, read into the Dáil record in full the Attorney General's advices on the legislation relating to Article 40.3.3°. I ask the Taoiseach to confirm whether the members of the Labour Party are being briefed on the Attorney General's advices on the Bill before the House. We read in the media that they are to be briefed. If one group of Deputies is being advised on this matter, all Deputies should be briefed. The Taoiseach might confirm the position for me. It would be a good day's work for transparency if the advices were published.

With regard to the Health (General Practitioner Service) Bill, the rolling out of free GP care to under sixes is in jeopardy as hundreds of GPs across the country are refusing to sign up to the Government's plans. The National Association of General Practitioners, which comprises a very large body of GPs, is now calling on its members not to sign up to the Government's proposals. We are all aware of the position of children over six. I am aware of a very sad case of a child with very severe cancer who is being refused a medical card by the HSE. Other cases, which were before the House last week, involved children with significant conditions and complications who have been refused medical cards. The difficulty people have is that children under six who are healthy will be getting medical cards while those over six who are very severely ill will not. When can we expect the Health (General Practitioner Service) Bill? When can we see the commencement of the scheme for under-sixes?

The Taoiseach: The Deputy raised two questions, the first of which was on the Attorney General's advice. Obviously, the Attorney General was asked formally at Cabinet about Deputy Daly's Bill. The Attorney General confirmed that, in her opinion as legal adviser to the Government, the Bill is unconstitutional as framed. Obviously, I do not speak for any Minister briefing the members of the Labour Party in terms of making sure that briefing confirms what the Attorney General actually said to the Government, namely, that the Bill is illegal.

Deputy Micheál Martin: The important point is that if one group of Deputies was briefed, all Deputies should be so briefed. It would be extremely unprecedented if there were a special briefing for one group and not the others. I believe the Taoiseach accepts that point.

The Taoiseach: I was not there but obviously the briefing confirms the Attorney General's advice to the Government.

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Deputy Micheál Martin: So there was a briefing.

Deputy Richard Boyd Barrett: Could we all see it?

Deputy Micheál Martin: So there was a briefing?

The Taoiseach: I do not know. I am not at the Labour Party meetings and I do not know. I have seen the reports myself to the effect that the party was to be briefed.

Deputy Richard Boyd Barrett: Could we see the advice before we vote?

The Taoiseach: I have told anybody I met that the Attorney General briefed the Government to the effect that the Bill is unconstitutional.

Deputy Richard Boyd Barrett: Could we see it?

The Taoiseach: I am saying that publicly.

Deputy Micheál Martin: On a point of order-----

An Ceann Comhairle: This is not on the Order of Business.

Deputy Micheál Martin: The Bill is on the Order Paper and Deputies have asked for the Attorney General's advices.

The Taoiseach: I have pointed out that for very many years-----

Deputy Richard Boyd Barrett: Why should some get the briefing when we do not?

Deputy Micheál Martin: It would be extraordinary if one group of Deputies got the advices while another group did not.

Deputy Richard Boyd Barrett: We all have to vote on this.

The Taoiseach: The former Minister Mr. Desmond may have read something into the Dáil record. For very many years, however, it has been consistent policy not to publish advice given by the Attorney General.

Deputy Richard Boyd Barrett: So the Taoiseach gets to see it and we do not.

Deputy Micheál Martin: The Labour Party is getting to see it.

The Taoiseach: I do not propose to do that-----

An Ceann Comhairle: Hold on a minute. This is the Order of Business.

The Taoiseach: -----except to confirm that the Attorney General gave formal legal advice to the Government that the Bill, as framed, is unconstitutional.

Deputy Michael Healy-Rae: So the Taoiseach is hiding-----

Deputy Richard Boyd Barrett: He will not show us the proof.

Deputy Bernard J. Durkan: Deputy Boyd Barrett is not the Government.

Deputy Richard Boyd Barrett: We have got to vote on it. How are we supposed to do so

if we do not see the evidence?

The Taoiseach: In respect of the rolling out of GP cards for under-sixes, the negotiations are proceeding very well. I have seen some of the reports in respect of one group of doctors. Deputy Martin should note that €37 million in extra money, over and above everything else, has been allocated for this particular reason. The Minister is confident that he can have this introduced by summertime.

Deputy Micheál Martin: Under Standing Orders, the Committee on Procedure and Privileges, as one knows, is empowered to provide legal advices to the House. A very unusual set of circumstances has arisen in that, according to the Taoiseach, certain Deputies are being briefed. That is now definite and has been confirmed.

An Ceann Comhairle: Sorry; we are not getting into that.

Deputy Micheál Martin: No one else has been briefed in regard to the Bill. In future, the Ceann Comhairle might call all Members of the House-----

An Ceann Comhairle: The Deputy has had his run.

Deputy Micheál Martin: -----with regard to the capacity of the Committee on Procedure and Privileges to have independent advices provided to the House.

The Taoiseach: To clarify that, I am confirming that the Attorney General confirmed to the Government that the Bill, as framed, is illegal. That is the only briefing that has been given to Deputies.

Deputy Gerry Adams: I want to make the same point as Deputy Micheál Martin. If, as we read in the newspapers, the Labour Party Deputies are being given a briefing on the Attorney General's advice, the rest of us deserve the same briefing.

I wish to refer to the Immigration, Residence and Protection Bill 2010, the related international protection Bill, the Assisted Decision-Making (Capacity) Bill and the priorities set out by the Minister for Health. I asked last week about the timeframe for the completion of the Immigration, Residence and Protection Bill but I did not get a clear answer. I later received a letter from the Minister for Justice and Equality in which she explained that, because the Bill is expected to take some time, she has decided to fast-track a separate international protection Bill to meet several particular and immediate concerns. I thank her for that letter. However, I would like to know from the Taoiseach when he expects the general scheme of the international protection Bill to be published. When does he expect the Bill itself to be published?

5 o'clock

The Assisted Decision-Making (Capacity) Bill 2013 was a hugely important Bill, the purpose of which was to update and reform the outdated law governing decision-making by those whose capacity may be impaired. It was intended that it should replace the Lunacy Regulation (Ireland) Act 1871, on which much of our current system is based. The significance of this was underpinned recently by the allegations of abuse which featured in the RTE programme on the Áras Attracta home in December last. What is needed is a clear legal framework which guarantees that citizens with impaired mental capacity have rights. The 2013 Bill would bring the State into greater compliance with international best practice. It is hugely important. The Bill was introduced 20 months ago, and passed Second Stage on 11 December 2013. It was sent to

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the committee on 12 December 2013, but it has never been discussed. There is an issue with regard to why progress has been so slow. When does the Taoiseach expect this to be taken at Committee Stage, and does he realistically envisage that it will pass all Stages and become law before the term of this Government is finished?

To return to my previous question, the Minister for Health promised that he would extend the remit of HIQA to other health and social care sectors, commencing in 2015 with private health care providers. I would like to know when that is envisaged. Given that HIQA has written telling me that the Government has failed to act on its recommendations, when will the Government implement the recommendations made by HIQA in its reports on Tallaght hospital and other facilities?

The Taoiseach: Deputy Adams raised the matter of the immigration Bill last week and the Minister, Deputy Frances Fitzgerald, replied to him yesterday in a detailed letter about that. Amendments are being prepared on the section that she is fast-tracking, and that will come before the House in the not too distant future.

The Assisted Decision-Making (Capacity) Bill 2013 is awaiting Committee Stage. The Department of Justice and Equality, together with the Attorney General's office, are working on amendments. They are conscious of the importance of this. After these have been concluded, it will come before a committee here in the House.

I will come back to Deputy Adams with an up-to-date position on HIQA and its extension to other agencies and organisations.

Deputy Derek Keating: With regard to promised legislation, the Taoiseach may remember an issue that I raised with him on a couple of occasions - that is, the Criminal Justice (Spent Convictions) Bill 2012. I am interested to know the current status of that. Like many Members, I know a small number of persons who committed minor offences a long time ago, and that can have a significant impact on their lives in terms of travelling abroad, for instance, which can prevent them from meeting their families. It is an important piece of legislation that will affect the lives of many.

The Taoiseach: Deputy Keating raises an important matter. The Bill is awaiting Report Stage. There are a number of issues that were raised on Committee Stage and the amendments are being considered. I can give Deputy Keating an update on when it is expected that this might be concluded.

Deputy Bernard J. Durkan: The new children's hospital establishment Bill is promised legislation and is inching its way towards us. I ask the Taoiseach whether he expects that we might see the evidence of that before the House at an early date, preferably for passage before the end of the present session.

The Taoiseach: I will have to come back to Deputy Durkan with a more accurate date for this. I cannot give him a specific date now.

Deputy Richard Boyd Barrett: In relation to the vote we have to take later on Deputy Clare Daly's Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill 2013, the Taoiseach has just indicated that Labour Deputies are receiving a briefing.

Deputy Paul Kehoe: No.

Deputy Richard Boyd Barrett: The Taoiseach did say a “briefing”.

Deputy Paul Kehoe: He did not.

An Ceann Comhairle: Sorry, Deputy Boyd Barrett.

Deputy Micheál Martin: He did.

Deputy Richard Boyd Barrett: He did.

Deputy Micheál Martin: The Taoiseach said it to me.

The Taoiseach: One should not put words in my mouth.

Deputy Richard Boyd Barrett: I ask out of respect for what goes on in this Chamber, in which we are to vote on a Bill of that level of seriousness. A briefing has been given to some Deputies in this House. It must contain argumentation. It does not merely state in one line that the Bill is unconstitutional. Is the Taoiseach seriously suggesting that is the advice? There must be argumentation in it dealing with the issues that have been raised.

An Ceann Comhairle: This is the Order of Business.

Deputy Richard Boyd Barrett: I am only asking whether Deputies who will be required to vote on this can be given the same briefing-----

An Ceann Comhairle: They cannot at this stage.

Deputy Richard Boyd Barrett: -----that the Taoiseach just admitted is being given to Labour Party Deputies.

An Ceann Comhairle: Deputy Boyd Barrett has made his point.

Deputy Richard Boyd Barrett: The Taoiseach said it.

Deputy Brendan Ryan: We were there. We did not get it.

Deputy Anne Ferris: He was mistaken.

Deputy Joe Higgins: Could the Taoiseach tell us precisely when the proposed water services Bill, which the Minister for the Environment, Community and Local Government has promised, will be brought here? Could he tell us the purpose of that Bill, since that has not been made clear, and the timescale?

Could the Taoiseach tell us whether the Minister for Justice and Equality was aware that a small battalion of gardaí was to be dispatched-----

An Ceann Comhairle: Not on the Order of Business. Deputy Higgins will have to find some other way of raising that issue.

Deputy Joe Higgins: -----to the homes of anti-water charge activists to arrest them yesterday and this morning, and that ten gardaí arrived at the home of a 16 year old boy this morning in Tallaght to arrest him in relation to a protest in Tallaght?

An Ceann Comhairle: Deputy Higgins will appreciate that he cannot raise that on the

Order of Business.

Deputy Joe Higgins: Was the Minister aware that this would happen?

An Ceann Comhairle: Deputy Higgins will be aware that he is out of order.

Deputy Joe Higgins: Is the Taoiseach happy to criminalise an entire community with this kind of carry-on?

An Ceann Comhairle: On the legislation promised.

The Taoiseach: I can confirm that the Government was not aware of the operations of the Garda in this matter. It is untruthful to state that it was or to make any allegation from that point of view. I heard it on the early morning news, just as everybody else in the country did.

In respect of Deputy Clare Daly's Bill, let me confirm here that the Attorney General gave formal legal advice to the Cabinet that the Bill is unconstitutional, and that is what has been transmitted to any Deputies.

Deputy Richard Boyd Barrett: Did the Attorney General even give the Government any arguments?

The Taoiseach: There are no briefing documents to be given to any Deputy other than to confirm that the Attorney General's formal legal advice is that this Bill is unconstitutional.

Deputy Willie O'Dea: That is it?

The Taoiseach: I would point out to Deputy Boyd Barrett-----

Deputy Richard Boyd Barrett: It is extraordinary.

The Taoiseach: -----that the parameters within which the Legislature has to operate are the same as was the case for the Protection of Life During Pregnancy Bill 2013.

An Ceann Comhairle: This is not in order.

The Taoiseach: The current constitutional position, as confirmed by the Supreme Court, is that termination is only permissible when the continuation of the pregnancy constitutes a real risk to the life of the mother.

Deputy Clare Daly: Wrong. Obviously, the Taoiseach did not read the PP v. HSE judgment.

The Taoiseach: Those are the parameters within which the Constitution is framed, and the Constitution is framed by vote of the people.

Deputy James Bannon: In the past week, the new 2015-2016 electoral register was published. There have been, again, numerous errors. In one estate in my constituency-----

An Ceann Comhairle: We cannot go into that here. It sounds like a parliamentary question.

Deputy James Bannon: -----there are 28 houses occupied, but only two households have been registered.

Deputy Michael Healy-Rae: Were they not voting for Deputy Bannon? Were they voting for the others?

An Ceann Comhairle: Deputy Bannon will be aware that he is out of order.

Deputy James Bannon: On the electoral commission Bill-----

An Ceann Comhairle: That is better.

Deputy James Bannon: -----I ask the Taoiseach when this Bill will be published.

An Ceann Comhairle: Deputy Bannon can have his say on that Bill.

The Taoiseach: I do not have a date for that. The Minister, Deputy Kelly, has spoken about the intention to introduce an electoral commission, which I think would probably be before the end of the year.

Deputy Michael Healy-Rae: With regard to the programme for Government, could I ask the Taoiseach about the Government's commitment to and support for two- and three-teacher schools? Its present policy will mean that many of the small schools will close. I ask the Taoiseach and the Minister to give a commitment here that two- and three-teacher schools be allowed to continue in the future, as their parties promised in the programme for Government.

An Ceann Comhairle: This sounds like a Topical Issue.

Deputy Michael Healy-Rae: I am surprised the Minister of State, Deputy Deenihan, who is alongside the Taoiseach and who was at the same meeting I was at last night, is not biting the Taoiseach's ear off telling him what happened last night-----

An Ceann Comhairle: Deputy Healy-Rae is stretching it.

Deputy Michael Healy-Rae: -----because he gave great commitments to the people in south Kerry. I would like to see him give the same commitment here in Dáil Éireann. He was very good last night but I would like him to adhere to what he said. I am doing it on behalf of the people of Kerry.

An Ceann Comhairle: Deputy Healy-Rae is chancing his luck.

Deputy Michael Healy-Rae: It is time to talk with the Minister and for Deputy Deenihan to say here what he stated at home.

An Ceann Comhairle: We cannot go into disputes.

Deputy Michael Healy-Rae: I am very sorry. The Ceann Comhairle cannot blame me for being passionate when it comes to children and small schools.

An Ceann Comhairle: I am aware that Deputy Healy-Rae is passionate. He should table the question for a Topical Issue and we will consider it.

Deputy Paul Kehoe: The microphone is off. No one is listening to Deputy Healy-Rae.

Deputy Michael Healy-Rae: The best thing the Minister of State could do is to keep his mouth shut.

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Deputy Paul Kehoe: The microphone is off. There is no one listening any more.

Deputy Michael Healy-Rae: They are listening to me all right but they are not listening to Deputy Kehoe.

Deputy Paul Kehoe: Deputy Healy-Rae's microphone is off.

An Ceann Comhairle: I call Deputy Ó Feargháil.

Deputy Seán Ó Feargháil: As we all will be aware, the housing crisis is continuing unabated. From what the Tánaiste has said to us in recent times, it is unlikely to be seriously tackled in the very near future. The Government has promised a landlord and tenant Bill to address and consolidate the law in the area of private rented accommodation. That is one of the areas that is exacerbating the difficulties at present. Could the Taoiseach tell us when precisely it is intended to bring forward that legislation because if the Government is truly prioritising housing, then this is part of the scheme of legislation that needs to be brought forward to address it?

The Taoiseach: I cannot tell the Deputy precisely when the Bill will come but I can tell him that the Government continues not just to make this a priority in terms of housing, but to put money on the table to make it become a reality. Deputy Ó Feargháil is well aware of the pressure in his area in terms of the demand for housing and it cannot be addressed until people start to build houses, and there are conditions and regulations that apply in that regard. The Government has put money in place for social and affordable housing and is encouraging the industry to build proper housing for people given the serious demand for it. I will come back to Deputy Ó Feargháil with dates in respect of the proposed legislation.

Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill 2013: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to the Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill 2013. On Friday, 6 February 2014 on the question that the Bill be now read a Second Time, a division was claimed and in accordance with the Order of the Dáil of that day that division must be taken now.

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

<i>The Dáil divided: Tá, 20; Níl, 104.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Barry, Tom.</i>
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>
<i>Collins, Niall.</i>	<i>Burton, Joan.</i>
<i>Coppinger, Ruth.</i>	<i>Butler, Ray.</i>
<i>Daly, Clare.</i>	<i>Buttimer, Jerry.</i>
<i>Donnelly, Stephen S.</i>	<i>Byrne, Eric.</i>
<i>Ferris, Anne.</i>	<i>Calleary, Dara.</i>
<i>Fleming, Tom.</i>	<i>Cannon, Ciarán.</i>
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>

<i>Higgins, Joe.</i>	<i>Coffey, Paudie.</i>
<i>Kelleher, Billy.</i>	<i>Collins, Áine.</i>
<i>McGrath, Finian.</i>	<i>Conaghan, Michael.</i>
<i>Murphy, Catherine.</i>	<i>Conlan, Seán.</i>
<i>Murphy, Paul.</i>	<i>Connaughton, Paul J.</i>
<i>Pringle, Thomas.</i>	<i>Conway, Ciara.</i>
<i>Ross, Shane.</i>	<i>Coonan, Noel.</i>
<i>Shortall, Róisín.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Troy, Robert.</i>	<i>Costello, Joe.</i>
<i>Wallace, Mick.</i>	<i>Cowen, Barry.</i>
	<i>Creed, Michael.</i>
	<i>Creighton, Lucinda.</i>
	<i>Daly, Jim.</i>
	<i>Deasy, John.</i>
	<i>Deenihan, Jimmy.</i>
	<i>Doherty, Regina.</i>
	<i>Durkan, Bernard J.</i>
	<i>Farrell, Alan.</i>
	<i>Feighan, Frank.</i>
	<i>Fitzgerald, Frances.</i>
	<i>Fitzmaurice, Michael.</i>
	<i>Flanagan, Charles.</i>
	<i>Flanagan, Terence.</i>
	<i>Fleming, Sean.</i>
	<i>Gilmore, Eamon.</i>
	<i>Grealish, Noel.</i>
	<i>Griffin, Brendan.</i>
	<i>Harris, Simon.</i>
	<i>Healy-Rae, Michael.</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>Kelly, Alan.</i>
	<i>Kenny, Enda.</i>
	<i>Kenny, Seán.</i>
	<i>Kirk, Seamus.</i>
	<i>Kitt, Michael P.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lowry, Michael.</i>

	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McGinley, Dinny.</i>
	<i>McGrath, Michael.</i>
	<i>McGuinness, John.</i>
	<i>McHugh, Joe.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Martin, Micheál.</i>
	<i>Mathews, Peter.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Moynihan, Michael.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Noonan, Michael.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>Ó Fearghail, Seán.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Sherlock, Sean.</i>
	<i>Smith, Brendan.</i>

	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared lost.

Topical Issue Debate

Home Renovation Incentive Scheme Eligibility

Deputy Seán Ó Feargháil: I wish to raise the issue of dementia and home renovations. The recently published national dementia strategy acknowledges that most people with dementia live in their communities and wish to continue to do so. To do this they sometimes need to make adjustments to their homes and some issues arise. It is often deemed that those with dementia are unsuited to apply for a loan to fund necessary renovations in their houses and the adaptation grant is often inadequate. When a family care-giver funds adaptation renovations in the home of the person with dementia, the care-giver is unable to claim the tax back from the home renovation incentive scheme as he or she is not the home owner. In the case where the person with dementia has adequate funds to make renovations, he or she is often on a State pension and is, therefore, unable to claim the tax back. In that respect I request that the Minister review the policy to ensure that adequate financial support is given to ensure that people with dementia are enabled to remain in their homes.

Under the home improvement scheme, VAT on building work can usually be claimed back by home owners through the PAYE system. If the older person or the person with disabilities has funds to pay the cost of the building work not covered by the grant, he or she tends to be unable to claim the tax back through the home improvement scheme. This issue arises as these people tend not to pay tax through the PAYE system as they are usually unfit for work. In the case where the older person or person with a disability does not have funds to cover the cost of the building work not covered by the grant, the burden may be left to the family. If a member of the family is not the house owner, that person is ineligible to reclaim the VAT through the scheme.

I will give an example. Mrs. A has early onset dementia and her occupational therapist and the neurological team have advised that she has her house adapted. The cost of the work is €40,000, for example. Her daughter needs to live with her as the HSE provision for home help

is inadequate to meet her daily needs. As her daughter works full-time, the household income of a full-time wage and Mrs. A's widow's pension decreases the percentage of works allocation through the adaptation grant. The family incur the cost of the building work which is not covered by the adaptation grant and they are ineligible to claim this money back from the home improvement scheme as they are not the home owners. Even if Mrs. A had the funds to pay for the cost not covered by the grant, she would be ineligible to claim the VAT back as she does not pay PAYE on her pension. On a separate note, the VAT payable for building works, which is not taken into consideration by the adaptation grant, which is approximately €5,000, needs to be paid to the builder before being eligible to claim it back through the aids and appliances scheme. If the family, therefore, did not have the funds for this building, work could not take place in the first instance. These are the issues which are particularly pertinent. The home renovation scheme has worked very successfully. The Minister will agree with me on wanting to see something done for people who suffer with dementia, and we have an increasing number of such people in our society. I wonder whether the schemes can be amended in some way to meet the needs of the people to whom I have alluded.

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, I introduced the home renovation incentive, HRI, in budget 2014. This scheme came into operation on 25 October 2013 and will run until 31 December 2015. The incentive provides tax relief for homeowners by way of a tax credit at 13.5% of qualifying expenditure incurred on repair, renovation or improvement work carried out on a principal private residence.

In the recent budget, I announced the extension of the home renovation incentive to rental properties whose owners are liable to income tax. The aim of the measure is to increase and improve housing supply at a time when there is strong demand for housing and insufficient supply in certain areas. The home renovation incentive has been very successful to date, with works on just over 15,900 homes notified to Revenue's online system as of 9 February 2015. This represents more than €328 million worth of works involving some 4,224 contractors. The incentive is generating significant employment in the tax-compliant construction sector and increasing sales in building supplies, hardware and related businesses.

Qualifying expenditure is that which is subject to the 13.5% VAT rate. The work must cost a minimum of €4,405 exclusive of VAT, at which level it would attract a credit of €595. Where the cost of the work exceeds €30,000 exclusive of VAT, a maximum credit of €4,050 will apply. The credit is payable over the two years following the year in which the work is paid for. The tax credit is only available to the homeowner and not to children or other individuals who may fund the works. However, there are other measures available to individuals or family members who may fund works in their parent's homes.

A housing adaptation grant for people with a disability is available from local authorities and provides grant aid to applicants to assist in the carrying out of works that are reasonably necessary for the purposes of rendering a house more suitable for the accommodation needs of a person with a disability. This grant can assist with changes and adaptations to a home, such as making it wheelchair accessible, extending it to create more space, adding a ground floor bathroom or toilet, or installing a stair lift. This grant can cover up to 95% of the cost of works carried out, which is far more generous than the relief available under the home renovation incentive.

If minor works are required, a means-tested mobility aids grant scheme is also available. This scheme provides grants for works designed to address mobility issues in the home, such as

the purchase and installation of grab rails, access ramps, stair lifts or level access showers. This grant is primarily targeted at older people. Further details on both of these grants are available from local authorities.

Works which are grant-aided, such as the grants mentioned above, also qualify for the home renovation incentive. Three times the value of the grant is deducted from overall expenditure, with any remainder attracting the tax credit of 13.5%. This is to align with best fiscal practice in that relief is not provided twice for the same expenditure.

It is worth noting that the deduction in respect of grant-aided work is not taken into consideration for the purposes of reaching the minimum spend threshold of €4,405 excluding VAT. Full details of the scheme are available on Revenue's website, along with a comprehensive guide for homeowners which answers frequently asked questions and provides assistance to homeowners who may wish to avail of the incentive.

The Deputy may be interested to note that there is a provision for the refund of VAT incurred on qualifying goods for the exclusive use of disabled persons in the Value Added Tax (Refund of Tax) (No 15) Order 1981. The order specifies the degree of disability and defines the qualifying goods as goods which are aids or appliances, including parts and accessories, specially constructed or adapted for use by a disabled person. The order extends to works carried out on homes to adapt them to make them more accessible for disabled persons. The works can be paid for by family members. As the rate of relief provided under the HRI equates to the same amount of relief under this VAT refund, it is not necessary to include such works in the HRI.

If the Deputy has a specific person, or number of persons, in mind, the Value Added Tax (Refund of Tax) (No 15) Order 1981 can be accessed by a relative and provides the same relief at 13.5% for the work undertaken.

Deputy Seán Ó Feargháil: I appreciate the point the Minister made in conclusion and that the VAT can be reclaimed by a family member, but it is also the case that the elderly or disabled person must have the money in the first instance to pay the contractor. One of the difficulties for many of the people we meet who require these grants is they do not have adequate finance to make this payment in the first instance.

I commend what the Minister has done on the home renovation scheme, which has been positive with regard to what it has done for properties and generating employment, particularly for small builders throughout the country. I am aware of the use and the potential of the mobility scheme grants and the housing adaptation grants. I am simply stating to the Minister that there are plenty of situations in which the moneys required to adapt houses are in excess of the amount payable under these grants, particularly where people with dementia are concerned. People with dementia very often require a member of the family to be in residence on a full-time basis to support them. In these circumstances there is a dichotomy, in so far as the old person may not have the money to pay the charge up-front and recoup the VAT but the younger person is not the house owner and therefore cannot avail of the home renovation scheme. There should be sufficient flexibility, because I suspect the number of people who fall into this category is not inordinate. It could be extended somewhat so these schemes could be used together to the ultimate benefit of retaining a person with dementia in the community, where we know people with dementia want to be and where we know they can get the best quality care.

Deputy Michael Noonan: The home renovation scheme runs until the end of 2015. While

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I have no plans to renew it for a further year or two yet, we will review the position going into the budget, as we will do in all of these cases. In the course of this review I will take the Deputy's views into account.

Tax Code

Deputy Lucinda Creighton: I thank the Minister for taking this Topical Issue. I wish to raise the deeply uncompetitive environment which exists to encourage productive investment in Irish small and medium-sized enterprises, and the deeply unfair and inequitable taxation system in place for the self-employed. I genuinely believe most Irish people are not aware of the fact, and would be shocked if they knew, that an employee who earns €15,000 pays €285 in tax through PAYE, USC and PRSI whereas an employer, who has taken the risk to establish a company and all of the attendant stress and headache which goes with it, pays a total of €2,235 in taxation on the same amount of earnings. This is 684% more for the self-employed person on the exact same wage as the employee. Why is it that an employee earning €50,000 pays €14,585 in tax, while an employer pays €16,235 in taxation on the same earnings, which is 11% more? An employee on €100,000 pays €40,384 in tax whereas an employer who earns the same amount pays €42,034, which is 4% more. These are startling figures. They send out a negative signal to the people we need to continue creating jobs and who we desperately need to grow their businesses and ensure a sustainable recovery for this country. It strikes me as quite perverse that we single out the self-employed, the people to whom politicians from all sides of this House pay lip-service on a daily basis. We talk about entrepreneurs, the need for entrepreneurship and the need for people to take a risk and go the extra mile to set up or develop a business, yet we are hitting them with punitive levels of tax. In some instances, a self-employed person pays 684% more in tax than a person who is their employee on the same wage level.

It is all very well to talk about the small business people and both Government parties did so to a significant extent in their respective manifestos before the last election, but neither party nor any other party in this House currently proposes to introduce any tax equity or tax fairness for small business people. Such a move would help them along the road and encourage them, and say to them that we do not think they are crooks and gangsters and fiddle the system but rather that we believe they are the sort of people we need in our society to create jobs and opportunities and develop our economy long into the future. I find it perplexing that the Government can claim that it supports entrepreneurs when our tax policy explicitly discriminates against them. We are exporting entrepreneurs and the people we need to invest in Irish small business. That is tragic. It is true of our jobs tax policy with PRSI and our investment policy with punitive levels of capital gains tax, which are totally out of kilter with the rest of the modern developed world. We are taxing families who want to help their children start businesses through capital acquisitions tax. It is really unfortunate and I look forward to hearing the Minister's response.

Deputy Michael Noonan: I thank the Deputy for raising this matter this afternoon. I recognise the key role that Irish small and medium-sized enterprises, SMEs, play in creating employment in our economy. SMEs account for almost two thirds of employment in the enterprise economy, and it is for that reason that I have introduced and extended a wide range of tax measures to encourage productive investment in SMEs and to promote the growth of small enterprises.

The Government has sought to diversify sources of investment for the SME sector and

recognises that the tax system can play an important role in this regard. That is why I have expanded the employment and investment incentive, EII, which provides income tax relief on investments of up to €150,000 in SMEs, in successive budgets. In budget 2013, the incentive was extended until 2020 while in budget 2014, the incentive was removed from the high earners' restriction. In budget 2015, the incentive was further expanded to cover a greater array of businesses and permit companies to raise more capital. The level of investments made under this scheme is rising and it is expected that this trend will continue.

In budget 2014, I introduced the capital gains tax entrepreneurial relief, which provides CGT relief for serial entrepreneurs who use the gains from one investment to invest in a new firm. In the same budget, to improve access to non-bank funding for SMEs, I exempted transfers of shares for companies on the enterprise securities market of the Irish Stock Exchange from stamp duty. The latter provision is subject to EU state aid approval.

To further encourage entrepreneurship and ensure that new entrepreneurs can invest in their own start-ups, the seed capital scheme will be rebranded as StartUp Refunds for Entrepreneurs or SURE. As the Deputy may be aware, under this scheme, an employee who leaves PAYE employment may claim a refund of income tax already paid in respect of their investment in their new incorporated business. The information leaflets are being simplified and the scheme will be the subject of a marketing campaign to be undertaken by the local enterprise offices.

Corporation tax relief is available for new start-up companies in the first three years of trading. This allows new firms reinvest their profits into expanding their business. The relief was extended in the Finance Act 2014 for one year, and my Department is currently reviewing this scheme with a view to further improving its operation.

The measures I have outlined to the Deputy were designed to improve the tax environment for investment in small enterprises. I have introduced measures to assist SMEs in other ways in recent budgets. These measures include introducing the 9% rate of VAT for tourism-related services and abolishing employer PRSI on share-based remuneration as part of the jobs initiative in 2011; increasing the cash receipts basis threshold for VAT to €2 million in budget 2014; increasing the *de minimis* amount that can be retained by a close company without giving rise to a surcharge in budget 2013; enhancing and extending the foreign earnings deduction to new qualifying countries in budgets 2014 and 2015; introducing the start your own business initiative to assist entrepreneurs who have previously been long-term unemployed; introducing the home renovation incentive in budget 2013 to create economic activity which aids small construction companies; expanding the annual excise relief production ceiling for microbreweries; and removing the base-year restrictions on the research and development tax credit in budget 2015, which removed a significant administrative burden from all companies which use this incentive. I would also point out that Ireland has low rates of employer social insurance contributions when compared to our EU partners. As a result, the cost of hiring a new employee is one of the lowest in the European Union.

Tax reliefs and reductions constitute a loss forgone to the Exchequer. At a time when there is still a requirement to correct the public finances, I would suggest that we should continue to direct what are limited resources towards assisting entrepreneurs and small firms through focused tax reliefs.

I make the general point that companies invest when they anticipate that demand will increase in the future. As SMEs primarily supply the domestic market, they are particularly reli-

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ant on domestic demand. The income tax and universal social charge deductions introduced as part of budget 2015 will increase citizens' disposable income and correspondingly increase consumer spending in the domestic economy, encouraging SMEs to invest and expand. With a growing economy, increasing employment, expanding supports for entrepreneurs and a low corporation tax regime, I believe Ireland is a good place in which to set up a business.

Deputy Lucinda Creighton: I thank the Minister for his reply. I am aware of all the various schemes and many of them are extremely complex. Much of the feedback I have got from small businesses is that they are inaccessible or they do not qualify for them. There are a huge number of hurdles and obstacles to accessing many of the schemes the Minister mentioned.

I am glad he mentioned the 9% rate of VAT because it has been a successful policy decision of this Government and one I have supported. The Minister will recall that in advance of last year's budget I wrote to him and lobbied him in order to retain the 9% level. It demonstrates how very focused, targeted tax measures do work. My concern is that the very focused, targeted taxation measures have been focused very much on the construction and building sector during the past three to four years rather than the SME sector. Very simple changes could be made, which would not cost the Exchequer greatly but would make the environment for self-employed people much fairer.

I know these figures never find their way into Government press releases. We always hear about the foreign direct investment company that has created 20 or 50 jobs and there is almost a rush of Ministers to be there to cut the ribbon. The figures we do not hear about, but which I am certain the Minister is well aware of, are those from the Central Statistics Office, CSO, which in August 2014 showed that the number of self-employed people who employ others in their company has decreased. That is a very worrying trend at a time when there is so much emphasis on start-up companies and the need for new companies, which is obviously very important. The fact that the small and medium-sized enterprise sector is not employing the same number of people as it was in 2011 and that the number has dropped is a huge cause for concern. It goes against the trend of our having greater levels of employment in this State to see self-employed people being reduced to one-man operations because they cannot afford to retain staff. That is a massive cause for concern. I hope we are not papering over those cracks and that the Minister will deal with that and confront that very worrying trend.

Deputy Michael Noonan: I think everybody knows that the SME sector was under pressure as a result of the disastrous policies pursued by the Fianna Fáil and Green Party Government where the economy crashed. If GDP goes down by 20%, is it any surprise that the number of SMEs in the economy will go down as well and that there are closures? Some of the CSO figures to which the Deputy referred are historic and the SME sector is building up again.

I have given a lot of encouragement, through the tax system, to the SME sector. It does not involve just construction, but the tourism industry, farming, retail and smaller service industries such as software industries, IT companies and financial services. We have concentrated efforts right across the sectors. The difference between the growing economy now and the economy we had during the Celtic tiger is that the Celtic tiger economy was dependent on one sector, which involved building, development and speculation on building, and the taxes it generated. The latest set of statistics show that all sectors are now growing and contributing to the 5% growth in GDP in 2014. We will continue that policy.

I agree with the Deputy on one area, which is something we inherited. The introduction

of the PAYE allowance in 1980, while well-justified through the 1980s, created a differential between those paying PAYE and the self-employed, and that differential needs to be examined when resources come to hand. I agree with the Deputy's analysis in that space. It is not something that was created by this Government or magnified by it, but it is something of which it is aware. I will take her views into account when we are preparing the next budget.

School Staffing

Deputy Brendan Griffin: Gabhaim buíochas leis an Ceann Comhairle as ucht an deis an t-ábhar tábhachtach seo a phlé anseo inniu. Tá daoine i mo dháilcheantair buartha agus tá eagla orthu i dtaobh an ábhair seo. Tá muintir Chiarraí ag lorg athraithe ar an bpolasaí seo.

I thank the Leas-Cheann Comhairle for the opportunity to speak on this matter and the Minister for being present in the Chamber to discuss it with me. As someone who is in her first year in the job, I acknowledge that this is an issue she has inherited and is not a problem of her doing, but it is to be hoped it is something she will be able to address. The issue to which I refer is the threshold changes for small two, three and four-teacher schools, primarily in rural parts of the country. It was introduced in the 2012 budget at the end of 2011 and has seen the thresholds for two, three and four-teacher schools increase from 12 to 20, 49 to 56 and 81 to 86, respectively. In Gaeltacht areas the threshold has increased from 76 to 86, which is a very large jump. The problems being created as a result are causing major difficulties for children throughout the country who find themselves in much larger classes, sometimes in rooms with three, four or even five streams of 27, 28, 29 or 30 children.

I acknowledge that we have a problem with class sizes in Ireland in general. In urban areas it is not uncommon to have class sizes of more than 30 children with one teacher. That is now happening in rural areas, but to compound the problem there are three, four or five streams in many classrooms. Having spent a brief amount of time in the classroom, I would rather teach 35 children in one stream than 30 children across four or five streams. It is giving children, predominantly those in rural areas, a poorer start in life.

The real tragedy is that the changes have not resulted in a significant cash saving. The figures involved are quite low. According to a response to a parliamentary question I tabled, the amounts involved were about €2 million in 2012-2013 and €2 million or €2.5 million in 2013-2014. There may be a cumulative figure of more than €10 million over a number of years, but that does not take into account the long-term impact or the cost of keeping on the dole someone who would otherwise be in employment. This needs to be a priority for the Government. I appreciate this is an issue the Minister has inherited, but she has an opportunity to try to find a solution.

I have raised this matter consistently. I find myself in the Dáil again today and have spoken about this on the Topical Issues debate numerous times. I have raised the matter at committee level. Behind closed doors I have raised the matter at parliamentary party level. I have raised the matter directly, individually and privately with Minister and the Taoiseach.

Rural communities are suffering as a result of this. There may have been a case to be made in the past for clusters of small two-teacher schools, all of which were close to each other, with 12 or 13 pupils. There is a big difference between that and the situation I outlined, where there may be 55 children in a school which is isolated and amalgamation is not an option. Such

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schools may have two teachers with 25 or 30 pupils across multiple streams in two classrooms. With an improving economy and increased revenue coming in, this must be a priority we can address. It is something we need to tackle. We need to put our children first.

Minister for Education and Skills (Deputy Jan O'Sullivan): I thank the Deputy for raising this issue, which he has raised, as he said, on a number of occasions. I am aware that a large public meeting on this topic took place in south Kerry last night, which was addressed by the president of the INTO and others. The Minister of State, Deputy Deenihan, has given me copies of the petition which was presented.

The Government recognises that small schools are an important part of the social fabric of rural communities. As someone who attended a small primary school, I am particularly aware of their significance to rural communities. Small schools will continue to be a feature of our education landscape. Somehow, we have to find a way to have an open conversation about how small schools, as well as other important social infrastructure, can be preserved and sustained in rural communities, in particular in isolated rural areas.

As part of the budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools was gradually increased between September 2012 and September 2014. The final phase of the budget measure took effect from September 2014, and no further changes were made as a result of the previous budget. That measure reflected the reality that small primary schools generally had better average class sizes than medium to large schools, and it has certainly put the staffing arrangements for small schools on a more sustainable basis when considered purely from the perspective of public finances.

For example, it was arguably never affordable to allocate a second teacher to a school with just 12 pupils, giving an average class size of just six pupils. That budget measure was applied to all small schools equally, irrespective of their location, ethos or language of instruction. An appeals process was put in place for small schools losing a teacher or that failed to gain an additional teacher as a result of the budget measures. I know that this appeal process was put in place after significant contacts between members of the House and my predecessor. This allowed small schools which were projecting increased enrolments in the coming September that would be sufficient to allow them to retain or gain a classroom post to submit an appeal to the Primary Staffing Appeals Board.

The staffing arrangements for the 2015-2016 school year, including the appeals process, will be published shortly. As I have mentioned, the budget which was passed by this House three months ago did not provide for any change to the staffing of small schools. My focus in budget 2015 was on obtaining the additional funding that was necessary to provide for demographic growth. For the first time in recent years, I was able to deliver an increased budget for education this year. That budget will allow us to recruit the 1,700 additional teachers, resource teachers and SNAs which our children need and deserve.

I was also able to secure the funding necessary to begin education inspections of early years settings, to reform the junior cycle and to continue funding the literacy and numeracy strategy which has delivered such great results for children throughout Ireland, but I could not secure the funding necessary for everything that Members of this House might have liked. That means I do not have additional funding to change the staffing of small schools or class sizes generally.

I also do not have additional funding to increase school capitation, restore guidance coun-

sellors, invest more in higher education or any number of other pressing needs, but in the previous budget I did secure the first increase in recent years. I am determined to build on that again as part of budget 2016 and to see meaningful additional investments made to education spending. Of course, educational quality for pupils has to be the main criterion in any consideration of primary school size.

It is also necessary to consider the needs of local communities, along with wider social and cultural factors. How best to sustain provision for widely dispersed and small communities does present as a particular challenge.

6 o'clock

In particular, we must look again at areas where school enrolment is declining but amalgamation cannot even be considered because there are no other similar schools nearby. That is of particular concern to Deputy Griffin.

A value for money review of small primary school provision has been conducted and I strongly believe it must be published to inform a reasonable and sensible discussion about how we can better support rural school communities. The review takes a comprehensive look at the many aspects of small schools, with the aim of providing useful evidence with which to inform future policy. I thank Deputy Griffin for raising the issue as I know he has a very strong concern in the area.

Deputy Brendan Griffin: I thank the Minister for her response and anything she can do would be much appreciated. There were 600 people at a meeting last night in Cahersiveen. As the Minister acknowledged, I have worked relentlessly on this issue for the past three years. It is ironic that some of the very same public representatives who aided and abetted in the complete destruction of this economy over the past decade are the same people who are now criticising Government Deputies like me for staying with the issue, working on it and being consistent in trying to find a change that will help rural communities. It is incredible and those people should have a good look in the mirror, consider their past and acknowledge what they are responsible for. They should bear some responsibility now and grow up. I want to keep working on this.

Parents and children are very worried. Every parent wants the very best start in life and opportunities for their child. There are large geographical areas throughout south Kerry where amalgamation will never be an option. There are schools fluctuating both above and below current thresholds which in many cases were comfortably above the thresholds. For a relatively small amount of money, the future of those communities and their schools can be safeguarded. I implore the Minister to do what she can into the future.

In counties like Kerry there are Gaeltacht schools that may be close to non-Gaeltacht schools, so such circumstances must be taken into account. The threshold changes were a very blunt instrument, as I pointed out many times. A one cap fits all approach does not work with small schools. We must put our heads together and find a fairer system that gives every child an opportunity and does not punish children for living in rural communities. I thank the Minister and ask her again to do everything possible with the issue.

Deputy Jan O'Sullivan: I acknowledge Deputy Griffin's particular concern. He has raised the matter many times and I am conscious there is a particular issue with widely-dispersed small communities. We obtained a limited increase in last year's budget, which creates difficulties for us with the various issues being proposed within education. I am certainly conscious

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of the issues involved in this, particularly the difficulties of isolated schools. We will also take note of the Gaeltacht school matter.

Hospital Services

Deputy Dessie Ellis: Cappagh hospital is a fantastic facility, with the best of staff, including nurses and surgeons. People who have availed of its services have nothing but praise for it, although there has been a 40% increase in the number of patients, coupled with a reduction in funding because of recent budgets, as well as a cessation of the funding from the National Treatment Purchase Fund. Increased funding in 2015 has been promised by the Minister, which should allow for more inpatient procedures. The opening of closed and under-utilised facilities should result in additional theatres, with approximately four theatres operating on a daily basis. That is urgently needed.

Recently, an orthopaedic surgeon told my colleague, Deputy Ó Caoláin, that the level of funding for the hospital has been nowhere near sufficient to look after people in a timely way. This lack of funding prevented a person from having a hip replacement that is urgently required. In response to a parliamentary question, the Minister for Health, Deputy Varadkar, indicated that the HSE has been engaging with Cappagh hospital and trying to identify ways to cut waiting lists and increase resources. He stated that additional funds would be made available in 2015 to open an additional 1.5 theatres per day. I would love to know the progress of this and if waiting lists will demonstrate a real decrease with this funding.

At the end of January 686 patients were awaiting knee surgery, with 100 waiting between nine and 12 months and a further 70 more than a year. I have some examples from my own area, although I am sure there are myriad examples throughout the country. A 76 year-old constituent lives with her husband, who has Parkinson's disease and dementia, and she has been waiting two years for a back operation. It has been on an urgent list since 18 March 2014. On 5 September, the person was brought in for the pre-operation process. This woman is confined to her home and has the added problem of caring for her husband, who is reliant on her support.

There is a second case of a 50 year-old man, married with three children, who has psoriatic arthritis, a chronic disease characterised by a form of inflammation of the skin and joints which can cause inflammation of the spine as well as tendons, cartilage, eyes, lung lining and, rarely, the aorta. He was referred to Cappagh hospital from Blanchardstown in February 2014, one year ago. He had his tendons done in Blanchardstown more than 18 months ago and he needs his hands straightened and fused. This should have been done shortly after his tendons had been done. An assessment form was sent to him only a month ago and he still has no indication of when this procedure will be carried out. His quality of life has been destroyed, as well as his ability to work or even play with his children.

I have a third case of a 79 year-old woman who has been housebound because she needs a replacement knee. She has been waiting for three years in total, with no quality of life. A recent response to a parliamentary question on 16 December was sent to her family. It indicated that Cappagh hospital has confirmed that the woman was referred to the Mater and placed on the inpatient waiting list for Cappagh hospital for 2 April. This means she is eight months on the inpatient waiting list, and only patients waiting 14 months or longer are being treated. Cappagh hospital further stated that urgent patients continue to be prioritised, and it has advised that due to a strict chronological booking policy, all patients attending the hospital are being offered

dates for a waiting time for surgery, with due regard to clinical categorisation.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank the Deputy for raising this issue, which is not unique to Cappagh hospital or the Dublin area. I am taking this matter on behalf of the Minister for Health who, unfortunately, is out of the country.

The Minister for Health briefed the House on Cappagh hospital's operating theatres in November last year. Cappagh National Orthopaedic Hospital is one of the major elective orthopaedic facilities in Ireland, providing a national secondary and tertiary referral service for orthopaedic care for both adults and children. The Minister met representatives from Cappagh late last year to discuss the issues faced by the hospital. As a result of the increase in the number of overall patient referrals, a reduced budget, cessation of funding from the National Treatment Purchase Fund and a reduction in private income, there was a reduction in the surgical capability of the hospital. Although Cappagh hospital has a total of seven operating theatres and there were sufficient consultant staff available to provide services to meet demand requirements, not all theatres were in use in 2014.

It is of note that, at the end of 2014, overall staffing levels at Cappagh hospital were not significantly less than they were in 2008. There were approximately 330 whole-time equivalents, WTEs, in 2014 compared with 328 WTEs in 2008. The number of nursing WTEs fell slightly between 2008 and 2014, from approximately 124 to 123, the number of medical and dental WTEs increased from 36 to approximately 43 and is at its highest level since 2008. However, in 2014, Cappagh hospital experienced an unprecedented increase of approximately 40% in demand for inpatient treatment, a level of increase that was not observed in other sites.

I am pleased to inform the Deputy that further funding of €800,000 was provided in late 2014, which allowed Cappagh National Orthopaedic Hospital to undertake additional workload. Furthermore, the HSE, through its 2015 budget allocation process, has also provided Cappagh hospital with additional resources of €4 million over its 2014 allocation to allow for an increase in inpatient procedures. The 2015 budget allocation process has also provided for the opening of closed and under-utilised capacity at Cappagh hospital. This will enable the opening of an additional 1.5 theatres per day, bringing the total number of theatres open to four, which will allow Cappagh to increase activity levels and to address significantly its current waiting list breach volumes.

In 2015, the HSE will continue to engage with the hospital regarding its budget and to explore mechanisms to ensure optimal use of resources, including theatre capacity, at the hospital within the overall resources available to the acute sector. The Deputy will also be aware that Cappagh hospital is part of the Ireland east hospital group, which includes Mater Misericordiae University Hospital, St. Vincent's University Hospital, Midland Regional Hospital Mullingar, St. Luke's General Hospital, Kilkenny, Wexford General Hospital, the National Maternity Hospital, Holles Street, Our Lady's Hospital, Navan, St. Colmcille's Hospital, St. Michael's Hospital, Dún Laoghaire, and the Royal Victoria Eye and Ear Hospital. I am also confident that there will be a structured integration of Cappagh hospital into the Ireland east hospital group in 2015 and that this will provide opportunities and support for Cappagh hospital in managing demand and delivering high-quality, safe patient care in a cost-effective manner.

Deputy Dessie Ellis: Cappagh hospital is located not far from where I live and it has been an iconic facility for many years. Undoubtedly, there is an urgent need to address these waiting lists, as well as the under-staffing. Although the Minister of State said the staffing levels

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did not change much, there was a 40% increase in demand last year. In addition, a number of people are due to retire in the coming year, so both problems will have to be addressed. I hope the Minister will do that.

It is good to hear that extra funding is being provided, but the reality is that there will be four theatres operating when there should be seven. It is a shame on us that the capacity of seven theatres, or close to that, has not been reached. That is the reason 79 year-old people are waiting for hip and other replacements. Many very elderly people are waiting 12 months for surgery. I do not know to what level this will cut the waiting list, but I hope it will be cut considerably.

We should be taking account of the age of these people. The woman I discussed earlier cannot even go outside the door. Her husband has dementia and she cannot walk, but she has been told she might have to wait another three or four months. It is outrageous. There must be humanity in how things are judged. People are put on a list and it is judged by the time on the list, but account is not taken of the fact that this woman is elderly or that she has to deal with external circumstances. I hope we can address this better.

I have been hearing that the nursing situation is far more serious than the Minister of State says. The number of staff must be addressed. Obviously, we could also do with more surgeons and physicians, but there is no indication that this will be dealt with as well.

Deputy Kathleen Lynch: There is no doubt that the circumstances in which the country finds itself are not ideal. I realise somebody else got into trouble for saying this, but I believe we have made significant progress, even in terms of additional revenue being allocated to the health service. The things that happened should not have happened and the consequence is that we have developed waiting lists for people such as the lady the Deputy mentioned. I am sure that when orthopaedic surgeons, or any other surgeons, general practitioners or nurse managers, look at a person's circumstances, they do not just concentrate on the pain and that they take all other issues into account.

The Minister for Health and I have discussed this virtually every week and it is our intention that the long waiters, the people who have been waiting more than 12 months, must be catered for. I have met many surgeons in my area in Cork. They tell me that the circumstances are such that by the time they get to see eight new patients per week, that is a significant number in the context of the return visits, patients who must be managed, theatre time and so forth, six of them will be recommended for immediate surgery. There are issues with orthopaedics that we must confront and on which we must concentrate. The difficulty is, as the Deputy knows, that as soon as we get that area resolved, another area will emerge. It is always about the prioritisation.

The additional money for Cappagh hospital this year will help. I have never been one of those who say that consultant surgeons do not work hard enough. My personal experience is that they work extraordinarily hard and long hours. They generally are not people who shy away from work. With the extra theatres open and the additional money, I am very hopeful that the Deputy will see an improvement in the waiting times experienced by the people he represents.

Standing Order 107I: Motion

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

That, pursuant to Standing Order 99(1)(a), the Committee on Procedure and Privileges

recommends that the following additional Standing Order be adopted as a Standing Order of Dáil Éireann relative to Public Business until further notice in the 31st Dáil:

Privilege: failure to comply with professional secrecy provisions in respect of confidential information provided under the Central Bank Act 1942.

‘107I. (1) Where confidential information has been provided pursuant to section 33AK(5) (*ahb*) of the Central Bank Act 1942 a member shall not make an utterance during the course of proceedings which constitutes a failure to comply with the provisions of professional secrecy referred to in sections 33AK(6) and (6A) of the aforementioned Act. Where a member makes such an utterance during the course of proceedings it may *prima facie* be an abuse of privilege, subject to the provisions of this Standing Order.

(2) If, during the course of proceedings, it appears to the Ceann Comhairle that a member has made an utterance as described in paragraph (1), he or she shall refer the matter to the Committee on Procedure and Privileges: Provided always that the Ceann Comhairle may also at any time thereafter, on his or her own volition, refer any such matter to the Committee.

(3) At any other time and at the earliest opportunity, but not later than two weeks after an utterance as described in paragraph (1) is made, any person may make a submission in writing to the Ceann Comhairle claiming that—

(a) the information disclosed was provided under section 33AK(5)(*ahb*), and

(b) the utterance by the member in question constituted a failure by him or her to comply with the provisions of professional secrecy as set out in section 33AK(6) and (6A) of the Central Bank Act 1942.

If the Ceann Comhairle is satisfied that—

(a) the submission is so obviously trivial, frivolous, vexatious or offensive in character as to make it inappropriate that further action be taken or that it be considered by the Committee, or

(b) it is not practicable for the Committee to consider the submission under this Standing Order,

the Ceann Comhairle may decide that no action shall be taken in respect of the submission.

In any other case the Ceann Comhairle shall refer the submission to the Committee.

(4) Where a matter or submission is referred to the Committee and is considered under this Standing Order, the Committee may invite the member who made the utterance and any other person as the Committee may deem appropriate to give evidence orally or in writing to the Committee.

(5) The Committee shall have discretion to publish a matter or submission referred to it under this Standing Order or its proceedings in relation to such matter or submission, and may lay minutes of its proceedings and all or part of such matter or submission before the Dáil.

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(6) In relation to any matter or submission referred to it under this Standing Order, the Committee may decide and adopt a report to the effect that—

(a) no abuse of privilege has occurred and it shall recommend that no further action be taken by the Dáil in relation to the matter or submission; or

(b) an abuse of privilege has occurred, and it shall recommend that one or more of the following actions be taken:

(i) the member in question be discharged from the Joint Committee that is conducting the Part 2 inquiry;

(ii) the member in question be suspended from the service of the Dáil, and that suspension may continue until, but shall not surpass, the eighth day on which the Dáil shall sit after the date on which a motion under paragraph (8) is agreed;

(iii) the member in question be censured.

(7) Any decision taken by the Committee under paragraph (6) of this Standing Order shall require the support of three-quarters of the members present and voting.

(8) As soon as is practicable after its adoption of a report under paragraph (6), the Committee on Procedure and Privileges shall lay such report before the Dáil, and shall nominate one of its members to table a motion, as soon as is practicable, which—

(a) takes note of the recommendations and decisions in the report, and/or

(b) proposes one or more of the actions under paragraph (6)(b) be taken.

(9) The Dáil shall consider the motion under paragraph (8) as soon as is practicable.

(10) Notwithstanding the provisions of this Standing Order (save the provisions of paragraph (6), which shall continue to apply), the Committee, following consideration of a matter or submission under this Standing Order, may make such recommendations as appear to it to be appropriate.

(11) For the purposes of this Standing Order

- “Committee” shall mean either the Dáil Committee on Procedure and Privileges or a sub-Committee thereof;

“proceedings” shall mean parliamentary proceedings of the Dáil, a Standing, Select or Special Committee or a sub-Committee thereof.’

Today’s motion is a result of this House passing the Central Bank (Amendment) Act 2015 earlier this year. This legislation was introduced at the request of the Joint Committee of Inquiry into the Banking Crisis. It allows that committee to have access to certain confidential banking information held by the Central Bank and is considered vital to that committee being able to conduct the inquiry successfully.

I want to highlight the positive work to date of the committee, under the chairmanship of Deputy Ciarán Lynch, and the efforts of all the members of that committee, from across the political divide, to fulfil the obligations put on them by the terms of reference passed by the

Dáil and the Seanad last year. The members of the committee have put their political differences aside to work together to investigate the banking crisis. It is very positive that public representatives elected as Fine Gael, Labour Party, Fianna Fáil, Sinn Féin, Socialist Party or Independent Deputies or Senators are working together to uncover how the banking crisis and the economic crash and collapse that followed came about to ensure that, as a nation, we avoid the mistakes of the past. It shows to a wider audience what many of us in this House already know, that in committees the people elected to this Oireachtas work together in the interest of good government. While Oireachtas committees may not always get the media coverage their work rate deserves, they often show the better side of politics - hard work with less playing to the cameras and political point scoring. I hope that, as Members of the Dáil, we can follow the example of the members of the banking inquiry and not let party politics get in the way of the positive work being carried out by this committee. I hope that all Members of this House will support this motion before us.

This motion and the Central Bank (Amendment) Act 2015 address an issue identified early in the process by the committee. In May 2014, the Joint Committee of Inquiry into the Banking Crisis was established by the Houses of the Oireachtas. The committee was tasked with developing a relevant proposal for an inquiry into the reasons Ireland experienced a banking crisis. The committee, assisted by an expert group, developed and submitted a relevant proposal to the Dáil and Seanad Committees on Procedure and Privileges. On 26 November 2014, the committee was formally empowered to conduct an inquiry under Part 2 of the 2013 Act. The scope of the inquiry is broken down into two phases - the context phase and the nexus phase. The context phase is for the purpose of information gathering. This will inform the nexus phase, which will focus on three broad elements: banking systems and practices, regulatory and supervisory systems and practices, and crisis management systems and policy responses. In its relevant proposal, the committee identified that section 33AK of the Central Bank Act 1942 prohibited listed categories of persons within the Central Bank from disclosing certain confidential information. The committee felt that this provision may prove problematic for the inquiry when it seeks information which may be vital to its work. Having taken legal advice on this point, the committee was of the view that it was necessary to amend section 33AK in conjunction with necessary amendments to the Standing Orders of the Dáil and Seanad.

When considering the committee's relevant proposal, the Committees on Procedure and Privileges unanimously agreed that necessary amendments to the Act should be prioritised. The Central Bank (Amendment) Act 2015 and the amendments to the Standing Orders are the response to these requests. The new Act allows the Central Bank to disclose confidential information to the banking inquiry under certain circumstances. Such documents have professional secrecy obligations attached which everyone to whom they are disclosed must observe. The legal penalties attaching to others for breach of these professional secrecy obligations cannot be imposed on Members for anything they may say in the course of Dáil or committee proceedings.

To address this, the proposed new Standing Order puts in place a system where the Committee on Procedure and Privileges can examine, under fair procedures, any apparent breaches of the professional secrecy obligations by Members. Where such a breach has occurred, the CPP may recommend that the Member be discharged from the inquiry committee, which may be necessary owing to the potential legal implications of such disclosure, that the Member be suspended from the service of the House for a period of up to eight sitting days, and that the Member be censured. Such penalties are in line with existing penalties for disorder but the

ultimate decision with respect to these penalties rests with the House.

Together, the Act and the Standing Orders provide a gateway. This gateway will, under the Act, allow confidential information to be provided by the Central Bank to the banking inquiry in the knowledge that, under the Standing Orders, sanctions exist for any Member who fails to comply with the provisions of professional secrecy as set out in the EU instruments. The goal of the Central Bank (Amendment) Act 2015 and these new Standing Orders is to address a concern raised by the members of the Joint Committee of Inquiry into the Banking Crisis and allows the members of the committee to continue to carry out the very positive and constructive work they are doing on behalf of the Oireachtas and the people.

Deputy Seán Ó Fearghail: I should apologise on behalf of our party leader, Deputy Micheál Martin, who wished to be here. There are certain points I need to make on his behalf. I am somewhat compromised because, as the Government Chief Whip knows, as a member of the CPP I have myself been party to the discussions which have brought us to this particular point. At issue here is the way in which this Standing Order must be adopted. I have personally agreed that it should be adopted. It needs to be adopted to facilitate the continuation of the inquiry. However, what is at issue is the manner in which the inquiry will proceed on foot of the necessary amendment to the Central Bank Act, having regard to EU directives, and the variance between the public expectation of the banking inquiry and the reality of the process from here on in.

My leader spoke about the intentions of the Standing Order last week. I wish to reiterate his genuine concerns. He stated that the Standing Order was consequent on the passing of the Central Bank (Amendment) Bill 2014 to facilitate the banking inquiry. There is a widespread public expectation that this will be open and transparent. The Act states: “Any member of either House of the Oireachtas to whom confidential information is provided under subsection (5) and who fails to comply with the provisions of professional secrecy referred to in subsection (6) in respect of that information may be subject to the sanction of the House of which the person is a member in accordance with rules and standing orders made by that House.” The Standing Order is quite severe. As Deputy Martin stated last week, he has received legal advice that confirms that the Standing Order is very restrictive on the members of the committee in terms of the sanctions they may incur if they are judged to have breached the Act in terms of receiving confidential information from the Central Bank and breaching their duty of professional secrecy. Given that the inquiry is meant to open up everything in the Central Bank documentation on corporations and individuals, it seems an extraordinary restriction. Even though the Standing Order was agreed by the CPP, on legal advice it in fact creates a process for dealing with breaches of those professional secrecy obligations by Members and provides for penalties where Members do not comply with the requirements of the law. The Standing Order cannot be moved until the Bill is signed, yet this issue was not discussed when the substantive Bill was going through the Houses. It has become a latter-day requirement due to national and EU law on national secrecy.

It is unfortunate that the approach of the Government to the banking inquiry is so piecemeal and it also exposes the fact that the model of the banking inquiry the Government selected is the wrong one. We need a far more transparent inquiry. We need to be transparent about what is allowable and what is not allowable. The public has not got a clue about what is happening at present. We need to let the public be aware that the names of certain personnel and documentation will not be made public via the banking inquiry.

It is therefore not an inquiry that will be open, as I understand it, because of the restrictions placed on it. It indicates that we are in an area of legal difficulty. There is a quagmire arising here. The information the public might expect to get from a critical player in all of this - the Central Bank - is going to be protected, as of necessity it would appear or we would not get any information at all. However, it will be protected by a series of EU directives. This in turn has required us to amend our Central Bank Act which in turn requires the House to look at Standing Orders which also must be amended or no information at all will be provided. What we are saying here is that there is a big divergence between the public expectation of what will emerge from the banking inquiry and the reality of the limited access to information that will be available as a result of the constraints placed on the banking inquiry, emanating it would appear in large part from EU directives.

We have some political difficulty with that, which derives from the fact that at no point in the initiation of this legislation or in the debate about the banking inquiry was it signalled that this unique degree of protection and secrecy would apply to the Central Bank, its staff, those who have contracted to it and indeed its dealings with any incorporated or unincorporated body. That presents a real difficulty. Given where the banking inquiry is going and the work that has been undertaken, I accept that the Central Bank (Amendment) Act 2015 had to be passed to enable the inquiry to complete its work and have any engagement at all with the Central Bank. While I have concerns about the strict nature of the constraints envisaged in these Standing Orders, I agree that some amendment to Standing Orders needs to be passed.

Deputy Peadar Tóibín: Cuireann Sinn Féin fáilte roimh an rún seo. Cabhróidh muid leis an Teach é a thaisteal tríd an Oireachtais. Is céim tábhachtach é an rún chun cúnamh a thabhairt don Chomhchoiste Fiosrúcháin i dtaobh na Géarchéime Baincéireachta. Sinn Féin fully supports the banking inquiry in its efforts to delve into the aspects of the bank guarantee and bailout that have not been explored to date, including the nature of the economic and political power of the Twenty-six Counties. The key to the banking inquiry lies in the relationships at the heart of the elitist State. I refer to the dynamic between developers, finance and the State.

When the banking inquiry heard evidence last week from Professor Bill Black of the University of Missouri-Kansas City, my colleague, Deputy Pearse Doherty, asked him about an article he wrote in 2009 in which he called for the prosecution of “elite control frauds” regardless of their political patrons. Deputy Doherty asked Professor Black to explain what he meant by “political patrons” and to speak about “the effect such a relationship would have on the financial crisis”. In response, Professor Black made it clear that “if you bring cases against powerful bankers, they will enlist their political allies and they will give very large political contributions to do that”. Of course he was talking about the United States, but he went on to say that the United States is not unusual in those terms, adding that “if you take on really powerful bankers you will find that you get political push-back”.

It is not the purpose of the banking inquiry to look into individuals. It is required to look into systems, practices and procedures. This means facing up to the uncomfortable fact that there are strong links between politics and finance in the Twenty-six Counties. We know, for example, that the former Taoiseach, Brian Cowen, played golf with Seán FitzPatrick and the regulator in Druids Glen in County Wicklow in 2008, a mere two months before the bank guarantee decision was made. We know from a book, *The FitzPatrick Tapes*, that they talked about Seán Quinn and his loans to Anglo Irish Bank and that the Taoiseach promised to pass the information to the Central Bank. Such was the nature of the links between finance and politics in the Twenty-six Counties that a regulatory matter could be discussed and sorted out, as it were,

over a game of golf in County Wicklow.

Of course there is nothing illegal about a game of golf, but illegality is not the issue here. We are looking at a very small world, one that is open to a select number of people and closed to most others. We got a glimpse of that in the banking crisis. We know that 50% of Irish loans in Anglo Irish Bank were in the hands of 20 individuals and that 51% of the commercial loan book of Irish Nationwide Building Society was in the hands of 25 individuals. When this was put to Professor Black, he responded by saying he had “never seen a concentration that high at any financial institution of any size anywhere in the world at any time in history”. This is a phenomenal thing to say about our crisis. He told the inquiry that it was “absolutely - no questions and no ifs, ands or buts - utterly unsafe and unsound”. He said that if he had been the regulator, he “would have begun efforts to stop it immediately” and worked on putting Anglo Irish Bank and Irish Nationwide into “receivership”.

Yesterday’s developments in the HSBC debacle, which was raised by my colleague, Deputy Pearse Doherty, in October 2013, exposed how tax avoiders are treated by the Revenue Commissioners. There are no dawn raids and no detentions. Instead, there is just a quiet conversation and a settlement fee. Maybe there is a round of golf as well, just between friends. Who knows?

We welcome this motion and the efforts to map the relationships that underpin finance, property and the State apparatus in the Twenty-six Counties. We will work to take down that apparatus and make sure the democratic State functions properly in future.

Deputy Richard Boyd Barrett: I find myself in something of a dilemma in the face of this Standing Order. There is not much point in opposing it, but I could hardly be enthusiastic in supporting it. Essentially, this change relates to the veil of secrecy that legally supports the golden circle in this country. If the public is to see any value whatsoever in the banking inquiry, I suggest it relates to the question of discovering who was responsible for bankrupting this country and inflicting such misery on millions of our citizens over the past seven years. Indeed, the consequences of what this golden circle of bankers, developers and politicians did to this country are likely to continue for many years to come.

The law set down by the EU in terms of central banks and confidentiality requires that for the banking inquiry, which is supposed to be acting on behalf of the public, to look into these matters, the members of the inquiry have to give an undertaking that none of the confidential information from the Central Bank that they will look at will be revealed to the public. That is why we have a public inquiry that cannot reveal to the public the details of what it is looking at. In such circumstances, what is the point of the public inquiry at all? I suppose it is marginally better that, as a result of this motion, the secret circle around the golden circle is expanded to include some public representatives. For those public representatives to access confidential information and evidence that might help them to draw serious conclusions about who was responsible for the banking crisis, they will have to give an undertaking not to pass this information on to the public. It is really pretty scandalous.

As I said when we discussed this matter last week, I can see the logic that underpins the rules of the European Central Bank or our own Central Bank to the effect that information on normal deposit holders and normal borrowers should not be divulged to the wider public. There is good reason to keep that information confidential and private. It seems to me that there is absolutely no justification for withholding the names of the 20 or so biggest borrowers from Anglo Irish

Bank, the tiny golden circle of people who were borrowing from Irish Nationwide or any of the other small groups of super-wealthy and well-connected developers who borrowed enormous sums of money from the banks to speculate in the property area and consequently crashed the economy. Why should their identities and the extent of their loans and involvement in destroying our economy be confidential? They should not be. Why should public representatives who get to see that information be bound by confidentiality clauses under threat of sanction from the Dáil? The only comfort I can take is that the sanctions are pathetic, which makes it likely that the information will be leaked and make a mockery of the entire process. Getting flung out of the Dáil for eight days could hardly be described as the worst punishment one could inflict. One could argue the case that it might allow public representatives time to do something useful, for example, organising the next demonstration against water charges and austerity, which might have a serious impact on addressing the wrongs arising out of the banking crisis and the austerity that has ensued.

I will not vote against the motion because it is marginally better that the inquiry have access to this information, but why the secrets and key individuals, developers and culprits behind the crisis should be protected by a veil of confidentiality is beyond me. It says everything about how the golden circle persists.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I will take Deputy Boyd Barrett up on a point. He stated that the committee was “supposedly” meant to work on behalf of the public. Let me assure him that it is acting on behalf of the public.

Deputy Richard Boyd Barrett: We will not get any of the detail.

Deputy Paul Kehoe: Independents and members of the Technical Group are elected on behalf of the public and are doing a good job in trying to find answers.

I thank the Members opposite who contributed on the motion. This issue was highlighted by the committee. The motion will remove an obstacle to its work. The sharing of information by the Central Bank with the Joint Committee of Inquiry into the Banking Crisis will not be possible until the changes to the Standing Orders have been passed by both Houses. The changes will amend the Standing Orders to accommodate the constitutional position of the privilege of Members of the Oireachtas, which is not the case for any other person who may disclose confidential information.

The banking inquiry is examining and investigating in the full light of public hearings some aspects of our recent history that are not among our proudest moments as an independent nation. In the coming months, the committee will reflect on some of the darkest days of the economy and the people. The Deputies and Senators on the committee are carrying out their work at the request of both Houses. It is our duty to remove any obstacle to their investigation where we see fit.

The matters being investigated by the banking inquiry had devastating consequences for everyone. The economic recovery that we are now witnessing, with unemployment rates continuing to fall and our national finances improving, has come about as a result of the people’s sacrifices. It is the Government’s priority to secure and rebuild our economy. However, on-going economic recovery does not mean that we can afford to ignore the mistakes of the past. People are entitled to understand the origins of the crisis and, most important, to ensure that the same mistakes do not recur.

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The gateway that the Act and the amendment to the Standing Orders create addresses a key concern of the committee and removes barriers to the Central Bank co-operating with it fully. It is in the interests of the majority of the people that the committee does a successful job. I wish all of its members the best of luck.

To address Deputy Boyd Barrett's points, the committee is acting on behalf of every citizen, be that citizen from Wexford, Donegal, Cork, Kerry or Dublin. Members of the inquiry were elected with a mandate and appointed to the committee to carry out a job, which I am satisfied they are doing to the best of their abilities. It is only right and proper that, as public representatives and elected Members, we remove any obstacle from their path and give them every opportunity to be successful in finding out what happened in the country's darkest days.

Before and after entering the House, Deputy Boyd Barrett and members of the Technical Group have been jumping up and down, so to speak, looking for answers. Now that we are giving the committee the opportunity to find those answers, the Deputy is still not happy. I do not know what he wants.

I commend the motion to the House.

Question put and declared carried.

Redress for Women Resident in Certain Institutions Bill 2014: Order for Report Stage

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: "That Report Stage be taken now."

Question put and agreed to.

Redress for Women Resident in Certain Institutions Bill 2014: Report Stage

Acting Chairman (Deputy Bernard J. Durkan): It is necessary to recommit the Bill in respect of amendment No. 1 as it creates a charge on the Exchequer.

Bill recommitted in respect of amendment No. 1.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move amendment No. 1:

In page 3, to delete lines 26 and 27 and substitute the following:

"(a) a general practitioner medical and surgical service,".

As I elaborated in detail on Committee Stage, the Government is committed to implementing in full and in good faith the recommendations of Mr. Justice Quirke. The arrangements put in place for the payment of monetary benefits show that we have consistently taken the most generous interpretation of those recommendations. For example, a woman who spent a weekend in an institution will receive a one-off payment of €11,500 and a top-up payment to ensure a weekly State benefit of up to €100 until she turns 66 years of age and then the equivalent of the State contributory pension of €230 per week for the rest of her life. Women who were in

the institutions for ten years or longer will each receive a payment of €100,000. More than 70 women fall into this category. As I stated on Committee Stage, more than €18 million has been paid out and payments will continue to be made to the women for the rest of their lives. This is as a result of the Government's decision to do what was appropriate, given the women's suffering in the institutions.

The advocacy group has acknowledged the Department's work in assisting as many women as possible. It is generally agreed by the women concerned and their advocacy group that the Department's dedicated unit has provided the women with a supportive and positive service. I want the same attitude to apply in terms of the health benefits to which the women will be entitled once this legislation has been passed.

All Deputies share the objective of acting in the best interests of the women. A number of amendments have been tabled in good faith but, for technical reasons, have been ruled out of order. I reassure the House that the Quirke recommendations will be implemented in full.

I listened to contributions on Second Stage and addressed them on Committee Stage. A number of concerns were expressed to the effect that we were trying to restrict the choice of general practitioner for the women, but I made it clear that that had never been the intention. I needed to discuss the matter with my colleague, the Minister for Health. I have decided to remove any doubt by eliminating the explicit link with the medical card GP service. This amendment to section 2(1)(a) will enable the HSE to make available a GP service through a private GP, if that is the woman's wish. Women will also be free to maintain their existing GP if they so wish, where their GP already provides care to medical cardholders. This amendment is making it absolutely clear that there is an unrestricted choice of GP for all the relevant women. The same is available to those who come within the scope of the Health (Amendment) Act 1996. They will also be free to change to a different GP at any particular time.

Mr. Justice Quirke pointed out in his report that the scheme introduced under the Health (Amendment) Act was aimed specifically at women who contracted hepatitis C as a result of contaminated blood transfusions and that some of the benefits that were applicable to women who had hepatitis C would require suitable adaptation in terms of the legislation in this arena for women who were in various institutions. The scheme proposed for the Magdalen women does not have those adaptations because people suffering from hepatitis C required some products outside the normal range of drugs available. That does not apply to the Magdalen women. To ensure that women get the best health care, however, provision is made in the scheme for a number of health services to be provided, by referral, by a medical practitioner or nurse. Obviously, that is not intended to restrict access in any way, as the focus is firmly on the woman's health needs. The referral will ensure that the health care provided will be co-ordinated and will enhance the continuity of care being provided through the GP who is the primary contact with the health service for any individual. In this way, referral will ensure that all care provided will be most appropriate to the needs of each participant.

Mr. Justice Quirke made a clear distinction in his report between what is put in legislation, that is, appendix E of his report, and the broader administration of the scheme. Deputies will be familiar with the fact that there are a range of areas concerning services for the women which are being dealt with outside legislation and on an administrative basis. The Government took that decision and the services are being supplied. I will say a little bit more about that later.

There is no reference in the Health (Amendment) Act 1996, or in the draft scheme put

forward by Mr. Justice Quirke, to liaison officers or the issue of special cards. They are dealt with under the provisions of the scheme. I went into a lot of detail on Committee Stage about this special card that will be given to the women. It is an administrative issue as regards what the card will be called. It can be called the special card for women who are availing of this scheme, but it is an administrative issue - as it was under the hepatitis C proposals - to work out precisely what the card will look like physically. The services are clearly provided for under the legislation.

We have also included two additional services in this Bill - chiropody and physiotherapy - which were not in the hepatitis C legislation. They were not in the 1996 Act but they are provided to HAA cardholders, so I have put them in to avoid any doubt.

As regards some of the discussions we had on Second and Committee Stages, Mr. Justice Quirke, in paragraph 2.07 of his report, sets out a list of services that should be provided to the women. All these services are being provided under the Bill. I hope Deputies will be able to support the Bill, given that all the services recommended by Mr. Justice Quirke are clearly being provided under its terms.

Mr. Justice Quirke did not comment, one way or another, on complementary therapies. I have examined this issue and, for example, the Minister for Health would have reservations, as others have, about such therapies being provided and funded through the health service and medical card. I am not in a position to provide those services under the Bill. On a personal level, however, I am open to the benefits that could be brought to people through such complementary therapies. I have asked my officials to examine the desirability of providing some limited funding to the women concerned in order that they could avail of such complementary therapies. That would be a separate scheme run on an administrative basis rather than a statutory one. I am not in a position to put that on a statutory basis, but I will examine it in terms of the women's needs. The Department will bring in a scheme that will provide some funding. Funding is provided in the UK to the advocacy group there. It makes various services available to women it works with through funding it has been given. Some of that concerns advocacy for housing and some complementary therapies. Counselling is allowed for in the Bill.

I am in favour of the women having access to advocacy and I intend to implement Mr. Justice Quirke's recommendation on this matter in full. Mr. Justice Quirke makes a clear distinction between what is required for most women and what is required for those lacking full mental capacity. Mr. Justice Quirke recommended that arrangements similar to those provided for in section 21 of the Nursing Homes Support Scheme Act 2009 should be introduced, which allow the court to appoint a care representative to look after the interests of a person lacking full mental capacity, in the context of applications under the nursing homes support scheme.

As regards applications under the nursing homes support scheme, I want to put it on the record of this House that Magdalen women are already covered along with all other applicants, but there is a more general issue. The model recommended by Mr. Justice Quirke was the best available when he published his report in May 2013. However, the Assisted Decision-Making Capacity Bill, which is a better model, was published in July 2013. The range of options covered by this Bill include decision-making assistance, co-decision makers, decision-making representatives and the public guardian measures, which are well suited to look after the interests of the women we are speaking about, who have capacity issues. In light of the Assisted Decision-Making Capacity Bill, which has already passed Second Stage and will be completed in this Dáil term, it would not make sense to introduce a special scheme for women who lack

capacity.

I want to make it clear that a medical assessment is sought if there is any indication that an applicant under our scheme has capacity issues. We have identified about 40 women who will need this kind of support and advocacy to help them because of difficulties with decision-making. We want to ensure that the best safeguards are in place for those women.

As we need to have regard to the mental capacity of a number of these women, my amendment to section 2(1) must allow for a situation where a woman does not have the capacity to make decisions about GP services. I am making that point because the other amendment which we will go on to discuss does not take note of that. That is why the wording is different from that of the Health (Amendment) Act 1996. It cannot be the same as in the Act because of those capacity issues. I must allow for that discretion in order that those women are included in this Bill. In some cases, a family member or carer, rather than the woman herself, will have to make decisions concerning GP services. We are trying to ensure that all care provided will be most appropriate to the needs of each participant.

As regards women who do not lack capacity, I fully recognise the benefits of them having access to an advocacy service. Such a service already exists for those women who live in the UK because we have given funding to the Irish Women's Survivors Network in London.

7 o'clock

I visited the latter in December and met Sally Mulready, Phyllis Morgan and many of the women who are benefitting from the services being provided. They are receiving very good practical support in the context of accessing housing etc. A number of advocacy groups act on behalf of Magdalen women who are resident in Ireland and, like other Deputies, I have met representatives from them.

In recommendation No. 6, Mr. Justice Quirke suggested the establishment of a dedicated unit which would have a variety of functions, including assisting women in obtaining their entitlements and advocating on their behalf. This does not require any legislative basis. I will be examining how to develop this idea now that the existing dedicated unit in the Department has almost completed its primary task of paying out the cash benefits. I will develop recommendation No. 6 and establish the kind of advocacy support that is suggested by Mr. Justice Quirke.

The various issues to which I refer were discussed on both Second Stage and Committee Stage and I stated that I would bring forward this amendment in response. I hope Deputies understand that it is designed to make it absolutely clear that women will have access to a wide range of services and that they will not be restricted in their choice of GP. What is proposed is exactly the same as the scheme established to deal with women who contracted hepatitis C. I ask Deputies to support the amendment.

Deputy Niall Collins: I was late arriving and missed some of the Minister's opening remarks so if she has already dealt with the matter about which I am about to inquire, I apologise. We received correspondence from Justice for Magdalenes Research, JFMR, just prior to the debate's commencement in which a number of pertinent questions are posed with regard to medical cards and the provision of GP services. In the correspondence, JFMR welcomes the Minister's intention that Magdalen women can access the services of any GP, including private practitioners, but indicates that she has not addressed the apparent limitations with regard to dental, ophthalmic and aural services, prescribed drugs and appliances. In addition, JFMR asks

whether the dental, ophthalmic and aural services involved be equivalent to those set out in appendix G of Mr. Justice Quirke's report, which relates to the HAA card guide. It also inquires as to whether Magdalen women will be able to obtain access to any and all dental, ophthalmic and aural primary care services, including from private practitioners. JFMR's final question relates to whether, if they are referred for hospital treatment, they will be given appointments within two weeks, which is what they would be entitled to under the terms of the HAA card.

Deputy Mary Lou McDonald: We are due to conclude our deliberations at 7.30 p.m. Will we be disposing of Report Stage at that point by means of a vote?

Acting Chairman (Deputy Bernard J. Durkan): Not that I can see. We have to dispose of the various amendments. There is no guillotine. Each Deputy may speak twice and the mover of an amendment can speak on three occasions.

Deputy Mary Lou McDonald: I thank the Acting Chairman for his guidance. I am very disappointed by the fact that the Minister did not move to amend the legislation in the appropriate fashion in order to ensure that it is fully consistent with and faithfully reflects the scheme put forward in the Quirke report. We all know that Mr. Justice John Quirke proposed an *ex gratia* scheme, meaning that the women are asked to waive their rights to pursue the State through the courts in order to obtain a level of compensation that would I believe far outweigh the awards envisaged under the scheme. The trade-off is that in accepting an *ex gratia* scheme, the women obtain the comfort of prompt action and access to a variety of services. The Quirke scheme contains some extremely modest proposals. Indeed, as a redress scheme, it is not exactly flaithiúlach. It is, therefore, extremely disappointing that what is proposed in the legislation falls very short of what Mr. Justice Quirke envisaged.

On Second Stage I urged the Minister to amend the Bill and stated that if those of us on the Opposition benches attempted to do so, we would fall foul of the rule which states that we cannot bring forward amendments that represent a charge on the Exchequer. That is exactly what happened on Committee Stage and it is happening again now in respect of those amendments that need to be made. The Minister did not, either on Second Stage or Committee Stage, provide a satisfactory reply as to why she decided to go against the approach recommended by Mr. Justice Quirke and set out in appendix E - on pages 77 to 78 - of his report. In his first recommendation, on page 7, Mr. Justice Quirke states that the latter would require "Primary legislation similar to the Health (Amendment) Act 1996 or a statutory amendment to that Act is required in order to implement this recommendation." No reference is made to the Health (Amendment) Act 1996 in the Bill before us and that is what, as the Minister knows, the survivors were expecting.

On Second Stage we referred to the survivors and their advocacy groups many times. The Minister felt at the time that their fears were unfounded and I suggested to her that if that was her view, then perhaps she might meet the women and their advocacy groups. Will she indicate whether she did, in fact, meet them? In any event, I outlined what they were expecting and the fact that it is not included has made them very anxious. It appears to them that the Minister has broken her word and departed from Mr. Justice Quirke's recommendations, which they justifiably anticipated would be implemented in full in return for their *ex gratia* waivers. That is a significant point. Section 2(2)(b) makes it quite clear that women who have accepted offers under the scheme are the only ones who can access the benefits established under the legislation before the House. Again, this underscores the nature of the trade-off and the scale of the concession made by the women as opposed to the State.

The explanations the Minister provided on Committee Stage are, quite frankly, not convincing. She claimed then and just now that she is acting in good faith to implement the Quirke recommendations. If that is the case, why is the list of services set out in section 2 so different from and so much more limited than that provided by Mr. Justice Quirke in appendix C of his report and set out in appendix G? Unless it is absolutely necessary to do so, I will not take the liberty of reading appendix G in its entirety into the record of the Dáil. The Minister is aware of what I am referring to. On Second Stage the Minister led the Dáil to believe that survivors would be provided with either HAA cards or RWRCI cards under the terms of this Bill, once it is passed into law. She has again referred to the matter of physical cards as an administrative issue. As she is aware, I tabled a parliamentary question in the aftermath of the Second Stage debate and she clarified in her reply that there is no concrete commitment in respect of these cards and that a decision on this issue will not be made until the legislation is enacted. I am of the view that this is not good enough, unless the Minister is going to inform us now that she has made a full, final and concrete decision.

The purpose of the legislation is to deliver fully and faithfully the scheme recommended by Mr. Justice Quirke and not the scheme as the Government might wish it to be or some interpretation or version of it. Let us remember that the scheme in question is a very minimalist and modest response to women who suffered the gravest of human rights violations under the watch of the State. I am very disappointed that the legislation does not do what I referred to. I do not believe the Bill as it currently stands is worthy of support.

Most of the amendments have been ruled out of order, as I stated. We will have the opportunity to debate one set of amendments, Nos. 17, 18 and 19. I do not know whether the Minister will be minded to accept any of those. This whole process has been unsatisfactory, underlining the limitations placed on us as Opposition Deputies. Any amendment that represents a charge on the State has been completely taken off the table. Thus, we find ourselves with inadequate legislation and a Minister who will not amend it appropriately to address the inadequacies. Members in the Opposition benches, while they can table amendments, are unable to insist they be debated in the House to try to urge the Minister to accept them. I am very disappointed with the whole process. I know my views reflect the views and anxieties of many of the survivors.

Deputy Joan Collins: The Magdalen women, who suffered greatly under the so-called watchful eye of the State, agreed to an *ex gratia* scheme on the basis that they would have all the benefits accruing to hepatitis C patients, both men and women, with the HAA card. That is exactly what Mr. Justice Quirke said in his report.

The 1996 HAA legislation is quite broad and has no restrictions. It does not state one must be referred by a medical doctor, nurse or otherwise. It simply refers in section 2 to “drugs, medicines and medical and surgical appliances”, “general practitioner medical and surgical services”, “the nursing service specified in section 60 of the Act of 1970”, “dental, ophthalmic and aural treatment and dental, optical and aural appliances”, “counselling services in respect of hepatitis C” and, importantly, “such other services as may be prescribed”. I presume the “other services” are services subsequently covered by the HAA card, including chiropody services provided free of charge. One does not need a referral. One can attend whenever one needs to do so. The hepatitis C liaison officer can provide one with the details of chiropodists in one’s area. This is a consequence of section 2(1)(f) of the 1996 Act. Complementary therapies currently covered under the HAA card are reflexology, aromatherapy, massage, acupuncture and hydrotherapy. HAA cardholders need to be referred by their GP or consultant. This is not covered in the Minister’s Bill.

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HAA cardholders can avail of counselling not only for themselves but also for their immediate families. This is ruled out or is not contained in the Minister's legislation. If the Minister is to introduce legislation and says certain required measures will be covered elsewhere, she should bring the whole package to the Magdalen women. She should state the provisions may be introduced in bits and pieces but at the same time lay out the whole package. The legislation under discussion does not include the whole package. It is not what the hepatitis C patients have access to in any shape or form, and it does not give assurance in this regard.

Our amendments have not been ruled out of order for technical reasons but because they would impose a cost on the State. What is in the Minister's Bill that restricts the cost to the State and what is it in the amendments that costs the State extra? We need an answer to this question. Counselling for Magdalen women and their families, similar to that provided to those in the HAA card scheme, would involve an extra cost for the State but this is supposed to be based on the accessibility provisions in the HAA card scheme. The Minister refers to an administrative task not referred to in the legislation. I accept that; it is not a problem but the vital point concerns the services to which one is entitled as a cardholder. It is on this that clarity is needed.

I am very reluctant to support this Bill because it is not what the survivors want. I ask the Minister for clarification on the next Stage and to arrange a special meeting with the Magdalen survivors and the Opposition to explain the whole package and exactly what the women will be entitled to by way of counselling and other services. This Bill is absolutely different from the 1996 HAA Act.

Section 2(1)(e) refers to "dental, ophthalmic and aural treatment and dental, optical and aural appliances". There are no restrictions in this regard and no referral is required by a doctor. The section also refers to "counselling services in respect of hepatitis C, and "such other services as may be prescribed". The Minister needs to be more robust and convince people that her Bill covers these services. I do not believe it does.

Deputy Ruth Coppinger: I am very unclear about what the words "general practitioner medical and surgical services" actually mean. There was considerable clarity in Mr. Justice Quirke's recommendation. Everybody knew what the HAA card meant and there was a full list of services. Other Deputies have said there seems to be approximately six discrepancies between the HAA card and that laid out in this Bill.

A few general points need to be made first. It is absolutely galling that we come in here to have a serious debate about one of the most serious social issues that has arisen in this country, namely the mistreatment of the women in the Magdalen laundries and the need to secure restorative justice for them, and practically all the amendments we have tabled have been ruled out of order on the spurious grounds that they involve an additional financial cost to the State. How could there not be a financial cost to the State when we are trying to get for the women the financial health benefits they were promised by the Government? If the Government backtracks significantly on a promise it made and the Opposition says the Government should honour its promise, the latter can be ruled out of order. This is an absolute sham.

We have just had a debate on fatal foetal abnormalities, which can only happen to women. The legislation thereon has been voted down by what is very much a male-dominated older Parliament. Certainly, it poorly represents public opinion and, in fact, it is in inverse proportion to it. Everybody saw the tears the Taoiseach, Deputy Enda Kenny, shed two years ago in 2013 when he promised the women he would deal with this issue. However, one must really draw the

conclusion they were crocodile tears if he is now backtracking. I realise the Government does not take too much note of anything the Opposition says but the National Women's Council of Ireland, which the Minister used to chair, has condemned the Government's backtracking on the pension and health issues. Practically all the advocacy groups for the Magdalen women have done so also. Why is this happening? How much money are we really talking about? What is occurring is just penny-pinching for no particularly apparent reason. There are not that many Magdalen women.

There is a big difference between alternative therapies and complementary therapies. "Alternative" suggests something that has not been backed up by medical science, or something that is a bit spurious. I believe angel healing was mentioned in this regard in the previous debate. We are not talking about therapies such as that but about therapies that have well-founded benefits for people, including massage and acupuncture. I am not clear on whether these are in the Minister's promised package. It does not sound like "general practitioner medical and surgical services" would include those services.

The Minister cannot come in here and say she will bring in something separately. We must vote on what we see in front of us. That is what we are here to do.

On the general point of the amendments being ruled out until they mean nothing, how can that be stood over? If the Government back-tracks on something, how are we meant to restore it?

Acting Chairman (Deputy Bernard J. Durkan): By way of explanation, I have a detailed note on each amendment that is ruled out of order and I will read out that note when we get to that stage. There is an explanation given, which is the standard explanation in relation to amendments in all parliamentary practice.

Deputy Ruth Coppinger: I know it is.

Acting Chairman (Deputy Bernard J. Durkan): There is nothing particular about it. It is the way it always has been. I would prefer to wait to get to that amendment before we discuss it.

Deputy Ruth Coppinger: May I continue or is the Acting Chairman going to say something else? I am talking about the general debate into which we are entering here and the fact-----

Acting Chairman (Deputy Bernard J. Durkan): Yes, but it is not-----

Deputy Ruth Coppinger: Is the Acting Chairman going to keep interfering?

Acting Chairman (Deputy Bernard J. Durkan): Just a second, Deputy Coppinger.

Deputy Ruth Coppinger: The fact that a lot of amendments are ruled out is very relevant.

Acting Chairman (Deputy Bernard J. Durkan): Just a second, this is not a Second Stage debate. It is a debate on an amendment, brought forward by the Minister, that was agreed on Committee Stage and therefore we do not go back over the whole debate again. I have given latitude but that is as much as I can give.

Deputy Ruth Coppinger: The Acting Chairman has spoken for quite a long time now. I am speaking on the Minister's proposal, which is the substitution of "a general practitioner medical and surgical service". All of my party's amendments dealt with that whole issue and it

is on that I am speaking.

Acting Chairman (Deputy Bernard J. Durkan): When we get to those amendments, we will debate them. Whoever is sitting in the Chair at that time-----

Deputy Ruth Coppinger: We cannot debate them because it has been ruled out of order.

Acting Chairman (Deputy Bernard J. Durkan): -----will dispose of the amendments and that is all that has to be done. I am sorry but we cannot allow a long Second Stage debate on something that was already agreed on Committee Stage. Deputy Coppinger should proceed.

Deputy Ruth Coppinger: Is the Acting Chairman finished?

Acting Chairman (Deputy Bernard J. Durkan): Pardon?

Deputy Ruth Coppinger: This is unbelievable. I am allowed speak on what the Minister has put forward. I am allowed make the point that we are allowed talk about all of my party's amendments which dealt with the health benefits and the Acting Chairman is unjustly interfering in my contribution. I will finish now.

Acting Chairman (Deputy Bernard J. Durkan): I have bad news for Deputy Coppinger, I am not.

Deputy Ruth Coppinger: The Acting Chairman, Deputy Durkan, is interfering. He usually does it from the Government benches and now he is doing it from the Chair.

Acting Chairman (Deputy Bernard J. Durkan): The rules of the House are already agreed and Deputy Coppinger knows what they are as well as everybody else. I pointed out already that whenever we reach those amendments, we will deal with them *in seriatim* - as they occur. It is not in order to have a Second Stage-----

Deputy Ruth Coppinger: We cannot deal with amendments that are no longer on the agenda. That is the point.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Coppinger is out of order. She is trying to widen the debate, and that is not in order. The Deputy should proceed, if she would, in relation to-----

Deputy Ruth Coppinger: I am asking the Acting Chairman to stop interrupting my contribution. We cannot deal with each amendment because they have been ruled out of order. I am making my points here.

Acting Chairman (Deputy Bernard J. Durkan): I will deal with that when we get to it. One cannot make a Second Stage speech at this Stage because we are at a different time in the Bill.

Deputy Ruth Coppinger: How long can I speak for on the Minister's amendment?

Acting Chairman (Deputy Bernard J. Durkan): On this Stage, we allow a certain amount of tolerance.

Deputy Ruth Coppinger: Exactly, there is not a limit.

Acting Chairman (Deputy Bernard J. Durkan): Under the standard procedure, there is a

certain amount of tolerance and a certain amount of latitude.

Deputy Ruth Coppinger: Will the Acting Chairman stop interrupting me now and let me finish?

Acting Chairman (Deputy Bernard J. Durkan): The next time the Deputy speaks she will have two minutes.

Deputy Ruth Coppinger: I know that so let me finish, and stop interrupting unnecessarily.

Acting Chairman (Deputy Bernard J. Durkan): Just in case there is any dispute about it, that is not the way one addresses the Chair. I am aware Deputy Coppinger is not very long a Member of the House and all Deputies have to learn, but one cannot proceed to talk on a subsequent amendment when one is dealing with another amendment, unless they have been taken together.

Deputy Ruth Coppinger: I am dealing with the Minister's amendment to substitute "a general practitioner medical and surgical service" and merely making the point that it is not clear what services would be included in that regard. I am also making the point about all of my party's amendments which were on this same topic that have been ruled out of order. Unfortunately, the Acting Chairman took the time to interfere unnecessarily. I will sit down now because it is so obvious that we will not be able to-----

Acting Chairman (Deputy Bernard J. Durkan): I ask Deputy Coppinger to resume her seat for a moment. The Chair does not interfere.

Deputy Ruth Coppinger: The Acting Chairman is interfering.

Acting Chairman (Deputy Bernard J. Durkan): The Chair does not interfere; the Chair intervenes. I intervened correctly. Has Deputy Coppinger concluded?

Deputy Ruth Coppinger: Yes.

Deputy Frances Fitzgerald: I repeat - I am disappointed Deputies opposite have not pointed out this - that what we are bringing in fully implements Mr. Justice Quirke's recommendations. That is the reality of the situation.

I do not accept the points made, that the Government is back-tracking or that this in some way undermines the Taoiseach's genuine expression of sympathy. Quite the opposite is the case. I suggest Deputies look at the facts as opposed to making comments that do not reflect the reality of what we are doing here because some of the comments that have been made are misleading.

On what Mr. Justice Quirke recommended, I would refer the Deputies who have made these points to page 35 of the report. The services Mr. Justice Quirke outlined there are: GP services; prescribed drugs, medicines and appliances; dental services; ophthalmic services; aural services; home support; home nursing; counselling services; and a range of other services, to include chiropody-podiatry and physiotherapy. I refer the Deputies to section 2 of the Bill in which are outlined all of the services that were recommended by Mr. Justice Quirke. We are implementing Mr. Justice Quirke's recommendations in full. That is the reality of what is being done here. It is misleading of Deputies to say that we are not. We are implementing the recommendations that were made by Mr. Justice Quirke in relation to all of these services.

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In terms of the amendment I am bringing in this evening, Deputy Collins asked some questions which I will answer. Other Deputies did not comment on the fact that what we are doing, by the amendment tonight, ensures that women have the choice of a greater range of GPs. That was always the intention but I am making it even clearer by putting in this amendment tonight.

All of the services listed by Mr. Justice Quirke are set out in detail in section 2 of the Bill. That is the reality. The women are entitled to all of those services - to a GP of their choice, to change GP, to have a private GP or a GP who is in the public service. That is what is being provided in this legislation, and it is in line with what Mr. Justice Quirke recommended.

Obviously, the scheme itself was agreed by Government. The women have been accessing that service and €18 million has been paid out in relation to it.

Not everything needs a legislative base. I spoke clearly in this regard on Committee Stage, which none of the Deputies attended, and went into a lot of detail of the approach I would take to both the advocacy and the complementary therapies. I stated that the Department would move forward on those two issues.

The only area, in terms of the HAA card, where there is a difference - Mr. Justice Quirke did not recommend it and we are fully implementing his recommendations - is on complementary therapies. I already explained that the Department of Health does not cover complementary therapies on the medical card and I am not in a position to do that in this Bill. That is where it is different.

The other point is that the Bill provides that there is referral for a very small number of the services, the chiropody and physiotherapy, from a GP, and it is reasonable to include that.

All of the key medical services that the women would seek are covered. Everything that Mr. Justice Quirke recommends, in terms of medical services, is covered in the Bill. I have brought in an amendment to make it even clearer that there is that choice in relation to GPs.

I refer the Deputies to section 2. It includes: the general practitioner medical and surgical service; drugs, medicines and medical and surgical appliances; nursing services; home help services; dental, ophthalmic and aural services; counselling services; chiropody services; and physiotherapy services. That is the range of medical services that the women are entitled to access under the Bill. Those are the services that Mr. Justice Quirke recommended. In terms of meeting the recommendations for health services on a legislative basis, they are all being covered.

I have already discussed and gone through the other areas and suggested an approach to some services that could be helpful to the women. I have acknowledged those services could be helpful and I have suggested a way of ensuring that the women have access to those services as well, but not on a statutory basis. Deputies should look again at page 35 of Mr. Justice Quirke's recommendations and look at the list of services in section 2 where they will see that the recommendations are covered. The answer to Deputy Niall Collins's first question is "Yes".

Debate adjourned.

Child Care: Motion [Private Members]

Deputy Robert Troy: I move:

That Dáil Éireann:

notes that:

— child care provision in Ireland encompasses a mixed model of provision with services delivered through the community, private and public sector; there are approximately 4,300 child care centres in Ireland and approximately 23,000 staff work in the area;

— quality early childhood care and education is paramount for positive development outcomes for children;

— early childhood professionals play a vital role in supporting children and families at this foundation stage; and

— underinvestment in the early childhood sector is leading to lack of long-term sustainability, varying levels of quality provision, a high cost to parents and poor working conditions for the early childhood workforce;

further notes that:

— there is no child care cost support or tax relief for working parents;

— the cost of child care to parents is high with the annual cost of full-time child care for two children being €16,500 per year;

— support for children with disabilities or special educational needs is limited and inconsistent across the country;

— subsidised child care places are not equally accessible in all areas of the country;

— capitation rates for delivering the early childhood care and education, ECCE, scheme are insufficient for the majority of child care providers;

— the early childhood workforce cannot access the learner fund for higher level qualification;

— early childhood professionals are undervalued and under-resourced and have high employment insecurity; and

— current child care funding policy is absent of any supports for working families who do not avail of the community child care subvention, CCS, programme;

acknowledges that:

— children with special educational needs face too many challenges to avail of a preschool education which is tailored to suit their individual needs;

— mainstream early childhood services do not have appropriate funding or supports to provide equality of opportunity for children with special needs;

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— there is a lack of a nationally agreed pay scale and low levels of remuneration for the early childhood workforce; and

— paid professional development opportunities are absent and the early childhood workforce is generally not paid for all of the work undertaken;

and

calls on the Government to:

— introduce a child care tax break for working families;

— provide a second full free preschool year for all children, particularly those with special needs;

— reinstate 2011 levels of capitation with regard to the ECCE scheme with immediate effect as an interim measure;

— increase investment from the current 0.4% to 0.7% on an incremental basis within the lifetime of the next programme for Government;

— extend the CCS programme to enable children to access the programme in private child care services;

— publish and resource the early years strategy so that there is a blueprint for investment and policy development;

— extend eligibility for the existing learner fund to include all staff to access higher level qualifications to support building on the current graduate level workforce;

— introduce an agreed national pay scale for child care workers;

and

— extend the ECCE capitation rate to cover statutory holiday pay, continual professional development and introduce an agreed national pay scale for child care workers.

I wish to share time with Deputies Dara Calleary, Colm Keaveney and Éamon Ó Cuív.

Acting Chairman (Deputy Bernard J. Durkan): Each speaker has ten minutes. Is that agreed? Agreed.

Deputy Robert Troy: I welcome the opportunity to introduce the motion which concentrates on a critical sector of society, an area that, unfortunately, the Government has failed to give the priority it deserves. This is only the second time in the lifetime of the Government that we have had a substantial debate on the issue, and both times the debate has been facilitated by my party. We now have a situation where early childhood care and education in this country has the highest cost in the OECD. We have a workforce that is undervalued and demoralised.

Early childhood education is a fundamental component of this country's education system and the unique learning experience that takes place in early childhood provides an essential cornerstone for lifelong learning and educational attainment. Effective early childhood care and education has a significant role to play in improving outcomes for children, in particular those who are faced with barriers to learning, thereby reducing or eliminating the need for later

interventions. A balanced, effective early childhood care and education system is about delivering horizontal policy co-ordination to create an early childhood system that serves children, families, the workforce and society as a whole.

Last year, in reply to our motion, the then Minister spoke about how we were data rich in terms of Irish children and how empirical evidence showed the benefits of early intervention regarding school-readiness and cognitive and behavioural developments. She quoted from the medium-term economic strategy statement which said our increasing child and youth population is a significant resource for our country and, therefore, ensuring the best possible outcomes for this group is an important element in our future economic planning, yet the Government has failed to live up to the statement. The early years strategy - an overarching plan and a roadmap of how the Government wants this critical sector to develop in the coming years - has yet to be published. In the absence of such a roadmap or plan, we have a very disjointed, un-coordinated and *ad hoc* approach.

The Department of Social Protection cut the child benefit rate, reduced and taxed maternity benefit and changed the eligibility criteria for one-parent families, all of which affect affordability. The Department of Children and Youth Affairs reneged on its promise to introduce a free preschool year in the lifetime of the Government. The Minister should acknowledge that will not happen. The promised review of the community child care subvention scheme and the community education and training scheme has yet to be published. We do not know whether the review has started, if it has been completed or what stage it has reached. The Minister cut capitation rates for the free preschool year and increased the adult to child ratio. While the necessary reforms of this critical sector have been announced, they have yet to be implemented or costed in terms of the financial impact they will have on the sector, which is already under-resourced and undervalued.

The workforce of the sector amounts to 24,000. Those are the people parents entrust with their children on a daily basis for their education and care. The Government does not recognise the pivotal role they play in delivering quality early education and care. In the context of affordability, in his counter-motion the Minister refers to the funding available for the community subvention scheme and the child care education and training support, CETS, scheme - €70 million per annum, and the €175 million for the free preschool year. I do not dispute those figures, but the community child care subvention scheme was introduced to help the most marginalised and vulnerable, people whose only source of income is social welfare. The review of the scheme was promised in excess of 18 months ago but we have yet to hear about progress in that regard. The children of those less well-off in society are segregated because the only people who can avail of the scheme are those who attend community facilities. There is nothing wrong with community facilities, only that we do not have enough of them. The scheme must be extended to all facilities because, of the existing 4,300 services, only one third are community facilities.

The Minister referred to the €175 million for the free preschool year and the €2,500 in savings for child care costs for working families. That is not enough. Did the Minister see the “Claire Byrne Live” show last night where a firefighter spoke about the exorbitant costs he and his partner must pay to have their three children minded? We all remember the harrowing story of Donna Hartnett that appeared in the *Irish Examiner* earlier this year. She asked whether her children would look at her grave and say she was a great woman as she had paid all her taxes.

The costs are exorbitant for all sectors of child care, not just full-day care services. I was contacted by a constituent who is facing an 11% increase in after-school costs. She said the

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crèche she uses provides an excellent service and employs 16 staff. She said that as a family they could not function without it and they are fortunate it is not closing. Report after report will confirm that the cost of having two children minded full time is €16,500 a year. That is a second mortgage. A total of 45% of the average income of a single parent, whom the Government chose to target with its change in criteria for the one-parent family allowance, goes on child care costs. There must be critical action on the issue now. The Government is in power for four years and we have not seen any action.

Reference was made by the Minister to a graduate-led professional workforce. That is a great aspiration. It is something we would all sign up to, yet the learner fund introduced by the Minister is restricted to level five or level six for team leaders in the ECCE schemes. How could people who are earning just above the minimum wage, and who have no professional development days, afford to enhance their qualifications if they are not supported by the State? How can we aspire to a graduate-led professional workforce if we do not match it with the necessary resources?

The existing free preschool year is contracted to provide 15 hours per week, 38 weeks in the year. That does not take into consideration the non-contact time and administrative responsibilities, yet the Government reduced the capitation level payable for the scheme. That is having an unbearable effect on the sustainability of the services. I made the point last week in committee that, at the very minimum, the Government should look at restoring the capitation to 2011 levels. This would make a significant difference to the sustainability of this sector. There is no standard nationally agreed pay scale. The low pay commission may provide the opportunity. Will the Minister give a commitment that this Government will ensure that the 24,000 workers in this sector will be included in the low pay commission? Will he ensure a link to State-funded child care schemes?

I refer to the issue of opportunity for all, regardless of background or ability. There is no plan for inclusion or additional funding supports for children with a disability who are in mainstream early childhood services. This flies in the face of equal opportunities for all, especially when every child is entitled to participate in the universal free preschool year.

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Deputy.

Deputy Robert Troy: I have raised this issue continuously for the past number of years. Every time I raise it, whether with this Minister or with his predecessors, the responsibility is bounced from Department to Department, from education to health to children. No one will take up the responsibility for the provision of special needs education. While no one in government accepts this responsibility, it is the children who are suffering. I want to see a national policy for special education so that it does not matter whether a child is in Cork, Kerry, Westmeath, Longford or wherever, and a clear policy exists for the delivery of education for children with special educational needs.

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Deputy Troy; you are well over your time.

Deputy Robert Troy: The Government should consider the introduction of a second free preschool year for children with special educational needs and consider rolling out all the provisions of the EPSEN Act to ensure that those children get the start in life they deserve, the same as everybody else.

Acting Chairman (Deputy Bernard J. Durkan): The time for the Deputy's colleagues has been eroded considerably.

Deputy Dara Calleary: I thank the Acting Chairman for keeping an eye on my time. I thank Deputy Troy for giving the House the opportunity to discuss the issue of child care and early childhood care in particular.

I refer to the hype that came with the formation of the Department of Children and Youth Affairs in 2011. The energy in the sector at that time was the result of the work of our late colleague Deputy Brian Lenihan, which was continued by Deputies Brendan Smith and Barry Andrews. This work laid the foundation for community-based child care organisations across the country, with top-class facilities which attracted a whole generation of people to work in child care services. Much of that energy has been lost. What remains is a corps of very talented people working in the child care sector who are frustrated at the lack of progress in their careers and their profession - which is what it is. They have been forced to take to the streets this day week to draw attention to their plight.

There are many inconsistencies in how children are treated. The Department was established to do away with the silos in the area of child policy, which the permanent government loves in order to avoid responsibility. However, four years on, there is still an evasion of responsibility in so many sectors and particularly in the area of early childhood care.

The first issue is cost. I noted that the Minister looked quizzically at Deputy Troy when he referenced the OECD figures. An Indecon report commissioned by Donegal County Childcare Committee showed an annual minimum charge of €16,200 for child care fees. The fees in Dublin are probably much higher. As Deputy Troy stated, that is another mortgage and it is money that people do not have. Yet the Government's amendment makes no recognition of the need to do something. There is talk of increasing the number of places - which is welcome - and talk of increasing investment. However, there is no commitment by the Minister to take a specific initiative to relieve that burden. One must assume there is no interest in even looking at this issue, an issue that could be considered under the Action Plan for Jobs, for example. The cost of child care is preventing people from going back into the labour force, because the cost of €16,200 must be factored into the household budget if someone is considering taking on a job. It is a big job that would give that kind of money or support.

There are still not enough places in community subsidised child care services for people who wish to return to work. Many people, when given the option of a job, are staying on the live register with the supports that this provides. The cost of child care is within the control of the Minister and it is probably the hidden factor that prevents people from returning to work, which they will not refer to for fear of being branded. It is important that people be encouraged and incentivised to return to the workforce. Child care needs to be brought into the open, considering the number of informal child care networks around the country, which are important in themselves. Parents make use of family and friends for child care support. This aspect needs to be formalised without destroying these arrangements, which make up for the shortage of places. The shortage would be much worse if this informal system was taken away.

I refer to professional carers. The people involved in child care have walked the walk. They have studied for FETAC qualifications and taken courses. We trust them with our children every day and they deliver on that trust. They are responsible for helping young children to prepare for the tough world outside the home and for the educational process. Yet we do not

value those who work in the early childhood sector and we take them for granted. No professional training courses have been set out for them and there is limited career progression. The workforce development plan for the child care sector was launched in 2010, but little has been done to make that a reality and little has been done to lay down a career path for that workforce. Pay scales for the sector are still being negotiated. The complete lack of pay scales in the sector undermines any notion of professionalism and erodes the prospect of career progression. The need to place child care workers, whose work is very responsible, within the remit of the low pay commission speaks volumes. If we value our children and their care then we should value those who care for them at all levels. We should give them proper rewards in a proper career structure and give them the professional respect they deserve.

I refer to the many anomalies between the community child care sector and the private sector, which was developed when the community sector was not resourced and did not exist. The two parts are treated differently in terms of rates, State services, subvention and subsidies. This situation needs to change. The private sector is providing a vital service in areas where the community sector does not exist for whatever reason. The community service has a commercial advantage over the private service where both are located in a town or community. This would not be permitted elsewhere, and the Minister needs to examine this aspect. I hope that in this regard his colleagues in the Department of the Environment, Community and Local Government will deal with the issue of rates. If child care costs are to be reduced, then the cost of provision must be reduced. Private services are expected to pay rates, but child care is a service that allows so much more commerce to happen. This is wrong and the situation needs to be examined.

I referred to the energy which was apparent in the latter years of the previous decade. Communities came together to provide a child care service. This shows the success of the county child care committee model. We have wonderful people working in that system. The Minister needs to engage with those people who are working at the coalface and dealing with all aspects of the system every day, and they are aware of the difficulties. They provide the research and the statistics. I suggest that other Departments examine this model in terms of delivering policy objectives and investment. We must reharness this energy, and go back to the spirit that was there in the mid and late part of the previous decade and get it going again in the community and private sectors. We must provide services in areas where they do not exist, and give those communities the model and template which worked so successfully in other communities. We should tell the private sector it is an equal partner in this and we should not dismiss or penalise its involvement in favour of the community sector. They should be joint partners in providing the places the Minister seeks to provide, and the services they provide should be treated equally. Most importantly, the cost issue must be dealt with as child care is the biggest cost facing many families today. Society cannot continue to stick its head in the sand and hope the issue will go away. A total of €16,200 a year is a hell of a lot of money. For many people it is the cost of bricks and mortar, but it is also what it costs for two children to be minded. It is a huge amount of money, for which there is no support. This Government and the next Government will have to face up to this. The lack of any reference to cost in the Government's amendment shows its priorities.

Deputy Colm Keaveney: I acknowledge the dedication and commitment of Deputy Troy for being at the forefront of this very important issue which affects many families. Despite the significant improvements to regulation and funding made during previous administrations, early child care and education here have fallen significantly behind our European competitors.

The Minister is aware of the White House report, *The Economics of Early Childhood Investments*, which stated, “Early childhood, beginning in infancy, is a period of profound advances in reasoning, language acquisition, and problem solving, and importantly, a child’s environment can dramatically influence the degree and pace of these advances.” It is a critical period in a child’s development, and effective early childhood care and education play a significant role in the outcomes for children in society, particularly for those with barriers to learning, such as intellectual or social barriers.

Approximately 266,000 households in the country have a child under the age of five, which is relatively high compared to our EU partners. The number of children aged under five is set to increase significantly. Child care costs in Ireland are the highest in Europe and many parents, including me, pay more in child care than we do on our mortgages. This leaves families under terrible domestic financial strain. The difficulties in accessing affordable child care is pushing women in particular out of the workforce, and leading many of them to make a stark choice between quitting the workforce and sacrificing their long-term potential or working at a net loss.

The choice for one-parent families is even starker. For these parents, child care costs can have the perverse effect of driving them deep into poverty as they cannot take up employment. Figures produced by the Minister for Social Protection show that 12,000 one-parent families will be €86 worse off per week following the implementation of reforms on the single parent package. These reforms are being driven by the Government. They should have been aimed at encouraging parents into the workforce but they are having the reverse effect. They will leave many parents trapped in low-paid employment or will drive them into poverty through a mixture of poor employment and poor reforms in child care costs. The changes to the eligibility requirement mean that in July supports for more than 30,000 families will be removed, which will create difficulties for them. The Government is using a carrot to reduce the cost, but it is a very difficult stick for families to face in the context of addressing affordable child care.

All of these measures are part of what I regard as an anti-family and anti-woman approach by the Government. It has engaged in a campaign which has had negative consequences for women. All one needs to do is examine the budgets the Government has introduced, which have cut child benefit, reformed maternity leave negatively, cut respite care and reformed one-parent family supports which has also involved cuts. These are having devastating consequences for lone-parent families trying to access the labour market but finding it next to impossible to do so because of the Government’s lack of ambition in child care.

This country does not have a national plan for early intervention for children with special needs, particularly those under the age of four. We need to see a special emphasis in policy, or the development of a child care strategy, which provides children with a minor disability with access to child care settings that address their needs. Mainstream early childhood services do not have adequate funding. We need to provide equality of access to ensure children who may have a minor disability have the same chance as able-bodied children to succeed in society. The first step of this success is access to affordable child care. The lack of specific inclusion guidelines for early childhood is a major barrier for achievement in this country. The practice in providing mainstream child care access for children with disabilities is not a priority for the Government.

It is estimated that approximately 6,300 children with disabilities attend early childhood services throughout the country. Parents or service providers are expected to meet the additional costs of employing special needs assistants. This is completely unacceptable and leads to the

isolation of the most vulnerable children in society who may have a disability and who want this first step to equality in society. Their families are struggling with these difficulties and this is unacceptable. That these children also face a barrier to accessing the universal free preschool year is evidenced from research. Targeted initiatives would enable children with disabilities or special needs to participate with their peers as equals in society. This is not the situation and it is not a priority for the Government. It is not enough for parents alone to invest in the provision of child care without significant investment by, or a strategic engagement or approach on the part of, those who provide a consistent service to the children, as this would ignore the research and would devalue the contribution and commitment of, and education provided by, service providers in our communities.

The key problem for the child care sector is the poor pay and benefits of the workers. This is despite increased regulation, an increased workload and an increased requirement for training. On average, early educators get paid less than €9.50 per hour. This is despite the fact they must hold significant diplomas and FETAC qualifications. They are not financially rewarded for their endeavours to provide childhood services. The average size of a preschool service in Ireland is five staff members per service provision.

8 o'clock

Having regard to ratio in terms of the Government's regulation requirements, small to medium-sized services struggle every day to meet those targets. They face difficulties in terms of labour costs, as have been outlined, and in terms of rates. The Department has failed to demonstrate any meaningful engagement, particularly through the Minister, to provide leadership in terms of a direction to those who are grossly underpaid in the service and to those who provide a service who have invested significantly at great cost to their domestic circumstances. Unless the Government commits directly to intervening in the early childhood years area, we will postpone a significant issue and we will see a time bomb in the context of the education of our children. That is why we ask the Minister to consider positively intervening directly to ensure that the investment that is required for early education is provided in the learner fund.

A universal system of in-service training is required to be established for the provision of qualifications and practices in the professional development of staff within the childhood services. This is a genuine attempt to be progressive, to engage in a dialogue and provide recognition of the qualification of professional workers within the child care sector. It is required of and incumbent on the Minister to engage immediately in a dialogue with the child care services and to ensure that we do not have the fragmented approach that has failed in respect of years upon years of commitment and investment where successive Governments have successfully invested in this area. That will soon be lost to society by the Minister's inaction and the lack of leadership.

Deputy Éamon Ó Cuív: Molaim an Teachta Robert Troy as ucht an rún seo a chur ós comhair an Tí. Creidim go bhfuil go leor ceisteanna sa rún atá thar a bheith tábhachtach do dhuine ar bith atá ag plé le cúram leanaí nó atá ag tógáil leanaí. Tá go leor dúshlán roimh tuismitheoirí an lae inniu.

Unfortunately in the time available, I will not have an opportunity to span the huge number of issues that have been raised in the motion put forward by Deputy Troy. It is interesting to note that before the previous election, a second year of free early education was promised, but that did not happen. When the Minister went ahead with a decision to reduce the age, from 13,

which was set when I was Minister, to seven, at which entitlement to lone parent's allowance would be stopped, she promised we would have a Scandinavian-type child care service for the parents involved. I understand the scheme that was introduced was availed of by approximately 200 parents.

When the age at which the cessation of entitlement to allowance was reduced from 22 to 13, it is reasonable to say that there was no reason a lone parent or the parent in a one-parent family could not work because of child care commitments. As I used often to say, one could have had a scenario under the old regime where the child could have been in the same class in university as the parent and he or she being paid lone parent's allowance and not being required to seek employment on the basis that he or she needed to care for the child. That was not a sustainable or a good situation, and most of the lone parent groups accepted that.

The initial proposal was to reduce the age to 12, but I raised it to 13 on the basis that some children are still in primary school until their 13th year and they are in school for a relatively short day. I thought that in the case of secondary school children, parents could make arrangements to have cover for the period from when the child would leave school until they would come home from work. Also, children of that age are not as dependent on their parents as younger children. I still believe that the reduction of the age to seven, without pervasive backup services throughout the country, is too young. The Minister, in introducing that change without backup changes in child care services, was unfair to one-parent families. I still believe she should re-examine that issue.

I wish to touch on the lack of a career structure in the child care sector. The sector has grown incrementally, which means there is not a proper career structure for people involved in it. That should be introduced and a proper structures should be put in place. A dialogue should be engaged in that would obviate the necessity for people to protest outside Leinster House on this matter.

I want to deal with the issue of the day-to-day reality faced by many parents, which is not necessarily directly related to the quality of child care provision, although that is very important. As the Minister is aware, 100,000 people are in mortgage arrears. That is 100,000 families. In many of those cases there are young children involved and in very many of those cases it will take two incomes to come to a resolution of the financial difficulties. The problem is that there is no assistance or recognition given to the cost of child care for these families, except in terms of the medical card. If one takes a person earning €800 a week, when the universal social charge, income tax, PRSI, union fees and other deductions are made, 50% of the wage is left, leaving the person with €400 a week. If one deducts €200 a week for child care costs, especially if the parent has to travel and therefore has a long day away from the home, that means for their 40 hours of work, they have €200 to contribute to the household costs and the mortgage. These are a particularly hard-pressed group of people in our society. Some of them have better jobs than others, but if they do, they also tend to have big mortgages. Those mortgages were taken out in the Celtic tiger era when people had expected, for example, that there would be promotions within the public service rather than cutbacks and that they would be on an upward career path over time rather than what happened. In some cases people over-stretched themselves in their ambition in terms of, perhaps, buying a house that was slightly beyond their means in the expectation that, over time, most people's income increases, but that did not happen. As I have often pointed out, if one takes the example of a couple comprising two executive officers in the Civil Service who bought a house in 2005, they would have expected to get increments, an increase in their wages and promotions between 2005 and 2014,

but due to the fact that there has not been recruitment, which was necessary, the introduction of the pensions levy and so on, what was a reasonable expectation changed into something different. For those who do not have high mortgages or child care costs and have progressed in their careers before this happened, most of that period was difficult but bearable, but for the people caught in the perfect storm, even those in relatively secure employment, and many people were not in secure employment, they found that the two ends did not meet. One of the challenges which has to be tackled is how one differentiates between those who incur large costs because they have children and those who do not. We must remember that children are the future of our country. We need to formally recognise that those incurring high child care costs because they have to work need assistance. This goes beyond the much wider issue, which I accept is valid, of the development of the child by providing preschool education, etc., and goes to the hard, day-to-day reality for many people who are trying to survive in the circumstance in which they find themselves. That is the challenge we face in trying to isolate the scarce resources to help those who need it most.

Children are part of a family, but children and, therefore, families are the future because it is the children of this generation who will be the providers in the next generation. If we do not sustain families in reasonable comfort and allow them the ability to provide the normal things a child would expect growing up, we are not only being very unfair to families and children, but we are damaging the future of this country. I would like to say many other things, but unfortunately I am out of time.

Minister for Children and Youth Affairs (Deputy James Reilly): I move amendment No. 1:

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

“acknowledges the importance of:

— early childhood care and education as a vital element of promoting positive outcomes for children; and

— affordable, accessible and high quality child care for parents of school-age children in enabling them to participate in training, education and paid employment;

acknowledges and supports the valuable role played by early childhood professionals;

welcomes:

— the support given through the learner fund to staff who need to upskill to new qualification levels and the payment of a higher capitation grant on the early childhood care and education, ECCE, scheme for higher qualified staff; and

— the introduction of the better start national early years quality support service – a national co-ordinated approach to supporting quality in child care services;

acknowledges the importance of continuing co-operation between the Minister for Children and Youth Affairs and the Minister for Education and Skills in this key area and welcomes the steps taken by the Department of Education and

Skills in developing the *Siolta* and *Aistear* quality and curriculum frameworks for children aged under six years, and more recently the announcement by the Minister for Education and Skills of a review of all levels of education and training in the sector which will support quality improvement; further welcomes:

— the Government's commitment to supporting high quality, accessible and affordable child care for parents, represented by a total annual investment in the region of €260 million, benefiting over 100,000 children, in a range of child care programmes for children, including the preschool ECCE scheme as well as a range of supports for low income parents;

— the Government's continuing commitment to early childhood care and education, as demonstrated by protecting, in budget 2015, its annual investment of some €175 million in funding for the ECCE scheme, which benefits 68,000 children annually, and which is equivalent to an average annual benefit to parents in the region of €2,500; and

— the Government's commitment to maximising the returns that can accrue from investing in child care by supporting children's cognitive, social and emotional development, and generating long-term returns to children, families and society more broadly;

supports the Government's policy of seeking accessible, affordable, high quality child care as a vital means of achieving a number of key priorities including improving educational outcomes for children, reducing poverty and increasing parents' participation in the labour market and welcomes the support of the Minister for Social Protection in providing funding for the initial phase of the after-school child care scheme in 2013;

notes that the forthcoming early years strategy will set out policies and priorities across a wide range of areas for children under the age of six, including, but not limited to, early childhood care and education;

acknowledges that parents need access to affordable, high quality child care both at preschool level and for children during their school years, and welcomes the Government's decision to establish a high level inter-departmental group, which will report to the Minister for Children and Youth Affairs by the summer, and which will set out a coherent whole-of-Government approach to future investment in child care by:

— clarifying the policy objectives to guide future investment;

— reviewing current provision in light of those objectives;

— analysing evidence and best practice in relation to how best to achieve those objectives;

— identifying and assessing options for future investment, conducting a cost-benefit analysis on each option; and

— making recommendations for future investment; and

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supports the implementation of Better Outcomes, Brighter Futures – the National Policy Framework for Children and Young People 2014-2020 as a key means of making Ireland one of the best small countries in the world in which to grow up and to raise a family.”

I welcome the opportunity to discuss issues relating to child care and to propose the Government’s amendment.

It is widely recognised that participation in high quality early childhood care and education services results in better outcomes for children. From the point of view of parents, access to affordable, high quality child care for younger and older school-going children is an essential support to allow them to participate in education, training and the workforce. It is clear that investing in high-quality affordable child care can contribute to addressing a range of Government priorities, including improving educational outcomes for children, reducing poverty, supporting children and young people to avoid risk taking behaviours and, of course, supporting parents.

I want to acknowledge the considerable contribution of child care providers and staff to the provision of quality services and the delivery of child care programmes. While not underestimating the work to be done, the continued support by Government for those programmes has been key to keeping services in operation and maintaining staff employment through a period of unprecedented economic difficulties. The Association of Childhood Professionals is holding a rally to promote support for investment in the sector next week. I have previously indicated that as money becomes available I would welcome such investment and I have no argument with the association on this issue. I have previously met representatives of the association and will do so again later in the week to hear at first hand their views.

We should put this debate about the supports for children and their parents in a clear context. We are committed as a Government to helping parents with child care costs and to making quality child care accessible to a greater number of parents. For this purpose, we are investing some €260 million this year in a number of child care support programmes. These programmes include the community child care subvention programme, which provides funding to community, not-for-profit, child care services to enable them to provide quality child care at reduced rates to disadvantaged and low income working parents. This programme brings significant benefits to a large number of parents and their children. More than 25,000 children each year are supported under the subvention programme.

The most significant programme in terms of State investment is, as other Deputies have mentioned, the early childhood care and education programme, which was introduced in January 2010 and provides for one free preschool year for all eligible children before commencing primary school. The programme represents an annual investment of approximately €173 million and parents availing of the provision have their annual child care costs reduced by €2,375 for each eligible child. Some 68,000 children avail of the free preschool provision each year and more than 4,300 child care services which deliver this service benefit from the guaranteed funding that the programme provides.

We also have a number of further initiatives under the training and employment child care programmes to support parents who are entering or seeking to return to the workforce and who are participating in training or educational courses for this purpose. These include the child care education and training support programme, which provides child care places to qualify-

ing Solas or education and training board trainees or students for the duration of their courses. Many parents who are at home rely on this programme to allow them to do short courses to help them build their skills without having to worry about the well-being of their children.

The after-school child care programme was introduced under the training and employment child care initiative and provides after-school care for primary school children for certain categories of working parents for a one-off period of 52 weeks. This programme provides €40 per week for after-school care or €80 per week where a pick-up service is provided, and €105 per week for full day child care during the holiday period. We introduced the pick-up arrangement because parents found that sometimes it was not practical to get to a school. For example, a young mother who had been unemployed was delighted to get a job, but found it very difficult to get away from it for the time needed to pick up her children and drop them to the after-school service. The pick-up arrangement has solved her problem, allowing her to stay in her new job.

Community employment schemes often provide the first opportunity for parents to engage in the workforce. To help support these parents, a new community employment child care programme was introduced. This programme provides part-time care for children up to the age of 13 whose parents are participating in community employment programmes. The programme includes an after-school option, which enables qualifying parents of primary school children to obtain after-school care at a weekly cost of €15. A young father who takes part in a community employment scheme with a local community service finds the after-school service ideal, as the hours suit the scheme and he knows his children are in a safe and positive environment. My Department will continue to fund these programmes, with an emphasis on improving the quality of the service and as funding becomes available, I would hope that the capitation rates for all programmes could be increased to provide further support.

While my Department's programmes that invest €260 million annually are the primary means of supporting child care, we should not forget that the Government also provides all parents with a direct payment, child benefit, in respect of every child. This payment, administered by the Department of Social Protection, amounts to just over €1,600 annually per child and is intended to support parents with the costs of bringing up children. In fact, our child benefit payment is, relatively speaking, very high, unlike countries where funding is directed to the provision of services rather than to cash payments, and runs to almost €2 billion per annum.

The introduction of a second free preschool year could be of considerable benefit to many children. However, this provision would require considerable additional funding, broadly in line with the cost of the current one year provision of €173 million. We want to be sure that we direct any additional funding that becomes available to the greatest benefit for children. Whatever we do in this area, we need to focus on quality. All of the available evidence indicates that the quality of preschool provision is key to good outcomes for children.

Some of our funding is very specifically directed to encouraging child care providers to deliver a higher quality preschool provision. One aspect of this is influenced by international evidence which indicates that raising the qualification level of staff in early years settings results in higher quality provision and benefits the children in the settings. For this reason, the free preschool programme provides a higher rate of capitation to participating child care providers who employ staff with a higher level of child care qualifications. The higher rate of funding enables child care providers to offer employment opportunities to child care staff who have obtained professional child care qualifications. In the school year 2013-14, more than 1,400 child care services received the higher capitation rate. In view of the evidence about the importance

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of qualifications to quality, we decided to introduce a minimum qualification for child care staff. From September 2015, these staff must have a minimum level five qualification on the national qualifications framework in early years care and education, or an equivalent qualification. In addition to the general requirement for a level five qualification, preschool leaders delivering the free preschool year, who are currently required to hold a level five qualification, will have to have a minimum level six qualification, or equivalent, by September 2015.

I am very conscious of the low pay of the sector and anxious to support child care staff to meet these new requirements. In 2013, we made nearly €1 million available to support existing staff working in the child care sector to meet the new requirements. To support child care staff further, we launched the learner fund last March. The fund, which is administered by Pobal with the help of local city and county child care committees, has a total allocation of €3 million for the years 2014 and 2015 and is being targeted to subsidise the cost for child care staff who are required to undertake accredited level five and level six courses. To support the child care sector in improving quality, the national early years quality support service - Better Start - is being introduced as part of the quality agenda. The Better Start programme is a national approach to quality improvement supports and incorporates the work of city and county child care committees, the national voluntary child care organisations and the work of a new element, the early years specialist service. The aim of Better Start is to provide a nationally coherent continuum of support to providers to help them improve quality. An innovative element of Better Start is to employ 30 graduates in early childhood care and education who will work directly with services to improve quality, including assisting services in the implementation of the Siolta framework and the Aistear curriculum. These specialists were recruited in October and, following a training programme, are now starting to work with services on the ground.

It is clear that accessibility and affordability of high quality child care can play a critical role in achieving a number of Government priorities, including improving educational outcomes for children, reducing poverty and increasing parents' participation in the labour market. I want to ensure that all the benefits of child care investments are fully realised. It is crucial that we develop a coherent whole-of-Government approach to investment in child care services. To do this, we need future public investment in child care that is evidence-based and strategically co-ordinated. With this in mind, I am establishing a cross-departmental group to examine the provision right across the zero to six age group and to consider the after-school needs of older school-going children. I will welcome submissions from interested parties to the cross-departmental group for their consideration.

This new group will include representatives of the Departments of Education and Skills; Social Protection; Jobs, Enterprise and Innovation; Public Expenditure and Reform; Finance; and the Department of the Taoiseach. It will be led and supported by my Department. I will be asking that the work of this group be carried out within a short timeframe and I expect that the group will report to me in the summer. It will have its first meeting before the end of this month.

Our annual spending on child care related programmes has been in the region of 0.2% of GDP in recent years. However, this does not include expenditure under other early intervention programmes or by other Departments on early years programmes and services and therefore does not represent the full extent of State expenditure. The OECD indicates that Ireland spends approximately 0.4% of GDP relative to an OECD average of 0.7%. I would of course very much like to increase spending on early child care and education programmes over time but we also face difficult budgetary realities and tough choices about spending across government.

Considering the actions called for in the Private Members' motion, I note they would require very significant funding over and above what we currently have available. For example, the proposal to increase the level of investment to the OECD average would cost in the region of €450 million annually. The introduction of a second preschool year would cost at least as much as the existing provision of €173 million and more if the capitation level was increased. Extension of the community child care subvention programme so that it is available in all private services could cost in the region of €150 million. We should bear in mind that the last Government in 2008 spent €480 million on the previous scheme, the early childhood supplement but dropped that scheme at the end of 2009, when the preschool year was announced. However, of the €480 million, only €170 million went back to support the preschool year; the rest went to the Exchequer. What is being proposed in tonight's motion would cost multiples of even current spending, let alone what we have been able to afford in recent years.

I am aware of the concerns being expressed about special needs children and in particular their access to the free preschool programme. A number of measures were introduced to ensure that the early childhood care and education programme is more accessible to these children. These include an exemption from the upper age limit for the programme where it would help a child, and an arrangement where a child can participate in the scheme over two years if that would suit the child better. For example, he or she could attend three days per week in the first year and two days per week in the second year or *vice versa*. I know the Health Service Executive, where possible, provides additional supports to children with special needs to enable them to avail of preschool services in mainstream preschool settings. My Department has been working with the Department of Health and the Department of Education and Skills to build better supports that facilitate children with special needs. The aim is to develop an agreed framework for the provision of resources to support special needs children in mainstream child care settings. However, an early indicative cost for this within the preschool year is some €40 million, and clearly a similar cost would arise if a second year was introduced.

The question of tax allowances for working parents who incur child care costs is an issue that has been raised from time to time and is referred to in the motion. This was considered prior to the introduction of the targeted child care supports which I have outlined. A number of issues emerged at that time which did not favour the introduction of tax relief for child care. Tax reliefs would favour the higher paid and those on the minimum wage or in part-time work would not be in a position to benefit to the same extent. There is also a view that introducing tax credits could lead to increased prices and therefore have limited impact in terms of savings to parents. The Organisation for Economic Co-operation and Development, which has looked at funding in a range of member countries, has expressed the view that tax reliefs do not promote quality and do not result in lower prices, making them a very ineffective intervention.

I consider that direct investment in provision would be a fairer way of supporting parents who require child care support. I am aware that despite the substantial Government investment, the issue of child care costs remains a significant concern for many parents throughout the country. Increasing the State supports provided to help parents with these costs would require a considerable level of funding and these are matters that will be explored in detail over the coming period, including by the cross-departmental group.

Any action we take in this regard must be fully costed and there must be a benefit analysis, with the Government presented with well-costed options in order to achieve best outcomes for children and support, in the best way possible, parents struggling with the cost of child care. It is a well known fact that this is like a second mortgage for parents, which is why the Govern-

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ment is taking this so seriously and we have a cross-departmental group that will explore these issues, formulate and cost options and present them to the Government by the summer. We will be able to make well-informed decisions as we come into the budget cycle at the end of the summer.

The issue of rates was mentioned by a Deputy but rates have always been paid by child care services under all Governments, including the previous Government, which was in office for 14 years. That has not changed. Most community services have been exempted, so they did not pay. For an Opposition party to object to something that was part of its own policy is a little disingenuous.

Child care providers and the staff employed in child care services throughout the country are key to the delivery of high-quality child care services. These employers and employees have made considerable adjustments in recent years to facilitate the implementation of the new child care support programmes. I am very much aware of the concerns of child care workers about the levels of remuneration in the sector, and I am happy to acknowledge the important contribution they make to children and families. However, as child care services are provided by private commercial and community child care providers, pay levels and conditions of employment are ultimately matters for the management of these services.

The early years strategy is one of a number of more detailed strategies under the children and young people's policy framework, and this strategy is currently being developed by my Department. I have said that I will conduct focused consultations with relevant parties across the early childhood care and education sector before concluding my deliberations on the strategy. I expect to be in a position to publish the strategy once my consultations have concluded in the coming months.

I have covered a wide range of issues affecting child care provision and the staff who do such sterling work in the sector. I would strongly welcome future investment, but we must build it on a coherent national policy that helps us build better services, supports higher-quality employment and, as always, ensures better outcomes for our children. I therefore commend the amendment.

Deputy Joe Carey: I support the amendment tabled by the Minister, Deputy Reilly. There is little doubt that early childhood care and education are vital elements in the promotion of positive outcomes for children, and it is essential that affordable, accessible and high-quality child care is available to parents throughout the State.

The 2013 Indecon report commissioned by the Donegal County Childcare Committee found that 77% of preschool child care is provided by parents or relatives. The report also indicated that 12% of preschool children are cared for by childminders, and 19% use crèches, Montessori schools, playgroups or after-school facilities. Today in Ireland, many young parents simply do not have the choice of staying at home to rear their families. Many have very challenging mortgages and other financial commitments that cannot be met unless both parents are working. I am aware of the huge daily challenge faced by parents in getting their children up and out the door early in the morning and collecting them late in the evening. My wife and I are blessed to have two children: Alma, who is five, and Dan, who was three last week. They both attend a fantastic child care facility in Clarecastle called the Ladybird Lane Crèche.

This Government is spending approximately €260 million annually to support the provi-

sion of early childhood care and education through three child care support programmes, the community child care subvention, CCS, programme, the early childhood care and education, ECCE, programme and the training and employment child care programme. The child care programmes implemented by the Department support the provision of childhood care and education for more than 100,000 children each year.

The free preschool year under the ECCE programme was introduced in January 2010. Almost all of the 4,300 preschool services in the State are participating in this scheme, and it is expected that 68,000 children will avail of the free preschool year this year. The objective of the programme is to make early learning in a formal setting available to children in the year before they commence primary school. All research illustrates the fact that the early years of child care are very important. From speaking with parents, child care providers, primary school principals and teachers, it is quite obvious that this scheme has been a tremendous success. It is clear that children would benefit greatly from the provision of a second free preschool year, and I support the Minister wholeheartedly in his efforts to realise this objective.

The CCS programme provides funding to community child care services to enable them to provide high-quality child care at reduced rates to disadvantaged and low-income working parents. Approximately 25,000 children each year benefit from this programme in more than 900 community child care services.

I welcome the approach taken by the Minister in planning for the future and in establishing a cross-departmental group to examine investment across the zero to six age group as well as to consider the after-school needs of older school-going children. This group will be chaired by the Minister, Deputy Reilly, and will have representation from the Departments of Social Protection, Jobs, Enterprise and Innovation, Public Expenditure and Reform, Finance, and the Taoiseach.

International evidence shows that increasing the qualifications of the workforce increases the quality of service provision. From September this year, all staff working in child care services will be obliged to have a minimum qualification of level 5 on the National Framework of Qualifications, and team leaders delivering the free preschool year must have at least a level 6 qualification. Providing full-time professional care to children is a most important job and merits the requirement to have attained a specific qualification in line with best international practice.

Recently, the Spraoi community child care facility in Miltown Malbay in County Clare has run into difficulties. I welcome the hands-on approach of the Minister, Deputy Reilly, in helping to sort out the difficulties it is encountering. Last week we had a very successful and productive meeting with a number of his officials, and I am confident that a solution can be found in conjunction with all the stakeholders.

In conclusion, there are challenges in delivering an affordable, accessible and high-quality child care system. Undoubtedly, as the economy improves, we will have further scope to improve on the current system in a planned way in line with the recommendations that will be forthcoming from the interdepartmental working group.

Deputy Regina Doherty: I thank Fianna Fáil for tabling this motion. At the risk of sounding sarcastic, I am curious to find out whether the party won the EuroMillions and did not tell anybody, or if it has Charlie McCreevy up its sleeve, because if one looks at all of what Fianna

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Fáil wishes to do in this motion - and that is before we work out what a child care tax break would cost - it amounts to approximately €1.2 billion. What other services would the party cut to be able to provide this myriad of extensions of services?

I have four children who have gone through the private child care sector, and with parents and grandparents in our house also minding our children, we have the best of both worlds. The service available from people in the private sector is second to none. Their commitment to excellence, high-quality education, home-from-home environments and playfulness in afternoons after school is incredible, particularly given that their wages probably are not what they should or could be on foot of their dedication. I take my hat off to them and I pay tribute to the services they provide.

I also pay tribute to our community services sector. There are wonderful establishments in every second village and town in the country that are provided and subvented by the State. They also provide excellence in care.

The changes that were made in the last number of years by the previous Minister regarding the levels of education are testament to this Government's quality agenda in the delivery of child care. Obviously, quality must be supported. The learning support schemes, the learner funds and the CETS programme are in place, and I would support the provision of more money for these. If the Department gets more money this year, I hope we can provide some to give people the leg up they require to extend their qualifications from level 5 to level 6 and up to level 8. They want to improve their level of education and their qualification status, and it is important to ensure they can do that.

I acknowledge the benefit of the ECCE year. Although it is called the early childhood care and education programme, I do not believe it is about child care. For me, the three hours in the morning that one's child receives for the year before he or she goes to primary school is all about early intervention. It is about intervening educationally with the child to develop not only the child's education but also his or her self-esteem and communication skills. It works. I am not sure about the merits of a second year, to be honest. I am more concerned about perfecting the first year we already have before we look to extend it to a second year. I acknowledge that it works. However, when we speak about affordable child care, we should not slip into the mistake of thinking the ECCE year is about child care. It only addresses an issue for four year olds and it only addresses it for three hours a day. We all know and acknowledge that families are paying mortgage-style rates for having their children minded. My children are older now, but when they were younger I was working and at the end of the month I was getting my wage in one hand and handing it to the crèche with the other. This was my choice. I wanted to continue working. However, we all know and acknowledge that the cost of child care is very high in this country. We also acknowledge that the people in the industry would like to work more hours and would like to earn more.

I welcome the cross-departmental group the Minister has established. With respect, it is easy to say we should give tax breaks or that we should double the ECCE year provision. Fianna Fáil's motion shows little imagination. We need to think outside the box. We need to look at all of the establishments, in every single town and village, which are already owned by the State. We need to look at the resources which are available to communities to see how we can best maximise the potential of those resources in communities by providing services and allowing access to those facilities, perhaps after hours. We need to look at the wealth of resources available and the qualified people in the sector to see how we can extend the hours and offer

them more reach to our children after school.

I wish to mention one thing which is not in the motion. People who have children with disabilities have often said the ECCE year is difficult to access if the support services are not available to these children. By this, I mean special needs assistants or other support or resource hours teachers. An example of this is to be seen in my county. The HSE, from its disability budget, which is entirely separate to the Department of Children and Youth Affairs, provides and pays for resources in child care facilities in order that children who have disabilities, once they arrive in their ECCE setting, do not have to suffer any more than they already do. The disability budget of the HSE is already paying for this and this is something I would like to see extended to every single county in the country. I know it is not within the remit of the Minister but he may be encouraged to speak to the Minister for Health and to ask him to extend this. This is the biggest criticism on the part of parents of children with disabilities. The accessibility to the ECCE year is sometimes difficult. This would make a big difference to them.

I commend the Minister on the changes he has made and is making and on his cross-departmental group. I wish the Minister every success with it. However, it is important that we do not just take submissions from the vested interests and the providers, but that we extend the submission to all parents and to anyone else who has an interest in this sector.

Deputy Sandra McLellan: I welcome the opportunity to contribute to this debate, not only as a public representative but as a parent who, like other Deputies in this House, has experienced first-hand the outworking of successive Governments' failure to oversee a coherent and equitable approach to child care provision. Families have suffered as a result. Those fortunate enough to have work are lumbered with an undue financial burden. Women, particularly low-paid women or those reliant on social welfare payments, continue to be excluded from participating in work. Workers in the sector face a future of low pay despite their training, and exacting standards are not being met.

Most important of all is the impact of this shortfall on children. Budgetary decisions by Government have made a bad situation worse. The Government has relentlessly targeted children despite all their fine words regarding our youngest citizens' rights. Budget 2015 may have increased the monthly child benefit payment by €5 but only after Fine Gael and the Labour Party cut it by €47 for the fourth child and €10 for other children. The Government has also cut the back-to-school clothing and footwear allowance in successive budgets, amounting to a total cut of €100. This is a means-tested payment which is only made to children in the poorest of families and was already grossly insufficient to meet the real cost of returning to school. For families who are just about keeping their heads above water, this has been a devastating blow. The lone parent income disregard was cut from €146 to €90, as a consequence of which a working lone mother is down €28.

Many of our poorest children are in lone parent households and these cuts hurt them even more. In addition, this Government has lowered the cut-off age for the one-parent family payment to ten years of age and later this year it will drop it to just seven years of age. However, the Government has not put in place the necessary affordable after-school care which is required to keep these children safe while their mothers are forced out to work, despite the Labour Party leader promising she would not proceed with her planned cut to the lone parents scheme unless she had a credible, bankable commitment from Government on child care delivery. As is so often the case with the Labour Party, the Tánaiste over-promised and under-delivered.

The entirely foreseeable result of all of these cuts has been a sharp rise in child poverty. A report from UNICEF published last week put the child poverty rate at 28.6%, which accounts for 130,000 children. Ireland ranked 37 out of 41 countries studied. Child poverty rates are rising more steeply than here only in Croatia, Latvia, Greece and Iceland. In addition, the latest CSO figures tell us that one third of children are living in deprivation. These are children who do not have a warm coat or two pairs of strong shoes or who cannot afford to eat meat, chicken or fish every second day. These are children whose homes are not adequately heated. This is a direct consequence of the policies of this Government. It chooses to place the burden of recovery squarely on the shoulders of our most vulnerable children.

The Child and Family Agency published figures in early September which showed 9,000 children at risk or suffering from neglect or welfare concerns are waiting to be allocated a social worker. It reported that there were 3,250 high-priority cases over the summer waiting for a response. The bottom line is that, under the Government, recruiting and retaining social workers in sufficient numbers has not been a priority. Some 36,000 teachers in our classrooms have yet to be Garda vetted. Garda vetting is a cornerstone of the child protection system, but this Government has failed to resource the Garda vetting unit sufficiently.

Thousands of children with disabilities and severe life-limiting conditions had their medical cards withdrawn under this Government's so-called probity drive. Under intense pressure from the public, most of these were returned. However, some holders have begun to lose them again as the renewal dates come round. Children with disabilities and their carers have been neglected by this Government. Child care and after-school care remains unaffordable and inaccessible. However, this coming summer, the Tánaiste and Minister for Social Protection will lower the cut-off age to just seven years, regardless. This will impact on thousands of lone parents who are working a few hours each day while their child is at school, bringing in a low wage. They will lose the flexibilities and specific earnings disregards attached to the scheme. Her failure to deliver on child care coupled with her determination to proceed with the cuts to the scheme will push this group deeper into poverty and welfare dependency.

The cost of child care is extremely high in Ireland. It is the biggest cost facing most young families today. A recent survey demonstrated that a person would need to have a gross wage of €30,000 just to cover the cost of child care for one toddler and one baby. It costs up to €2,035 per month to keep a toddler and baby in a crèche. Thousands of couples are caught in a situation in which their mortgage was based on two full-time wages. However, when they start their family, they discover that one parent cannot afford to work but cannot afford not to work either. The Tánaiste, Deputy Joan Burton, compounded this by cutting payments to young families, such as child benefit and maternity benefit.

Many child care workers are grossly underpaid. Most are paid little more than the minimum wage and many are also expected to fund continual upskilling and education themselves. It is extremely unfair to expect child care workers with qualifications to provide such an important service for the minimum wage. Sinn Féin's budget 2015 proposed to address immediately the most significant inequity in existing public child care provision, which is the exclusion of many children with disabilities from the free preschool year. It will cost just €12 million to make the free preschool year accessible to many more children with disabilities. The sum of €12 million would provide 1,000 children with 15 hours per week of SNA support to attend the free preschool year. This fund would supplement the existing *ad hoc* provisions from the HSE and other disability service providers, which are grossly insufficient. The free preschool year is supposed to be a universal benefit for all children, but many children with disabilities

are prevented from availing of it due to the absence of the necessary supports. The availability of a special needs assistant to enable a child's attendance depends on where the child is living and ranges from none at all to cover for a portion of the week only. Many parents are forced to hire special needs assistants, or else the child is denied the opportunity to attend altogether.

Any review of the community child care subvention and child care education and training support schemes is focused on providing supports for low-income families and on keeping local community crèches open. We support the provision of restored core funding to all local community-based crèches. We want all councils to adopt a local authority child care policy. We will campaign for high-quality training for child care workers and an adequate inspection regime to ensure child care is of high quality and high standards. The Government could take a number of actions tomorrow in the absence of a coherent, affordable and equitable national child care strategy. I welcome the establishment of a cross-departmental group to look at provision across the age group of those aged six and under and to consider the after-school needs of older school-going children. Parents and their children do not need fine words and they certainly do not need the Labour Party's broken promises.

Deputy Caoimhghín Ó Caoláin: The Private Members' motion before us this evening recognises many of the elements that are essential to child care and to catering for the needs of both children and families. It refers to "a mixed model of provision" delivered through the three arms of "the community, private and public sector". It makes it clear that the "4,300 child care centres" and "23,000 staff" in this area must be supported and further developed. It recognises the positive influence of "early childhood professionals". While I welcome these elements of the motion, I am cognisant that Fianna Fáil failed to achieve them when it had an opportunity to do so in better times.

Even though we have known for many years that investment in services at a young age pays dividends, the early childhood sector has been poorly resourced and under-valued by this and previous Governments. Low levels of public investment have led to high costs for all users, with many of the staff employed on low wages and often on precarious contracts. We need to re-examine early childhood capitation and link wage levels to nationally agreed levels. We must ensure all children can take up early childhood education and continuing professional development is provided by Government-funded schemes.

I understand the child care sector is plagued by fears that it will lose many of the dedicated people working in it. The welcome and much-needed push for rising qualifications which we have seen and welcomed across care and health care provision is not universally in evidence across providers in the child care sector. Equally, the wages do not reflect the standards of training that are now expected. Those who work in this sector do so because they have a passion for their work and for helping to form and sustain a safe and suitable environment for our youngest citizens.

There is limited equality in supports for children with disabilities and special educational needs. Parents have a right to expect that their children will be given the best early years education and support, regardless of what part of the country they live in, the amount of money they earn or the levels of challenge their children face. There is also a lack of support for mainstream services to provide equality of access for children with special needs.

The report of the expert advisory group on the early years strategy informed us that Ireland spends 0.4% of GDP on early childhood care and education services. Clearly, we need to ask

the Government to say when it proposes that we should reach the international benchmark of 1% of GDP on such services. Other recommendations made by the expert advisory group also need to be examined. We need a detailed assessment of access to the free preschool year and a national plan for the phased, supported and simultaneous implementation of the Síolta and Aistear frameworks.

Research conducted by Early Childhood Ireland showed that in 2012, some 15% of services did not have a policy on supporting children with special educational needs. This situation must be ameliorated. Last year, some €3 million was provided for the development of the early years workforce. This sum represents just a drop in the ocean. High-quality child care is a goal for all of us who desire a totally equal playing field for women and men in the workplace. Paternity leave must also be examined in this context.

I support the childhood professionals from across the country who intend to march on Leinster House next Tuesday, 17 February, in a bid to draw public and political attention to the need for greater Government investment in the child care sector. They will march on the issues of poor wages, the lack of recognition for the amount of additional work they perform and the lack of appreciation of the specialised and necessary role they play. We expect so much of them, but give them so little. We need to resource and pay them appropriately. Quite clearly, the bottom line is that good-quality child care might be expensive, but bad-quality or non-existent child care is much more costly.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak during this very important debate on child care. I thank and commend everyone who works in the child care sector in Irish society. Approximately 4,300 child care centres in this country employ approximately 23,000 staff, who are doing an excellent job. They need to be supported, as do their families, who are under extreme hardship at the moment. We all accept that early childhood care and education is particularly good for the child, but it is also very good for this country and its future. Many members of the child care profession are earning little more than the minimum wage. As a result, we are losing qualified and experienced people who can no longer afford to remain in the profession. Earning a professional wage and supporting a child's development should not be mutually exclusive. It is important to stress that we have to look after those who provide front-line services.

What is the current situation? There is no child care cost support tax relief for working parents. The cost of child care to parents is extremely high. The annual cost of full-time child care for two children is €16,500 per year. That is very costly on working families, mothers and fathers. Support for children with disabilities and special educational needs is very limited and inconsistent across the country. Subsidised child care places are not equally accessible in all areas of the country. The capitation rates for delivering the early childhood care and education scheme are insufficient for the majority of child care providers. The early childhood workforce cannot access the learner fund for higher level qualification. We also see that early childhood professionals are undervalued and under-resourced and have high employment insecurity. The current child care funding policy is absent of any supports for working families that do not avail of the community child care subvention. That is the situation for many families on the ground.

I would like to acknowledge and focus on children with special educational needs. They face too many challenges as they try to avail of preschool education that is tailored to suit their individual needs. Mainstream early childhood services do not have the appropriate funding or supports to provide equality of opportunity for children with special needs. There is a lack of

a nationally agreed pay scale. As I have said, low levels of wages are a problem. Paid professional development opportunities are absent. The members of the early childhood workforce, many of whom go above and beyond the call of duty, are generally not paid for all the work they undertake.

What should the Government and all the political parties in the Dáil do? They should consider the idea of introducing a child care tax break for working families.

9 o'clock

We should provide a second full free preschool year for all children, particularly those with disabilities. As an interim measure, we should reinstate the 2011 capitation grant levels under the ECCE scheme with immediate effect. We should increase investment from the current 0.4% to 0.7% on an incremental basis within the lifetime of the next programme for Government. We should consider extending the CCS programme so as to enable children to access private child care places and publishing and resourcing the early years strategy so there might be a blueprint for investment and policy development. We should introduce a national payscale for child care workers. I also support the extension of the ECCE capitation grant to cover statutory holiday pay and continuous professional development.

When discussing child care, we should be broader in focus than the issues I have outlined. Child care is an important strategy for tackling child poverty. In recent days, we have learned of how the poverty rate has increased from 7.7% in 2012 to 8.2%. This is a national scandal. Some 1.4 million people, representing 31% of the population, cannot afford basic items. Some 135,000 children are in poverty. We should work on providing preschool education and child care and then tackle economic, social and educational disadvantage. I urge everyone to support the motion at 9 o'clock tomorrow and the protest outside the Dáil next Tuesday.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 9.30 a.m. on Wednesday, 11 February 2015.