



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 24 Feabhra 2015

Tuesday, 24 February 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Early Childhood Care Education

120. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs his views on the adequacy of the capitation grant for providers of the free preschool year; and his further views on whether the current capitation grant to preschools is adequate for these providers to pay their care staff a professional wage. [8004/15]

Deputy Robert Troy: We all aspire to have a graduate-led workforce in the provision of early childhood care and education. What are the Minister's views about the adequacy of the capitation grant for providers of the free preschool year? Is the current grant to preschools adequate and does it allow providers to pay their staff a professional wage?

Minister for Children and Youth Affairs (Deputy James Reilly): The Government provides €260 million - in excess of quarter of a billion euro - annually to a number of child care support programmes that assist parents with the cost of child care. This figure includes €175 million provided annually to support the universal free preschool provision under the early childhood care and education programme. These programmes are, of course, in addition to the support provided to all parents in the form of child benefit.

The funding provided through the child care support programmes has had a significant impact on child care provision and enabled many child care providers to continue to deliver child care services at a time of economic difficulty. The funding has also ensured that employment levels across the sector have been maintained. The retention of the current level of investment in child care is a considerable achievement, given the pressure on the public finances over the last number of years.

I recognise the difficulties being faced by child care providers and I am aware of the concerns of child care professionals in respect of levels of remuneration in the child care sec-

tor. I met recently with their representatives to discuss a range of issues relating to child care provision and I am giving careful consideration to their views on future developments in the sector. Remuneration for child care workers is a matter for agreement between employers and employees. Staff remuneration does account for the greater proportion of the overall cost of providing child care services and I acknowledge that increased capitation and subvention payments through the child care support programmes would assist child care services in addressing these cost issues. I have indicated that if resources become available to my Department, I will consider the scope for increasing the level of these capitation payments.

However, I want to look at the question of appropriate supports for child care in a wider context. It is crucial that we develop a coherent whole-of-Government approach to investment in child care services. To ensure that all the benefits of our full range of child care investments are fully realised, future public investment in child care must be evidence-based and strategically co-ordinated. I have established an interdepartmental group to look at provision across the birth to six years age group, as well as to consider the after-school needs of older school-going children, and I have asked the group to report to me by the summer.

Deputy Robert Troy: I could not agree more that it is important that we have a whole-of-Government approach to this area. Despite the statement of the Minister's predecessor a number of years ago that the Government was at that time looking at this issue, it has taken in excess of four years for this much heralded interdepartmental group, which is expected to provide all the answers to all our ills, to be established. At the launch yesterday of a report by the Children's Rights Alliance, Professor Nóirín Hayes said that the interdepartmental group report is a further kick to touch because the Government does not know what it is going to do in terms of provision and support for this sector.

In September 2012, the Government reduced the capitation payments for persons with a higher qualification from €75 to €73 per child and from €64.50 to €62.50 for a person without that qualification. This is having a serious effect on service providers, who along with this reduction in capitation payments have had to bear increased commercial rates charges and an increase in employers' PRSI contributions. They cannot sustain services going forward.

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

Deputy Robert Troy: In committee a number of weeks ago I asked that the Minister, to help ease the pressures on service providers, would, at a minimum, restore the capitation payments to their original levels.

Deputy James Reilly: I do not wish to be overly-confrontational but Deputy Troy has some neck talking about this Government having taken four years to do this work given the net effect of Fianna Fáil in government for 14 years was a reduction from €480 million to €175 million in child supports. This Government has successfully maintained this level of support despite the now well-known fiscal fiasco left behind by the Fianna Fáil-led Government. I have already made my position clear. As resources become available, I want to restore the cut to the capitation payments. None the less, I have to work within the budgetary constraints in which I find myself as Minister.

This report is not a kick to touch. It is a report that will provide us with the range of options on what will deliver for children and families rather than the Fianna Fáil way of "fire a few more bob at it and hopefully they will all go away".

Deputy Robert Troy: Fianna Fáil in government increased child benefit, provided 65,000 new preschool places and established the county child care committees to support a quality service in each county. It also established Síolta and Aistear, internationally recognised curricula, and put in place a framework for delivery of those curricula. There were many good things done in this sector which developed at a rapid pace during the early 2000s.

To be fair, nothing new has happened in the past four years. When this Government took office, it established the new Cabinet post of Minister for Children and Youth Affairs, whose responsibility it was to ensure a cross-departmental approach to this sector. It is disappointing that it has taken four years for the establishment of an interdepartmental working group. Does the Minister agree that, given the main contract of these service providers is with the State, it has an obligation to ensure they are sufficiently resourced to pay their staff? Those employed by the service providers in caring for our young children are providing an invaluable service and they need to be recognised. Currently, they do not feel recognised by the Government. If they did, there would not have been in excess of 3,000 of them on Kildare Street this day last week.

Deputy James Reilly: Deputy Troy pointed out that the child care providers have to pay rates. They always had to pay rates. Nothing has changed in that regard except that not-for-profit child care providers have been afforded some relief by the Minister for Public Expenditure and Reform. He pointed out some of the measures that were put in place as other things were taken away, which I pointed out.

Deputy Robert Troy: Such as?

Deputy James Reilly: Then the party ran away and left no money in the coffers to sustain them. It is all very well to allude to services being put in place that were put in place with money the party knew it would not have, did not have and could not sustain, and then try to blame others who come after who try to fix the economy for all the ills in the service.

This group is a very important one. I believe it will deliver a menu of options for Government that will be well costed, well analysed and will be able to show in a very real way how we can get the best outcomes for children and support their families, rather than just a gut reaction of putting more money here and more money there and finding subsequently the law of unintended consequences has arisen all over the place and we do not get the results we want.

In terms of the child benefit issue raised by Deputy Troy, child benefit did increase in the previous budget.

Preschool Services

121. **Deputy Sandra McLellan** asked the Minister for Children and Youth Affairs the steps he will take to ensure that all children will be eligible to participate in the free preschool year, in time for September 2015. [8000/15]

Deputy Sandra McLellan: I wish to ask the Minister the steps he will take to ensure children will be eligible to participate in the free preschool year in September 2015, including those with disabilities.

Deputy James Reilly: The early childhood care and education programme is a free and

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universal programme to which all children, including children with special needs, have access. The objective of the programme is to make early learning in a formal setting available to eligible children before they commence primary school. Participating child care services are, therefore, expected to provide age-appropriate activities to children within a particular age cohort.

Children born between 2 February 2011 and 30 June 2012 will qualify for the programme in September 2015 and children born between 2 February 2012 and 30 June 2013 will qualify in September 2016. All children have an opportunity to avail of the programme. However, some parents whose children were born in the months of July and August, who wish to start them in primary school when they reach four years of age, have to make a choice between enrolling their child in primary school or availing of the free preschool year. There are no exemptions for children who are below the eligibility age range.

The issue of access to the free preschool year for children with special needs was taken into account when the free preschool year was launched, and measures were introduced to make the programme more accessible for those children. The measures include an exemption from the upper age limit and permission to have the preschool year split over two years on a *pro rata* basis, where it would be in the child's best interest. Parents could decide to send a child two days a week in year one and three days a week in year two.

Most children with special needs avail of the free preschool year in mainstream child care services. The Health Service Executive, HSE, does, where possible, assist children with special needs who may require additional support to enable them to avail of preschool services in mainstream settings. However, these supports are not provided in a nationally consistent way. My Department has been working with the Department of Health and the Department of Education and Skills to build better supports to facilitate children who have special needs. The aim is to develop an agreed framework for the provision of resources to support children with special needs in mainstream child care settings.

Additional information not given on the floor of the House

I have established a high level interdepartmental group to examine the issue of future investment in early childhood care and education, and child care for school-going children. As part of its work, the group will consider how best to make appropriate provision for children with special needs who are accessing mainstream child care services. I have asked the group to report to me by the summer.

Deputy Sandra McLellan: The Government has been dragging its heels over making the preschool year universally accessible. Supports for children with care needs while attending the free preschool year are still very much an issue. It is not acceptable that the Government has still failed after all this time to put in place something similar to the SNA provision system run by the National Council for Special Education.

I welcome the Minister's good intentions outlined in his reply to my question. However, the main issue at hand is the fact that there simply are not the proper facilities, equipment or even a high enough level of training in most crèches to deal with the needs of children with varying disabilities during a preschool year. While Dublin may be in a better position in some instances to provide services to families, rural areas are seriously under-resourced in the area of special needs. What steps are being taken as of now to ensure children with special needs will not be discriminated against or treated differently?

Deputy James Reilly: Having read out the answer I do not believe the Government is dragging its heels. It has made this service universally available to children in the eligible age category. It makes particular allowance for those with special needs through the mechanisms I have outlined, by allowing them to split the year over two years and by not having an upper age limit for children with special needs, because sometimes their education can benefit a little bit later.

Most children with special needs participate in the ECCE programme. This is based on the fact that a total of 94% of eligible children participate in the year, so it is clearly very popular. This leaves approximately 4,800 children in the age cohort not participating and not all of these children have disabilities. This is not a homogenous group and we do not have the definitive numbers for the subgroups. Some children go straight into junior infants rather than participating in ECCE, approximately 1,700 children participate in the Early Start programme run by the Department of Education and Skills in disadvantaged schools, some children with autism spectrum disorders participate in special autism preschools, some children with very complex disabilities attend special preschools, and each year approximately 900 children are home schooled.

Deputy Sandra McLellan: I thank the Minister. Will the Minister give an outline of what exactly the interdepartmental group on the preschool year is being asked to do? What are its short and medium-term ambitions to resolve the issue of inadequate provision for children with special needs before term commences in September? Will he assure parents that all children will be provided for and will receive the same care and educational treatment as children without special needs come September? I have raised with the Minister previously the issue of children with autism. There are serious delays in diagnosis with a multidisciplinary team, and children are often waiting eight months for a diagnosis. Many parents find it extremely difficult or next to impossible to get their children into preschool. Has the Minister discussed this with the Minister for Health and is he looking into it?

Deputy James Reilly: The interdepartmental group seeks to clarify the goals for public investment, including ensuring that services are of a high standard. It will review current investment in light of these goals to ensure any gaps and duplication are addressed and programmes are a good fit to achieve policy goals. The issue of workforce sustainability is also important in this regard. The group will analyse evidence and best practice here and abroad in order that it can identify the best way to deliver investment to realise these goals. It will identify and assess options for future investment, specifying the costs and benefits of each option. It will make recommendations for future investment.

The wait for a diagnosis of autism, or a diagnosis in other areas of special needs, is something that is being addressed through the HSE and its plan, and through the Minister of State, Deputy Kathleen Lynch, to ensure services are available based on the needs of the child rather than on a diagnosis. Through this needs service, a diagnosis may very well arise which will allow the service to be honed more particularly to the child's needs.

Child Care Services Funding

122. **Deputy Seamus Healy** asked the Minister for Children and Youth Affairs if he will provide a clear timeframe according to which he will move Ireland from the current investment in child care provision of 0.2% of gross domestic product to 0.7% of gross domestic product;

and if he will make a statement on the matter. [7975/15]

Deputy Seamus Healy: It is widely accepted that early childhood education is underfunded and under-resourced and is being subsidised by communities, staff, employers and parents. Will the Minister set out a timeline whereby he will move from the current investment of 0.2% of GDP to the accepted level of 0.7% of GDP?

Deputy James Reilly: The Department supports the provision of early childhood care and education by providing in the region of €260 million annually to provide for three child care support programmes that make child care services more affordable and ensure that more than 100,000 children have access to quality child care. This high level of support has been maintained despite the difficult budgetary situation that prevailed in recent years.

I point out to the Deputy that while the annual spend by my Department on child care related programmes has been in the region of 0.2% of GDP in recent years, there is expenditure by other Departments relating to child care provision as well. The largest element of this is the expenditure by the Department of Education and Skills on junior and senior infants in primary schools and on the Early Start programme in disadvantaged schools. When the full expenditure on preschool provision is taken into account, Ireland spends approximately 0.4% of GDP on child care provision. It is still not up to the international average and, like Deputy Healy, I am certainly keen to see it reach the international average.

It is clear that accessibility, affordability and high-quality child care can play a critical role in achieving several Government priorities, including the improvement of educational outcomes for children, reducing poverty and increasing parents' participation in the labour market. I would like to be in a position to increase our investment in child care related programmes to be in line with the OECD average, as resources allow. This will take time as the benefits of growth generate the required resources. I am determined that all such spending, whether existing or additional, will be based on good evidence and co-ordinated strategically in order that we achieve the best possible benefits for children. To this end I have established the interdepartmental group to examine the provision throughout the zero to six years age group and consider the after-school needs of older school-going children.

Deputy Seamus Healy: Quality early childhood education is paramount for the healthy development of children. It is also important from the point of view of addressing educational and future employment outcomes for children as well as the prevention of poverty and all the various social difficulties that may arise.

There are 4,300 centres in the country employing approximately 24,000 staff. The majority of these staff are on incomes close to or at the minimum wage. Of the 4,300 facilities, one third are community facilities. The Minister referred to evidence in his reply. As a member of the board of a community child care facility, I can inform him that there is a serious struggle every day to make ends meet. The service is being subsidised by staff, employers and parents.

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

Deputy Seamus Healy: Will the Minister restore the capitation grant that was reduced in budget 2011, at least on an interim basis?

Deputy James Reilly: I thank the Deputy for his comments. I believe we are all on the same page on this issue. All the international and national evidence we have indicates clearly

that investment in this area yields the greatest financial return. More important, it adds a value that is incalculable to children and society in general. The Deputy is quite right. It has a major influence on educational outcomes and, therefore, on job opportunities later in life. Clearly, what follows from this is a child's ability in later life to get out of poverty. From all aspects this is a winner for children, families and society at large. Moreover, given its nature in terms of the socialising of young children, it helps them to learn how to get on with other children and network. This is important later in life as well.

Deputy Seamus Healy: We can all agree on this and the Minister is in agreement, but what we really need is action. In 2011 we were promised graduate-led child care, a second free pre-school year and a Scandinavian-type child care system. None of that has materialised. There are numerous difficulties in the service for staff. These are qualified staff providing a well laid out and accepted curriculum but at low levels of payment and salary. It is an issue that must be addressed urgently. Of course, the whole question of child care also has a knock-on effect on parents and their ability to access further education or second chance education, or even to enter the employment market, where employment is available.

Deputy James Reilly: The second free preschool year is accommodated and planned in the document produced by Government, "Better Outcomes, Brighter Futures", to be delivered on fully by 2020. It is not in the programme for Government. That does not mean we are not committed to it but it is a question of the timeframe around which it can be delivered. The second preschool year would cost €175 million, at a minimum, and probably closer to €200 million if we were to fix all the bits we would like to see corrected in the existing year. I believe the general consensus from the sector is that it would like to be assured that the quality and mechanics of the existing year are addressed first before we move to a second preschool year, and I think that sensible.

Having said all that, the whole point of the interdepartmental group is that it will have analysed what it is we are doing, clarified what our goals are - although we know what they are - and seen how what we are doing at the moment delivers on those goals, as well as looking at the future investment opportunities that will deliver better outcomes for children and families. For me to prejudge that would be incorrect and disrespectful of the work the group has to do. It is very important work that is going to touch all the families in this country.

Early Childhood Care Education

123. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs the level of consultation between his Department and the Department of Education and Skills, and-or the Department of Health, on necessary supports for children with a disability who are in mainstream early childhood services; and if he will provide an update on plans to publish a national strategy to support these children. [8005/15]

Deputy Robert Troy: I want to ask the Minister what level of consultation his Department has had with the Department of Education and Skills and the Department of Health on necessary supports for children with a disability who are entering mainstream early childhood services. Will he provide an update on the plans to publish a national strategy to support these children so we can ensure we are dealing with this on a consistent basis from Mizen Head to Malin Head?

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Deputy James Reilly: The early childhood care and education programme is a free and universal programme to which all children, including those children with special needs, have access. The objective of the programme is to make early learning in a formal setting available to all eligible children before they commence primary school.

The issue of access to the free preschool year for children with special needs was taken into account when the free preschool year was launched, and measures were introduced to make the programme more accessible for these children. These measures include an exemption from the upper age limit and permission to have the preschool year split over two years on a *pro rata* basis, where it would be in the child's best interest.

Most children with special needs avail of the free preschool year in mainstream child care services. The Health Service Executive does, where possible, assist children with special needs who may require additional support to enable them to avail of preschool services in mainstream settings. However, as I have said before, I am aware that this support is not consistent nationally.

My Department meets regularly with the Department of Health to discuss issues of common concern, including supports for children with disabilities in mainstream preschools. In particular, the two Departments and the Department of Education and Skills have been working on how best to build better supports that facilitate children who have special needs. The aim is to develop an agreed framework for the provision of resources to support children with special needs in mainstream child care settings.

Early years settings should, of course, be supported to provide an inclusive environment, and I would like to be in a position to provide further supports. Some of the measures I have taken include the establishment of Better Start, a national approach to improving quality which provides advice and support to early years settings on quality improvement. I also introduced a learner fund to support staff in the sector to upskill. While modules on working with children with special needs, or on equality-diversity, are elective modules in early childhood care and education courses at levels 5 and 6 on the national framework of qualifications, I have encouraged the take-up of these modules by offering learner subsidies where a training provider runs these elective modules as part of the major award.

Deputy Robert Troy: While we might think we have a universal programme, that is not true because the necessary supports are not in place to ensure the implementation of universality. Under the legislation as it currently stands, a service provider can refuse admission to a young boy or girl with special educational needs based on the fact that it does not have the necessary supports to take him or her into the service. Under the legislation, there is no entitlement beyond an assessment. Those aged under five years are entitled to an assessment, but are not entitled to the necessary supports.

There is no national strategy. I am disappointed to hear the Minister say in his reply that he aims to develop a framework. We need a framework in place now. The disjointed approach across the regions is abysmal. I note Deputy McEntee is in the Chamber. Later today we will meet the Meath fight for the future campaign in the audiovisual room. The HSE used to provide money and funding to preschool services so they could hire special needs assistants for those who needed them, but that now happens at the discretion of the HSE. While Meath may continue to provide the funding into the future, that is not necessarily the case throughout the country.

The Minister acknowledges that the approach is disjointed and that there is inconsistency. Can he give a firm commitment on when he will take responsibility for the provision of special needs assistants? Can he outline when there will be a national strategy and inclusion plan to ensure that all children, regardless of their needs, will be able to avail of early childhood care and education?

Deputy James Reilly: I have information that I am given to understand indicates that the HSE is not withdrawing any funding in this area. Maybe further funding is required, and that might be an issue. As we know, an extra €650 million has been made available to the Department of Health to disperse. We would not expect to see any further cuts in this area.

The Deputy asked when we will have the full strategy. As I said, we have established the high level interdepartmental group to examine the issue of future investment in child care and childhood education. As part of its work, the group will consider how best to make appropriate provision for children with special needs who are accessing mainstream child care services. As I have pointed out, I have asked for this report to be with me by the summer. We meet with the Department of Health regularly on this issue and others relating to children, and will continue to do so. As I have said and fully acknowledged, there is no uniform approach across the country on this and I am sure it will be one of the major issues on which the interdepartmental group will report.

Deputy Robert Troy: We are all aware that the earlier the intervention, the greater the return. It is critically important that we put together a policy, national strategy and inclusion plan now. It is disappointing that four years on this issue is being referred to an interdepartmental group because it is extremely important. We are all aware of the inconsistent approach over the years.

Are we even aware of the numbers of children under five years of age who require additional resources because of their special educational needs? I would hazard a guess that we are not, because last year the Minister for Education and Skills, Deputy Jan O'Sullivan, said in a reply that only 260 children were availing of the split free preschool year. In a Pobal survey in 2013, it was suggested that 3,899 children had varying levels of disabilities. Do we know exactly how many children are being prevented from availing of the free preschool year because the necessary supports are not in place?

The funding comes from a myriad of areas, including the HSE which provides 33.3% and Enable Ireland which provides 25.7%. Institutions like the Brothers of Charity or the Western Care Association in Mayo provide other resources. It is disjointed and unco-ordinated, which is unbelievable. We are not giving this issue the priority or focus which these children deserve because they are born with a special educational need.

Deputy James Reilly: I utterly reject the contention that we are not giving this the focus it deserves. This is the first Government to have a senior Cabinet Minister responsible for and focused on the needs of children. That is something which successive Governments did not do beforehand. As I pointed out already, we know some children go straight into junior infants rather than participating in the early childhood care and education, ECCE, programme. There are approximately 1,700 children who participate in the Department of Education and Skill's Early Start in disadvantaged schools, and some children with autism spectrum disorders participate in special autism preschool classes. Some children with very complex disabilities attend special preschools and each year approximately 900 children are home schooled, and it is likely

those children do not participate in preschool either. The number varies each year. Some children in full day care are recorded as being in the children's community subvention programme, so they do not appear in the ECCE figures. Work is ongoing to get the detailed information on these groups, mainly from the Department of Education and Skills.

Services for People with Disabilities

124. **Deputy Seamus Healy** asked the Minister for Children and Youth Affairs if he will provide extra resources to child care providers in respect of children with additional and special needs; and if he will make a statement on the matter. [7976/15]

Deputy Seamus Healy: Will the Minister to provide extra resources to child care providers in respect of children with additional and special needs?

Deputy James Reilly: The ECCE programme is one of a number of child care support programmes implemented by my Department to assist parents to access quality child care services. The programme, which provides one free preschool year to qualifying children before they commence primary school, is a free and universal programme to which all children, including those children with special needs, have access. The issue of access to the free preschool year for children with special needs was taken into account when the free preschool year was launched and a number of measures were introduced to make the programme more accessible for these children. The measures include an exemption from the upper age limit for qualification under the programme where a child is developmentally delayed and would benefit from starting primary school at a later age. In addition, children with special needs can apply to have the preschool year split over two years on a *pro rata* basis, for example, availing of the programme for two days a week in the first year and for three days a week in the second year, if that would be in the child's best interest.

The majority of children with special needs avail of the free preschool year in mainstream child care services. I am aware that the Health Service Executive assists, where possible, children with special needs who may require additional support to enable them to avail of preschool services in mainstream settings, but the fact that this is not nationally consistent is a source of concern for me. My Department has been working with the Departments of Health and Education and Skills to build better supports that will facilitate children with special needs. The aim is to develop an agreed framework for the provision of resources to support children with special needs in mainstream child care settings.

I have established a high-level interdepartmental group to examine the issue of future investment in early childhood care and education and child care for school-going children. As part of its work, the group will consider how best to make appropriate provision for children with special needs who are accessing mainstream child care services. I have asked the group to report to me by the summer.

Deputy Seamus Healy: As the Minister knows well and has mentioned, the provision for children with disabilities or special educational needs is limited in the extreme in the child care area. Where it is available at all, it is very limited and inconsistent throughout the country. The measure of any society is how it supports the most vulnerable members, and surely young children with additional and special needs are the most vulnerable people in society. Early intervention, particularly in this area, provides a major return. We need to do the right thing

with this. I ask the Minister to take the issue of resources for children with additional or special needs out of the wider review and deal with it immediately.

Deputy James Reilly: The interdepartmental group will be critical in assessing these issues. Children with special needs should not be taken out of that group but should be treated within that group with the same respect and degree of analysis and scrutiny as all other groups. As I said, many children with disabilities participate in the free preschool year without seeking the exemptions that I mentioned earlier. The figure for take-up of those provisions is far smaller than the number of children in the programme who would be entitled to do so.

This area is one that concerns me. A good start in life is critical, and nowhere more so than when one has a child with special needs. What we all want for our children is that they reach their full potential. By investing in children with special needs early in life, one reduces their dependence on others later in life in a major way.

Deputy Seamus Healy: I hope the Minister is not suggesting that I wish to take these children out of the wider review for any negative reason. The reason I ask that they be dealt with separately from the review is to ensure that their special needs can be adequately and urgently addressed. I ask the Minister to seriously consider doing something immediately for children in this regard.

Deputy James Reilly: I would not suggest that. Deputy Healy's concern, interest and bonafides in this area are clear and sincere. However, I am pointing out the dangers of unintended consequences. Taking this group out of the main group will not serve their purposes as well as leaving them in the mainstream group. The thrust of our educational approach for children with special needs is to support them in the mainstream as much as possible, for a host of reasons which I will not discuss now. As the parent of a child who had particular special needs early in life and whose outlook was very poor, I can state that keeping him in the mainstream was a major goal for us and it yielded huge results.

Other Questions

Early Childhood Care Education

125. **Deputy Helen McEntee** asked the Minister for Children and Youth Affairs if he will develop a nationwide scheme for equal access for children with special needs to the early childhood care and education scheme, which provides a free year of childhood care and education for children of preschool age; and if he will make a statement on the matter. [7737/15]

Deputy Helen McEntee: At the risk of repeating what has just been said, will the Minister consider developing a nationwide scheme to provide equal access for children with special needs? The early childhood care and education scheme currently provides a free preschool year of childhood care for all children, including children with special needs. This can be divided over two years, with six hours per week in the first year and nine hours per week in the following year, or it can be availed of in one year. It is free to all parents, but there is no extra allocation of funding to support children with special needs. Will the Minister address that?

Deputy James Reilly: The early childhood care and education, ECCE, programme pro-

vides one free preschool year to qualifying children before they commence primary school. The ECCE programme is a free and universal programme to which all children, including those children with special needs, have access.

The issue of access to the free preschool year for children with special needs was taken into account when the free preschool year was launched, and a number of measures were introduced to make the programme more accessible for those children. The measures include an exemption from the upper age limit for qualification under the programme where a child is developmentally delayed and would benefit from starting primary school at a later age. In addition, children with special needs can apply to have the preschool year split over two years on a *pro rata* basis - for example, by availing of the programme for two days a week in the first year and for three days a week in the second year - if that would be in the child's best interest.

The majority of children with special needs avail of the free preschool year in mainstream child care services. I am aware that the HSE, where possible, assists children with special needs who may require additional support to enable them to avail of preschool services in mainstream settings. I am also aware that the Deputy's native County Meath is particularly good in this regard.

My Department has been working with the Department of Health and the Department of Education and Skills to build better supports that will facilitate children who have special needs. The aim is to develop an agreed framework for the provision of resources to support children with special needs in mainstream child care settings. I have established a high level interdepartmental group to examine the issue of future investment in early childhood care and education and child care for school-going children. As part of its work, the group will consider how best to make appropriate provision for children with special needs who are accessing mainstream child care services. I have asked the group to report to me by the summer. I will not pre-empt what the group might propose but clearly one of the issues I would like to see addressed is the lack of uniformity of approach in different parts of the country.

Deputy Helen McEntee: I thank the Minister for his response. As he has mentioned, we are extremely lucky in County Meath because a source of funding is provided through the HSE's disability sector. This helps with the assistance of children who are attending preschool years. This is something our county has decided to do and many parents and teachers are grateful for it. The problem is that the funding is not definite. Every year it is subject to consideration. Every year budgets are tighter and every year more and more children are seeking to avail of these services. This puts a strain on the system and makes it more difficult to provide the right assistance. Further, the HSE feels it should not be funding these services.

We speak of inclusion of children with special needs at a mainstream level and in the community to ensure children feel part of their community. The Minister is a strong advocate of this. As he has mentioned, this is the first Government to have a dedicated Department with responsibility for children. I will stress what has been stressed by many Deputies in this House today. When the interdepartmental group is meeting and examining all aspects of education, early learning years in particular should be taken into account and serious consideration should be given to the introduction of a national scheme. It is important for children to get the help they need at an early stage, especially those with special needs. The HSE in County Meath can provide this funding for only so long. It also means that no other counties can provide it.

Deputy James Reilly: I am very concerned that this issue will be examined. The best con-

text in which to look at it is the interdepartmental group. It is appropriate that the roles of the HSE and the Child and Family Agency in supporting families are considered when examining funding for special needs assistants for older school-going children. We are trying to support parents to come out of poverty. We want to lift their children out of poverty. We know the best way to do this is to support the family. The Department of Jobs, Enterprise and Innovation, the Department of Public Expenditure and Reform, the Department of Finance, the Department of Health and my Department are involved in this interdepartmental group as is, most importantly, the Department of Social Protection. This group has all the required membership to develop a coherent, properly analysed and properly priced Government approach. The Government, therefore, will be able to look realistically at the options and determine what it can afford to do during the current year and what it can afford to do the following year. We know if we do these things that we will get the results we seek.

Deputy Helen McEntee: I welcome the interdepartmental group. It is fantastic that the Departments are coming together. If funding is to come down the line, it would be a good idea to have the Departments work together on this and to avoid putting strain on any one particular Department. I look forward to hearing what comes out of this interdepartmental group, but the sooner the better for all involved.

Child Detention Centres

126. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if he will provide details of the 16 boys reportedly being held in adult prisons; when these boys will be placed in more age-appropriate settings; and if he will make a statement on the matter. [7693/15]

Deputy Caoimhghín Ó Caoláin: I raise the issue of the 16 boys aged 17 years currently detained in the adult prison system. Yesterday, HIQA published an inspection report on the Oberstown campus which highlights significant risks for the children aged up to 16 years currently detained there. There is frequent use of single separation, a lack of holistic assessments and a lack of care planning. What assurances will the Minister give regarding these serious shortcomings and failures with the transfer of the 17 year olds expected in the not too distant future?

Deputy James Reilly: The programme for Government commits us to end the practice of detaining children in adult prison facilities. Significant progress has been made in implementing this important objective. Before this Government took office, both 16 year old and 17 year old boys were detained in the adult prison system. The transfer of responsibility for 16 year old boys to the children detention schools was implemented in May 2012. The Government commitment will be met in full this year when the extension of the Oberstown campus will result in the transfer of responsibility for 17 year old males from the adult prison system to the children detention schools. On 19 February 2015, three 17 year old boys were detained on remand in St. Patrick's Institution and the number of 17 year old boys serving a sentence of detention in Wheatfield Prison was 12.

The Oberstown capital development project will enable the extension of the child care model of detention. This focuses on education and rehabilitation to minimise reoffending and will apply to all those under 18 ordered to be detained by the courts on criminal justice charges. The development will also provide associated education, recreation, visiting, security and other

ancillary facilities. It will mean that all detention services for children are delivered in a single location, maximising the scope for ensuring best practice standards and for operational efficiencies.

The first five units of new residential accommodation have been handed over to the Oberstown campus. To ensure safe and secure custody of children in the new buildings and to meet the appropriate health and safety standards, a period of training and orientation is required for newly recruited and existing staff, testing of equipment and the fitting out of the new units. This process is continuing and is due to be completed shortly.

To transfer responsibility for all 17 year old boys, we need to achieve the required complement of new care staff to work in the expanded facilities and the passage of necessary legislation to ensure that all legal issues are fully addressed.

Additional information not given on the floor of the House

A campaign is ongoing to recruit in excess of 60 new care staff for the operation of the expanded Oberstown campus, and 38 staff have been recruited to date. My Department is progressing the necessary legal changes required to transfer responsibility for 17 year old boys from adult prison facilities by amending the Children Act 2001. It is intended to publish as soon as possible the Bill that will give full effect to these amendments and to enact the legislation without delay. When these steps have been achieved, the practice of detaining children in adult prison facilities will cease as early as possible this year.

Deputy Caoimhghín Ó Caoláin: It is critical, as we move towards the transfer of the final cohort of children out of the adult prison system, that the facility that is to receive them be operational to the highest and most appropriate standards. That very definitely is not the case, as the report published yesterday by HIQA clearly underscores. The frequent use of single separation for young people is deeply concerning for each and every one of us. It is a practice that should be employed only in very serious circumstances as a last resort but, according to the report, that does not appear to be the case.

The absence of holistic assessments and proper care planning is also very worrying. We need to see direct involvement by the young people themselves and all the others who have an appropriate input to make in the determination of the care plans.

Is the Minister aware of the serious concerns that are reflected in regard to the current regime in Oberstown? Is he taking any steps to ensure it is fit for purpose in regard to the current number detained and the transfer of responsibility for 17 year old boys? When in the not-too-distant future will the transfer occur?

Deputy James Reilly: A campaign is ongoing to recruit more than 60 new care staff for the operation of the expanded Oberstown campus, and 38 staff have been recruited to date. My Department is making progress on the necessary legal changes required to transfer responsibility for 17 year old boys from adult prison facilities by amending the Children Act 2001. It is intended that the Bill to give full effect to these amendments will be published as soon as possible and that the legislation will be enacted without delay.

The HIQA report related to October. Since that time, a comprehensive action plan has been agreed with HIQA and Oberstown management as part of the report. The actions include revised guidelines on the implementation of existing campus policies in the areas of separation

of children and medication management. Other actions being taken include an agreed training schedule for staff in the areas identified in the report - for example, behaviour management, fire safety and manual handling.

Deputy Caoimhghín Ó Caoláin: I have to ask the Minister, in the light of the publication of the report yesterday, and previous commentary relating to the Oberstown campus management, if he has, and if we can have, confidence in the current management's commitment and ability to ensure that the system in operation there is of the highest standard and fit for purpose, and is acceptable for the current numbers in occupation and those who are soon to be moved to the facility? Would the Minister indicate to us when the 17 year olds will be moved?

In regard to the McElfrick report - I have raised this previously - my certain personal view is that this report has been suppressed, and I fear there are reasons for that-----

An Leas-Cheann Comhairle: A question, please.

Deputy Caoimhghín Ó Caoláin: -----that are not evident to us. Will the Minister consider publication of the McElfrick report, which I believe will shed light on the current state of affairs and that which has applied in regard to Oberstown over some considerable time past? Without that report being in the public domain and properly acted upon, we will see a continuation of the failings and shortcomings that have given rise to such public concern about Oberstown, which is the worst possible backdrop to the final transfer of young children out of the adult prison system to that new entity.

On the commissioning of the new development at Oberstown, we need to start afresh, with the certainty that we have a service that is fit for purpose and of a standard of which we could all be proud.

Deputy James Reilly: The Deputy asked me if I had confidence in the management at Oberstown to ensure that we have standards in place that are safe. I have confidence in the management there. They have put in place a plan that will address the Health Information and Quality Authority, HIQA, report. The actions and the timelines are agreed with HIQA. That is certainly our intention. However, there has to be a realisation in this House that some of these young men or older children are 17. Some present with exceptionally challenging behaviour from time to time. The training that the staff get in the facility is to help them deal with and de-escalate those behaviours but it is not always possible to so do, as we all know.

The Deputy asked me when the transfer of 17 year olds will be complete. I hope to bring the Bill to Government in April.

Deputy Caoimhghín Ó Caoláin: And the McElfrick report?

Deputy James Reilly: I will cover the McElfrick issue as well, but in regard to this Bill, we have had a huge number of complications in what seemed like a simple piece of legislation. When it is being examined by parliamentary counsel, questions come back in volumes with regard to policy issues, etc. We are dealing with them. We would like to see it expedited. We want to meet our commitment and we will.

In regard to Mr. McElfrick, the report is the subject of an ongoing process and I am advised that no steps can be taken at this time which could be interpreted as prejudicial to the process.

24 February 2015

Early Childhood Care Education

127. **Deputy Sandra McLellan** asked the Minister for Children and Youth Affairs the steps being taken to guarantee the commitment to universal accessibility of the preschool year for all children, including those with disabilities; and the assurances provided to parents whose children will come of age before September 2015. [7772/15]

Deputy Sandra McLellan: I wish to ask the Minister for Children and Youth Affairs the steps being taken to guarantee the commitment to the universal preschool year for all children, including those with disabilities, and the assurances provided to parents with children who will come of age before September 2015.

Deputy James Reilly: With the indulgence of the Chamber, I will answer this question, which has been raised frequently today, because it is a very important issue and a very important area. We are talking about the early childhood care and education programme, which provides one preschool year to qualifying children before they commence primary school.

3 o'clock

The ECCE programme is a free and universal programme to which all children, including those with special needs, have access.

Children are eligible to avail of the free pre-school year where they are aged more than three years and two months and less than four years and seven months at 1 September in the relevant year. Children born between 2 February 2011 and 30 June 2012 will qualify for the programme in September 2015.

The issue of access to the free pre-school year for children with special needs was taken into account when the free pre-school year was launched, and a number of measures were introduced to make the programme more accessible for these children. These measures include an exemption from the upper age limit for qualification under the programme where a child is developmentally delayed and would benefit from starting primary school at a later age. In addition, children with special needs can apply to have the pre-school year split over two years on a *pro rata* basis, for example, availing of the programme for two days a week in the first year and for three days a week in the second year, if that would be in the child's best interest.

It is important to emphasise that most children with special needs avail of the free pre-school year in mainstream child care services. I am aware that the Health Service Executive does, where possible, assist children with special needs who may require additional support to enable them to avail of pre-school services in mainstream settings. However, the fact that these supports are not nationally consistent is a matter of concern to me.

My Department has been working with the Department of Health and the Department of Education and Skills to build better supports that will facilitate children who have special needs. The aim is to develop an agreed framework for the provision of resources to support children with special needs in mainstream child care settings.

Deputy Sandra McLellan: The free pre-school year is supposed to be a universal benefit for all children but, as we know, many children with disabilities are prevented of availing of it due to the absence of necessary supports. In a previous answer, the Minister stated the support is not available nationally. The availability of special needs assistants, SNAs, to enable a

child's attendance depends on where they live and ranges from none at all to only covering a proportion of the week.

Many parents are forced to hire SNAs, otherwise the child would be denied an opportunity to attend. This question deals with access to the free pre-school year, particularly for those with disabilities. What is in place is inadequate and there are serious difficulties. I ask the Minister and the interdepartmental group under his aegis to consider seriously this matter in their work.

Deputy James Reilly: I assure the Deputy that it will be taken very seriously. It is one of the serious issues for the interdepartmental group to examine. As I stated earlier, we have all the key actors involved in this group: the Department of Social Protection; the Department of Education and Skills; the Department of Health, which is leading it; the Department of Finance; and the Department of Public Expenditure and Reform. It is critically important for all those Departments to be represented.

We need to ensure that the money allocated for child care is spent in the most effective way to achieve better outcomes for children. As other speakers have said, the money spent on this area yields the greatest return not just for the child but also for society generally.

The interdepartmental group will clarify and examine what we are trying to do, as well as finding the best way of achieving that. In addition, it will measure how those achievements are being met through current schemes and other Government expenditure. It will then come up with a list of options that are properly priced and analysed so that, if money becomes available, the Government can ensure it has the maximum impact when it makes its decision to put in extra funding, if that is the decision. As Minister for Children and Youth Affairs, I strongly feel we will find there is a need to look at how we have been spending money in this area and also to spend more on it.

Deputy Sandra McLellan: I ask the Minister to consider the proposal in Sinn Féin's budget 2015 document to address immediately the most significant inequity in existing public child care provisions, which is the exclusion of many children with disabilities from the free pre-school year. The sum of €12 million would provide 1,000 children with 15 hours of SNA support per week in order to attend the free pre-school year. This fund would supplement existing *ad hoc* provisions from the HSE and other disability service providers, which are grossly insufficient. I ask the Minister to consider that.

Deputy James Reilly: As I have said on a number of occasions, there is no uniformity of support for special needs children across the country. This has been quantified and will be part of the work of the interdepartmental group. The Department of Education and Skills is working on this at the moment. Many children are in the ECCE programme but are not immediately identifiable as special-needs children from the point of view of the system; they are clearly identifiable by their parents, who can outline what their special needs are. The group will examine this and I believe we will get the result we need to be able to make the case very forcefully that additional investment is needed in the area. As the country's resources grow with the recovery of the economy, I would like to see this as a priority, as would many of my Government colleagues. However, we have to operate within budgetary constraints and the rules of our financial arrangements.

Homelessness Strategy

128. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs how his Department is ensuring the implementation of adequate and up-to-date care plans for families with children who enter emergency homeless accommodation in the State. [7765/15]

Deputy Robert Troy: Given the sizeable increase in the number of home repossessions and the spiralling costs of private rent, what engagement has the Minister for Children and Youth Affairs had with the Minister for the Environment, Community and Local Government to ensure we have an adequate response and up-to-date care plans for families with children who enter emergency accommodation because their homes have been repossessed or they can no longer afford private rent?

Deputy James Reilly: As the Deputy will be aware, on 4 December 2014, the Minister for the Environment, Community and Local Government hosted a special summit on homelessness to reaffirm the Government's commitment to ending involuntary long-term homelessness, including that of families with children, by the end of 2016. A number of actions arising from the summit were formalised into an action plan to address homelessness, and substantial progress has been made in implementing that plan. Overall progress is overseen by the Cabinet committee on social policy and public service reform. The plan and progress reports are available on the Department of the Environment, Community and Local Government website.

The December 2014 action plan to address homelessness includes a commitment for the Child and Family Agency and Dublin City Council to co-ordinate operations to ensure that services are fully responsive to the particular protection and welfare needs that might arise for families in emergency accommodation.

The Child and Family Agency has advised me that it has had meetings with Focus Ireland, the Department of Social Protection and Dublin City Council on vulnerable families and issues facing care leavers. The agency intends to create a multi-agency protocol to be clear about individual agency and multi-agency responsibilities with regard to homelessness, and work on this will commence shortly.

In cases in which there are welfare or protection concerns about children in families presenting as homeless, the reporting of such concerns to the Child and Family Agency is governed by the Children First guidelines.

In addition, the Minister for the Environment, Community and Local Government recently issued a ministerial direction to the four Dublin local authorities and certain other housing authorities prioritising homeless households and other vulnerable groups, including young people leaving State care, for housing in their respective areas for a six-month period. This measure should reduce the number of homeless persons, including families, in emergency accommodation.

Additional information not given on the floor of the House.

Policy responsibility for homelessness, in so far as it extends to my Department, relates to children under 18 and any child welfare and protection concerns that may arise in the context of the Child Care Act 1991. A child can only be received into the care of the Child and Family Agency where there are welfare or protection concerns and, as part of this process, care plans are devised to address the identified needs of the child. These care plans may, in certain in-

stances, refer to additional supports required by the child's family.

Homelessness as part of a family group is not of itself a basis for seeking to receive a child into care. Furthermore, there is no statutory basis for the preparation of care plans for families with children entering emergency accommodation.

Deputy Robert Troy: While we do not have definite figures, the Peter McVerry Trust claims that in the past two years the number of homeless families has increased from 50 to 400. Given the lack of Government action to address spiralling private rental costs and repossessions of family homes, it is predicted that 1,000 more families may face eviction and homelessness in the year ahead.

Yesterday the Children's Rights Alliance published its annual report. In the area of child welfare, which includes child homelessness, the Government received an "F" grade. Fergus Finlay, who is not unknown in Government circles, said that the grade was being allocated based on the Government's utter failure in respect of child poverty.

An Leas-Cheann Comhairle: Does the Deputy have a question?

Deputy Robert Troy: Is the Minister satisfied that he has a comprehensive strategy in place to deal with what will undoubtedly be a huge increase in the number of families facing homelessness this year?

Deputy James Reilly: The Deputy points out one issue in the report. I am very concerned about the issue of child poverty. I note that the overall report gave the Government a "C" in respect of issues to do with child care and children. However, child poverty is a matter of serious concern, which the Government will tackle through various interactions between different Departments. Clearly, we are concerned that children are in poverty and that this remains a persistent problem. The best way to lift children out of poverty is to help their parents rise out of poverty. That is why jobs are so important. This Government has created 80,000 new jobs, with 40,000 new jobs planned for this year alone. That is the best way to give people financial independence. The party of Deputy Troy and his colleague behind him was in Government for quite some time and did very little to address this matter through jobs. We believe in helping people become independent, not dependent on the State.

Deputy Robert Troy: The Minister is right. Jobs are the best way to lift children out of poverty. This is why it is unbelievable that in four years, the Government has failed to tackle one of the biggest barriers to getting people back into the workforce, particularly people on the lowest incomes - namely, the cost of child care. The Government is failing in that regard. It is the private sector that has created jobs, not this Government. It is good that the Minister does acknowledge that the Government received an "F" grade in respect of child poverty, because the Government's decisions have resulted in a doubling of the number of children living in consistent poverty since 2009 and a 2% increase in 2014, a year of economic growth. The Minister should take his head out of the clouds. While there is some economic recovery out there, there are tens of thousands of families in poverty traps. Does the Minister not read the daily newspapers? Only before Christmas, we heard about a homeless family who had to go to Dublin Airport to ensure their children were kept warm. Does the Minister think this is right in a modern democracy? Does he think it is right that, as a society, we stand over a situation in which children must go out to the airport to keep warm? What are the Minister's plans to ensure that children in these vulnerable situations are supported?

Deputy James Reilly: I have made it clear that jobs are very important, but there are a number of programmes supporting families in the area of child care, such as the child care employment and training support scheme, the community employment child care schemes and after-school programmes. These programmes will help parents to get back to work and break the cycle of poverty. Equally, it is very clear that we need to have more high-quality child care and education in the preschool years to give children better outcomes. We have had a long discussion about this today and on numerous other occasions, and everybody on all sides of the House agrees that investment in the early years yields the best outcome for children and the best return for the State.

Youth Services Provision

129. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs if he will provide a progress report on the national youth strategy, particularly with regard to youth at risk of the poorest outcomes; and if he will make a statement on the matter. [7757/15]

Deputy Richard Boyd Barrett: We will deal with the Minister's failures in the area of child poverty in Private Members' business tonight. I want to ask about another failure in the national youth strategy that was highlighted in the Children's Rights Alliance report. It was highlighted very dramatically last week when over 150 young people, many of whom were in tears, came here to protest about the lack of proper services and beds for young people with psychiatric difficulties or who are potentially suicidal. Is it not the case that the Government is dramatically failing to provide the supports and services that young people with mental health problems need and that these people are suffering very badly as a result?

Deputy James Reilly: The national youth strategy will focus on the youth-related policy commitments outlined in Better Outcomes, Brighter Futures, the national policy framework for children and young people. It will be a universal strategy for all young people aged ten to 24. It will have a particular focus on those who are most disadvantaged or at risk and who have the poorest outcomes and are, therefore, in most need of support. A national youth strategy task force convened by my Department is overseeing the development of the new strategy. This task force comprises statutory youth interests, voluntary agencies and organisations working with young people.

I am keen that all stakeholders have a role to play in the development of the new national youth strategy, and a comprehensive consultation process is under way at present. The consultation will conclude at the end of this month. It includes online surveys of young people and those working with young people, and a number of major stakeholder consultation events. These events are for young people, the youth sector, NGOs working for and with young people, education and training boards, Government Departments, agencies, business, academia and other youth interests. Last Thursday, I attended the consultation with young people. More than 150 young people from around the country gathered in Croke Park to discuss their priorities for the new strategy.

The events also include consultation on the findings of the recently completed value for money and policy review of youth programmes that target disadvantaged young people. The review specifically addresses the needs of young people who are vulnerable to drug or alcohol misuse and who are at risk of homelessness, early school leaving or marginalisation in their communities. It makes recommendations for the future operation of the youth funding schemes

and their development in the years ahead to ensure that we have effective, evidence-based programmes designed to secure the optimal outcomes for young people at risk of disadvantage.

I intend that these recommendations will be implemented in the context of the national youth strategy over 2015 and 2016. The new strategy will provide a framework for actions initiated by Government Departments and statutory and non-statutory organisations into a co-ordinated, society-wide plan for young people. I anticipate that the strategy will be completed promptly following the conclusion of the consultation process with stakeholders.

An Leas-Cheann Comhairle: That concludes Question Time.

Deputy Richard Boyd Barrett: I did not get a supplementary question.

An Leas-Cheann Comhairle: We are three minutes over time. I gave the Deputy extra time.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Terence Flanagan and Eamonn Maloney - current prices in the rental sector; (2) Deputy Michael Fitzmaurice - EN1090 certification and the lack of courses for fabricators; (3) Deputy John Paul Phelan - the possible removal of elective orthopaedic procedures from Lourdes Orthopaedic Hospital, Kilcreene, County Kilkenny, and possible changes to the facility; (4) Deputy Frank Feighan - concerns regarding the cutting of the Athlone to Westport bus route and its impact on rural communities; (5) Deputy Michael McCarthy - the future of Cork Airport; (6) Deputy Seán Conlan - the importance of retaining the Department of Social Protection offices in Ballybay; (7) Deputy Pat Breen - the maximum net income limits for social housing and the need to increase these limits; (8) Deputy Finian McGrath - the need to end cuts to services at ChildVision, the National Education Centre for Blind Children, Dublin 9; (9) Deputies Brian Stanley and Martin Ferris - the provision of employment by IDA-supported companies in the midlands and Kerry; (10) Deputy Mattie McGrath - the reasons for the cutting of Bus Éireann's route 7; (11) Deputy Anthony Lawlor - the need to develop a comprehensive service of autistic spectrum disorder classes for children with autism at post-primary level to meet demand; (12) Deputy Dara Calleary - the reduction of Bus Éireann routes and services in rural areas; (13) Deputy Noel Harrington - the need to create an emergency compensation fund for the mussel fishermen of west Cork and Kerry who are unable to harvest this winter; (14) Deputy Timmy Dooley - Bus Éireann's decision to withdraw service on routes linking Dublin with towns in the south and south east and proposals to reduce services on the Athlone to Westport route; (15) Deputy Martin Heydon - the implications of the loss of Newbridge Credit Union locally and nationally; (16) Deputy Thomas Pringle - recent changes in the assessment of seasonal workers for jobseeker's benefit in south-west Donegal; (17) Deputy Sean Fleming - the need to appoint a new GP to fill a vacant position in Borris-in-Ossory, County Laois; (18) Deputy David Stanton - the need to develop marine tourism in Youghal, County Cork; (19) Deputy Dessie Ellis - proposals by Bus Éireann to reduce bus services to some isolated areas; (20) Deputy Billy Kelleher - the reported 22% rise in the number of maternal deaths in the period 2010-2012; (21) Deputy Joe Higgins - the jailing of five anti-water-charge protesters; (22) Deputy Paul Murphy - the jailing of five anti-water-charge protesters; (23) Deputy Ruth Coppinger - the jailing of five anti-water-charge protesters; and (24) Deputy Joan Collins - concerns

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regarding the waiting list for spinal surgery at Galway University Hospital.

The matters raised by Deputies Terence Flanagan and Eamonn Maloney, Brian Stanley and Martin Ferris, Billy Kelleher and Noel Harrington have been selected for discussion.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on Transport, Tourism and Sport has completed its consideration of the Vehicle Clamping Bill 2014 and has made amendments thereto.

Leaders' Questions

Deputy Micheál Martin: I want to raise an issue of some gravity. It concerns allegations of physical and sexual abuse of varying degrees of seriousness in a school in the country and the subsequent Ombudsman's report, which went on for some years, into how the school's board of management, the HSE and the Department of Education and Skills responded to those allegations. I know that the child who made the allegations wrote to the Taoiseach on 17 November about these issues. The Ombudsman's report was completed in September 2014. Suffice to say that it is a damning indictment of the manner in which the response to the complaint was administered by the board of management, the HSE and the then Department of Education and Science. The Garda has accepted that its original investigation was not up to standard and it is renewing its investigation and further allegations have been received.

This occurred in 2005-06, not 50, 30 or 20 years ago. I will give the Taoiseach a flavour of the findings of the Ombudsman's report in relation to the then Department of Education and Science:

This office finds that the Department of Education and Science's failure to provide assistance to the board to evaluate the investigative procedures employed by the board was based on unsound administration within the meaning of section 8 of the Ombudsman for Children Act 2002.

It continues:

Failed to respond [this is Education] when the HSE alerted the Department of Education and Science that the clinical psychologist was quite concerned with regard to corporal punishment at the school. [In fact, the local health officer had changed the psychologist's assessment. The psychologist was very concerned and had asked for follow-up investigations.] Education failed to respond when the board specifically requested guidance from the Department of Education and Science with regard to their investigation. On becoming further aware of the difficulties arising it limited its interaction to that of writing to the HSE to ask whether the allegations of corporal punishment came within Children First and whether these were being investigated by the HSE. Failed to respond to the board...

In terms of the HSE it states:

This office finds for much of the period under investigation allegations of physical abuse

were miscategorised as corporal punishment. Should have been investigated by the HSE but were not properly investigated by the HSE.

[and]

In accordance with section 8 of the Ombudsman for Children Act 2002 this office finds that these actions were contrary to fair and sound administration.

To give a flavour of what was going on in the school in March 2002, the Ombudsman report quotes from the school Stay Safe Programme which says:

This school states:

The Stay Safe Programme has been approved by the board of management as a teacher's aid to be used in accordance with the Catholic ethos which demands that the law of God and of the church and not the child's feelings be the guiding principle.

There are fundamental questions to be answered by the three bodies concerned. What has alarmed me is the failure of the Department of Education and Skills to respond in any shape or form to the Ombudsman's report of September 2014.

Tusla has initiated an investigation but it seems to be a desk-top investigation. It will not be an investigation of what happened in the past but an investigation to help Tusla understand how things can be done better into the future. Tusla wanted to conduct this investigation in conjunction with the Department of Education and Skills. The fact that it is undertaking it on its own suggests to me that the Department is not willing to engage with Tusla in this investigation.

Will the Taoiseach agree to the establishment of an independent panel to investigate this scandal, in respect of which the Ombudsman for Children's report states without equivocation that this matter was not handled properly in any shape or form by the three bodies concerned? Will he indicate why the Minister and Department of Education and Skills have refused to meet the parents concerned and why they do not appear to have utilised the powers available to them under section 17 of the Education Act to intervene in this situation?

An Ceann Comhairle: I remind Members that it is important in these situations that they do not name any person or say anything that could identify him or her.

Deputy Micheál Martin: I will abide by that.

The Taoiseach: It might have been helpful if Deputy Martin had given some indication of the nature of the case he wished to raise. This is a sensitive case. Obviously, the matter has to be investigated properly. The report the Deputy referred to was received in the Department of the Taoiseach. The Garda, the Departments of Health, Education and Skills and Justice and Equality and the parents have been contacted by Tusla, which is investigating this matter.

I am aware of the implications of the Ombudsman's report. I would like to await finalisation of the Tusla investigation before making any judgment. From that point of view, I do not propose at this time to establish an independent investigation into this matter. The Ombudsman is independent in its functions. As I said, the Garda, Departments of Health, Education and Skills and Justice and Equality, the parents and Tusla are involved in an investigation of this matter. I cannot answer for the Minister for Education and Skills and, having not met the parents, I am not aware of the details or circumstances surrounding the case.

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This is a personal and sensitive matter. I am prepared to come back to the Deputy following clarity on the matter from Tusla, which was set up by Government to conduct matters in relation to children. I would prefer to await finalisation of Tusla's report before commenting further on the matter.

Deputy Micheál Martin: The Taoiseach is aware of the case and so I would have thought some direction would have issued to the Minister for Education and Skills in relation to a response to the matter. The letter from Tusla to the parents states:

Given the complexity of the relationship between the duties of child and family agency and school management governance relating to the employment of teachers, I would like the independent review to be jointly sponsored with the Department of Education and Skills. However, if agreement to a joint approach is not forthcoming in the short term, I shall proceed to review child and family agency responsibilities unilaterally.

That is what has happened. In other words, Tusla seems to be investigating unilaterally. The only conclusion to be drawn from this is that the Department of Education and Skills did not wish to engage. We need answers as to the reason the Minister and Department of Education and Skills refused to engage or are not part of this review. I have spoken to the parents. I am not clear on the scope and scale of the review. In this regard, reference is made to inter-jurisdictional issues and so on between the different bodies. This type of silo mentality on the part of the Department is alarming.

I understand that Louise O'Keeffe, to whose attention the parents of the child concerned brought this issue, raised the issue with the Ministers for Children and Youth Affairs and Justice and Equality in the context of discussions in relation to her own situation. It would appear to me that this was broadly known across Government. While I will gladly await a further response from the Taoiseach I put it to him that the response to date does not inspire confidence in the capacity of the State to take such issues with the gravity required. The Ombudsman's report, in terms of its conclusions and recommendations around how what we would term modern systems and guidelines failed so significantly in this particular context, in the politest language possible, makes for shocking reading. I am alarmed that the Minister for Education and Skills and others do not seem to have responded properly to this issue. That is why I believe there should be an independent examination of the entire case.

The Taoiseach: Deputy Martin is aware that allegations have been made. These allegations are being reviewed. It is not open to me when a case is being actively pursued to interfere in any way. Tusla was set up by Government to deal with matters relating to children. It is independent. As I said to the Deputy, there is no place for this type of activity in any school or home in the country. That is one of the reasons we established the specific post of Minister and Department for Children and Youth Affairs. Tusla is independent in the conduct of its work. I cannot interfere in a case that is active.

Deputy Micheál Martin: Tusla wants the Department of Education and Skills to co-sponsor the report.

The Taoiseach: As I said, I am happy to come back to the Deputy when I have received a report from Tusla.

Deputy Micheál Martin: Has the Taoiseach spoken to the Minister for Education and Skills?

The Taoiseach: The matters raised by the Deputy are serious. Nobody wants to have this type of activity not properly investigated, including by the authorities of the State to ensure that the laws of the land are implemented, if that be so.

I am happy to come back to the Deputy. When I have received the report from Tusla I will advise Deputy Martin in that regard.

Deputy Micheál Martin: The Taoiseach does not need a report from Tusla to get a response from the Department of Education and Skills.

An Ceann Comhairle: Sorry, Deputy Martin, I have called Deputy Adams.

Deputy Micheál Martin: It is well covered in the media already by *The Sunday Times* and others.

The Taoiseach: I cannot interfere in a case that is active at the moment.

Deputy Micheál Martin: I am not asking the Taoiseach to interfere. I am wondering why the Department of Education and Skills has not responded

The Taoiseach: I will ensure the Department corresponds with Deputy Martin.

An Ceann Comhairle: I am sorry. The Deputy should please not interrupt. The Taoiseach has replied and we will leave it at that for the moment.

Deputy Gerry Adams: Bus Éireann's decision to axe almost 100 routes on its Expressway service represents a major setback for citizens in rural Ireland. A total of 15 communities are now to be left without any direct bus services whatsoever while dozens more will experience drastic cuts to vital bus links. If the cuts go ahead on the major routes affected, namely, Dublin to Cork via Kilkenny, Dublin to Waterford via Wexford and Athlone to Westport, the current 198 services a day will fall to 105. I am sure the Taoiseach accepts that this is a direct result of years of underfunding of public transport by his predecessor, but where Fianna Fáil led, the Taoiseach is now following. The Government has privatised 10% of Bus Éireann routes. The Government is making it harder and harder for the company to provide vital links which are economically and socially essential to rural communities. Bus Éireann has said very clearly that the routes need Government funding in order to survive. Farming and rural communities have condemned the latest cuts as a further attack on rural Ireland. Considering the vital social and economic benefit of linking those communities to major public transport routes, will the Government and the Minister for Transport, Tourism and Sport, Teachta Paschal Donohoe, review the latest drastic decision by Bus Éireann as a matter of urgency and take whatever measures are necessary to ensure the continuation of those vital bus services?

The Taoiseach: The Minister for Transport, Tourism and Sport is very well aware of the situation. He allocated another €100 million to CIE just before Christmas. Deputy Adams will be aware that the National Transport Authority, NTA, has a fundamentally important role to play in assisting-----

Deputy Barry Cowen: A total of €4 billion has been allocated to rural Ireland.

The Taoiseach: -----the response to changes in services that have an impact on rural areas. It is also important to note that the public service obligation, PSO, funding for transport is €210 million per annum and it is important that is allocated for the socially necessary services, in

particular in rural areas. The Minister and the Department will continue to work with the NTA on the wider issues concerning rural transport across the country.

Bus Éireann operates three kinds of service - provincial city services, rural stage carriage services and intercity services. Bus Éireann will get a public service obligation of €31.9 million in 2015 under contract with the National Transport Authority for the provincial city and rural carriage services. Bus Éireann receives no State funding for the commercial Expressway intercity services and it must also fund the purchase of buses for Expressway services from within its own resources. As the Deputy is aware, the Expressway services are commercial services operated in competition with private operators on the main trunk routes and motorways. They are licensed by the National Transport Authority. By their very nature, commercial services cannot and do not receive any public service obligation funding from the Exchequer. All of the commercial operators will only provide services where it is commercially advantageous for them to do so. Given the traffic on the main routes between cities, from a commercial perspective, if a bus leaves the motorway to go through the countryside, that will have an impact on the commercial decision that is made in the first place.

Deputy Barry Cowen: We built the motorways. It is our fault.

An Ceann Comhairle: Deputy Cowen should please not interrupt.

The Taoiseach: I do not know whether Deputy Adams was at the meeting in Castlecomer last night.

An Ceann Comhairle: This is Deputy Adams's question.

The Taoiseach: Bus Éireann has agreed to postpone the changes to route 7 services until the summer. The NTA is now examining what might be the appropriate PSO service to put in place if funding were to be made available for that. It is working with Bus Éireann in that context. The NTA has also been contacted regarding changes on the Expressway route 5 service from Waterford. In view of those changes, Bus Éireann plans to extend route 4, which is the Dublin to Waterford route, to New Ross in order to maintain a link between New Ross and Waterford.

Deputy Mattie McGrath: The Government is cutting off rural Ireland completely.

The Taoiseach: Separately from that, the NTA, in conjunction with Bus Éireann, is examining options-----

Deputy Mattie McGrath: One would not think the Taoiseach was from Mayo.

An Ceann Comhairle: We want to hear the reply.

The Taoiseach: -----to reconfigure a number of subvented services that already apply that are necessary from a social point of view. Bus Éireann has no immediate plans to consider the withdrawal of the Athlone to Westport service but it did refer to it as an example of the commercial challenges which face any company from private enterprise in operating such a service in a very competitive bus market.

An Ceann Comhairle: I call Deputy Adams.

Deputy Michael Healy-Rae: This is the most anti-rural Government ever.

An Ceann Comhairle: Deputy Healy-Rae is not Deputy Adams.

Deputy Michael Healy-Rae: No, I am not. I shave.

An Ceann Comhairle: Deputy Adams is quite capable of handling the situation himself.

Deputy Michael Healy-Rae: He is. I know that.

Deputy Gerry Adams: I am just trying to decipher what the Taoiseach said to me.

The Taoiseach: They were facts.

Deputy Gerry Adams: It was a blizzard of detail. Will the Government continue with the services or not? The Taoiseach outlined that the Expressway service is a commercial service and then he went on to say that Bus Éireann will only provide services where it is commercially advantageous for it to do so. That is a significant argument for public services if the Taoiseach does not mind me saying so. At his party's conference at the weekend the Taoiseach promised €4 billion to rural Ireland and now he is going to cut 180 services a day to 105 services. Let me repeat what I have said many times to the Taoiseach: citizens have rights. That includes the right to public services no matter where they live. The Government has been a disaster for rural Ireland. Services are being cut such as rural schools, Garda stations, health services and post offices. When one goes off the main road, one is on pot-holed boreens. Small and medium businesses are starved of credit. The main streets of many villages and towns are dying on their feet because they are neglected by the Government. Some communities will be left without GPs. The Taoiseach is a rural Deputy, yet the Government has consistently made living in rural Ireland more difficult. Coming from Mayo, he obviously knows the effects on rural communities of the scattering of half a million young people in the past eight years. The Government has also cut transport services, including that provided by Iarnród Éireann, and it has increased costs for private car users. Bus Éireann is an essential part of the public transport network. It does provide a good, quality service to a large number of towns and villages which would otherwise be isolated.

An Ceann Comhairle: Could Deputy Adams please put his question?

Deputy Gerry Adams: Tá mé críochnaithe anois, a Cheann Comhairle. The private model he has outlined does not work in the interests of rural communities. The outworking of the Government's policy will mean a less efficient, less reliable service. It will mean reduced wages and conditions for employees, an increase in fares and no pension arrangements for workers. I again ask the Taoiseach and his Minister for Transport, Tourism and Sport to review the Government's plans and to outline to the Dáil adequate funding for Bus Éireann and for the connectivity, social cohesion and an end to isolation of small communities which need to be provided with vital public transport links.

The Taoiseach: Deputy Adams obviously did not listen to what I said.

Deputy Gerry Adams: I could not understand it.

The Taoiseach: I will say it again for Deputy Adams. I will say it very slowly so that he will be able to get the complete picture.

Deputy Eric Byrne: He would prefer to speak in Irish.

The Taoiseach: Bus Éireann operates three types of services - one, two, three-----

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Deputy Gerry Adams: Yes, I know.

Deputy Eric Byrne: A haon, a dó, a trí.

Deputy Michael Colreavy: The Taoiseach should give up the condescension.

The Taoiseach: The first one is provincial city services. That means from city to city. Generally, they go along the motorways and the main routes.

Deputy Gerry Adams: I asked the Taoiseach about cuts.

The Taoiseach: That is a commercial operation and no public service obligation funding is provided for it. CIE-Bus Éireann must buy their own buses from their own resources and they are not subvented in any way. I hope that is clear. In some of these cases, where the existing buses go off the motorway and service rural areas and then go back onto the main routes, it is not commercially advantageous when one is competing against private enterprise that does not do that.

Deputy Gerry Adams: That is why we need public services.

The Taoiseach: Yes, and that is why, under the rural development programme, which was negotiated by Ireland during our Presidency, there is a €4 billion fund between 2014 and 2020, part of which includes a very extensive rural transport service for the entire country where small bus operators bring elderly people to various towns, villages and other locations on a regular and daily basis. Deputy Adams is well aware of that. The position is there was a meeting in Castlecomer, County Kilkenny, last night. As a result of that meeting, Bus Éireann has said it will continue with route 7 facilities until this matter is looked at during the summer.

Deputy Mattie McGrath: June.

The Taoiseach: It is working with the National Transport Authority and the Department of Transport, Tourism and Sport-----

Deputy Mattie McGrath: When is the by-election?

The Taoiseach: -----to see how best a number of routes currently subvented might be changed to provide the sort of service we are talking about.

Deputy Gerry Adams: In other words, ended.

The Taoiseach: It has also said in view of the changes and the change in respect of route 5 from Waterford, it will extend the Dublin to Waterford route 4 to New Ross in order that the service can continue.

The Deputy is deliberately mixing it up in that he wants the mainline buses, which are not subvented and not the subject of any PSO, to drive all over the boreens of the country.

Deputy Gerry Adams: I want the Taoiseach to serve the people, one, two, three, citizens' rights.

The Taoiseach: There is a rural transport scheme which is funded to a great extent. The Minister has said subvention is more than €200 million and, just before Christmas, a further €101 million was allocated to CIE. It is in the business of buying new buses for its fleet to

continue the very good service Bus Éireann has always given. The changes being made are the subject of work between the Department of Transport, Tourism and Sport, the NTA and Bus Éireann. I hope out of this the situation can continue and services can be provided to people. Change is necessary and we will not have mainline buses leaving the main routes from city to city and driving throughout the countryside. There is an opportunity for a different kind of service to be supplied that would meet the demands of people throughout the land.

Deputy Gerry Adams: Private services.

Deputy Ruth Coppinger: Last Thursday evening, five anti-water charges activists were ordered to be incarcerated by a High Court judge for protesting against the installation of water meters not wanted by the overwhelming majority in this country. For the record, the judge discounted all suggestions of bad behaviour and jailed them solely on the evidence they had contravened and come inside a 20 m exclusion zone around meter installing. This was not based on a law passed in the House but on an injunction sought by GMC Sierra, a company owned by the richest man in Ireland, Denis O'Brien, who is a media magnate in this country.

These jailings follow hot on the heels of outrageous dawn raids on 23 people arrested in Tallaght last week. How far is the Fine Gael and Labour Party Government willing to go in its vain attempt to break the mass movement against the water charges? Just how isolated the Government is from the lives of ordinary people was graphically demonstrated last weekend at the Fine Gael conference in Castlebar when the Taoiseach had to surround himself with not one but two rings of steel, 10 ft. high fences and a phalanx of gardaí and security.

Deputy Finian McGrath: And Deputy Bernard Durkan.

Deputy Ruth Coppinger: Does this look like a Government which has brought about a democratic revolution? Does it not look more like what it is, a Government which has bled dry ordinary people to feed the greed of bankers and the financial markets, just as he is shamefully assisting in throwing to the wolves the people of Greece who are suffering the same fate?

His attempt to criminalise the movement against the water charges is anti-democratic. It is an affront to the right to protest and his use of coercion to try to split the movement against the water charges and austerity is failing. The national demonstration on 21 March will remind the Taoiseach of this once again. In April and May he will also face a massive boycott of the water bills. Will the Taoiseach join the Anti-Austerity Alliance in demanding the immediate release of the four residents imprisoned in Dublin? Will he stop the attempted criminalising of protesters? Will he recognise reality and listen to the majority of people in this country and abolish the water charges, or will he limp on and wait, alongside the Labour Party, until he, the Labour Party and the water charges will have to be obliterated in the general election?

The Taoiseach: No, I will not. I recognise the courts of the country. I recognise the law of the land. The people in contempt of court knew very well what they were doing. It seems as if Deputy Coppinger is inviting people to break the law, no more than Deputy Murphy beside her inviting people to break breach of contract.

Deputies: Hear, hear.

The Taoiseach: She should speak to Deputy Butler today in respect of fear and intimidation and frightening young children, no more than the family of the Minister for Transport, Tourism and Sport. I do not agree with her. The law of the land is the law of the land, and the courts

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are completely independent of this House and they make their decisions. In this case the judge was crystal clear.

Deputies: Hear, hear.

Deputy Ruth Coppinger: Does the Taoiseach agree the treatment of the five people who were sentenced is in stark contrast to the sentence passed down last July to two executives from Anglo Irish Bank who gave illegal loans which led to huge financial problems in the country? In a two-minute sentence from the judge they were handed 240 hours of community service. They live in mansions in Rathgar and Malahide. Does this make them less suited to prison life? It used to be said there was one law for the rich and another for the poor in this country. Is there any law at all for the rich in this country? The HSBC tax evasion for example-----

An Ceann Comhairle: Sorry, Deputy, we cannot be straying all over the town, please.

Deputy Ruth Coppinger: What will the Taoiseach do about this?

An Ceann Comhairle: I ask the Deputy to put her supplementary question.

Deputy Ruth Coppinger: In imposing the sentence the judge said they were encouraging civil disobedience. I would like to point out to the Taoiseach that civil disobedience is a vital method of challenging unjust laws and it has been through the ages.

An Ceann Comhairle: A question, please.

Deputy Ruth Coppinger: We would not have the right to vote or trade union rights if we had not challenged unjust laws.

Deputy Olivia Mitchell: You have those rights now.

Deputy Ruth Coppinger: Is the Taoiseach aware that Photocall Ireland was visited by gardaí with a warrant to take away film it had taken-----

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

Deputy Ruth Coppinger: -----of a protest?

Deputy James Reilly: This is a Second Stage speech.

An Ceann Comhairle: This is not statements.

Deputy Ruth Coppinger: What does the Taoiseach think of this type of development? Yesterday 30 gardaí were in a small lane in Rialto to assist with the installation of water meters by Irish Water.

An Ceann Comhairle: Sorry, Deputy, put your question please and listen to the Chair.

Deputy Ruth Coppinger: Sorry, Ceann Comhairle, I do not know if you have noticed but these are questions.

An Ceann Comhairle: You are over time.

Deputy Ruth Coppinger: I am not over time.

An Ceann Comhairle: You are over time. Please resume your seat.

Deputy Ruth Coppinger: My final question-----

An Ceann Comhairle: Would you please resume your seat?

Deputy James Reilly: Respect the law and respect this Chamber.

Deputy Ruth Coppinger: You gave Deputy Micheál Martin over four minutes to ask his questions. I would like to finish mine, thank you.

An Ceann Comhairle: Deputy-----

Deputy Ruth Coppinger: The Taoiseach does not seem to be concerned about the laws of the land. Another Deputy in the House asked on Leaders' Questions about GMC Sierra and how it managed to get the contract for water meter installation in this country-----

An Ceann Comhairle: Deputy, please resume your seat and put your question.

Deputy Ruth Coppinger: -----when it did not even have a company registration number. Does the Taoiseach believe there should be a High Court investigation into this?

Deputy Noel Harrington: You are fond of the courts.

The Taoiseach: I am not aware of the treatment of the persons sent to prison in contempt of court. I have read the comment from the Prison Officers Association that their treatment was the same as anybody else's in prison. These people knew very well what they were doing. They wanted to be in contempt of court as far as I can assess. Clearly the courts are completely and utterly independent of the House.

Deputy Ruth Coppinger: Of course.

The Taoiseach: Deputy Coppinger asked me whether I thought their treatment was fair. It is for the courts to make their decisions and these people were jailed for contempt of court. I do not think it is fair to have the kind of treatment meted out to the Tánaiste of the Government, to the family of a Government Minister or, last night, to the family of a Deputy going about his legitimate business.

Deputy Joe Higgins: What does that have to do with it?

Deputy Emmet Stagg: Water protesters' tactics.

The Taoiseach: It is not in order to stop any person from going about their legitimate business in this country. The point is that while peaceful protest has always been part of our democracy, contempt of court is not. The law of the land-----

Deputy Paul Murphy: They were jailed for peacefully protesting.

Deputy Bernard J. Durkan: You are leading your people into contempt of court.

The Taoiseach: Deputy Murphy is encouraging people to breach a contempt of court. He knows as well as I do what is the law of the land. If you want political leadership then do not attempt to lead a mob.

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An Ceann Comhairle: That completes Leaders' Questions for today.

Deputy Ruth Coppinger: What about HSBC and the Anglo two? Will the Taoiseach answer that?

An Ceann Comhairle: We now move on to questions to An Taoiseach.

Deputy Ruth Coppinger: The Taoiseach conveniently brushed over that one.

Deputy Bernard J. Durkan: Deputy Higgins is leading the people astray and misleading them.

Deputy Joe Higgins: You did a bit of time yourself for protesting in the 1960s. Does the Taoiseach know that? How long were you in Mountjoy?

Deputy Bernard J. Durkan: You were in there yourself but you did not stay too long.

An Ceann Comhairle: We have finished Leaders' Questions, thank you.

Deputy Joe Higgins: How much time did you spend in Mountjoy?

An Ceann Comhairle: Would you please stay quiet? Thank you.

Ceisteanna - Questions (Resumed)

Northern Ireland Issues

1. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of the commitments made in the programme for Government on Northern Ireland; and if he will make a statement on the matter. [41676/14]

2. **Deputy Gerry Adams** asked the Taoiseach when he will facilitate an all-party motion on the 1971 Ballymurphy massacre and other matters; and if he will make a statement on the matter. [44837/14]

3. **Deputy Micheál Martin** asked the Taoiseach to set out his views on the British-Irish Council summit hosted in the Isle of Man; and if he will make a statement on the matter. [46812/14]

4. **Deputy Micheál Martin** asked the Taoiseach if he met separately with the new First Minister of Scotland, Ms Nicola Sturgeon, in the Isle of Man; and if he will make a statement on the matter. [46813/14]

5. **Deputy Micheál Martin** asked the Taoiseach if he met separately with the United Kingdom Secretary of State for Northern Ireland, Theresa Villiers, at the British-Irish Council; and if he will make a statement on the matter. [46814/14]

6. **Deputy Micheál Martin** asked the Taoiseach if he had any bilateral meetings when he was in the Isle of Man recently; and if he will make a statement on the matter. [46809/14]

7. **Deputy Gerry Adams** asked the Taoiseach if he will report on discussions he held at the

recent meeting of the British-Irish Council in the Isle of Man; and if he will make a statement on the matter. [46818/14]

8. **Deputy Gerry Adams** asked the Taoiseach if he discussed the case of the hooded men, who have alleged torture against the British Government, at the recent meeting of the British-Irish Council in the Isle of Man; and if he will make a statement on the matter. [46820/14]

9. **Deputy Gerry Adams** asked the Taoiseach if he raised with the British Prime Minister, Mr. David Cameron, the commitment in the Weston Park Agreement to hold a public inquiry into the killing of human rights lawyer Pat Finucane and the need for an investigation by an expert panel into the Ballymurphy massacre; and if he will make a statement on the matter. [2143/15]

10. **Deputy Gerry Adams** asked the Taoiseach if he discussed the Government's decision to re-open the European Court of Human Rights case on the hooded men with the British Prime Minister, Mr. David Cameron, during his talks in Belfast or since; and if he will make a statement on the matter. [2146/15]

11. **Deputy Micheál Martin** asked the Taoiseach if he discussed the hooded men case with the British Prime Minister, Mr. David Cameron, and if he will make a statement on the matter. [2158/15]

12. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the British Prime Minister, Mr. David Cameron, recently regarding the Pat Finucane inquiry; and if he will make a statement on the matter. [6615/15]

13. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the Dublin-Monaghan bombings with the British Prime Minister, Mr. David Cameron, recently; and if he will make a statement on the matter. [7711/15]

The Taoiseach: I propose to take Questions Nos. 1 to 13, inclusive, together.

I attended the British-Irish Council summit hosted by the Isle of Man Chief Minister in Douglas in November last year. We had an open and detailed discussion on the improving economic situation in member Administrations and reviewed the various initiatives in place to stimulate our economies. We discussed the benefits and increasing importance of digital participation in everyday life, including examples of work under way in the different council jurisdictions to promote digital inclusion. We also reviewed the work under way across each of the 12 council work sectors since the last summit in June 2014. I met the Scottish First Minister, Ms Sturgeon, briefly, congratulated her again on her election and welcomed her to her first British-Irish Council summit as First Minister. I also met the United Kingdom Secretary of State for Northern Ireland, Ms Villiers, on the margins of the summit. At the time, efforts to make progress in the Northern Ireland talks were well under way. I look forward to hosting the next council summit in Ireland. It will take place in Dublin Castle in June this year.

The case of the hooded men was not discussed at the British-Irish Council, nor did I discuss the matter with the UK Prime Minister at the December European Council meeting. However, Members will be aware that the Government decided in December to ask the European Court of Human Rights to revise its judgment in this case. The decision was taken following a review of thousands of recently released documents and taking account of legal advice received.

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The question of dealing with the past, including the Finucane and Ballymurphy cases, featured in my discussions with the Prime Minister, Mr. Cameron, in Stormont on 11 and 12 December. I have constantly stated that the commitment to have a public inquiry into the murder of Pat Finucane, as provided for in the Weston Park Agreement of 2001, should be honoured. On 12 February the Pat Finucane case was the subject of a Topical Issue debate, during which the Minister for Foreign Affairs and Trade, Deputy Flanagan, reiterated the Government's position, informing the House that he had raised the matter with the Secretary of State for Northern Ireland, Ms Villiers, again at their meeting in Dublin on 11 February.

I understand an all-party motion in support of the Ballymurphy families and related legacy issues remains to be agreed by the party Whips. This is being redrafted in the Department of Foreign Affairs and Trade following the Stormont House Agreement.

The Government fully supports the all-party motions of July 2008 and May 2011 urging the British Government to allow access by an independent judicial figure to all original documents in its possession relating to the Dublin-Monaghan bombings. The issue has been raised with the British Government on numerous occasions, including most recently by the Minister, Deputy Flanagan, during his meeting with the Secretary of State on 11 February. She assured the Minister that she will consider anew how the British Government might respond to the Dáil motions.

I welcome the continued all-party support for the campaign on behalf of the Dublin-Monaghan families. The Justice for the Forgotten campaign, which supports victims and their families and operates as a project of the Pat Finucane Centre, receives grant support from the reconciliation fund operated by the Department of Foreign Affairs and Trade. The funding will assist Justice for the Forgotten with its important work.

Last week, I outlined to the House the key elements of the new framework for dealing with the past under the Stormont House Agreement as well as its significance for victims and survivors of the Northern Ireland conflict, including those in this jurisdiction. We remain committed in the programme for Government to the full implementation of the Good Friday Agreement. Working with the British Government and the Northern Ireland Executive, we will continue to emphasise the need to implement outstanding issues and to protect and sustain the political institutions and principles of that and subsequent agreements. We will continue to promote greater North-South co-operation, including the development of the North-South institutions, with a particular emphasis on economic and infrastructural development in the Border regions.

As Deputies are aware, the main forum for advancing North-South co-operation is the North-South Ministerial Council. There were 24 meetings during 2014 covering all sectors, including two plenary sessions and one institutional meeting. The focus of Ministers throughout 2014 was on identifying priorities for co-operation that could help efforts to support economic recovery and job creation as well as ensuring the best use of public funds and the most effective delivery of services for citizens. In line with the Stormont House Agreement, a report on the sectoral priorities identified during all of the ministerial discussions will be brought to the next North-South Ministerial Council institutional meeting, which takes place tomorrow in Belfast.

Under the Stormont House Agreement the Government has committed to several measures which will contribute to economic renewal in Northern Ireland as well as being beneficial to the all-island economy. These include £50 million in financial support to complete the A5 road project in the north west and a commitment to further progress the north-west gateway

initiative. The Government also remains committed to the Narrow Water bridge project and to developing the Ulster Canal. The Government made a decision in regard to an element of that project today.

In conjunction with their Northern counterparts, Ministers will continue to identify and act on opportunities to co-operate in several areas of mutual economic benefit, including co-operation on an all-island bid for the Rugby World Cup in 2023.

I expect to chair the North-South Ministerial Council plenary meeting here in June.

Deputy Micheál Martin: I thank the Taoiseach for his reply. I put it to the Taoiseach that one of the driving forces behind growing disillusionment with the Northern Ireland Assembly and Executive has been a belief that the two largest parties are primarily interested in promoting their respective party interests. In other words, they see themselves as leaders and protectors of their part of society, rather than taking the tougher and braver route of looking at it in terms of society as a whole. It is striking how these parties always protect their own when they are caught out for behaviour which would end the career of any office holder in this House. It is interesting that when one Sinn Féin Minister was found by an independent tribunal to have discriminated in appointments and to have installed a party supporter as head of Northern Ireland Water, the party then went on to attack the tribunal. Then, when the Northern Ireland High Court found the party guilty of defaming a person, it attacked the court. I gather there have been similar problems with DUP ministers.

This shines a spotlight on the constant attempt by the dominant parties to close down alternative forums for civil society. They believe in community activism, but only in so far as it serves an interest of theirs. Openly and secretly, direct preference is being given to organisations connected with the two main parties. This was why the civic forum was shut down and never got off the ground.

I put it to the Taoiseach that there is a legal obligation under the Good Friday agreement, yet this legal obligation continues to be ignored. There is some commitment in the Stormont House Agreement to a civic consultative body, whatever that means. That body is to be appointed by the Northern Ireland First Minister and Deputy First Minister. It will be made up of people hand-picked by Sinn Féin and the DUP, rather than a genuinely representative civic forum. Notwithstanding the misgivings of the parties in respect of the civic forum, articulated off the record and in private gatherings and so on, the degree to which they can decide that such a legal obligation in the Good Friday Agreement can be essentially dispensed with is alarming. What is the Taoiseach's view? Why does he say nothing about it? Why does he allow such a flagrant breach of the Good Friday Agreement? Can he offer any assurances that the consultative body to be established will not be simply another Sinn Féin-DUP stitch-up? We have had too many of those in recent years.

Will the Taoiseach outline his views on his meetings with Theresa Villiers and the analysis of the budget situation? The budget announced in Stormont will have a savage impact on core services. The Northern Ireland Executive will be able to borrow more money, which may moderate some of that impact, but essentially the only parties now suggesting that front-line services will not be cut are the DUP and Sinn Féin. The fact is that 500 teaching posts will go while the parties are claiming that things are getting better. Moreover, 20,000 public servants will be removed. What Sinn Féin would term serious cutbacks or austerity if implemented here is deemed to represent social progress in Northern Ireland.

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We, the Taoiseach and our Government have a role. I have discussed with Theresa Villiers how Northern Ireland is exceptional. It has a real issue with education completion among a substantial proportion of those who attend second-level schools. Up to 40% of pupils in some schools are not completing second-level education. This is storing up numerous issues for the future in Northern Ireland.

4 o'clock

It seems to me that both Governments, the Executive and all the parties should be taking a sort of Marshall plan approach to social injustice in the North in so far as it relates to education completion and health inequalities. That has never happened since the Good Friday Agreement, and there never has been that sort of concrete comprehensive, co-ordinated response to all of those concerns. In terms of the overall development of the North and the sustainability of the institutions of the Good Friday Agreement, these are very serious issues. Will the Taoiseach inform me whether the Government has carried out an analysis of the impact of the budgetary decisions that have been taken in Northern Ireland as part of the Stormont House Agreement?

The Taoiseach spoke about North-South co-operation. Four years ago, he said that new proposals for North-South bodies were being prepared. In the interim, he has told us that things are going fine, and all the rest of it. However, I have seen absolutely no progress at all either in terms of new bodies being established or new ideas being churned out with regard to how we can enhance and improve the degree of interaction between North and South. I accept there are difficulties but we could have seen far more imagination than we have in the past four years. I have outlined some ideas on this already, as I did in a speech more than two years ago in Clare in regard to a range of bodies. One I suggested is in the enterprise area, where I think there should be one all-island Enterprise Ireland, or whatever name we give it, to support indigenous small to medium size companies on the island as a whole, with a common set of supports in terms of external marketing, mentoring, development and so on. There is absolutely no reason this could not happen. There are other areas, for example, in health, where we could be more effective, particularly in terms of rare diseases and, in particular, paediatric health in centres of excellence on the island, where, if we allied both, we could achieve quite a lot. I know some work has been done already in the cardiac area.

On the cross-Border side, in a timely manner a committee of the British-Irish Parliamentary Assembly has produced an alarming report, Cross-border Police Cooperation and Illicit Trade. The scale of this is quite alarming in terms of its financial impact, which is €250 million to €260 million in loss of revenue to the Exchequer here, and the committee members also found the visibility of the fuel laundering operations meant they were there for all to see. The report states, "The problem was ... most concentrated along the Monaghan/South Armagh border, constituting a large drain on council resources" in Louth, Monaghan and Donegal in terms of supporting the authorities' efforts to halt this illicit trade and deal with the pollution clean-up. When stations had moved on, the cost of cleaning up the toxic waste from dumping sites was estimated to be approximately €1,000 per cu. m. In addition to fuel laundering, there is also the issue of tobacco fraud.

What is interesting is that resources have been enhanced for revenue collection in the UK, where there is a substantial addition of Stg£917 million in funding which focuses on tax evasion, organised crime and debt collection. This is expected to raise additional revenue of £26 billion per annum. In other words, if we put more resources into Revenue, we will get a greater outcome.

With regard to the Revenue Commissioners in the Republic, the committee noted that overall expenditure had been reduced by 21%, with a reduction in full-time staff of 13% in recent years, which impairs its capacity to deal with this particular crime along the Border. The committee "...recommends that the Cross-Border Enforcement Groups establish a permanent, full time task force dedicated to eliminate the activities of organised crime gangs involved with cross-border illicit trade." It wants such a force to be "...comprised of seconded staff from all relevant agencies, including environmental and criminal asset recovery agencies, and supported by a central dedicated secretariat." I would ask the Taoiseach for his perspectives on that.

The report also states, "The Committee is alarmed by the evidence of the widespread presence of fuel laundering plants and filling stations selling illicit fuel in border regions." One can apparently drive by and look at them, which raises all sorts of questions about the level of enforcement. How serious is the crack down on this? Something has to happen. While it may be unfounded, there has been an anecdotal view that, because of the peace process and everything else, a certain blind eye has been turned to some of this. That may be unfair but it seems to me that the budgetary difficulties faced by the Governments in both jurisdictions has caused issues here. The very fact that these plants are so visible to Seán Citizen is incomprehensible. The committee also "...believes that concerns regarding the ultimate beneficiaries and application of proceeds of these crimes can only be addressed through a more focussed and concentrated effort to deal with these cross-border activities, and through Criminal Assets Bureau and National Crime Agency investigation to follow the money trail."

Does the Government intend to act on this report? Will the Government, with the British Government, establish a full-time cross-Border enforcement task force? Will the Taoiseach initiate an investigation between the Criminal Assets Bureau and the National Crime Agency towards dealing with and following the money trail?

The Taoiseach: I thank Deputy Martin, who has raised quite a number of issues. I hope the forum and the opportunity for discussion in respect of civic matters will not be just, as the Deputy said, a stitched-up operation between two of the major parties in the Assembly. I hope it is realistic and that it is allowed to address issues that need to be addressed.

The co-operation that exists between ourselves and Northern Ireland has probably never been at a higher level. I can testify to the level of activity between the different Ministers on the North-South Ministerial Council. They are very active on a range of co-operative and beneficial measures either side of the Border and they meet on a very regular basis to discuss issues that need to be talked about.

In transport, for instance, Ministers have discussed the operation of the strategic transport priorities, which includes strategic road and sustainable transport networks across the island. We have this business of truckers from here going into Northern Ireland, and the roads that are tolled, charged or levied as a consequence. There is a lot of activity at the moment in regard to the possibility of European Union funding for a system of greenways throughout the island of Ireland, with particular reference to cross-Border opportunities. As I said, the A5 project has been already reaffirmed, with Stg£50 million to be allocated, depending on how the legal process works out for the sections of the A5 that have to be done.

In the whole tourism and hospitality sector, there is a great deal of co-operation. I recall that, when the Canary Wharf bomb went off, the big tourism fair in Earls Court was to take place just a couple of days later. Baroness Denton, God rest her, was the Minister for Northern

Ireland at the time. There were a lot of claims that we should not attend the Earls Court tourism fair. For years, there was the Northern Ireland Tourist Board and Bord Fáilte but, instead of having two separate entities, we put them all on the one stand - the Ireland stand or the island of Ireland stand. I remember seeing the pride in people's faces, whether from North or South, in that they were, in those difficult circumstances, promoting people coming to the island of Ireland and, irrespective of where they landed, be it Belfast, Dublin, Cork, Shannon, Knock or otherwise, they were visitors to our country.

That has obviously, as Deputy Martin is well aware, moved on to the co-operation with regard to the Giro d'Italia and the spectacle of colour and excitement that brought; the co-operation before the Olympics with the Olympic flame and the children from North and South; and the Irish Open golf tournament, which has been moved from the Republic to Northern Ireland on a one-in-three basis, and this year is in the home course of the world No. 1 golfer, which is an opportunity for the European tour, and for those who follow the sport or participate in it, to have another engagement in visiting Northern Ireland. I attended an event at the Royal School in Armagh on the occasion of the last meeting of the North-South Ministerial Council where it was agreed to make a joint North-South bid to host the Rugby World Cup in 2023. My assessment is that Ireland can win the right to host it, which would have an enormous advantage in terms of what it can bring to the island of Ireland, a small country where people would not have to travel 1,000 miles between games and which is close to the major rugby playing nations in Europe. After Japan has had the opportunity to host it, it will come back to this continent for 2023. The bid will be decided in the course of the next year or so. It will be a brilliant opportunity to get the very best of co-operation North and South in terms of the island of Ireland and what that means.

I commend the Gaelic Athletic Association, which made its decision promptly to say that if this is good for the island of Ireland and the economics of Ireland it will gladly support the bid and made its stadia available. There will be a new one in Páirc Uí Chaoimh in Cork and I assume that Casement will be dealt with. Other pitches around the country, where appropriate, will be made available.

The Deputy is aware of the British-Irish visa scheme which was launched in October 2014. It removes the need for those visiting Northern Ireland to apply for a separate visa to travel across the Border and *vice versa*. It applies in a number of Far Eastern countries, to Britain and Ireland and, of course, to Northern Ireland. The scheme was initially rolled out for India and China, and will significantly boost business and holiday visitors here. I am glad to note the decision of the Chinese authorities to open the doors of their country to Irish beef. In an island context it will be of benefit.

IntertradeIreland continues to grow and support cross-Border business. It has had a significant impact on SMEs. We have worked very hard to make extra credit available for SMEs. It used to be the case, as Deputy Martin is well aware, that a company would test the market in Northern Ireland, which is a small market. We have moved through that. We still have great contact with Northern Ireland, but we also have contact with Britain and beyond in terms of the expanding capacity of Irish SMEs.

I was in Monaghan within the past fortnight. It was quite an inspiring opportunity to see that the personnel from Combilift are moving to a new 100 acre site in Monaghan to build a brand new engineering plant for specific forklift trucks for large steel loads and so on. The company employs 500 people and will go beyond that. It operates on a global scale and has cross-Border

personnel.

Deputy Micheál Martin: I remember it well.

The Taoiseach: Of course. It was called Moffets. The chief person, Mr. McVicar, became the chief engineer for the original firm at 20 years of age. The company now sells heavy machinery on a global scale and is able to compete and manufacture it. That is the kind of thing we need.

In respect of the barracks in Monaghan, an issue in which Deputy Martin's Government was directly involved, the sale of the barracks has resulted in a new education entity being established. There is a gaelcholáiste and a college for third level education which is already making arrangements for apprenticeships to deal with the major engineering firm in terms of the North and South.

IntertradeIreland chairs the Horizon 2020 steering group of agencies North and South. It holds out an ambitious target of about €175 million for North-South projects from the EU research and innovation fund. I hope that becomes a reality. It is also true to say that the initiative taken by President Juncker of the Commission allows us to consider what might be an appropriate project or project scales eligible for consideration under that fund which would have an impact on the infrastructure and economics of the country.

In terms of the Environmental Protection Agency and the environment, there is a great deal of co-operation. The Department of the Environment, Community and Local Government is working with its Northern equivalent to develop new projects, such as how used tyres can be restructured to prevent environmental damage. There is also North-South collaboration on the river basin management plan which is important for inland fisheries, clean water and so on. That comes under the EU water framework directive.

Education is a sector of great promise. Joint work is being undertaken by the two education departments and the Middletown Centre for Autism to expand the centre's range of services, which is important. The centre hosted a two day international conference in January this year, involving leading international experts who gave great guidance on how best to get education outcomes for children and young people with autism. Education Departments North and South are working on measures to tackle educational under-achievement, which Deputy Martin mentioned, and literacy, numeracy, collaboration on a range of other issues, co-operation between inspectorates and recognition of teacher qualifications. Such things are important.

As we know, the radiotherapy unit in Altnagelvin is of great assistance North and South. There is a new hospital in Enniskillen which is open and will be able to deal with medical cases from the South and across the north west. There are a number of important areas involving co-operation in terms of abuse of and access to drink and the price of drink. Minimum unit pricing is a matter of co-operation between the two jurisdictions and will be introduced on the same day across the country.

The Deputy mentioned a number of other areas, including the new children's hospital. It will cater for the island of Ireland and the children of Ireland. It is to be hoped that the process, which is now in train, in terms of the lodging of planning permission and assessment, will come to fruition. It can be of great assistance.

This morning, on a recommendation from the Minister for Arts, Heritage and the Gaeltacht,

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the Government approved a recommendation from Waterways Ireland to allocate €2 million from its resources to address a 2.5 km section of the Ulster Canal. It is a stand-alone project which will demonstrate further evidence of great co-operation. I understand a further 11 km are due for assessment after that.

I take the Deputy's point on the report produced by the British-Irish Parliamentary Association. I spoke to it yesterday morning in the Seanad and commended Senator Coghlan and all of those who attended and served on the committee. It is fair to say that there has been great deal of engagement with persons involved in criminal activities in regard to fuel laundering, smuggling illicit cigarettes and other areas. It has been quite successful. The committee was very concerned about the scale of what it saw.

The question is what is the best thing to do. Is it to enhance the existing services where there is great co-operation between customs, the Garda, the PSNI and the industries involved? It is a scandal that somebody who pulls into a filling station and pays for fuel on the assumption that it is of the highest standard then finds that the car's engine has been destroyed a short time later. The answer to the Deputy's question is that we will consider the report very carefully. It is a joint report from elected representatives from the North, South and Britain. That is the least it deserves. We will be very happy to follow through on that. They are the main points the Deputy raised.

Deputy Gerry Adams: I was checking my notes when the Fianna Fáil leader started his remarks. I was not paying an awful lot of attention to him, but for a moment I thought he was making a confession and was outlining the way Fianna Fáil used to run its business. Then I woke up and realised he was at the usual rubbish of making ridiculous, unsubstantiated attacks on Sinn Féin.

Deputy Micheál Martin: They are not unsubstantiated.

Deputy Gerry Adams: He also attacked those people who supported us in the North. I commend the Fianna Fáil leader on bringing negative campaigning almost to an art form, although it is very tedious and boring to hear the same unsubstantiated allegations.

Deputy Micheál Martin: What is unsubstantiated?

Deputy Gerry Adams: We get it week after week.

Deputy Micheál Martin: Deputy Adams is telling untruths again.

Deputy Gerry Adams: I very much welcome the Taoiseach's stated commitment to the Narrow Water bridge, which was restated today. Will he give some detail on the next phase of this very important and necessary piece of infrastructure? It is crucial. It has been spoken about, planned and lobbied for over the past 40 years. That region is less than an hour from Belfast and Dublin airports, and the Government might reflect on that in deciding what to do about Aer Lingus. One can go from the Boyne Valley and Neolithic history right up the east coast from Cromwellian times with the walled city of Drogheda, to the Vikings in Annagassan, nodding at Queen Medb and Cúchulainn, looking across the Cooleys and up into Slieve Gullion and the Mourne. This is an area of very important scenic and tourist potential. Will the Taoiseach give us some sense of the next step on the long journey to get the bridge built across Narrow Water?

I will concentrate on three of my questions, specifically the Ballymurphy massacre and Pat Finucane case, as well as the hooded men. The Taoiseach might know that Terry Laverty, the brother of Mr. John Laverty, who was killed in the Ballymurphy massacre, had his conviction for riotous behaviour quashed just two weeks ago. In August 1971, Terry, who was only a young guy at the time, was detained, stripped, beaten and made to run barefoot over broken glass and through a gauntlet of British Army soldiers. He was told by one soldier that he had already killed one Irish bastard and another would not matter. According to Terry, this soldier put a weapon to Terry's head and pulled the trigger. What he did not tell Terry was that the other Irish bastard was his brother. This man has lived with that for the past 40 years and the quashing of his conviction is an important development, adding weight to the demand that this case needs to be investigated properly. For the record, I extend my condolences and sympathy to Terry as his wife, Lily, died at the weekend. She also lived through this and has campaigned for justice for those people killed in Ballymurphy.

Last year the Taoiseach volunteered to bring forward an all-party Oireachtas motion in support of the Ballymurphy families. Although we did not ask for it, I welcomed it very much. This was after the Taoiseach met those families, and he told me the motion would be produced in sufficient time for the families to be present here. Some time went by and I raised the matter again as the Taoiseach had not delivered on that promise. On 1 July, the Taoiseach indicated the Government was working on a comprehensive motion "which would be discussed with Deputies Martin and Adams shortly". Ní tharla rud ar bith ó shin. The British Prime Minister, David Cameron, can be blamed for failing to respond properly to this matter, but in this instance, the Taoiseach's commitment, given gratuitously and in good spirit, was to introduce this all-party Oireachtas motion. Where is it?

We should remember that the families want this to be of value. They want to focus on condemnation of the inadequate investigative process followed by the RUC and British authorities after the killings. They want to welcome the decision in November 2011 by the Attorney General to direct the coroner to reopen the inquest. We should remember that with the Stormont House Agreement, the British Government tried to close down that process and only that Sinn Féin stood firmly with the victims' families, it would have got away with that. The families also seek support for the proposal for a Hillsborough-style independent panel that would examine all the documents relating to the context, circumstances and aftermath of the deaths. Sin ceist amháin. When will the all-party motion be brought before the Dáil?

I commend the decision by the Government to support the move by the campaigners for the hooded men and to request the European Court of Human Rights to revise its judgment in this case. That was the right decision and although the Government was a bit dilatory or hesitant at the beginning, it eventually came to the right decision. This is all a matter of the record due to the diligent work done by the Pat Finucane Centre. These men were tortured over seven days and consequently the British Government lied to the Irish Government of the day and to the lawyers acting for the hooded men. It also lied to the European Court of Human Rights and failed to inform that court that this torture had been cleared by the then British Foreign Secretary, Lord Carrington. It also claimed that it had banned these five techniques and pledged in 1978 not to use these techniques in the North or anywhere else again. We know that in Iraq in 2003, the five techniques were used by every British battle group. What is the current status of that case?

Last week, the Pat Finucane Centre revealed that the interrogations were taped. The Taoiseach may not have known that but I thought it interesting. This was uncovered in research at the

British National Archives. The documents categorically state that the interrogation sessions of the men at Ballykelly, County Derry, were monitored and taped. There are 400 hours of these taped interrogations at the Joint Services School of Intelligence, where British Army officers were trained in interrogation methods. Personnel from the Pat Finucane Centre have informed the Attorney General of this. Therefore, will the Government seek access to these tapes?

We also know from the US Senate report on torture that these techniques were used by the CIA, which has really serious implications for the Government, given that it allowed US rendition flights to land in Shannon. On the back of the Senate report, this State is now publicly identified as one of the 54 countries that collaborated in various ways with CIA rendition, detention and interrogation. Has the issue been raised with the US Government?

I will finally raise the case of Mr. Pat Finucane. I know I have spoken for almost as long as the Fianna Fáil leader and I do not wish to test the Ceann Comhairle's patience. This is a very important case. The de Silva review revealed that 85% of the intelligence used by the Ulster Defence Regiment to target people for murder originated from British Army and police sources and Pat Finucane's killing was cleared at the very highest level. The issue of collusion was discussed extensively at Cabinet level and Ministers were clearly aware that agents were being run in this administrative practice. The director general of MI5 had raised this with the then prime minister, Margaret Thatcher. The de Silva report indicated that this was a wilful and abject failure by successive Governments to allow this to happen.

Will the Taoiseach provide an update on this? When I raised this with the British Prime Minister in the Taoiseach's presence, he remained silent and any inquiry was ruled out, although it is an obligation under the Weston Park Agreement to conduct such inquiries. Last week I asked the Minister for Foreign Affairs and Trade if we could use our diplomatic services to raise the issue with our friends at the United Nations and the European Union or with the US Government in order that we can have the case dealt with.

The Taoiseach: I take responsibility for not having had the all-party motion debated in the House before now. As I said in the reply, there has been some re-drafting of what was being done due to the Stormont House Agreement. It is now late February, so before the end of March we will have an opportunity to let the Ballymurphy people know there will be an all-party motion, if we can get agreement on it from the leaders and the Whips. I accept responsibility for not having put the motion to the Dáil. It is my fault.

We considered the case of the hooded men because of all the new information that had come to light. We have requested that the European Court of Human Rights look at this. Obviously, when one sets out on that course one would expect that all of the information relevant to that objective would be made available to the court. Clearly, therefore, that would include the information contained on those tapes. If the court is to make a decision in respect of changing the situation in so far as the hooded men are concerned, that stands as part of the evidence.

We have been very clear about the murder of Pat Finucane, and every Member here supports the position. I have raised it with the American authorities and the British authorities, with a very different view from that of the British Government. It was part of the agreement that there would be a follow through on the recommendation of Judge Cory, that there should be an inquiry into this. We continue to stand by that. In the Stormont House Agreement there is an opportunity for all of the information to be given by an independent person to family members who seek information about the death of a family member or loved one. I wonder if that will

impact on the situation where the British Government made the decision that Mr. de Silva SC should go through the million pages of paper relating to the Finucane case, and whether there is anything else there that would be applicable in the business of being able to draw down that information and see whether there is anything relevant.

We stand by the Government position. It is a difference of opinion between this Government and the British Government in respect of having a full-scale public inquiry into the murder of Pat Finucane. At every opportunity the matter is raised with the British Government and I continue to do the same with the American authorities. I hope to have the opportunity to raise it with them when I travel there in March. One objective of the Stormont House Agreement was to put together a comprehensive framework for dealing with the legacy of the Troubles. We made clear in those discussions the difference of opinion we have with the British Government in this regard. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, told the House that he had raised it with the Secretary of State, Theresa Villiers, at their meeting on 11 February. To be clear on this, we will work with and support the Finucane family in every way we can to follow through on their quest for a full and transparent inquiry into the truth about the murder of Pat Finucane.

If any government is serious about transparency and openness in respect of these matters, whatever information exists should be made available. The British Prime Minister was very clear on these matters. As he said himself, he was only a young lad when many of these events occurred. From his perspective, he said he would like to see an opportunity for completion and conclusion for the families who lost loved ones in all of these circumstances. We have previously discussed in the House the fact that there will not be an opportunity to hold full-scale public inquiries into the several thousand tragic cases but, hopefully, the Stormont House Agreement means what it says and that process can start. The best evidence is proof of the provision of information that is currently off-limits regarding people who have been killed or lost their lives.

In respect of Pat Finucane and Ballymurphy, I will refer back to the House before the end of March and, hopefully, we will get agreement on an all-party motion and have it discussed in the House.

Deputy Joe Higgins: Many of the questions ask the Taoiseach to do this and that. The best thing the Government could do is stay quite a distance away from Northern Ireland. It has nothing new to offer, considering that the austerity already imposed in the North by the Tory-Liberal Democrat government is causing the same social suffering, dislocation and poverty as this Government's austerity has caused here in the past four years following the austerity of the Fianna Fáil-Green Party Government. Why would ordinary working class people in the North, on any side of the community, have confidence that this Government would bring something positive to them in the type of changes that are needed, when its record is one of slashing and burning services in the past four years?

Is it not the case that in the Stormont talks the Taoiseach did not lift a finger when the Prime Minister, Mr. Cameron, arrived to impose a new round of savage austerity on the people in the North, dictated by the Tory-Liberal Democrat government and to be implemented by the parties in the Executive? How can the Taoiseach talk about developing services such as education when 20,000 public sector jobs are to be axed in the immediate years ahead, as a result of more Tory austerity? Does the Taoiseach not find it sad that the parties in the Northern Ireland Executive will not just implement the failed policies of austerity but also wish to imitate the

discredited policy of reducing corporation tax on big business, at the same time that a scandal a month is emerging involving major international banks and some of these big corporations fiddling billions in taxes-----

An Ceann Comhairle: Perhaps the Deputy would stick to the questions that are on the Order Paper. We are not having a general discussion on the economy.

Deputy Joe Higgins: -----which would otherwise go into infrastructure to create jobs and homes and to overcome the problems bedevilling working class people in the North?

Finally, what does the Taoiseach say to the tens of thousands of public and private sector workers in the North who are due to go on strike and demonstrate across the North on 13 March in opposition to these policies? Does he stand in solidarity with their legitimate and just aspirations to defend jobs and services, or does he stand instead with the Tories?

The Taoiseach: The position is very different from what Deputy Higgins says. The route out of inequality and unfairness is decent and gainful employment, where work can be seen to pay. It is not for the British Government to intervene in the budgetary process here, and it is not our function to interfere in the work of the Northern Ireland Executive and how it decides to spend its money. That is its business. It is the decision it makes with the Chancellor of the Exchequer in respect of what funding it gets and how it decides to spend it. Clearly, there have been reductions in elements of the public service that have an implication for jobs. They have been decided by the Executive and the Assembly, in the same way as happens in every other jurisdiction. For our part, we wish to continue to co-operate and to fund those projects to which we have committed. Some €50 million is available for the A5 - €25 million this year and €25 million next year - but because of the court cases which have taken place, it is unlikely construction will start before 2017. This is outside my control.

Deputy Adams asked a question about the Narrow Water bridge. The Minister for Transport, Tourism and Sport, Deputy Donohoe, met Louth County Council recently but the proposition put to him would cost in the order of €50 million. This is in excess of the original cost of the first proposal. The money which was not spent on the Narrow Water bridge was invested in the rail line from Dublin to Belfast, which is of interest to people who are travelling north and south. The promoters of the project have to bring forward their proposition but the structure and the design of the bridge need to be examined.

I do not accept, as suggested by Deputy Higgins, that we did not lift a finger down here to help our colleagues across the Border. We continue to support strongly the cross-Border co-operative agencies and organisations and we will continue to fund these for the foreseeable future. It is also fair to say, as I mentioned to Deputy Martin, that the extent of current cross-Border business is exceptional, particularly in the hospitality and business sectors. These are the routes for getting out of poverty and inequality in Northern Ireland. In fact, there have been complaints about workers from Northern Ireland doing contract or subcontract work on projects in various locations in the Republic. This has been a cause of anxiety for people who thought they should have been able to get those particular projects.

One needs to look at the expansion of credit for small and medium enterprises and the decisions made by Government, such as that on the strategic banking corporation, to make new moneys available in addition to what is available from the restructured banks. The availability of these moneys is for longer terms and at lower interest rates and gives opportunities for busi-

ness both ways. Deputy Higgins has been consistent in his views on the Tories and the Tory Government, but for us it is about expanding the opportunity for the economy of the island of Ireland. This is why we had people from Northern Ireland over in Brussels during the permanent representation and those discussions we had during the Presidency. We continue to work very closely with them.

It is a matter for the Executive, the Assembly and the British Government to decide to give the authority to the Executive and the Assembly to decide on the rate of corporation tax. Depending on how far that is to be reduced by the Executive - we have not objected to it; we have welcomed it, in fact - there will be a loss to existing corporation tax levels, once a decision is taken to change or reduce it.

It makes the situation a little clearer when the two rates are closer to each other. I remember being in Japan with the First Minister and Deputy First Minister. The rate of corporation tax in the Republic is 12.5%. It is not moving up and not moving down. It is very consistent and is the cornerstone of our recovery. It is a different level in Northern Ireland. Therefore, we are more attractive from that perspective in terms of foreign direct investment and jobs creation. The Chancellor has given authorisation to the Executive. It will probably be 2017 or 2018 before this is actually implemented, following the decision. This is a matter for the Executive itself.

Deputy Micheál Martin: It is regrettable that there has not been a motion in this House on the Ballymurphy case and it is important that we move things on. This has been going on for many years now. I can recall, as Minister for Foreign Affairs, that we made a proposal that a UN panel would be established. I understand from Deputy Adams that a different type of panel, a Hillsborough-type panel, is now being proposed. The British have been saying all along that they do not want to do a full-scale Bloody Sunday-type inquiry. However, if agreement has been reached in terms of what the relatives would like, then we should push for the incorporation of this within the motion and have it as a position to put to the British Government to ensure it happens. With the march of time, it is probably more frustrating in terms of bringing closure to the relatives of the victims of that massacre.

Has the Taoiseach any plans to meet the parents of Paul Quinn who was murdered? I met Stephen and Breege recently. The absence of any justice for this family is also very telling. This was a barbaric murder involving perhaps up to 20 people in a barn. As a mother said to me, they broke every bone in his body. What was said in the aftermath of this by political representatives and others in Sinn Féin left much to be desired in terms of the undermining of the man's reputation. There is a lot of sourness and unease about this and I am concerned about the lack of any progress in the investigation.

In terms of the education dimension to this and the budget, we should be investing in education in the North even more than has been invested already to deal with the issues of school completion and 500 teachers being lost as a result of the Stormont talks. It is quite extraordinary given the large level of early school-leaving which is very problematic from a societal point of view. Sinn Féin talks a good story. I have not heard one that has been substantiated. Sinn Féin talks like Syriza in the Republic but acts like the Tories in Northern Ireland. This is the reality. I cannot understand why education is not protected and enhanced in terms of any agreements. We need to speak to the British Government about this because there will be long-term problems if we do not deal with this.

Deputy Gerry Adams: The Taoiseach did not outline the next steps in the Narrow Water

bridge process in response to my earlier question.

I welcome the Taoiseach's commitment on an Oireachtas motion. I remind him, in a fraternal way, that this is the third time he has made such a commitment. We are almost a year on. Before he brings the motion to me or an Teachta Martin, I suggest that he ensures the Ballymurphy families are satisfied with it.

The Taoiseach, in response to my question on Pat Finucane, spoke of some device under the Stormont House talks and dealing with the past. I do not wish to read too much into what he said. However, if he is considering a departure from the Weston Park Agreement around Pat Finucane, will he please discuss it with Geraldine Finucane and her family? I have often stated in this House that my sense of what an Irish Government needs to do, first and foremost, is to deal with the British Government as a co-equal partner, sovereign Government to sovereign Government, and not in any other way, to fulfil the Irish Government's obligations under these treaties and to ensure the British Government does the same. The commitment given by the British Government was not casual or personal. It was part of an international agreement with the Irish Government.

I agree with some of what an Teachta Higgins says on austerity and so forth. However, we should have more Irish Ministers in the North and we should have more interaction with the North in dealing with all of these issues. Na Teachtaí Higgins and Martin and everyone else should be dealing, as part of our daily business, with communities and citizens up there. However, the main responsibility, while trying to make friends with our Unionist neighbours, is to have the British Government face up to its historic responsibilities and to build a future based on hope and commitments given.

The Taoiseach: I will talk to the Deputies and have the Whips discuss the range of what might be included in an all-party motion. I will, of course, take into account the wishes of the Ballymurphy people.

I am not considering changing anything arising from the Weston Park Agreement. We have had a standard procedure for a full-scale public inquiry into the murder of Pat Finucane, but that has not been granted by the British Government, which held the de Silva investigation or analysis, resulting in 1,000 pages of information. There would have to be legislation here, with which the Government will press ahead. The commission will be led by four members and an independent chairperson. Two individuals will be nominated by the Executive, and one each will be nominated by the UK Government and by the Irish Government. My question is: if somebody wishes to talk to the ICIR when it is set up in respect of receiving all the information completely independently of any political interference, as the agreement states, would that in any way add something to the Finucane case or any other case? That is the only point I am making. At present, the standard procedure is to continue to call for a full-scale public inquiry. I would be willing to determine whether this is what is in the agreement. In testing it, would it add anything to the dimension that we do not know about in respect of the Pat Finucane case? That is the only point I would make to the Deputy.

Deputy Martin asked about Paul Quinn, whose murder was appalling.

Deputy Gerry Adams: What about Narrow Water?

The Taoiseach: The Narrow Water project has obviously featured for a long time. The Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, met representatives of

Louth County Council recently. The project, as outlined to him, would cost €50 million. He asked Louth County Council to develop a viable proposition that would meet the suitability criteria for such a project. This would require work on both sides, as the Deputy knows. Assistance would have to be received from both jurisdictions. It is the promoters of the project that must take the initiative here. The Minister has, therefore, asked Louth County Council to examine how one could develop a proposal that would meet the criteria and yet deal with the objective, which is to have a physical link either side of the lough. Obviously, we are supportive of that. I am quite sure the Executive and the community will be also.

Deputy Micheál Martin: The Government is not supportive of it. It buried it.

The Taoiseach: We have been very supportive of it.

Deputy Micheál Martin: Everyone concerned buried it.

Deputy Mattie McGrath: They fell into the lough.

The Taoiseach: As the Deputy is aware, the tenders were very much out of line with the moneys that were allocated.

Deputy Micheál Martin: They buried it. They did not do the business and they know it.

An Ceann Comhairle: We are well over time.

The Taoiseach: Deputy Martin is well aware of that. It was not in any way buried by the Government.

Deputy Mattie McGrath: The Government fell into the lough.

Deputy Micheál Martin: For God's sake, that is nonsense.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 17, motion re referral to select sub-committee of proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2015, and No. 9, Children and Family Relationships Bill 2015 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business, which shall be No. 186, motion re income and living conditions, and shall take place at 7.30 p.m. tonight or on the conclusion of the opening speeches of No. 9, whichever is the later, and shall adjourn after 90 minutes; and No. 17 shall be decided without debate. Tomorrow's business after Oral Questions shall be No. 9, Children and Family Relationships Bill 2015 - Second Stage (resumed).

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 17 agreed to? Agreed.

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Deputy Micheál Martin: In the programme for Government, there is a commitment to establish a tenancy protection scheme to put an end to disputes regarding the return of deposits. Could the Taoiseach outline to the House the position on this commitment? When can we expect the legislation on it?

With regard to paid paternity leave, the Minister of State with responsibility for equality, Deputy Aodhán Ó Ríordáin, stated on 21 January, “I am as confident as I can be at this stage that there will be two weeks’ paid paternity leave in that [family leave] legislation”. It was suggested that this would not be very expensive, with a figure of €10 million mooted. In response to a parliamentary question, the Tánaiste indicated the introduction of paid paternity leave would have significant cost implications for employers, the Exchequer and the Social Insurance Fund. That seems to indicate the costings have not been done. Can the Taoiseach indicate when paid paternity leave is to be introduced? The Minister of State, who is in the Taoiseach’s Government, made a solemn commitment. Perhaps the Government makes it up as it goes along; I do not know. The Taoiseach might confirm whether the Minister of State’s statement was made up as he went along.

On the issue of a tax relief for landlords who agree not to increase rent, the Government made a commitment, apparently through the *Irish Independent*, that it would introduce this.

The third matter I want to mention is the free second year of child care and tax relief. When is it proposed to introduce that?

Deputy Paul Kehoe: The Deputy has a lot of information on that phone.

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

Deputy Micheál Martin: These are all Government commitments.

Deputy Paul Kehoe: What is that on the Deputy’s phone?

An Ceann Comhairle: This is the Order of Business.

Deputy Micheál Martin: It is extracts from the commitments made by the Taoiseach’s Ministers. It is very impressive. The Government says it will reduce or abolish the public sector pension levy: “The public sector pension levy is “likely” to be reduced significantly or abolished ahead of the general election, senior Government sources have told the *Irish Independent*.”

An Ceann Comhairle: We will shift back to the Order of Business.

Deputy Micheál Martin: The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, has made a comment that an annual report will be provided to the Dáil.

An Ceann Comhairle: Do not mind comments from Ministers or anything else.

Deputy John Perry: Phone a friend.

Deputy Micheál Martin: The Tánaiste has promised the introduction of a living wage. When will that be?

An Ceann Comhairle: That sounds like the subject of a parliamentary question.

Deputy Micheál Martin: These points are on legislation promised by Ministers.

An Ceann Comhairle: Legislation?

Deputy John Perry: Phone a friend.

Deputy Micheál Martin: Yes. They promised this. There is obviously some incoherence at the heart of the Government-----

A Deputy: Someone is winding up the Deputy.

Deputy Micheál Martin: Either the Government side is winding up the *Irish Independent* or both are winding up the nation; work it out.

The last item is the commitment in the programme for Government on rural areas. Can the Taoiseach allow Government time for debate in the House on that issue, given Bus Éireann's decision yesterday to cut vital services to people in towns, particularly across the south east? Approximately 100 rural bus routes are to be cut by the company. This seems to be in direct contradiction of the commitment in the programme for Government. I would appreciate it if the Taoiseach allocated Government time to debate this issue.

The Taoiseach: Yes. In due course, there will be no problem at all. We will wait until the rural development programme is officially confirmed by the European Commission in the coming weeks. We will be able to discuss the change in retention figures for small schools and have a debate here.

Deputy Micheál Martin: I am talking about transport.

The Taoiseach: Rural transport, of course, will be part of that.

With regard to the living wage, the low pay commission has its first meeting this week. Obviously it will report before the summer and the Government will act accordingly in respect of that and employers. The Deputy will recall that the first thing we were able to do with what is now termed "the institution" - the troika - was to reverse the cut to the minimum wage brought in by a previous Administration.

Deputy Micheál Martin: The living wage.

The Taoiseach: The question of the second year of child care is a matter for consideration in advance of the budget. I will have to revert to the Deputy on the return of deposits legislation and the tax relief for landlords.

The Government has not considered the comments made by the Minister of State on paid paternity leave.

Deputy Micheál Martin: Did he make it up, so?

The Taoiseach: I am just saying the Government has not considered anything to do with that.

Deputy Micheál Martin: He said, "I am as confident as I can be."

An Ceann Comhairle: There is a lot of business to be done today.

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The Taoiseach: I actually believed, when Deputy Martin was reading from his mobile phone, that he was going to tell us when he was going to produce the Fianna Fáil policy on the health system.

Deputy Micheál Martin: He said, "I am as confident as I can be at this stage."

An Ceann Comhairle: Deputy Adams wants to ask a question.

Deputy Micheál Martin: What policy has the Taoiseach on health?

An Ceann Comhairle: Deputy Adams, please.

Deputy Micheál Martin: The Dutch model?

Deputy Bernard J. Durkan: We know how Deputy Martin left it.

An Ceann Comhairle: Since when was Deputy Durkan called on?

5 o'clock

Deputy Bernard J. Durkan: I am sorry, a Ceann Comhairle.

An Ceann Comhairle: I have called Deputy Adams and he is on his feet. There is an old tradition in this House that when a Deputy is on his feet, you stay quiet.

Deputy Gerry Adams: Tá trí cheist agam. Baineann ceann amháin acu leis an education (admission to schools) Bill, ceann eile leis an Public Health (Standardised Packaging of Tobacco) Bill agus an ceann deireanach leis an Health Act 2007. Maidir leis an gcéad cheist, the Taoiseach may have picked up that today, the Supreme Court, on a split decision, upheld the decision of a Clonmel school to deny a school place to a child from the Traveller community. The court ruled that insufficient evidence had been put before previous hearings at the Equality Tribunal and at the Circuit Court. It was not possible, therefore, to carry out a proper analysis. The education (admission to schools) Bill changes the provisions for admissions to school and should prevent this from happening again. When will that Bill be published?

On the Public Health (Standardised Packaging of Tobacco) Bill, I commend the Minister for Children and Youth Affairs on refusing to be intimidated by Japan Tobacco International and the Imperial Tobacco Group. As a former smoker, I know that tobacco smoking is a major cause of death and ill-health and costs this State hundreds of millions of euro each year in health care costs. Is the Taoiseach satisfied that the proposed legislation is not in breach of the EU tobacco product directive or any World Trade Organization agreement? When does he expect that Report and Final Stages of the Bill will be completed?

The last question has to do with promised legislation and the Health Act. Last month, the Minister for Health set out patient safety as one of his five priorities. He said he would give more power to the Health Information Quality Authority, HIQA, and extend its remit, and in correspondence to me he said that he intends amending the Health Act 2007 to allow that to happen. The Taoiseach will know that HIQA has already put on record that many of its recommendations have not been implemented so when will the legislation to allow the Minister's proposed reform be published? Also, when will the action plan being prepared by the emergency Department task force be published?

The Taoiseach: The admissions Bill will be this session. That has already been announced

and cleared.

Deputy Gerry Adams: Is that the education (admission to schools) Bill?

The Taoiseach: Yes, the admission to schools Bill. The Public Health (Standardised Packaging of Tobacco) Bill is on Report Stage. It will be back before this House very shortly. I do not want to give the Deputy a date but it is very close; it is just a matter of business. As far as I am aware, both Ministers are very happy that the legislation complies fully with the requirements of the directive. They are not afraid of any tobacco companies, whatever pressure they may exert.

On the patient safety Bill, the Minister has not yet come forward with his authorisation for clearance for the changes in the safety regulations. I will advise the House when that is cleared.

Deputy Mattie McGrath: Ta cúpla ceisteanna agam. In view of the Taoiseach welcoming route 7 earlier, I want clarification, under the public transport Bill, that in respect of the commitment given last night by the same official from Bus Éireann-----

An Ceann Comhairle: We cannot debate the issue.

Deputy Mattie McGrath: Will that include the rest of route 7 from Castlecomer down to Clonmel and on to the Cork county boundaries?

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

Deputy Mattie McGrath: The Taoiseach might answer that question in view of the fact that he welcomed the extension of the first half of it.

On the Consumer Protection (Regulation of Credit Servicing Firms) Bill, a man was freed from jail last week. I visited him last week. He was illegally held for 14 hours. Seven court appearances had to be made to get him out.

An Ceann Comhairle: Sorry, Deputy, what Bill are you talking about?

Deputy Mattie McGrath: The Consumer Protection (Regulation of Credit Servicing Firms) Bill. They falsely brought a man to court and incarcerated him. It took seven visits to the Supreme Court, the High Court and the Court of Appeal but he is now free, thank God. He is a County Wicklow man. What these firms are doing is reckless. They are misleading the courts and bringing people to court illegally.

The Taoiseach: The heads of the transport Bill were cleared a number of weeks ago by Cabinet. That will be sent for pre-legislative hearing and so on.

In respect of the consumer credit Bill, that is awaiting Committee Stage in the Dáil.

Deputy Bernard J. Durkan: On promised legislation, the geothermal energy development Bill has been promised for some time. I understood it had been progressing but it seems to have stalled. Can I ask the Taoiseach when it is likely to move forward again?

Similarly, on the national children's hospital development board Bill, which will have implications for the provision of the new children's hospital, can I ask the Taoiseach if progress can be reported in respect of that matter in so far as bringing it before the House at an early date is concerned?

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The Taoiseach: I do not have a date for the second one but I can advise Deputy Durkan of the progress made. I will inform the Deputy of that.

In respect of the geothermal Bill, that is later in the year but it will be preceded by the minerals Bill. They have to follow in sequence, so it will be later in the year.

Deputy Frank Feighan: Will the Taoiseach indicate when the Inland Fisheries (Modernisation and Consolidation) Bill will come before the House? The Bill will modernise and consolidate existing provisions.

The Taoiseach: It is not as easy as it looks. A lot of work is going on in that regard. I do not have a date for the Deputy. It is a complicated Bill. I will advise Deputy Feighan.

Deputy Seán Ó Feargháil: Can the Taoiseach tell us what is happening in regard to the apprenticeship Bill that has been promised for some time? It is to deal with new governance arrangements relating to the area of apprenticeships, which is particularly important at present.

The Taoiseach: It is a matter of direct interest to the Minister of State. He is awaiting proposals from the Apprenticeship Council and others by the end of March, and he will put it together then. He is very active in respect of the changed nature of apprenticeships that are required for new industries.

Deputy Peter Mathews: I wish to raise two matters. First, to follow up on Deputy Adams's question on the tobacco packaging Bill, the threat by Japan Tobacco Group to sue Ministers and the Government for the loss of revenues and the infringement of its intellectual property is totally out of order. I suggest that the Taoiseach and the Cabinet might counter sue it for the 5,200 deaths from diseases, the costs to the health service and so on, just to put some manners on it.

An Ceann Comhairle: What is your second item, Deputy?

Deputy Peter Mathews: The second matter is the gambling control Bill. We had a question on that last Thursday but the Bunsen burner flame needs to go up on this as it is becoming urgent.

The Taoiseach: In respect of the gambling control Bill, Deputy Adams, it was raised here last week. Gabh mo leithscéal, Deputy Mathews. How could I mix you up with Deputy Adams?

Deputy Peter Mathews: It is very easy.

The Taoiseach: I note what the Deputy says in respect of the tobacco packaging Bill.

Deputy David Stanton: I had intended asking about the gambling control Bill as well, which is urgent. I got the answer.

Proposed Approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2015: Referral to Select Sub-Committee:

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

That the proposal that Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2015,

copies of which have been laid in draft form before Dáil Éireann on 19 February 2015, be referred to the Select Sub-Committee on Public Expenditure and Reform, in accordance with Standing Order 82A(3)(b) and (6)(a), which, not later than 12 March 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.”

Question put and agreed to.

Topical Issues

Acting Chairman (Deputy Brian Walsh): Is the Minister, Deputy Bruton, taking the matter to be raised by Deputies Terence Flanagan and Eamonn Maloney?

Deputy Richard Bruton: I am taking the matter to be raised by Deputy Brian Stanley.

Acting Chairman (Deputy Brian Walsh): Is Deputy Stanley happy to proceed first?

Deputy Brian Stanley: Yes.

Job Creation

Deputy Brian Stanley: I welcome the opportunity to address this issue with the Minister; I note the Taoiseach is sitting beside him. I welcome the announcement of the €250 million fund to bring jobs to the regions but I want to highlight that the regions have been doing very badly. The region I am located in, the midlands, and County Laois in particular, has been on the back foot. I raised this issue with the Minister three years ago and I have attended meetings with him in regard to the issue, along with other Deputies. In 2014, not one overseas investor was brought to County Laois, and in the last three years only one such investor has been brought to the county. Last year, only nine IDA-backed jobs were created in the county, while 28 jobs were lost in IDA-backed companies. In total, there are only 87 people working in IDA-backed companies in County Laois. I know County Kildare is slightly bigger but there are more than 10,000 people working in IDA-backed companies there. While most of them are in the northern part of the county, the southern half, including Monasterevin, has not been getting its fair share.

County Leitrim has almost eight times more people working in IDA-backed companies than Laois, despite the fact that the latter county has nearly three times the population. This matter is not confined to IDA-backed firms. Some 951 people are working in Irish export companies in County Laois. Every one of those jobs is welcome, but Laois is second from the bottom of the league in that respect.

We were told we needed to have infrastructure, services and trained personnel. County Laois has the infrastructure, services, motorways, rail connections and facilities to provide a good quality of life, including leisure centres. We even have golf courses for executives to play on.

Acting Chairman (Deputy Brian Walsh): I must ask the Deputy to conclude his remarks, please.

Deputy Brian Stanley: I cannot understand what the problem is. Perhaps the Minister can address that issue concerning the midlands region and County Laois in particular.

Deputy Martin Ferris: As the Minister is well aware, there is a disparity in job creation for rural communities, including peripheral areas such as my county of Kerry, and north Kerry in particular. That disparity has been alarming and shocking. Given the economic downturn as a result of the recession, the knock-on effect has been quite catastrophic. While there was an improvement in many areas throughout last summer and well into the autumn, the last quarter of 2014 saw a downward turn in Kerry with a 4.5% increase in unemployment. That is quite startling. I am told that the live register rose again in January.

The Minister will be aware of the hope and expectation surrounding the LNG project for north Kerry, which has been going on for seven or eight years. There is still no light at the end of the tunnel as to whether it will be realised and I understand the matter is currently before the courts.

Job creation is important for Kerry, as it is for other counties, but particularly so for a county with such a high unemployment rate. A total of 13,000 people are currently unemployed in County Kerry.

For its efforts, the IDA brought one potential investor to Kerry in 2012, two in 2013 and three last year. Nothing came out of these visits, however. By comparison, Cork had 95 visits in that period, while Limerick had 74. That puts things in perspective as to how far down the pecking order Kerry is in terms of the Government's commitment to the county for IDA-backed investment and jobs. I would like the Minister to address that issue. I understand that a new IDA building has been earmarked for the Tralee technology park, and I welcome that. Having said that, however, we still need jobs urgently.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank both Deputies for raising this issue. Part of the response to our employment crisis lies with the IDA, but much of it lies elsewhere. The overall picture is worth stating both in respect of Kerry and the midlands. In Kerry during the crash the live register increased by 10,000. Many of those came from the construction sector which completely collapsed. Since the Government started to address those problems, the live register has fallen by almost 3,500 in Kerry.

In the past three years, the number of people employed in IDA companies in Kerry has increased by 24%. It is one of the very strongly performing counties in terms of IDA growth. While it is a small part of the overall picture in Kerry, as in many parts of the country, it is showing a healthy growth in employment. If the Deputy is seeking to assess IDA activity fairly, he should not look at site visits alone. Kerry is a good case in point, where the IDA has succeeded in getting much of its existing base to grow employment. That is a significant achievement.

As the Deputies know, I am committed to improving the performance of every region. I have committed to putting an advance facility in Tralee because Kerry has the strength to win new investment. This is a vote of confidence in the combination Tralee offers, in particular with the institute of technology and the base of companies. We are confident that we can grow employment there.

The case of the midlands is similar and there is more work to be done in that regard. That is why we have committed to two advance facilities in the case of the midlands as part of our new regional strategy. In the difficult times, some 20,000 extra people went on the live register

in the midlands, while in the past three years that has come down by 4,000, so we are making headway.

As regards the midlands and Kerry, however, only 3% of overall employment is in IDA companies. Some 97% of employment is not in IDA companies. If the Deputies want a serious regional strategy to respond to the challenges of the regions, therefore, one must look not only at the 3% but also at the 97%. At the heart of our regional strategy is not just the investment we are making in advance facilities in the regions in order that they can be a magnet for new investment by the IDA, but also the fact that we want to grow our own companies. Both in Kerry and the midlands, one sees strong performance among Irish-owned export companies, which is what we need to build upon.

I have just announced a regional enterprise strategy, part of which is a call to local organisations, businesses and enterprise centres to collaborate with one another and come up with ideas that can drive employment in the regions. There will be a series of calls representing a potential investment of €100 million by the State. It is a great opportunity and a challenge for the regions to come forward with ideas to grow their own enterprise base. It may be in food, medical devices or ICT because various sectors have strength, so we need to build off our existing base.

The Government recognises that we are making headway through the Action Plan for Jobs. We are seeing growth in every single region of the country, but we need to maximise the potential. We are doing so partly through the advance facilities which are a magnet to new outside investment. It is more important, however, to provide an opportunity for collaboration in coming up with new ideas to drive enterprise growth. I invite both Deputies to participate in the forthcoming regional stakeholder meetings where people can come forward with the best ideas in order to develop them.

Deputy Brian Stanley: I thank the Minister for his reply. He outlined the midlands as a whole, but that region is not outperforming anywhere else. It is lagging behind overall. In Westmeath, for example, 285 new jobs were created in IDA-backed client companies last year, whereas there were nine in Laois. In 2012, there was none in Laois but 177 in Westmeath. I am not picking on Westmeath, but I am trying to show the regional disparity that exists.

I welcome the regional strategy and the fact that €100 million is being made available for it. I am interested in encouraging people to become involved in utilising it, but a concerted effort is required in County Laois to get industry up and running. According to all the figures, we are lagging way behind. I understand that €150 million of the €250 million fund is for capital works and putting in advance facilities. I therefore ask the Minister to consider County Laois in that regard.

In his opening remarks, the Minister said he was considering two advance facility projects. I ask the Minister to clarify what he has in mind in that regard. The business park on the Mountrath Road has one unit, which is now in operation. There are no other facilities and the county is badly in need of advance facilities. We have the business parks but they do not have the factories or offices in them. I ask the Minister to consider towns such as Portlaoise, Portarlington, Mountmellick, Mountrath and Rathdowney. The land is available and the local authority is also anxious to get these projects up and running.

Deputy Martin Ferris: I thank the Minister for his response. He rightly said that the construction sector took a major hit because many, predominantly young, people went into various

aspects of that sector. He referred to a fall in the live register in Kerry of 3,500 since then. Most of those 3,500 have emigrated. Most young people I know have gone to America, Australia and England to seek employment because they were all involved in the construction sector.

Much of Kerry is coastal and fishing ports such as Dingle, Portmagee and Fenit have also been decimated. I agree with what the Minister said about collaboration on job creation programmes. All of us should work together to try to bring investment into the county. We should do everything in our power to develop local SMEs and so forth to help to reduce further the problem of unemployment.

Peripheral regions, particularly coastal ones, suffer more. Places such as Donegal are faced with similar issues. There should be positive discrimination towards trying to bring potential investors into the county in order to address a blatant unemployment imbalance per head of population.

Deputy Richard Bruton: We need to have a realistic debate about what we can do. IDA Ireland does not decide where an industry locates. An industry locates in areas where it can get the things it needs to grow. Very often for multinational companies, that will centre on education and the skill base. That is why the institutes of technology in Tralee and Athlone are the magnets. They are what are needed for multinational investment in a region.

However, there are many engineering companies. As a dairy master, Deputy Martin Ferris knows Dairygold which is a fantastic company. It is the sort of company we need to grow. Keenan's is a great company in the midlands. There are many such companies and those are the ones we need to grow to scale. It is not that someone in IDA Ireland sits in an office and decides it will be Kerry, Laois or somewhere else. It must build off the resources and promote each region with the magnets that can pull in the investors. It is committing to two advance facilities in Athlone, one already under construction and another for 2017. That is to build out that centre, but the regional strategy will consider the whole area. In some areas it is not multinationals and the food sector or the engineering sector may be the one we should be growing in certain regions. Combilift, a fantastic company in Monaghan, has gone completely global.

When considering regional strategy, it is necessary to look much more broadly than simply at a measure such as site visits, which is not a fair representation. Of all the employment in Laois or Kerry, IDA Ireland companies only represent 3% of employment. It is necessary to look at the entire enterprise base to determine the assets and opportunities we have. That is the concept behind the regional enterprise strategy. We need to look at our assets and opportunities and then get actions in behind them to drive those forward. That is the only way to develop a successful regional strategy. That is what I am working at.

I accept that international companies have a role to play, but critically the other 97% must have a role to play. Deputies need to look at that 97% to see what can make them grow and perform to higher standards. What can make them go international? Can we, through the local authorities, the education and training boards, and the institutes of technology, create a better environment for them to grow? That is what we are trying to do through this regional enterprise strategy. I would welcome the participation of the Deputies and the organisations in the regions to come up with the best ideas and try to put them into effect.

Private Rented Accommodation Costs and Controls

Deputy Terence Flanagan: I thank the Ceann Comhairle for the opportunity to raise this topical issue of the need for a cap on rental rates in Dublin. We know that rental prices in Dublin have gone through the roof - they have increased by 35% since 2011 and they are nearly back to their peak levels. The average rent for a three-bedroom house in Dublin is €1,400 per month and in some areas up to €2,000 per month, which is quite a lot of money.

A recent NABCO report found that one in three tenants in Dublin are now worried about the risk of losing their home. Obviously with no limit in place, tenants are very worried about their rights. Landlords are very much in charge and can increase prices almost overnight. More people are obviously being forced to rent because of the new Central Bank rules which put many people out of the market to purchase a property and into the rental property market. For anybody on an average income it is becoming extremely expensive with a very large proportion of a person's income being spent on rent, with wages not having increased in recent years and all the deductions through extra taxes, increases in transport prices as well as rental price increases.

Tenants have been forced out to commuter counties as a result of the high prices in Dublin, which, in turn, is forcing up prices in commuter counties by up to 14.5%. Obviously these unaffordable prices are forcing some families into homelessness. In January, 2,980 adults found themselves homeless at very significant expense to the taxpayer. Last year, Dublin City Council spent €4.5 million to house people in hotel accommodation. It is a matter the Minister needs to address urgently. I ask the Minister of State if she can give some hope to people who find themselves having to rent at the moment that extra supply will come online.

Deputy Eamonn Maloney: As the previous Deputy has done, I wish to highlight the issue of the accelerating rents being charged in the private rental sector. We cannot ignore the trends in that sector. I firmly believe the only solution is to have a temporary rent freeze, ideally for a period of two years.

Any Deputy who might have said 12 months ago that it was attractive to invest in the private rented sector would have been laughed out of the place. However, the most recent figures indicate a very different picture. It is not only in the capital; it is widespread. The largest purchasing group in the residential market during the past 12 months have been investors. It is alarming that almost one out of every three properties sold in the past 12 months has been to an investor. For various reasons, it is a good period to be an investor in the market. It is not a very good period for a family living in private rented accommodation. My experience is the same as that of the previous Deputy. No longer is it a case of individuals being made homeless - families are now being made homeless and we cannot allow it. We need some control, which is why I believe there should be a two-year rent freeze.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I thank the Deputies for raising this very serious and important issue. The private rental sector is regulated by the Residential Tenancies Act which sets out the rights and obligations of landlords and tenants, including relating to rent, security of tenure and the termination of tenancies. The Act was passed in 2004 and represented the most significant legislative reform in the private rented sector in over a century. Prior to this, there was little or no security of tenure for tenants and in most tenancies, the landlord had a virtually absolute right to raise the rent at any time.

Security of tenure under the 2004 Act is based on rolling four-year tenancy cycles. Where a tenant has been in occupation of a dwelling for a continuous period of six months and no notice of termination has been served in respect of that tenancy before the expiry of the period of six months, the tenancy is established for the remainder of the four-year period. Landlords and tenants may not contract out of this provision of the Act.

A report by DKM Economic Consultants commissioned by the Private Residential Tenancies Board, PRTB, which was published last autumn, considered a number of options relating to rent control, including a rent cap. A review of the literature for the report found that where rent caps are introduced, the fall in rents leads to a reduction in the supply of rental units. Supply is further impacted by a consequent reduction in housing mobility. As the main reason behind increasing rents is a shortfall in housing supply, we need to exercise caution in respect of measures which, *prima facie*, would seem to offer a solution. This is especially the case where the sector is volatile. In a recent RED C poll carried out for the PRTB, 29% of landlords stated that they intended to sell their property as soon as possible. In addition, according to Central Bank data, 38,000 buy-to-let mortgages are in arrears, accounting for 27% of all buy-to-let properties.

Almost one in five households is now housed in the private rented sector compared with one in ten in 2006. The rental sector cannot be divorced from the wider housing market and the virtual collapse of the construction sector after the economic crisis has led to a serious supply problem, particularly in Dublin and other cities. With the growth of household formation and the recovery in the economy, the lack of supply has seen market rents stabilising and rising since 2012. In the third quarter of 2014, rents were 5.6% higher nationally than in the same quarter of 2013, according to the most recent rent index from the PRTB. Rents for houses were 4.3% higher while apartment rents were 7.3% higher than in the same quarter of 2013. In Dublin, which is seeing the highest rates of increase nationally, overall rents were higher by 9.5%, although the rate of annual increase was down slightly. This moderating of rental inflation is reflected in the latest *Daft.ie* rent report. Fundamentally though, the issue remains one of supply and the key to stabilising rents is to restore equilibrium in the housing market by addressing supply.

Deputy Terence Flanagan: I thank the Minister of State for her response. As she stated, it is very much an issue of supply so could she provide details regarding the level of supply that will come on stream in 2015 and the coming years to provide hope and a home for people who badly need one? We know from the most recent report from *Daft.ie* that only 5,200 properties were available nationwide on 1 February 2015, which is the lowest figure available since May 2007. This is a major issue.

The introduction of new rules by the Central Bank will force people into the private rental market. Lots of constituents come to our clinics raising these issues. They are very worried and traumatised and they need some hope. I agree with Deputy Maloney that we need to look at introducing some element of a rent freeze because what has happened in recent times is very unfair, particularly to tenants who have been there on a long-term basis. In Germany, the law allows the state government to cap rent increases at no more than 15% over three years. Perhaps we could look to Germany or other countries which have a rent cap.

Deputy Eamonn Maloney: I thank the Minister of State for her reply. Like her, I read the RED C poll. I am not sure about the validity or the truth or otherwise of those who were surveyed who said that they would very quickly give up their private investment in the rental sector. Why would they give it up? They say in a poll that they would but as we now know, rents

were at their highest in 2007 when the artificial boom was in full flow. It is extraordinary that rents today are only 6% below what they were in 2007. Some landlords are exploiting the fact that the demand for rental property is outstripping supply by continuing to increase the rents until they reach the same level as those in 2007, the year when Irish rents peaked.

I return to a point I made previously. The Minister of State, her Department, the Government and us as Government supporters can take credit for dealing with homelessness and the programme for social housing, but we need take action on the private rental sector which is out of control. There is no control over it. Other European countries have controls but we have none. The problem is biggest in the capital and if we do not do something about it, it will become a landlord's paradise.

Deputy Ann Phelan: I thank the Deputies for raising this very important issue. I take on board the issue of rent and instability in the rental market. I would have spoken at great length about the need for stability in the rental market citing France, Germany and Italy, which has a very stable rental market, as examples. We should look at carrying out some research on this because we need to address this situation very urgently. It is amazing that after the boom, we are back in this situation again. I know Deputy Nolan raised the same issue in the House not too long ago and called it a perfect storm.

The Minister has introduced lots of strategies, including his homelessness strategy, and is making very good inroads into dealing with the housing crisis. I will certainly make it my business to take this issue up with him, have further discussions and revert to the Deputies.

Maternal Mortality

Deputy Billy Kelleher: The second Maternal Death Enquiry, MDE, Ireland report has just been published at UCC. It makes the point that due to the relatively small number of maternal deaths in Ireland, fluctuation in annual mortality rates is inevitable and should be treated with caution so rates for maternal deaths, MMR, occurring in Ireland are presented in the UCC report over three-year periods. For the three years from 2009 to 2011, the maternal mortality rate was 8.6 per 100,000 maternities, while for the three years from 2010 to 2012, the maternal mortality rate was 10.5 per 100,000 maternities. It is clear that the apparent increase in mortality rates between the years 2010 and 2012 is not statistically significant and is similar to that of the UK. For the years 2009 to 2012, 38 maternal deaths, occurring during or within 42 days of pregnancy end, were reported to MDE Ireland, of which ten were classified as direct deaths - due to obstetric causes; 21 were classified as indirect deaths - due to pre-existing medical or mental disorders which were exacerbated by pregnancy, and the remaining seven were attributed to coincidental causes - not due to direct or indirect causes. Thus, the majority of deaths were from indirect causes, namely, from pre-existing disorders exacerbated by pregnancy.

The report states that for the years 2009-2012 case ascertainment by MDE Ireland - direct, indirect and coincidental - was four times that of the civil death registration system as per information recorded by the CSO. It also states that this is not unique to Ireland as underestimation of maternal deaths using civil death registration systems, even in developed countries, has been acknowledged by the World Health Organisation. The majority, 60%, of direct maternal deaths occurred in an intensive care unit, ICU, with no direct deaths occurring outside the hospital setting. Women born outside of Ireland were over-represented in reported deaths, reflecting UK findings of an increased risk of maternal death among migrant ethnic minorities. There was

also a suggestion of an increasing maternal death rate among older women. Based on these findings, MDE Ireland makes nine recommendations.

I am inquiring this evening as to whether the Department of Health and the HSE propose to act on these nine recommendations which are: that all health care professionals within the Irish maternity services should be aware of recommendations and lessons contained within the recent UK report, 'Saving Lives, Improving Mothers' Care - Lessons learned to inform future maternity care from the UK and Ireland Confidential Enquiries into Maternal Deaths and Morbidity 2009-2012; that all maternal deaths occurring during or within in one year of giving birth, ectopic pregnancy, miscarriage or termination of pregnancy should be notified to MDE Ireland in order to support the enquiry process; that a question on pregnancy status at time of death, similar to that on the medical death certificate, should be added to the coroner's death certificate; that interpretative services should be used to ensure that the care of any patient is not compromised by lack of communication and misunderstanding; that in the absence of co-location, establishment of a more effective communication system between general hospitals and maternity units in the event of a maternal death is necessary; that women with medical disorders should receive preconception advice and ideally have their medical conditions optimised prior to pregnancy - this will need to be provided by their GPs and specialist physicians in conjunction with the obstetric services; that pregnant patients with pre-existing medical and mental health disorders should undergo risk assessment at booking and should be afforded high priority by colleagues in other medical disciplines when referred for assessment; that maternity medical staff should review and audit current practice concerning the prevention and treatment of thromboembolic disease, giving consideration to the national guideline, and that consideration should be given to provision of a perinatal psychiatry mother and baby unit in Ireland.

Minister for Health (Deputy Leo Varadkar): I thank the Deputy for raising this issue. It is generally recognised internationally that official statistics can result in an underestimate of maternal deaths. In particular, indirect obstetric deaths resulting from pre-existing disease or diseases which developed during the pregnancy may not be recorded in official statistics. For this reason, Ireland established a confidential maternal death enquiry, MDE, system in 2009. In so doing, it linked itself with the United Kingdom's confidential MDE, which has been acknowledged in recent decades as a gold standard for maternal death enquiry.

The most recent MDE report, published this month, shows 38 maternal deaths during or within 42 days of pregnancy between 2009 and 2012, of which ten were classified as direct maternal deaths, 21 were classified as indirect maternal deaths due to pre-existing medical or mental disorders which were exacerbated by pregnancy, and the remaining seven were attributed to coincidental causes. There was no evidence of clustering in any one maternity hospital.

The report indicates that the maternal mortality rate for the three year period 2009-2011 was 8.6 per 100,000 maternities. This rate increased to 10.5 in the period 2010-2012. However, we must interpret this increase with caution. Ireland is a small country and, thankfully, maternal mortality cases are rare. Taking account of the relatively small number of deaths, fluctuation in our maternal mortality rates is inevitable, even where data are aggregated over several years. The experts who prepared the report note that the increase is not statistically significant. Our maternal mortality rate of 10.5 per 100,000 maternities compares with a rate of 10.01 in the UK. Again, the authors make the point that the difference in rates between the countries does not represent a statistically significant difference.

In conducting its confidential reviews into maternal deaths, MDE Ireland aims to promote

safer pregnancy, identify learning points and use its findings to formulate and disseminate recommendations. It is imperative that the lessons learned from this research informs service development. Some of the issues raised by the report will be, therefore, particularly relevant in the context of service planning and delivery. Reports of incidents of maternal deaths in Ireland cause real concern to some women, their families and partners. It is important to reassure women and their families that maternal and perinatal health statistics indicate that Ireland continues to be a safe country in which to give birth and that our maternal mortality rates are on a par with the rest of the developed world. I should also point out that €2 million has been provided in the National Service Plan 2015 to further improve maternity services. Additional obstetricians, midwives and other staff will be appointed. This is against the backdrop of a falling birth rate. I hope this additional funding will drive further service improvement.

My Department, with the HSE, is currently working on the development of a new maternity strategy. The strategy will provide the direction for the optimal development of maternity services, in line with best international practice. It will be informed by a national review and evaluation of maternity services being undertaken by the HSE.

Deputy Billy Kelleher: I thank the Minister for his reply and concur with him that our maternity services are very safe and on a par with the best internationally. In regard to the recommendation relating to ethnic minorities, I do not wish to be alarmist but in the context of the divergence in the statistics between the Irish and UK gold standard, will the Minister ensure greater monitoring in this area such that if there is a continuing divergence in these statistics remedial action will be taken? One of the recommendations is that there be proper interpretive services available in the medical arena to ensure people are aware of any underlying conditions in patients.

Deputy Leo Varadkar: I often heard it said in the past that Ireland was the safest country in the world in which to give birth. However, the statistics never supported this. I am glad we now have the MDE statistics, which are calculated in the same way as in the UK. This shows, as I consistently say, that our maternal and perinatal mortality rates are on a par with the rest of the developed world. I am not so complacent as to think that we are the best in the world. I am pretty sure we are not. That is why we need to develop the maternity strategy and improve our services further. There may have been a complacency in Ireland in the past about the quality of our maternity services but that complacency is gone now. We are now striving to improve our services, which is backed up by the recruitment of more consultants and midwives than ever before at a time rate when our birth rate is falling. We still have a long way to go, in my view, to get to the point where every woman's pregnancy is managed by a senior decision-maker, be that a senior midwife or senior consultant. That is where I would like us to be in the future.

The point made by the Deputy in regard to ethnic minorities is well made. It is well recognised across the world that people from ethnic minority groups suffer inferior health outcomes. This is often down to issues around language and interpretation. It is also often a cultural issue or due to the fact that they tend to present later to doctors during the course of their illness or, in this case, during the course of their pregnancy. It is a matter we will continue to monitor. Again, this is by no means unique to Ireland but is a matter of which I am sure we need to remain conscious.

24 February 2015

Fishing Industry

Deputy Noel Harrington: I thank the Minister of State, Deputy Phelan, for her attendance in the House this evening and would like to bring to her attention an issue that has developed chiefly in the south west of this country with respect to the mussel growing industry. The rope mussel industry is volatile. It is one in which, largely, small family-run businesses invest heavily in gear and in other ways to grow a safe, organic and healthy food product. The enterprise is volatile in many ways, as it is subject to considerable risks. It is at the mercy of markets, weather conditions and, more recently, high toxicity levels in the water. This toxicity is naturally occurring and is due to a phenomenon known as a red tide or algal bloom. Mussels feed on the algae in the warmer months, and generally the water reaches zero toxicity and it is safe to harvest, process and consume the mussels. Unfortunately, red tide toxin levels have recently remained stubbornly high, although they have abated in the past week, especially in recent days. However, mussel growers and producers have been left with a significant problem.

If the Minister of State will pardon the pun, this is coming at the end of a perfect storm. Last year the storms over the winter caused havoc around the country. The mussel flesh of the off-shore rope mussel industry that was waiting to be harvested was wiped out. Production started again, but when the farmers were about to start a new harvest in November 2014, regrettably, they were unable to do so due to high toxin levels in the water. Not alone have farmers been trying to recover from the failed harvest due to bad weather in the winter of 2013 to 2014, but they are now unable to harvest the winter 2014 harvest for the 2015 market.

To give an indication of the scale of the problem, the harbours that are directly affected are, chiefly, Kenmare Bay, Bantry Bay and areas around Dunmanus. Annually, these produce approximately 7,700 tonnes of mussels, chiefly for export. This generates an annual turnover of approximately €7 million, depending on market conditions, which is significant for a very small coastal area.

The vast majority of producers in the mussel industry are ordinary people. They are no different from onshore farmers in the west. They are family businesses and they are not in a position to absorb what has happened for three consecutive years. Could the Minister of State consider instructing BIM to put in place a compensation package through the European Fisheries Fund, EFF, under the current Common Fisheries Policy, which would enable some of those who are most affected to get back on their feet and to produce mussels once again?

Could the Minister of State clarify whether the relevant fund is the European Fisheries Fund or the European Maritime Fisheries Fund, EMFF, under the current Common Fisheries Policy that was recently adopted? Could she ask BIM to examine the possibility of accessing those compensation schemes?

Deputy Ann Phelan: I am responding to this Topical Issue on behalf of the Minister for Agriculture, Food and the Marine, Deputy Coveney. I thank the Deputy for raising this very important issue.

Scientists from the Marine Institute carry out weekly testing of shellfish under the national shellfish biotoxin monitoring programme on behalf of the Sea-Fisheries Protection Authority and the Food Safety Authority of Ireland. These tests check for the presence and levels of naturally occurring biotoxins produced by phytoplankton to ensure compliance with strict food safety regulations to protect the consumer and the good reputation of the Irish seafood industry.

A variety of these natural biotoxins build up periodically in particular bays, which requires the bays to be closed until the biotoxin levels subside and the shellfish are cleared of the biotoxins. The biotoxins do not harm the shellfish and the shellfish can be sold for human consumption once the biotoxin levels have abated.

The level of biotoxins in shellfish in a number of bays in the south west, including Castlemaine, Bantry and Kenmare, exceeded the regulatory limits in recent months. This resulted in temporary suspension of shellfish harvesting in these areas until such time as the biotoxin levels returned to normal, naturally occurring background levels. Such harvesting suspensions are not unusual and all seafood enterprises are aware that this is a known and recurring business risk in the sector.

While a number of bays in the south west have experienced temporary suspensions of harvesting over the winter, the Minister, Deputy Coveney, is informed by the Sea-Fisheries Protection Authority that the toxicity events in the south west are abating. Most of the production areas in the south west have already reopened for harvesting, and lifting of suspensions in the remaining two areas appears to be imminent. It is difficult to gauge precisely at this time the likely long-term impact on businesses affected and their capacity to recover. This will no doubt depend on a number of factors, including their ability to harvest and sell stock in the water after the bays have opened. The impact will therefore differ from farm to farm and will also be affected by the specifics of individual businesses, including the extent of their borrowings and other creditors and their cashflow reserves. However, the longer term impact will undoubtedly depend on the extent to which their harvest is salvageable and can be brought to market. It may depend on whether the impact of the suspension is a deferred or delayed sales opportunity or an irretrievable stock loss. Some of the businesses concerned are likely to have sites in more than one location, and may be better able to withstand this business setback. Yesterday, my Department had a lengthy meeting with mussel farmers in the south west and their representative in IFA Aquaculture. This meeting shared up-to-date information on the situation bay by bay and discussed harvesting scenarios that have been occurring and will be occurring over the coming weeks. What was obvious was that the overall impact of the closures will not be clear until the farmers have exhausted the possibilities in terms of harvesting the remaining stock in the water.

The Minister, Deputy Coveney, received a request from aquaculture industry representatives, which was repeated at yesterday's meeting with the mussel farmers, for a package of compensation for mussel farming enterprises, including those to which the Deputy referred. That request sought compensation from either the European Fisheries Fund or the new European Maritime and Fisheries Fund. Similarly, the Deputy is requesting the creation of a compensation fund for the mussel farming enterprises through the EFF.

Ireland's seafood development programme, which is co-funded by the EU under the EFF, has been providing financial supports to the seafood sector across a broad range of investments since it was adopted by the European Commission in 2008. The programme supported the 2008 decommissioning scheme and since then has funded investments in the aquaculture sector, the seafood processing sector, the fishing fleet, and marketing and promotion of Irish seafood domestically and internationally. The programme comes to an end in December this year and will be succeeded by a new programme under the EMFF.

Acting Chairman (Deputy Brian Walsh): I am sorry to interrupt the Minister of State, but we have run out of time.

24 February 2015

Deputy Noel Harrington: I thank the Minister of State for her comprehensive reply. I very much welcome the meeting that took place with the IFA Aquaculture group and key stakeholders. I also acknowledge the success the Minister has had in achieving a 100% increase in the new fisheries fund over the previous one under the revised Common Fisheries Policy .

From what I read of the reply provided by the Minister of State, I note the door has not closed on the possibility of providing some assistance to those operators who, in some cases, have found themselves at risk of going out of business. They simply cannot take the perfect storm, as I outlined, of the recent severe weather and the high toxicity levels now being encountered. I agree that a limited amount of harvesting has begun to take place in the past week. I also agree that it is entirely reasonable to assess how the product will fare on the market and the eventual level of loss to some operators.

6 o'clock

I expect the larger operators will probably be in a better position to take the inevitable loss but some of the smaller ones will not. In this context I again call for a favourable response from the Department, for it to engage with Bord Iascaigh Mhara and at least consider a limited compensation package which identifies those hit hardest. This would be to allow them to get back on their feet. I note what the Minister of State said, that the purpose of the fisheries funds, past and present, is to support new and existing industries. It would be very poor judgment if, in looking at new industries and opportunities in the sea fisheries sector, we allowed existing smaller operators to go out of business. This situation exists through no fault of ours, the Department, the Minister of State or the operators, as they have been hit with this tsunami of natural events. I thank the Minister of State for at least not closing the door on the compensation issue.

Deputy Ann Phelan: I thank the Deputy for raising this very important issue. I understand it is a huge local issue for him and I undertake to speak to the Minister, Deputy Coveney, and ask him to refer to the Deputy directly on what plans he has for the compensation scheme. He has not closed the door and I encourage the Deputy to pursue it.

Message from Select Committee

Acting Chairman (Deputy Brian Walsh): The Select Committee on Agriculture, Food and the Marine has completed its consideration of the following Revised Estimate for public services for the year ending 31 December 2015: Vote 30 — Department of Agriculture, Food and the Marine.

Children and Family Relationships Bill 2015: Order for Second Stage

Bill entitled an Act to provide for certain matters relating to donor-assisted human reproduction and the parentage of children born as a result of donor-assisted human reproduction procedures; to provide for the establishment and maintenance of a register to be known as the National Donor-Conceived Person Register; to amend and extend the law relating to the guardianship and custody of, and access to, children and for those purposes to amend the Guardianship of Infants Act 1964; to extend the category of persons who may be liable for the mainte-

nance of children and for that purpose to amend the Family Law (Maintenance of Spouses and Children) Act 1976, and for that and other purposes to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; to provide for the use in certain circumstances of DNA testing to determine parentage and for that and other purposes to amend the Status of Children Act 1987; to amend the Family Law Act 1995; to amend the category of persons who may adopt children and for that and other purposes to amend the Adoption Act 2010; to make consequential amendments to the Succession Act 1965, the Civil Registration Act 2004 and other enactments; and to provide for related matters.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That Second Stage be taken now.”

Question put and agreed to.

Children and Family Relationships Bill 2015: Second Stage

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That the Bill be now read a Second Time.”

Today, I am introducing the landmark Children and Family Relationships Bill 2015 to the House which, when enacted, will be a watershed in the development of family law. I thank the Joint Committee on Justice, Defence and Equality, its Chairman, Deputy David Stanton, and the members of the Opposition involved, for undertaking pre-legislative scrutiny of the Bill and for organising public hearings on it last April. I took account of many of the committee’s recommendations when revising the general scheme on which the Bill is based.

I must also register today the pivotal contribution to the reform of family law in Ireland made by my predecessor, Deputy Alan Shatter, in this House and outside it. The Bill began on his watch, largely driven by his concern about the lack of action in this area, and I am privileged to continue the work, with the necessary changes and additions following the legal and other advices I have received.

As I stated, when enacted the Bill will be a watershed in the development of family law. It will align our family law with the realities of modern life and family life. It addresses a world where children are reared in married families, in lone parent households, in blended families, in households headed by same-sex couples or by grandparents and other relatives. It recognises that assisted human reproduction has created a new scientific reality where children are daily born to couples using donor gametes. It acknowledges that all of these children have in common the fundamental need for security and stability in their family situations. They are entitled to clarity in the rules on parentage, guardianship and access. They need to know that there is someone who has a legal duty to look after them. Where the relationship between the adults breaks down, a child must have fairness and as much stability as legally possible.

The Bill, in effect, modernises our law on a range of complex and sensitive areas, such as parentage, custody, access, maintenance and adoption. It adopts a child-centred approach, giving a child essential legal rights on matters that are fundamental to the child’s identity and well-being. It takes account of the changing social demographic in Ireland over the past 51 years, since the Guardianship of Infants Act was enacted in 1964. Crucially, it equips us to support families now and in the future.

I will set out for Members the demographic context which is shaping this legislation. Most children live in marital families with their biological parents, and those families enjoy the unique protection of our Constitution with regard to marriage and the family. However, as Members of the House are also aware from their own life experience and in their day-to-day work with constituents, a significant minority of children live in other family types. The 2011 census indicated that for that year, 215,300 families were headed by lone parents with children, and 44% of these parents had never been married. There were 49,005 households of cohabiting couples with children under 15 recorded in the census. The number of children living in cohabiting households is rapidly increasing, rising by 41% between 2006 and 2011. These numbers indicate to us that a significant number of children live in households other than those headed by married parents.

In 2010, the Law Reform Commission, in its report on the legal aspects of family relationships, identified the need for a coherent and modern legislative framework which recognises the changing nature of families in Ireland. It recommended, for example, that provision should be made for parental responsibility to be extended to civil partners and step-parents. It also recommended that a child's relatives, persons *in loco parentis* or those with a bona fide interest in the child should be able to apply for custody. At the time in 2010, the commission also noted the limited legal recognition of the rights and responsibilities of families of donor-conceived children. The commission pointed to the issue as one which would need to be addressed by the Government. The issue has become even more pressing in the past five years.

Increasingly, it is evident that those who are unable to have children themselves use assisted human reproduction at home and abroad and in a wide diversity of situations, methods and circumstances. Children born into these situations do not have sufficient clarity on their parentage. The Commission on Assisted Human Reproduction recognised this problem in 2005, exactly ten years ago, when it produced a comprehensive report on the issue. No Government until now has taken action on it. The commission noted the "issue of legal parentage in Ireland of children born through donor programmes is complicated by the absence of legislation". It acknowledged that its recommendations would necessitate a change in the law relating to parentage. The commission also recognised that the application of the principle of intent of the parties, for instance the intent that a donor will not have a legal relationship with the resulting child, would necessitate the broadening of traditional family structures.

Put simply, the availability of assisted human reproduction arrangements has led to the birth of children who need legal certainty in terms of their parentage and guardianship. In the absence of comprehensive legislation, families have to go to the courts to secure the rights of the child. We cannot continue to let children be born into the unregulated environment I have described. We have a responsibility to these children that they should have certainty with regard to their parentage.

Legislation is also needed for children growing up in family types whose needs are not adequately addressed by current legislation, and the Government believes a legislative response is needed to give clarity to these children. This is why the Government made a commitment in the programme for Government to address the situation by "modernising and reforming outdated elements of family law".

The Children and Family Relationships Bill 2015 before the House today is proposed as the legislative response to many of the issues raised by the changing composition of families. It is underpinned by two key principles. The best interests of the child must be central to legisla-

tion governing familial relationships, whether they be within the constitutional family based on marriage or in other family types. The effect of the provisions should be to promote the stability of such families and to ensure children are enabled to enjoy relationships of care and support with parents, guardians or those acting *in loco parentis*.

The Minister for Health, Deputy Varadkar, has already given a commitment to include surrogacy in the planned legislation to deal with the regulation of assisted human reproduction. The Government approved the proposals of the Minister on 17 February. The Department of Health is now proceeding to the drafting of the general scheme of a Bill and it will undertake consultation on what is a complex and sensitive area. There has been much discussion throughout Europe and internationally on this issue and the many difficult and complex matters that will need to be thought through carefully.

Let us be clear about the situation. The vast majority of children will continue to live with mothers or fathers who are biologically linked to them, except where they have been adopted. It is important to recognise that in the adoption area there is a move towards open adoption, whereby, increasingly, biological parents are kept informed about their child's progress on an ongoing basis. This is another element for us to consider in respect of the ongoing contact children have with their biological parents, even in the case of an adoption. We see this arising increasingly in practice.

The Bill will not change the rights of most children in terms of parentage. A child who is the natural child of a heterosexual couple will have exactly the same parentage rights as at present. That child will continue to be the child of his or her birth mother and natural father. However, two categories of child will get the chance to gain a parent or parents as a result of the Bill. Under this legislation, a donor-conceived child will get the right to gain a second parent. As it stands, if the child is born to a female same-sex couple, that child has only one legally recognised parent if the donor is unknown. Furthermore, the Bill will enable a child to be jointly adopted by couples who are civil partners or who have cohabited for at least three years. The provisions on adoption will give a child in need of parents access to a broader pool of potential parents ready to assume parental duties towards that child. There has been a dramatic change in adoption numbers in Ireland and the number of adoptions has fallen dramatically. In fact, the vast majority of adoptions in Ireland are now by step-parents or as a result of international adoption. Last year, approximately 120 adoption orders were made by the Adoption Authority of Ireland, many to step-parents.

We will hear a range of views in the coming weeks on what is best for children. We will hear people express the view that children have a right to a mother and a father and that it is always in their best interests to be brought up by their natural mother and father in a married family setting. We will hear the opposite view to the effect that it is in the best interests of children to be brought up by any parent or parents who love them and dedicate themselves to the children's welfare, regardless of the gender or sexual orientation of the parents. People will bring forward evidence supporting either point of view. Anyway, we know that many thousands of children in Ireland and many adults alive today are being or were brought up happily and successfully by lone parents, civil partners or cohabiting couples, and we know that the majority of children have been brought up happily and successfully in the marital family. Our challenge is to ensure the child's best interests are served regardless of the family type. I have always maintained that I regard the best interests of the child as the golden thread running through everything that we are doing in this Bill and with family law. As I have said already, that is the core governing principle of this Bill. The best interests of the child are key and this is the test that the courts

will apply in decisions on guardianship, custody and access.

I am pleased that the Bill outlines a wide range of factors for the court's consideration when determining a child's best interests. These factors will include the benefit to the child of having ongoing meaningful relationships with each parent. It will also take account of the child's physical, psychological and emotional needs. Crucially, it will consider the capacity of the person seeking guardianship, custody or access to care for and meet the child's needs. The court will also be able to consider any history of family violence. This is important because of the potential impact on the child's safety and well-being and that of other family members. This is the first time in legislation that the principle of best interest has been outlined in such detail. The court can take many other factors into consideration. It is not an exhaustive list but it is indicative of the areas that need to be considered.

One issue that has generated some commentary and in respect of which there is a wide spectrum of views is the proposal to enable civil partners and cohabiting couples to adopt jointly. Under our adoption laws, since 1952 a single individual, regardless of sexual orientation, has been eligible to adopt. However, at present only married couples are eligible to adopt jointly. The Bill will extend eligibility to adopt jointly to civil partners and cohabiting couples who have lived together for three years.

There has been some commentary in the media to the effect that our provisions on adoption do not recognise a hierarchy of family types, under which a married family is considered the best family to adopt a child. I wish to be clear. My view, and the view underpinning this Bill, is that adoption is a child welfare mechanism. It is not about discriminating in favour of particular family types. It is not about the marital status of the adopters. It is about giving a child the chance to have a family. It is about matching the child to a family that best safeguards the child's welfare. Under these provisions, each couple will be assessed on whether they are suitable to raise the child and to fulfil all parental duties towards that child. A single person will continue to be assessed on the same basis. If the married couple is considered to be the most suitable couple to adopt the particular child, that couple will be selected. In other cases, the couple chosen will be a civil-partnered or cohabiting couple. However, many of the cases of children most likely to be adopted will involve in-family adoptions in which the child's parent and the parent's partner jointly adopt the child. These provisions will now enable more children to get the chance of gaining a second parent, who will have parental responsibilities and duties towards them.

This Bill is a good news story for many families. The most wide-ranging reforms in the Bill relate to guardianship. These reforms have the potential to benefit tens of thousands of families throughout Ireland. Many unmarried fathers will now automatically become guardians of their child if they cohabit with the mother for 12 months, including three months with mother and child following the child's birth. That cohabitation can happen anytime between the child's birth and when he or she reaches 18 years of age.

At the moment, guardianship is restricted to parents, except where a parent has appointed someone as a testamentary guardian in the event of the parent's death. If a parent is hospitalised, a step-parent may have to defer day-to-day decisions affecting the child because he or she is not the child's guardian. This Bill will provide solutions to these problems. It proposes that a step-parent, civil partner or cohabiting partner will be able to apply to court to become the child's guardian if they have undertaken day-to-day care of the child for over two years. The cohabiting partner must be living with the parent for three years to be eligible to apply. Any

existing guardian will of course have the right to object to the appointment.

A person will also be able to apply to court to become a guardian if she or he has provided day-to-day care for a child and there is no parent or other guardian willing to take on these responsibilities. This provision will be of benefit in situations where a grandparent, aunt or uncle has stepped in because a parent is unable to care for the child. Becoming a guardian will enable that person to take key decisions on the child's behalf. These provisions offer good news for foster parents. It will enable them, if they so wish, to apply to become guardians of the child and to offer more stability in a child's life.

A court-appointed guardian will generally be given limited guardianship powers to enable him or her to take day-to-day decisions on the child's behalf, such as signing the school note. However, he or she will be unable to decide where the child lives or consent to a passport, for example. Similarly, he or she will be unable to place a child for adoption. However, the court will have the option of making the person a full guardian if it is satisfied that it is in the best interests of the child to do so.

What happens to a child if the person with sole custody experiences serious illness or injury? A child can fall into vulnerable situations in these circumstances. The Bill provides for a targeted solution to address such a crisis in a family's life. In situations of serious illness or injury, a parent or guardian with sole custody can nominate a temporary guardian who will be appointed by the court to take on the role of guardian temporarily. The court must be satisfied that the temporary guardian is suitable for the role and that the appointment is in the child's best interests. There are safeguards. Tusla will be put on notice in case of any child welfare or protection issues, and the appointment is subject to any limitations imposed by the court.

Another welcome reform is that the Bill will enable grandparents and other relatives to have access more easily to children in the context of relationship breakdown. They will be able to apply directly to the court for access, rather than having to go through the existing two-stage process whereby they have to apply to the court for leave to make an application for access.

The Bill will enable a child's views to be ascertained in proceedings on guardianship, custody and access. These provisions comply with Article 12 of the UN Convention on the Rights of the Child, which require a child's opinion to be heard on matters affecting him or her. It is important that a child should have the opportunity to have a say on matters that are so fundamental to his or her well-being. The child will be able to give views directly, as appropriate. The court will also have the option to appoint an expert to ascertain whether the child is capable of forming views. If the child is sufficiently mature to form views on the matters that are the subject of the proceedings, the expert will have the duty to ascertain those views and to convey them to the court. This mechanism is designed for private law proceedings and, otherwise, we have the guardian *ad litem*.

There has been a lot of public reference to the assisted human reproduction, AHR, provisions in this Bill. My purpose is to ensure that there is certainty of parentage for donor-conceived children. The Bill provides for those who always intended to be those children's parents to become their parents in law. In this aspect, the Bill is essentially focused on parentage. I want to repeat that the complex and wider regulation of AHR will be addressed in separate legislation by the Minister for Health. I believe, and am sure Deputies will agree, that it is the appropriate Department to develop that legislation.

24 February 2015

I am very pleased that I was able to accommodate the strong recommendation of the joint Oireachtas committee that provisions be included to enable a donor-conceived child to trace his or her genetic identity. As Deputies will see, Part 3 provides for a national donor-conceived person register to be established and operated in the first instance by the Minister for Health. As the AHR legislation progresses, I am sure there will be an independent authority that will deal with these issues. In the first instance, and as far as this Bill is concerned, it will be the Minister for Health.

I want to thank the Minister for Health, Deputy Leo Varadkar, who has worked closely with me on the provisions which set out the obligations on donor-assisted human reproduction facilities to record and transmit information to the register. I am conscious there has been some concern that anonymous donation will be prohibited, except for some small exceptions. I realise that these provisions will impose extra responsibilities on facilities and that donations may decrease in the short-term. However, international experience indicates that donations will increase after a short period. In any case, I believe that a child's right to identity outweighs potential commercial considerations. It reflects the priority that we attach in this Bill to children's rights.

Turning now to the description of the Bill, Part 2 deals with parentage in cases of donor-assisted human reproduction. There are two types of couple who will benefit from these provisions: heterosexual couples and female same-sex couples who have a child through donor-assisted human reproduction. A mother's spouse, civil partner or cohabiting partner will be able to become the second parent of a child born to both of them. There are three conditions that will have to be fulfilled: the donor-assisted human reproduction will have to take place in a clinical setting; the birth mother and the intending second parent will have to consent in advance that they will be the parents of any child born through donor-assisted human reproduction; and the donor will also have to consent in advance of the procedure that he or she is a donor and does not intend to be a parent of the child. If these conditions are fulfilled, the intending parent will be recognised as a second parent under section 5. We have had much discussion in regard to adoption and the child's right to information. Clearly, the same principles apply here to the child's right to this information.

Detailed provisions have been included on the consent required of the birth mother, second parent and donor, reflecting the importance of full and informed consent in the recognition of parentage. Provisions are also included which detail the information that must be given to the birth mother, intending second parent and donor which make clear to them the effect of their consent on the parentage of the child born as a result of the procedure. As I said, this is the first Government that has begun to deal with this complex issue, which affects many couples in Ireland today.

The Bill makes provision for retrospective recognition of the parentage of certain donor-conceived children, and there are detailed sections in this regard. Where a child is born in the State as a result of donor-assisted human reproduction treatment carried out before the commencement of the Bill, sections 18 to 20 outline the procedure that will apply. The couple can apply to the District Court or to the Circuit Court for a declaration of parentage given certain conditions.

Part 3 sets out the obligations that will apply to donor-assisted human reproduction facilities. They will be prohibited from using anonymous gametes other than in two cases. It will be possible for a couple who have already had a donor-conceived child to use an anonymous dona-

tion from the same donor within three years of the Act's commencement to enable the couple to have a full genetic sibling of their child. It will also be possible to use embryos formed pre-commencement, and there is no time limit on the use of those embryos in donor-assisted human reproduction treatment. Part 3 also sets all of the details in regard to accessing the national donor-conceived person register, the procedures that must apply and the information that must be given by the donor and which is available to the child.

I have already dealt with Part 4, which outlines the guardianship provisions. This Part also proposes a set of enforcement procedures in regard to custody and access. These provisions are intended to ensure that both parents can have a meaningful relationship with their child, even in the context of relationship breakdown. Measures will promote compliance with court orders on custody and access. These include allowing a court to require a parent who is persistently flouting a court order to attend a parenting programme or to give the other parent extra time with the child to help rebuild their relationship. We know this is a real issue in terms of access and custody where there is a conflict situation. These initiatives are in the Bill in order to help couples to continue parenting in a positive manner. If there is high conflict, there are initiatives in the Bill to help deal with that situation, which is an improvement on what is currently available in the courts.

Part 5 makes technical amendments to the Succession Act 1965 to address situations in which civil partners are both the legal parents of a donor-conceived child.

Part 6 deals with maintenance liabilities. Clearly, there are implications for maintenance as the guardianship requirements are changed. The amendment allows the court, in certain circumstances, to order payment of maintenance by the cohabitant of a child's parent for the support of the child.

Part 7 amends the Status of Children Act 1987 to allow for DNA testing as the means of establishing parentage. Part 8 amends the Family Law Act to enable the court to order maintenance payments by the cohabiting partner of a child's parent for the benefit of the dependent child and to make associated provisions.

Part 9 allows for the civil registration changes that are necessary, particularly section 88, which details the process of registration of the child's birth. I want to thank the Tánaiste and her Department for the work they have done in regard to the changes that are necessary for the civil registration Bill. Section 89 deals with a situation in which a child has been born through a donor-assisted human reproduction procedure that took place before the Act was commenced.

There have also been changes in the Passport Act. I thank the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, for the co-operation I have received from his Department.

Part 11 amends the Adoption Act, as I have outlined to the House. Part 12 amends the Civil Partnership and Certain Rights and Obligations of Cohabitants Act to extend the protections of that Act to dependent children of one or both civil partners.

In 1987, the Status of Children Act, by abolishing the concept of illegitimacy, began the process of dismantling the family law architecture that treated children differently because of the families into which they had been born. The Children and Family Relationships Bill is a major step forward in terms of equality for children. It protects the rights of children of married families. Equally, it gives new rights to children living in other family situations. I am confident that hundreds of thousands of children will benefit from its provisions. Thousands of

families will gain a stability and security they have not had up to now, which is very important in terms of the best interests of children in this country.

The Bill is child-centred and family-centred. It is an ambitious Bill which sets a blueprint for family law for decades to come. Its reforms are long overdue. We owe it to the children of Ireland to give them the security and stability in their families that they deserve. I commend this Bill to the House.

Deputy Niall Collins: I am glad to have the opportunity to speak in favour of the Children and Family Relationships Bill 2015 on behalf of my party. Ireland has changed immeasurably in the past three decades. How we communicate, work and live are now unrecognisable compared to only a number of years ago. Our State has had to update its laws to reflect these changes and ensure that legislation reflects a modern Ireland. This is true, too, of our families. It is a simple fact that Irish families are far more complex today than our legislation recognises. Many of what we understand to be non-traditional loving family units are not protected or supported by our current laws, and this needs to change.

For this reason, we support the principle of the Children and Family Relationships Bill, which represents one of the most important reforms of child and family law since the Adoption Act was passed in 2010. This Bill will address serious deficiencies in how family law operates in Ireland and will ensure that the principle that actions and judgments made by our courts reflect the best interests of the child is upheld. This is a very welcome change and reflects the sentiment expressed by the Irish people when they voted to support the children's rights referendum introduced by the current Minister for Justice and Equality in November 2012.

This is a complex and significant Bill. Its size and impact on how the State deals with the most fundamental unit of society will be immense. For that reason, we must be careful as this Bill makes its way through the Houses of the Oireachtas. There is no point in rushing the Bill through the House if we find that the law will need to be amended again in a year's time or less.

I wish to put on record my concern at the Government's delay in publishing the current Bill. The first general scheme of the Bill was published on 30 January 2014 by then Minister, Deputy Alan Shatter. We were still waiting on the final draft to be presented to the Dáil last week, despite commitments that the Bill would be passed well before the expected marriage referendum in May 2015.

On a point of principle, I do not believe that Bills of this importance should be available only days in advance of the taking of Second Stage in the House. It is difficult for all Members to go through the Bill, which stretches to hundreds of pages, in four days before the first debate commences. That is unhelpful and creates a lot of cynicism about how we do our business in Leinster House. Given the scale and impact this Bill will have, we could have done better in this regard.

It is also not helpful that the Bill and the referendum are being discussed in parallel, as it causes confusion. While I acknowledge that proceedings in the courts prevented certain aspects of the Bill from being introduced, the failure to act sooner in drafting and publishing the Bill may have a significant impact on the marriage equality referendum. We are already seeing the debate about the referendum being influenced by matters which have nothing to do with the equality referendum itself. An element contributing to that is the fact that the current Bill is only now going through the House and the Gender Recognition Bill is being discussed in the

Seanad. Both of these Bills are important in their own right. The fact that they are now being mixed into one debate is unfortunate and does not help the focused understanding necessary for the marriage equality referendum.

I acknowledge the fact that the Department of Justice and Equality has faced serious and fundamental challenges since the original general scheme was published. We all acknowledge that those challenges of accountability and Garda reform should have been addressed more quickly, allowing the Department to get back to the work at hand. In any case, those responsible for failing in those challenges are elsewhere. It must be noted that the dysfunction we have witnessed in the Department of Justice and Equality over the past year or so seems to have had an impact on this Bill.

Nonetheless, we welcome the fact that the proposed legislation seeks to put children at the heart of family law, provide legal clarity with regard to various family types and address discrimination faced by children in non-marital families. It is our hope that the Bill will significantly reduce the number of cases going to the courts due to the current legal vacuum. The Irish Constitution places great importance on the family, defining it as “the natural primary and fundamental unit group of Society” in Article 41. However, the courts have narrowly interpreted the “constitutional family” as including only marital families. Cohabiting couples, civil partners, lone parents, unmarried fathers and grandparents are all excluded from this definition. There are an increasing number of children in Ireland who are being cared for in non-marital settings. Indeed, one in four children lives with a lone mother and almost one in ten lives with an unmarried cohabiting couple. Yet the law does not provide a mechanism whereby unmarried parents’ relationships with children are recognised. This can impact on their day-to-day parenting role, including consent to medical treatment or the granting of permission for school trips.

The lack of legal clarity can be particularly detrimental to a child in the context of family breakdown. In this regard, the Bill’s aim to provide greater legal certainty and recognition of the relationship between the child and the person or persons who are responsible for his or her everyday care and upbringing is a very welcome development.

We welcome the fact that the Bill is designed to take account of the growing complexity and diversity of modern families. We welcome the important changes to the laws on adoption, custody and assisted human reproduction. Whereas existing laws state that only married couples or sole applicants can seek to adopt a child, this Bill will extend the right to adopt to same-sex civil partners. It also allows cohabiting couples who have been living together for three years in a committed relationship to adopt children jointly. These are all welcome changes which I believe reflect modern Irish life and the diversity that is found in that life today.

The most important aspect of all of this is the principle that children will be the main consideration of the State and its courts whenever actions which concern them are being considered. This is something that has been sought for some time and will, I hope, result in a mindset change in how we deal with children in terms of our State agencies. While many State agencies have made a significant contribution to the well-being and development of our children, unfortunately there have been many instances in which legislation, constitutional law or other policy considerations have let down children in the most awful of ways.

This Bill will ensure that our courts make judgments with the best interests of the child at the core and examine the benefit to the child of having a relationship with both of his or her parents, assess the child’s physical, psychological and emotional needs, his or her religious,

spiritual, cultural and linguistic upbringing and needs, the child's views, having regard to his or her age and maturity, the history of the child's upbringing and care, including the nature of his or her relationship with his or her parents, and any harm the child has been subjected to or is at risk of.

One area not included in the Bill is that of surrogacy. The issue was dealt with in the heads of the Bill published by the former Minister, Deputy Shatter. However, the Minister, Deputy Fitzgerald, has explained that she decided to remove it from the revised general scheme published last September, as a Supreme Court decision was pending at the time. We believe this was a sensible decision, but the surrogacy Bill should be brought forward as soon as possible.

Failure to legislate in this area has caused much uncertainty for families, which is unfair. I understand this is a very difficult area to legislate for and that there are ethical considerations in respect of commercial surrogacy, in particular, to be taken account of. Nonetheless, it is better to have proper regulations in this area instead of allowing for unregulated practices to develop.

One area in which we believe the Bill falls significantly short is the rights of unmarried fathers. Treoir has argued that there is nothing in the Bill for unmarried fathers, unless they have cohabited with the mother for the requisite time of 12 months, a minimum of three of which must be after the birth. Therefore, unmarried fathers will continue to have to resort to the courts if the mother does not agree to sign a statutory declaration for joint guardianship witnessed by a peace commissioner or a commissioner for oaths. This seems like a lost opportunity, given the significance of the Children and Family Relationships Bill. Treoir has stated that this is a groundbreaking piece of legislation, but it is failing to address the current discriminatory position of unmarried fathers. Treoir has stated that we should pass legislation in line with other jurisdictions such as the UK, many European countries and Australia, where unmarried fathers are given automatic rights to their children when jointly registering the birth.

One of the interesting examples used by Treoir is the fact that the majority of parents and professionals mistakenly believe that having a father's name on the birth certificate of a child gives him guardianship rights. It has stated that this misinformation has major adverse consequences for children, and the recommendations in this regard were that, at the very least, the Children and Family Relationships Bill should make mandatory the provision of information to all unmarried parents at the time of birth registration. Treoir has asked that the information provided should state the legal position of unmarried families and in particular the lack of rights for non-cohabiting unmarried fathers. It has suggested that the provision of mandatory information could be aligned with the current changes being brought about by the Civil Registration Amendment Act 2014.

Another issue raised by Treoir is a scenario where a statutory declaration for joint guardianship is signed and subsequently is mislaid or destroyed, resulting in no evidence of the fact that the father has guardianship rights to his child. This can have dire consequences, such as a father losing contact with his child, particularly where a mother changes country of residence, or not being able to consent to medical treatment for his child. Treoir has asked that the Bill make provision for the establishment of a central register for joint guardianship agreements to keep a record of statutory declarations agreeing guardianship rights. The Oireachtas Joint Committee on Justice, Defence and Equality and the Law Reform Commission have both recommended the initiation of a central register for joint guardianship agreements. I ask the Minister to address these issues as outlined by Treoir. It would certainly seem unfair that at a time of such fundamental change in family law across the board, the rights of unmarried fathers are still

denied despite this significant opportunity. I would appreciate if the Minister could outline whether changes may be considered on Committee Stage of the Bill. Fianna Fáil will be seeking to table amendments that are reflective of Treoir's concerns.

This is probably one of the most significant pieces of family law legislation that will be passed by this House for decades to come. It is important in that sense that we should get the legislation right now rather than having to review it another time. The delay in publishing the Bill is very unfortunate, but I will not allow that to take away from the significant good that will come about if this legislation is passed. As such, my party and I look forward to supporting this legislation as it makes its way through the Houses of the Oireachtas.

An Leas-Cheann Comhairle: Deputies Mac Lochlainn and McLellan are sharing time.

Deputy Pádraig Mac Lochlainn: I am very happy to see the much anticipated and long-awaited Children and Family Relationships Bill reach the floor of the House today. I am only sorry it has taken so long to get here. As we all know, this Bill is the biggest change to family law in the State's history, finally taking account of the diversity of modern Irish families, and this can only be celebrated. The reality of an Irish family in 2015 is very different to what we traditionally viewed as a family, and it is time that we overhauled our family law to reflect this. Children should never be punished because of the circumstances of their birth or the marital status of their parents. Unfortunately, until the publication of this Bill, they have been. All children deserve to be fully valued and to have equal rights. Sinn Féin will be supporting this Bill and we commend the Minister on getting it here today. We will have some amendments on Committee Stage that we hope will strengthen what we see as some of the weaker areas of the Bill.

From the outset, I challenge the attempts by some to label this Bill as the "gay adoption Bill". This is a mischievous disservice to what is a pretty comprehensive overhaul of family law. Single persons who are gay or lesbian have been able to adopt children for many years now, and the Children and Family Relationship Bill just ensures that in the case of same-sex relationships, both parents of the child have guardianship rights and that the child has the same rights as any other. The failure to recognise the diversity of family life in Ireland has had a serious impact on the lives of children. In the Ireland of 2015, children are being increasingly cared for by unmarried parents, step-parents, civil partners and others acting *in loco parentis*, such as grandparents. As it stands, the law does not always provide a mechanism whereby such relationships with the child are recognised. The problems this can cause on a daily basis are significant and affect deeply the quality of care these children can be given. For example, step-parents living with the child cannot consent to medical treatment or grant permission for school trips, and the lack of legal clarity can be particularly detrimental to a child in the context of a family breakdown, where the child does not have any formal link or ties to the person considered to be the parent.

I am pleased to see that the Bill recognises the reality of diverse family types and forms in this State today. The impact that this will then have on the lives of thousands of children and their families is incredibly positive. With this Bill, we need to ensure that a child's right to family life is protected. Bunreacht Na hÉireann places a great importance on the family, defining it in Article 41 as "the natural primary and fundamental unit group of Society". However, the Courts have interpreted the "constitutional family" as only referring to marital families. Irish law currently does not provide anywhere near adequate legal structures for protecting the right to family life for the significant number of children in non-marital families. This is simply not

acceptable and it is not fair. Where is the equality in that?

We are thankful that this Bill will mean that children living in non-marital and non-traditional families will be in a position to enjoy a legal relationship with the person who provides them with day-to-day parental care, whoever that may be. We are also pleased to see contained within the Bill a comprehensive definition of the “best interests” principle in line with Article 3 of the United Nations Charter on the Rights of the Child. This is most welcome in terms of providing guidance for the Judiciary, and it promotes consistency in application. We are also welcoming of the fact that the Bill will ensure that a child’s voice is heard and considered when important or life-changing decisions are made with regard to guardianship, custody and access. Section 32 of Part V of the Bill empowers the court to appoint an expert to ascertain the child’s views in proceedings on guardianship, custody and access where the child is not able to express his or her views directly. We believe in the importance of the participation of children in judicial decision-making and are very much in favour of the appointment of an expert to ensure this.

We are disappointed that a number of issues do not feature in the Bill. Sinn Féin would like to see the establishment of a central register for statutory declarations for joint guardianship to provide protection for the statutory declaration documents which grant guardianship rights to unmarried fathers in respect of their children. We also would support the establishment of a comprehensive court welfare service to support the roll-out of this legislation. This service would provide an appropriate mechanism to carry out assessments of the child’s welfare and best interests and ascertain his or her views while also carrying out family risk assessments. It would also ensure, where appropriate, that supports and services would be available to the child and family, such as mediation services and child contact centres.

I have already expressed concern about some aspects of the Bill, and I would like to raise these again today. I have a worry regarding the cohabitation section, whereby a father living with the child’s mother for 12 consecutive months, including at least three months with the mother and the child following the child’s birth, will automatically become a guardian. As the Minister knows, in some cases this is simply not possible. Sometimes mothers are still living with their parents, and it is not always appropriate or indeed possible for the father to live there also. This is often the case with teenage or unplanned pregnancies. It does not always mean that the father is shirking his responsibilities or not stepping up to the plate; the circumstances are just not in his favour. What about all the fathers who are working away from home, perhaps abroad, and who must do so simply to be in a financial position to support the child?

There is nothing substantial in the Bill for unmarried fathers aside from cohabiting for the requisite amount of time. Everybody else will continue to be obliged to resort to the courts if the mother does not agree to sign a statutory declaration for joint guardianship witnessed by a peace commissioner or a commissioner for oaths. I have read a number of articles on this in recent days, and there was an excellent article by the columnist Colette Browne in the *Irish Independent* in which she outlines the issue of the father’s right to equality in parenthood with the mother from the start.

Sadly, there are men who do not step up to the plate. Of course, they will not seek a declaration of parenthood and guardianship, and hopefully they will be pursued for maintenance to meet their responsibilities. However, if a father steps up to the plate from the start, he is entitled to equality of parenthood from the start. If it transpires that he is not meeting his responsibilities - for example, if there is domestic abuse or he is not a fit father - that would matter. I firmly believe that the father and the mother should be given equal status in law as parents and

equal guardianship from the beginning, and I will table amendments to achieve that. What is provided for in the Bill in terms of conditionality is not equality of parenthood. Perhaps the Minister would take the time to read the article I mentioned, although she might have already done so. It is a very good contribution to the debate and I hope she will consider it. In line with other jurisdictions such as Northern Ireland, Britain, many European countries and Australia, unmarried fathers should have automatic rights to their children when registering the birth. I will certainly seek to strengthen this area of the legislation.

There are questions about how the new laws will work in practice. Will the courts be sufficiently equipped and supported to hear very complex family law cases? How will low-income families who do not qualify for legal aid be able to use the courts? I have some concerns about how aspects of the Bill can be implemented given the serious resource restrictions that exist, the lack of consistency and specialist knowledge that can characterise some family law proceedings and the requirement to hear children's voices. I am generally concerned about the way family law is dealt with by the current court system, a system that is in serious need of overhaul. The days when children and parents are huddled into packed court waiting rooms along with other citizens who are there for civil cases must end. A dedicated and fully resourced family law court system, backed up by a comprehensive court welfare service, is required.

Of course, the long-awaited publication of the Mediation Bill and its progression through these Houses would be of immense value to families enduring separation and divorce, and not just in terms of legal costs. The ability to resolve the issues in dispute in a non-adversarial environment rather than using the blunt instrument of an adversarial courtroom must be encouraged and facilitated more than is the case at present. While mediation is currently available, too few families are availing of this option. The two persons separating should be required to attend an information session on the mediation process before their case can be accepted by a registrar or heard by a court.

I also have concerns about the public's perceptions of rights in this area. In the experience of my office, many parents mistakenly believe that having a father's name on a birth certificate gives him guardianship rights. This misinformation has major adverse consequences for children. Will the Minister consider rolling out a public information programme about guardianship? This is an area where there appears to be widespread confusion among many of our citizens. There is regularly communication with our office from people, particularly fathers, who are unsure as to what rights they have or where they should go to find information. I appeal to the Minister to allocate resources to ensure that more people are made aware of the rights they have in terms of guardianship, particularly as family life in Ireland is so different from how it once was. We must make this information as accessible and widely available as possible. Information should be provided to all unmarried fathers mandatorily at the time of birth registration. If this included the legal position of unmarried fathers and the lack of rights for non-cohabiting unmarried fathers, it would remove much of the confusion.

I commend the Minister and all those who worked with her on this Bill. These proposals, if enacted, will improve the lives of many people and, most importantly, the lives of many children. The Children and Family Relationships Bill is long overdue, but it will move us closer than ever towards protecting all children in Irish society as they should be protected. It is imperative that we get this legislation right. I and my party are happy to work with the Minister to ensure this. There are too many vulnerable children and families depending on this legislation to get it wrong.

Deputy Sandra McLellan: Like my colleague Deputy Mac Lochlainn, I welcome this Bill, which represents the most important reform of child and family law for a generation. It will have a real and positive impact for a large number of children on a daily basis.

The legislation seeks to put children at the heart of family law. This is right and long overdue. It will provide legal clarity for various family types and address the crucial issue of the discrimination faced by children in non-marital families. Every child deserves the same rights, status and protection, regardless of family background. No child should be penalised or treated differently in the eyes of the law due to varying family structures or circumstances. I am pleased that this Bill puts children firmly at the centre of its focus and finally recognises the diverse ways in which children are conceived and raised. It enshrines key principles of the children's referendum into law.

Overall, the Bill provides legal clarity on parentage, guardianship, custody and access for all families in Ireland. As the Children's Rights Alliance has stated, it "represents an important milestone on the road to recognition of children as rights holders". The Bill comprises more than 170 sections and seeks to extend guardianship, custody and adoption rights to different types of family. It will have wide-ranging effects. First, it will enable civil partners and cohabiting couples who have lived together for three years to apply jointly to adopt. Currently, they can only do this individually. One member of a same-sex couple will become eligible for adoptive leave. The choice will be left to the discretion of the couple. In respect of same-sex female partners, the rights currently held by fathers to parental leave will be extended to the second female partner, where applicable. If a spouse or partner has lived with the biological parent for three years and has looked after the child for two years, he or she will be able to apply for guardianship or custody.

In addition, the legislation will allow a child's relative to apply for custody if that relative has looked after the child for 12 months. Guardianship, access, custody and maintenance rights and responsibilities will be extended to cohabiting, civil partner and extended family members in some instances so that children will be able to have a legal relationship with the people raising them, even though they are not their biological or adoptive parents. This includes grandparents, step-parents, informal foster parents and the second parent in a same-sex-headed family. With regard to unmarried fathers, the Bill will give automatic guardianship rights to the father if he has lived with their child's mother continuously for a year, including three months after the birth.

7 o'clock

Prior to this Bill, many unmarried fathers mistakenly believed that they held legal rights to their children as long as their names were on their birth certificates. However, those unmarried fathers had no legal rights at all. This Bill will now mean that a father will have automatic guardianship rights as long as he and the mother had cohabited for the requisite time. This means fathers will have to be consulted on all major matters concerning the children and their consent will be required in order for them to be relocated. Even in such an eventuality, children will be entitled to have a legal relationship with their father.

Although these steps are progressive and welcome, I would like to highlight an important concern which Deputy Mac Lochlainn raised previously on this point. It is not always possible for a father to live with the mother from the time of the birth of their child. The reality is that many couples who experience unplanned pregnancies are unable to live together for a myriad

of reasons. It might be that they are very young and still living with their own parents. There may be difficult economic challenges or personal or health reasons. In these difficult economic times, many people find themselves unemployed or underemployed and many parents have no choice other than to travel abroad in search of work. Is it therefore fair to prescribe that a father must have lived with the mother of their child for the first three months, and preferably 12, at best, in order to be entitled to full parental rights to his child?

Taking all these points into account and acknowledging that there is not a one-size-fits-all method to developing a relationship, it is important for us to factor in diverse realities when developing the parameters to legal rights of fathers. All biological fathers, married or unmarried, deserve to have automatic rights to their children on the registration of their birth. This is a course of action recommended by the Law Reform Commission as far back as 1982 when it said that a non-marital father should automatically become a joint guardian. In 2010, the Law Reform Commission again recommended that automatic guardianship should be linked to compulsory joint registration of the birth of a child. There were two guiding principles, namely, the best interests of the child and the notion that all parents should be treated equally, regardless of gender or marital status.

The Minister has said that those fathers and men not covered by the new Bill will be able to apply for a statutory declaration. This would be a legal document signed in the presence of a peace commissioner and conferring guardianship rights. However, an unavoidable complication to such a procedure is that there is no central register for such documents. In other words, if that piece of documentation is misplaced or if either parent chooses to get rid of it, there is no evidence that it ever existed. Currently, as I understand it, there is no provision in the Bill to set up a register of such statutory declarations due to the resource implications such a provision would entail. Should there not exist a register of guardianship for all these children? This would be not only to the benefit of fathers but would also permit the State to maintain accurate records of parental responsibility.

Assisted human reproduction has become a growing factor in today's society. In recognition of this fact, the new legislation will ban the use of anonymous genetic material and provide for the establishment of a donor conceived person's register. This will protect the identity rights of children born through assisted human reproduction and enable these children to trace their donors. We have often heard about the pain caused to the many adopted people who cannot establish their genetic origins. This Bill will ensure that future generations will not be subjected to that same pain.

Speaking in support of the proposed legislation, the Minister for Justice and Equality, Deputy Frances Fitzgerald, said that the legislation "provides a legal bedrock upon which the diversity of families will be valued, recognised and protected in today's Ireland". I believe this to be true. The simple fact is that this Bill acknowledges just how much family life has changed in recent decades and it puts a firm and detailed protective framework around children. It articulates, for the first time, legal rights for grandparents and others whose relationship with a child is often sundered against their will and the child's will due to a breakdown in family relations.

It is important to note that this Bill and the upcoming same-sex marriage referendum are separate issues. The referendum in May is a referendum on marriage equality and the only question people are being asked is whether gay and lesbian couples should be allowed to get married. The referendum in May does not in any way deal with the rights of the child and the two issues should not be confused.

The Children's Rights Alliance has warmly welcomed the Cabinet's approval of the Children and Family Relationships Bill and we in Sinn Féin support this recognition. The Bill will ensure that all children are cared for and protected in a range of family types into the future. It will give our courts much greater flexibility in granting guardianship in controversial situations. The fact that these decisions will be subject to judicial scrutiny will ensure that all our people's rights are upheld and protected.

Although we in Sinn Féin broadly support the Children and Family Relationships Bill, we believe there are some areas in which the Bill can be improved. The best interests principle is really strong and has a clear definition, but the voice of the child in this principle is weaker. It is questionable whether it would stand up to a constitutional challenge in the event that the Supreme Court ratifies the referendum outcome, given that the option to obtain a written social report or appoint an expert to determine and convey the child's views is still discretionary. Barnardos has expressed concern around the appointment of such experts as there is no scope in their role to convey to the court what, in their professional opinion, is in the best interests of the child.

This dual function is already present in the guardian *ad litem* model operational in public law cases. The Bill should establish a court welfare service, which would include a number of aspects including mediation services and child contact centres. This court welfare service would then become a crucial link between the family and the courtroom and enable judges to make informed, holistic decisions based on the information presented to them. Such a service could also include the expert appointed to determine and convey the child's views.

Sinn Féin will strengthen the Bill in parts and will be submitting our own amendments, but we endorse the proposed Bill and commend the Minister for pressing it forward.

Deputy John Halligan: I welcome the publication of the Children and Family Relationships Bill 2015. The publication of this Bill is every bit as momentous, complex and society-altering as has been stated by the media and many Deputies. Its implications are profound for all families but most especially the range of non-traditional families in this country. I commend the Government for recognising the reality of this family life and for its attempts to modernise family law. I am especially relieved that guardianship rights have been extended to significant people in a child's life. I am aware of a number of cases in which grandparents are raising their grandchild because their own child is not in the picture, perhaps due to addiction issues. Many of these parents, as they have become, have had to jump through all kinds of hoops to gain legitimacy in what is a deeply complex situation.

The birth parent, as we know, is not always the best person to bring up a child. This legislation will, it is hoped, make things easier for other caregivers who have stepped into the parenting role when the birth parent could not.

Almost one in five children lives in a lone-parent household but the reality is that Ireland has always had diverse family structures. Many will be aware of the non-traditional families in our history. For example, a child might have been raised believing his mother was his sister. The rights of the child, never mind the rights of unmarried fathers, were an alien concept in the State for far too long. No child deserves to grow up with an X on his birth certificate where the name of the father should be. No father should be forced into absenteeism. What occurred was inhumane and, in spite of the thinking of many pillars of society and liberal, forward-thinking people, the practice of successive Governments was pretty poor. It is very disturbing in the

sense that it has taken until 2015 for us even to consider some aspects of what many consider to be a human rights issue. For doing so, the Minister must be complimented. There is no doubt about that.

Awarding unmarried fathers the legal right to have a relationship with their child is a clear indication that the teachings of the Catholic Church have no place in legislation in this country. I only wish the Government could be as proactive in spurning the Church as the Minister is on abortion by addressing the travesty of exporting cases of fatal foetal abnormality. This is a major issue for me. I did not get an opportunity to say this in the debate last week, but am saying it now.

This Bill has been welcomed by front-line groups as a positive step towards equality for all children. There is no denying that it will have a positive impact. However, we cannot leave it unsaid that there will never be equality among all Irish children while so many are living in deprivation and poverty. It is horrific that the latest poverty figures have shown an increase in child poverty. There has been a continuous increase over recent years. As many of us know, the dire effects of poverty are always heaped more upon women and children than men, which is dreadful. It is a little ironic that a Government that seeks to afford children equal rights in legislation could simultaneously create policies that generate further inequality and undermine the well-being of so many parents and children. It is worth reminding people that the number of children experiencing consistent poverty has doubled since the beginning of the downturn in 2008. Extraordinarily and astoundingly, at the end of last year there were 880 homeless children.

Forcing lone parents with no child care provision to work when their child reaches the age of seven will not create an equal society. Those living in lone-parent households continue to experience the highest rates of poverty and deprivation. Almost 69% of individuals in such households experience one or more forms of deprivation. These figures are not mine but are produced by the CSO, Social Justice Ireland, the Society St. Vincent de Paul and other organisations. They are quite horrific. One might say this is not the time to raise them but it is relevant to remind ourselves that so many children are experiencing deprivation and poverty at a time when we are speaking about legislation on children and family relationships and civil and human rights for children.

I am a little disappointed that there is nothing in the Bill to improve the rights of unmarried fathers who do not live with the child's mother. This has been said. I refer to the provision that requires a father to have lived with the mother of the child for 12 months before he can apply for guardianship rights. This will certainly deny many fathers their rights. This really needs to be re-examined. As the Minister knows, relationships can be very complex. Their complexity sometimes leads to them breaking down. There are many reasons a relationship breaks down. A loving and devoted father who happens to be living apart from his children should not suffer as a consequence. This can apply to the mother at times.

It is possible when a relationship breaks down that the couple can disagree over the length of time for which they have been cohabiting. I am sure many Deputies and councillors have come across that. We are all aware of cases in which a relationship has turned sour. There is considerable variation in the information being relayed to family law courts by both mothers and fathers.

I am aware of a number of cases in which fathers had to fight tooth and nail to gain any kind of access to their children, never mind joint access. There is nothing more distressing and hurt-

ful for a councillor, member of the Oireachtas or legal professional than to meet a parent who has no access whatsoever, or who has been denied access, to his children. Sometimes there is no question but that this is for very legitimate reasons but it is sometimes for very controversial reasons. Sometimes when allegations are made, the father may have no access to his child for six months to a year until those allegations can be investigated. This is very distressing and generates among some parents a considerable amount of illness, mental breakdown and suicidal tendencies.

We need more reform of family law and the family courts if we are to deliver the essential justice that the Minister intends to be delivered if the Bill is passed. Some have called for a central register to track guardianship agreements between unmarried parents. This is crucial and the Minister should really consider it. It would act as a safeguard against the very many disputes that take place and about which I have spoken. I do not know whether this proposal can be included in the Bill at this stage but it may be possible to address it independently of it. I am sure it can but I am not too sure that it requires legislation. Many countries have a central register that tracks the guardianship agreements and other arrangements. This has helped in respect of controversial relationships and where controversy arose over access to the child. If every agreement were registered, it could only benefit families in the longer term. Reading this Bill, I am at a loss to understand why my proposal was not included in it.

There are some amendments to the Bill that I will have to support but I certainly will not vote against it. Perhaps the Minister will consider my proposal on having a register. I am not saying it must be included in this Bill. Perhaps the Minister should examine the systems in France, Sweden and Germany, which have a central register that appears to work very well in disputes. I compliment the Minister. It is not always that the Opposition can compliment the Government on bringing forward good legislation. It has done so on occasion. I compliment the Minister on bringing forward the Bill, and I will be supporting it.

Deputy Catherine Murphy: I welcome the legislation and the opportunity to speak on it. Something was said on its timing. It has been too long in the making but I would not be overly critical of the current Government in this regard because previous Governments really should have taken some responsibility. We would not have a Bill that is so comprehensive had legislation been produced in a way that respected all the various factors in today's society.

I have been interested in family law and family rights, including children's rights, since I was a member of the Commission on the Family, which was established in the mid 1990s and reported in 1998. The Minister will be familiar with this given that her husband was also a member of that commission. So voluminous was the documentation that we all nearly went blind reading it. Essentially, it was set up following the passing of the divorce referendum on the second occasion it was put to the people. The overall thrust of the commission's recommendations centred on the need for public policy to focus on preventive and supportive measures to strengthen families in carrying out their functions and to prevent difficulties arising. However, the Department of Social Welfare became the Department of Social and Family Affairs. Unfortunately, the family affairs aspect disappeared and that is part of the reason we now have a much more substantial item of legislation than would otherwise have been the case.

There was some discussion during those years about how we define a family, and the conclusion was that we should define a family by what it does in terms of its nurturing role rather than having a hierarchy of family types. That is the approach being taken today because families come in all shapes and sizes, so to speak. The Children's Rights Alliance gave us very in-

teresting information on that. It said that there were 308,000 children living with 186,000 lone mothers; 104,000 children living with 60,000 unmarried cohabiting couples; 43,000 children living with 29,000 lone fathers; 230 same sex couples with children; and 42,000 people had divorced and remarried and so on. That gives us an indication of the diversity of family types today, and in many cases this Bill is recognising a reality.

I describe myself as a feminist and by that I mean I believe in equality. For many years I have had serious concerns about the treatment of unmarried fathers and their rights, and I know that concern is shared by many in this House. The legislation is an improvement in that respect but it is flawed. I take the point made strongly by Treoir and Ruth Barrington, who chairs that organisation, when it states:

Treoir favours automatic rights for unmarried fathers in line with practice in other jurisdictions such as Northern Ireland, Britain, many European countries, Australia etc. We regret that this Bill does not provide for automatic rights for those unmarried fathers who are not cohabiting and yet are in a committed and caring relationship with their child. We recommend that at a minimum the legislation makes it mandatory to provide unmarried parents with information at the point of birth registration on their legal position in relation to their children and on the options open to them.

I hope the Minister would at least take that point on board. Treoir is not on its own in saying that. The recommendation from the Law Reform Commission in 1982, and repeated in 2010, was that there should be automatic guardianship linked with compulsory joint registration on the birth of the child. It based that recommendation on the principle that all parents should be treated equally and also that it is in the best interests of the child.

With rights come responsibilities. If we consider how other jurisdictions apply some of the responsibilities, in Australia, for example, if someone has an automatic guardianship but they have not lived up to their obligations, it would be quite difficult to leave the country if they owed maintenance payments or whatever. There can be a change in behaviour when the balance of rights is changed, and equality should be afforded to both parents equally.

Colette Browne, to whom Deputy Mac Lochlainn referred, in a very good article in the *Irish Independent*, highlights some of the issues that can arise for a father who does not have guardian rights. For example, where a child falls ill he cannot authorise treatment. If a mother decides to move abroad, there is no means of preventing that, even where there is a solid relationship. That can be tragic for both the parent and the child in that case. She described the worst case scenario where a partner dies and the father, who is the natural father, is left alone to care for the child. He has to mount a court battle to press the right to care for his own child.

I accept the points - I had intended making some myself - about the anomalies that can be created in a relationship, particularly if it is a young couple. I have come across cases, and I am certain the Minister has also, where it was not possible for a young couple to cohabit because, for example, they could not afford the rent, and the Department of Social Protection would have a view on providing them with rent assistance. One arm of the State can cause a set of circumstances where another right is infringed by virtue of how policy has been determined. It is very important that the Minister examines that.

I accept this cannot have been an easy Bill to draft because the Minister is trying to balance rights. I accept there are situations where there is the most tenuous of connections between a

father and a child, for example, where the pregnancy may have resulted from a fleeting holiday romance or the more sinister circumstances where the pregnancy occurred following rape and a baby is born. To give automatic guardian rights in those circumstances would be intolerable. I accept there is a balance to be struck.

It is important to construct legislation in a way that ensures there are not power imbalances that would put the child in a position where he or she could be used as a bargaining chip. We have all come across instances of that in disputes involving the two parents. It is critical to get that balance right. I would prefer if it was an automatic right with restrictions rather than simply restrictions in terms of the approach.

I very much welcome the extension of rights to grandparents. We have all had an involvement in the campaigns waged by grandparents. They feel a terrible sadness as a result of being completely cut off from children with whom they have developed a relationship. From the child's perspective, they have had a valued relationship with a grandparent that has been severed. It is important that the legislation respects and reflects the reality of life today.

The provision in respect of custody and the extension to include grandparents and other family members is welcome. The issue of custody often arises in tragic circumstances and in a crisis situation where there is an immediacy about it. I have helped a family through the mire when, say, a member of the family has abandoned the child or a parent has died. The grandparent or family member is often worried about whether they will get custody of the child, and sometimes they are not very open about the arrangement because of that concern. I have seen the panic that creates for people in those cases. It is important that clarity is provided on that. It is welcome that the child's views are not only listened to but are taken on board. The provision in the Bill for that is beyond timely, a point I have already made.

I wish to discuss the issue of assisted human reproduction. Usually when we debate big social issues, such as legislative changes on divorce or civil partnerships, we are affording new rights. Uniquely in this situation, however, we are restricting rights. Or we are restricting what has been allowed where there has not been legislation to control a situation that did require it.

The Minister has got the balance right in terms of there not being a commercial side, as well as where there is an ability to trace and a ban on anonymous donations. That kind of limitation is good. This is progressive legislation and, despite what might be discussed, one cannot deny technology. A few decades ago, it would have been impossible for some people to have a child, but technology has now permitted that to happen. Given the hoops that people must go through in order to have a child by those methods, one can be sure that they are absolutely committed to the notion of parenthood. The legislation is solid in laying down conditions before assisted human reproduction is permitted, as well as the issues of custody and adoption.

The Minister reminded us that the Status of Children Act 1987 abolished the concept of illegitimacy. People tend to harp back to the good old days, but there were some awful things about those times. This House has dealt with some of them, including the mother and baby homes, forced adoptions, illegitimacy and industrial schools, as well as the abuse children were subjected to in those institutions. When we are talking about the good old days and going back to values, we did not really value children then. We certainly did not value poor, vulnerable children.

This is a more enlightened era and many positive things in the legislation reflect the coun-

try's new reality whereby people live in very different arrangements compared to what was the case in years gone by. I will be supporting the legislation. I expect there will be amendments and I may well table a few myself. My big concern is about the balance of fathers' rights but other than that, there are many good initiatives in the Bill, which I warmly support.

Deputy David Stanton: As Chairman of the Joint Committee on Justice, Defence and Equality, I am delighted to take part in this debate. I am speaking because of changes to procedural reforms in the Oireachtas whereby Ministers are now required to provide committees with drafts of all legislation, or else give a good reason why they do not do so on Second Stage.

I acknowledge the presence of Deputy Mac Lochlainn, who is a colleague on the committee I chair. He works extraordinarily hard and has been challenged, as I have been, by much of the legislation coming through.

Mention has been made on and off about the delay in this Bill, but it is probably one of the most complex pieces of legislation I have seen in my time here. I wish to acknowledge and compliment the enormous work put into this complex and serious Bill by the former Minister, Deputy Shatter, as well as by his officials.

I note that surrogacy has been taken out of the legislation and even though my committee did some work on it, it has now moved to the health area. I am sure my colleagues there will examine the work we did at the time.

There have been 36 cases of pre-legislative scrutiny from March 2011 to October 2014, 11 of which were undertaken by the Joint Committee on Justice, Defence and Equality. They have all been quite complex and time consuming. The committee has held 102 meetings in that time and well over 400 people have given evidence there.

Pre-legislative scrutiny is a major reform but unfortunately it occurs down in the dungeons where no one hears us or sees us. Sometimes one might as well be on the far side of the moon for all people care. At the same time, however, the committees do produce important work. It gives an opportunity for the public who are experts and for members to make their views known. Because a Bill has not been formally drafted, it affords an opportunity to the Minister, officials and our colleagues to have a major input into draft legislation at that stage. It is the biggest reform I have ever seen, but it has gone unnoticed. People talk about Oireachtas reform, but pre-legislative scrutiny is the biggest one because it has a massive impact on the legislative process. That is our major function, so we can have a huge impact on legislation as it is being drafted and put together. When it comes before the Dáil it is richer for that process and a lot more information is available to Deputies if they wish to avail of it, as well as reading the expert reports.

The Bill before us was published on 30 January 2014 and was referred to the Joint Committee on Justice, Defence and Equality shortly thereafter. On 6 February 2014, we sought submissions and allowed people up to 28 February to send submissions to us. We received 38 quite detailed and lengthy submissions, many of them from experts in the field who were concerned and had an awful lot to say.

We had day-long public hearings on Wednesday, 9 April 2014. I thank all of those who made submissions and who subsequently engaged with the committee. Some 15 individuals and groups engaged with the committee that day, with 20 individuals speaking there. As Deputy Mac Lochlainn will recall, we were at it all day and it was quite complex.

The committee completed its report and laid it before the Houses on 29 May 2014. The report, and two others, were publicly launched on 10 July last year. A lot of work went into it. Our report made 11 strong recommendations and I am glad to note that most of those have been taken on board by the Minister and her Department. That proves the point that the committee's work is extremely useful and valuable.

Some of the recommendations have been moved to the Department of Health, including the one on surrogacy. The committee's report recommended that no sanction should be imposed for breach of provisions in the Bill on parents that would be against the interests of the child. In particular, children should not be denied a legal identity because of some breach of the relevant provisions relating to surrogacy arrangements.

As regards identity, the right to find out who one's genetic parents are has been taken on board. When a child reaches the age of 18, he or she can discover who their genetic parents are. That is very important. In all of this, and even in reports in recent days, I have been struck by how fast science is progressing and developing. Maybe some of it is not going the right way, but it is advancing. We have seen reports of three genetic parents being possible. We have also seen reports of the possibility of people being cloned from two people of the same sex, for instance. That is the most recent example I have seen. These areas are currently unregulated. I am glad the surrogacy legislation is coming forward, which is not before time. That is extremely complicated, as is this legislation.

We commented on the child's right to identity in head 10 of the heads of the Bill and I am glad it is included in the Bill as published, especially the genetic identity.

There has been much mention tonight of guardians acting jointly on medical consent. Many colleagues are concerned about the rights of fathers. The heads of the Bill originally specified that parents should live together for 12 months. We actually recommended that it should be nine months and three months afterwards. I welcome that is now included in the Bill. We had representations on an issue that is happening more and more now where parents have a good relationship but do not live together. However, because they do not live together they miss out on this aspect. It is a difficult one. I know of parents who have a good relationship and because they cannot afford their own house at the moment they live with their parents. What does one do in those circumstances?

On the automatic guardianship, Deputy Catherine Murphy quite rightly pointed out that if there is automatic guardianship, what about the person who is a rapist or is in some other way undesirable? That is something we have to take into account. I am not sure if automatic guardianship is the way to go. If people live together for three months after a child is born and nine months before, the chances are that the man is the father and if they stay together for three months afterwards the chances are that they will have a commitment to each other which is in the best interests of the child.

The best interests of the child have been mentioned again and again. In head 7.9 of the heads of the Bill that we got, the views of the child were crucial. A number of witnesses before the committee asked for clarity on how and where the views of the child were to be ascertained? They also asked about the age and maturity of the child. It is very difficult to put that into legislation, but we need to bear it in mind. We also need to bear in mind that we are still awaiting the referendum to be decided in the courts as to where that is to go. However, we said that greater clarity was needed on the provisions in head 32 concerning the right of the child to be

heard and that should be implemented in practice without imposing undue burden on the child, which is important.

We proposed that the Bill should be amended to allow for adoption by a single stepparent. I have read the Bill twice at this stage and there is a lot in it. As far as I can see, that provision is contained. So a birth parent does not have to relinquish rights where civil parents jointly adopt.

I mentioned the views and rights of the child to participate. That is amending the Guardians of Infants Act 1964. The Bill refers to 24 pieces of legislation. Most of them are very complex and most of them have been amended by the Bill.

It has been suggested that the terms used with respect to guardianship, custody and access should be changed. In 2005, the Law Reform Commission proposed replacing them with “parental responsibility, day-to-day care and contact.” It maintained that the terms “guardianship, custody and access” were archaic and that we should consider more up-to-date terminology that people might understand better and might not be put off by the rather archaic terminology.

Some colleagues have said they will introduce amendments to the legislation when it comes before the committee shortly. We look forward to addressing those amendments. I am happy that the pre-legislative scrutiny has been taken into account and that most of the recommendations we made have been incorporated into the Bill.

I commend the Bill to the House and wish it well on its way.

Debate adjourned.

Income and Living Conditions: Motion [Private Members]

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Boyd Barrett. I understand he proposes to share his time with Deputies Finian McGrath, Maureen O’Sullivan, Catherine Murphy, Pringle and Healy.

Deputy Richard Boyd Barrett: I move:

“That Dáil Éireann:

notes the incontrovertible evidence that the impact of austerity cuts and regressive charges since the economic crash in 2007/8 has contributed to a consistent rise in poverty, deprivation and hardship and that this situation has continued to worsen under the current Government;

notes, in this regard, that:

— the Central Statistics Office’s (CSO) Survey on Income and Living Conditions shows the number of households suffering deprivation has risen from 24.5 per cent in 2011 to 30.5 per cent in 2013 and the number living in consistent poverty has risen from 6.9 per cent to 8.2 per cent;

— the CSO also shows that the levels of deprivation and persistent poverty among one parent families are even more shocking, with the number of one parent families suffering deprivation rising from 49.5 per cent in 2012 to 63.2 per

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cent in 2013 and the number living in consistent poverty rising from 17.4 per cent to 23 per cent in the same period;

— according to Barnardos, in 2013, 12 per cent of children (aged 0-17 years) lived in consistent poverty - up more than 137,000 from 9.9 per cent in 2012 and double the 6 per cent figure of 2008;

— UNICEF found that child poverty rose by 10 per cent to 28.6 per cent between 2008- 2012, an increase of 130,000 more children living in poverty;

— poverty among older people rose from 1.1 per cent to 1.9 per cent between 2009 and 2011; the deprivation rate has increased from 9.5 per cent to 11.3 per cent over the same period and deprivation among older people living alone is even higher at 15.3 per cent;

— the Age Action survey on Budget 2014 found 90 per cent of respondents said 487 budgetary measures affecting older people were unfair, noting prescription charges, telephone allowance, changes in income limits for medical cards, property tax, fuel allowance and other recent budgetary measures;

— according to the CSO, 45 per cent of people with disabilities experience income poverty and 36 per cent of people with disabilities experience basic deprivation;

— Social Justice Ireland states that a total of 750,000 people, including more than 232,039 children, are living in poverty in Ireland;

— according to the Irish League of Credit Unions 480,000 people have no money at the end-of-month after paying bills and 1.7 million have €100 or less; and

— 16 per cent of adults with an income below the poverty line are working and that according to the Organisation for Economic Co-operation and Development's (OECD) Employment Outlook 2013 22 per cent of Irish workers are low-paid (earning less than two-thirds of the country's median income), the second highest level of low-pay in the OECD;

notes an explosion in the housing and homelessness crisis over the last three years, resulting from rent increases, changes to rent allowance, evictions, and a chronic shortage of council and social housing - leading in turn to a dramatic increase in time waiting on housing lists (up to 14 years), families being forced into inappropriate emergency accommodation, and a 21 per cent rise in the number of people sleeping rough;

further notes that:

— shocking increases in poverty, deprivation and hardship have occurred at the same time that total net household wealth in Ireland has increased, corporate profits have risen, and a small minority of top earners continue to enjoy extremely high earnings; and

— significant evidence exists suggesting that a very wealthy minority at the top of Irish society have been fully insulated from the deprivation and hardship

suffered by so many Irish citizens;

notes, in this regard, that:

— according to the Central Bank (Quarterly Bulletin Q4 2014) total net household wealth in Ireland stood at €508 billion, marking its seventh consecutive rise since the second quarter of 2012 - an increase of 13.7 per cent in total household wealth; and

— while no definitive statistics on the distribution of this wealth are currently kept by the Department of Finance, a number of reports and analyses exist which all point to a heavy concentration of this wealth in the hands of a small percentage of the wealthiest households and individuals;

notes, for example, that:

— the Credit Suisse Global Wealth Report 2014 states the wealthiest 1 per cent of households own 27.3 per cent of all wealth, the top 10 per cent own 58.5 per cent of all wealth and that there are currently 92,000 millionaires in Ireland;

— Think-tank for Action on Social Change estimates, based on an Economic and Social Research Institute study carried out in 1991 and extrapolated onto current total wealth figures, that the top 5 per cent of households hold 28.7 per cent of all wealth (i.e. 82,919 households hold €145 billion), 10 per cent of households hold 42.3 per cent of all wealth (i.e. 165,824 households hold €215 billion) whereas the bottom 50 per cent of households (829,122) hold just 12.2 per cent of this wealth (€62 billion);

— the CSO's Household Finance and Consumption Survey 2013 suggested that the top 20 per cent of incomes have almost 40 per cent of the wealth, while the bottom 20 per cent have only 11.4 per cent;

— Social Justice Ireland states that the richest 10 per cent of households received 24 per cent of total disposable income, whereas the poorest 10 per cent of households received only 3 per cent of total disposable income;

— the deeply unequal distribution of wealth suggested by the above is broadly in line with the rest of Europe, where the European Central Bank's 2013 Household and Finance and Consumption Survey shows a similar distribution of wealth across Europe, where the wealthiest 10 per cent of households hold 50.4 per cent of all household wealth and the top 5 per cent hold 37.2 per cent;

— according to the Department of Finance, the top 1 per cent (21,650) of earners have an annual gross income of €8.7 billion, with average earnings of €403,703 per year - more than ten times the average industrial wage; and

— according to the Revenue Commissioners latest available statistics, corporate profits are also increasing, with gross trade profits increasing to €73.8 billion in 2011 up from €70.8 billion in 2010;

resolves to:

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— abolish all tax measures that are regressive in nature or that disproportionately affect those on lower incomes particularly water charges, property tax and the Universal Social Charge for those earning less than €35,000;

— reverse all the cuts to One Parent Family Payment recipients including the abolition of concurrent payments, changes to the income disregard and the phasing out of payments to those with children over seven years of age;

— reverse all cuts to the Child Benefit payments;

— urgently establish a comprehensive and affordable early childcare programme;

— restore the full rate of Jobseeker's Allowance to people under 26 years of age;

— abolish individual prescription charges;

— reverse the cuts to the telephone allowance, the fuel allowance and the Household Benefits Package;

— reverse the cut to the Respite Care Grant;

— fund an emergency programme to directly build a minimum of 10,000 council houses per year over the next five years and put adequate appropriate emergency accommodation in place to end the homelessness crisis; and

— introduce rent controls and to increase rent support to a level that ensures no one is made homeless or forced into poverty by unaffordable accommodation costs;

and calls on the Minister for Finance to:

— instruct his Department to immediately draw up a programme for financing the measures above with taxes that focus on wealth, profits and top earners; and

— ensure that all budgetary measures considered in future will be subject to poverty and deprivation impact analysis before being implemented.”

A phrase I really dislike is “the poor will always be with us.” Even though most people would not utter this sentiment considering the policies pursued by this Government and Governments over the past 25 years, one would have to conclude that somehow that sentiment is lurking behind the approach to policy, that poverty will be always there and because there is nothing we can do about it, we should not bother even trying.

That is a pretty serious allegation, but sadly the facts bear it out. It is to the great shame of the Government that under its watch poverty, deprivation and inequality in our society have worsened dramatically. The figures never fully get to the human reality and the cruelty that the people behind those statistics suffer. Nonetheless, they speak volumes about the disastrous failure of this Government to honour a commitment it made and repeated time and again, namely, protecting the vulnerable, that whatever else it had to do, it would protect the vulnerable. All the facts and evidence from every quarter show, to the point where they are overwhelming, that

the Government has failed utterly to do that. It has not protected them. In fact, it has persecuted them with the policies that have been pursued over the past three years. The evidence is really shocking and shameful.

As the Minister is aware, UNICEF recently produced a report suggesting that child poverty in this country had reached the obscene level of 28% of our children living in some kind of poverty with 12% living in consistent poverty. We are talking about 232,000 children living in poverty, an increase in recent years of 137,000 children. This is a situation that has dramatically worsened under this Government.

If anything, the situation for lone parents is even more catastrophic. The number of lone parents living in deprivation has gone from 49% in 2012 to 63% now - a shocking increase - with 23% of those lone parents living in consistent poverty. The elderly have also suffered to the point that 11% of our old people live in deprivation and 15% of older people who live alone suffer deprivation.

In light of the fact that the Government that claims it wants to incentivise work, we find a disastrous situation where 16% of those who are working suffer deprivation and we have the second highest level of low pay anywhere in the OECD, trailing after only the US, so we find ourselves second in the league table on almost all the indicators of gross inequality. We now find ourselves in a situation where 27% of the total population of this country - just under one million adults - suffer deprivation. They are going without basic things such as food, heating or housing.

There is, of course, the housing crisis itself, which has reached catastrophic proportions. The number of homeless people on the streets increased by 21%. Housing lists were always shockingly long. We now find that where people would have waited six or seven years, they are now waiting 14 or 15 years to get housed and still have no prospect of getting housed any time soon.

This is really a shameful indictment of this Government. I have laid out a lot of facts and statistics and I thank all sorts of groups like Single Parents Acting for the Rights of Kids, Barnardos, TASC, the Children's Rights Alliance, the CSO and official and bank sources. All of them show the same evidence of a massive increase in deprivation that has accelerated under this Government, particularly given some of the really vicious social protection cuts imposed by the Tánaiste and Minister for Social Protection, a Labour Party Minister. If there is any point in putting a Labour Party into Government, it is surely so that it will do something to protect precisely such groups as I am talking about but, shamefully, under Labour, poverty, deprivation and inequality have got dramatically worse.

This is not the whole picture. Often when these points are made to the Government, it says that we have all had a hard time, everybody has suffered and we have just come out of the troika arrangement and the worst economic crisis in the history of the State. However, the motion shows and the evidence is incontrovertible that while the poor have got poorer and the number of people in poverty has grown, the rich have got richer. It is official and it is a fact. Not everybody is getting poorer. Not only have the top echelons of society not got poorer, they have got a hell of a lot richer. Again, this is not simply an assertion. It is borne out by the facts. The Central Bank quarterly reports show that total household wealth and assets have increased every single quarter since 2012, increasing by 13.7% to the point where there is net wealth in this country of €508 billion that has been increasing during the same years that the poor have

got poorer and deprivation has risen for some of the most vulnerable sections of our society. While there is a myriad of reports and the figures vary slightly from one to the other, all of the reports show that the top 5% to 10% of our population own between 40% and possibly 58% of all that wealth I just described. That means that the top 10% own somewhere between €200 billion and €250 billion and this figure has increased at precisely the same time that the poor have got poorer. That is shameful and means that the Government's policies have exacerbated inequality, insulated the super-wealthy and promoted the interests and wealth of the super-elite while ordinary people - lone parents, children, the elderly and the working poor - have been crushed into the dirt.

Unbelievably, Ministers and media commentators wonder why people on the streets are angry. They just have to look at the areas where the protests have been most vociferous to know why they are angry - Coolock, Darndale, Ballymun, Ballybrack, Dublin 8, Crumlin, Ballyfermot and Cherry Orchard. All of these places have been absolutely annihilated with cuts, poverty and deprivation. All of the statistics I have given are far higher in those areas. Other sections of our society have been insulated.

I do not have time to bombard the Minister with all the facts and statistics but they are laid out and have been laid out repeatedly by all the organisations to which I have referred. Could we reverse things like regressive taxes, be they water charges, property taxes, the universal social charge on low-income earners, the cuts to lone parent payments, rent allowance, the telephone allowance, the household benefits package, child benefit and the housing budget, all of which have contributed directly to a rise in deprivation, poverty, suffering and hardship? Could we do that by putting a bit more of the burden on the millionaires and the super-wealthy - the top 10% of earners in this country who have average earnings of €400,000 per year? Could they not afford to pay a bit more tax to stop children and the poor of this country from suffering cruelly?

Deputy Finian McGrath: I welcome the opportunity to speak in this very urgent and important debate on the rise in poverty, deprivation and hardship for many of our citizens. I also use this opportunity to thank Deputy Boyd Barrett for and commend him on bringing this issue before the House and for putting forward solutions to the severe problems facing our people. This Government needs to wake up and face the fact that people on the borders of society are suffering and need our support. We should never turn our backs on these people who are suffering, especially in the current economic climate. We must help our own as a matter of priority.

8 o'clock

We should also stand by countries like Greece and work with them to secure a more equal Europe which, sadly, is what this Government did not do recently. Instead, it sided with the big boys and girls against the Greeks. Some of the countries now coming down on Greece have a brass neck, including Germany, which unilaterally defaulted in the 1930s and in 1953 got massive debt relief and Poland, which is now siding with Germany, but had large debts written off in 1989. When is that spoken of in this country or this House? Greece is in trouble. It is a broken country and the European Union should unite to help and support it. We need a collective response not isolation.

In terms of the motion before the House, we need to face the reality of what is going on in this country in 2015. Between 2011 and 2013, the number of households suffering deprivation increased from 24.5% to 30.5% and the number of people living in consistent poverty increased

from 6.9% to 8.2%. That is a fact. According to the CSO the levels of deprivation and persistent poverty among one-parent families are even more shocking, with the number of one-parent families suffering deprivation having risen from 49.5% in 2012 to 63.2% in 2013 and the number living in consistent poverty having risen from 17.4% to 23% in the same period. In 2013, 12% of children aged between 0 and 17 years lived in consistent poverty, which is an increase of 137,000 on the 9.9% figure in 2012 and double the 6% figure of 2008.

As mentioned by Deputy Boyd Barrett, UNICEF found that between 2008 and 2012 child poverty rose by 10% to 28.6%, which equates to an increase of 130,000 more children living in poverty. That is the reality and an issue we need to address immediately. All we need is a couple of Ministers to bang their heads together to come up with a solution to this problem. These children living in poverty need to be prioritised over any other issue in this House. The situation is dire. On top of this, is the increase in poverty among our elderly. Between 2009 and 2011 the number of elderly people living in poverty rose from 1.1% to 1.9%. The deprivation rate in this regard increased from 9.5% to 11.3% over the same period. Deprivation levels among older people living alone is even higher at 15.3%. Our senior citizens, who worked hard all their lives and paid their taxes, are now also living in poverty.

The Age Action Ireland survey following budget 2014 indicates that 90% of respondents felt budgetary measures affecting older people were unfair. Prescription charges, changes to the telephone allowance and income limits for medical cards, property tax and the fuel allowance are all measures that hit our senior citizens. It is important to say that. Members on the Government side continually ask from where Government would get the money to reverse these cuts. The answers are in the detail of the motion before the House. According to the Department of Finance the top 1% of earners, 21,650, have an annual gross income of €8.7 billion or an average earning of €403,703 per annum, which is more than ten times the average industrial wage. Despite this those on the Government side continually say there is no wealth in this country. According to the Revenue Commissioners corporate profits have increased with gross trade profits increasing from €70.8 billion in 2010 to €73.8 billion in 2011. They are two obvious areas from which Government could get additional money. A number of my colleagues will give more detail in that regard later.

The Government needs to reverse the cuts to child benefit and restore the respite care grant. These are important issues. We need to focus on the main content of this motion and address poverty in Ireland in 2015.

Deputy Maureen O'Sullivan: Is rud dearfach é go bhfuil an díospóireacht seo ar siúl againn agus go mbeidh sé ar siúl amárach chomh maith ionas nach ndéanfaimid dearmad ar na fadhbanna agus ar na deacrachtaí atá ag daoine áirithe sa tír seo.

The Government tells us that austerity is over. While I acknowledge that there are various signs of this, unless ordinary people feel austerity is over, it is not. Those of us who represent particular constituencies, including Dublin Central which I represent, know from the high rates of unemployment, lone parents and extensive housing waiting lists and homelessness in these areas that austerity is far from over. The debate on this motion allows us an opportunity to concentrate on the real world and take a reality check on what has been going on. It is difficult to reconcile the statistics and the percentages which say one thing with the reality on the ground as we see it. One reality that cannot be avoided, as set out in the statistics provided in Deputy Boyd Barrett's comprehensive motion, is the growing inequality in society. We know that income inequality will increase further unless there is a change in economic and social policy.

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The TASC report, *Cherishing all Equally*, the basis for which is Revenue tax returns and other data, provides a good picture of the situation and corresponds with the picture of inequality among the people we meet. That report sounds the warning that cutting taxes instead of investing in public services will lead to further economic inequality.

This Government was left with an appalling mess. The more I read of what is emerging at the banking inquiry the more appalling that mess. It appears that in spite of signs and warnings - I know there is an issue around those who were supposed to see the warning signs but did not or ignored them or chose to look the other way - decisions were made or not made, leading to a disastrous situation. The only analogy is that of Nero fiddling while Rome burned. The horrible irony is that all these austerity measures could have been avoided.

In the north inner city, which is part of Dublin Central, which I represent, only 25% of houses are owner occupied. This area comprises private tenants, public authority tenants and social housing tenants and little or no rent control, leading to rent increases every day which threaten the reality of people being made homeless. Unemployment and youth unemployment in this area is very high. I see every day how deprivation leads to increased drug dealing as a means of potential income and an increase in crime by those trying to find money to buy drugs. Continued austerity is feeding this misery. Earlier today the Minister for Finance, Deputy Noonan, acknowledged that youth unemployment in Europe is fostering extremism. I believe it is also fostering many other social ills in our society and, in particular, is affecting the self esteem of our young people.

This motion put forward by Deputy Boyd Barrett is further proof of an issue I addressed in a previous Private Members' motion, namely, the need for agreement that the income gap between the basic social welfare rates and the income required for a minimally adequate standard of living, as measured by the Vincentian Partnership for Social Justice, and minimal essential budgetary standards should be reduced in each year's budget and that, prior to the publication of budgets, the affects of budgetary impacts on people be analysed by a properly conducted social impact survey. If this was done, there would be no need for debates such as the one we are having tonight and tomorrow night.

Community sector workers in Dublin Central and other areas who are providing vital services in areas most affected by austerity are under significant pressure and stress owing to the tendering process for the social inclusion and community activation programmes, which issue I have previously brought to the attention of this House. These community development groups provide educational assistance, job activation programmes, business start-up programmes, affordable child care, after school programmes, youth groups and services for senior citizens in areas where there are no other alternatives. There are parts of this country where people have alternatives in terms of these services but there is a significant number of areas that do not have them. The following is a quote from one of the community workers affected:

Walls have gone up around this Administration and we are unable to access where decisions are being made. Now, we see a drive to privatise the sector, with no engagement with the Minister and no dialogue with him. It is so frustrating and demoralising. What were community-led initiatives will be national programmes feeding into a European programme and the particular needs of communities, particularly those most affected by austerity, is going to be lost in all of that.

Some companies will be successful. What we will see then is community sector workers in

competition with each other for jobs. As the motion points out, there are sectors in society most adversely affected. I feel for senior citizens dependent on their State pension given the extent of the cuts to them. I accept the Government had to make difficult decisions but the decisions were disproportionately difficult for certain sections of society, in particular lone parents, senior citizens, disability groups and communities such as those I represent.

One could ask how we address the inequality. One suggestion is that at the very least the full corporate tax is collected or it could be considered to increase it by even 1%.

Deputy Finian McGrath: Hear, hear.

Deputy Maureen O’Sullivan: Corporate profit is not a human right. It is time we looked at the human rights of our citizens as opposed to the corporations. That would be one very practical step that could emerge from tonight’s debate.

Deputy Catherine Murphy: I welcome the opportunity to speak to this broad-ranging motion, which is focused on the changes that have taken place in recent years. I wish to focus on particular areas to which reference is made in the motion. Housing impacts on so many people. The motion calls for a major construction programme. The Government has committed large amounts of money to it and future Governments to spend on social housing, yet the programme is more limited than what is required. Large amounts of money are to be drawn down from the European Investment Bank. Some of us have been talking about that for some years. That is the way some other European countries fund housing programmes.

We need to arrive at a situation where we have security of tenure and rent certainty for people. We must provide people with a viable rental option in order that they can go to work, where there are not poverty traps and their home is their own and not someone else’s property. Rents are rising. My area is one of those that is leading the charge in that regard. Not a day goes by without me seeing people who face the prospect of homelessness. I have tried to negotiate with the rents units for increased caps on an individual basis. It is a piecemeal approach as opposed to a comprehensive one.

Politics is about choices. The Government is choosing to spend people’s money in a particular way to satisfy the housing need. It does not make economic sense to wait until it is more expensive to buy or to build houses. Neither does it make sense to provide rent assistance when a much more comprehensive building programme than is envisaged could be introduced. While an announcement has been made, there is precious little evidence of work happening on the ground.

I wish to focus on single parents who are one of the groups that has been most impacted by the cuts. A significant number of lone parents will have an 18% cut in their income in July of this year. I do not believe any other sector would be able to sustain such a cut and the group in question is not able to sustain it. A woman came to see me yesterday who was informed she would be offered a place on a Tús course. She has a seven-year-old child but she has no relatives to mind the child. She can attend the course while the child is in school but what is she supposed to do in July and August? It is difficult to understand the point made by certain groups that a child at the age of seven could be minded by someone else or he or she could be left on his or her own. What is happening in that respect is cruel. Lone parents are a group that has been particularly badly affected.

The motion addresses child poverty in some detail. The number of one-parent families suf-

fering deprivation has increased from 49.5% in 2012 to 63.2% in 2013, and the number living in constant poverty has increased from 17.4% to 23%. The numbers do not lie but the problem is that behind those numbers are real people. That is their life and day-to-day reality. According to Barnardos, in 2013 a total of 12% of children aged under 17 years lived in consistent poverty. The number of children affected has increased by 137,000 from 9.9% in 2012, yet we talk about being a family-friendly country. We have just debated child-centred legislation and now we are debating something that has a major impact on the quality of children's lives. Agencies such as UNICEF capture the extent of the problem.

Water charges are one of the taxes to which reference has been made. It is the straw that has broken the camel's back. Many households no longer have money in reserve. People simply cannot pay. That is part of the reason so many people will refuse to pay when the bills come in April. I have heard it said that the builders are back building and the bankers are back banking but the people who are carrying the can are the ordinary people who thought they were given an assurance by the Government when it took office that the vulnerable would be protected when in actual fact it is the reverse that has happened.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this Private Members' debate this evening. I congratulate Deputy Boyd Barrett on tabling the motion.

As the motion outlines, there has been an increase in inequality in society, in particular in terms of income inequality. One can see that in stark measure in terms of how much the gap is widening between those who have and those who have not. One of the outcomes of the austerity programme and the impact of the changes that have taken place since the crash is how a permanent change and shift has emerged in the sense that the top 1% will continue to gain and the bottom 50% will continue to lose. That situation will become embedded and enshrined right across society. The most telling aspect of the motion and the actions of the Government in the past four years, and the previous Government before it, is how the changes will become permanent.

Other speakers referred to the broad measures concerning the motion. In my contribution I wish to cite two examples of the impact austerity budgeting and austerity measures have had on people in recent years. Of note is how changes introduced in budgets two to three years ago are only now starting to impact. People could not foresee the impact of measures that would affect them down the line. Budget 2012 is probably one of the most stark examples of that phenomenon, whereby measures are now coming home to roost for one-parent families from July. In budget 2012 the Minister also made sweeping changes on entitlement to jobseeker's benefit which impacts on casual workers and seasonal workers. People in south-west Donegal in particular are affected as traditionally, seasonal work in fish factories was and still is the only source of employment. Workers get periods of work of approximately four to five months in the year which previously entitled them to get jobseeker's benefit for the rest of the year. However, because of changes to the qualifying criteria in budget 2012 workers involved in seasonal industries and sectors now find their entitlement to jobseeker's benefit is running out as those measures kicked in last autumn.

Many people have seen their income slashed because their entitlement to jobseeker's benefit has run out and they have had to go onto jobseeker's allowance. What has made it more stark is that jobseeker's allowance is means-tested, based on income over the previous 52 weeks, which leads to substantial cuts. This makes life very difficult for these workers who, through no fault of their own, are unable to get more sustainable or long-term work. They are totally dependent

on the seasonal work available in the fishing industry. What is more frustrating for them is they have no chance of qualifying for jobseeker's benefit again, so they will be stuck on jobseeker's allowance the next time the seasonal work ends. This will have huge impacts across the board. It will increase poverty and dependency levels in south-west Donegal. This also has an impact on many part-time farmers who supplement their income with seasonal work. The changes will have a huge impact on them. These unforeseen consequences could not have been explained to people when the budget for 2012 was introduced because it takes several years for the impact to be felt. This is one of the most difficult aspects for the people to take. It is a sign of how the Government is ensuring these changes are permanent. It is also the sign of an attitude and ideology in the Government that if people are underworked or cannot avail of full-time work it is their own fault and they should be made to carry the can for it.

Another impact of the austerity measures can be seen in Letterkenny General Hospital, where 30 to 40 patients have been on trolleys every day for the past number of years. A total of 1,955 people are on waiting lists for inpatient treatment and thousands more are on waiting lists to see a consultant. This is a direct impact of the measures and cuts implemented in the health services. It has reached the stage where a consultant due to retire has left early because he was fed up with the situation. He could not do his job because of the impact of cuts. He should have been doing orthopaedic operations, such as hip and knee replacements, but he could not do so because no nurses or theatres were available. Operations are not taking place to save small amounts of money. Breast cancer treatment services in Letterkenny General Hospital are now under threat simply because of the cutbacks the Government is making in our health services. This example can be seen in every hospital in the country. It shows the impact of the austerity measures the Government is forcing on people.

The motion calls for budgetary measures to be subject to poverty and deprivation impact analyses before they are implemented. These should be carried out without delay, but no Government involving Fianna Fáil, Fine Gael or the Labour Party will do so because it would mean they would have to stand over and explain the cuts they make. Until this is the case, we will not have fairness in society.

Deputy Seamus Healy: Austerity comes in many different forms and is all pervasive for the ordinary people in the country who are the vast majority of the population. The past four years of austerity have come from a Government which has absolutely no mandate for it. During the last general election we heard it was going to be Labour's way and not Frankfurt's way, there was not going to be another cent for the banks, the bondholders were going to be burned and we were going to have a democratic revolution. What has happened? In this country a total of 30.5% of households now suffer from deprivation and 130,000 more children live in poverty. Social Justice Ireland tells us 750,000 people, including 232,000 children, are living in poverty. A total of 360,000 people are unemployed, and 90,000 families are waiting for homes on local authority housing waiting lists. We have seen 100,000 people emigrate. We have house tax, water tax, universal social charge and whatever other tax. We have had savage social welfare cuts, the withdrawal of medical cards, wage cuts, pension cuts, pension levies and disability benefits cuts, all from a Government which has absolutely no mandate for these cuts.

Another specific form of austerity measure is the destruction by employers of defined benefit pension schemes, which is now widespread throughout the country. The employer's motto seems to be never to waste the opportunity afforded by a recession to attack workers' rights and make changes detrimental to workers to defined benefit pension schemes. Such a scenario is now unfolding at a Coillte wholly-owned subsidiary, Medite Europe, in Redmondstown, Clon-

mel. The company is unilaterally and in breach of procedures attempting to change the existing terms and conditions of its defined benefit pension scheme. The company has already changed to a defined contribution scheme for all new entrants and now proposes to increase the age for pension payment. It also proposes to reduce pension benefit, in some cases by as much as 40%.

On 13 February the company applied to implement these changes under section 50 of the Pensions Act. The company and workforce were at the Labour Court on 14 January and are awaiting the outcome of this hearing and the court's recommendation. In advance of this, the company has applied under section 50 to implement unilaterally the changes. The company has shown absolute disrespect for the workforce and the Labour Court, which is the industrial relations arm and machinery of the State. It is now clear the company's involvement at the Labour Court and in negotiations has been a complete charade. Strike notice has been served. The workforce is very efficient and committed. The company has been in Clonmel for 33 years and there has never been any form of industrial action on the site. The workforce contributed an additional 2.5% of a wage increase to the pension fund. Coillte has funded its own defined benefit pension scheme, but has now unfairly and with great disrespect refused similarly to fund the Medite Europe scheme at Redmondstown.

I call on the Minister for Agriculture, Food and the Marine, Deputy Coveney, and on the Minister of State with responsibility for forestry, Deputy Tom Hayes, to intervene urgently with Coillte to ensure the existing terms and conditions of the defined benefit pension scheme at Medite Europe in Clonmel are continued. It is urgent because the workforce has been forced into a situation where it has had to serve strike notice, which expires early next week. Immediate action is necessary and I demand this be done. This is another form of austerity which is widespread throughout the country, and in this particular instance it is in operation in my constituency. This type of austerity, which attacks workers' rights and changes benefits and defined benefit pension schemes to the detriment of employees, must be stopped. The Minister must take action to do so urgently.

Acting Chairman (Deputy Bernard J. Durkan): I call the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Ann Phelan, who will be followed by Deputies Tom Barry and Noel Harrington.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Ann Phelan): I move amendment No. 1:

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

"acknowledges that the consolidation effort necessary to correct what had become an unsustainable fiscal position has necessarily led to a reduction in incomes and living standards for all groups in society;

notes that:

— the Budgets 2009-2015 had the greatest cumulative impact on household disposable incomes for those in the top decile;

— consolidation of the public finances was paramount and this was conducted in a phased and progressive manner;

— the Government's budgetary policies have contributed to a turnaround in the fiscal

position with the underlying budget deficit falling from €18 billion (or 11 per cent of GDP) in 2010 to just over €5 billion (or 2.7 per cent of GDP) in 2015 with the debt-to-GDP ratio declining from 123 per cent of GDP in 2013 to below 109 per cent in 2015; and

— between 2008 and 2014 the gap between the day-to-day spending of the State and taxes collected, that is the underlying deficit, added €100 billion to our debt levels;

notes:

— the strong recovery now underway in the economy, with GDP estimated to have grown by 4.7 per cent in 2014 and projected to grow by 3.9 per cent in 2015;

— that the best route out of poverty is a job and the Government is determined to return the economy to full employment by 2018;

— the progress made to date in this regard and the turnaround in the labour market with employment having increased by over 84,000 since its low point in the third quarter of 2012 and the fall in the unemployment rate of 4.5 percentage points in just three years;

— the highly progressive nature of the income taxation system, with the tax wedge on those at 167 per cent of the average wage as a percentage of those on 67 per cent of the average wage, the second highest in the OECD; and

— the fact that the tax and welfare systems are highly effective in reducing market income equality with the Irish tax and welfare system the most effective in the OECD at reducing market income inequality and that disposable income inequality in Ireland is in line with EU and OECD averages;

further notes that:

— in the face of extraordinary fiscal pressures the Government has maintained core welfare payments, thereby supporting a basic standard of living for welfare recipients;

— the main beneficiaries of the income tax and the Universal Social Charge (USC) changes introduced by the Government in Budget 2015 were those on low and middle incomes and the Government's intention is, subject to fiscal constraints, to continue to introduce further changes of this nature over the coming years;

— the top 1 per cent of income earners, who earn over €200,000, are projected by the Revenue Commissioners to pay 20 per cent of all income tax and USC in 2015;

— corporation tax revenue collected in Ireland is broadly in line with the EU average and that, in 2013, corporation tax receipts were just over €4.2 billion, which is 11.3 per cent of overall Exchequer tax revenue and equivalent to 2.6 per cent of GDP;

— the increase in net household wealth in recent years is largely driven by increases in house prices and that home ownership is relatively evenly distributed across the income distribution; and

— the Government already carries out an extensive distributional analysis of changes in budgetary policy and its intention to augment this analysis through the preparation of a social impact assessment of future budgets;

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further notes the recent announcement of the Government's Social Housing Strategy 2020 and the Government's commitment therein to deliver 35,000 new social housing units over the period to 2020;

notes that:

— the consistent poverty rate for older people has declined, from 2.6 per cent in 2012 to 1.9 per cent in 2013, which at present would meet the national social target for poverty reduction for this group;

— the consistent poverty rate for people with illness/disability has reduced by 6.8 percentage points to 10.8 per cent in 2013;

— the Government remains committed to meeting the national social target for poverty reduction, which is to reduce consistent poverty to 4 per cent by 2016 and 2 per cent or less by 2020;

— Government recently adopted a child-specific poverty sub-target which is to reduce the number of children in consistent poverty by 70,000 by 2020, a reduction of two-thirds on the 2011 level;

— the aggregate cost of abolishing the Local Property Tax, Water Charges, and USC for those earning under €35,000, as well as reversing the social welfare measures, as proposed by opposition Deputies, would be an estimated €4.25 billion; and

— the required increase in the 40 per cent income tax rate would be 19 per cent, resulting in a marginal tax rate including USC and PRSI of 71 per cent for PAYE taxpayers which would reduce GDP and employment substantially; and

calls on the Government to continue to implement its successful socio-economic policies which provide the basis for continued increases in employment, reductions in unemployment and improvements in living standards particularly for those on lower and middle incomes.”

The motion proposed by a number of Deputies from the Technical Group is unbalanced and fails to recognise what the Government has achieved in difficult circumstances over recent years. I wish to highlight the seriously adverse consequences that would follow were the proposed tax increases and other measures referenced by Opposition Deputies to be adopted.

I will set out recent economic developments and prospects. After a long period of economic stagnation and uncertainty, the economy has finally returned to strong and sustainable levels of growth. The Department of Finance estimates that GDP grew by 4.7% in 2014. The GDP growth forecast for 2015 is 3.9% and the Department foresees growth rates of approximately 3.5% over the medium term. This is the type of solid and steady economic growth that we want to see in the coming years. If realised, it will lay the basis for tackling a wide range of economic and social issues over that period to the end of the decade.

The turnaround in the economy is down to the difficult decisions taken by this Government and the sacrifices made by the people. Thanks to strong revenue growth on foot of a stronger economy and allied to effective expenditure management, the budget deficit for 2014 was an estimated 3.7% of GDP. For 2015, we are targeting a deficit of 2.7% of GDP, which is beyond the requirements of the Stability and Growth Pact.

Getting our public finances under control is a critical step in laying the basis for improvements in living standards, including for the more disadvantaged in our society. In particular, growth rates of this magnitude will provide the basis for increases in employment and reductions in unemployment. Jobs are the key Government priority as they represent one of the best ways of lifting people out of poverty. We are already seeing the consequences of this focus in the strong employment performance over recent years. We have now had eight consecutive quarters of solid annual employment expansion, with more than 84,000 jobs created since the low point in the third quarter of 2012. Over 90% of the jobs created are in full-time positions. The recovery in the labour market is broad-based with virtually all sectors in the economy experiencing employment growth. Encouragingly, in excess of 10,000 jobs have been created in the construction sector over the past two years. The unemployment rate has fallen steadily by four and a half percentage points in three years. The number of people unemployed has decreased by 87,000 since the peak in the first quarter of 2012. The reduction in unemployment has been concentrated among the long-term unemployed, those unemployed for one year or more, with the number of long-term unemployed people falling by 65,000 since the first quarter of 2012.

The Government has prioritised actions to address the issue of youth unemployment by improving employment prospects for young people through schemes such as JobsPlus, JobBridge and First Steps. These policies have helped youth unemployment rates fall by eight percentage points in two years.

Unemployment is still too high. Through the Action Plan for Jobs we are working to make further inroads. Among other measures, we are improving job search, investing in training for the unemployed and ensuring work incentives remain strong. As a result of the success of the Action Plan for Jobs, which began in 2012, the Government has now brought forward its target of reaching full employment by two years, that is to say, we expect to achieve full employment by 2018, with 2.1 million people at work.

I will outline the benefits of the tax package. A fair, efficient and competitive income tax system is essential for economic growth and job creation. The burden of the income tax system in Ireland is too high and is acting as a disincentive for work and investment in Ireland. The income tax measures announced in the budget are the first stage of a multi-year plan to reduce progressively the marginal tax rate on low and middle-income earners in a manner that maintains the highly progressive nature of the Irish tax system. As outlined on budget day, the Department of Finance estimates that a three-year reform plan along these lines could boost employment levels by as much as 15,000 jobs when the full impact of the changes have taken effect in the economy. The budget measures were primarily targeted at the squeezed middle, which the Government has defined as the cohort earning approximately between €32,000 and €70,000. The Government has also acted to ensure that those on high incomes do not benefit disproportionately from the budget by capping the benefits for those with incomes in excess of €70,000.

The tax package provided for a reduction in the top rate of income tax from 41% to 40%. It also extended by €1,000 the standard rate band on which income tax is chargeable at the lower 20% rate. Together with the accompanying reductions in the two lower rates of universal social charge and extension to the threshold at which USC becomes payable, the budget provisions will ensure that all those who currently pay income tax or USC will see a reduction in their tax bill this year. The measures will also ensure that those on the minimum wage will now only pay a maximum USC rate of 3.5%. As a result of the reduction in the higher rate of income tax from 41% to 40%, the marginal tax rate has been reduced for all income earners who currently

earn under €70,000 and pay income tax at the higher rate. It remains unchanged for PAYE and self-employed workers earning more than €70,000. For example, a self-employed person earning €100,000 faced a marginal tax rate of 55% in 2014 and will continue to face a marginal tax rate of 55% in 2015.

The budget also provided for the retention of the exemption from the top rates of USC for medical card holders with incomes that do not exceed €60,000. These individuals will now only be liable to pay a USC rate of 3.5%, down from 4%. This reduced rate will also apply to those aged over 70 with incomes which do not exceed €60,000. Again, this is down from the 4% rate. These changes are designed to ensure that work pays, to help the transition from unemployment and to remove potential barriers that may be deterring part-time workers from taking on additional hours of employment. The resulting increases in take-home pay will have follow-on benefits to businesses and jobs in the domestic economy. The changes announced in the budget will ensure that all those currently paying income tax or USC will see a reduction in their tax bill this year. The Government proposes to continue this reform in future budgets subject to the required economic growth and the consequent fiscal space being available to the Government.

This Government has met the challenge of fiscal consolidation by protecting the most vulnerable. This has been achieved in part because of the focus of the Government on understanding the impact of its budgetary policy on its most vulnerable citizens and by ensuring those with the most pay the most. The result of this focus can be seen. The most recent analysis from the ESRI, published after budget 2015, covering the budgets for the periods 2009 to 2015, indicates that the top decile of the household income distribution lost the highest share, some 15% of their disposable income. That these distributional outcomes occurred at a time of such economic and fiscal pressure reflects the Government's strong commitment to fairness in formulating budgets.

In addition to the *ex post* social impact assessment of budgets that the Department of Social Protection publishes, the Government has also committed to carrying out an *ex ante* social impact assessment of future budgets. This will help ensure that distributional outcomes from possible budgetary changes are fully analysed. The statement of priorities published by the Government in July 2014 included a commitment for an income tax reform plan in a manner that maintains the highly progressive nature of the Irish tax system.

Ireland has the most progressive tax system of the EU members in the OECD. Indeed, Ireland is the second most progressive of all members of the OECD. The changes introduced in budget 2015 will be such that the top 1% of tax units by income will pay 20% of all income tax and USC collected in 2015, up from 19%. In contrast, the bottom 76% of income earners will pay only 21% of all income tax and USC collected.

Commentators have recently highlighted that market income inequality in Ireland is the highest in the OECD. One of the main reasons for market income inequality is the number of jobless households in Ireland, which is the largest in Europe. What they have failed to highlight is that the Irish direct tax and social welfare system is the most effective at reducing income inequality in the OECD. This is demonstrated by the performance of the Irish tax and social welfare system in reducing inequality of income after taxes and social transfers are taken into account, resulting in the largest reduction in the OECD. As a result of the Irish tax and welfare system, disposable income inequality has not changed significantly over recent years and is in line with other OECD countries.

This Government maintained core welfare payments in the face of extraordinary fiscal pressure, thereby supporting basic living standards for the citizens of Ireland. The importance of this cannot be overstated. CSO data from SILC shows that in 2013, before social transfers, the poverty rate - that is, the proportion of people on incomes below 60% of the median income - was 49.8%, while the poverty rate after taking account of social transfers was 15.2%, a fall of almost 35%.

The Government remains committed to meeting the national social target for poverty reduction, which is to reduce consistent poverty to 4% by 2016 and 2% or less by 2020. In addition, the Government recently adopted a child-specific poverty sub-target, which was to reduce the number of children in consistent poverty by 70,000 by 2020, a reduction of two-thirds on the 2011 level.

The total cost of the proposals outlined in the original motion - abolition of the local property tax, water charges and USC for those earning under €35,000, as well as the reversal of various social welfare measures - would be an enormous €4.25 billion, with no proposals for how the Government could finance such an enormous sum of money without stifling economic growth or taking on even more debt than that which currently exists, risking further instability in Ireland's future. The motion merely calls for the Government to finance the above outlined measures through taxes on wealth, on profits and on top earners. To attempt to finance the above measures through increased taxes on those tax bases would have serious repercussions for the economy which would be felt by everyone across all income distributions.

The increase in the top rate of income tax that would be required to finance the reductions the motion has outlined would be approximately 19%, although this does not take account of the wider economic implications of having a marginal effective tax rate of 71% for those earning over €70,000 in PAYE income, and a rate of 74% for those earning over €100,000 in self-assessed income. The impact of this on the economy through reduced incentives to work and our ability to attract FDI would be enormous. It would also be grossly unfair. As I have already outlined, the tax system in Ireland is hugely progressive. Ireland already has a number of taxes on wealth. Capital gains tax and capital acquisitions tax are, in effect, taxes on wealth in that they are levied on an individual or company on the disposal of an asset for the acquisition of assets through gift or inheritance tax. Deposit interest retention tax is charged at 41%, with limited exemptions on interest earned on deposit accounts. Local property tax is based on the market value of residential properties.

The addition of a wealth tax, as is normally advanced by some members of the Technical Group and other commentators, would create a risk of capital flight, with negative impacts on investment in the economy. Where tax is levied on movable capital, there is a significant risk that these assets would be moved outside the jurisdiction and outside the Irish tax system. Apart from the fact that no tax revenue would be generated on this capital, it would mean that such capital would not be available to invest in the Irish economy. Investment is key to spurring economic growth, which Ireland needs to create jobs. Wealth taxes can be effective where they are set at low rates and levied on immobile assets such as residential property, which reduces the incentive and capacity of taxpayers to avoid liability for wealth tax.

On the subject of wealth, I note that the rise in net household wealth that has occurred in recent years has been highlighted by Deputies. One of the main drivers of this rise in household wealth has been increases in house prices. Home ownership is high in Ireland compared to other countries and is relatively evenly distributed across the income distribution compared

to other forms of wealth. For example, 60% of people in the bottom fifth of the income distribution own their main residence, compared to 89% of the top quintile. As would be expected, the main residence forms a significant proportion - over two-thirds - of the wealth of those in the bottom quintile, compared with 45% for the top quintile. As such, changes in house prices have less of an adverse effect on the distribution of wealth than changes in the value of other forms of wealth.

The Government has no plans to raise the 12.5% rate of corporation tax, as the maintenance of this rate is of paramount importance for Ireland's economy. Ireland, like many smaller member states, is geographically a peripheral country in Europe. A competitive corporate tax rate is a tool to address the economic limitations that come with being a peripheral country when compared to larger core countries. Ireland's corporation tax rate plays an important role in attracting FDI to Ireland and, therefore, in increasing employment here. The FDI sector supports more than 150,000 jobs in Ireland, and changes in the corporation tax rate would threaten these jobs.

This stated position is supported by strong evidence resulting from extensive research undertaken by the Department of Finance in 2014 which sought to quantify the effect of corporation tax policy on the Irish economy. This independent research found that if Ireland had increased the 12.5% corporation tax rate, it would have considerably reduced the amount of foreign direct investment into Ireland. There is research by the OECD and others that points to the importance of low corporate tax rates to encourage economic growth. The Revenue Commissioners have highlighted that corporation tax revenue collected in Ireland is broadly in line with the EU average. In 2013, corporation tax receipts were just over €4.2 billion, which is 11.3% of overall Exchequer tax revenue and equivalent to 2.6% of gross domestic product.

I note that the original motion called for an increase in the number of social housing units provided in the next five years. I hope Deputies are aware of the publication in November 2014 of the Social Housing Strategy 2020, which builds on the provisions contained in budget 2015 and sets out clear, measurable actions and targets to increase the supply of social housing, reform delivery arrangements and meet the housing needs of all households on the housing list. The Government has targeted provision under the social housing strategy of over 110,000 social housing units through the delivery of 35,000 new social housing units, while meeting the housing needs of some 75,000 households through the housing assistance payment and rental accommodation scheme. This will address the needs of the 90,000 households on the housing waiting list in full, with flexibility to meet potential future demand.

The Government's record on ensuring equality in Ireland, while undertaking the enormous fiscal consolidation required of it when it took office in 2011, is strong. This has been achieved through maintaining and enhancing a tax and welfare system which is highly progressive and redistributive, ensuring that those with the most pay the most. As a result, the recent strong economic growth and job creation have allowed a reduction in the tax burden on low and middle incomes. Combined with the provision of social housing as described in the Social Housing Strategy 2020, this will contribute significantly towards achieving the Government's national social target on poverty reduction by 2020.

The House should acknowledge that the Government should continue with the policies that have proven so successful in ensuring that the fiscal consolidation required has been achieved in a fair and growth-friendly manner and that have laid the basis for a turnaround in our economic and employment situation.

Deputy Tom Barry: I welcome the opportunity to speak on the motion. It is in the context that, between 2008 and 2011, some 250,000 people in the private sector lost their jobs. The motion states that the percentage of households suffering from deprivation increased from 24.5% in 2011 to 30.5% in 2013. Unfortunately, these figures are out of date. If the Technical Group was running a business, it would not do its cashflow projections on figures going back that far.

Strong recovery is now under way in the economy, with GDP estimated to grow at 4.7% in 2014 and projected to grow by 3.9% in 2015. These are good figures and are the best in the EU. The best route out of poverty is to have a job. The Government is determined to return the economy to full employment by 2018. Since 2012 and 2013, the period to which the survey refers, there have been significant improvements in the economy. For instance, unemployment and long-term unemployment have fallen significantly. The January live register figures published yesterday show a reduction of over 70,000 in the number of unemployed people since 2013. The unemployment rate fell yesterday to 10.5%. We are aiming to have 2.1 million in employment. Those are the figures we should be considering.

The motion refers to the explosion in the housing and homeless crisis over the past three years. A lot of people who come to my office tell me they have been on the housing list for ten years or more. It is a problem, but the Government's social housing strategy and its commitment to deliver 35,000 new social housing units in the period to 2020 has to be welcomed and recognised. Poverty is strongly linked to unemployment and as employment increases, we can expect to see decreases in poverty and deprivation. The best way to reduce poverty is for people to get jobs and the Government has protected the incomes of those in the bottom 20% quintile, as it is termed, by maintaining core welfare rates.

While deprivation has increased, it should be noted that the at risk of poverty rate has declined from 16.5% in 2012 to 15.3% in 2013. The at risk of poverty rate in 2013 is lower than in 2005 when it was 18.3%. The main beneficiaries of income tax and USC changes introduced in budget 2015 were those on low to middle incomes. The Government's intention, subject to physical constraints, is to continue to introduce further changes of this nature over the coming years. I welcome the social impact assessment of budgets from the Department of Social Protection. It is important.

The motion refers to the Credit Suisse global wealth report of 2014, which provides some statistics. For example, there are 92,000 millionaires in Ireland. I had a quick read of the report. On page 97 it states:

We recognise that the rich list data have limitations. The valuations of individual wealth holdings are dominated by financial assets, especially equity holdings in public companies traded in international markets. For practical reasons, less attention is given to non-financial assets apart from major real estate holdings ... Even less is known - and hence recorded - about personal debt.

This country knows plenty about personal debt. There is no point in adding up a person's wealth and assets on one side unless one adds up his or her debt on the other side. Most people would give away a lot of assets which are highly leveraged to the banks. Many SMEs invested in non-core areas and now find themselves in a position whereby they are trying to pay back non-core debts while keeping businesses going.

Farm businesses are investing. While they might seem to have a lot of equity, the income

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that can be derived from it is actually very low. Last year, 15,000 farmers were in receipt of farm assist payments to bring them up to the level of social welfare payments. There are also people who have large levels of debt because they are expanding to get themselves to the scale that will make them viable for the next generation.

Sometimes referring to reports is a little bit sloppy and skews opinion. I refer to the Think-tank for Action on Social Change, TASC, estimates based on an Economic and Social Research Institute study carried out in 1991. That was 24 years ago. I remember the time very well because as I finished my PhD many more graduates had to emigrate than have to today. All one could hope to earn was £13,000. Thankfully, we are living in different times where people's skills and expertise are recognised and paid for. If one invested money at that time, one would have earned an overnight rate of around 50%. They were very tough times.

The CSO household finance and consumption survey 2013 suggested that the top 20% of incomes have almost 40% of the wealth. Family homes were mentioned. Many of the people to which Deputies have referred are the working poor. They pay all their bills, are trying to put their children through college, do not qualify for grants and have very little left. They come to my office - I am sure other Deputies also know of people in this position.

It has been stated that the top 1% of earners have an average income of €403,000 per year, but I remind the House that they pay a lot of tax. The top 1% of income earners who are paid over €200,000 are projected by the Revenue Commissioners to pay 20% of all the income tax and USC in 2015. Targeting people on higher incomes involves the major risk of excluding people who have very highly transferable skills, such as those in the ICT sector. It is something about which we need to be careful.

Introducing rent controls was mentioned. Many people have second homes which they bought for all sorts of reasons and are now stuck in negative equity. They have paid all their taxes and there is a discussion about interfering with their property rights which would reduce their chances of making an income from those properties. We must remember that the problem pertaining to Dublin cannot be translated to the rest of the country. Rents outside Dublin have not come close to what they were during the so-called boom periods.

The aggregate costs of abolishing local property taxes, water charges, USC and all that goes with that would be about €4.25 billion. We are still borrowing €6 billion. The Technical Group wants to go back to a position where we would be €10 billion out of kilter. We cannot afford to do that. We might love to, but it is not going to happen. Such changes would require the 40% rate of tax to increase to 71%. There would be absolutely no reason for anybody to get up out of bed and go to work. It does not make sense. Inequality can be dealt with in many ways. Education is one of the solutions which should have been mentioned. The role of DEIS schools is highly valuable in Irish society.

Rural growth is happening. Milk quotas will be abolished in a number of weeks. The rural development plan is due to be introduced. Single farm payments have been negotiated. We are seeing an emergence of our rural society for the first time in many years. This motion is very interesting and serious. I would hate people to believe we are in a Dickens-type society because we are not. We are in a society which is emerging from a desperate financial mess and the Government needs to be credited for the work it has done.

Deputy Noel Harrington: I am pleased to have the opportunity to speak to this motion. I

thank most of the Technical Group for tabling the motion. I note some signatures are absent from the endorsement of the motion. Did the group consult with the lads? Did it not get around to it? Did they fundamentally disagree with the proposition? I expect it was the latter and therein lies a telling story of a populist, incoherent and fractured group of self-styled socialists that can barely agree on something as catch-all as a motion in opposition. It is long in anger and problems, comprehensive with a sprinkle of fiction and well-written, but terribly short on answers, solutions or facts.

This motion essentially calls for the reversal of the hard and unpopular decisions that have rescued the country thanks to the sacrifices of the people. Decisions have been taken by a Government which has suffered because of them, but the country is recovering as a result. I have read the motion and considered the premise upon which it is based, namely, a survey of income and living conditions that the CSO published based on figures from 2013. As Deputy Barry said, 2013 was a little different from 2015, but at the same time we take the figures as they stand.

Deputy Richard Boyd Barrett: They are the latest available figures.

Deputy Noel Harrington: A sub-headline confirms that deprivation was up but poverty rates were unchanged.

9 o'clock

With poverty, for example, it is indicated that an “analysis by sociodemographic characteristics showed that most at risk of poverty in 2013 were individuals who were unemployed.” With deprivation and people describing their principal economic activities, almost 55% were unemployed. An analysis of consistent poverty rates by principal economic status indicates that consistent poverty rate was highest among individuals who were unemployed. The solution, as indicated in the motion, is to tax labour. The Minister of State has reminded us this country has the most proportionate tax system in the European OECD countries and the second most proportionate taxation system overall in the OECD countries.

The solution to the problems outlined in the motion is a route to work and sustainable, dignified employment. It is in recognising that there are problems in the country, such as intergenerational unemployment. There are major problems with jobless households, which we recognise. However, the solution to these issues is not in the motion but rather it is about engaging on a case-by-case basis with the people who need it most. We can put up schemes like JobsPlus, with employers getting a fund of up to €10,000 for engaging the long-term unemployed. That will solve some of the problem, although it might not solve the deepest parts. We recognise that but that view is not recognised in this motion.

We have heard recent evidence from the Think-tank on Action for Social Change, TASC, or other groups about a very unequal income distribution system in this country but that is fundamentally wrong. It took figures as if there was no taxation or social protection system to forward the argument of an enormous gap between the highest and lowest earners in the country. It is clearly wrong and designed to mislead. We have a large transfer system and a very punitive taxation system. Ireland is not a low-tax economy or a low-income tax country. It has the fifth highest tax jurisdiction for personal incomes in the European Union: combined with a high unemployment rate, there cannot be a conclusion that we should tax labour more. We should tax labour less, as half of the taxpayers in the country paying the marginal rate would

benefit. This would bring about a reward for work and initiative.

The motion would instruct the Minister to focus taxes on wealth, profits and top earners. We have many taxes on profits and there is a high tax on top earners. The tax on wealth is interesting, so we can examine it. The tax on wealth is essentially a proposal to tax all assets, including property, land, family possessions and heirlooms. Where I live, for example, there are people with high-value fishing vessels which earn very little for owners or deck hands. Many of those fishermen are on subsistence earnings. Farm outbuildings would be taxed, along with shops. I am only throwing out these suggestions, as we do not know what exactly would be taxed. One or two Members opposite have indicated the wealth tax would be 1% but somebody else indicated it would be 5%. The gap is enormous so if this is an example of a coherent and agreed policy from the Technical Group, we will have a problem with political and economic stability in the next year.

Deputy Richard Boyd Barrett: Is that an election prediction?

Deputy Noel Harrington: Those opposite want to reverse water charges but a third of households in this country do not connect to a public water supply. That is 800,000 households. Nevertheless, these people pay quite a lot of tax. The motion argues that such people should pay more tax for a service they will never get. This is not like the public transport example, as everybody agrees that such transport should be subsidised through taxation because it is good for the economy. Are those opposite asking us to pay for their tickets as well? There is a good chance that everybody who pays tax would probably use public transport anyway but 800,000 households will not connect to a public water supply. The proposers of the motion are asking those people to pay more tax in order to bring up investment. Somebody should explain to me where there is equity, fairness or justice in that.

This Government has brought about political stability that has been followed by economic stability, with a definite correlation between both. We must not reverse that or turn it around. We have come a long way but there is still a long way to go in order to get the country back on its feet. There has been a hard sacrifice by the Irish people which is beginning to pay a dividend. The motion argues that we should reverse engines but it is not time for that.

Deputy Michael McGrath: I welcome the opportunity to contribute to his debate. I welcome the fact that Deputy Boyd Barrett and the Technical Group have put down the motion to trigger a debate on a number of important issues relating to income inequality, poverty, the public finances and the future economic development of this country. I regret that I cannot support the motion, although it is well-intentioned and submitted in good faith.

I can explain the reasons I cannot support it in its entirety and there are a number of reasons. It seems to be fixated on a level of income at €35,000; those earning below that would be entitled to a range of exemptions but people even marginally above that level would not be entitled to such exemptions. The way out of our economic difficulties is not to tax to death people who create wealth in this country. They are invariably employers and the self-employed, or those who generate economic activity. Although it is not explicit, the motion provides for an increase in corporation tax. Although I know Deputy Boyd Barrett firmly believes in that, Fianna Fáil fundamentally disagrees with it.

The motion cites a series of sources of data relating to poverty and deprivation, and none of us can dispute the fact that the amount of spending cutbacks and taxation increases in the past

six or seven years has brought a very heavy burden on the Irish people. Very few, if any, people have escaped the impact. Deputy Boyd Barrett's motion cites the Central Statistics Office, CSO, survey on income and living conditions, Barnardo's data and information from UNICEF, Age Action Ireland, the OECD, Social Justice Ireland, the Irish League of Credit Unions etc. These absolutely confirm a trend which we see in our daily lives and our experience as practising politicians. People have found it tough and are still finding it hard. There has been an adjustment in living standards and an attack on incomes. Many people have lost their jobs and those who are still in employment are paying far higher taxes than before. This has inevitably had a very negative impact on people's daily lives. I would be the first to acknowledge that, and the data confirms an increase in poverty rates and deprivation. The most startling statistic concerns the impact on children, as one in eight is virtually living in consistent poverty. We should debate such issues far more in this House than we have done up to now.

The issue of housing and homelessness is quite rightly highlighted in the motion. There is an article in the online version of the *Evening Echo* which brings home the stark nature of the crisis we are facing, as it indicates there is one property currently available in Cork city that is suitable for a family on rent allowance. It has an advertised rent rate for a family of two adults and three children that falls within the rent band in Cork. The property is in Knocknaheeny. According to the online article today, no other properties are available in Cork.

This confirms the experience I have as a public representative. People are facing an immediate housing crisis. They might have to vacate their existing property because the rent has increased to a level that is well outside the rent thresholds set out by the Department of Social Protection. I welcome the fact that the tenant protection scheme is being extended to Cork city, whereby Threshold and the Department can work together and in individual cases can sanction a level of rent supplement support in excess of the national guidelines. That is welcome. However, stories such as the one I mentioned show the reality of the crisis that thousands of people are facing throughout the country. It is affecting not just Cork city but also the suburbs, which will not benefit from the extension of the tenant protection scheme. I ask the Government to reconsider that, because the situation in places such as Douglas, Carrigaline and Passage West is equally acute, but people do not have the opportunity to avail of the scheme.

Today, Fianna Fáil formally launched a new Bill to deal with the mortgage crisis. I hope the Government will take it on board. There is a surge in home repossessions, which will add to the crisis in the rental sector and result in more homelessness. The issue we seek to tackle in the Bill is the veto the banks hold in the Insolvency Service of Ireland in respect of the restructuring of family home mortgages. I can offer a statistic. In the year and a quarter, up to the end of last December, that the Insolvency Service of Ireland has been accepting applications, just 199 personal insolvency arrangements have been approved by that service. The personal insolvency arrangements deal with situations in which people are over-indebted, including with secured debt. There is no breakdown of the 199, but it is suspected that the vast majority of them relate to buy-to-let mortgages, where there has been a restructuring or perhaps a write-down of the mortgage balance.

The stated position of Bank of Ireland and Ulster Bank, which was given at the Oireachtas finance committee, is that they will not support any restructuring proposal in the insolvency service relating to a mortgage where there is a write-down of any element of the principal of that mortgage. That figure of 199 should be seen in the context of the fact that 118,000 family home mortgage accounts are in arrears, of which almost half, 60,000, are in arrears of one year or more. That conveys the scale of the crisis we face in terms of family home repossessions.

It is no exaggeration to say that, potentially, tens of thousands of repossessions are coming down the track. In Cork alone, more than 400 cases for repossession were brought before Cork Circuit Court from 1 January to the middle of February. That fact is replicated throughout the country and we are seeing the figures coming through in media reports. It is a real crisis. The main Government response to the mortgage crisis was the setting up of the Insolvency Service of Ireland to deal with people who were over-indebted and to provide for more sustainable solutions to their mortgages. It is simply not working; it is failing abysmally. One of the reasons, although it is not the only reason, is that the banks have the power to say “No” to a proposal put forward by an insolvency practitioner. This must be dealt with.

The motion states that there is significant evidence to suggest that a very wealthy minority at the top of Irish society has been fully insulated from deprivation and hardship. There might be some, but I believe they are few and far between. Most assets that people hold have taken a hammering as share values, pension fund values and property values have fallen over the last six or seven years. They are recovering to an extent now and regaining some value, but the vast majority of people who held wealth in this country have taken a hit. That is simply a statement of fact.

The motion refers to the issue of income inequality. I accept, and it is clear to everybody, that we are living in a society that is more divided than ever. There is no doubt about that. I accept Deputy Barry’s comments about the primacy of jobs and that employment is the way out of poverty and deprivation. However, the nature of employment is changing. Much of it is transitory and short-term. There are zero-hour contracts. People are being taken on for three months, let go for a week and taken on again for another number of months, so they do not accrue employment rights. All of these trends are emerging. Many of the jobs are low-paid. The nature of employment is changing, and that is creating issues as well. We are seeing the emergence of a growing number of so-called independent self-employed contractors. Companies will not hire people but will allow them to be self-employed. The Revenue Commissioners are now focusing on that issue because of the taxation treatment of expenses that people are incurring going to and from work and so forth. These are the patterns in employment and we must be very conscious of them. They are changing the landscape of employment in this country.

In the past there was far greater potential for mobility for people who were brought up in areas of disadvantage, had deprived backgrounds and lived in poverty. That was through the medium of education. Other Deputies have spoken about this. Education was the means of advancement, in the sense that it is the great leveller in Irish society. If people can get an equal education, they have the opportunity to progress. However, my observation is that there is far less potential for mobility in Irish society now. We are becoming more divided. Those at the top are getting wealthier, but many people are firmly stuck at the bottom of the ladder and are not in a position to climb it. The Government and all politicians must be conscious of that. It is a massive societal challenge. Society, certainly in my view, is far more divided than it ever was previously.

The motion refers to early child care. That is one of the barriers for people who wish to progress in society. A simple measure to take in that regard would be to extend the community child care subvention programme. At present, it is only available in community child care facilities. Fianna Fáil recently tabled a motion which dealt with that and other issues. If that scheme could be extended to private child care facilities it would provide far more opportunity for people who wish to join the workforce and require access to subsidised child care. Undoubtedly there would be cost implications, but the Minister could structure it in a way that

would support people in that situation. At present, it is a case of Russian roulette. It depends on where one lives, whether there is a community child care facility available and, if there is, whether there is a space available for one's child in that facility. If one is surrounded by private child care facilities and one is in a low-income household, one is locked out of that system. It is simply unfair and it is a barrier to dealing with poverty in a sustainable way.

Fianna Fáil has set out its critique of the Government's budgetary strategy over the last number of years and I will not play politics with it. Suffice to say that the ESRI has independently confirmed that the Government's approach to budgetary policy has been regressive in nature. I will give one example. When money was being taken out of people's pockets and their income, the same amount was taken from everybody who was in employment with the abolition of the PRSI exemption threshold. Over €260 was taken from everybody, whether they earned €20,000 a year or €200,000 a year. However, when it was time to give something back, as it was in the last budget, far more money was given to people on higher incomes. It was up to €750 for people earning over €70,000 a year, but just a fraction of that, a fifth, for people on the minimum wage. That is a good example of this Government's approach. When it needs to take money from people it will take the same amount from everybody, or proportionately more from people on low and middle incomes, but when it is giving money back it gives a great deal more money to the higher paid. It is indisputable that this is what happened.

If we are genuine about tackling poverty, there is still an issue with the social welfare trap. It is primarily related to the matter of secondary benefits and the loss of certain benefits, such as rent supplement and medical cards, which are highly valued, by people who are trying to migrate from dependency on welfare to employment. That is becoming a very serious problem which must be tackled.

In our view, the consolidation in the public finances had to be done. I welcome the fact that the current analysis of budgetary policy will be beefed up. We have long made the point that the analysis on budget day is selective. For example, in the budget booklet presented by the Department of Finance, there is an analysis of the tax changes but the totality of the impact on a family is not properly measured or analysed. We will, therefore, wait to see the detail of the social impact assessment the Government has committed to carrying out.

We all agree with protecting the vulnerable, who include people who depend on social welfare and many people earning less than €35,000 a year. However, many people earning well in excess of that amount have very large mortgages and financial commitments and, to my mind, they are also vulnerable. They have to pay every tax and charge which is levied in this country yet they do not qualify for medical cards, rental support and so forth. Many of the supports available in the State are assessed on the basis of gross income. This needs to be addressed.

Deputy Michael Colreavy: It is difficult to analyse something such as this motion, or the Minister of State's counter-motion as it is accurately called, in five minutes. I can only skim the surface of it.

Since the economic crash, we have been looking at the ghosts of freshly painted shops and businesses have been turning green with moss because their former owners have had to abandon them. Local sports fields are silent because the younger generation who should be playing football, hurling or other games on them are now leaving or have left for lives on other shores. Meanwhile, those left behind are burdened with the loss of services and, in many cases, the loss of community institutions. Local businesses are locked in to upward-only rents, unsustainable

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rates and water rates and are unable to access sufficient credit from the banks. They have closed and are still closing during this continuing era of austerity. Three weeks ago, five businesses closed in Sligo. This did not make the headlines. They were small businesses, with at most eight employees in each of them, but it has shattered the lives of those people.

The Government speaks about green shoots. The green shoots are cold comfort. Those businesses could not cling on long enough for the Government to deliver on the promises it is making. Those businesses and the people who have lost their jobs look on what the Government is saying about green shoots as election waffle. They could not and cannot hold on any longer.

The level of housing stock is a disgrace. It is ironic that a housing boom caused many of the problems and that we now cannot provide a roof over the heads of people who are homeless or threatened with homelessness. This will stunt not just this generation, but future generations, yet what do we get? We get a report with more promises that we are not to worry because the Government will look after it all.

If the Minister of State were to come with me to any hospital tonight, she would see people who are badly in need of medical care lying on trolleys. Children with disabilities have had medical cards taken from them. Promises were made that they would be returned but in many cases they were not. Domiciliary care allowances were whipped off people and they were left with fights on their hands to get even a little of the allowance back. This is what we have been left with in the post-Celtic tiger era. We are left with hopelessness and promises from a Government which wants to get re-elected.

It is not the fault of our hospital or our health care staff. It is not the fault of the home helps who have been told to cut back on a person's home help hours by ten minutes because they now need to call to another two people within the same amount of hours. They want to do the right thing by that person and by everyone else, but their regulators are the ones who comply with Government directions and tell the home help to cut back on the service to people by ten minutes. The health services are in a critical condition because they have been subjected to death by a thousand cuts. They are in a critical condition, yet we are expected to applaud when a Minister announces that there will be no further cuts.

Instead of providing jobs for young people, we provide a scheme which uses them as free labour. JobBridge has been abused by companies attempting to piggyback on a regressive Government policy and unscrupulous employers are using it for their own ends. Instead of providing work for our thousands of young people abroad so that they might come back, the Government is creating a system in which young workers will effectively work for free. It is every rogue employer's wish coming to pass.

We have lost more than our economic sovereignty. Regulation and rules now replace discretion, compassion and decency in the way we treat our most vulnerable citizens. Can we at least stop adding insult to the agony by boasting of illusory green shoots?

Debate adjourned.

The Dáil adjourned at 9.30 p.m. until 9.30 a.m. on Wednesday, 25 February 2015.