



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 25 Meitheamh 2015

Thursday, 25 June 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Defence Forces Reorganisation

1. **Deputy Seán Ó Feargháil** asked the Minister for Defence his views on whether the essential element of military efficiency and effectiveness is command and control, and that this is only effective when this operates closest to the operational troops; if it is the case that the 2012 reorganisation of the Defence Forces has undermined this; and if he will make a statement on the matter. [25256/15]

Deputy Seán Ó Feargháil: This question is straightforward and aims to establish if the Minister accepts that command and control are at the heart of military efficiency and effectiveness. Does the Minister believe that the 2012 reorganisation has contributed to enhancing or diminishing the whole area of command and control as we have experienced it?

Minister for Defence (Deputy Simon Coveney): Effective command and control is indeed essential to military effectiveness, and exists within all units of the Defence Forces. Equally, having an appropriate organisational structure is also key to military efficiency and effectiveness.

The objective of the reorganisation of the Permanent Defence Force in 2012 was to design a viable organisational structure which prioritised the operational capacity of the Defence Forces, within a strength level of 9,500 personnel. The proposals for the reorganisation were developed by senior civil and military personnel. The recommendations for the territorial areas of responsibility and the location of brigade headquarters were assessed with due regard to operational requirements. I am advised by the military authorities that proximity to a headquarters is not the determining factor for effective command and control.

Final proposals relating to the reorganisation of the Permanent Defence Force were agreed

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between the Chief of Staff of the Defence Forces and the Secretary General. The recommendations for the reorganisation were accepted in full at the time by the then Minister for Defence. I am satisfied that the current structures optimise the operational capacity of the Permanent Defence Force and have enabled the Defence Forces to deliver the required operational outputs, within a strength ceiling of 9,500 personnel.

Deputy Seán Ó Fearghail: I am not sure I concur with the Minister. To me, there is an inescapable logic in saying that command and control are most effective when closest to the operational troops. At the heart of the former Minister, Deputy Shatter's, reorganisation of the Defence Forces was the relocation of the command and control of Custume Barracks in Athlone and Finner Camp in Donegal to Dublin. The control of troops in Renmore Barracks in Galway was relocated to Collins Barracks in Cork. That seems to me to be a questionable initiative.

It is difficult to believe that there have not been additional costs accruing to the Defence Forces as a result. Can the Minister tell us if there have been additional costs arising from troops carrying out routine duties in Dublin, yet having to travel from Dundalk, Athlone or as far afield as Donegal in order to do so?

Deputy Simon Coveney: I am advised that there are no practical day-to-day difficulties involved. Clearly, however, there is now a requirement for people to travel to certain meetings and so on. From a territorial viewpoint, however, Ireland is not a huge country. We have reorganised the Defence Forces in a way that essentially went from three senior command structures to two. That was done on the basis of giving advice to the Minister, having had a long discussion between the Secretary General and the then Chief of Staff.

From my experience of having been Minister for Defence for nearly a year, and from what I have seen, the operation of the Defence Forces is highly efficient. Of course there are some requirements at times to travel either to Cork or Dublin from the locations the Deputy mentioned. However, I do not think it has had a significant operational cost impact on the overall command and control structures within the Defence Forces.

Deputy Seán Ó Fearghail: There are many within the Defence Forces who would disagree with the Minister. The Minister will recall that at his very worthwhile symposium in Farmleigh, this reorganisation featured as a particular issue.

Many would argue, and I would concur, that the formation structure of our Defence Forces was to allow for expansion or contraction as the need arose. It is difficult to believe, however, that there are not real, identifiable, additional costs arising from that reorganisation. It is equally inescapable that many people in the Defence Forces, with a deeper knowledge of those forces than either I or the Minister, would suggest that efficiency and effectiveness have been diminished rather than enhanced as a result of these changes.

Deputy Simon Coveney: There will always be people who have different views, but the context here is a Permanent Defence Force of 9,500 people. A decision was made to close four barracks, as well as restructuring and reorganising to reflect the new, agreed strength levels of the Defence Forces. It was to ensure that we had barracks and structures that were full, busy and fully operational, as opposed to trying to spread them across a large infrastructure having reduced the overall number within the Defence Forces. That is what happened.

The Deputy referred to our recent symposium on defence in Farmleigh, but this issue was not a big feature of that discussion.

Deputy Seán Ó Fearghail: It was a feature.

Deputy Simon Coveney: It may have been mentioned during the day, but I have had many discussions concerning the Defence White Paper, which is approximately 160 pages long. We have tried to accommodate as many viewpoints as we can both from the military and civilian sides, and we are continuing to do so. I acknowledge there are others who share the view the Deputy is advocating in this regard, but my experience as Minister for Defence is that the current structures are working well.

European Security Strategy

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence if he has read the European Commission's communication on the European security agenda; if he held discussions with the Taoiseach ahead of the next European Council meeting, which takes place on 25 June 2015, considering that the Council will discuss the security challenges facing the European Union and the European security agenda at that meeting; and if he will make a statement on the matter. [25309/15]

Deputy Pádraig Mac Lochlainn: My question relates to the meeting today of the European Council which will include discussion on the EU's security strategy. This meeting takes place against the background of what is happening in the Mediterranean and in Ukraine. There are real concerns, in particular, about the military build-up by EU and NATO on one side of Ukraine and by the Russians on the other side, and the approach Ireland is taking to that matter.

(Deputy Simon Coveney): The Deputy's question is relevant and fair in the context of the discussions that are going on today, although they are somewhat overshadowed by the continuing negotiations on the situation in Greece. There is ongoing liaison between my Department, the Department of An Taoiseach and other relevant Departments regarding security and defence matters generally. In preparation for the European Council meeting, which is taking place today and tomorrow, 25 and 26 June, I attended a meeting of the Cabinet committee on EU affairs on 10 June, at which all aspects of the June European Council, including defence matters, were discussed.

I understand from my colleague, the Minister for Justice and Equality, Deputy Frances Fitzgerald, that the European Commission published its communication on the European agenda on security for the period 2015-2020 on 28 April. The communication sets out a series of actions to support member states in their work combatting three areas presenting significant challenges to the internal security of member states and the Union, namely, preventing terrorism and countering violent radicalisation, fighting organised crime, and fighting cybercrime. The communication was considered at the Justice and Home Affairs Council on 15 and 16 June 2015. The conclusions of the meetings of the Council of Justice and Home Affairs of December 2014 and June 2015, taken together with the European agenda on security, constitute the renewed EU Internal Security Strategy 2015-2020. It is expected that a decision will be taken at the European Council 2015 to progress work on the renewed strategy.

In regard to common security and defence policy, it is expected that the European Council will request the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, HR-VP, to prepare an EU global strategy on foreign and security policy to be submitted to the European Council in June 2016. In addition, it

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is expected that the Council will agree to continue work on a more effective, visible, and result-oriented common security and defence policy, the further development of both civilian and military capabilities and the strengthening of Europe's defence industry.

Developments in Ukraine and the Mediterranean will also be discussed at the Council meetings today and tomorrow. In the context of activities in the Mediterranean, there is to be a discussion as to whether a quota system should be introduced for the acceptance of migrants. The objective is for other member states to share the burden Italy is currently carrying more or less on its own. There is a great deal to discuss and we will have to await the outcome.

Deputy Pádraig Mac Lochlainn: I am always concerned when I hear about common security and defence policies at EU level. We proclaim ourselves to be a neutral state, but I do not see a strategy or actions from the Government to support that assertion. For example, Fine Gael's four MEPs voted in favour of a European Parliament report which advocated possible military action in the Black Sea basin following the annexation of Crimea by Russia. That does not tally with the position of the Government and the State that Ireland is neutral.

Neutrality is not about sitting on the fence. It is possible as a neutral state to play a very positive and constructive role internationally, as we have seen from Ireland's involvement in peacekeeping, conflict resolution and human rights advocacy. What is the Minister's plan in these meetings to assert Ireland's neutrality and offer something separate from the position that will be taken by the representatives of NATO countries with whom he sits at the table?

Deputy Simon Coveney: These issues arise all the time. We are a militarily neutral country, which means we are not militarily aligned to any other country. However, neutrality does not mean one stays out of everything or one cannot take a position on a particular report. Neutrality means choosing to support or not support positions on the basis of their particular merits. Ireland sometimes takes positions that are consistent with those of other member states. On other occasions, that is not the case. When I attend meetings of the Defence Council, I consistently refer to our relationship with the United Nations when other countries are talking about EU co-operation with reference to NATO. That serves to re-emphasise on a regular basis Ireland's connection with the UN, which is very much linked to our military neutrality and is the protector of that neutrality in terms of our international reputation and so on. We will continue to do that.

The fact that a number of our MEPs might vote for a report because they happen to consider it worth supporting does not undermine Irish neutrality. I have not read the particular report the Deputy mentioned, but I would defend the right of MEPs from any party to do so where they happen to agree with the thinking behind and the merits of a report's recommendations. Irish neutrality allows our MEPs to vote either for or against such reports on the basis of whichever is the right thing to do. That does not undermine Irish neutrality.

Deputy Pádraig Mac Lochlainn: The problem is that there is history here. Some of us will recall, for example, the Beyond Neutrality document produced by Alan Dukes, a former leader of the Minister's party. There is a concern that Fine Gael does not support the historical decision of this State in terms of neutrality. It is an honourable tradition and one that has served us well.

Regarding the current situation in the Mediterranean, we are all very proud of the role the *LE Eithne* is playing and we want to ensure its mission remains a search and rescue one. The

mission launched recently by the EU is something very different from the one in which we are currently engaged. Will the Minister assert very clearly to the Taoiseach that we must continue our involvement solely in a search and rescue capacity and will not align ourselves with a mission that has an entirely different agenda, one that is driven by NATO states in Europe? I am seeking an assurance from the Minister that the work being done by the Defence Forces and Naval Service, work of which we are all very proud, will continue and they will not be sucked into some other agenda.

Deputy Simon Coveney: To clarify, the Beyond Neutrality policy document was put together by Gay Mitchell at a time when my party was in opposition.

Deputy Pádraig Mac Lochlainn: It was fully advocated by the party's former leader, Alan Dukes.

Deputy Simon Coveney: I simply wish to correct the record on that point because I know Mr. Mitchell put a lot of work into it.

The *LE Eithne* and its crew continue to do extraordinary work in the Mediterranean for which they have received a great deal of recognition. From the videos I have seen and the reports I have received from the ship and through the Department of Defence, it is clear they are doing a first class job in terms of the compassionate and professional way they are dealing with people. There are huge numbers involved, with some 2,300 people having been taken on board the *LE Eithne* at this stage. As I said, we intend to continue that work. I have given a commitment - which, however, is under constant review - that we will have an Irish naval vessel in the Mediterranean on search and rescue and humanitarian work until the end of September at least. The *LE Eithne* will probably be rotated towards the end of July.

The EU's naval force, NAVFOR, mission has been approved at European level. To be clear, what is proposed under that process involves three phases. The first is little more than what is happening at the moment, namely, information gathering and so on. Phases two and three require a UN mandate before they can proceed, as far as we are concerned. If we are to be part of the mission, we would have to go through the normal approval process involving the triple lock of UN mandate, Government decision and Oireachtas approval. NAVFOR is not on the agenda of the meeting at the moment. If a request comes in for Ireland to participate and if there is a UN mandate for it, we will debate the proposal and make a decision. For now, our focus is solely on our humanitarian role in the Mediterranean, which effectively involves a bilateral arrangement with Italy. I understand Deputy Clare Daly has tabled a question on that specific point. The humanitarian role is our sole focus at this time and there are no other agendas at play.

Overseas Missions

3. **Deputy Clare Daly** asked the Minister for Defence if he will explain his previous responses that the Irish Defence Forces were not involved with Operation Triton in view of the fact that FRONTEX, which runs the operation, says that we are involved, and his comments to the media that Ireland has agreed a new military mission with other European countries, involving the disruption of smuggling gangs, which is awaiting sanction from the United Nations Security Council. [25231/15]

Deputy Clare Daly: This question follows on from previous ones. The Minister is devel-

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oping quite a reputation as a bit of a hawk. There is a major contradiction between what he has just said, what he said on the last occasion and what he said on the airwaves and in other public statements. When I asked during our last Question Time whether it was appropriate for *LE Eithne* to take part in a FRONTEX operation, Triton mission, the Minister said it was not taking part. However, FRONTEX says we are participating. It is on its website and in its material. The Minister has said other things on the airwaves. I would like him to clarify some of the contradictions.

Deputy Simon Coveney: First, I would like the Deputy to outline what the contradictions are because I have been absolutely consistent on this issue from the start and remain so today.

LE Eithne is not engaged in Operation Triton or in any form of border security operations as part of its deployment in the Mediterranean. Section 3 of the Defence (Amendment) Act 2006 permits, with the approval of the Government, the despatch of the Naval Service vessel and personnel for the purpose of “undertaking humanitarian tasks in response to an actual or potential disaster or emergency”. It does not permit the carrying out of border control-type tasks, such as those undertaken by Operation Triton. A reference on the FRONTEX website referring to Ireland’s contribution to the Operation Triton mission is incorrect and is being removed.

The deployment of *LE Eithne*, following Government approval, supports those measures already taken by Italy and other EU states in the area of searching for and the rescue of migrants and the provision of humanitarian assistance, as provided under international law. There is no international humanitarian search-and-rescue operation established by any decision of any international body or national authorities in the Mediterranean. Rather, it is the unilateral deployment by Ireland of a Naval Service vessel to the Mediterranean where it is undertaking humanitarian search and rescue tasks in accordance with the applicable provisions of international conventions governing search and rescue situations and in co-ordination with the Italian authorities.

The humanitarian crisis in the Mediterranean is of great concern to Ireland and to our EU partners. *LE Eithne* and her crew are an invaluable asset in assisting with the Mediterranean migrant crisis. The success of the operations carried out to date, involving the rescue of approximately 2,136 migrants, demonstrates clearly the value of Ireland’s participation in this important humanitarian mission.

At EU level, a Council decision to launch the European Union military operation, EUNAVFOR Med, was adopted at the formal meeting of the foreign affairs Council in Brussels on 22 June. The mission is one element of the EU’s comprehensive approach to addressing the migration crisis in the south and central Mediterranean. Irish Defence Forces personnel are not currently taking any part in this mission. Consideration of participation by the Irish Defence Forces in EUNAVFOR Med will occur only if there is a UN Security Council resolution and the applicable national statutory requirements are met. I understand that discussions on a draft Security Council resolution are ongoing. In the interim, Ireland will continue to remain focused on its humanitarian search-and-rescue operation. This is exactly what I said to the previous questioner. It is also exactly what I said on the last occasion we were here for questions. If the Deputy is going to say I am inconsistent, she might point out what I am inconsistent on.

Deputy Clare Daly: Absolutely. I will be delighted to. It is incredibly convenient that when we point out that FRONTEX claimed Ireland is a participant in Operation Triton, that claim is now deemed a mistake on FRONTEX’s part. Was its comment that we were one of

the 26 European countries taking part the only mistake? Were there other countries in respect of which a mistake was made?

Deputy Simon Coveney: What is the inconsistency?

Deputy Clare Daly: After a session on the last occasion, the Minister went on the George Hook radio programme and said:

What we have also agreed along with other European countries, including the UK, is a new military mission, which will be partly around search and rescue and monitoring. But also, phase 2 of that will be to try to disrupt, disassemble, and tackle very well-funded people-smuggling human-trafficking gangs that are operating out of Libya at the moment. What we are planning to do now is that the EU will work with state actors in places like Libya. We have agreed a new military mission.

That is not what the Minister said in here. However, it is what he said on the public air-waves. The versions do not tally. Which is the real Simon Coveney?

Deputy Simon Coveney: The Deputy is selectively quoting.

Deputy Clare Daly: It is word for word.

Deputy Simon Coveney: Let me explain. When I said “we”, I was talking about the European Union, and the Deputy knows that. I have confirmed in the answer I have just given that the European Union has agreed to an EUNAVFOR mission. It is a military mission and it is also an information-gathering mission and a mission that wants to disrupt human trafficking in North Africa. It is all the things I said on the show but Ireland’s participation in it is an entirely different matter. We cannot and will not participate in what has been agreed by “we”, as the European Union collectively, unless we have a UN mandate to do that and have passed the required decision-making structures here in the Dáil and Cabinet. We, as the European Union, have agreed to a new mission to try to disrupt people-trafficking from North Africa. In the meantime, Ireland continues to operate as an individual country in co-operation with Italy on a humanitarian search-and-rescue mission.

When the Deputy quotes me as having said “we”, she should note it refers to a decision taken by EU foreign and defence Ministers collectively. It has been approved subsequently but does not have a UN mandate at present. We, as in Ireland, will not be part of that without a UN mandate. Even if there is a UN mandate, we will have to debate it and consider it.

Deputy Clare Daly: If one plays back the interview, one will realise it is quite clear the Minister was talking about Ireland. He said, “We [...] along with other European countries, including the UK”. Therefore, he is not talking about the European Union but about us in Ireland, along with our colleagues in Europe. It is a decision for Ireland. The Minister said: “We have agreed a new military mission.” I realise the Minister will have to go through the motions and attend to the optics in the Dáil if that mission is to go ahead but the point being made, including by Deputy Mac Lochlainn, is that this is clearly the direction in which Fine Gael wants to go. Of course, UN sanction is needed before we can make progress on it properly. Is the Minister now trying to tell us he will not be arguing for our participation in this mission? Is he saying it will be entirely a matter for the House? It is quite clear that is not the case.

Deputy Simon Coveney: The triple lock was never entirely a matter for the House. It re-

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quires a Government decision in addition to a Parliament decision. With respect, the Deputy should not be talking about our approach to the Mediterranean as if there were some kind of conspiracy around the corner. Our approach to the Mediterranean at the moment is a purely humanitarian one. The debate that happened at EU level has been to try to find a way of doing more than rescuing people in the Mediterranean, who are currently being herded onto ships that are not capable of getting across the Mediterranean. We must do something in North Africa to work with others there to try to disrupt criminal gangs that are taking advantage of and making a lot of money from people who are very vulnerable. That is the decision but Ireland will not participate in that mission without a UN mandate and UN approval. I have made that very clear, in the public airwaves and in this House. It is no more complicated than that. This is not some kind of conspiracy from any one political party that is seeking to move away from neutrality or anything like that. To be honest, it is a bit disingenuous to suggest it.

Defence Forces Reserve Strength

4. **Deputy Seán Ó Fearghail** asked the Minister for Defence the measures he is putting in place to enhance the Defence Forces Reserve, and if he will make a statement on the matter. [25257/15]

Deputy Seán Ó Fearghail: It is a little hard to follow the last question.

Deputy Simon Coveney: It was trying to bring politics into something we should not be political about.

Deputy Seán Ó Fearghail: My question on what the Minister can do to enhance the Defence Forces Reserve is posed against the background of very strong statements of support by the Minister for the reserve despite continuing discontent among its ranks over the Government's commitment to its continued expansion and growth. It is also posed in the context of the Minister's symposium at Farmleigh, where there was much emphasis on the increased maritime responsibility of Ireland, with control over or responsibility for approximately 20% of the EU maritime territory. Against that backdrop, we see the establishment figures for the Naval Reserve reduced from 400 to 200.

Deputy Simon Coveney: The Deputy is correct that this was a focus. It was one of many but it was an important focus at the symposium.

10 o'clock

The Defence Forces Reserve is an important asset to the State. I value the contribution of all of its members who volunteer their time and service so willingly. I am fully committed to its future development. To that end, an ongoing development process for the reserve is under way. This is being led by a high level civil-military oversight group which is addressing the agenda of issues identified in the review of the Reserve Defence Force, RDF, published in November 2012. This review was undertaken as part of the Government's overall programme of value-for-money, VFM, reviews. The VFM review identified a range of issues which were adversely affecting the capacity of the Reserve Defence Force. These included high turnover of personnel, poor uptake of training and inefficient organisational structures.

The review recommended a range of measures to ensure the continued viability of the re-

serve. These measures included the implementation of revised organisational structures based on a strength level of over 4,000 personnel, implementation of revised recruitment policy and practice, a critical review of the approach to the delivery of training, a revision of the regulatory criteria for classifying reservists as effective and the preparation of options for the future development of the first line reserve.

As I mentioned at the outset, the implementation of the review recommendations is ongoing. The revised “single force” structure, introduced in March 2013, offers significant potential to enhance Defence Forces’ capabilities through improved interoperability between permanent and reserve elements. At present, reserve units remain under strength - I think they are about 46% under strength but I can give the Deputy the exact numbers if he wants them - and a key priority is to recruit further members to the RDF in order to reach strength level targets. Revised recruitment procedures were introduced with the goal of improving retention rates. However, the numbers recruited to date have proved disappointing. Progress in this regard and the implementation of other recommendations of the VFM review is being closely monitored.

We are taking this issue seriously in the White Paper on defence, which the Deputy will see pretty soon. We are trying to ensure that, in particular, we can get specialist skillsets into the reserve that can be used strategically and in interoperable way with the Permanent Defence Force. Let me be clear because some people seem to unaware of this-----

An Ceann Comhairle: The Minister is way over time. I want to proceed to Ordinary Questions.

Deputy Simon Coveney: We are strongly committed to an effective and well-trained reserve force into the future. Certainly, that will be reinforced by the White Paper.

Additional information not given on the floor of the House

Preparation of the White Paper is nearing completion and I expect to bring the draft to Government for approval shortly. The Deputy will appreciate that pending Government approval, it would be premature to discuss any plans for the future development of the reserve that are contained in the White Paper.

Deputy Seán Ó Fearghail: I continue to be encouraged by the Minister’s positive statements but we must move from positive statements to positive action. Is he willing to arrange for the devolving of control, organisation and implementation of recruitment to the RDF? This would allow the organisation to recruit up to the establishment figure, as required, as quickly as possible. Would the Minister consider facilitating RDF recruitment by testing applicants in regional locations rather than asking them to travel long distances to manned barracks to attend for things like fitness training, as is currently the case? They are two very practical steps that could assist straightaway.

Deputy Simon Coveney: A couple of points need to be made about that. This is not just about numbers. We need to get the right people who are there for the right reasons. It should not necessarily be easy to join the reserve, although we need to make it as easy as possible within the rules and standards we are setting. The objective here is not to get 4,000 people in, if they are not the right people. The whole point of the reserve is that it is effective and a real asset, which I believe it can be. There are about 2,200 reservists at the moment and we need to increase that figure. Clearly, my objective is to get the reserve force up to a full-strength but the way in which we do that must ensure that we get and motivate the right people to make sure

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they are a significant asset. The objective in terms of recruitment is motivating and attracting skilled and non-skilled people who are motivated and want to be part of the Defence Forces but who cannot be part of the Permanent Defence Force for all sorts of reasons. I think the emphasis must be on quality.

Deputy Seán Ó Fearghail: I would have thought it would have gone without saying that we would all be committed to the idea of recruiting suitable personnel who will bring added value to the Defence Forces. I am bit worried about the Minister's apparent acceptance of the idea that it is okay to put obstacles in the way of people joining-----

Deputy Simon Coveney: I did not say that.

Deputy Seán Ó Fearghail: Perhaps the Minister did not say it directly but it was implicit in what he said. Is he prepared to see a defined role given to members of the RDF? Does he see a role for them in overseas missions. The people on *LE Eithne* are literally fishing refugees out of the water in the way fishermen might do. I could see a role for properly qualified and trained civilians in that initiative and yet the commitment to the Naval Reserve is such that establishment figures have been cut from 400 to 200. We need to see some practical commitment now rather than in the future.

Deputy Simon Coveney: There is a higher percentage in terms of filling Naval Service reservist posts than there is in the Army reserve at the moment. There are no plans to deploy reservists overseas but that issue is being considered in the White Paper. My view is that if there are skillsets that would add to the operational and response capacity of the Permanent Defence Force, particularly in specialist areas, we should look at recruiting, supporting and maintaining that skillset within the Reserve Defence Force. We will have that discussion when we are debating the White Paper but I certainly have an open mind on it.

Nobody is suggesting that we would deliberately put obstacles in the way of people wanting to join the reserve. The point I am making is that there are requirements to be met in terms of fitness and standards in order to become a reservist so that we get the right people who can do a job when we call on them to do so.

Military Aircraft Landings

5. **Deputy Clare Daly** asked the Minister for Defence his views regarding whether Defence Forces personnel were present during the landing of the United States of America Air Force KC135 mid-air refuelling aircraft, number 80106 from Alabama Air National Guard at Shannon Airport on 14 June 2015; the reason for their presence; the nature of duties undertaken; and if he will make a statement on the matter. [25232/15]

Deputy Clare Daly: On 14 June, a US Air Force KC135 mid-air refuelling aircraft from Alabama landed at Shannon Airport. There is no possibility that this aircraft is not involved in military action because its purpose is to refuel military aircraft. Were the Defence Forces personnel called to that, who called them and what was their function on the day?

Deputy Simon Coveney: Similar questions have been asked in the past and this is a similar answer. An Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces

is the provision of aid to the civil power, ATCP, which, in practice, means assisting An Garda Síochána when requested to do so.

On many occasions since 2003, the Defence Forces have been deployed to Shannon Airport in an ATCP role in support of An Garda Síochána. The decision to seek support from the Defence Forces is an operational matter for An Garda Síochána. Accordingly, any security assessments and the reasons for decisions to seek support from the Defence Forces are a matter for An Garda Síochána.

With regard to the landing mentioned by the Deputy in her question, I can confirm that in response to a previous ATCP request made by An Garda Síochána, Defence Forces personnel were already present at Shannon Airport when the aircraft in question landed and continued to be deployed after it departed.

Deputy Clare Daly: I am not entirely clear about it. It is a similar answer but I am not sure this situation is entirely similar. Since I tabled the question, the Minister for Foreign Affairs and Trade confirmed that this aircraft had made an unscheduled landing, allegedly as a result of a technical diversion. Quite a few aircraft are landing without permission. The Minister said they were already present.

Deputy Simon Coveney: Yes.

Deputy Clare Daly: Why were the Defence Forces already present? The Minister also said they stayed until after the plane took off. Were they diverted to the aircraft and what did they do? This is important in terms of compliance with our neutrality because it is not the case, as the Minister said earlier, that neutrality means looking at things on their merits and making a decision. In actual fact, it does not mean that; being neutral means not taking sides, and if we are facilitating US military aircraft on a regular basis, which we are, without proper authorisation, then that is a breach of our neutrality and it is a serious problem.

Deputy Simon Coveney: My understanding is that we were there assisting An Garda Síochána, having been requested to do so before the aircraft landed. We happened to be there when it landed and we were still there when it took off.

In terms of the granting of permission, under the Air Navigation (Foreign Military Aircraft) Order 1952, all foreign military aircraft require the permission of the Minister for Foreign Affairs and Trade to overfly or to land in the State. That is where the primary responsibility lies. I do not have the full details as to the reason the aircraft landed but it was presumably diverted for some reason. I suspect we can get the details from the Minister for Foreign Affairs and Trade. From a defence perspective, I do not think there was any threat to this country from facilitating the landing.

Deputy Clare Daly: I could explain the threat. I realise the Department of Defence is only one of four Departments that deal with the issue. The Minister made the point earlier that our approach to the Mediterranean is a humanitarian one. We need to step back from that. I put it to the Minister that if it was, we would be taking a hell of a lot more refugees than we have agreed to take. We would not be just leaving them in Italy for the Italians to deal with them. In any case, if we were really concerned we would be standing back and looking at the circumstances that made those people refugees in the first place. One of the key reasons for that is the destabilisation of the region and the interference by the US military, an interference which we have facilitated and continue to facilitate through the use of Shannon Airport. Unless we address

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those issues then we are complicit in the circumstances that are giving rise to all those people who are desperately drowning in the Mediterranean and all of the other circumstances of destabilisation in that region. Perhaps the Minister might take up the issue at Cabinet level because there is an incredible inconsistency in our alleged neutrality while we allow the continuation of the landing of flights on a twice-daily basis.

Deputy Simon Coveney: Deputy Daly and I have a fundamentally different view of the role the United States plays in the world. I do not say mistakes have not been made, but I do not see every conflict and every cause of mass migration in places such as North Africa being caused by the United States. Some conflicts and some broken states are now trying to recover from wars in which the United States and many other countries have been involved, but that is not the same thing as to suggest that they were caused by the United States.

It is also not true to say that we are not thinking about, debating and talking about what the European Union can do in the medium term to try to address the causes of mass migration in places such as North Africa, across multiple states. We have Defence Forces personnel in some of the countries concerned who are trying to assist in providing stability and peace. In Mali, for example, I visited a training mission around St. Patrick's Day. Let us not simplify the situation. This is a hugely complex problem. This country is interested in longer term solutions and investment in trying to bring stability to states where there are currently significant migration problems because of fear of regimes and persecution, among other reasons. Multiple solutions are required. One of them is search and rescue, and we are actively part of that approach but we are also part of the broader debate as well.

Other Questions

Defence Forces Expenditure

6. **Deputy Clare Daly** asked the Minister for Defence the steps he has taken to ensure that the Irish Defence Forces cease to engage in any arms trade with Israel. [25094/15]

Deputy Clare Daly: I do not believe that the US is responsible for everything. The state of Israel is responsible for quite a bit, and that is the subject matter of my next question. The Minister is aware that the Ireland Palestine Solidarity Campaign launched a campaign to try to ensure that Ireland would play a role as a neutral country in delivering an arms embargo on Israel. As the Minister is aware, we have bought and received a lot of military hardware from the Israelis. Does the Minister plan to end that, and what position has he advocated in the EU on the matter?

Deputy Simon Coveney: I have previously outlined to the House the position with regard to the procurement of defensive equipment by my Department. I have also explained the scale and type of such equipment that the Department has acquired from Israeli companies in recent years and the purpose of such acquisitions, which is to afford the greatest possible force protection and operational effectiveness to Irish Defence Forces personnel. I can go through what we have bought, most of which is defensive equipment not offensive equipment. The principle of competitive tendering for Government contracts must be used by the Department of Defence

for the acquisition of defensive equipment for the Defence Forces under EU law. Central to those procedures is the requirement to allow fair competition between suppliers through the submission of tenders following advertising of the tender competition, usually on the eTenders website, in line with the EU directive on the procurement of defence and security equipment.

The matter of barring Israeli companies from entering tender competitions for the provision of military goods would be akin to Ireland unilaterally placing an embargo on such goods from Israel and this raises, *inter alia*, serious implications for Irish foreign policy which are outside my remit as Minister for Defence. As the Deputy is aware, trade policy and market access are largely EU competencies and any restriction or ban on imports from any particular country would have to be a concerted EU decision. The manner in which the Department of Defence procures both goods and services remains consistent with international best practice and is in line with EU and UN decisions on trade embargoes.

Deputy Clare Daly: In June 2013 Ireland signed up to the Arms Trade Treaty, which prohibits a state from authorising arms exports where it has knowledge that the weapons will be used in the commission of genocide, crimes against humanity and breaches of the Geneva Convention among others. Ireland has bought almost €15 million worth of arms and military components from Israel in the past decade and Irish companies have exported approximately €6 million worth of products. The Israeli regime, as the Minister is aware, has killed more than 9,000 Palestinians, including more than 2,000 children since 2000. It is not about the process of us being involved in trade with the state. It is the fact that we are involved with Israel at all. The Government has participated in embargoes and sanctions against other authorities. The situation is sufficiently serious for such action to be taken. Positive neutrality would ensure a cessation of such trade. It is absolutely appalling that individuals, the state of Israel and arms manufacturers in Ireland profit from the killing of Palestinians. The Minister should really use his position inside the EU and the UN to advocate an embargo throughout the EU, and not just sit back and say it depends on what the EU does. What position does the Minister advocate inside those organisations to deliver that result?

Deputy Simon Coveney: I have been using my position to advocate solutions to what is a very entrenched and difficult relationship and problem between Israel and Palestine. I do not believe that advocating for the introduction of an embargo or sanctions on Israel, or Ireland unilaterally doing so, would help the process. It is not true to say that Ireland unilaterally implements embargoes or trade sanctions on other countries. When we do that, we do it as part of the EU or the UN. Deputy Daly knows that.

People should understand the kind of equipment we are talking about, which is X-ray equipment for explosive ordnance disposal duties, which is hugely important for Irish troops abroad; helmets and personal protection; an artillery fire control system; unmanned aerial vehicles, which again is hugely important in terms of the protection of our troops; surveillance and targeted acquisition suites for four light tactical armoured vehicles, which is the kind of system we are using in our armoured vehicles abroad; and ground surveillance radar systems. Primarily, we are talking about equipment that helps to protect our troops in the field and we have gone through the proper tender process to acquire it.

Deputy Clare Daly: It is not about what we are buying, it is about who we are buying it from and who is profiting from it. The reality is that the Minister said sanctions will not help but talking nicely has not helped. He had no problem supporting sanctions against Ukraine, even though a much smaller number of people have been killed there than in Palestine. The

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reality is that Israel is unlawfully occupying Palestinian land and is breaching its international legal and humanitarian obligations. Ireland should be to the forefront in advocating an end to that process. The double standards are in place again. The Minister cannot impose sanctions against Israel but he can against Ukraine and Russia. All we are looking for is consistency in that regard. It is just not good enough.

Deputy Pádraig Mac Lochlainn: I want to support-----

An Ceann Comhairle: The Deputy has ten seconds. He must understand there is a time limit on each question. If I go over time on questions, it means the Deputy's question will not be reached.

Deputy Pádraig Mac Lochlainn: I was going to say-----

An Ceann Comhairle: This is the reason I asked the Minister and others to recognise the Chair. I am not being awkward. It is just that I have to impose the time limit.

Deputy Pádraig Mac Lochlainn: I appreciate the Ceann Comhairle's challenge. Question No. 11 is in my name but I am happy to waive it to speak on this question.

An Ceann Comhairle: We cannot do that. That is why I want to get to it. That is the whole purpose.

Deputy Pádraig Mac Lochlainn: I appreciate that. I will be very brief.

An Ceann Comhairle: Okay.

Deputy Pádraig Mac Lochlainn: I support 100% the issues raised by Deputy Clare Daly. How long are we going to do business with the military apparatus of the Israeli state, considering that 5% of Palestinian land remains in the hands of the Palestinians? The Oslo court is in tatters. The settlements continue. Jerusalem is-----

An Ceann Comhairle: Thank you.

Deputy Pádraig Mac Lochlainn: It is shameful that this type of apparatus is-----

An Ceann Comhairle: Will the Deputy please resume his seat?

Deputy Pádraig Mac Lochlainn: Get it from somebody else.

Deputy Simon Coveney: I think the Deputy is missing the point, with respect. The point I am making is that if embargoes are to be imposed, it needs to be a decision at EU level. Ireland's position in relation to a two-state solution as regards Israel and Palestine is very clear and has been articulated on many occasions. Whether it is the Minister for Foreign Affairs and Trade, or myself, the Taoiseach or others, we are strongly advocating, and Ireland is very much part of the debate around how the European Union can be of more assistance, in terms of getting a lasting peace process and a lasting solution in that part of the world. Our Defence Forces personnel put their lives at risk to try to do it as well. Anybody who suggests that Ireland is not committed to trying to find ways of delivering lasting peace in the Middle East needs to look at the number of Irish troops who, unfortunately, have paid the ultimate price in places such as southern Lebanon trying to do that.

An Ceann Comhairle: I thank the Minister.

Deputy Simon Coveney: We are committed to trying to get an outcome for people who for far too long have been living in misery in that part of the world. I do not personally think that those efforts will be assisted by the kind of approach that is being proposed.

Army Personnel

7. **Deputy Robert Troy** asked the Minister for Defence the tangible actions that have been taken for the utilisation of Columb Barracks in Mullingar in County Westmeath; and if he will make a statement on the matter. [24867/15]

Deputy Robert Troy: In November 2011, the Minister's predecessor announced the closure of Columb Barracks in Mullingar. What tangible action has been taken by the Government to ensure full utilisation of a fine facility in the town of Mullingar?

(Deputy Simon Coveney): It is a fine facility and we are looking at ways for utilisation.

Following the closure of Columb Barracks, my Department invited Departments and other public bodies to express any interest in the property, with a view to its disposal by the Department. No such interest was expressed at that time. As the Deputy is aware, my Department was approached by the Westmeath GAA county board for the use of the barracks as a training centre. The barracks in Mullingar is currently used by the county board under a short-term lease, an extension of which is currently under negotiation. The former barracks is also used by An Garda Síochána and the Customs and Excise service for training purposes and it is intended that these arrangements will remain in place. A number of other local groups, including the Irish United Nations Veterans Association, IUNVA, and the midland youth services have also been allocated units in the barracks. Leases with these and other local community groups are being progressed by the property management branch in my Department.

We are trying to find practical use for the barracks. We are trying to support community groups and arms of the State. We are also trying to support the GAA in order that the facilities in the barracks can be put to good use from a community perspective, but also from a functional perspective in terms of maintenance of the barracks.

Deputy Robert Troy: I thank the Minister for his update. Were it not for the proactive approach of Westmeath GAA county board, no use would be made of Columb Barracks. I know this because I initiated the contact with the Department of Defence almost three years ago in regard to it taking out a lease. Despite use by Westmeath GAA county board, Customs and Excise, An Garda Síochána, the Irish United Nations Veterans Association and the midland youth services it is totally under-utilised. The Minister acknowledged in his reply that it is a fine facility. It is unbelievable that the Reserve Defence Force in Mullingar pays €30,000 per annum to hire a premises while a huge facility in Columb Barracks lies idle. It is unbelievable that Westmeath Civil Defence is in substandard accommodation while a huge facility lies idle. I was delighted to hear in a previous response, the Minister's strong commitment to the Reserve Defence Force, pending publication of the White Paper. Given the central location of Columb Barracks in Mullingar and the quality and capacity of the accommodation and the current training arrangements in place for the Reserve Defence Force, would he consider making Columb Barracks the headquarters of the Reserve Defence Forces where adequate training could be completed?

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Deputy Simon Coveney: The ultimate aim is the disposal of the property as it is no longer part of the Defence Forces infrastructure. I have an open mind on using all the properties we still own as the Department of Defence to ensure they are being used in the most efficient and effective way across all the areas for which I have responsibility, whether it is the Reserve Defence Force supporting Civil Defence, etc. Obviously, the Permanent Defence Force has moved out of that barracks. We also have a broader responsibility to other community groups. That is the reason we have worked well with the GAA in that regard. We have an open mind. I also have a responsibility to ensure that the cost management around former Defence Forces infrastructure is also managed appropriately so that if we take on new tenants, they will look after the property properly. There is a whole series of issues that we need to take on board with barracks that have closed.

An Ceann Comhairle: I thank the Minister.

Deputy Simon Coveney: If the Deputy or the Reserve Defence Force have suggestions, please come back to me and we will look at them.

Deputy Robert Troy: I welcome the fact that the Minister is prepared to look at suggestions. What I understand from the Minister today is that his long-term strategic plan is disposal of the barracks. That is the only plan the Department of Defence appears to have. That is regrettable because Westmeath GAA has been an anchor tenant. It has ensured that any community group which wishes to use the facility has been accommodated. The Minister has said his priority is to ensure there is value for money. How can he, as Minister for Defence, stand over a situation where buildings in Columb Barracks in Mullingar are lying idle while the Reserve Defence Forces pays €30,000 a couple of hundred metres down the road? Certainly that is not value for money. If the Reserve Defence Force was allowed carry out its training and work in Columb Barracks in Mullingar, the €30,000 being paid to a private landlord could be better spent in the upkeep and maintenance of what is a fine facility in the town. I will come back to the Minister with concrete proposals.

Deputy Simon Coveney: The Deputy is missing a point. The barracks is a very big facility. Significant maintenance costs come with ownership and management of a facility such as that. In the barracks for which there is no longer a military function, we are looking at disposal in the medium to long term but we are also trying to ensure it is the right disposal for communities who have strong linkages with the various barracks that have been closed. We have done that in respect of the other barracks very successfully with local authorities, An Garda Síochána, other community groups and so on. There is an ongoing discussion with Kildare County Council. It is not the role of the Department of Defence to be a landlord indefinitely to facilitate multiple groups. We will do that in the interim and if we can put long-term arrangements that make sense in place, we will do that as well. However, I have to consider this in the round.

Defence Forces Expenditure

8. **Deputy Mick Wallace** asked the Minister for Defence further to Parliamentary Question No. 139 of 26 May 2015, if he will provide a breakdown of the costs involved for the Irish Defence Forces in providing aid to the civil power at Shannon Airport from January 2015 up to 18 June 2015; the role of the Defence Forces in such operations; and if he will make a statement on the matter. [25100/15]

Deputy Mick Wallace: My question relates to the cost of using the Defence Forces at Shannon Airport, what that money achieves and whether the Minister will consider making better use of that money. Does he not think it is a bit ironic that we are saving lives in the Mediterranean while facilitating the destruction of lives by using our Defence Forces to allow Shannon to be used as a US military airbase?

Deputy Simon Coveney: We have spent €83,000 this year on support for the Garda Síochána at Shannon Airport, which is slightly less than we spent last year. By this time last year, we had spent just over €84,000. Since 2012 the figure has been coming down quite a bit. It was €275,000 in 2012; €221,000 in 2013 and €180,000 last year. That is the full cost of providing aid to the civil power, that is, what we provide to An Garda Síochána, when requested to do so. That has been going on since 2003.

Deputy Mick Wallace: We were told recently by the Minister for Foreign Affairs and Trade that the US was being granted blanket permission for overflights of unarmed military aircraft. Military aircraft are landing in Shannon Airport and the Defence Forces are more or less protecting them from anyone who might want to reveal the truth that they are in breach of international law by carrying munitions through a supposedly neutral country. What would the Minister think of using the Defence Forces to check the planes to make sure that they are not carrying arms? The Minister for Foreign Affairs and Trade confirmed that there were 48 such overflights, aside from the ones that landed in Shannon. We do not even get the details of these. There is an *ad hoc* arrangement with the US which confirms that the aircraft are not carrying munitions, after the event. Most neutral countries, such as Austria and Switzerland, insist on the information being given in advance.

Deputy Simon Coveney: If the Deputy has a question for the Minister for Foreign Affairs and Trade, he should ask him. I am sure he will have no problem answering those questions. I certainly do not need to answer for him.

Our role in the Department of Defence and that of the Defence Forces is to give assistance to An Garda Síochána when it asks for it. That is what we do. We try to do that as efficiently and cost-effectively as we can. I have given the Deputy the figures for the past few years. The relationship we have with the US involves an element of trust. If we are told there are no weapons on planes, our position is that we accept that. If there are planes carrying munitions, there is a requirement to get permission to land in Shannon, which I think comes from the Minister for Transport, Tourism and Sport. That relationship has been in place for some time and if the Minister for Foreign Affairs and Trade wants to change it, that is a decision for him but I think the Government is reasonably happy with the position as it pertains.

Deputy Mick Wallace: I am sure the Minister respects the courts of this land. At the court hearing in Shannon when we were charged with illegal entry, three individuals testified to the fact that they saw arms on military planes, in the cabin and underneath. This testimony was given under oath and the judge accepted it. Does this not concern the Government? The Minister is a member of the Cabinet and there is more to his role than responsibility for the Defence Forces. There has been testimony in a court of this land that there are arms on these planes. Is the Government not going to take any action? We realise the US military use of Shannon and our aiding it to militarise so much of the world has led to the displacement of millions of people. We are fishing for refugees in the Mediterranean but we are helping to kill them by allowing the Yanks use Shannon.

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Deputy Simon Coveney: I do not accept that we are helping to kill anybody. I do not accept either that the US is looking to kill any refugees.

Deputy Richard Boyd Barrett: What does the Minister think the US troops do in Afghanistan? Eat cakes?

Deputy Simon Coveney: US troops have, by and large, left Afghanistan. The mission there is to build capacity amongst Afghan authorities.

Deputy Mick Wallace: There are 10,000 there still.

Deputy Simon Coveney: Yes, because they cannot leave overnight.

Deputy Mick Wallace: They certainly cannot.

Deputy Clare Daly: They have been leaving for over a decade.

Deputy Richard Boyd Barrett: They did in Vietnam.

Deputy Simon Coveney: The very same people who criticise the US for intervening, criticise it when it does not intervene.

Deputy Richard Boyd Barrett: No.

Deputy Simon Coveney: That is the reality when there are conflicts.

Deputy Mick Wallace: We would prefer if they stayed at home.

Deputy Simon Coveney: We are talking about the role of the Department of Defence in Shannon. Unfortunately, in assisting An Garda Síochána in Shannon the role of the Department of Defence is to ensure that people do not illegally enter Shannon Airport seeking to damage planes, as happened in the past.

Deputy Clare Daly: Is that what they are there for?

Deputy Mick Wallace: They are breaking international law.

Deputy Simon Coveney: Unfortunately, because of the actions of some people, we have to spend money deploying Defence Forces to protect aircraft landing in Shannon.

Deputy Mick Wallace: Is that so they can go on and kill people in the Middle East?

Foreign Conflicts

9. **Deputy Richard Boyd Barrett** asked the Minister for Defence if he has had discussions with any of his European counterparts following the European Parliament report advocating possible military action in the Black Sea basin, following the annexation of Crimea by Russia; and if he will make a statement on the matter. [25111/15]

Deputy Richard Boyd Barrett: I listened with interest to the Minister's definition of neutrality in the context of the worsening situation in the Black Sea area. The Minister was excusing the Fine Gael MEPs' decision to vote for this motion, which backs possible North Atlantic

Treaty Organisation, NATO, military build-up in the Black Sea. What is the Government's position on the NATO military build-up and the motion calling for increased defence spending in Europe specifically to support this initiative?

Deputy Simon Coveney: The Government's decision is that it does not take part in NATO decisions or operations unless they are peace-keeping operations that have the support and approval of the United Nations, which is the case, for example, in Afghanistan at the moment.

Deputy Richard Boyd Barrett: The motion that was passed calls for an increase in defence spending to 2% of gross domestic product, GDP, in the specific context of calling for greater military build-up in the Black Sea area, which is becoming the epicentre of a new cold war and where there is a constant aggressive build-up by the US and NATO. The European Union is now pushing to get involved. Does the Minister not think that our job as a neutral country is to stand up and warn against this, and say we should not be doing this?

Is there a connection between this call to increase spending to 2% of GDP and the fact that the German Government is supporting a debt write-down for Ukraine but the Greek Government, which has called for a reduction in defence spending, is getting very different treatment from the German Government? Is this the sort of geopolitical manoeuvring that is going on and what is our view of it? Should we not be calling foul?

Deputy Simon Coveney: I am not going to start judging other countries for what they choose to spend on defence. Greece allocates a relatively high proportion of its expenditure to defence. That is a decision for the Greeks, just as we must make decisions on defence expenditure as part of the White Paper process.

My view is that we need to spend a little more on defence in order that we can increase our peacekeeping capacity and ensure we can replace and upgrade equipment to protect members of the Defence Forces when they are in action. Advocating an increase in defence expenditure does not mean I am somehow a warmonger; the opposite is the case. Our role is one of peace-keeping and, in some cases, peace enforcement.

Ireland has taken a position on the suggestion that a set target for defence expenditure, based on a percentage of gross domestic product or gross Government expenditure, should apply across the European Union. The Government has opposed this proposal because we do not believe governments should be tied to certain targets at European level. That is our position and Ireland will continue to make its own decisions on defence expenditure and where and when we participate in defence actions. This is what being militarily neutral is about.

Deputy Richard Boyd Barrett: Is the Minister not deeply concerned that the European Parliament has passed a motion calling for increased military expenditure across Europe, specifically to back a military build-up in the Black Sea? This has been done against a background in which the United States assistant secretary of state for eastern European affairs, Victoria Nuland, used the immortal words "Fuck the EU" in an eavesdropped communication. She was involved in manipulating----

An Ceann Comhairle: Deputy, do not use that language.

Deputy Richard Boyd Barrett: I was quoting Ms Nuland's words.

An Ceann Comhairle: I do not care where you quoted from. You are in Parliament and you

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should behave as if you are in Parliament. That is outrageous language to use in Parliament.

Deputy Richard Boyd Barrett: My apologies.

An Ceann Comhairle: You are not impressing anybody.

Deputy Richard Boyd Barrett: I was simply quoting the US assistant secretary of state for eastern Europe. The Minister stated he trusts the US Government, yet this is its attitude to the European Union. It was manipulating the political process in Ukraine.

Deputy Simon Coveney: The point I made was that Members of the European Parliament will make decisions on the merits of reports, documents and recommendations. I have not read the document in question and I am not sure the Deputy has read it either.

Deputy Richard Boyd Barrett: I have read it.

Deputy Simon Coveney: Has he read the whole document?

Deputy Richard Boyd Barrett: I have a copy of the motion here.

Deputy Simon Coveney: Having had the benefit of speaking to many Ministers for foreign affairs and defence from other European Union countries, it is clear that many European countries feel threatened by Russia, which is perfectly understandable given their history with Russia. Many populations feel threatened by Russia as a result of what is happening in Ukraine. If one were to study the history of these countries, one might understand the reason people in Estonia, Lithuania, Latvia and other countries on the eastern borders of the European Union may feel threatened. That is the motivation behind motions such as the one the Deputy read.

Ireland has always advocated the position-----

An Ceann Comhairle: We are over time.

Deputy Simon Coveney: To finish the point, the position I have advocated is that a resolution of the current tension between the European Union and Russia will not be achieved by military interaction but by politics.

Deputy Richard Boyd Barrett: This document is a manifesto for a third world war.

Diplomatic Representation

10. **Deputy Clare Daly** asked the Minister for Defence his views regarding the number of defence attachés located here; the countries which have defence attachés located here; and the level of contact between the Irish Defence Forces and each of these attachés. [25091/15]

Deputy Clare Daly: This question relates to defence attachés in this country. It seeks information on the number of such attachés located here, the nature of our relationship with them and their role given that they are representatives of foreign armies.

Deputy Simon Coveney: There are 38 defence attachés accredited to Ireland, of whom only two are located here. One of these is from the Russian Federation, while the other is from the United States, which is somewhat ironic given the discussion we had on the previous question. The remaining 36 defence attachés are located in the United Kingdom.

There is ongoing contact between the Defence Forces and the defence attachés on a range of issues, including military events, functions, visits and training courses. Defence Forces' contact with the defence attachés depends on the topics of interest and, therefore, varies.

In addition, the Defence Forces conduct collective briefings of the defence attachés. This is an efficient use of resources and ensures the Defence Forces deliver a consistent message. In recent years, briefings have covered topics such as the White Paper on Defence, overseas operations and the work of the Department in the areas of international security and defence policy, specifically peacekeeping missions in which the Defence Forces are involved.

Deputy Clare Daly: I thank the Minister for his interesting reply. While I was aware that defence attachés from the United States and Russia were located here, I was not aware if there were others. I wonder about the consistency or lack thereof in contacts with the US and Russian attachés. The former, for instance, has stated he is in daily contact with the Defence Forces and considers himself to be the person who can advise the United States Government on how to speak to the Irish Government on defence issues and mutual security. I was a little concerned when he spoke of members of peacekeeping missions in Afghanistan working with American forces in that country given that it has not experienced much peace in recent years.

On the basis that we are not supposed to take sides or give favours, are we in daily contact with the Russian defence attaché? What is the nature of our engagement with the Russian attaché? Will the Minister comment on the statement by the US defence attaché that Shannon Airport is not only an important link between Ireland and the US, but also plays an important role in keeping the world safe and secure and creates a vital connection between Ireland and worldwide security issues?

Deputy Simon Coveney: On the one hand, the Deputy argues that we should not take sides, while, on the other, she asks the Government to impose embargoes. We must take sides at different times, on different issues and in different conflicts. Neutrality is all about the ability to take sides without being tied down to military alliances.

We work with the United States on many levels, including politically and in some cases, although not often, on peacekeeping or peace enforcement missions. I used the example of Afghanistan because that mission is now known as a resolute support mission, which is primarily focused on training. In the United Nations, the Minister for Foreign Affairs and Trade and I have both committed Ireland to more peacekeeping training, particularly for African countries which may wish to partner with Ireland in training peacekeepers and so forth. This is part of an initiative taken by the United States, through the United Nations, aimed at encouraging countries to do more of this type of training and build partnerships with the African Union. There are many examples of practical, positive things we are trying to do, including ways to improve peace management, if one likes, in different parts of the world. This is difficult and challenging. These are the types of issues we sometimes discuss and military-to-military discussion is also required on the practicalities of how this would work. These are the types of discussions that take place with defence attachés. Discussions have also taken place with the Russian attaché. However, it does not surprise me that more discussions take place with the US defence attaché.

Deputy Clare Daly: I would be grateful if the Minister were to provide me with information on the level of contact with the Russian and US attachés as it would be useful for comparative purposes.

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An Ceann Comhairle: We are over time.

Deputy Simon Coveney: As I indicated, it would not surprise me if we had more contact with the United States defence attaché.

Deputy Clare Daly: It would not surprise me either but I would still like the information.

Written Answers follow Adjournment.

Industrial Relations (Amendment) Bill 2015: Order for Report Stage

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

Question put and agreed to.

Industrial Relations (Amendment) Bill 2015: Report Stage

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): I move amendment No. 1:

In page 5, line 12, after “2015” to insert “and certain other enactments”.

The amendment amends the Long Title of the Bill to reflect the amendments now proposed to the Industrial Relations Acts in particular.

Amendment agreed to.

Acting Chairman (Deputy Seán Kenny): Amendments Nos. 2 and 4 form a composite proposal and will be discussed together.

Deputy Gerald Nash: I move amendment No. 2:

In page 5, after line 29, to insert the following:

“ “Act of 1946” means the Industrial Relations Act 1946;

“Act of 1990” means the Industrial Relations Act 1990;”.

The purpose of amendments Nos. 2 and 4 is to provide that the definitions of “Act of 1946” and “Act of 1990” apply to the full Act rather than just Part 2 of the Act.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 3:

In page 6, between lines 6 and 7, to insert the following:

“Repeals

4. The following provisions are repealed:

- (a) section 10 of the Industrial Relations Act 1969;
- (b) section 23(1)(d) of the Act of 1990;
- (c) subsections (2), (5) and (6) of section 23 of the Act of 1990;
- (d) sections 51 to 54 of the Act of 1990.”.

The amendment repeals a number of provisions of the Industrial Relations Acts. The repeal of section 10 of the 1969 Act arises from amendment No. 17, which provides for a mechanism by which an employer or a trade union representative of an employer affected by a registered employment agreement, REA, can make a complaint to the Workplace Relations Commission that another employer affected by the REA has contravened the agreement.

Statutory Instrument No. 264 of 1998 amended the definition of “worker” in section 23(1) (d) of the Industrial Relations Act 1990 in order to give officers of local authorities access to the Labour Relations Commission, LRC, the Labour Court and the rights commissioners. Given that it is considered unsafe to rely on changes made to statute by secondary legislation, it is proposed to confirm the amendment in primary legislation. The definition of “local authority” in section 23(d) of the 1990 Act is being deleted in consequence of the deletion of section 23(1) (d).

The amendment also provides for the deletion of subsections (5) and (6) of section 23 of the Act of 1990. Section 23(5) provides that the Government may, by order, amend the definition of “worker” in section 23(1) and may by order revoke or amend any such order. Section 23(6) deals with the laying of such orders before the Houses of the Oireachtas. The effect of the amendments is to remove the power to make changes to the definition of “worker” by ministerial order and to ensure future changes to the definition of “worker” will have to be made by primary legislation.

The repeal of sections 51 to 54 of the 1990 Act deals with certain record keeping requirements and enforcement provisions regarding REAs. These provision will be superseded by new record keeping provisions regarding REAs and sectoral employment orders provided for in the Bill and the enforcement provisions in the Workplace Relations Act 2015.

Deputy Dara Calleary: The Minister of State mentioned future changes to the definition of “worker”. Could he clarify what it means? Would it impact on our attempts to expand this and any future legislation to include retired workers?

Deputy Gerald Nash: As it stands, the legislation would allow for changes to be made to the definition of “worker” in certain circumstances by statutory instrument or secondary legislation. Our advice is that it is unsafe and it is right and proper that any change to the definition would be made in primary legislation. I will deal with the pensions and access issue later further to the amendments the Deputy has tabled.

Deputy Peadar Tóibín: Will the amendments the Minister of State is discussing affect the issue of pensioners? Pensioners, for example the former Tara Mines workers, have already lost money through the pension levy and now, by way of section 50 of the Pensions Authority order, are losing a proportion of their funds. Will the amendments govern that issue?

Deputy Gerald Nash: No.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 4:

In page 6, to delete lines 13 and 14.

Amendment agreed to.

Acting Chairman (Deputy Seán Kenny): Amendments Nos. 5, 6, 16, 18, 19, 23 and 24 are related and will be discussed together.

Deputy Dara Calleary: I move amendment No. 5:

In page 6, line 17, after “1990.” to insert “For the avoidance of doubt the definition of worker shall also include “retired workers”.”.

On Committee Stage, we indicated that we would raise the issue and my colleagues, Deputies Clare Daly and Tóibín, have tabled similar amendments. The issue of retired workers is real and live. Since the Industrial Relations Acts of the 1990s, the landscape has changed dramatically for the worse. The retired Aer Lingus pensioners who made the company, were the reason it was so successful and made many sacrifices for it over many decades, had no input into the recent sale of the company. Their views, considerations and salaries, also known as their pensions, were not considered and they had no right to impact on the sale. In many other companies pensioners are finding their pension benefits slashed mid way through their retirements or on the verge of their retirements. Unlike younger people, they have no opportunity to earn extra income.

These people have made companies and made significant sacrifices for them, and it is time for legislation to catch up and recognise that pensioners in companies should be treated in the same way as those on the payroll. Although pensioners are on a payroll and are paying considerable tax on their pensions, when it comes to protection and input into decisions, they are treated as second-class citizens. This is an opportunity to promote them to first class in respect of the work they have given to their companies and the contribution they have made to the country through their taxes and which many of them continue to give in their communities. It is time for legislation to catch up.

Deputy Peadar Tóibín: I concur with Deputy Calleary. There is a disastrous situation across the State regarding pensioners, and examples include Irish Airline Staff Superannuation, IASS, ESB Retired Staff Association and Tara Mines, which is close to my area. Section 50 supersedes the trustee deeds to which these workers signed up and in which they invested money over a long period of time. These people have no voice at the table and can be ignored, other than through their nominee trustee on the board of trustees. Often, the trustees from the company have a majority. Given that the workers have already lost money through the pension levy, and have also taken another hit, there must be a mechanism by which they can influence the negotiations around these pensions. Although there was no obligation on Tara Mines to produce an actuarial certificate until 2016, the trustees have taken the decision to create the actuarial certificate far in advance of the date in order to reduce their future exposure. While I commend the Minister on focusing on this area, we need to ensure workers who have paid into pension pots can on retirement, when they are vulnerable, receive their pensions and have

a voice in the process.

Deputy Clare Daly: The amendments in the group are trying to achieve the same thing. The Government has made much of priding itself on being at the forefront of overhauling the State's industrial relations machinery. We tried to raise the issue during the discussions on the Workplace Relations Act, which was supposed to be the most significant overhaul of the system in 50 years and was supposed to deliver a world class workplace relations environment. While some improvements were made, it has left a substantial group of workers, albeit retired ones, out of the process.

11 o'clock

If we do not rectify the matter in this legislation, it is clear from the previous amendment the Minister of State moved that it will not be rectified. It is urgent that this be done. The reason this is necessary now but was not when the original industrial relations machinery was set up is that, traditionally, the income and livelihood of a retired worker, who had a pension and was in receipt of it, was ring-fenced and could not be touched. If there were difficulties in a pension scheme, they were dealt with by the people who were paying into the scheme, not the people who had already retired. That was the justification for their not having a voice. Everything about that changed with the introduction of recent legislation, voted through and agreed by this Government, which allowed trustees to put their hands in the pockets of existing retired workers, and those decisions are being taken over the heads of retired workers. That is appalling. The answers we are getting to these issues from Minister's replies to parliamentary questions are not good enough.

The Irish aviation superannuation scheme has been the focus of considerable attention. The scheme has 15,000 members, which equates to the population of a small or even a medium-sized town, and when we add in their families, we are talking about a huge body of people whose livelihoods have been affected. Those people paid into a pension scheme all their working lives and they had a reasonable expectation that their retirement pensions would be ring-fenced. It is particularly galling for those people, some of whom worked in the State's national airline, that their colleagues who worked in the United States or in Britain are getting the full benefits of their pensions but those who worked in Ireland are seeing their retirement income decimated without their having any say in the matter. It is scandalous. When I raised this matter last week with the Minister for Transport, Tourism and Sport I got the following answer:

An agreed solution was implemented at the start of the year to address the funding difficulties in the [IASS] scheme. This agreed solution is a matter for the trustee, the companies participating in the scheme, the scheme members and the Pensions Authority.

However, it was not a matter for the scheme members, because the retired members were excluded from that process and did not have a voice in any of the discussions on compensation or mitigatory factors. Unless we provide for this now, how will people have a voice? It is scandalous. I would love to hear the Minister of State's justification for not doing this. What other scenario would we have in which existing, retired and deferred members - people against whose livelihoods decisions can be made - were not given a voice? This is extremely urgent. It is safe to say that if it is not addressed here, it will not be addressed anywhere else. Apart from the airport pensioners, there are many others in different defined benefit schemes. The idea that the Government can shrug its shoulders and say, "It is not us; it was the trustees who made those decisions, and we are very sorry for their troubles," is not washing with people because

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the deferred and retired members know that the reason the trustees have been empowered to take money from retired and deferred pensioners is that the Government changed the law to allow them to do so. That is where the blame will lie. A small rectification of that is required to give those people at least a voice in that process, so that they can have an input before such decisions are made.

Acting Chairman (Deputy Seán Kenny): If there are no other speakers in respect of this group of amendments, I will put the question that amendment No. 5 be made.

Deputy Clare Daly: Can we hear the Minister of State's reply?

Deputy Dara Calleary: The Minister of State has a number of amendments linked to our amendments that may deal with many of our concerns.

Deputy Gerald Nash: I am thankful for the opportunity to respond to the proposed amendments from colleagues. Amendments Nos. 5, 6, 16 and 18 all deal with the issue of access by retired persons to the industrial relations machinery of the State. Deputy Calleary's two amendments seek to address this by providing the definition of "worker" under the 1990 Industrial Relations Act, including retired persons. I am providing in amendments Nos. 19, 23 and 24 for the necessary amendments to the Industrial Relations Acts to provide for access to the Workplace Relations Commission and the Labour Court for individual retired persons for the purpose of pursuing issues relating to the terms and conditions that pertained at the time of their retirement, and I will shortly address those amendments, which I flagged previously. Deputy Tóibín's amendment provides for a new section 20 to the Bill providing that the Minister may by regulation provide for a mechanism for representation by or on behalf of retired employees in regard to pension matters. Deputy Daly's amendment provides for a change to the definition of collective bargaining in Part 3 to include a reference to "a Retired Staff Association Organisation which represents the interests of former retired employees ... with the object of reaching agreement regarding Occupational Pension Schemes."

Furthermore, a number of Deputies raised the issue of pensioner groups having access on a collective basis to the State's industrial relations machinery when pursuing pension scheme grievances. I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where restructuring would have an impact on existing or potential benefits. I am all too familiar with that issue. There are many former staff of the Irish airlines superannuation scheme, IASS, resident in my constituency, and I have met them. This is an issue to which I have given very careful consideration and, in doing so, it is important that we all bear in mind that the industrial relations system in Ireland is voluntary in nature. That is how it has evolved. As regards access to the Labour Relations Commission and the Labour Court, that is a central point. Any fundamental change to that principle that established some kind of a mandated right to be part of the process would alter fundamentally the conduct of industrial relations in this country, but, as it stands, where changes to pension schemes are negotiated at individual company level, whether as a result of a crisis in a scheme or otherwise, the outcome of that engagement cannot of itself change the pension scheme. That is an important point to bear in mind. Any proposed changes to the scheme are effected through the trustees and rules of the scheme and are at the discretion of the party so designated in the rules and deeds of the scheme.

In terms of changes to pension schemes generally, Deputies will be aware that the trustees of a particular scheme are required by law to act in the best interests of all the members, be

they active, deferred or pensioner members. Until recently, this has been done on an individual basis. As I have stated in this House previously in the context of Report Stage amendments to the Workplace Relations Bill, the matter has been given careful consideration and, as a consequence, the Tánaiste and Minister for Social Protection has recently introduced regulations and approved amendments to guidance issued by the Pensions Authority to provide for the recognition by the trustees of a pension scheme of groups representing the interests of pensioners and deferred members of pension schemes. These significant changes mean that all groups representing the interests of the various categories of pension scheme membership are treated the same in the context of provisions in the Pensions Act. The changes to regulations will require that trustees of a pension scheme notify the groups representing the interests of retired and deferred members where the trustees of a scheme propose to apply to the Pensions Authority to restructure scheme benefits under section 50 of the Pensions Act. This notification affords the representative group an opportunity to make a submissions to the trustees of the scheme in regard to such proposals.

In addition, the Pensions Authority is now required to notify groups representing the interests of scheme members where the Pensions Authority proposes either to issue a unilateral direction under section 50 of the Pensions Act to the trustees of a scheme to restructure scheme benefits, or to wind up a pension scheme under section 50B of the Pensions Act. This notification affords the representative group an opportunity to make representations to the Pensions Authority in relation to such proposals, and these regulations also give the representative group the right to appeal such direction by the Pensions Authority to the High Court on a point of law. It is within this framework, rather than through the State's industrial relations machinery, that an appropriate collective approach should be and can be effected, and that has been given effect. Accordingly, I cannot accept amendments Nos. 5, 6, 16 and 18.

Moving on to amendments Nos. 19, 23 and 24, they will provide for the necessary amendment to the Industrial Relations Act to provide for access to the Workplace Relations Commission and the Labour Court by individual retired persons for the purpose of pursuing issues relating to the terms and conditions that pertained at the time of their retirement. Access to the Industrial Relations machinery of the State is governed by the definition of "worker" in section 23 of the Industrial Relations Act 1990, which provides, *inter alia*, that a "worker" means "any person aged 15 years or more who has entered into or works under a contract with an employer." In addition, section 3 of the Industrial Relations Act 1946 provides that a dispute between a worker and an employer only arises if it is "connected with the employment or non-employment, or the terms of employment, or the conditions of employment, of any person." Legal advice received by the Labour Court on a number of occasions suggests that a person who is retired cannot be regarded as a worker and cannot be party to a trade dispute capable of investigation by the court. Where a person is retired, he or she cannot, at present, have a dispute concerning his or her employment or non-employment. Accordingly, a matter which arose prior to an individual's retirement and which was referred to the Labour Relations Commission or Labour Court prior to the individual's retirement and not referred after the retirement date may not be investigated. In practice, this has given rise to a situation in which persons are unable to address any work-related issues that may have come to light post-retirement.

Both the Labour Relations Commission and the Labour Court are of the view that a time-bound extension of the definitions of "worker" and "trade dispute" of the Industrial Relations Acts 1990 and 1946, respectively, would allow such issues to be processed efficiently and at little cost through the State industrial relations machinery. With this in mind, and more gener-

ally in light of the view that the requirements of good employment practice would dictate that retired persons have a facility by which work-related grievances can be examined on their merits, an amendment of the definition of “worker” within the meaning of section 23 of the Industrial Relations Act 1990 is proposed in order to facilitate such access.

Accordingly, amendment No. 23 provides for the necessary amendment of the definition to cover situations where the employment has ceased. Amendment No. 19 provides for the necessary accompanying amendment to the definition of “trade dispute” within the meaning of section 3 of the Industrial Relations Act to include a reference to a dispute or difference between employers and workers where the employment has ceased. Amendment No. 24 makes provision for time limitation on the access to be provided. In line with the provisions of most employment rights statutes, imposing a time limit on the bringing of claims is proposed. This would be necessary to avoid the Labour Court having to deal with stale claims being raised, which an employer may find impossible to defend due to the passage of time. In this context, a limit of six months after the employment has ended due to retirement, or after the date on which the event to which the dispute relates took place, accords, whichever is the earlier. A possibility of a further extension of six months where reasonable cause is shown is proposed. Work-related issues will exclude matters that come within the remit of the Pensions Ombudsman.

Amendment No. 23 also provides for an amendment to the definition of “worker” under section 23 of the 1990 Act. The change of reference amends “a member of staff of an education and training board” to “a teacher employed by an education and training board.” This amendment would allow officers of education and training boards other than teachers access to the industrial relations machinery and reflects the position that, for some years now, industrial relations issues have been addressed on the basis that matters can be referred to the industrial relations bodies on an *ad hoc* basis. Teachers in education and training boards will continue to be served by a scheme of conciliation and arbitration.

Deputy Dara Calleary: I thank the Minister of State for his response. The difficulty is that the trustees’ responsibility is to the scheme. There are a lot of responsibilities dictated to them in legislation that deal with the running of the scheme, not with the workers, pensioners, or others who depend on the scheme to feed, heat, and clothe themselves. Placing further responsibilities on the trustees to communicate with and involve pensioners is turning those communications into a box-ticking exercise for the scheme trustees, the Irish Pensions Board, etc. We are trying to legally protect pensioners and give them their stake in the company.

Deputy Peadar Tóibín: In the case of Tara Mines, the majority lies with those who have the interests of the company at heart, and who seek to reduce the exposure of the company. Notification in that process is really not worth a damn, because it just tells individuals what is going to happen. With amendment No. 24 as is, if we take the case of a Tara Mines worker who is 20 years retired and who has had a pension cut whereby the company is seeking to use section 50, will that worker be able to seek to resolve the case under the Minister of State’s amendments?

Deputy Clare Daly: As the other Deputies have said, notifying the members and groups is not consultation or engagement; it is a cosmetic exercise. The Minister of State said that the collective approach that is available to these workers is available to them through the courts. That is not a solution to this issue. When they have concerns, they can appeal, ultimately, on a point of law. That is not good enough. The point we are trying to make is that, like trade unions, staff associations have got the collective voice of their members in terms of living standards of workers who happen to be retired. There is a live dispute if their living conditions are

being impacted upon now, yet they do not have a voice in that process. Saying that the trustees have to notify them does not give them that voice either.

Where there is to be a major restructuring of a scheme and discussions are taking place, it is not fair that trade unions, employers and other individuals can sit down while those whose living standards are going to be impacted upon are not given a place at the table. That is what is being sought. Unfortunately, based on what the Minister of State is saying, it does not seem to be forthcoming. It is a matter of urgency at this stage, and we strongly appeal to the Minister of State to concede on this point.

Deputy Gerald Nash: Clearly, the issue of access to the Pensions Authority under section 54 by retired workers, deferred members and so on is new. It is a very positive development and I am confident it will deliver a fair and equitable outcome. I am not aware of cases that have been brought to the attention of the Pensions Authority at this point. I was happy to support the Tánaiste's view that this was the best and most meaningful way in which we could, under Irish law, address some of the very legitimate concerns outlined by Deputy Daly and others this morning.

I am very familiar with the Deputies' arguments. I represent a considerable number of people who have been affected by problems in their pension schemes which nobody would have foreseen. The Tánaiste and Minister for Social Protection has responsibility for pensions legislation. The solutions provided by the Tánaiste are, in general, fair, equitable and just and will be seen to be so in the fullness of time. It is a very difficult situation to deal with and legislate for.

In terms of how the right of access to the Pensions Authority will operate, it is not just about notification. I do not think people were listening to what I had to say earlier. The Bill provides for an obligation to consult and take on board the views of those who would be affected in a restructuring or if unilateral changes are proposed. It goes much deeper than that, as we should all acknowledge. A collective approach to the Pensions Authority is the correct one. It is the authority responsible. Under legislation, it is not necessarily a matter for the industrial relations machinery of the State. The more appropriate authority to deal with such issues in a fair and equitable way is the Pensions Authority. I am satisfied that, in the fullness of time, this approach will be considered to be the best.

Deputy Dara Calleary: The Government loves to say it consults the Opposition, listens to it and takes on board its concerns, yet it rarely does so. The same thing will happen here. Trustees will consult pensioners and take views on board, but they will proceed as planned unless there is robust legal protection for pensioners. Although I acknowledge the Minister of State's record on this, pension funds can spend millions of euro on legal fees to get around his "consultation" and his "taking on board". We need legislation that is as robust as possible and gives as much power as possible to retired workers.

Deputy Peadar Tóibín: The problem exists right across labour law that, if the law allows for companies to reduce exposure and costs and increase their profits, no matter what consultations or moral responsibilities may apply, those companies will employ individuals specifically to seek out the legal gaps to maximise their profit levels. Therefore, it is our responsibility in this Chamber to make sure those gaps do not exist and that there is a cost for immoral behaviour. Given section 50 allows for a timescale in which companies have to respond to that legislation with an actuarial certificate, and that timescale could affect the level of funding of a pension scheme, this means, of course, that a company is going to seek to reduce its exposure

in that regard. What we need to do is build in processes whereby either workers or those who are retired have a mechanism to achieve a just income.

We are dealing with a particularly marginalised and vulnerable sector of former workers who have already been hit hard. Tara Mines pensioners lost 10% of their income through the pension levy and they are now dealing with this issue. They were stepped through the process just as the Minister of State indicated - they were notified, they were consulted and, at the end of the consultation, they were ignored. Their gripe now is that no mechanism exists whereby their rights can be achieved. I was hopeful the Minister of State would come to the table with a resolution. What we are looking to do is to even the balance and create an equilibrium between the companies and the pensioners. Unfortunately, that does not exist in what the Minister of State has proposed. It must be achieved within the lifetime of this Government.

Deputy Clare Daly: We have discussed this for a long time. The problem is that, in too many scenarios, consultation means, “You can say what you like but we are going to do what we want anyway.” That, sadly, has been the experience of many people in this event. In order really to deliver a genuine say, where people are not just consulted but what they say is actually listened to, a collective voice must be given to the groups that represent retired workers and deferred and current members of pension schemes. They need a voice at the table. The example of the IASS is a good one. In that case, there were multiple talks taking place between trade unions and employers, but a body of workers was excluded from that process and decisions were made that have had a devastating impact on their livelihood and a substantial impact on the amount of money going into the local economy in areas like north Dublin, Shannon and parts of Cork. At this stage, the amount of money taken out of the pockets of retired pensioners up to this point of the year is already €3 million, which is a huge amount.

Staff associations need to have a right to a place at the table and to an input into collective bargaining. In that sense, my amendment seeks to give them the status of a trade union in discussions which involve changes to their pension scheme in that way. I do not think the pensions legislation sufficiently does this. The Pensions Authority is supposedly the arbiter and guardian of pensioners’ rights but very serious conflicts of interest were raised in terms of the trustees in the IASS, for example, and I am not sure the Pensions Authority has undertaken any serious investigation of those concerns and allegations, even though the decisions of those trustees have ended up, post-consultation and notification, having a decimating effect on living standards.

Deputy Gerald Nash: The law requires that pension funds are managed and that trustees operate in such a way that decisions are made in the best interests of equitable outcomes for everyone involved in the scheme. It is not about increasing profits and the trustees of pension schemes do not operate on that basis. They operate on the basis of the interests of the current and future members of the scheme. It is not at all about increasing profits.

We have had experiences in recent years in particular, even though this is not new, where trade unions and employers have had to come together and consider what is in the best interests of maintaining jobs in the company and growing the company after what may have been a difficult set of circumstances. Those difficult negotiations have often involved changes to pension schemes. Sometimes a nuclear option has been facing a company, where the company will not be opening its doors the following week and, at other times, a nuclear option may be facing a pension fund, where the fund could effectively close because of a crisis that had hit it. Difficult decisions have had to be taken.

I believe the legislative response introduced by this Government is a fair response, taking into consideration everything we were required to do and the challenges facing many high profile pension arrangements in this country. It is always very difficult to accept that anybody would be negatively impacted by changes to a pension scheme. However, trustees, and ourselves, as legislators, have to take a broad view of this. For the reasons I outlined earlier, I cannot and do not think it appropriate to accept the amendments.

Amendment put:

<i>The Dáil divided: Tá, 29; Níl, 50.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Bannon, James.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barry, Tom.</i>
<i>Calleary, Dara.</i>	<i>Breen, Pat.</i>
<i>Collins, Niall.</i>	<i>Buttimer, Jerry.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Catherine.</i>
<i>Daly, Clare.</i>	<i>Byrne, Eric.</i>
<i>Ellis, Dessie.</i>	<i>Connaughton, Paul J.</i>
<i>Ferris, Martin.</i>	<i>Conway, Ciara.</i>
<i>Fleming, Tom.</i>	<i>Costello, Joe.</i>
<i>Kelleher, Billy.</i>	<i>Deasy, John.</i>
<i>Kitt, Michael P.</i>	<i>Deering, Pat.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Dowds, Robert.</i>
<i>McConalogue, Charlie.</i>	<i>Durkan, Bernard J.</i>
<i>McGrath, Finian.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Mattie.</i>	<i>Feighan, Frank.</i>
<i>McGuinness, John.</i>	<i>Ferris, Anne.</i>
<i>McLellan, Sandra.</i>	<i>Hannigan, Dominic.</i>
<i>Murphy, Catherine.</i>	<i>Harrington, Noel.</i>
<i>Murphy, Paul.</i>	<i>Harris, Simon.</i>
<i>Ó Cuív, Éamon.</i>	<i>Humphreys, Heather.</i>
<i>Ó Feargháil, Seán.</i>	<i>Humphreys, Kevin.</i>
<i>O'Sullivan, Maureen.</i>	<i>Kehoe, Paul.</i>
<i>Pringle, Thomas.</i>	<i>Kenny, Seán.</i>
<i>Ross, Shane.</i>	<i>Kyne, Seán.</i>
<i>Smith, Brendan.</i>	<i>Lawlor, Anthony.</i>
<i>Stanley, Brian.</i>	<i>Lynch, Kathleen.</i>
<i>Tóibín, Peadar.</i>	<i>Lyons, John.</i>
<i>Troy, Robert.</i>	<i>McEntee, Helen.</i>
<i>Wallace, Mick.</i>	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McLoughlin, Tony.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mulherin, Michelle.</i>

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	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>Penrose, Willie.</i>
	<i>Phelan, Ann.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>

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

Amendment declared lost.

Deputy Dara Calleary: I move amendment No. 6:

In page 6, between lines 17 and 18, to insert the following:

“Amendment of Industrial Relations Act 1990

5. Section 23 of the industrial Relations Act 1990 is amended by the insertion of the following subsection after subsection (1):

“(1A) For the avoidance of doubt the definition of “workers” shall also include “retired workers”.”.”.

Amendment put and declared lost.

Deputy Dara Calleary: I move amendment No. 7:

In page 10, line 2, after “proper.” to insert the following:

“When making an order varying the agreement, the Court shall attempt to get the consent of both parties.”.

We spoke briefly about this on Committee Stage. The Labour Court has been given the

power to make an order to vary an agreement. I assume that is only as a last-minute or emergency solution. The aim of this amendment is to ensure the court goes to every length possible to get the agreement of both employer and employee organisations before it makes that variation, and that this is protected.

Deputy Gerald Nash: Amendment No. 7 seeks to require the Labour Court to attempt to get the consent of both parties to a registered employment agreement, REA, before the court makes an order providing for its variation. It is important to set out in some detail the precise provisions in section 8 which provide for the procedures to be followed for a variation of an REA. In circumstances where all parties to the agreement so agree, the court will consider the matter and, having had regard to the same matters specified for its initial registration, make its decision.

Where one party wishes to vary the agreement but the other does not, the Bill provides for the initiation of comprehensive dispute resolution procedures involving local discussions, referral to the Workplace Relations Commission for conciliation, and Labour Court hearings and recommendations. If after the exhaustion of all these procedures no agreement has been reached, a party may apply to the Labour Court to have the agreement varied in terms of the court's recommendation. Having considered the application and heard all parties involved, the court may refuse or grant such a variation as the court deems appropriate.

Where an REA provides that a party may withdraw from the agreement where the court has made a variation order in such circumstances, a party may inform the court of its intention to withdraw from the agreement. Accordingly, the court will be required to cancel or vary the agreement as appropriate.

It is clear that section 8 already provides for quite exhaustive procedures involving the parties themselves, the Workplace Relation Commission's conciliation service and the Labour Court itself with the clear objective of trying to obtain the consent of both parties to a variation in an REA where one party does not initially agree. I would expect that a decision by the Labour Court to vary an REA in the absence of agreement, particularly following the exhaustion of the comprehensive dispute settlement provisions in the Bill, would be very much the exception, if it were to happen at all. Ultimately, it is open to one of the parties to withdraw from the agreement, resulting in its probable cancellation.

Given that the objective of Deputy Calleary's amendment is already comprehensively addressed in section 8, I cannot accept this amendment.

Amendment, by leave, withdrawn.

Deputy Peadar Tóibín: I move amendment No. 8:

In page 12, between lines 1 and 2, to insert the following:

“(g) subsistence.”

We discussed this on Committee Stage. It is important to emphasise that there is no opposition from the contractors to the inclusion of this provision. It is consistent with existing practice in the construction sector in the payment of what is called country money, which is incurred when workers are working away from home. In other words, it is not the standard travelling-type pay which is linked to different journeys that happen on a daily basis, such as provision for

a one-hour travelling time to a fixed location more than four miles from the workplace. Instead, this applies in situations in which an individual has been requested to completely change his or her travel pattern or move to a location that is far from the normal working sphere. Construction workers often have to travel for a job for a period of days, weeks or even longer. The existing practice of country money provides for this. This amendment seeks to include this in the legislation.

Deputy Gerald Nash: Section 12 provides for a definition of “remuneration” for the purposes of a Labour Court recommendation with regard to the terms of a sectoral employment order, SEO. The definition is based on the definition of “remuneration” included in the Protection of Employees (Temporary Agency Work) Act 2012. The definition includes basic pay and a list of other elements in excess of basic pay that may be included as part of the court’s recommendation for a rate of remuneration for a particular sector.

In this context, I do not consider that subsistence normally paid to workers to cover out-of-pocket expenses incurred for the purpose of carrying out their duties is part of a person’s pay. Moreover, subsistence payments are normally treated differently for tax purposes by the Revenue Commissioners. Accordingly, I do not propose to include it as part of the definition of remuneration, and, therefore, I cannot accept this amendment.

Amendment put and declared lost.

Deputy Peadar Tóibín: I move amendment No. 9:

In page 14, between lines 5 and 6, to insert the following:

“(e) the percentage of workers in the identified economic sector earning two-thirds or less of median income;

(f) the pervasiveness of part time and/or short hour contracts in the identified economic sector;”.

Much of the focus of the debate has been on the fact that many workers are not getting a decent wage. There are many people going out on a daily and weekly basis and working hard but not coming home with proper remuneration. Accordingly, they cannot pay for the normal items that families are entitled to, such as housing, food, clothing, health and education. Section 15 provides that when the Labour Court makes a recommendation to the Minister it shall have regard to several factors, such as the potential impact of levels of employment, unemployment, etc. I agree there is necessity that these factors be included when people are deciding on a process.

These provisions reflect similar factors the Low Pay Commission must also consider when making a recommendation to the Minister. There is an imbalance in the considerations which weighs heavily in favour of employers and encourages increasing levels of sharp practice in the economy. We have asked for these elements to be included so we have a society which treats people correctly and ensures people get proper wages. This simply deals with the percentage of workers in the identified economic sector earning two thirds or less of median income and the pervasiveness of part-time and-or short hour workers’ contracts in the identified economic sector.

Deputy Gerald Nash: One of the purposes of reintroducing sectoral employment orders is

to ensure fair and competitive but decent rates of pay in sectors of our economy which, many would argue, are entitled to higher rates of pay reflecting the skills and experience of the workers. It will be fundamental to the work of the Labour Court and the parties to consider all of these points. This is reflected in the criteria we have set out in the principles the court and parties must take into account in developing an initiative under the legislation and in requesting that an order be made by the Minister.

Section 15 of the Bill sets out what are very comprehensive and challenging sets of factors the court must take into account when making a recommendation to the Minister in respect of a sectoral employment order. Amendment No. 9 would add two further factors the court would be required to take into account. I have given significant consideration to these criteria with Government colleagues in drafting the Bill and I do not consider it necessary to specifically refer to median earnings changes or proportions above or below particular proportions of median earnings, particularly where one of the criteria specifically requires the court to look at the general level of remuneration in other sectors where similar workers are employed and where the court in making a recommendation must be of the view the recommendation is reasonably necessary to ensure what are described as fair and sustainable rates of remuneration in the sector concerned. I am confident this issue has been adequately addressed in the legislation.

The suggestion about the pervasiveness of part-time and-or short hour contracts is part of the wider decency at work agenda I am pursuing, including the study being carried out by the University of Limerick into the extent and prevalence of zero and low-hour contracts in this country. As I have said in the House and elsewhere, if some adjustments are required to enhance the protections already in place under Irish employment for people in these circumstances these will be brought forward by me for consideration by the Government. Accordingly, I cannot accept the amendment.

Deputy Peadar Tóibín: The problem is these pieces of legislation are all skewed. They all seek to take into consideration certain elements of the balance between the employee and employer and ignore and leave out the major issues of levels of pay and levels of underemployment in the economy. They take into consideration competitiveness but they do not look at the other side of the equation, which is the wages of the individual. Given the fact this is such a major problem in society, it is very important the Government takes this on board. To be honest, if we do not include this level of balance and equilibrium between both sides of the equation, we are guaranteeing that in the future, we will not have that harmonious relationship between workers and employers. Will the Minister of State ensure, even at this stage, that legislation in future takes into consideration low pay and underemployment and that we proof this legislation to ensure the infrastructure and adjudications that happen in future are on the basis of competitiveness, with low pay being a key element of the decision?

Amendment put:

<i>The Dáil divided: Tá, 33; Níl, 53.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Barry, Tom.</i>
<i>Calleary, Dara.</i>	<i>Breen, Pat.</i>
<i>Collins, Niall.</i>	<i>Butler, Ray.</i>
<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>

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<i>Daly, Clare.</i>	<i>Byrne, Catherine.</i>
<i>Ellis, Dessie.</i>	<i>Byrne, Eric.</i>
<i>Ferris, Martin.</i>	<i>Connaughton, Paul J.</i>
<i>Fitzmaurice, Michael.</i>	<i>Conway, Ciara.</i>
<i>Flanagan, Terence.</i>	<i>Costello, Joe.</i>
<i>Kelleher, Billy.</i>	<i>Deasy, John.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Deering, Pat.</i>
<i>McConalogue, Charlie.</i>	<i>Dowds, Robert.</i>
<i>McDonald, Mary Lou.</i>	<i>Durkan, Bernard J.</i>
<i>McGrath, Finian.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Mattie.</i>	<i>Feighan, Frank.</i>
<i>McLellan, Sandra.</i>	<i>Ferris, Anne.</i>
<i>Murphy, Catherine.</i>	<i>Hannigan, Dominic.</i>
<i>Murphy, Paul.</i>	<i>Harrington, Noel.</i>
<i>Naughten, Denis.</i>	<i>Harris, Simon.</i>
<i>Ó Cuív, Éamon.</i>	<i>Humphreys, Heather.</i>
<i>Ó Feargháil, Seán.</i>	<i>Humphreys, Kevin.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Kehoe, Paul.</i>
<i>O'Brien, Jonathan.</i>	<i>Kenny, Seán.</i>
<i>O'Sullivan, Maureen.</i>	<i>Kyne, Seán.</i>
<i>Pringle, Thomas.</i>	<i>Lawlor, Anthony.</i>
<i>Ross, Shane.</i>	<i>Lynch, Kathleen.</i>
<i>Shortall, Róisín.</i>	<i>Lyons, John.</i>
<i>Smith, Brendan.</i>	<i>McEntee, Helen.</i>
<i>Stanley, Brian.</i>	<i>McFadden, Gabrielle.</i>
<i>Tóibín, Peadar.</i>	<i>McLoughlin, Tony.</i>
<i>Troy, Robert.</i>	<i>Maloney, Eamonn.</i>
<i>Wallace, Mick.</i>	<i>Mulherin, Michelle.</i>
	<i>Neville, Dan.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Quinn, Ruairí.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>

	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>White, Alex.</i>

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

Amendment declared lost.

12 o'clock

Debate adjourned.

Leaders' Questions

Deputy Dara Calleary: I want to discuss the situation in our hospitals, particularly our acute hospitals. Nobody could deny that there is a state of chaos in some of our major hospitals this morning. In Beaumont, outpatient waiting lists have increased in the last few months by a thousand percent. A 33-bed surgical ward was closed last week, which will drag more patients onto waiting lists-----

Deputy John Deasy: That is Deputy Kelleher's job.

Deputy Dara Calleary: -----and the situation there has been described by consultants as a war zone. At University College Hospital Galway and in Merlin Park University Hospital this week, more than 850 people were informed that all outpatient rheumatology clinics for July and August had been cancelled and that emergency outpatient appointments would be dealt with on a case-by-case basis. There are already 1,500 people on waiting lists at Merlin Park for outpatient rheumatology appointments.

Deputy Robert Troy: Scandalous.

Deputy Dara Calleary: When a person is diagnosed with rheumatoid arthritis, there is a 12-week window within which there is a chance of dealing with the condition if he or she gets treatment. If it goes longer, perhaps to two and a half years, which is the length of time people are spending on the waiting list at the moment, the patient's chance of beating that condition are severely restricted. In UCHG, all elective surgery has been cancelled until the end of this month.

Deputy Michael Fitzmaurice: Correct.

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Deputy Dara Calleary: Deputies Naughten and Fitzmaurice highlighted that yesterday. We are led to believe that further cancellations of elective surgery will take place at UCHG. Is it acceptable that 850 people will be told this week that their outpatient rheumatology appointments will be in December? Is it acceptable that in the case of rheumatology, a consultant has gone on maternity leave this week and will not be replaced until September, which demonstrates a complete lack of planning? Is it acceptable that the appointment of a new rheumatology consultant to Manorhamilton, which was promised by the Taoiseach in December, still has not taken place? Is it acceptable that a consultant attached to Beaumont, one of our key hospitals, would tell a patient, as happened this week, that he or she would be better off having urgent surgery at a private hospital because at Beaumont he or she would have to wait for 14 weeks? That patient was lucky enough to have health insurance, which allowed access to the private hospital. What is going on in our key hospitals and what is the Government doing about it?

Deputy Michael Fitzmaurice: It is chaos. There is no health service in the west of Ireland.

Minister for Communications, Energy and Natural Resources (Deputy Alex White): The HSE has advised-----

Deputy Mattie McGrath: Was the Government not going to get rid of that?

Deputy Alex White: -----that due to consultant staff shortages, a number of rheumatology outpatient clinics in Galway University Hospital are being postponed during the months of July and August this year. New appointments will be scheduled as soon as possible and urgent patients will continue to be seen. Clinics in Manorhamilton will continue as normal. The hospital has issued a statement, as one would expect, saying that it regrets the undoubted inconvenience this situation causes to patients and their families.

Deputy Niall Collins: I did not see the Minister for Health issuing a statement on that.

Deputy Michael Fitzmaurice: It is chaos.

Deputy Alex White: I echo that. There are currently three consultants in Galway University Hospital covering outpatient clinics, a day ward service in Merlin Park, and an emergency medical intake and a consult service at Galway University Hospital. A locum consultant will take up a post in September, an extra consultant for Galway University Hospital will take up a post in October 2015, and an additional registrar is being assigned to rheumatology and will commence in July 2015. From 1 October, there will be four consultant rheumatologists at UCHG. Patients are being notified that their appointments have been postponed and they will receive new appointments as soon as possible, as is right.

Deputy Michael Fitzmaurice: Christmas.

Deputy Mattie McGrath: They could be dead.

Deputy Alex White: When extra medical staff is in place, the extra outpatient clinics will have to be held and will be held. Emergency patients will continue to be seen on a case-by-case basis. The national recruitment service is actively recruiting hospital staff and consultant posts are continually being approved for filling. That is what is happening at the moment in terms of the response. The HSE has advised that 38 acute consultant posts were filled in 2014 in HSE hospitals and that 36 have been filled so far in 2015. There is a great deal of progress. Recruitment for 193 consultant posts is in progress. This is being carried out in conjunction with the

Public Appointments Service. It is true that there are specialties in which there are international shortages and which have traditionally been difficult to fill. Regardless of the salary scale, some of these posts are extremely difficult to fill, but I think the Deputy will see and the House will agree that significant progress is being made. Obviously it is a matter of regret if people's appointments are postponed. The response should be quick and humane, and we should ensure, as I know the hospital will, that those clinics are held and those patients seen as soon as possible, consistent with the need to carry out the recruitment process.

Deputy Denis Naughten: Eight months to fill a maternity vacancy.

Deputy Dara Calleary: The consultants that are currently in Galway are not full-time rheumatology consultants. Two of them are in general medicine as well. That means we have one and a half consultants.

Second, the vacancy that has arisen and that has driven the total closure of the clinic at Merlin Park - it is not just that appointments have been cancelled; outpatient appointments at Merlin Park have been entirely shut down - is a maternity vacancy, which was notified and which should have been planned for. That child will be born and we wish him or her well, but a degree of planning would have put a locum consultant in place. Some 850 people have had their appointments cancelled. These 850 people will join the other 1,500 people-----

Deputy Michael Fitzmaurice: Correct

Deputy Dara Calleary: -----who are waiting for a rheumatology appointment at Merlin Park. Ireland is a no-go zone for consultants. We are having serious difficulties filling consultant vacancies.

Deputy Finian McGrath: They were driven out.

Deputy Dara Calleary: No matter how many budgets the Government is putting forward, people are not planning this properly. The Minister said the HSE had informed him, but I contacted the HSE about this on Tuesday evening and was told it was not a matter for the HSE but for the Saolta hospital group. When I contacted the Saolta hospital group yesterday morning, its so-called communications department said it was not aware of the issue, in spite of the fact that 850 people were getting notices. It is not a case of appointments being postponed; somebody who had an appointment on 7 July is now being told the appointment is on 14 December. They are being told, "Yes, you are in pain; yes, you have an appalling condition, but you will wait until 14 December for an initial investigation".

Deputy Mattie McGrath: Shameful.

Deputy Dara Calleary: The Minister of Health must comment on what is going on at Beaumont.

Deputy Michael Fitzmaurice: Hear, hear.

Deputy Dara Calleary: He cannot allow one of the main hospitals in the country to be as it is at the moment.

Deputy Michael Fitzmaurice: Correct.

Deputy Dara Calleary: We need serious action on consultant recruitment. We need great

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urgency. It is clear that these hospital groups, which were created by the Minister and the former Minister, Deputy Reilly, are not fit for purpose.

Deputy Finian McGrath: Go up to Beaumont for an hour and have a look.

Deputy Mattie McGrath: The Minister, Deputy Varadkar, is too busy tweeting.

Deputy Alex White: I am not trying to say there are no difficulties.

Deputy Finian McGrath: We have been listening to this for four years.

Deputy Alex White: I have not tried in any way to stonewall the Deputy's questions or say there are no difficulties, and neither is the Minister for Health saying so. There have been interventions in this regard.

Deputy Niall Collins: The Minister for Health only comments on it.

Deputy Alex White: I gave a list of real measures that are currently being taken, particularly in regard to the recruitment of consultants. The Deputy acknowledges that we have had difficulty in achieving this. The Minister acknowledges that. However, real and tangible efforts are being made and achievements are being secured in respect of the recruitment of consultants.

There are difficulties in Beaumont, but to ensure the record is absolutely clear, the only ward that is closed in Beaumont is St. Damian's, the kidney ward, which needs to be upgraded. Those are the facts of the matter. It will reopen.

Deputy Dara Calleary: There has been a 1,500% increase in the waiting list. That is a fact.

Deputy Alex White: I am just giving the Deputy the facts.

Deputy Dara Calleary: The 1,500% increase is a fact.

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

Deputy Alex White: The ward will reopen in the autumn. It needs to be upgraded, it is being upgraded and it will reopen in the autumn. If it could be done more quickly than that, it would be.

Deputy Dara Calleary: What about the waiting lists?

Deputy Alex White: It is being achieved as best the HSE and the hospital concerned can manage. Regarding the Galway situation, I have pointed out to the Deputy the difficulty regarding recruitment. I will be straight with him on the rheumatology situation there. The hospital is trying to secure a locum for the summer, but it simply has not been successful in doing so.

Deputy Michael Fitzmaurice: Tough luck.

Deputy Alex White: The Deputy is correct. It has not been possible to secure a locum but real efforts are being made.

Deputy Dara Calleary: It is not as if they did not have notice.

Deputy Alex White: There is nobody more concerned and more engaged with this issue than the Minister himself and the HSE directors and managers involved in this issue.

Deputy Mattie McGrath: And Twitter.

Deputy Alex White: We accept that there is a difficulty but significant progress is being made. Deputy Calleary makes no reference to the legacy of the policies, including health policies, of the previous Government. He makes no reference, of course, because it would not suit his case-----

Deputy Dara Calleary: The Government had four years.

Deputy Alex White: -----to the economic collapse which has such an impact on all public services, including the health service.

Deputy Paul Kehoe: They were giving away money.

Deputy Dara Calleary: Four years.

Deputy Alex White: As one of the more reasonable Deputies on the opposite side-----

Deputy Billy Kelleher: One of the many reasonable Deputies.

Deputy Dara Calleary: It is not reasonable to leave 2,500 people waiting for an rheumatology appointment.

Deputy Alex White: -----Deputy Calleary must give some credit to the achievement of this Government in turning around a shocking economic context and success in managing-----

Deputy Mattie McGrath: Is there anything reasonable about it? The Minister should hang his head in shame.

Deputy Alex White: -----to keep and maintain a health service, which has difficulties and problems to which he referred and which I do not deny, but which is making real progress in the interests of the patients who it is there to serve and the wider community.

Deputy Mary Lou McDonald: Today is the last day that lone parents whose youngest child is seven will receive the one-parent family payment. Next week 30,000 lone parents will transfer onto the new transitional jobseeker's allowance and more than 10,000 of these parents will have their weekly payments cut, some by as much as €87. It is a great pity that the Tánaiste and Minister for Social Protection, Deputy Joan Burton, is not here in the Dáil this morning. She had a lot to say about social welfare fraud yesterday. She should know that if anyone is guilty of giving two fingers to their neighbours, it is, in fact, the Tánaiste and, indeed, the Minister, Deputy White, as they introduce the eighth successive cut to lone parent families. The overwhelming majority of these parents are women. Many are in low-paid, insecure jobs. Many are living in or at risk of poverty. All are struggling to raise their children in the most difficult of circumstances.

In 2012, the Tánaiste promised that this cut was dependent on “there being a system of safe, affordable and accessible child care in place, similar to what is found in the Scandinavian countries”. Deputy White may recall her making that commitment. The Tánaiste stated that without affordable and accessible child care, “the measure will not proceed”, and she was quite definitive in that regard. The average cost of child care per week is €167. In Dublin, it is even higher than that. In many communities child care is simply not available. When Fianna Fáil first cut child benefit, the Labour Party rightly decried the cut as anti-woman and stated it

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highlighted the lack of influence that women held in Cabinet, and yet here the Labour Party is in government introducing a measure that is anti-woman and, indeed, anti-child. The Labour Party is doing exactly what it condemned Fianna Fáil for doing when the Labour Party was in opposition - little wonder that some of the Labour Party's backbenchers are up in arms. My question is quite simple. Will the Minister, Deputy White, and the Tánaiste keep the promise made in 2012 when introducing this cut and in the absence of accessible and affordable child care, will they, as Government, now reverse the decision to push thousands of one-parent families into poverty?

Deputy Alex White: First, lone parents have been at a much greater risk of poverty primarily due, as Deputy McDonald will be aware and will have to appreciate, to them being absent from the workforce for most of their working life, and that is an issue that is being addressed here in these reforms. That scenario is not a good one for a parent and it is not a good one for a child. The reforms that are taking place here are aimed at addressing this social inclusion, poverty and long-term welfare dependency issue. That is what is being addressed in these reforms.

I accept that a number of issues have arisen during this reform process and those issues have been addressed and substantially resolved by the Tánaiste. For example, we have addressed the carer's allowance issues by ensuring that a lone parent caring for his or her child continues with the current arrangements. We have ensured that those back in education can continue to access their SUSI maintenance grant while retaining their underlying payment. We have introduced the back-to-work family dividend that will support lone parents back into work over two years. The real objective here is to get lone parents as far as possible back into the workplace. Lone parents automatically have their family income supplement, FIS, payment re-rated. We have asked the Labour Market Council to engage with employers to ensure that they are aware of the reforms and that they offer, where possible, extra hours that work for lone parents and recognise a situation that a certain cohort of those affected will have to address. We have kept the income disregard for working lone parents at €90 per week. We have introduced a number of child care options. We also introduced the jobseeker's transitional payment in recognition that more work needs to be done in this area.

There is an interdepartmental group, which the Minister for Children and Youth Affairs, Deputy Reilly, has formed, examining the child care issue that the Deputy raised. That is an issue. We have more work to do, as a Government and as a country, on the child care aspect. That is true not only for lone parents but for families generally. Something to which we, as a country, must face up is that we definitely need to improve that area as soon as possible.

The Tánaiste recognises the sacrifice and contribution that lone parents make to raising their children. The State provides one-parent family payment income support up until the youngest child reaches the age of seven and no other country in Europe has an arrangement like that in place.

We introduced the jobseeker's allowance transition payment, which supports lone parents with children over the age of seven and up to the age of 14. Such parents do not have to be available and genuinely seeking work, but they have to engage with their local Intreo office on activation measures. When we say that people can be directed to go to the Intreo office, commentators might say that is not enough and it is not a sufficient answer. However, it could be part of the answer for lone parents where they can get genuine support, where they can have employment counselling and where they can as far as possible be supported to get back into the workplace because that is what we want. The best route out of poverty, as I hope the Deputy

will agree, is employment. That is what we seek to achieve here.

Deputy Mary Lou McDonald: I am glad the Minister stated what we all know, that is, the extent to which single-parent families are at risk of poverty. He will be aware, not alone of that but that studies have reflected the fact that lone-parent families disproportionately suffered, under both the previous Government and, indeed, his own, in an era of austerity and cutbacks. We also know that many of those families live in poverty or at least are at risk of poverty. Deputy White acknowledges that. Let me acknowledge that a return to the workplace to good quality, secure employment is a desirable outcome for anybody. Let us just acknowledge that, move beyond that routine excuse that we hear from the Administration and deal with the facts.

I do not know whether the Minister has met many of the families, in particular, the women, who will be affected by what he calls reform but what are, in effect, cutbacks. They want to know from him how it is that they will make up the €87 a week that they will be down. Aspirational talk here about return to work will not compensate these families and these women for a cut of that magnitude - that is the bottom line here. Although the Minister has made all of the worthy points about what we should and might do in respect of child care, it does not address either the following core point, that the Tánaiste, Deputy White's leader and second-in-command of the Government, made a definitive commitment that this cut would not go ahead in the absence of quality and affordable child care. The Minister and I, and the mothers and fathers of this land, particularly those parenting alone, know that such a system of child care simply is not available. Will the Labour Party, the Government and the Tánaiste keep their word and reverse this cut? Will the Minister shed some light for those families to whom the Government will cut €87 on where they are to find that money? They are already struggling and at risk of poverty.

Deputy Alex White: We have expanded the child care system. We subsidised 25,000 child care places for low-income parents. However, I accept that child care services and facilities should improve as soon as possible. This is why the Minister, Deputy Reilly, has an interdepartmental group examining how best to do that. Our child care system is nothing like what we want it to be or what it should be. I accept that it should be improved and enhanced. I hope that this is what will emerge from the group.

Deputy Mary Lou McDonald: What use is that to these families now?

Deputy Denis Naughten: What of the fair deal scheme review?

An Leas-Cheann Comhairle: Order, please.

Deputy Alex White: Clearly, a resource issue is involved. We must find resources in order to expand child care. As the economy continues to recover and as more people work or are available to work, which is a good thing, access to child care will put pressure on them. This is something that the current Government, for the remainder of its life, and the next Government, whichever parties comprise it, will need to address as a priority. The Minister's group will assist this Government and the next in ensuring that we put in place a more robust and expansive system of child care.

Deputy Mary Lou McDonald: What of the Tánaiste's commitment? That is the question I asked.

An Leas-Cheann Comhairle: The Minister to conclude.

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Deputy Alex White: On the Deputy's question regarding the legacy of poverty for lone parents, she is right about the position. While there have been significant levels of State spending on lone parents and improvements have been made to the one-parent family payment down the years, it is still the case that lone parents are considerably more at risk of consistent poverty than the population as a whole. It is against this backdrop-----

Deputy Mary Lou McDonald: That the Government is going to cut their incomes again.

Deputy Alex White: -----that these reforms are being introduced. What has been done to date has not been successful. The Deputy agrees that a job is the best route out of poverty. We must not only ensure that we do not maintain a dependency on welfare, as I assume that no one, including the Deputy, wants that, but we must help to motivate and facilitate people in accessing the workplace-----

Deputy Róisín Shortall: These people are already in work.

Deputy Mary Lou McDonald: They do not need more motivation.

Deputy Aengus Ó Snodaigh: That is an insult.

Deputy Alex White: -----and getting more hours where they already work and ensure that the system supports them-----

Deputy Mary Lou McDonald: Answer the question as regards the Tánaiste's commitment, please.

Deputy Alex White: -----they are listened to when they attend at Intreo offices and so on-----

Deputy Finian McGrath: He is commentating.

Deputy Alex White: -----and their individual situations are addressed. This is the humane way to do it-----

Deputy Mary Lou McDonald: There is nothing humane about the cuts to these families.

Deputy Alex White: -----and the best policy approach to a difficult situation that people are facing.

Deputy Tom Fleming: National and international studies suggest that 25% of the population will have mental health difficulties at some point in their lives and that 44% of people in Ireland have had a direct experience of mental health problems. On average, European countries allocate more than 20% of their total health spend to mental health services and supports whereas the Irish figure, as we are well aware, is a lowly 6%. In addition, the 2010 staff moratorium has disproportionately impacted mental health services. They represent just 9% of the health care workforce, but accounted for 20% of the 1,500 posts lost through the moratorium of recent years.

The report by Mental Health Reform examined progress since the publication of A Vision for Change, the 2006 blueprint for the development of psychiatric services. The report noted that a shortage of staff was leading to lengthening waiting lists, particularly for young people with mental health difficulties who needed to be seen by child and adolescent mental health teams. The report highlighted how the waiting list for child and adolescent mental health ser-

vices, CAMHS, had increased to 2,866 people in January, representing an increase of more than 8% on the same month in 2014. A total of 429 children were waiting for longer than one year to be seen by services. One in five children's admissions to mental health institutions was made to an adult psychiatric ward in spite of Government promises to end this practice. In 2014, the figure was 89 children. In 2013, it was 98. These are damning statistics. Of the 15 children who were involuntarily detained last year by order of a court, nine were sent to adult units.

Last year's 40% cut to the mental health budget reflects the Government's lack of commitment to mental health services while the €15 million withdrawn from the service to prop up other ailing services within the HSE has not been restored as of yet. This major deficit has led to additional problems in community care, which is in a fragile situation. Deputy Fitzmaurice has explained to me that it is in a state of collapse in the west, given the significant pressure on staff that has meant that patients are not being seen properly. My county has the same difficulties.

The 2011 programme for Government states, "We will endeavour to end the practice of placing children and adolescents in adult psychiatric wards." Will the Government ensure that this practice is addressed, appropriate facilities and specialised services are made available in the short term and the €15 million removed from mental health services by the HSE is restored immediately?

Deputy Finian McGrath: Hear, hear.

Deputy Alex White: In line with the programme for Government commitment, the priority demonstrated by the Minister of State, Deputy Kathleen Lynch, and the Government has been to modernise our mental health services, notwithstanding the severe resource constraints of the past four years in particular. What we are seeking to do, and have done to a great extent, is to prioritise new resources to underpin the implementation of A Vision for Change.

The Deputy pointed to an issue. That is his role and I respect that. I accept that deficits and issues remain to be addressed, but the Deputy must accept, and I hope that the House will accept it also, the fact that the Government has provided an additional €125 million and 1,150 posts for mental health services between 2012 and 2015, comprising €35 million and 416 posts in 2012, €35 million and 477 posts in 2013 and €20 million for the recruitment of 251 posts last year. One can always say that this is not enough and that more needs to be done. I will have a respectful debate with the Deputy about that, but he should please acknowledge what has been done as well as the priority that has been accorded to this matter.

Deputy Finian McGrath: The Government needs to focus on the patients.

Deputy Michael Fitzmaurice: Patients are being turned away.

Deputy Finian McGrath: The Minister is forgetting about the patients.

Deputy Alex White: Please acknowledge the fact that the Minister of State, Deputy Kathleen Lynch, in particular has made this a central priority and ensured that real progress has been made.

Deputy Mattie McGrath: The Minister has lost it now.

Deputy Alex White: Discussions are taking place between the Department of Health and the HSE on the final allocation of an additional €35 million that was provided for mental health

services in budget 2015. I expect that the allocation will be finalised in the near future.

The sustained investment in mental health services by the Government since 2012 has enabled the HSE to recruit staff who are more suited to the development of a community-focused mental health service, which has been every Deputy's objective as we seek to improve services. This additional money and resourcing have provided for the requisite change in the mix of staff, in particular allied health professionals, across community mental health teams in line with A Vision for Change.

As of the end of March, 397 - 95.5% - of the 416 posts approved in 2012 and 405 - 85% - of the 477 posts approved in 2013 were in place. Of the 251 posts allocated in 2014, 50 staff have started and a further 70 posts are at various stages in the recruitment process. The Deputy will accept that some of these processes take time. That is the actual picture.

The admission of children to adult psychiatric hospitals is an issue that the Deputy raises fairly. We have to acknowledge that this issue has to be resolved. It requires the allocation of resources and those resources are being applied. It is clear from the 2015 HSE service plan that this issue remains a key priority. As Deputies will be aware, reducing the number of children admitted to adult psychiatric units has been a focus of HSE mental health services over recent years. There were 89 admissions of children to adult psychiatric units in 2014. The Deputy might fairly say that this was 89 too many-----

Deputy Finian McGrath: If it is a small number, it can be tackled.

Deputy Alex White: -----but I would point out that the number had reduced from 247 in 2008. These are the actual facts. The Deputy raised some facts. He has to acknowledge that these are also facts.

Deputy Finian McGrath: The focus should be on the patient.

Deputy Mattie McGrath: The Minister was asked a question.

Deputy Simon Harris: It was worse when the Deputy was in government.

Deputy Tom Fleming: As a former Minister of State at the Department of Health, the Minister, Deputy White, has a particularly good insight into the health services in general. I am sure the Minister and his colleague, the Minister of State, Deputy Kathleen Lynch, are well aware of the need to secure proportionate amounts that are justifiable in the Department of Health. The Minister of State, Deputy Kathleen Lynch, is doing her utmost, but she is battling against the tide in many respects as she tries to fulfil her psychiatric responsibilities in the Department. The Government has to be realistic about this matter. It needs to give a proper slice of the cake to mental health services. For historical reasons, mental health services are starting from a very low financial base. It is not right that it accounts for such a low proportion of the overall health budget. This is reflected across the country, including in my county of Kerry. The staffing problems in the Kerry mental health services are caused by the lack of nurses on the ground and the continuing retirements. Staff numbers are continuing to decline. For every two nurses being taken on, three are retiring. Overtime is being paid for, but this is an expensive option. Many health nurses are unemployed, have emigrated or are working as care staff in private nursing homes. They cannot get jobs as registered psychiatric nurses with the HSE locally. That is not proper. The mental health services in County Kerry need a minimum of 25 whole-time equivalent nursing posts as a priority to end overtime and ensure services are fully

staffed. I will mention one major item in this context. The HSE spent approximately €3 million on a state-of-the-art four-bed high-observation psychiatric unit at Kerry General Hospital to deal with, treat and manage patients with challenging and disturbing behaviours. The four-bed specialised unit was completed last December but remains closed because the HSE does not have enough nurses to staff it. I ask the Minister to bring this matter to the attention of his colleagues, particularly the Minister of State, Deputy Kathleen Lynch, and the Minister, Deputy Varadkar, and ask them to address it urgently.

Deputy Alex White: Sometimes the facts and figures obscure the real human situations that lie behind the health issues and demands that many people have. This is particularly true in the area of mental health. When we are accused of failing to deliver or not addressing the real issues that exist, we have to give the House the facts and figures. I make no apologies for doing that in this case. I will give some examples of the work being done by this Government. I ask the House to acknowledge that the full mental health budget for 2015 will be approximately €792 million. Some of this year's money will be spent on additional resource officers and priority actions. A new suicide prevention strategy was announced by the Minister of State, Deputy Kathleen Lynch, with the Taoiseach yesterday. Some €2.75 million is being allocated for additional resource officers. I emphasise the word "additional" in that context. Additional resources of €2.7 million are being provided for child and adolescent inpatient eating disorder development. This is a real issue that comes up. I am sure Deputies come across queries and issues raised by constituents in this regard. Additional resources of €2.5 million are being provided for child and adolescent teams in day hospital. The great Jigsaw project is being given €2.4 million for the development of additional centres in Cork and Dublin. An allocation of €3 million is being made for additional resources for additional mental health and intellectual disability services. An allocation of €1.1 million is being made this year for additional resources for additional mental health services for homeless people. An additional €700,000 is being provided for additional Traveller mental health services. I ask Deputies to acknowledge that these issues are being addressed by the Department, the Minister and the Government.

(Interruptions).

Deputy Dara Calleary: Let them eat cake.

Deputy Alex White: There is a nervous laugh from the other side every time I make that point.

Deputy Mattie McGrath: It is not nervous at all.

Deputy Alex White: Of course the job of the Opposition-----

Deputy Finian McGrath: Why are people ringing us up to say they cannot access services?

Deputy Alex White: -----is to point up gaps in services.

Deputy Mattie McGrath: This is all baloney. The Minister should answer the man's question instead of giving obscure figures.

Deputy Alex White: If we are to have any hope of making-----

Deputy Mattie McGrath: The Minister is using figures and facts to obscure the issue.

Deputy Alex White: -----progress in the area of mental health services, we have to agree on

what are the basic requirements.

Deputy Michael Fitzmaurice: The first requirement is space for people.

Deputy Alex White: The Government and the Minister of State, Deputy Kathleen Lynch, have made enormous progress in this area, particularly at a time of constrained resources.

Deputy Mattie McGrath: The Minister is coddling himself.

Deputy Alex White: It is difficult for the Members opposite to accept the facts I have set out.

Deputy Michael Fitzmaurice: If the Minister goes down to look at the mental health services in the west, he will soon see what is going on.

Order of Business

Minister for Communications, Energy and Natural Resources (Deputy Alex White): It is proposed to take No. 37, Industrial Relations (Amendment) Bill 2015 - Report Stage (re-sumed) and Final Stage; and No. 6, National Cultural Institutions (National Concert Hall) Bill 2015 - Order for Second Stage and Second Stage.

Friday's fortnightly business shall be No. 71, Electoral (Amendment) Bill 2015, and No. 72, Planning and Development (Amendment) Bill 2014.

An Leas-Cheann Comhairle: There are no proposals to be put to the House. I call Deputy Calleary on the Order of Business.

Deputy Dara Calleary: I wish to ask first about the serious information that has come to light in the past couple of days at the Historical Institutional Abuse Inquiry in Northern Ireland. It seems that information about Brendan Smyth and his activities was known by various State agencies. Is the Government monitoring that inquiry? Does it have any plans to allow statements in this House about the serious information that has come to light? I am thinking particularly of the details that came to light yesterday about the knowledge within An Garda Síochána and other institutions of the existence of certain information.

I would like to know, on foot of the discussion we had on Leaders' Questions, whether there are any plans to introduce a new health Estimate ahead of the Dáil recess. It is clear that the health service is not just creaking at the seams at the moment - it has broken out at the seams.

Deputy Mattie McGrath: It has stopped.

Deputy Dara Calleary: What plans does the Government have to deal with that ahead of the recess?

I understand the Tánaiste is out of the House attending the funeral of Lorcán Miller this morning. Our thoughts are with all the families. I want to place on record my party's appreciation of the Ceann Comhairle, the protocol office in the Department of the Taoiseach and everybody involved in St. Ann's Church on Dawson Street for the lovely ceremony that was

held yesterday at the Ceann Comhairle's initiative. I think it was very appropriate and dignified. Those of us who were in attendance were genuinely privileged to have been there. It is also appropriate to place on the record once again our appreciation of and tribute to the staff of the Department of Foreign Affairs and Trade here in Dublin and particularly in Berkeley and elsewhere in the United States for the work they have done in very difficult circumstances over the past seven days.

Deputy Alex White: I thank the Deputy for his concluding remarks about yesterday's service. I join him in commending and thanking everybody who was involved in arranging that service, particularly the protocol staff in the Department of the Taoiseach. I think it demonstrated the unity of the whole House and all the people of Ireland in the face of what has been a most profound tragedy.

The Deputy raised two other issues. In respect of the hearing and the references to Fr. Brendan Smyth, I am only aware of that evidence from what I read in the newspapers. There is no particular proposal for any action to be taken by the Government but if the Deputy has a view on statements or otherwise on it, that could be communicated to the Whips and dealt with in that way.

I do not think the issue of health estimates is a matter for the Order of Business but I am not aware of any proposals in regard to a health Estimate.

Deputy Mary Lou McDonald: I endorse the sentiments of the previous Deputy. It is appropriate as young Lorcán Miller is laid to rest, the last of the young victims of this tragedy, that we once again send our sympathy and solidarity to each of the families, friends and the young people who were associated with, or caught up in, what has been a nightmare for those families.

The Oireachtas Joint Committee on Public Service Oversight and Petitions recently published a comprehensive report on the direct provision system which concluded that it is not fit for purpose. Last month, the Ombudsman for Children expressed concerns about children in the direct provision system. The Special Rapporteur on Child Protection has repeatedly raised his concern that the State may well be in breach of human rights treaties because of the length of time children are held in the system. The Health Information and Quality Authority, HIQA, has also produced a further disturbing report on the same issue. We were told that the report of the working group chaired by Mr. Justice McMahon would be published by the end of May, and then we were told we would have it by the end of June. We are now approaching July. When will that report be published? Will the Minister commit to holding a debate in the Dáil when it is published? When does he expect the International Protection Bill 2015 to be published?

The purpose of the judicial council Bill is to put in place a system for investigating claims of judicial misconduct, which will include lay participation. It will also provide for the formal training of judges. A previous judicial council Bill was published in 2010 and the programme for Government undertook "to legislate to establish a Judicial Council, with lay representation". Consequently, the previous Minister for Justice and Equality said a new Bill was being drafted in 2012. It is now 2015 and that Bill has not been published. The current Minister for Justice and Equality, Deputy Fitzgerald, indicated some time ago that the Department is working with the Attorney General to finalise this Bill. Given the importance of the issue, the length of time it has been promised and the programme for Government commitment, is it possible for the Minister to give a more definitive response and say when it might be published?

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Deputy Alex White: These are two important Bills. Work is continuing on the international protection Bill. There is a real wish to bring it forward as quickly as possible. The next stage will be the preparation of heads and it will then go to the committee for pre-legislative scrutiny.

The judicial council Bill is listed for this session. I am advised its preparation is well advanced. I hope it can be brought forward as planned in this session.

Deputy Seán Ó Fearghail: Last week, the House passed Second Stage of the Urban Regeneration and Housing Bill 2015. It will have a negligible impact on the social housing crisis. The Government has also planned a planning and development (No.1) Bill to support the actions envisaged in Construction 2020. The enormity of the social housing problem is most acute in the greater Dublin area. In Kildare, there are over 6,000 people on the waiting list. How is it, in the context of the legislation, that in a place like County Kildare I cannot say that even one new social house will be built in 2015? A total of 70 houses may be purchased following the actions of the Minister for the Environment, Community and Local Government, Deputy Kelly. Each, however, requires individual approval from the Department.

Deputy Mattie McGrath: A joke.

Deputy Finian McGrath: A joke.

Deputy Mattie McGrath: Alan the Miser.

Deputy Seán Ó Fearghail: That clearly indicates a severe lack of urgency on the part of the Government in tackling the social housing crisis.

In respect of the health reform Bill, the Minister read out a litany of financial allocations to address problematic areas in the health service. People want actual improvements in the quality of the service.

An Leas-Cheann Comhairle: We cannot discuss the health service here, as the Deputy knows.

Deputy Seán Ó Fearghail: Will the health reform Bill address, for example, the inadequacies in the child and mental health service, which is completely ineffective because it is depleted of staff? In fact, it is not depleted because it never had the staff it required in the first instance to provide the service it was set up to provide.

Deputy Alex White: I always marvel at the fact that there is criticism of a Minister giving details of financial allocations-----

Deputy Mattie McGrath: There is no money to back them up.

Deputy Alex White: -----then there is a query about the depletion in staff because the two things are directly connected. The allocation of resources allows us to recruit staff.

Deputy Seán Ó Fearghail: The staff are not being recruited. That is the problem.

Deputy Alex White: That is why we indicate the various additional allocations of resources to the House.

In response to the questions on the Urban Regeneration and Housing Bill 2015, the Deputy is aware, I think, that it has passed Second Stage and Committee Stage will be taken next Tues-

day.

Deputy Seán Ó Fearghail: Yes.

Deputy Mattie McGrath: He said that.

Deputy Alex White: The planning and development (No.1) Bill is incorporated in that legislation. There is no separate Bill forthcoming. Presumably that Bill will proceed to Committee Stage and the Deputy will have an opportunity to contribute to that.

Deputy Finian McGrath: In respect of the health information Bill, is the Minister really aware of the crisis in the disability services and the mental health services? I listened to the Minister's comments earlier. There have been major cuts in day services for people with intellectual disabilities and cuts in respite places, particularly in July and August. Will the Minister give me the information and ensure that the services for people with intellectual and physical disabilities are not cut for July and August?

Several psychiatric patients, who are at risk, are regularly on the streets of our city. They need beds. We need between 300 and 400 beds yet the Minister told us this morning that everything was hunky dory and gave out figures. There is a crisis in the front-line services and the Government needs to wake up to that reality and do something. Ministers should not come in here and talk about resources when over the next six months the Government will throw money in tax cuts at the wealthier sections of society but will not provide simple things like residential respite services and services for people with mental illness.

Deputy Alex White: The Deputy is aware of the work and everything that is being achieved in this area. Any reasonable observer of what I said earlier could not conclude that I said, or accuse me of saying, everything is hunky dory.

Deputy Mattie McGrath: Almost.

Deputy Alex White: It is completely unfair of Deputy Finian McGrath to suggest that is what I said. I acknowledge the gaps.

Deputy Mattie McGrath: Gaps.

Deputy Alex White: I acknowledge the work that needs to be done but I demonstrated to him, as he should know, that far from engaging in the empty rhetoric that comes from him and over there-----

Deputy Finian McGrath: The Minister should listen and stop talking down the clock.

Deputy Alex White: This Government is delivering on these issues because government is for delivery and sometimes, unfortunately, opposition is for empty rhetoric.

Deputy Mattie McGrath: Delivery.

Deputy Alex White: We are doing the job we are here to do.

Deputy Finian McGrath: On a point of order-----

Deputy Paul Kehoe: The Deputy is like some of his Independent colleagues.

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Deputy Kevin Humphreys: The Deputy is talking down the clock.

Deputy Finian McGrath: The Minister knows that a cross-party meeting on disability was held last Wednesday. The Government has been in power for four years and should wake up and get on with the job.

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

Deputy Paul Kehoe: Deputy McGrath was in government and left it because he did not have the willpower to stay.

Deputy Finian McGrath: Man overboard.

Deputy Tony McLoughlin: When will reformed and consolidated domestic violence legislation be brought before the House for debate? Have the heads of the Bill been agreed and will it come before the House in this term?

Deputy Alex White: While I do not yet have a specific date for the introduction of that very important legislation, I assure the Deputy that work is ongoing in that regard.

Deputy Mattie McGrath: What is the position regarding the road transport Bill? What is happening to Irish drivers and hauliers in the Port of Calais is unacceptable. While it is appropriate that the Dáil discuss industrial relations issues such as the position of Dunnes Stores workers, hauliers and drivers are entitled to protection. They are not being protected, which is placing them in peril. Will the Government contact the Irish Road Hauliers Association and engage with our European partners to get some sense into this?

The issue of health reform was raised and the Minister referred to figures obscuring the facts and being misleading. One figure that is not obscure or misleading is that four general practitioners in south Tipperary have signed the GP contract for children aged under six years.

Deputy Paul Kehoe: Is the Deputy against free care for children now?

Deputy Mattie McGrath: The deadline of 1 July 2015 is fast approaching. People in south Tipperary will have nowhere to go locally and will have to travel to Cork, Waterford or Limerick for GP care for children under six years. As Cromwell said, people can go to hell or to Connacht. The Government is refusing to negotiate with certain general practitioners and the organisation that represents them. It has negotiated with the Irish Medical Organisation and ignored other GPs. It is time it listened to doctors who want to continue to give care. There will be nowhere for children in south Tipperary to go, however, because only four GPs have signed the new contract.

Deputy Paul Kehoe: The Deputy should keep the peace.

Deputy Mattie McGrath: What is wrong with the Whip? He directs insulting remarks at me every day. He referred to a breach of the peace a number of times. I do not know what he is referring to but he has breached the faith people have in him. He will not jump ship because people will jump ship on him.

Deputy Paul Kehoe: Keep the peace now, Mattie.

Deputy Mattie McGrath: I ask the Leas-Cheann Comhairle to ascertain what the Whip means by that comment. I have never been bound to keep the peace or anything like that. He

refers to keeping the peace every day and I want to know what he means. Is he afraid that I will go over to him or something?

Deputy Paul Kehoe: It is important to keep the peace.

An Leas-Cheann Comhairle: I ask the Minister to answer the Deputy's questions on legislation.

Deputy Mattie McGrath: The Whip should obey the rules of the House.

Deputy Paul Kehoe: Keep the peace.

An Leas-Cheann Comhairle: Order, please.

Deputy Alex White: The road transport Bill is expected to be forthcoming later this year. In respect of the other matter he raised regarding general practitioners in south Tipperary and the contract for children aged under six, the legislation providing for free general practitioner care for children under six years was passed in this House and the other House last July. It is the policy of the Government and the decision of the Oireachtas and moneys have been voted to provide this service to children.

Deputy Mattie McGrath: Nonsense, sick people cannot get health care.

Deputy Alex White: I hope all general practitioners will see their way to signing a contract in respect of this policy.

Deputy Mattie McGrath: They are being bullied.

Deputy Alex White: With regard to negotiations - perhaps "contact" would be a better description - I can state from experience that the Irish Medical Organisation, the long-standing and respected representative body of general practitioners in this country, was consulted on this scheme.

Deputy Mattie McGrath: I did not say it was not consulted. There are two representative bodies.

Deputy Alex White: The scheme is now in place and it is up to doctors to come forward and deliver the service we are paying them to deliver.

Deputy Mattie McGrath: Perhaps the Minister will send them a tweet.

Deputy Denis Naughten: I have questions on two promised Bills. High-risk sex offenders are roaming the country and gardaí are trying to monitor them with two hands tied behind their backs. At the same time, 60 electronic tags, for which the State is paying more than €100,000 per annum, are sitting in a cardboard box and cannot be used because we are waiting for the criminal law (sexual offences) Bill. When will this legislation be published? The Taoiseach promised me it would be published soon after Easter. The delay is exposing women and children to unnecessary risk. What is the reason for it?

The decision 16 months ago to suspend the motorised transport grant and mobility allowance schemes left people with a disability marooned in their homes as they wait for an alternative scheme to be introduced. The new scheme was promised under the health (transport support) Bill last September, again in the new year and subsequently at Easter. It is now summer.

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When will the House have sight of this Bill? Will it be given priority by the Government?

Deputy Alex White: The health (transport support) Bill is important legislation which is likely to be forthcoming later this year. The Minister of State at the Department of Health, Deputy Kathleen Lynch, is working hard to ensure it is introduced.

In respect of the criminal law (sexual offences) Bill, which is also critically important, work is well advanced on the legislation and it is expected and intended to bring it before the House in this session.

Deputy Robert Troy: One of the two issues I will raise is pertinent to the Minister's Department. What level of consultation has the Minister had with the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, on new wind energy regulations? As the Minister will agree, comprehensive regulations are long overdue. Will he advise the House of the timeframe for introducing them in the House?

On the Education (Admission to School) Bill, a number of parents received letters this morning advising that the school transport scheme is to be withdrawn from St. Kenny's national school in Ballinea and Gaelscoil an Choillín in Mullingar. This decision will leave children who have relied on the school transport scheme to bring them to school in a precarious position and unable to attend school in September. Why is the Government withdrawing concessionary bus routes? Is this a cost-saving exercise?

An Leas-Cheann Comhairle: The Deputy should raise this issue by other means.

Deputy Robert Troy: I am asking the Minister about the contents of the Education (Admission to School) Bill. We need not worry about how children will be admitted to schools if we withdraw the bus services which transport them to school.

Deputy Alex White: I may be incorrect and the Deputy may be correct but I am not sure the Education (Admission to School) Bill includes provisions on school transport. He and I can both check what the position is, however, as the Bill has been published and is awaiting Second Stage.

As the Deputy will be aware, wind energy guidelines have been in place since 2006 and it is intended to publish revised guidelines. While it may not be germane to the Order of Business, I will, as a courtesy, respond to the Deputy's question. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, and I are in close contact regarding the revised guidelines, as are our respective Departments, and it is hoped and expected that they will be ready to be published shortly.

Industrial Relations (Amendment) Bill 2015: Report Stage (Resumed) and Final Stage

Deputy Peadar Tóibín: I move amendment No. 10:

In page 16, line 29, after "not" to insert "blacklist,".

As the Minister is aware, there are major issues internationally regarding blacklisting. Large companies operating within Ireland have been identified as having been previously involved

in blacklisting. The process of blacklisting is very dangerous and negative. Where an individual is blacklisted, he or she is prevented from earning a living and-or must relinquish his or her trade union activism. Blacklisting has the effect of quarantining individuals and denying them access to the workplace. Thus, they have no ability to represent, influence, persuade or mobilise others to stand for their rights. This sends a message to other individuals operating in a particular sector that their attempts to join a union or be active within a union mean they too will be sent packing and will find themselves on the dole queue.

Blacklisting is an extremely insidious method by which unscrupulous employers can cleanse, from their perspective, their operations of individuals who could cause difficulties. However, from our perspective and from that of workers in the sector, these individuals are representatives of the needs of employees. This is about finding an equilibrium between employers and employees so that both groups are able to function and represent their needs. If the playing field is level, there is a better opportunity for outcomes that are fair to both employer and employee. Blacklisting is an effort to ensure the playing field is uneven.

Dave Smith and Phil Chamberlain have recently published a book on blacklisting in Britain. Even the UK Labour Party MP, Mr. John McDonnell noted that blacklisting has deliberate effects in the economy.

In the last debate I had with the Minister of State, he said there was no evidence blacklisting operated in Ireland. The same argument was put forward in Britain until widespread and systematic blacklisting by 30 major contractors of more than 3,000 trade union activists was uncovered. For the Minister of State to say it does not exist in Ireland is to repeat the false statements made in Britain when people did not believe it existed there. The fact that the two economies are so closely linked in so many ways, with the same companies and many of the same practices operating in both jurisdictions, logically suggests that the practice would also travel. There is no point in shutting the door after the horse has bolted. This is why Governments create legislation. A good Government, with foresight, will create legislation to ensure that the horse does not bolt and the problem does not arise. Prevention is better than cure, and this is why I ask the Minister of State to accept my amendment.

Deputy Paul Murphy: I support Deputy Tóibín's amendment. The issue of blacklisting is very important in light of the revelations during recent years in Britain that The Consulting Association, TCA, was found to have held a blacklist of 3,200 construction workers who were deemed to be militant, trade union activists or who had pursued employment tribunals. A number of companies or contractors which were members of TCA paid a yearly subscription of approximately £3,000 plus £220 for each inquiry into a worker. Approximately 20 construction companies were involved in it. At least one of the companies is active in Ireland. While this does not mean the company is using blacklists in Ireland, it means Deputy Tóibín's point is relevant. It is naive to expect the practice of blacklisting would not exist in Ireland, and it is essential that it be explicitly ruled out, given that it has affected the lives of thousands of workers in Britain.

The same applies to amendment No. 11 which seeks to insert "trade union membership or activity" as grounds on which an employer cannot penalise, or threaten to penalise, a worker. There are many anti-trade union employers. Many employers see the organisation of trade unions and trade union activists as a threat to their ability to maximise the exploitation of their workers and the profits they can make. Therefore, we need as many legal protections as possible to enable trade unions and workers to organise, even in hostile environments.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): Amendment No. 10 seeks to include a prohibition on blacklisting of a worker in the anti-victimisation provisions in section 19 for workers covered by a sectoral employment order, SEO. We can all agree that blacklisting of persons, for whatever reason, is an abhorrent practice, particularly regarding people exercising their rights regarding their remuneration or terms of employment. If there is any evidence that this practice occurs in Ireland - I have received no evidence or information on it - I will move on it. In my daily engagements with trade union officials and representatives working with people across the country, it has not once been raised with me in my role as Minister of State with responsibility for business and employment. If anybody has information or evidence suggesting the practice is ongoing in Ireland, Deputies and others are duty bound to report it to the authorities and may make reference to this in the House. If the practice were happening, I would be one of the first people to be informed. It is unwise to address any such fundamental issue in a piecemeal manner, as the amendment would suggest. However, if action were needed, it would need to be examined in the round and in the context of our suite of industrial relations and employment legislation. We need to keep a vigilant eye on the entire area. We are aware of the practice from some high profile cases in the UK and I agree it is an insidious and horrendous practice.

The purpose of amendment No. 11 is to add trade union membership or activity to the activities in respect of which an employer may not penalise a worker to whom an SEO applies. A number of protections are already in place for workers who consider they have been subjected to victimisation in the workplace. Any worker who has been victimised already has the opportunity to take a case under the Industrial Relations Acts. In addition, Members will be aware of the 2004 code of practice on victimisation, which provides that "Where there is a dispute in an employment where collective bargaining fails to take place ... no person ... should be victimised or suffer disadvantage as a consequence of their legitimate actions or affiliation arising from that dispute." A procedure for addressing complaints of victimisation is set out in the Industrial Relations (Miscellaneous Provisions) Act 2004 and these protections will be further enhanced in the context of provisions in Part 3 of this Bill in regard to the Government's commitment on collective bargaining. Accordingly, I cannot accept these amendments.

An Leas-Cheann Comhairle: I call Deputy Tóibín. I remind Members that their second contributions should not exceed two minutes.

Deputy Peadar Tóibín: We often hear from the Government benches that all we on this side of the House are interested in is critique, giving out and populism, yet when we create solutions to problems or potential problems they are completely ignored, as was the case when I introduced legislation to pierce the corporate veil in this Chamber, which, in large part, would have resolved the experience of the Clerys workers. In these amendments we seek a particular solution. The Minister of State is saying he is against it but he will not prevent it. Effectively, he is saying that he will not legislate for it until somebody has suffered - until somebody has lost their job, is unable to provide for their family and has been exploited. The Minister of State's logic is that he needs a number of people to be exploited before he will act. He said he would not act in a piecemeal fashion but he has not said that tomorrow, the next day, this term or the next term he will produce comprehensive legislation on blacklisting which will prevent it in the future. My concern is that the Minister of State is saying one thing but doing nothing about it. All we will have in the future is tea and sympathy, but I suggest that we should not have a Minister for tea and sympathy; rather, we should have a Minister who makes sure that such things do not happen. In the Clerys case, the Minister said he was going to look those employers in

the eye and speak to them about their moral obligations. The fact of the matter is that anybody in the State could have looked them in the eye or spoken about their moral obligations, but the only person who can legislate is the Minister, and that is his responsibility.

Deputy Paul Murphy: The Minister of State's reason for not accepting the amendment does not hold much water. In regard to amendment No. 10, he suggested that to add the word "blacklist" would be to deal with it in a piecemeal way. The alternative is to do nothing and wait for a major blacklisting scandal to emerge, and then to say that we did not want to do something about it in a piecemeal way. If the Minister of State wants to bring forth legislation to deal with blacklisting, that is great - I am sure we would support it - but right now it is quite a simple matter and I do not see what the problem is with adding the word "blacklist" to the subsection such that it would read: "An employer shall not blacklist, penalise or threaten penalisation over a worker for," etc. It clearly would provide strength to workers. It would make it more difficult for employers to discriminate against workers who are involved in trade union activity. The reasons given by the Minister of State do not hold water.

The same applies to the reasons given for the Minister of State's refusal to accept amendment No. 11. Again, I do not see how in any sense the Minister of State can say that it would be a problem for workers, or that any problem would be created by inserting the words "trade union members or activity" as other grounds for not penalising workers. The reality is that the current environment is a difficult one for trade unions. Many employers are very hostile and use the crisis to try to push back trade union rights. Therefore, the more legislation we have that would assist organisations on the ground, the better. Adding those words would be of assistance.

An Leas-Cheann Comhairle: Has the Minister of State anything further to add?

Deputy Gerald Nash: No.

An Leas-Cheann Comhairle: Does Deputy Tóibín wish to press the amendment?

Deputy Peadar Tóibín: Yes.

Amendment put:

<i>The Dáil divided: Tá, 30; Níl, 51.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Aylward, Bobby.</i>	<i>Barry, Tom.</i>
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>
<i>Broughan, Thomas P.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Catherine.</i>
<i>Daly, Clare.</i>	<i>Byrne, Eric.</i>
<i>Doherty, Pearse.</i>	<i>Conlan, Seán.</i>
<i>Dooley, Timmy.</i>	<i>Connaughton, Paul J.</i>
<i>Fitzmaurice, Michael.</i>	<i>Conway, Ciara.</i>
<i>Fleming, Tom.</i>	<i>Coveney, Simon.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Deasy, John.</i>

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<i>Mathews, Peter.</i>	<i>Deering, Pat.</i>
<i>McConalogue, Charlie.</i>	<i>Dowds, Robert.</i>
<i>McDonald, Mary Lou.</i>	<i>Doyle, Andrew.</i>
<i>McGrath, Finian.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Michael.</i>	<i>Fitzpatrick, Peter.</i>
<i>McLellan, Sandra.</i>	<i>Hannigan, Dominic.</i>
<i>Murphy, Paul.</i>	<i>Harrington, Noel.</i>
<i>Naughten, Denis.</i>	<i>Harris, Simon.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Heydon, Martin.</i>
<i>O'Brien, Jonathan.</i>	<i>Humphreys, Heather.</i>
<i>Pringle, Thomas.</i>	<i>Humphreys, Kevin.</i>
<i>Ross, Shane.</i>	<i>Kehoe, Paul.</i>
<i>Shortall, Róisín.</i>	<i>Kyne, Seán.</i>
<i>Smith, Brendan.</i>	<i>Lyons, John.</i>
<i>Stanley, Brian.</i>	<i>McFadden, Gabrielle.</i>
<i>Tóibín, Peadar.</i>	<i>McGinley, Dinny.</i>
<i>Troy, Robert.</i>	<i>McGrath, Mattie.</i>
<i>Wallace, Mick.</i>	<i>Maloney, Eamonn.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>Penrose, Willie.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Quinn, Ruairí.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies Peadar Tóibín and Aengus Ó Snodaigh; Níl, Deputies Paul Kehoe and John Lyons.

Amendment declared lost.

Deputy Peadar Tóibín: I move amendment No. 11:

In page 16, between lines 29 and 30, to insert the following:

“(a) trade union membership or activity,”.

An Leas-Cheann Comhairle: Is Deputy Tóibín pressing the amendment?

Deputy Peadar Tóibín: Yes.

Amendment put and declared lost.

Deputy Gerald Nash: I move amendment No. 12:

In page 17, line 4, to delete “under Part 4 of the Act of 2015” and substitute “under *section 22*”.

Section 19 of the Bill provides for anti-penalisation measures to protect a worker who invokes any right conferred on him or her by the Act or takes other specified actions under the Act. An amendment introduced on Committee Stage provided that, if penalisation of a worker under section 19 constitutes a dismissal under the Unfair Dismissals Acts, the worker may not seek relief under both Acts.

However, an incorrect reference to Part 4 of the Workplace Relations Act 2015 was included in the amendment and the correct reference should have been to section 22, which deals with the relevant redress provisions by an adjudication officer for contraventions of provisions of this Bill. I highlighted this error on Committee Stage and indicated that I would address it on Report Stage.

On a related point, Deputy Tóibín raised a question as to whether an employee could be required to travel long distances in the context of making an application to the Circuit Court under section 34 of the Unfair Dismissals Act 1977 where such an application must be made in the circuit where the employer carries on his or her business. I have taken advice on this and I am informed that this is a standard provision and is interpreted as having a meaning as being where the employee habitually is based in terms of working for that employer. This phrase will be familiar to anybody dealing with various ranges of legislation, whether in regard to the Department of Social Protection or any other Department. It is where the employee habitually is based in terms of working for that employer.

Amendment agreed to.

Acting Chairman (Deputy Catherine Byrne): Amendments Nos. 13 to 15, inclusive, are related and will be discussed together.

Deputy Peadar Tóibín: I move amendment No. 13:

In page 17, between lines 17 and 18, to insert the following:

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“(6) The Minister may authorise other persons, including designated union officials, to carry out inspections and monitoring of Registered Employment Agreements, Registered Employment Orders and Employment Regulation Orders.

(7) The Minister may make regulations providing access, for union officials, to the workplace and employees for the purpose of this Act.

(8) An employer shall not coerce workers to relinquish or abstain from a registered employment agreement.”.

These amendments arise from the fact there are massive compliance and enforcement problems within the labour market in this State. These enforcement and compliance levels are a disaster for individuals. Legislation is not worth a damn if it is not enforced or complied with. We can have all the talk and debates in this Chamber about it but it is no use if the necessary mechanisms are not in place. The Minister of State might tell us what are the levels of compliance in all of the different sectors, given I am told that non-compliance is very high in a number of different sectors.

As I have mentioned previously, one of the best ways to ensure compliance or enforcement is to allow for the natural equilibrium between workers and employers to exist. We should give them both the necessary influence and power to be able to have an equal relationship and, in that equal relationship, we are most likely to have resolution of problems without them going any further. It is when the ability of the workers to represent themselves and have their issues dealt with is suppressed that we are forced down the route of making the State responsible for compliance. We know this costs an awful lot of money to put in place, is not very successful and, in many areas, is extremely unsuccessful for a large number of reasons. Even where it does work, it is often far too late to have an impact on the individual’s core experience.

Prior to the McGowan judgment, these entitlements were part and parcel of the REA framework underpinning the right of an individual to trade union representation and all that representation entails. Would we have any other case where an expert professional who is entitled to represent an individual would not have access to that individual or the circumstances that individual is experiencing? I imagine we would not. In the case of solicitors, for example, that is what we would provide for. These three amendments simply create a natural equilibrium between both groups and they simply let individual trade union representatives gain access to where the problem is. It is not revolutionary and it mirrors what was previously the case. For decent employers, it is not a threat because decent employers will not find themselves suffering in any way from this process.

Deputy Paul Murphy: I support Deputy Tóibín’s amendments. In regard to amendment No. 14, I make the point that the normal practice in non-unionised workplaces at the moment in terms of disciplinary procedures is that the employee in question will be entitled to have a co-employee as a silent witness. Given the massive power imbalance that exists between the employer and employee, we can see how intimidating that experience is and how, in many cases, it can be difficult even to find a silent witness because it means another worker putting his or her head above the parapet in a context where bullying may be taking place and, in some sense, there may be victimisation of those who lift their heads above the parapet. What the amendment would mean is that, even in workplaces that are not particularly well organised and where the employer has not recognised the union, those who are members of unions will be entitled to have representation and have someone there. It goes some measure towards adjusting the

power imbalance that exists between a worker and an employer, who can have a team of HR or IR people to deal with the issue.

In regard to amendment No. 15, I make the point that the State's mechanisms for monitoring compliance with REAs and employment rights in general are inadequate. They are inadequately resourced and huge levels of non-compliance are found. To the extent the State is able to carry out investigations, it is clear compliance is inadequate. We could think back to the GAMA dispute to make the point but there have many other instances since then.

The role of trade unions is to represent working people and ensure their members get the best wages and terms and conditions they possibly can. A key part of that role is ensuring compliance with REAs and with the employment rights of their workers. It makes sense that trade unions should have access to workplaces in order to be able to achieve those. It is the only real mechanism that exists to ensure these things are actually complied with, as opposed to just sitting back and hoping that employers will do it when we have an inadequate mechanism from the point of view of the State. This relates to the very basic rights of trade unions to organise in the workplace. The point is that where trade unions can recruit members, the workers will be organised and this will go some way to addressing the power imbalance that exists by having workers come together.

A current example of where this would be important is an issue that has been spoken of many times, not only in this debate but in the last number of months in the Chamber. This is the question of bogus self-employment in the construction industry, which is clearly massively widespread. This should be a problem for Revenue, which loses out on significant revenue, but it does not have the resources or the inclination to deal with it, and the mechanisms of the State have not in general dealt with it. For trade unions to have access to workplaces would mean finding out and investigating these situations, and rooting out and exposing bogus self-employment. The only mechanism we really have is that of freeing up trade unions to do the jobs they are meant to do, as opposed to having employers being able to effectively shut out trade unions and make it extremely difficult for the employees in a company, or on a contract, to start from scratch and get organised. I believe all three amendments are extremely important.

Deputy Gerald Nash: Amendment No. 13 from Deputy Tóibín seeks to provide a role for trade union officials in the enforcement of registered employment agreements, registered employment orders - which are more correctly entitled sectoral employment orders - and employment regulation orders. The amendment would also provide for the Minister making regulations providing for a right of access to trade union officials to the workplace and employees. Finally, it seeks to prohibit an employer from coercing workers to relinquish or abstain from an REA.

In respect of REAs, it is clearly a matter for the parties concerned whether they wish to include in the agreement provisions in regard to access to workplaces for trade union officials, and I understand this was the case previously. A registered employment agreement will be binding on the parties to the agreement and I am aware that some previous REAs, such as the construction REA, provided that, in the event of concerns arising regarding compliance, a trade union official would have access to a designated member of management. It is totally open to the parties to agree similar provisions in the future. There is nothing in the legislation to prevent that happening. The right of access, so to speak, does not currently exist in primary legislation and it is misleading to pretend it does.

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As regards the appointment of other persons, including union officials as inspectors, the powers that have been given to the National Employment Rights Authority inspectors are quite extensive. They include, for example, the power to use reasonable force to enter a place of work or a premises where there is a reasonable belief it is being used for the employment of persons or the keeping of records. NERA inspectors have powers to copy records and remove books, documents or records for a period they reasonably consider necessary. Inspectors can, under warrant of the District Court, enter a domestic dwelling with other inspectors or members of the Garda Síochána in pursuit of documents or records. Such extensive powers are rightly and appropriately reserved for officers of the Minister who are appointed as inspectors. It is ultimately, and correctly, for the State to ensure there is compliance with legislation in this and other areas of law.

It is vital that trade unions are able to represent the interests of their members and take action in support of those interests. The laws of this State vindicate that right. However, the suggestion that trade union officials should have a statutory right to enter a workplace to meet with workers, even in workplaces that do not recognise trade unions, is a new proposition which represents a fundamental departure from the current position. It would, very significantly, leave the important legislation that is before us today open to the possibility of a legal challenge as regards an employer's constitutional right not to engage with or recognise trade unions. Having worked over a long period with the relevant actors to restore the sectoral frameworks following the McGowan decision in 2013, I am loath to open the door to a challenge that would jeopardise this legislation, which is extremely urgent and entirely necessary for the enhancement of employment rights in this country. We must all be mindful of the potential for such challenges when considering legislation. All of us who are serious or claim to be serious about enhancing workers' rights should concern ourselves with the possibility of legal challenges in the context of this Bill. What we have before us is finely-balanced legislation. It is critical that we are able to enact it in a spirit of confidence that the provisions it contains are copperfastened and secure. I am loath to stand over anything that might jeopardise the legislation by leaving it open to any class of challenge. We can be sure there will be people only too prepared to consider such a challenge. In that context, I implore colleagues to support the overarching principles of the Bill and what it seeks to achieve. We must work together to that end.

Amendment No. 14 provides for an entitlement for a union to represent an employee's interests under a registered employment agreement or sectoral employment order, including matters involving discipline and grievance procedures. Section 41(15) of the Workplace Relations Act 2015 already provides that a trade union official may accompany a worker at proceedings before an adjudication officer in regard to a complaint, while section 44(9) of that Act has the same provision in respect of proceedings before the Labour Court. Accordingly, I cannot accept this amendment.

Amendment No. 15 proposes further rights of access to workplaces for trade union officials for the purposes of monitoring compliance with REAs and SEOs, and also with a view to carrying out trade union business on the premises with workers. For the reasons I outlined in respect of amendment No. 13, and more comprehensively on Committee Stage, I cannot accept this amendment.

Deputy Peadar Tóibín: One of the issues that attracted a great deal of attention in this House in recent months was the crisis at Kishoge Community College, which involved a State contract awarded to a private developer. Individuals working at that site were forced into sub-contracting status and there was wholesale abuse of the relevant contracts tax, RCT, system.

When those workers totted up their wages at the end of the week and the number of hours they had done, they found they were being paid €5 per hour. When we on this side of the House made efforts to have the matter investigated, we were met with a pass-the-parcel response from the Government, the answer always being that it was some other Minister's responsibility. Investigations into what happened were carried out by a number of State agencies, but they were hampered by a lack of resources and no justice was delivered to the individuals concerned. In the end, the issue was referred to the courts. That is the result one gets when there is not a fair balance between workers' rights and employers' rights.

I previously asked the Minister a question, the answer to which would be helpful in considering the need for the amendments I have tabled. What are the compliance levels in these sectors?

Deputy Paul Murphy: The reality is that the State mechanisms for checking employer compliance with the various REAs and so on are inadequate. The agencies in question simply do not have the resources that are needed. That fact is underlined by the finding in successive NERA reports that there is widespread non-compliance. If the mechanisms were working properly, employers would know they are likely to be caught and would not so blatantly breach their responsibilities under the law. Despite this evidence of non-compliance, however, there is no proposal from the Government to increase the funding and resourcing of NERA, the labour inspectorate or any other body charged with monitoring compliance.

These amendments propose that we authorise other persons, including designated union officials, to carry out inspections and monitoring. Trade unions, as organisations of workers designed to protect workers' rights, have a vested interest in assisting the State in ensuring the law is adhered to in respect of the upholding of those rights. The Government's response, however, is, "No, it is not their job to do so". The Government has no intention of allowing anybody else to do it, which leaves us with the prospect of continued widespread non-compliance, situations arising like that at the Kishoge site in Lucan and the use of bogus subcontractors right across the construction sector. Abuse of workers' rights is widespread but the State does not have the resources in place to deal with it and there is no intention to provide those resources. By rejecting these amendments, the Government is refusing an opportunity to afford trade unions the facility to deal with these matters on their members' behalf.

Deputy Gerald Nash: I thank the Deputies for their contributions and accept their bona fides on this issue. We all want to see effective enforcement and high levels of compliance with the law. Like the Revenue Commissioners, the Health and Safety Authority and other State agencies, NERA takes what might be described as a risk-based approach to its inspections and investigations. There are particular sectors of the economy to which it pays particular attention. I do not have the figures for 2014 because, as I said yesterday, NERA's report for last year is not yet available. When it is, it will be laid before the House and I will be happy to have a discussion on it. If it is ever the case that NERA is required to have more resources to carry out the job we all want to see it do on behalf of the State, then we will have that discussion.

The overarching principle behind the introduction of sectoral employment orders is to address the gap that emerged following the McGowan judgment in 2013. When that vacuum arose, we started to identify particular issues, in the construction sector in particular. That gap is being filled by a robust, constitutionally sound framework for sectoral employment orders. The provisions we have brought forward deal not only with the question of decent levels of remuneration but also with standards. It is important to recognise that.

2 o'clock

The new provisions around the Workplace Relations Commission will further strengthen our adjudication, investigation and other processes. This will provide for quick resolution and enforcement through the National Employment Rights Authority, NERA. We are streamlining our systems all the time, considering some of the issues which emerged in recent years.

The decision to reintroduce sectoral employment orders, SEOs, was made swiftly. I am pleased this legislation will address some of the concerns that have arisen during the absence of a framework that promotes higher standards in particular industries.

Amendment put and declared lost.

Deputy Peadar Tóibín: I move amendment No. 14:

In page 17, between lines 17 and 18, to insert the following:

“Union entitled to represent members’ interests

20. (1) A trade union, at the request of the employee, may represent the employee in relation to the employee’s rights and entitlements under a registered employment agreement and sectoral employment order.

(2) A union is entitled to represent its members in relation to any matter involving the discipline or grievance procedure.”.

Amendment put and declared lost.

Deputy Peadar Tóibín: I move amendment No. 15:

In page 17, between lines 17 and 18, to insert the following:

“Access to workplaces

21. (1) A trade union official is entitled, in accordance with this section to enter a workplace for purposes related to:

(a) monitoring compliance with the operation of a registered employment agreement and sectoral employment order;

(b) monitoring compliance with other Acts dealing with employment-related rights of trade union members;

(c) to seek compliance with relevant requirements in any case where non-compliance is detected;

(d) discuss trade union business with trade union members;

(e) to seek to recruit employees as trade union members;

(f) to provide information on the trade union and trade union membership to any employee on the premises.

(2) A discussion in a workplace between an employee and a trade union official who

is entitled under this section to enter the workplace for the purpose of the discussion must not exceed a reasonable duration.

(3) An employer may deduct from an employee's wages any amount in respect of the time the employee is engaged in a discussion referred to in *subsection (1)(d)*."

Amendment put and declared lost.

Deputy Peadar Tóibín: I move amendment No. 16:

In page 19, between lines 33 and 34, to insert the following:

“Regulations

20. The Minister may by regulations provide for a mechanism to provide for representation by or on behalf of retired employees, including organised groups of retired employees, in relation to his, her or their pensions, deferred or otherwise.”

Amendment put and declared lost.

Deputy Gerald Nash: I move amendment No. 17:

In page 21, to delete lines 3 to 9 and substitute the following:

“(b) in section 41—

(i) by the insertion of the following subsection after subsection (3):

“(3A) An employer or a trade union representative of an employer affected by an agreement specified in paragraph 29 of Part 1 of Schedule 5 may present a complaint to the Director General that an employer affected by the agreement has contravened the agreement and, where a complaint is so presented, the Director General shall, subject to section 39, refer the complaint for adjudication by an adjudication officer.”,

and

(ii) by the insertion of the following subsection after subsection (18):

“(19) In this section, references to specified person for the purposes of a complaint in relation to a provision specified in—

(a) paragraph 29 or 30 of Part 1 of Schedule 5, or

(b) paragraph 11 of Part 2 of Schedule 5,

shall be construed as references to a trade union representative of the person entitled to present the complaint.””.

The purpose of amendment No. 17 is to add to the Bill's enforcement provisions a mechanism for an employer or a trade union representative of an employer affected by a registered employment agreement, REA, to make a complaint to the Workplace Relations Commission that another employer affected by the REA has contravened the agreement. Section 10 of the Industrial Relations Act 1969 had previously provided for such a mechanism. It is considered

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appropriate to continue to provide such a mechanism for an employer to submit a complaint to the Workplace Relations Commission in such circumstances. Such a complaint regarding a breach of an REA will then be dealt with in the same manner as a complaint submitted by a worker.

As a consequence, section 10 of the 1969 Act will be repealed which has been provided for in amendment No. 3.

Amendment agreed to.

Amendment No. 18 not moved.

Deputy Gerald Nash: I move amendment No. 19:

In page 30, after line 23, to insert the following:

“PART 4

MISCELLANEOUS AMENDMENTS

Amendment of section 3 of Act of 1946

39. Section 3 of the Act of 1946 is amended in the definition of “trade dispute” by the insertion of “and includes any such dispute or difference between employers and workers where the employment has ceased,” after “of any person”.”.

Amendment agreed to.

Acting Chairman (Deputy Catherine Byrne): Amendment No. 21 is consequential on amendment No. 20. Amendments Nos. 20 and 21 may be discussed together.

Deputy Gerald Nash: I move amendment No. 20:

In page 30, after line 23, to insert the following:

“Making of establishment orders

40. The Act of 1946 is amended by the substitution of the following section for section 39:

“**39.** (1) Where the Court has held, in pursuance of section 38 of this Act, an inquiry into an application for an establishment order, the Court may, subject to section 37 of this Act, if it is satisfied that to do so would promote harmonious industrial relations between workers and employers and assist in the avoidance of industrial unrest, make a recommendation to the Minister in either the terms of the draft establishment order prepared in accordance with section 38 or with such modifications of those terms as it considers necessary.

(2) Where the Court makes a recommendation under subsection (1), it shall forward a copy of the recommendation to the Minister.

(3) As soon as practicable after receipt of a copy of a recommendation under subsection (2), the Minister shall, where he or she is satisfied that subsection (1) has been complied with, and where he or she considers it appropriate to do so, make an

order in the terms of the recommendation.

(4) Where the Minister is not satisfied that subsection (1) has been complied with, or where he or she considers that it is not appropriate to make an order in the terms of the recommendation, he or she shall—

(a) refuse to make an order in the terms of the recommendation, and

(b) notify the Court in writing of his or her decision and the reasons for the decision.

(5) An order under subsection (3) may contain such incidental, supplementary and consequential provisions as the Minister considers necessary or expedient for the purposes of the order including, where the order abolishes a joint labour committee pursuant to a recommendation of the Court, the revocation of an employment regulation order made pursuant to proposals made by the joint labour committee concerned.

(6) Every order under subsection (3) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.””.

Amendments Nos. 20 and 21 provide for necessary amendments to the Industrial Relations Act 1946 to address a potential weakness in the provisions dealing with the establishment of new joint labour committees, JLCs, under section 39, and their variation or cancellation under section 40. Sections 39 and 40 of the Industrial Relations Act 1946 provide for the making of orders by the Labour Court for the establishment of new JLCs or of orders providing for their revocation and variation.

However, section 41A of the Industrial Relations Act 1946, inserted by section 11 of the Industrial Relations (Amendment) Act 2012, amended certain sections of the 1946 Act and provided that reviews of each JLC will be carried out by the Labour Court, as soon as practicable after the commencement of the Act and at least once every five years thereafter. These amendments were informed by the decision in the High Court ruling in the John Grace Fried Chicken constitutional challenge. Section 41A sets down the specific criteria to which the Labour Court is required to have regard when carrying out the independent review.

The outcome of such a review informs the Labour Court as to whether any JLC should be abolished, maintained in its current form, amalgamated with another JLC or have its establishment order amended. The Labour Court then makes recommendations to the Minister and, if satisfied that the correct procedures have been followed and the Minister considers it appropriate to do so, he or she will make an order in the terms of the recommendation.

There is no doubt but that having two distinct legal avenues with regard to establishment orders is, at best, confusing and, at worst, raises the question as to whether a future JLC established or broadened in scope under sections 39 and 40 of the Industrial Relations Act 1946 would be reasonably sound if challenged.

Accordingly, this amendment to the 1946 Act addresses this anomaly. It provides for

amendments to sections 39 and 40 of the Act to provide that, instead of the Labour Court making an order establishing a JLC or revoking or varying an establishment order, it will submit a recommendation to the Minister on the issue, who, if satisfied that the provisions of the Act have been complied with by the court and he or she considers it appropriate to do so, will make an order in terms of the recommendation. If the Minister is not satisfied, or does not consider it appropriate to do so, he or she will refuse to make the order and inform the court in writing of the decision and reasons therefor.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 21:

In page 30, after line 23, to insert the following:

“Amendment of section 40 of Act of 1946

41. Section 40 of the Act of 1946 is amended by the substitution of “may make a recommendation to the Minister to abolish the joint labour committee established by such establishment order or amend such establishment order, and the provisions of section 38 and section 39 (amended by *section 40 of the Industrial Relations (Amendment) Act 2015*) of this Act shall apply in relation to such application as if the application were an application under section 36.” for “may by order abolish the joint labour committee established by such establishment order or amend such establishment order, and the provisions of section 38 and section 39 of this Act shall apply in relation to such application and to the order (if any) made under this section as if the application were an application under section 38 and the order were an establishment order.”.”.

Amendment agreed to.

Acting Chairman (Deputy Catherine Byrne): Amendments Nos. 22 and 25 are related and may be discussed together.

Deputy Gerald Nash: I move amendment No. 22:

In page 30, after line 23, to insert the following:

“Amendment of section 1 of Industrial Relations Act 1976

42. Section 1 of the Industrial Relations Act 1976 is amended by the substitution of the following definition for the definition of “agriculture”:

“ ‘agriculture’ means—

- (a) the production of animals (other than fish), including the production of meat and other animal produce intended for human consumption,
- (b) the sorting and packing of meat and other animal produce,
- (c) the production, sorting, and packing of crops, including fruit and vegetables, intended for human or animal consumption, and
- (d) horticulture, including market gardening, garden nurseries and nursery grounds.”.”.

Amendment No. 22 provides for an amendment to the definition of “agriculture” in the Industrial Relations Act 1976.

The Industrial Relations Act 1976 provides for the establishment of a joint labour committee, JLC, for agricultural workers. In 2013, the Labour Court undertook a review of the then ten existing JLCs and made recommendations as to whether any JLC should be abolished, maintained in its current form, amalgamated with another JLC or have its establishment order amended. The court recommended it be retained for the agriculture sector with reduced scope to cover only those workers in those parts of an establishment engaged in farming, defined as the production, sorting and packing of animals, animal produce, crops, fruit and vegetables for consumable use and those engaged in horticulture including market gardens, garden nurseries and nursery grounds.

With the exception of the agriculture JLC, implementation of the recommendations regarding the scope of the other JLCs was given effect by way of ministerial order. As the agricultural workers JLC was established under primary legislation, and the scope of the JLC is derived from the definition of “agriculture” in section 1 of the 1976 Act, any amendment to the scope of the existing JLC requires an amendment to this definition to reflect the Labour Court recommendation.

Amendment No. 25 amends the original establishment order for the agriculture JLC to reflect the new definition.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 23:

In page 30, after line 23, to insert the following:

“Amendment of section 23 of Act of 1990

43. The Act of 1990 is amended in subsection (1) of section 23—

(a) by the insertion of “(or, where the employment has ceased, worked under)” after “has entered into or works under”, and

(b) by the insertion of the following paragraph after paragraph (c):

“(ca) a teacher employed by an education and training board.”.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 24:

In page 30, after line 23, to insert the following:

“Time limit in relation to trade dispute where retired worker is party to dispute

44. The Act of 1990 is amended by the insertion of the following section after section 26:

“26A. (1) Notwithstanding any other provision of this or any other enactment, but subject to subsection (2), an adjudication officer or the Court shall not investigate a trade dispute to which a worker who has ceased to be employed by reason

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of his or her retirement is a party unless—

(a) the dispute was referred to the Commission for conciliation within a period of 6 months from the date on which the worker’s employment ceased, or the date on which the event to which the dispute relates occurred, whichever is the earlier, or

(b) the dispute was referred to an adjudication officer or, as the case may be, the Court within the period referred to in paragraph (a).

(2) Notwithstanding subsection (1), an adjudication officer or, as the case may be, the Court may extend the period referred to in that subsection by a further period not exceeding 6 months where the adjudication officer or the Court is satisfied that the failure to refer the dispute within the period referred to in subsection (1) was due to reasonable cause.

(3) The Commission or the Court shall not investigate a trade dispute to which a worker referred to in subsection (1) is a party where the dispute is subject to investigation by the Pensions Ombudsman.”.”.

Amendment agreed to.

Deputy Gerald Nash: I move amendment No. 25:

In page 30, after line 23, to insert the following:

“Amendment of Agricultural Workers Joint Labour Committee Establishment Order 1976

45. The Agricultural Workers Joint Labour Committee Establishment Order 1976 (S.I. No. 198 of 1976) is amended by the substitution of—

“AND WHEREAS by the said section 1 (amended by *section 42* of the *Industrial Relations (Amendment) Act 2015*) of the Act of 1976, ‘agriculture’ means—

(a) the production of animals (other than fish), including the production of meat and other animal produce intended for human consumption,

(b) the sorting and packing of meat and other animal produce,

(c) the production, sorting, and packing of crops, including fruit and vegetables, intended for human or animal consumption, and

(d) horticulture, including market gardening, garden nurseries and nursery grounds;”

for “AND WHEREAS by the said Section 1 of the Act of 1976 agriculture is defined as including horticulture, the production of any consumable produce which is grown for sale or for consumption or other use, dairy farming, poultry farming, the use of land as grazing, meadow or pasture land or orchard or osier land or woodland, or for market gardens, private gardens, nursery grounds or sports grounds, the caring for or the rearing or training of animals and any other

incidental activities connected with agriculture;”.”.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

National Cultural Institutions (National Concert Hall) Bill 2015: Order for Second Stage

Bill entitled an Act to provide for the establishment of a body to be known in the Irish language as An Ceoláras Náisiúnta or in the English language as the National Concert Hall to provide and operate the national venue for the performance, appreciation and enjoyment of music; and to provide for related matters.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move: “That Second Stage be taken now.”

Question put and agreed to.

National Cultural Institutions (National Concert Hall) Bill 2015: Second Stage

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move: “That the Bill be now read a Second Time.”

I am pleased to introduce the National Cultural Institutions (National Concert Hall) Bill 2015. The National Concert Hall is one of the State’s most important cultural institutions and it plays an essential part in the cultural life of the country through its high-standard musical programme. The purpose of the Bill is to convert the National Concert Hall Company from a company limited by guarantee into a statutory body, the National Concert Hall.

It is now more than 30 years since the National Concert Hall was established. During this period, the thinking and policies surrounding corporate structures and governance have advanced considerably. The Department has sought to provide and update where appropriate the legislative underpinnings for various national cultural institutions to align them with modern corporate governance requirements.

The National Concert Hall is structured as a company limited by guarantee. Companies operating under the Companies Acts must comply with the corporate governance, reporting and accountability provisions of these Acts. Reporting to a Minister or onwards to the Oireachtas would not be normal for companies established under the Companies Acts. I consider it more appropriate that there should be a statutory-based framework for the National Concert Hall. This would provide for appropriate reporting and accounting to me and onwards to the Oireachtas, while not impinging on curatorial independence. The board of the National Concert Hall should have clarity in respect of all governance and operational issues. It is appropriate, therefore, that suitable statutory governance arrangements be put in place for the National Concert Hall. That is the purpose of this Bill.

25 June 2015

As I have said, the National Concert Hall is one of the State's most important cultural institutions. The most recent annual report from the National Concert Hall shows that audience figures are on the rise and that the concert hall made a direct contribution of more than €38 million to the local economy in 2014. It plays an essential part in the cultural life of the country through the variety of musical activities it presents.

The famous conductor Sir John Barbirolli once said, "Good music will never be as popular as it could and deserves to be until a proper Concert Hall is built in Dublin." In 1981, the long-standing dream of many Irish music lovers was realised when President Hillery opened the National Concert Hall on Earlsfort Terrace, Dublin 2, on 9 September. The history of Earlsfort Terrace, where the National Concert Hall is based, dates back to 1865, when it was originally known as the Exhibition Palace. The glass and steel Winter Garden proved expensive to run and was later dismantled. The building then became home to the Royal University of Ireland, which in 1908 became the National University of Ireland, with its constituent college, University College Dublin. In 1970, when the university extended its departments to a new campus at Belfield, it was proposed that the Earlsfort Terrace site should be used to house the National Concert Hall. In 1974, the Government announced plans for the National Concert Hall to be located on Earlsfort Terrace, and it opened its doors in this capacity on 9 September 1981.

In recent years the National Concert Hall has sought to grow and develop the range of concerts and events it offers the public. I was delighted to launch the National Concert Hall's international concert series last April, which will bring the world's leading orchestras and classical artists to Irish audiences throughout the coming year. The National Concert Hall aims to offer concerts of artistic excellence and diversity, delivered in a balanced and sustainable way. In this way, the hall offers a significant contribution to the country's cultural life.

Our national cultural institutions, of which the National Concert Hall is just one, are an essential component of our cultural fabric. Through their artistic and musical endeavours, they make a huge contribution to our society. Despite significant financial challenges in recent years, they have worked tirelessly to maintain their services to the public and to protect and make accessible our national collections to the greatest extent possible. It is a testament to the institutions' resilience that they succeeded in increasing visitor numbers from 2.9 million in 2008 to 3.2 million in 2014. I am very cognisant of the pressures faced by the institutions as a result of several years of cutbacks in funding and the staffing moratorium in the public sector. While these were necessary to underpin the fiscal adjustments Ireland needed to make to ensure economic recovery, I believe the national cultural institutions have managed the adjustments and can now look forward to a more secure future. I was delighted this year to secure an additional €2 million for the national cultural institutions, ending the cycle of several years of cuts in their funding. It is my hope that as the economic situation continues to improve, all of the national cultural institutions will benefit and that we will be in a position to alleviate some of the pressures faced by them after several years of difficult cutbacks.

There are exciting developments ahead for the National Concert Hall. I am delighted that as part of the decade of commemorations, and more specifically in the context of Ireland 2016, the Government has provided funding to commence the National Concert Hall's redevelopment plans. This first phase of the plan will see the restoration and repurposing of the historic Kevin Barry rooms on the first floor of the building. This is one of seven flagship capital projects, as part of the Government's €22 million capital programme for Ireland 2016, which will serve as a permanent reminder of 1916. Originally the council chambers of the then Royal University, these rooms were the setting in December 1921 and January 1922 of that seminal moment in

Irish history, the lengthy and momentous debates of the second Dáil, following the signing in London by Michael Collins and his delegation of the Anglo Irish Treaty. The restoration project will see this space brought fully into public use as a flexible 130-seat performance space, complete with the necessary acoustic treatment and soundproofing. It will also create a suite of beautifully restored rooms for education purposes, as education is an intrinsic part of the programme of the National Concert Hall as well as being part of the history of the buildings for more than a century.

The National Concert Hall will also provide an important element of the cultural expression strand of the Government's 2016 centenary programme. The centrepiece will be a series of seven signature concerts over seven days during Easter week 2016, arranged around key themes of the Proclamation. It is important that the concert hall plays this role in the nation's commemorations.

Turning specifically to the Bill, I acknowledge the very valuable work carried out by the Joint Committee on Environment, Culture and the Gaeltacht in its examination of the heads of the Bill. I have tried, where possible, to incorporate the recommendations of the committee. In particular, I listened to concerns that the Bill was not sufficiently clear on the independence of the National Concert Hall and I have now provided a specific stand-alone provision in section 8 making this absolutely clear. I also thank the National Concert Hall, and in particular the chairman, Mr. Gerry Kearney, and the chief executive officer, Mr. Simon Taylor, for their co-operation and advice to my Department in preparing this Bill. My Department will continue to work closely with the National Concert Hall as it transitions from a company to a statutory body, while maintaining the highest standards of musical performance for the enjoyment of the public.

I will now turn to the main provisions of the Bill. Part 1 deals with general provisions, such as definitions of words and terms in the Bill. Part 2 deals with, among other elements, the establishment day of the new statutory body, the National Concert Hall. Section 7 is a key provision of the Bill in that it sets out the functions of the National Concert Hall. The functions will include the provision and operation of the hall as the national venue for musical, creative, artistic and cultural activities, including the promotion of concerts and recitals. The functions also include the promotion and support of music in the public interest as an integral part of Irish life. They include entertaining, educating and engaging the public through musical experiences. Finally, they include encouraging and promoting inclusivity, participation, creativity, experimentation and involvement in music through engagement with diverse individuals and communities as performers, participants, composers or audience members. I have aimed to take a strategic and broad approach to the functions of the National Concert Hall in order to ensure that it can function effectively in both the commercial and public service space.

Section 8 provides that the National Concert Hall shall be independent in the exercise of its functions, subject only to general policy guidelines issued by the Minister to all national cultural institutions. The Oireachtas Joint Committee on Environment, Culture and the Gaeltacht was very helpful in informing the drafting of this section and I acknowledge the valuable contribution in this regard. Section 9 deals with the powers of the National Concert Hall, including the making of arrangements with any person to assist the hall in the performance of its functions.

Part 3 deals with the provisions relating to the board of the National Concert Hall. Section 10 sets out provisions regarding the board of the National Concert Hall, including the number of members of the board at nine and the method of appointment. It is the intention that the ap-

pointments will focus on a broad range of skills and expertise, including, of course, musical experience that will support the important work of the concert hall. The section requires the Minister to have regard to guidelines on the appointment to State bodies issued by the Minister for Public Expenditure and Reform when making appointments to the board of the National Concert Hall. It should be noted that the terms of the first board will be staggered at three, four and five years to ensure there is continuity on the board.

Section 11 deals with the terms and conditions of office for board members of the National Concert Hall. Section 12 deals with appointments to casual vacancies on the board of the hall, while section 13 sets out the procedures surrounding meetings of the board of the hall, including the minimum number of board meetings and the quorum. These are standard type provisions in legislation such as this. Section 14 enables the board to establish committees to assist it in its functions. Section 15 provides that members of the board will operate on a *pro bono* basis but may receive travel and subsistence expenses where approved. Sections 16 and 17 are standard provisions dealing with a statement of strategy and annual reports.

Part 4 deals with the staff of the National Concert Hall. Section 18 sets out the provisions relating to the chief executive officer, including the appointment, term of office and functions. It also obliges the chief executive officer to appear before the Committee of Public Accounts. Section 19 contains standard provisions that provide that the board of the National Concert Hall may appoint staff, determine the grades and number of staff in each grade and determine the terms and conditions of the public service with the approval of the Minister and the Minister for Public Expenditure and Reform. Section 20 deals with the superannuation of staff. Sections 21 to 23, inclusive, contain standard procedures relating to disclosure of interests by board members, staff or other parties associated with the National Concert Hall, unauthorised disclosure of any confidential information and the holding of political office.

Part 5 deals with the accounts and finances of the National Concert Hall. Sections 24 to 27, inclusive, deal with advances of Exchequer funding to the National Concert Hall, borrowing by the National Concert Hall, audit by the Comptroller and Auditor General and appearances by the chief executive officer before other Oireachtas committees. Section 28 allows the National Concert Hall to establish a subsidiary, partnerships or other appropriate corporate vehicle in exercising its functions under the Bill. The consents of the Minister for Arts, Heritage and the Gaeltacht and the Minister for Public Expenditure and Reform are required for the establishment of such subsidiaries, partnerships or other corporate vehicles. This was among the recommendations of the Oireachtas committee.

Section 29 sets out the requirements that will apply to the National Concert Hall concerning gifts of money, land or other property. It also covers gifts to any related or subsidiary companies, partnerships or any other corporate vehicles. Section 30 provides that an existing exemption from rates shall also apply to the National Concert Hall. Part 6 sets out standard provisions regarding the dissolution of the National Concert Hall company, such as the transfer of staff on their existing terms and conditions and the transfer of records to the new statutory body.

The National Concert Hall is a major cultural asset and I want to see it developed as a world class venue that showcases the highest standard of musical excellence. I am very positive about the future of the National Concert Hall and I view this legislation as an important step forward in achieving this aim. I am delighted to bring this Bill before the Dáil and I look forward to hearing the contributions throughout Second Stage. I commend the Bill to the House.

Deputy Seán Ó Fearghail: I start by complimenting the Minister on bringing forward this legislation, which has been a while in gestation. The Bill is welcomed by the Fianna Fáil Party, and we will support it in principle, although we may provide some amendments on Committee Stage. As the Bill sets out, the National Concert Hall will be the national venue for the performance, appreciation and enjoyment of musical, creative, artistic and cultural activities. It will also host concerts and recitals of artistic, educational and cultural value. It has been doing that very successfully for a number of years. I had a recent meeting with the chief executive officer, Mr. Simon Taylor, and one could not but be impressed by the level of commitment and the innovative and creative approach that the concert hall and its management is adapting to its remit.

The central aim of the Bill is to provide the statutory basis for the conversion of the National Concert Hall from a company limited by guarantee to a statutory body. The general belief is that the changed status will provide greater transparency and accountability to the corporate governance, role and future development of the National Concert Hall. The change must also be viewed in the context of public sector reform generally and the proposed consistent approach to the corporate governance arrangements of the national cultural institutions.

As the Minister mentioned, this Bill was subject to pre-legislative scrutiny by the Oireachtas Joint Committee on Environment, Culture and the Gaeltacht. This involved public hearings with the relevant stakeholders, and one of the key issues that arose was the independence of the National Concert Hall under the proposed new corporate governance structure, whether it should be audited by the Comptroller and Auditor General, whether it would come under the remit of freedom of information law, the relationship with RTE and the future role of fund-raising in the development of the National Concert Hall. We had occasion here in the past to express some concern about previous fund-raising activities that were attempted.

The National Concert Hall is a national cultural institution and a centre of excellence for music in Ireland. It has operated from its home on Earlsfort Terrace for over three decades, since 1981. It has a 1,200-seat auditorium and more than 300,000 visitors on an annual basis. That is a figure the public at large might not appreciate. As we look to the future development of our cultural institutions, we must be conscious of the importance of our cultural institutions, including the National Concert Hall, as we market Dublin as a tourist venue, for example. We all want to work towards a point where the performances held there can be seen as an intrinsic attraction to the country and to Dublin, in particular. The National Concert Hall runs more than 1,000 events annually, ranging over classical, opera, jazz, musicals and popular music. While it has a public service remit and receives State funding, it will continue to derive most of its income from its own commercial activities. We need to emphasise that it is the efficient and effective running of the concert hall that is the major funder of its activities and it is not relying only on the Government for funding.

Those who run the National Concert Hall have obviously welcomed the legislation, saying that it presents an opportunity to establish in law the national standing of the National Concert Hall and to put it on an equal footing with other national statutory cultural bodies. Significantly, they also believe the legislation offers the potential to strengthen the hall's mandate and organisational capacity and to secure its position as a cultural asset of national importance and considerable international standing as well as providing a foundation for its further development as the national centre of excellence for the performance of music.

When the chair of the National Concert Hall appeared before the joint committee last year, he spoke of the need to balance the public interest role of the hall as a national venue with the

challenges of conducting much of the operations in a commercial environment. He pointed out that this combination of public service and commercial activity was well reflected by the breakdown of the hall's direct income for 2013. In that year, two thirds, €4.563 million, of the direct income was derived from its own income generating activities while one third, €2.33 million, was received from the State by way of a grant-in-aid. The self-generated income includes diverse elements such as ticket sales, charges and commissions on the hire of the hall to external promoters, rental income from RTE in respect of the residency by the symphony orchestra, income from the catering and bar franchise, membership fees, corporate associates, commercial sponsorship, advertising and philanthropy.

In recent discussions with Mr. Taylor, one of the things that particularly interested me was hearing of the work the NCH is doing with hospitals and the way in which it is bringing music therapy into our hospitals. One wonders, as we consider the area of philanthropy, which is of enormous importance, whether there is sufficiently widespread public appreciation of the work being done in that area and whether the connection with hospitals and through hospitals with pharmaceutical companies based in Ireland could benefit institutions like the National Concert Hall and whether such companies could realise the benefit of being associated with the work of the concert hall. He made it very clear that in the light of such competing demands, legislation should provide a clear mandate for the concert hall through the articulation of statutory functions that would be well aligned with governance provisions appropriate to its commercial challenges.

The National Concert Hall has both a public service and commercial remit and in 2014 made a direct economic contribution of over €38 million to the economy. During this period, it had a turnover of over €6.8 million, box office ticket sales of just over €7 million, and hosted close to 900 events, securing the third highest attendance figures to date, with almost 330,000 people coming through its doors.

The chief executive of the concert hall said that 2014 was an important year in realising the strategy for the wider redevelopment of the Earlsfort Terrace site as the dedicated centre of musical performance, ensuring the long-term future of the hall and site itself. In 2007, the previous Government ensured the long-term future of the National Concert Hall at Earlsfort Terrace with the purchase of the entire site from University College Dublin, giving the opportunity to fulfil the true potential of the National Concert Hall. Its vision is to be one of the top concert halls in the world. This refurbished National Concert Hall will continue to be home to the RTE National Symphony Orchestra, along with an expanding group of resident ensembles and organisations. The NCH says that redevelopment plans promise a unique visitor and audience experience, an open, welcoming, inspiring place, which is socially and culturally inclusive. Future plans for the concert hall include refurbishment of the Kevin Barry rooms into a 130-seat multi-purpose performance space by 2016; the transformation of the old medical library into a new 500-seat recital hall; a refurbished and renovated 1,200-seat auditorium; a jazz club; rehearsal spaces; recording studios; and creative incubation spaces. The idea of creative incubation spaces is of enormous value to the country as a whole because we all recognise the value of nurturing, supporting and encouraging our young artists.

The National Concert Hall is clear on its plans to continue to generate significant levels of income from its own activities, including philanthropic donations. With regard to philanthropy, it is intended to look for new supporters among the diaspora. As I have suggested, it would be no harm to look among the pharmaceutical community in this country as well.

The Fianna Fáil Party very much welcomes the proposed activities to mark 2016 in the concert hall. The restoration of the Kevin Barry rooms, which were used for the treaty ratification debates, will be completed and seven signature concerts will be staged over seven days during Easter week next year, arranged around the key themes of the Proclamation.

The national cultural institutions of Ireland are the repositories of our heritage and culture and play a fundamental role in the provision of arts and culture to Irish citizens. Traditionally, other less well-resourced bodies in the arts sector have relied on them to embrace a leadership role in terms of best practice, excellence and remuneration. However, in recent years the national cultural institutions have experienced major budget cuts - some of up to 40% - and are subject to the public service recruitment ban, which has left them constrained in terms of the service they can provide to the public. I acknowledge that the Minister has recently moved to provide additional funding.

The roll-back by the Minister for Arts, Heritage and the Gaeltacht of the 1997 Act, which established the autonomy of the national cultural institutions, has been widely greeted with dismay. One of the interesting things about this legislation is that she has responded to criticism arising from the activities around the other cultural institutions. In respect of the initial draft of this Bill, people said, and we would have said, quite properly, that the arm's length approach was vitally important. Some might say that we have moved from an intolerable level of ministerial involvement to a point where there seems to be a total absence of ministerial oversight. One wonders what the Minister would say to that. We, in the Fianna Fáil Party, believe the amalgamation of the National Archives, the National Library and the Irish Manuscripts Commission and the dissolution of their respective boards is a regressive act which will have long-term consequences for cultural provision in Ireland. Culture Ireland has already been subsumed into the Department of Arts, Heritage and the Gaeltacht and it is hard not to see the move to limit the independence of these institutions as a further act of centralising power within the parent Department, the Department of Arts, Heritage and the Gaeltacht. Despite requests from Fianna Fáil to see evidence of the cost-saving value of these amalgamations, the Government has not provided a credible cost-benefit analysis to back it up.

We welcome the former Minister, Deputy Deenihan's, successful negotiations with the Bank of Ireland, for example. It is good that he is in the House when we are able to say something positive. His work on developing the College Green building as a cultural centre is welcome. It is all very well negotiating the deal securing the building, but we want to be assured that the additional funding to enable it be established, staffed and operated effectively is also forthcoming. We urge the Minister to publish the staffing and resourcing plans for the cultural centre to avoid the sort of debacle we saw with the Limerick city of culture last year.

I could go on at length but I will conclude by welcoming the Bill. We are in large measure supportive of what is proposed. We believe passionately in the cultural institutions being given the opportunity to operate at arm's length from Government. There is a question to be answered as to whether this legislation removes entirely, from a strategic point of view, the role of the Minister and the Oireachtas in providing an input to the strategic planning for the National Concert Hall. The other question I have is whether the legislation, as currently constructed, is narrow and unambitious in scope and Dublin-centric in that it focuses on the National Concert Hall as a venue and entity on Earlsfort Terrace and does not envisage a situation developing in the future where, for example, the National Concert Hall might be the agency most appropriate to run, dare I say, the Wexford Opera Festival or a venue in Cork or even in Monaghan. To the extent that legislation is vitally important and sets out some degree of control and influence

over the future direction in which we may head, I wonder whether it needs amendment to envisage future developments, such as those to which I allude, whereby the scope of a developing, progressive and outward-looking concert hall, continuing to successfully deliver excellence in performance and opportunities in Dublin, should be allowed the opportunity to expand to provide cultural experiences in other parts of the country, if that were appropriate or possible at some stage in the future.

We support the Bill, commend the Minister on bringing it forward and reserve the right to bring forward amendments on a later Stage.

Deputy Sandra McLellan: Sinn Féin welcomes the National Cultural Institutions (National Concert Hall) Bill 2015 which will provide for the conversion of the National Concert Hall Company from a company limited by guarantee into a statutory body, the National Concert Hall. Measures outline the functions of the hall, the role of the board, general governance issues and the necessary commercial freedoms required. The Bill provides us with an opportunity to acknowledge the importance of the National Concert Hall as a national asset of the people of this State.

We welcome the fact that the National Concert Hall will operate as the national venue for the performance, appreciation and enjoyment of musical, creative, artistic and cultural activities, including the promotion of concerts and recitals of artistic, educational and cultural value. We also acknowledge the considerable potential that the entity holds as a venue to further develop an interest in and appreciation of the arts and to generate increased revenue.

Until recently, the National Concert Hall funding was sourced primarily from ticket sales. Some 70% of total income came from the general public purchasing tickets to attend performances and events. This is a signal of the value that the public places on the National Concert Hall. It is an encouraging figure that demonstrates people's appetite for the arts. Over 300,000 visitors experience more than 1,000 events annually, ranging from classical, opera, traditional, jazz, musicals and popular music.

Government now proposes to secure the future of the National Concert Hall by placing it on a statutory footing, similar to other national cultural institutions. While it may reasonably be expected that the State will continue to provide key funding to support the National Concert Hall in its delivery of its public service remit, we understand that the likelihood is the National Concert Hall will continue to be mainly funded from income generated from its own activities, such as ticket sales and hire of venue. We need a national cultural and arts strategy that matches this type of interest. We, in Sinn Féin, believe that national cultural institutions should be used as a resource by the State.

We need a strategy which recognises that a competitive creative industries sector is vital to the prosperity of the State and an acknowledgement that a creative nation is a productive nation. In times of recession, we should not allow the arts to be viewed as something of a luxury. Unfortunately, when pitted against funding of other sectors in a way that represents choices of "either-or cuts", often the arts take the brunt.

We have a long and rich history of support for arts and culture which has enabled our artistic and cultural communities to prosper. Arts and culture enrich our society, reflect our national identity and are at the core of our burgeoning creative industries sector which encompasses music, the performing arts, film, television and radio, advertising and marketing, software de-

velopment and interactive content, writing, publishing and print media, architecture, design and visual arts.

We must develop a strategy which supports our creative businesses and talent wherever they are located to enable them to develop and compete globally. The arts should be accessible and available to all sectors of society and should embrace every type of citizen. Schools, old age pensioners, disadvantaged communities and children with disabilities should all have an equal opportunity in accessing the arts. A long-term vision for the development of the arts is necessary in order to make that happen.

I take this opportunity to address a few of the wider issues regarding the current crisis being faced in the arts. Unfortunately, the value of the arts can often be sidelined, especially in the current economic climate where so many sectors face cutbacks. The struggle here is evident in the fact that it is so hard for one to earn a living as an artist and incomes are often supplemented by other means.

Many leading artists over 50 are not in a position to be secure about their older age. Brilliant minds fall by the wayside all too easily for lack of support. There is little facility to support older people as they rise and progress their skills.

Our young artists are going elsewhere and I must ask where are our mid-career artists. What are we doing to capture the young talent that exists in Ireland and to retain and support it? We need to halt the talent-brain drain from this State to further shores. Young people in the arts have considerable potential to contribute revenue for the State. We need to take steps to halt the mass export of our young talent. We need to find a way to sustain them through long-term models. There are methods for this in other European countries. Artists are our thinkers and activists and this is often not appreciated or understood. Finding a way to position artists so that they are valued is critical.

The focus of the current board of the National Concert Hall remains on the proposed transition from company to a statutory body while maintaining the highest standards of musical performance for the enjoyment of the public. This process allows the hall an opportunity to work in partnership with the Government to maximise the transformation of the hall and the site into a world-class centre of musical excellence. Once this process is completed, a new strategy and business plan will be developed and presented to the Minister and the Oireachtas for consideration.

Finally, we warmly welcome the plans to mark 2016 and be part of the year of commemoration. The National Concert Hall will stage a series of seven signature concerts over seven days during Easter Week 2016, arranged around key themes of the Proclamation. We eagerly look forward to the opening of the new Kevin Barry rooms, which will be marked by a series celebrating emerging Irish talent across all musical genres. A new commission from the composer Ian Wilson will explore the human and personal aspects of 1916 through the poetry, writings and letters of Pearse and Plunkett. We look forward to these events and support the National Concert Hall in its endeavours. We welcome the Bill.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to contribute on this legislation. I welcome the Bill, which gives us an opportunity to debate the arts, culture and the National Concert Hall. Many people often ignore the great work being done in the arts, the number of people employed therein, how the arts lift the country's spirit and their significant

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financial contribution to the country. A country without arts is a country without a soul. I do not say this lightly.

We all need to up our game in supporting the arts. There is potential to generate a healthier society and more jobs in the arts sector, but we do not take it seriously enough. This week, I was asked to open an art exhibition at Coolock library. The exhibition was done on glass by a group of young Travellers from the St. Thomas Centre in Coolock. I was blown away by their standards, skills and creativity and how they enjoyed their art project. I tell this story to ensure that we all see the great lift that students get and the urgent need not to ignore the arts where young people are concerned. Cutting arts services or classes in our schools is a bad decision for the pupils and the country as a whole. We need to keep the more creative pupils in our schools.

Regarding the broader arts issue and the National Concert Hall, we need to examine why our spend is low compared with other European countries. I urge the Minister to address this matter, as we accept it as a reality. I wish to use this as an opportunity to support the National Campaign for the Arts, NCFA.

I will go into detail on the importance of the arts. They present a fantastic way for students to express themselves. Students need to shine in ways other than academically. It would be a shame if there were untapped talent due to a lack of funding in our schools. Who decides that maths, English and science are the only important subjects? The arts are what make us human. We can express our feelings and opinions through them. How artists and writers express their times is how we study those periods. How else could we have studied ancient history?

State support increases access to arts and facilitates art production and participation. It improves the quality of life of residents and attracts visitors and investment. It grows small, sustainable businesses and addresses isolation in rural areas through, for example, amateur dramatic societies and men's clubs, as well as reducing population flight. Emma Goldman was a political activist from the former Russian Empire who believed in everyone's right to access beautiful things. Her famous quote was: "If I can't dance, I don't want to be part of your revolution." This is an important aspect of our debate.

Artists want help, not handouts. It is important that the Minister listen. Artists want access to information, advice on business and support for workspaces. Should the Government have a legitimate role to play in the arts when so many other needs are pressing? This is a question that we hear regularly. The answer is "Yes". Let us deal with the facts. In addition to the feel-good factor, the arts are an economic driver, they attract tourism and they revitalise rural areas. They are an educational asset; cultivate young imaginations, foster physical, mental and emotional health and preserve culture and heritage, passing along State traditions to future generations. We have Beckett, Wilde, Behan, W. B. Yeats and Robert Ballagh.

I welcome the developments that indicate that the Beit paintings will remain in Ireland. I ask the Minister to do her utmost to ensure that they do.

I am delighted that the principle of independence in respect of the boards of national cultural institutions has been secured in this Bill. I hope that the proposed legislative changes affecting the National Gallery, the Crawford Art Gallery and the Irish Museum of Modern Art, IMMA, will be quietly set aside. The next budget needs to reverse the damage caused by the funding cutbacks of recent years. The small improvements in last year's budget needs to be enhanced. There are not only cultural and artistic arguments for this, but also a strong economic one.

On a positive note, I am delighted to see that Ms Kerry McCall, chair of the NCFA research working group and a lecturer at the Dún Laoghaire Institute of Art, Design and Technology, IADT, has been awarded an Irish Research Council New Foundations grant with Dr. Victoria Durrer, lecturer at Queen's University Belfast, to enable the setting up of an all-island cultural policy research network. As a North-South initiative, this network will bring together academic researchers from across the island to profile existing research and make connections in areas relating to cultural policy. This is a fantastic initiative that I support strongly. I also support the need for greater connections and opportunities for research in arts and culture on the island.

I would like the Minister to consider the ideas that are coming through. Will she bring Ireland's level of public expenditure on arts and culture in line with the EU member state GDP average? This is important, and it is what artists are asking us to do when representing their interests in this House.

Culture 2025 is important. In January, the Minister met artists and assured them that there would be wider consultation in the coming months and that there was an appetite at Government level for moving Culture 2025 forward. I hope the Minister follows up on that front. Will she make an inquiry into the development of Culture 2025 and ensure that the right allocation of resources is in place to achieve it? Will she also ensure that the promised wide consultation with the sector occurs? When one has an asset like the arts sector, one nurtures and develops it.

The purpose of this Bill is to provide for the conversion of the National Concert Hall Company from a company limited by guarantee into a statutory body, the National Concert Hall. The National Concert Hall is to operate as the national venue for the performance, appreciation and enjoyment of musical, creative, artistic and cultural activities, including the promotion of concerts and recitals of artistic, educational and cultural value. I support this purpose. Many children in schools, particularly disadvantaged schools, would have dropped out of the system were it not for the contribution of the arts to those schools. I worked in a disadvantaged school many years ago. I arranged for a group of artists - literary people and musicians - to go to it. Attendance and activity levels at the school improved, moving to 96% or 97% in the case of the former. This extra help did not cost much money. I remember clearly that the levels had been at 50% or 60% in some of the most severely disadvantaged schools.

3 o'clock

Like many of my colleagues, I tried out the concept of art therapy to assist dysfunctional and crisis families. Artists who were also trained therapists came in to work with kids from those families. It was absolutely mind-blowing to see the contribution that involvement in art and the underlying art therapy made to the lives of little four, five and six year old children from violent and dysfunctional families and homes that were full of alcohol, cocaine and gangland connections. The arts are available for us to enjoy, but they can also be used for art therapy to help dysfunctional children in crisis situations. This was done as part of the Breaking the Cycle initiative, which made a massive contribution to breaking the cycle.

The sad thing I notice when we are discussing the arts is that many people in broader society do not get it. There are smart alects out there who regularly make derogatory comments about the arts. I challenge them to learn about the artistic, cultural and economic benefits of the arts. We need to look at the statistics that reveal the massive contribution to Irish society that is made by many talented people in this country.

Section 3 of the Bill establishes that any expenses incurred in the administration of the Bill, once enacted, shall be paid out of moneys provided by the Oireachtas. This brings us back to the whole issue of value for money. I would argue that if one invests in the arts, one will get value for money. Money invested in art therapy will stop young children in crisis situations from ending up in Mountjoy or other prisons. If one puts money into the arts, one will develop another aspect of the person and bring strong economic arguments as well. Section 4 provides that the Minister may appoint by order the establishment day of the National Concert Hall.

Section 12 deals with appointments to casual vacancies on the board of the National Concert Hall. This is another important issue. Those who are involved in the board should have a strong record in the arts. We should have a clean-out and bring an end to the days of cronyism. Those days are gone now. We need to deal with these issues strongly and comprehensively. We should ensure those who are involved in these boards have a great connection to and passionate love of the arts. They should also be professional. For that reason, section 12 is a very important element of this legislation.

Section 15 of the Bill provides that members of the board will operate on a *pro bono* basis but may receive travel and subsistence expenses where approved. I agree that they should get some sort of expenses. We should stop apologising for paying expenses to people who make a contribution. If they get a few bob for it, good luck to them. Mistakes were made in the past when people ripped off expenses. Nowadays, it seems that one cannot get expenses for anything. That is what modern Irish society is like for the citizens out there. I agree with the provision in section 15 that allows for subsistence expenses to be approved.

Section 16 deals with the preparation of a statement of strategy. That is very important because we need a clearly worked-out strategy for the National Concert Hall. I am a regular visitor to the concert hall for all sorts of shows. I am absolutely blown away by the talent I see in there, for example, when I go to see classical guitarists, Spanish guitarists, children's shows or Christmas shows at Christmas time. I also like the concert hall's lovely car park. It is very handy that it is right next door.

Deputy Seán Ó Feargháil: Has the Deputy ever played there?

Deputy Finian McGrath: No, although I brought a choir there once. I will get back to that one in a second.

I strongly agree with the Minister's statement that the concert hall is "a major cultural asset". It is a beautiful place to go. I like its seats, its parking and its facilities. I would like to inform Deputy Ó Feargháil that as part of the Breaking the Cycle initiative, we brought our school choir to perform at the National Concert Hall. I remember how that lifted the Hardwicke Street and Dominick Street flats in the north inner city. There was great joy and celebration because local children were singing in the National Concert Hall. It was a fantastic thing to happen. Those children are now all grown up, but when I meet them on the street they still ask me whether I remember the day they sang in the National Concert Hall. I assure them that I do. There is a great deal of talent there. We should make sure the people use this national asset. It should not just be for the elite. We should bring the people in.

There is significant potential for getting children and adults with physical and intellectual disabilities involved in the arts. I was at a fantastic show last Monday night in Rush, County Dublin. A group of adults with Down's syndrome put on a big production in the local theatre. I

was very impressed by the level and standard of the acting from these young men and women, who are in their 20s and 30s. They have Down's syndrome and are very involved in the arts. Their drama teacher and the other staff there are absolutely great. It was a great show for all the people who were at it and there was a great buzz afterwards for the young people who participated in it. This is another area that we often forget. By the way, there is a quiet revolution going on out there. Adults and children with disabilities from areas that are never seen on television are involved in the arts. We see it now and again, but we do not see enough of it. In some areas, painters, artists, musicians and percussionists are coming up with fantastic projects in disadvantaged schools. We need to sow the seed when children are in junior and senior infants between the ages of four and six and let them develop from there. If we sow the seed and develop the arts, we will also develop the person. That is very important as well.

We have a glorious opportunity as we approach 2016, when we will all commemorate the 1916 Rising. There was a strong cultural and educational aspect to that revolution. We all need to focus on the themes and principles of the Proclamation, which speaks about issues like equality and social justice. There is a need to revisit those issues following the economic crash in this country. It would be a great thing to see. I am pleased that artists like Robert Ballagh are involved in the citizens' initiative. It is important that we let them go and do their thing in relation to the arts. At the same time, we need to make the arts more inclusive and broad. Some of the 1916 leaders were involved in education and the arts. We need to look at this aspect of the matter to commemorate their vision and courage. We should also refocus ourselves to see whether we are anywhere near the aspirations of the men and women of 1916. The sad thing, of course, is that we have a long way to go. It is never too late to change and that would be a very important thing. I am pleased that there will be many events in the National Concert Hall throughout 2016 in areas of the arts like poetry, music and writing. It is important to have all of these different aspects to it as well.

Section 32 of the Bill provides for the transfer of staff of the National Concert Hall Company on the establishment day on terms and conditions of remuneration that are no less favourable than those to which the person was subject before the establishment day. In other words, section 32 deals with the pay issue. We need to ensure the staff are treated with respect. They should not be messed around by being treated as the Clerys staff were treated. We have to modernise and make progress while ensuring people are treated with respect and dignity. That is something we should never lose, but we did lose it during the height of the so-called Celtic tiger when greed and selfishness crept into broader society. We need to row that back as well. That can be done by supporting assets like the National Concert Hall. I welcome the legislation. I strongly support the Bill. I wish the Minister well with all aspects of it. I hope she listens to the points I made today on behalf of the arts and the arts community. I hope she listens to the constructive proposals that have been made. I will strongly support any positive amendments that are tabled on Committee Stage.

Minister of State at the Department of the Taoiseach (Deputy Jimmy Deenihan): I am delighted to have an opportunity to say a few words on this Bill and to congratulate my colleague, the Minister, Deputy Heather Humphreys, on bringing it to fruition. Some Deputies will recall that when I served as Minister for Arts, Heritage and the Gaeltacht, I initiated a whole programme of public service reform and, in November 2011, announced a number of initiatives. That related to governance, including the streamlining of boards, enforcement of curatorial independence, shared supports and statutory underpinning. I commend the various cultural institutions for embracing change and sharing aspects of their work, such as human

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resources, legal services, and marketing. They have responded very positively, despite the economic, financial and budgetary challenges. They made major savings by implementing those proposals. One of those underpinning objectives was to place the National Concert Hall on a statutory footing, and on 26 February 2014 I brought this to Cabinet, which authorised the drafting of the heads of this Bill.

I congratulate the current Minister, Deputy Heather Humphreys, on bringing the Bill to the House. From what I have heard, all sides of the House have welcomed it. I did not hear Deputy McLellan's contribution but I heard Deputy Ó Fearghail's. It is very important that it be given as speedy a passage as possible through the House, because it is not contentious and makes perfect sense.

I acknowledge the work of the board of the National Concert Hall, especially the chairman, Gerry Kearney, whom I appointed at a very challenging time. This time last year I appointed Micheál Ó Súilleabháin, Maura McGrath, Barney Whelan and Rebecca Gageby, who have made a great contribution to the board. I appointed the previous board too, and I thank them for their contribution. This contribution is reflected by the fact that 2014 was a very good year for the National Concert Hall, despite its financial challenges.

Apart from its artistic merit, which is recognised locally and globally, the National Concert Hall is a critical part of the tourism infrastructure in the centre of Dublin. It provides world-class entertainment for the many hotels in its vicinity. The Minister mentioned that it was worth €38 million to the economy last year. It was probably worth even more than that. It is a critical part of our tourism offering, as well as part of our cultural and artistic offering. Since its establishment in 1981, when it was opened by President Hillery, it has made a huge contribution to the cultural life of this country. We cannot emphasise that enough.

I organised four major fund-raising events there and got absolute co-operation from Judith Woodworth and Rosita Wolfe. They have contributed not only to their own programme but to the community. I saw the benefit of that in various projects.

I am delighted that the project for the commemoration of the 1916 Rising is going ahead. The Kevin Barry Rooms are where the treaty debates took place. That is a very important part of our history. I am delighted the Minister has made this one of the seven major projects for the commemorations. It will be ready for December 2021, the anniversary of the very contentious but historic treaty debates. Work will commence shortly on that and on the front of house. This will expose the stairway, which is of architectural significance.

I congratulate the Minister and her officials - Kevin Lonergan, who is here today, Niall Ó Donnchú and Feargal Ó Coigligh - who are all great officials. Working with them was a pleasure when I was in that Department. Despite the challenge to resources, some very important initiatives were developed at that time and are being continued under the leadership of the present Minister. Today I was in Glasnevin for a discussion of the national landscape strategy. The policy on that was recently announced, which is another achievement, doing something significant with limited resources. We have been waiting years for it.

The Bill provides for appropriate reporting to the Minister and the Oireachtas and will streamline the accounting process and give it a statutory basis. There was some controversy about this reform, including a Private Members' motion. The gallery was full of very concerned people. I had to deal with an *bord snip nua*, which proposed the amalgamation of the three art

galleries and the scrapping of the Irish Film Board and the Heritage Council. All of these were recommended by the McCarthy report, which was begun and embraced by the previous government. We had to review all that. This Bill is one result of that review. I am very glad we are discussing it today, because it also gives us an opportunity to consider the arts in general and allows Members to make contributions on the arts.

Music is thriving, despite the shortage of financial resources. I have seen on my travels in different parts of the world that traditional music, which the National Concert Hall supports, is thriving, not only in Irish communities but in multicultural communities. There is a big demand from other communities who want to participate in Irish music events. This is a positive day.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I thank the Deputies and the Minister of State, Deputy Deenihan, for their contributions to, and support for, the Bill. I acknowledge the work of the former Minister, the current Minister of State, Deputy Jimmy Deenihan, who commenced this Bill some time ago. I listened with interest to the input of Deputies on all sides and the various issues raised will be considered further in the Department as the Bill makes its way through the House.

The establishment of the National Concert Hall, NCH, as a statutory body is an important step in the development of this iconic institution. It will not do any harm to reiterate some of the statistics that demonstrate the success of the National Concert Hall. Last year, it recorded its most successful year since 2008, with almost 330,000 people attending approximately 900 events. This a tremendous achievement. In addition, turnover of €6.8 million enabled the National Concert Hall to break even, with the State's subvention accounting for only one third of total income.

This year, the National Concert Hall continues to deliver a strong performance, both artistically and financially, and in that regard I pay tribute to the director, chairman and board for the work they are doing in promoting the NCH. Ticket sales for the many fine performances generate considerable income. A broad and engaging programme of concerts, education and outreach activities has delivered a further increase in the number of events, of which more than 500 took place in the first five months of this year, attracting 150,000 visitors.

The role of the National Concert Hall is not confined to hosting concerts. The NCH also operates an education and outreach programme focused on five distinct areas, namely, children and families; schools and teachers; music students and musicians; community; and health care. In the area of health care, the NCH aims to enrich the lives of those living with long-term health conditions; contribute to learning through music for people with special needs; and promote physical and emotional well-being by providing the opportunity to participate in music making. It operates a programme in children's hospitals, including the Crumlin and Temple Street children's hospitals, and Tallaght and Beaumont hospitals, as well as the Laura Lynn Children's Hospice. This programme will be extended to three additional regional hospitals in the summer. In the area of dementia and Alzheimer's disease, the National Concert Hall provides opportunities for people living with these conditions to attend performances. This, too, is a good programme, which is to be commended.

As Deputy Ó Feargháil stated, there is potential to have pharmaceutical companies support the National Concert Hall in view of its work in hospitals. The Deputy's idea is a good one and should be progressed. I very much support the business to arts initiative which offers businesses great opportunities to support the arts. Engaging with the arts helps employees to think

outside the box and has proved to be very worthwhile.

Building on strong attendance figures for 2014 and with off-site activities reaching many more people beyond the walls of the National Concert Hall, the NCH is focused on developing each of the key work areas through 2015 and beyond. It aims to develop a national footprint in each of these areas and expand in breadth and depth in the coming years, making further positive impacts on the musical and cultural fabric of the country. This is a prime example of the value of our national cultural institutions and their importance to our cultural life. Access to the arts, culture and Ireland's rich heritage is vital for preserving society and national identity and helping to promote Ireland's image abroad. The arts, cultural heritage and creative industries make a major contribution to the economy and sustaining and creating jobs. Cultural tourism, to which these sectors bring much value, also makes a significant contribution to the economy and the National Concert Hall plays an intrinsic part in this area.

My officials have taken note of the many interesting issues raised by Deputies and these will form part of our considerations. Reform of the cultural institutions is being reviewed.

I support the view that services should be shared, especially in areas such as human resources and finances which require specific skillsets. There is no reason institutions cannot co-operate and work together in these areas to achieve savings. All strategic plans for cultural institutions must be approved by the Minister.

Deputy Ó Fearghaíl referred to the possibility of providing that future developments take place on a regional basis. This legislation does not preclude the National Concert Hall from expanding its cultural expressions to other parts of the country. I would like the national cultural institutions to reach out to the rest of the country, rather than being entirely focused on the capital. While these institutions bring significant benefits to Dublin, they should also reach out to the regions and in that respect, I have increased the budget for loaning items to regional and county museums. I would like the cultural institutions to ensure cultural assets can be viewed throughout the country. Items in storage, for example, could be loaned to museums outside Dublin because they are for everyone in the country to enjoy.

The Culture 2025 draft policy document will go out for consultation shortly. The document will address many of the issues Deputies raised regarding funding and support for artists. A colloquium of cultural stakeholders was held in the Royal Irish Academy on 25 May last to consider the draft discussion paper prepared by the Department. Following this meeting, a paper is being drafted for wider consultation and this process will commence in the coming months. I would like everyone to study the document and contribute to the consultation their ideas on how to protect our culture. As the first document of its kind, Culture 2025 is very important and I encourage as many people as possible to participate in the consultation process. Kerry McCall, who was mentioned, is a member of the working group on Culture 2025.

On arts in education, I fully acknowledge the need to ensure young people are involved in the arts at an early age. The arts in education charter was signed by my predecessor, the current Minister of State, Deputy Deenihan, and the then Minister for Education and Skills, Deputy Ruairí Quinn. A group is in place to work on the charter, with a view to ensuring young people engage with the arts. The Minister for Education and Skills, Deputy Jan O'Sullivan, and I share a strong commitment to progressing the charter.

As the economy continues to improve, I will fight for an increase in the budget for the cul-

tural institutions. I was pleased to secure an increase in funding of €2 million last year and I hope we will be able to build on that achievement this year.

I ask Deputies who intend to table amendments to the Bill to give departmental officials sight of their amendments at an early date in order that, where possible and appropriate, they can be given due consideration. I reiterate that the National Concert Hall is a major cultural asset, which I would like to see develop and thrive as a world class venue. This legislation is a positive step forward in that regard. I acknowledge the great work done by staff in preparing the Bill, which I am pleased to introduce in the Dáil. I look forward to it making steady progress through the Houses and commend it to the House.

Question put and agreed to.

National Cultural Institutions (National Concert Hall) Bill 2015: Referral to Select Committee

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move:

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

Question put and agreed to.

Topical Issue Matters

Acting Chairman (Deputy Frank Feighan): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Terence Flanagan - the measures to be taken to reduce the misuse of drugs; (2) Deputy Maureen O'Sullivan - unresolved issues surrounding medical issues for survivors of the Magdalen laundries, particularly those living outside Ireland; (3) Deputy Bernard J. Durkan - implications of the closure of the swimming pool at the National University of Ireland, Maynooth; (4) Deputy Lucinda Creighton - the need to examine capital acquisitions tax and the issues surrounding the inheritance tax trap; (5) Deputy Brendan Smith - the Report of the Independent Commission of Inquiry on the 2014 Gaza Conflict; (6) Deputy Dara Calleary - the delays in processing registration applications from private nursing homes to the Nursing and Midwifery Board of Ireland and the impact of these delays; (7) Deputy Thomas P. Broughan - the need to provide support and funding to St. Michael's House for appropriate premises; (8) Deputy Mick Wallace - the need for an independent inquiry into the US military use of Shannon since 2001 and the need for senior politicians to be held to account; (9) Deputy Clare Daly - the report of the UN Committee on Economic Social and Cultural Rights relating to Ireland; (10) Deputy Colm Keaveney - the closure of the orthopaedic unit of Merlin Park Hospital, County Galway; and (11) Deputy Robert Troy - concerns regarding significant variance in the performance of child and family agencies in different service areas as highlighted by the HIQA inspection review.

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The matters raised by Deputies Creighton, Troy, O'Sullivan and Broughan have been selected for discussion.

Topical Issue Debate

Tax Code

Deputy Lucinda Creighton: I thank the Minister of State for taking this debate. Since 2009, the applicable rate of taxation on inheritance has increased from 20% to 33%, while the threshold above which this rate has applied has dropped from €542,544 to €225,000. Although reductions in the threshold were understandable in the climate of falling asset prices and falling property prices which followed the financial crash, the situation is now radically different. The threshold above which bereaved children are forced to pay tax on their inheritance is at its lowest level in Ireland since 1995. Many family homes, particularly in Dublin, have risen substantially in value over recent years. Irish property prices are rising at 15 times the average European rate. A consequence of these rises is that a family now faces the prospect of liquidating the family home on the death of an elderly parent to meet the inheritance tax liability owed to the Revenue Commissioners. Had Fianna Fáil not abolished the previous practice of indexing the inheritance tax threshold to inflation, the effect of rising property prices might have been mitigated to some extent.

To put the Irish situation in context, a recent study undertaken by the Tax Foundation in the US found that Ireland had the seventh highest rate of inheritance tax in the OECD. The global average is estimated at just 7.7%, in contrast with our 33%, while many countries, including developed, modern, Western economies such as New Zealand and Australia, have no inheritance tax whatsoever. It is important to dispel the notion pedalled by the Government that inheritance tax affects only the super-wealthy. It is untrue. A threshold as low as €225,000 means the majority of properties in the greater Dublin region face a significant inheritance tax liability upon the gift of that property by a deceased family member. Since 2010, the number of cases in which inheritance tax is applied has increased by over one third.

Inheritance tax penalises those who have prudently saved their already-taxed income over their working lifetimes. It is a double taxation. It is worth bearing in mind the following statement by Deputy Alan Shatter in 2005:

Inheritance tax achieves no beneficial social objective. Essentially, it is a mechanism to facilitate the State to rob the graves of the dead and cruelly deprive bereaved relations of assets to which they are entitled.

While I acknowledge that the fiscal situation in which the State finds itself necessitates some form of taxation on large inheritances, our punitive regime serves to widen further the growing divide between urban and rural taxpayers. Both the inheritance tax and the deeply unfair property tax are driven primarily by the value of residential property, which is growing much more quickly in cities than in rural Ireland. The Government has done nothing to address the unfair tax bill faced by middle-income families in Ireland's cities. To make matters worse, the people who will suffer most from the harshness of our inheritance tax are a generation of people

who have already suffered through the most austere and substantial economic cutbacks brought about by the collapse of the Irish economy.

The Opposition parties have abjectly failed to recognise or understand the drastic scale of the inheritance tax issue. Fianna Fáil has taken no meaningful stance on inheritance tax and refused to support my proposed amendment to the Finance Bill last autumn. Sinn Féin's proposal to increase the rate of inheritance tax from 33% to an extraordinary 40% is further evidence of its ideological agenda to disincentivise enterprise and work and punish those who want to contribute to Ireland's economic prosperity. My party, Renua, is the only party that has consistently fought to alleviate the inheritance tax burden for working families.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank the Deputy for raising the matter. I apologise that the Minister for Finance, Deputy Noonan, cannot be here, as he is still in Brussels. However, I am very pleased to be here. I do not believe capital acquisitions tax, CAT, is a tax only on the super-wealthy. It has an impact on many normal families in terms of the inheritance of family homes. CAT applies to the beneficiary of a gift or inheritance rather than to the person making the gift or inheritance. While the rate of CAT is 33%, each person has a number of lifetime thresholds for gifts and inheritances which they can receive tax-free. These are based on the relationship with the person who has made the gift or bequest. The group A threshold of €225,000 applies primarily in cases in which an asset passes from a parent to a child. The group B threshold of €30,150 applies primarily to transfers between other close relatives. The group C threshold of €15,075 applies between more distant relations and people who are not related.

The 33% rate of CAT applies to assets received by a person above the relevant threshold. Gifts and inheritances between spouses and civil partners are exempt from CAT. Over recent years, the CAT thresholds have been reduced a number of times, while the rate has been increased. These changes were necessary in order to maintain the yield from capital taxes in a period of falling asset prices so that such taxes would continue to make a contribution to our efforts to consolidate the public finances. I welcome the fact that the Deputy has recognised this point. Moreover, the view of the OECD, supported by our own economic research, is that taxes on immovable property and certain other capital are less harmful and distortionary to economic growth than taxes on work or consumption.

As the economic recovery continues to take hold, the Minister for Finance began, in this year's budget, to focus available resources on reducing the burden of taxation on earned income and take-home pay where high taxes impact on competitiveness, economic growth and job creation. The Minister has indicated that this will continue to be his main focus. That said, the Minister recognises that recent growth in property values has implications for the liabilities that can arise from CAT. It is for this reason that he has already indicated to the House that he is reviewing the various aspects of this tax in the context of his preparations for the 2016 budget and the subsequent Finance Bill. While the Minister is not in a position to say at this point what specific changes he may or may not propose, he will be glad to take note of the views of the Deputy on this issue in the context of his review of the tax.

I have some comments to make on issues that have been raised in this area. When considering the inheritance of a family home, for example, it is worth noting the existence of the CAT dwelling house exemption, which allows for a property to be inherited tax free when the inheritor is already living in the home. While certain restrictions apply to ensure proper use, this exemption is designed to prevent cases of hardship or displacement for inheritors who are

home sharers. In cases where the dwelling house exemption applies, the tax-free thresholds are unaffected and continue to apply separately and are available to an individual to cover the value of other gifts or inheritances which he or she may benefit from over his or her lifetime. The tax-free thresholds were previously indexed to inflation through the consumer price index. This link was ended following the financial crash, given that inflation was positive while property values were declining considerably. Fixed property makes up a large proportion of gifts and inheritances, especially inheritances.

The Minister will examine the question of whether it might be appropriate to index the thresholds in the future. A number of issues must be considered, including, for example, the availability of an appropriate index and the current functioning of the property market generally. Concerns have been expressed about the hardship that may be caused by the scale of CAT liabilities in certain circumstances. When a person who receives a gift or inheritance is not in a position to pay the CAT charge arising in one go, it may be possible, in certain circumstances, to arrange to pay the tax by instalments.

I will run out of time. In general, we take the Deputy's point. The Minister is considering the tax in the context of the forthcoming budget and will take the Deputy's views on board.

Deputy Lucinda Creighton: I thank the Minister of State. I appreciate that he ran out of time, as did I. The threshold must be substantially raised in order to end discrimination against urban dwellers, particularly Dublin dwellers. The rate of 33% is astronomically high. Although the average across the OECD is 7.7%, our Government, probably for ideological reasons, believes a 33% rate is acceptable. It is not acceptable. To pit income tax rates against inheritance tax rates is comparing apples and oranges. They serve entirely different functions. To suggest the existence of the tax free allowance for an individual who happens to live in the family home and inherits it is unfair. A large number of elderly people live in my area. People from my area and from around the country have contacted me about this issue and they have almost wondered should they move their sons or daughters into their family home in order to avoid the tax liability. That is a dreadful pressure to put on families. It is not right.

The reality is that a huge number of families are living in negative equity. They may own apartments and may have moved to rental properties because they cannot raise their families in the apartments they bought during the Celtic tiger era. They are trapped in homes they are renting and cannot afford to move out of them. One of the solutions for many families is to inherit the family home but now they are subjected to this enormous tax liability, which makes it impossible for many of those young families, who have already been drastically hit by the downturn, to move into or to take over the family home on the death of a loved one. That is grotesquely unfair for families who are working hard, for deceased parents who wanted to pass on their family home to their children, and for those children, many of whom are trapped in negative equity and are being punished further by the Government with the imposition of this tax rate.

Specifically, the rate needs to be reduced at least back down to the 20%. Clearly, the thresholds urgently need to be raised. There urgently needs to be a relinking with the consumer price index. I am glad the Minister is considering that but he needs to go much further than that. The proposal in regard to instalment payments to Revenue is preposterous. The idea that people will have a noose around their necks because they have inherited their family home is not conscionable. I urge the Minister of State not to go down that road. This is about reducing the liability, not hanging it as a noose around families' necks long into the future. They already have enough

debt, stress and challenges in life without hanging that further noose around their necks. I urge the Minister of State to ensure the Minister, Deputy Noonan, does not go down that road.

Deputy Simon Harris: I thank Deputy Creighton for raising this matter. I want to assure her there is nothing ideological about this from the Government's perspective, as she has suggested. The Government has to make choices in regard to how it brings in income to run the State and provide vital services. I was not suggesting that income tax and capital acquisitions tax were the same. I was merely suggesting that when the Government has to form budgets, it has to make choices. The Minister has placed the emphasis in regard to tax reductions on work and on reducing tax on work. That makes a good deal of sense for a range of reasons, including competitiveness. However, the Minister has recognised, as I stated in my reply, that the recent growth in property values, particularly in Dublin and the greater Dublin area, as the Deputy said, has implications for liabilities that can arise for families. The Deputy said she thought some people in this Government think this is a tax that only impacts on the wealthy or the super wealthy. I can assure her that is not the case. That is certainly not the reality. This is a tax that impacts on many normal families.

With respect to the issue of the dweller, I was merely trying to reassure people because this issue has been the subject of significant debate and media attention. I meet many people in my constituency office who may be caring for a person with a disability and their child may be living at home and I have reassured them if the person is living in the home they are not liable for the tax.

The Minister is examining this tax. He will review it in advance of budget 2016. He has asked me to assure the Deputy that he will take her views on board in the context of this debate, and he will make his announcement and decision in the context of the budget.

Child and Family Agency

Deputy Robert Troy: I welcome the opportunity to raise this issue and I thank the Minister for coming into the House to deal with it.

As he will know, on Monday, the Health Information and Quality Authority, HIQA, published its annual report on the regulatory activity of children's services for 2014. That report covers statutory children's residential centres, statutory foster care services, child protection and welfare services, designated centres for children with disabilities and the country's detention schools. While I must acknowledge that the report highlights findings of excellent child-centred practice, the HIQA inspection raises significant ongoing concerns about the performance and operation of Tusla. The HIQA review highlights that, "Significant variation in the performance of the Child and Family Agency services have been found in the Health Information and Quality Authority analysis of its regulation and oversight of children's services during 2014." As the Minister and I know, Tusla has a statutory responsibility to promote the welfare of children and protect those deemed to be at risk of harm. We have a duty of obligation to ensure that happens. We have seen coverage on the news of the historical abuse inquiry taking place in the North into the activities of the most notorious sexual predator that probably ever walked the face of this earth, or that we have had in this country, and how a blind eye was turned to his activities and how people in positions did not do their job. We have a responsibility in this area and the Government has a responsibility to ensure that the agency that is tasked with the responsibility to protect our children gets the necessary supports and resources.

There are serious concerns about inconsistencies in the safety and quality of children's services nationally. The management systems are not adequate in providing assurance on consistent, safe, good quality services, robust quality assurance systems, effective information systems and effective risk management processes. In some areas, children waited for significant periods of time before the level of risk to which they were exposed was assessed or until their cases were allocated to a social worker. As result of the lack of social workers, medium and lower priority cases are being put on the long finger and those children have to wait very lengthy periods to be allocated a social worker.

This report comes on the back of previous reports. A HIQA report published earlier this year into the social services in Cork showed that more than 230 children assessed as being at high risk of harm did not have an allocated social worker. HIQA states that, "children ...deemed to have a high level of need ...[were placed at risk by the failure to allocate social workers to them or to give them] timely access to child protection and welfare interventions". We also know what happened in Laois and Offaly but I acknowledge that when it came to our attention and the Minister's attention quick action was taken.

This is a new agency. There should be no issue with its governance or management structure. The main issue in question is that it is not adequately resourced.

The Government and the Minister cannot shirk their responsibility for the stark shortcomings in the child protection and welfare services across the country. Internal documents show the agency's board was told that a budget of less than €650 million in 2015 would lead to serious reductions in several areas. There is a clear shortfall there. I look forward to hearing the Minister's response to how he will deal with this to ensure that no child, regardless of their geographical location, will be left vulnerable to sexual predators, neglect and abuse in future.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank Deputy Troy for his question in regard to Tusla's child protection and welfare services and I welcome the opportunity to address the issues raised. At the outset, I welcome and support the work of the Health Information and Quality Authority in providing independent evidence on service delivery and challenges. It is essential that there is strong independent oversight of the quality and safety of our children's services.

On Monday last, the authority published its annual overview of the 2014 inspections of children's services in the area of child welfare and protection, children detention schools and HSE residential centres for children with disabilities. Services under the remit of my Department include child welfare and protection services, fostering services, children residential and special care centres and children detention schools.

Children's disability services are provided or funded by the HSE, under the remit of my colleague, the Minister for Health. HIQA inspects all these services on a regular basis and the inspection reports are published on the HIQA website. On foot of each inspection report, an action plan is drawn up by the Child and Family Agency, Tusla, and agreed by HIQA.

The annual overview reiterates that the inspectors found evidence of good practice and service delivery. The overview highlighted that improvements have been made, and that further reforms are under way. As outlined in the individual reports, the overview refers to staffing pressures being experienced by those delivering these services. It also makes the point that this is only part of the picture of where improvements can be made. HIQA concludes that a uni-

fied national approach to key policies, procedures and training is required in order to achieve improved management and supervision across this suite of services.

As part of its reform programme, Tusla has engaged in a wide-ranging quality assurance programme across all 17 of its administrative areas. Improvements brought about by standardised business practices and better monitoring are beginning to take effect. These improvements are reflected in the inspection reports and I expect that they will feature more and more over time. While certain variances are to be expected between services, given the allocation and usage of resources and staff as well as population differences, Tusla is working hard at national, regional, and area level to implement and bed in a new framework of policies and standards.

In respect of staffing issues, my Department is already engaging with Tusla on this matter, and is expecting a submission on staffing and other resource issues as part of the annual Estimates cycle.

As the Deputy will be aware, issues have arisen in the midlands service area, particularly in Laois-Offaly, which were brought to my attention by Tusla. Over the last two months, Tusla has been actively addressing these issues to bring the services in the midlands in line with the national standards for protection and welfare of children. These services will also be subject to a regulatory inspection by HIQA in the coming months.

HIQA has provided a valuable critique of the services provided by Tusla, but it is important to recognise that the overview report also highlights findings of excellent child-centred practice. HIQA noted that children had ready access to information about their rights, that they participated in care planning meetings, and that they were supported in accessing records and making complaints where necessary. There is evidence that children are being listened to and helped and that they are receiving child-centred practices.

HIQA noted the progress Tusla has made, highlighting the bedding down of standardised processes and the introduction of some much-needed policies. HIQA also welcomed the agency's move to a new service model to co-ordinate provision of welfare services. The improvements identified by HIQA are in close alignment with those in Tusla's reform programme. Accordingly, this overview report strongly supports the reform programme which my Department and Tusla are driving forward. HIQA's overview report thus provides a useful benchmark of the ongoing progress and impact of this extensive reform process.

Deputy Robert Troy: At the outset of this discussion, I acknowledged that there were some very positive findings in the report. However, we cannot become complacent. The HIQA analysis also found significant variations in the performance of Child and Family Agency services. There are serious concerns about inconsistency in the safety and quality of children's services nationally, which is the key issue.

Internal documents show that the agency's board was told that a budget of less than €650 million in 2015 would lead to serious reductions in several areas. There is clearly a shortfall in the level of resources allocated to Tusla. There are further problems with oversight, management practices at Tusla, the whole area of how information is tracked and the presence of an adequate IT system. That was clearly demonstrated by the Laois-Offaly issue.

Since Tusla has taken over the child and family services, its oversight regime is actually less transparent than that of the HSE. For example, the quarterly report on the performance of social worker services, *Measuring the Pressure*, is no longer publicly available without a freedom of

information request. There is no reason for this complete lack of transparency.

Planning and needs assessment is also inadequate. I have continuously highlighted the need for additional social workers and the need to address the manner in which they are hired. If someone who is going on maternity leave gives five months' notice when she is three months pregnant, I am told it is still the norm that the maternity leave cover position cannot even be advertised until the woman goes out on leave.

Can the Minister confirm that there are sufficient social workers throughout the State and that there is now a proper IT system in place? The Minister talks about the commencement of a national review of the governance system. That is unbelievable in the case of a new agency which is only in operation for 12 months. There should be no review as the governance system should have been fit for purpose from day one.

Deputy James Reilly: As the Deputy has pointed out, it is a new agency and we have to give it time to come to terms with all the challenges it has inherited. I agree with the Deputy that there is no question of anybody being allowed become complacent, as there are serious challenges ahead that must be overcome. The challenge for the agency is to bring uniformity across the system, in governance, reporting and care. There are many excellent people working in the system but in order that the agency can work efficiently and plan appropriately, we need access to full information. That situation is being addressed.

Tusla got a considerable increase in its budget this year. We would all like to give it more money and, with the Estimates process coming up, we will fight our corner. We gave the agency all the money we could, even giving up our national lottery fund to ensure we could maximise its funding, because it has to deliver the services on the ground.

We must, without being overly political, acknowledge that we have come out of the worst recession the country has ever endured. We know why that happened. We are actively recruiting more social workers and developing IT, and the governance issues are being addressed. HIQA's report is reassuring in so far as it points to the fact that actions have been taken and plans agreed with HIQA to address the areas identified as deficient.

I thank the Deputy for raising the issue and take the opportunity to thank all who work in our service for the great work they do. We will support them in their work and in making their job easier to do by removing the current barriers.

Magdalen Laundries

Deputy Maureen O'Sullivan: I want to express my appreciation that this matter was accepted for Topical Issues. I have debated the subject a number of times in the House, with the Taoiseach during Leaders' Questions and several times with the Minister for Justice and Equality. Each time, it was in the hope it would be the last time and that all the issues would be resolved and systems put in place for the survivors.

When the Taoiseach made the apology in this House, he also expressed his intention, as he said, to establish a process "by which we can determine how best to help and support the women in their remaining years." That was on 19 February 2013. Over two years later some of the ladies are still waiting on that help and support. While I acknowledge that progress has

been made in a number of areas, today's debate is about the outstanding health and medical concerns, especially for those ladies who are living outside Ireland.

I have a couple of specific questions which may be answered in the course of the Minister of State's reply. One concerns medical cards under the *ex gratia* scheme. There are concerns that the services provided may be means tested. Some of the Magdalen ladies have regular medical cards and the question is, will they use those cards in addition to the new card, or will the scheme operate as one single medical card? In the event that both cards are being used, will those with the regular medical card be at a greater advantage than those who have just the one, new card?

4 o'clock

For those living abroad, how exactly will the scheme operate? What are the practical arrangements for the health needs of those ladies? We know there are a number living in Britain and America but the question is whether the Department has information on the number of ladies who are living in other parts of the world.

When I was discussing this on one occasion with the Minister for Justice and Equality, I made the point that there is a need for a guide to services for the survivors, including a comprehensive guide to the health services which are accessible that is written in language which is easy to understand for those ladies who will have the cards. The Minister was very receptive of that idea so I would like to know where that guide is. Services such as reflexology and acupuncture were also discussed during the debate and there were concerns these would not be covered by the health services. I am sure many of us in the House have used both reflexology and acupuncture at times as alternative health therapies.

I am in regular contact with the unit in the Department that is going through the issues on the justice side, and I know there have been delays from the Department of Health. The time issue is vital. Some of the ladies have passed away, some are ill and many are in very advanced years. Regardless of the time they spent in the laundries, I think anyone who ever spent any time in a laundry has been deeply affected. They have been waiting a long time for that abuse and suffering to be addressed.

Some ten days ago an article in *The Irish Times* reported the Minister for Justice and Equality announced that the medical card and the other supports, such as home help and counselling, would start from 1 July, when the redress Act comes into force. However, that is for those who remain resident in Ireland. The article states the women can receive all the medical services recommended by Mr. Justice Quirke, which is positive. However, for those women living abroad, who were the subject of my specific question today, access to equivalent medical services will be dealt with on an administrative basis by the HSE due to the "wide variation of different health systems". I would like to know exactly what that means.

I ask that we would start with Britain and America because we know there are many women living in both of those jurisdictions. We should start with those ladies of the most advanced years who have medical issues.

Minister of State at the Department of the Environment, Community and Local Government(Deputy Ann Phelan): I am taking this matter on behalf of the Minister for Health. I thank Deputy O'Sullivan for her interest in this issue.

The Deputy will be aware the Government decided that a non-adversarial scheme for women who had worked in Magdalen laundries or similar institutions should be introduced and it asked Mr. Justice Quirke to make recommendations on an appropriate scheme. The Government accepted all the recommendations of the Quirke report and established an *ex gratia* restorative justice scheme. In that context, the Government set up a range of payments and supports for the women who worked in these institutions. Payments of up to €100,000 are made to these women, depending on their length of stay in the laundries. In addition, the Department of Social Protection is making pension-type payments to these women. I understand the Department of Justice and Equality has processed 90% of applications received and that 541 applicants have received lump sum payments at a cost of just under €20 million to date.

Mr. Justice Quirke also recommended that legislation be introduced regarding the provision of health services to Magdalen women. To that end, the Minister for Justice and Equality brought the Redress for Women Resident in Certain Institutions Act 2015 through the Oireachtas. The Act sets out the primary and community health services that will be made available in Ireland, free of charge, from 1 July 2015. Those services are as follows: GP services; prescribed drugs, medicines, aids and appliances; dental, ophthalmic and aural services; home nursing; home support; chiropody; physiotherapy; and counselling services.

A woman qualifies for these services where the Minister for Justice and Equality has determined that she is eligible under the restorative justice scheme and the woman has accepted a formal offer made to her under that scheme. The HSE will contact the qualifying women directly in order to issue them with an “RWRCI card”. The HSE will also provide information to the women about the health services. In addition, the Government decided that the *ex gratia* payments received from the Minister for Justice and Equality will not be included by the HSE in the assessment of means for a medical card or for the fair deal scheme.

As I stated, the primary and community health services are available only in Ireland to RWRCI cardholders. Women who currently reside outside of Ireland can access the health services when they visit Ireland. However, the Redress for Women Resident in Certain Institutions Act does not provide them with health services outside of Ireland. While the Quirke report did not make a recommendation that health services should be provided to women residing overseas, the Government has decided that some practical administrative arrangements should be put in place to support women residing overseas for the same services. While the Department of Health and the HSE have been focused on implementing the Act for the majority of women living in Ireland, they are also exploring the practical arrangements to be put in place for the overseas women. This is an important but complex matter, and it is taking longer than anticipated. I am sure that the Deputy recognises that all health systems around the world vary in organisation and that each system is practically unique and equally complex. When practical arrangements are in place, the HSE will contact those participants living abroad in this regard, which I hope will be as soon as possible.

Deputy Maureen O’Sullivan: When this Topical Issue was selected, I was not aware the Minister was not taking it. I mean absolutely no disrespect to the Minister of State, Deputy Phelan, who I know has a personal interest in this. None the less, if I had realised this, I would have waited until the Minister was available.

There are outstanding issues. For many of the ladies, the remit of the McAleese report was too narrow and there is a lot of dissatisfaction with that. There are outstanding issues regarding An Grianán and the memorial, on which there is a wide diversity of views. I met somebody

recently who had been in an industrial school rather than a Magdalen laundry, and his view was there should be a day of remembrance for everybody who suffered abuse in this way.

From the Minister of State's reply, there will be outstanding issues for those ladies who live outside the country. I will put this in the context of one person in particular who I met, because she is like so many of the other ladies. She lives in the United States and came to Ireland some 18 months ago. When she was in Dublin, she came to Leinster House and I had lunch with her. She is an amazing woman, with a great character, great strength and resilience - a feisty lady. Her story was one of horror, hurt and disappointment. She now has health needs, so much so that she cannot come to Ireland this year.

I apply her case to the answer I have received and I find that she can either travel here to address whatever health needs she has, I presume at her own expense or, otherwise, she is just going to waste away. As I said, she is over 80 and has health needs. There is nothing for her in this reply, which talks of "exploring the practical arrangements to be put in place", and "When practical arrangements are in place, the HSE will contact those participants living abroad". That is not a practical solution to her situation. I know she has been watching the post to see whether she will be told of these administrative arrangements. From this reply, I can only express the frustration, disappointment and despair she is going to feel at this. We know of certain women in America and Britain, including the woman I have just mentioned. She should be a priority.

Deputy Ann Phelan: I know the Deputy has acknowledged that progress has been made in this area. However, I understand her frustrations about the particular woman whose case she raised. To be helpful, it might be wise for the Deputy to contact the Minister for Health directly about this woman to see if she could be made a priority. I think the Minister would be quite willing to work with the Deputy on that. I have a great personal interest in this issue and the debate on it in this House stands out in my memory as an example of where the Government and the Opposition worked together, in this case to find a solution for the women who had suffered so much in the Magdalen laundries. I advise the Deputy to take up the case to which she referred with the Minister.

Disability Services Funding

Deputy Thomas P. Broughan: St. Michael's House is an outstanding organisation that since 1955 has been providing vital services for citizens with intellectual disabilities and their families. These services include clinical and counselling services, educational and vocational services, employment services, residential and respite care services, specialist Alzheimer's disease services for people with intellectual disabilities and social, sports and recreational services. St. Michael's House is the largest and possibly most well known provider of intellectual disability services in Dublin and the third largest provider nationally. Elsewhere in Dublin Trojan work is being done by the St. John of God organisation on the west and south sides, with the services it provides complementing the work of St. Michael's House on the north side.

St. Michael's House provides services for more than 1,600 children and adults with intellectual disabilities in 170 day and residential services in the Dublin and Leinster area. Every summer since the Government came to office, I have had to draw attention to the lack of resources for this organisation, particularly in respect of its efforts to assist young people who are completing their secondary school education and do not have placements for the coming autumn. There is also a major issue in regard to the cost of providing respite care services for families.

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Funding for services for citizens with intellectual disabilities continues to be inadequate and is doled out on an *ad hoc* and unplanned basis. I take the opportunity to wish the new chief executive officer of St. Michael's House, Ms Anna Shakespeare, the very best as she embarks on that challenging role. She follows in the wake of Ms Patricia Doherty who did tremendous work in that role for many years. Ms Shakespeare will have a very difficult job in leading a charity that has seen a €12.3 million cut in its funding since 2008. At the same time, of course, there has been no decrease in demand for the vital services it provides. Waiting lists are only getting longer and there is the requirement to address changing needs as people with disabilities get older and older parents pass away. The Government often talks about inclusion and equality in education and training, but the cuts it has imposed have forced the closure of a number of school leaver programmes and respite care services.

Like other north side Deputies, I received a number of heartfelt letters last February and March from parents of children with intellectual disabilities who were finishing second level education this year and had no placement to go to, either for training or work in a sheltered setting. Several parents told me that transition passports had been prepared but there was nowhere for their children to transition to. A key complaint often raised by parents and providers is that we do not have multi-annual or guaranteed funding for new school leavers. St. Michael's House has contacted parents to explain that capital budgets are not available and houses are full but an effort is being made to source new buildings across the north side. There is no guarantee, however, if such premises become available, that the organisation will be able to commission them in time to provide placements for the autumn.

The same problem has arisen, as I said, every spring and summer in recent years. A number of people with intellectual disabilities who avail of the services at the St. Michael's House centre on the Malahide Road wrote to me last week outlining their situation:

We are worried that our quality of life has been greatly affected by the cutbacks to our personal income and to funding of the services for people with a disability. We feel alienated and unable to participate in life equally with the rest of society.

The cutbacks imposed on these most vulnerable citizens must be reversed and we must provide sufficient numbers of secure emergency places in residential and respite care services.

Another feature of the cutbacks has been their impact on the valiant staff in intellectual disability services who are dealing with increasing numbers of clients. They are coming under terrible pressure as older parents pass away and adults in their 30s and 40s come into residential placements in an overcrowded setting. There is a huge task to be undertaken.

Deputy Ann Phelan: I thank the Deputy for raising this very important issue which I am taking on behalf of my colleague, the Minister of State at Department of Health, Deputy Kathleen Lynch, who has done a great deal of commendable work in this area and is making progress in achieving her objectives. I am pleased to outline the position on services for adults with intellectual disabilities at St. Michael's House, including those who need continuing supports from the health service on leaving school and those who avail of respite care services.

In 2014 St. Michael's House received HSE funding of more than €69 million to provide a range of community-based day, respite care and residential services for over 1,600 children and adults with an intellectual disability in some 170 centres in Dublin and County Meath. Additional funding of €12 million was announced in the HSE's service plan for 2015 to meet the

full-year costs of providing for school leavers and those graduating from rehabilitative training programmes. Of this funding, €6 million is available in 2015 and being allocated to community health care organisation areas, in line with needs identified and according to the HSE's New Directions policy on day services for adults with a disability.

The HSE has confirmed that all young people and their families will be notified by the end of June of the placement that will be available to them from September. It is very aware of the challenges faced by some service providers and has been engaging locally and nationally with all providers, including St. Michael's House, which may not have the physical capacity within their existing services to accommodate the new intake of school leavers in 2015. In this context, €1.5 million in once-off capital funding is to be allocated by the HSE to organisations to provide suitable buildings, premises and accommodation. Applications have been invited from all service providers to avail of this funding and I understand St. Michael's House has submitted estimates in this regard. These estimates will be forwarded to the national director for social care for consideration with other applications nationally. Capital allocations will be notified to providers by the end of June.

The HSE has informed the Department of Health that while there has been a reduction in residential overnight respite care capacity at St. Michael's House, provision has been made for alternative respite care services such as break-aways and host family respite care to address the demand for residential respite care services.

Deputy Thomas P. Broughan: I thank the Minister of State for her reply. I hope her colleague with responsibility in this area will deliver on the undertakings she outlined, to which she also referred in the replies to a number of parliamentary questions I had submitted to the Department of Health. On additional funding for places, what submission has the Department made to the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, in advance of the forthcoming capital budget statement? The Minister, Deputy Brendan Howlin, told me yesterday he had had extensive discussions with all Departments on his proposals. I hope the Department of Health has had an input into that process for the funding of intellectual disability services in the second half of this year and 2016. Since budget 2008, there have been cumulative cuts to the allocation for St. Michael's House of some €12.3 million, with the global budget for disability services likewise being significantly reduced.

The Minister of State referred to break-away and respite care services. What commitment can the Minister of State give in that regard? Parents and siblings tell me that all available beds in different centres in north County Dublin and County Louth that used to serve as respite for people from the north side have been necessarily utilised for people in full-time residential care. What commitment can she give that there will be full-scale respite for these citizens?

I know we are heading towards a general election but this issue has had to be raised every single year. There is no multi-annual approach to this. Will the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, approach this when he comes into the Chamber in the forthcoming weeks to give the House a capital statement? Service providers across the country are coming under increasing pressure. They need more resources and one-to-one staffing.

The Minister of State, Deputy Kathleen Lynch, sent me the mapping exercise of the social care division operational plan which was to review the need for day-to-day services. It is essential it is carried out up to 2017 and 2018. Budget 2016 is not far away and there needs to be funding not just on the capital side but the current side to provide for additional staffing. We

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need to restore staffing levels in this sector. These are our most vulnerable citizens. We owe them a total commitment of care and support. I hope the Minister of State brings that message back to the Minister of State, Deputy Kathleen Lynch, and the Cabinet.

Deputy Ann Phelan: The Deputy has answered some of his own questions and has acknowledged that extensive discussions are taking place on this issue.

The Health Service Executive has confirmed that all young people and their families will be notified by the end of June of the placement that will be available to them from September. While I accept this is a concerning time for all involved, I hope the Deputy can wait until the end of June to see the outcome of this. The HSE is providing alternative respite services such as break-away and host family respite to address the demand for residential respite. Progress has been made in the area and I implore the Deputy to wait until the end of June. I will convey his concerns to the Minister of State who strives hard to deliver in this area.

The Dáil adjourned at 4.25 p.m. until 10 a.m. on Friday, 26 June 2015.