



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 15 Iúil 2015

Wednesday, 15 July 2015

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Company Closures

1. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation the actions he has taken to protect jobs following the closure of a department store (details supplied); if all relevant legislation has been complied with in this closure; the provisions he plans to introduce to avoid such closures in the future; and if he will make a statement on the matter. [28720/15]

Deputy Dara Calleary: It is nearly six weeks since the overnight take-out of Clerys by corporate interests that had no concern for those working and doing business in the store. I want to discuss with the Minister of State where we go from here. First, I want him to give an update on his work for the workers, the 134 Clerys' staff and the 330 concession holders' staff. Second, I want to tease out some of the issues raised in his report, particularly on section 224 of the Companies Act which provides that directors must have regard to the interests of the employees. It is very clear that on this occasion the interests of the employees were far down anybody's list of interests and the Minister of State needs to show how the Government will avoid this ever happening again.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): We all agree that what has happened in Clerys is very shocking and quite appalling. Those who were directly employed by Clerys and the concession holders and their staff have been treated appallingly.

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The House will be aware that last week I submitted a report to the Taoiseach and the Tánaiste to further inform the Government on the issues surrounding the sale and liquidation of Clerys. I also briefed my Cabinet colleagues on the report. A copy of the report, together with appendices, including documents submitted for the High Court hearing on 12 June and correspondence I have had with Natrium Limited, the new owners of the site, are available on my Department's website. The report sets out the sequence of events leading up to the closure on 12 June, based on the information available; events since 12 June, including the engagement I have had with Clerys' workers and their trade unions, the provisional Liquidator and representatives of the 50 concession holders; and the efforts being made by the Department of Social Protection, the NERA and the liquidators' staff to assist the workers in accessing their statutory entitlements.

The report also sets out the relevant employment and company law framework and identifies a number of issues for the Government to consider in what is an evolving situation, key aspects of which are under the jurisdiction of the High Court. The report indicates the areas of employment law that will be further considered. It also identifies the company law provisions that were designed to ensure just and equitable treatment for creditors in a liquidation, including provisions to ensure all assets that should be available to the liquidator can be accessed for the purpose of discharging a company's debts. The liquidators have their job to do. In this respect, I understand that, at the hearing on 6 July, the High Court was informed that the liquidators had identified a number of matters which they intended to investigate as part of the liquidation process.

Separately, the Tánaiste has indicated that, given that workers' claims for statutory redundancy and other statutory entitlements are falling to be met by the State from the social insurance fund, she intends to use every legal avenue available to her to vindicate the State's and taxpayers' rights in this regard.

Deputy Dara Calleary: As the Minister of State said, the liquidators are carrying out an investigation. They are setting up a committee of investigation which will include five representatives of creditors. Will the State seek to be one of these representatives, either through Revenue or a representative of the social insurance fund, in order that the interests of the State, both as a creditor and in finding out what exactly happened, can be reflected at the table in the liquidation? We have to stand from this issue. This did not happen in 24 hours; it had been in planning. Highly paid lawyers and accountants had planned it up to the last minute and those who were notified last were the workers and the concession holders. Therefore, somebody somewhere has been incredibly well paid. Gordon Brothers is laughing all the way to the bank, while Natrium is laughing at the Minister of State, the Government, this House and the workers and at the innocence of the State in thinking they have not got away with it. I ask the Minister of State to pursue the companies involved in terms of the responsibilities of directors. Also, what is his response to the proposals of the ICTU about the 30-day notice requirement?

Deputy Gerald Nash: Directors have responsibilities to their employees and it is questionable in this case whether these duties have been fulfilled, but that is not something we can settle here. There are very clear provisions in company law. I refer directly to sections 599 and 600. These provisions, taken together, refer to situations where a related company may be required, for example, to contribute to meeting the debts of a company which is being wound up. They refer also to the pooling of assets of a related company or companies. The House will be aware that this provision in the Companies Act 2014, originally included in section 118 of the Companies Act 1990, has yet to be tested. I have advised the Tánaiste directly that I believe it would be in the interests of the taxpayer and addressing the overall issues in this matter that

the Department of Social Protection consider taking a place on the committee of inspection to be established by the High Court in the context of the liquidation and the winding up hearing. I have referred that matter directly to the Tánaiste. I believe advice is being taken in that regard and that the Tánaiste is taking additional advice on other matters that she could potentially pursue under company law.

Deputy Dara Calleary: Under section 224 of the Companies Act, directors must have regard to the interests of employees. No one can say directors of any of the companies, shelf companies or otherwise, involved in this transaction have had regard to the interests of the employees. This is a chance to have the matter referred to the Office of the Director of Corporate Enforcement to send a signal that we will not allow this to happen again, that this cowboy capitalism which places workers who have given a lifetime of service so far down the list of priorities will not be allowed in this country. At some stage the Minister of State will have to make a call on whether he will make a complaint under section 224, or others will do so. Will he respond to the question on putting a representative of the State on the creditors' committee to monitor the liquidation?

Deputy Gerald Nash: I referred to that matter in referring to the committee of inspection. This should happen. It is rare for the Department of Social Protection to be represented on such a committee, but in this case, given that, essentially, the Minister for Social Protection will become a preferred creditor when payments are made to staff who have been left high and dry because of this transaction, it is the appropriate thing to do. The liquidators also have a statutory obligation to provide for the Director of Corporate Enforcement, within six months of their appointment, a report on the conduct of the directors of the company and to assist him in carrying out his functions. As I understand it, in the context of the High Court hearing last week, a statement of affairs is also expected from the previous directors of the company who owned the Clerys site going back 12 months. That is an interesting development. No one can be satisfied with how this saga has played out. The Clerys staff and the concession holders and their staff have been left high and dry. I have been doing my utmost to assist them as best I can. As we have said, this is an evolving situation and we will keep a very close eye on it.

Company Law

2. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if, following publication of the report on the sale and liquidation of Clerys, he will now amend the Companies Act 2014. [28707/15]

Deputy Peadar Tóibín: I welcome some of the Clerys workers who are in the Visitors Gallery. I wish to express my and my party's solidarity with them. It has been more than a month since these workers were turfed out on the street, yet nothing has been done for them. My question is specifically focused on what is available in company legislation to ensure the rights of these individuals are upheld. A number of companies and workers have got stuffed previously, and the State has been left on the hook for millions of euro. What is different now whereby this legislation will make a difference in the lives of these people?

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I agree with my colleague, Deputy Nash, that this has been an appalling case. It certainly has raised issues that deserve attention.

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In the context of company law, the liquidation of OCS Operations Limited is currently in the hands of liquidators under the supervision of the High Court. While the liquidation is at an early stage, I understand the High Court was informed at the hearing on 6 July that the liquidators have identified a number of matters which they intend to investigate as part of the liquidation process. It is only when all the facts and events leading up to the winding up of the company are known and any potential legal challenges are raised that an informed decision can be made on whether an amendment to company law should be made.

The liquidators have important duties under company law. They include an obligation to provide, within six months of their appointment, to the Director of Corporate Enforcement a report on the conduct of directors and a requirement to make an application to the High Court for the restriction of directors unless the Director of Corporate Enforcement has relieved the liquidator of this requirement. The 2014 Companies Act introduced stronger provisions under which a related company may be required to contribute to debts of a company being wound up, under section 599, and the pooling of assets of related companies, under section 600. The effectiveness of these provisions remain to be tested and it would be inappropriate to comment on their application in any case before the courts.

The operation of the Companies Acts are under continual review, particularly through the work of the Company Law Review Group. Its current work programme includes receivers, examinership and winding up. I will closely monitor the developments in this case and evaluate their impact on the adequacy of company law.

Deputy Peadar Tóibín: The Minister of State, Deputy Nash, in fairness to him, last week set out in great detail what happened with regard to Gordon Brothers and Natrium Limited. They used a precise, methodical technique to separate their responsibilities and their assets. Then the workers were callously turfed out on the street. In that report, the Minister says it was never really the intention of Gordon Brothers to operate a successful department store in the city and that their objective was a property play. The sole reason for the multiple companies was the separating of assets. Considering all these issues, why is it that the Minister believes there are no deficiencies in the legislation? Even the Minister's colleague, Senator Lorraine Higgins, admitted on the radio last week that this was an issue relating to the corporate veil. She further admitted that this is not the first time it has happened. I believe a large number of companies have experienced this.

Why is the Minister, the author of this legislation, now saying that there is a question about the legislation and whether it could or could not resolve this? Surely as author of the legislation he should know this. If there is still a question mark about it, why is he not making damned sure and inserting a provision into legislation in a watertight fashion to ensure this can never happen again?

Deputy Richard Bruton: As the Deputy knows, this section has not been tested in the courts.

Deputy Dara Calleary: Then test it.

Deputy Richard Bruton: However, the section provides that on the application of the liquidator or any creditor of a contributory company that is being wound up, the court, if it is satisfied that it is just and equitable to do so, may make an order. The legislation sets out the various issues which the court will examine, including the extent to which the related company took

part in the management of the company being wound up, the conduct of the related company towards the creditors of the company being wound up and the effect which such order would be likely to have on the creditor of the related company concerned. There is, therefore, provision in the law, as the Deputy knows. The issue now is that the liquidation is in progress. As the Minister of State, Deputy Nash, said in his report, it would not be appropriate at this point to comment on the application of such a section in an individual case. However, the section is in place. Clearly, I am not the judge who will make a judgment in respect of its provisions.

As I said earlier, I will closely monitor the developments in this case and evaluate their impact on the adequacy of Irish company law. I did not make, as the Deputy sought to infer, any categorical statement about the adequacy of existing company law. We will watch the testing of this important provision.

Deputy Peadar Tóibín: I cannot think of another legislative measure on which the Government would respond with such a wishy-washy answer, saying that the legislation it drafted may or may not deal with the situation. Usually, the Government responds in a very robust fashion and over-eggs the strength of a legislative measure to do what it says it will do. However, in this case, involving legislation that is only in place for a year and for which the Minister is responsible, the Minister says it must be tested, and while the Government talks about the testing of this legislation, men and women throughout the country are getting turfed out of jobs. By the time we finish this so-called testing, I guarantee that another company will be in a similar situation.

The Minister of State said in his report that section 224 of the Companies Act provides, in a general fashion, for matters to which directors must have regard in the performance of their functions. He went on to say that this fiduciary duty is enforceable in the same way as any other duty of a director in a company. The reality is that multiple companies are set up, with assets being placed in one and the employment of staff in another. I am aware of a firm in Meath which did the same thing. It went to the Labour Court and secured a reduction in the wages of company B, the company without the assets. It was allowed to do that. This is happening daily and it should have been tested previously. Will the Minister use the time he has left in Government not by talking about a wishy-washy legislative measure but by inserting a cast-iron guarantee that this will not happen to workers in future?

Deputy Richard Bruton: There are two issues here. One is the behaviour of the directors, and there is an obligation on the liquidator to report to the Office of the Director of Corporate Enforcement on the behaviour of the directors. The Office of the Director of Corporate Enforcement is an independent office. It is not led or said by a Minister or anybody else. That is the important strength of the office. It is independent in making a judgment on the behaviour of the directors, and that is as it should be. A decision of that nature cannot be made by Ministers.

In the same way, there is a legislative provision under which the courts may decide that the corporate veil should not apply in this case. I have outlined the provisions in this regard, whereby the liquidator or a creditor can take a case and in deciding the matter-----

Deputy Peadar Tóibín: The legislation only may work.

Deputy Richard Bruton: -----the court will have regard to the extent to which the related company took part in the management and the conduct of the related company. What the court will have regard to is clearly set out. Once again, however, it is not up to a Minister to make a judgment.

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Deputy Peadar Tóibín: It is up to the Minister to write legislation.

Deputy Richard Bruton: A judgment must be made by the courts. That is the position with company law in any country. The Oireachtas drafts the provisions but the court must apply them.

Employment Rights

3. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation his plans to introduce legislation to ensure part-time workers have a legal right to seek or avail of extra hours; if he discussed this matter with the Department of Social Protection prior to the introduction of recent changes to the one-parent family payment scheme; and if he will make a statement on the matter. [28705/15]

Deputy Clare Daly: This question relates to the Minister's plans to introduce legislation to give part-time workers the legal right to seek extra hours. The background is obviously the Dunnes Stores strike, the abuse of 15-hour contracts by that employer, the explosion of zero-hour contracts and, in particular, the Government's decision to reduce the lone parent's allowance citing circumstances whereby lone parents could seek extra hours at work. Obviously, however, they cannot do that in the absence of any legal entitlement. What discussions has the Minister had with the Minister for Social Protection in this regard?

Deputy Gerald Nash: I discuss these matters with the Tánaiste all the time. Irish employment rights legislation contains strong safeguards for part-time workers. The Protection of Employees (Part-Time Work) Act 2001, which is the main legislation governing the employment rights of part-time workers, implemented EU Council Directive 97/81/EC into Irish law. The purpose of the directive was to implement the framework agreement on part-time work concluded by the European social partners. In general terms, the 2001 Act provides that a part-time employee shall not be treated in a less favourable manner in respect of his or her conditions of employment than a full-time employee and that all employee protection legislation applies to a part-time employee in the same manner as it already applies to a full-time employee. The Act further provides that a benefit which is determined by the number of hours an employee works shall be applied on a *pro rata* or proportionate basis to part-time employees.

The Labour Relations Commission has prepared a code of practice on access to part-time working, pursuant to section 13(5) of the 2001 Act, in consultation with the social partners. The code of practice was drawn up in the context of clause 5.3 of the framework agreement which provides that, as far as possible, an employer should give consideration to a request by workers to transfer from full-time work to part-time and from part-time work to full-time work. Under section 42(4) of the Industrial Relations Act 1990, the code of practice is admissible in evidence in any proceedings before a court, the Labour Court, the Labour Relations Commission, the Employment Appeals Tribunal or the Equality Tribunal. In general terms, the Protection of Employees (Fixed-Term Work) Act 2003, which provides that fixed-term employees may not be treated less favourably than comparable permanent employees, is also relevant. This Act establishes a framework to prevent abuses arising from the use of successive fixed-term employment contracts. In addition, the Unfair Dismissals Act 1977, as amended, contains a provision aimed at ensuring successive temporary contracts are not used to avoid that legislation. I have no plans at this time to amend these provisions. A strong suite of legislative protections is in place for part-time workers.

My colleague, the Tánaiste and Minister for Social Protection, has responsibility for the one-parent family payment scheme. The purpose of the phased age change reforms under that scheme, as introduced in the Social Welfare and Pensions Act 2012, is to reduce long-term social welfare dependency by ending the expectation that lone parents will remain outside the workforce indefinitely. The aim of the reforms in question is to provide the necessary supports to lone parents to help them to access the range of education, training and employment programmes provided by the Department of Social Protection to develop their skill sets and, ultimately, to secure employment and financial independence.

Deputy Clare Daly: The Minister of State has claimed that “a strong suite of legislative protections is in place for part-time workers”, but he has not addressed my point that there are no protections in the area to which my question refers. Workers who are on casual contracts - in the case of Dunnes Stores, workers were on 15 hour contracts - are aware that hours are used as a method of control by management. When Mandate conducted a survey of 1,400 Dunnes Stores workers, it discovered that 85% of them were of the view that if they spoke up or tried to do anything, their hours would be spread over five days and consequently they would not be able to avail of family income supplement etc. Ireland’s rate of underemployment, which is the second-highest in the EU, has increased from 0.8% in 2008 to 7% at present. The Minister of State’s colleague, the Tánaiste, told lone parents that reductions of between €36 and €86 in the weekly incomes of the most vulnerable families in our society could be offset if they went to their employers to seek extra hours. The reality is that in the absence of legislation that would force employers to give lone parents extra hours when such hours are available, the Tánaiste’s comments are utterly meaningless and the cuts she has imposed will continue to butcher the living standards of lone parents. The Minister of State might want to comment on the unanimous vote at last week’s Irish Congress of Trade Unions conference in favour of a motion along the lines of the point I am making, which is that if the Government is really serious about the conditions of lone parents, it will introduce this necessary legislation.

Deputy Gerald Nash: The overarching point here is really about making work pay, ensuring people can access working hours that work for them and helping people to be financially independent. It is about much more than getting a weekly or monthly pay cheque; it is about the dignity of work and dignity at work and it is about making a contribution to society. The overarching principle informing the reforms that have been introduced by the Tánaiste is the need to ensure people are enabled to work for as long as they can and get as many hours as they can to provide for themselves and their families. It is a question of incentivising workers and ensuring work always pays. This is one of the overarching principles informing the establishment of the Low Pay Commission, which is an important institutional change aimed at tackling low pay from every perspective in a sustained and structured way. We do not want to tackle the issue of low pay, which can be a soul-destroying and crushing experience for anybody, in a piecemeal fashion. We need to do it in a structured way. I have gone into some detail about the legislative provisions and the code of practice involved in the area of part-time work. As the Deputy knows, I am working with the University of Limerick to carry out the first comprehensive study of its kind into the extent and prevalence of low-hour contracts in this economy. Those involved in that study will make recommendations to me in the autumn regarding the legislative and regulatory changes that may be required to ensure work pays and the jobs that are created are good, decent and sustainable. I think we are achieving that. The share of casual and part-time workers on the live register has decreased by 9% by comparison with the figures for June 2014. That is just one example.

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Deputy Clare Daly: The Minister of State is studiously avoiding my contention that casual employment is a serious blight on our society. The changes introduced by the Tánaiste, in the absence of affordable child care and of legislation enabling lone parents to seek extra hours, represent the deliberate pauperisation of a section of society. The CSO has revealed that the overwhelming majority of lone parents are either in work or are actively seeking work. Legislation needs to be introduced to enable such people and others, including the Dunnes Stores workers who have gained the sympathy of the nation for the scandalous manner in which they have been abused by their employers and their hours have been used to denigrate them, put them in very precarious situations and - as Mandate has said - exercise control, to access extra hours and have a decent standard of living. I understand that the Government is required by an EU directive to introduce such legislation. Therefore, I am a little surprised that the Government has no plans to make changes in this regard.

Deputy Gerald Nash: Despite the protestations of some people, we fully transposed the part-time workers directive a number of years ago in consultation with the social partners, including the trade unions, which were satisfied to sign off on it. Deputy Daly is studiously avoiding the fact that the economy has been transformed over the last couple of years. We need to be conscious that we have seen a decrease of 40% in part-time underemployment over the last two years. As I said at the conclusion of my previous remarks, the share of casual and part-time workers on the live register has decreased by almost 10% since June 2014. That is the equivalent of over 7,000 workers. There was a proliferation of part-time jobs in recent years, but all the evidence suggests that when the economy started to recover, many of those jobs migrated into full-time positions. I think we should all welcome that as an illustration of the strength of the economy and the acceleration of the economic recovery. Ultimately, my party and I are interested in providing decent and sustainable jobs for people in this economy because that is the right route out of poverty.

IDA Supports

4. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation his views on IDA Ireland actively working with companies in securing contracts for the outsourcing of jobs at Allied Irish Banks, in which the State is the main shareholder; and if he will make a statement on the matter. [28721/15]

Deputy Dara Calleary: AIB has made a series of jobs outsourcing announcements recently. For example, it announced last week that 230 jobs in its information technology department are to be outsourced. When I tabled a question on this matter to the Minister for Finance some weeks ago, he told me that as the principal shareholder in AIB, he takes “an active interest in how the bank’s cost base evolves”. He then let it slip that he had been informed by AIB that “the companies involved in the proposed outsourcing are establishing delivery centres in Ireland (in consultation with the IDA)”. Is IDA Ireland sponsoring the outsourcing by a State-owned bank of its employees and helping that bank to pass the cost of its employees on to a third party? If so, that is not what IDA Ireland was established to do.

Deputy Richard Bruton: IDA Ireland is involved in the attraction of foreign direct investment to Ireland to service international markets. It is not involved in the day-to-day operational or decision-making functions of companies. There is a growing tendency across the world for companies to outsource certain business functions. Companies in Ireland are part of this trend.

In all sectors, companies use the practice of outsourcing to enhance productivity, use their resources better, focus on more core business areas and tap into new technologies without in-house expertise. Such business process outsourcing is a fast-growing economic sector in which Ireland is winning substantial international business. Ten companies supported by IDA Ireland in this sector are supporting 4,940 jobs and 15 companies supported by Enterprise Ireland in this sector are employing 5,700 people. I should make it clear that no support is given to such companies when they are competing for Irish-based business. It would be very short-sighted not to recognise that this sector should be pursued to assist job creation in Ireland and thereby avoid outsourced jobs moving to other countries, given that modern technologies make this easily achievable in most cases. Indeed, Ireland has proven its ability to maintain and develop innovation in this sector, which is winning new business for the country. When such contracts are available, it is in our national interest that companies based here should pursue those opportunities and compete for this work.

10 o'clock

Deputy Dara Calleary: Companies based here include AIB which employs many thousands in its IT section, but it seems to be determined to outsource that function. Will the Minister confirm that IDA Ireland is supporting a company which will take the contract from AIB and that the responsibilities of the workers currently performing that role will be transferred to it? AIB has stated there will be no redundancies and that workers will be looked after. I am not referring to a company locating in Ireland and seeking international business, but will the Minister state specifically whether IDA Ireland is supporting a company that will take existing jobs which offer very good terms and conditions in the Irish market?

Deputy Richard Bruton: No, that it not the case. There is a well developed joint strategy between Enterprise Ireland and IDA Ireland, under which competition for domestic contracts is not supported by either agency. However, companies in BPO which are internationalising are entitled to support from IDA Ireland or Enterprise Ireland in the growth of their overseas business. As the Deputy knows, a company such as Eishtech which started from nothing and has grown to employ 950 people in a very short period is one of the success stories. Others include Voxpro and SWS and numerous other such companies are growing. It is only in the context of new international business that they will be supported by either agency.

Deputy Dara Calleary: I accept that, as well as the success of the sector, but if that is the case, why would the Minister for Finance, Deputy Michael Noonan, state in reply to a parliamentary question that companies involved in the proposed outsourcing are establishing delivery centres in Ireland in consultation with IDA Ireland? He framed the response in the context of his officials taking an active interest in how the bank's cost base had evolved to ensure the State's interest as a shareholder would be protected. I did not ask him about IDA Ireland involvement as I did not think it or Enterprise Ireland would be involved, but he put it out there that whatever company was coming in to take over the contract for AIB and, most importantly, its workers, was in consultation with IDA Ireland. The sector is strong, but can the Minister, Deputy Richard Bruton, give an absolute assurance that neither IDA Ireland nor Enterprise Ireland will subsidise a company that is planning on taking existing jobs?

Deputy Richard Bruton: I can. There is an agreement and we would not tolerate a situation where Enterprise Ireland might subsidise one company and IDA Ireland another, both of which would be competing for taxpayers' money. That would be unthinkable, but that is not to say Enterprise Ireland does not talk to companies that are internationalising and which may also

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have Irish business. It is fine to talk to companies that are competing for domestic contracts, but we do not support them in any fashion. As the Deputy knows, a number of international companies won business here and then grew international businesses from an Irish base, which is very positive. Naturally, IDA Ireland is in consultation with companies that win business in Ireland and wants to see them develop an Irish platform to win European or wider international business. We have a strict protocol that is applied jointly by Enterprise Ireland and IDA Ireland and naturally it has to protect companies in a way that will ensure there will be no unfair competition. That is the way we operate.

Trade Agreements

5. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation if he is satisfied with the credibility of the source studies on which the growth in gross domestic product, the projections for growth in jobs and the Transatlantic Trade and Investment Partnership are based; and if he will make a statement on the matter. [28706/15]

Deputy Clare Daly: This question relates to the Transatlantic Trade and Investment Partnership, TTIP. It is an absolute disgrace that we are heading into the recess without having a comprehensive discussion in the Parliament about its widescale implications. The Minister has made repeated claims that it will have a wonderful impact on job creation and GDP growth rates. In 2013 he told us it would lead to the creation of 2 million jobs and put an extra €500 in the pockets of every family of four. Earlier this year he said it would lead to the creation of 400,000 jobs. Is he satisfied with the credibility of the reports on which he is relying in making these outlandish statements?

Deputy Richard Bruton: We did have a comprehensive discussion in the Oireachtas. Three committees met together for an extensive discussion, with questions and answers, when there was a much more meaningful exchange than we could have had here. Members were able to raise concerns and the meeting ran for several hours. It was very fruitful and all shades of opinion were represented. The issues have also been discussed in numerous other fora, some of which were sponsored by my Department.

On the valuation, the European Commission's assessment of the likely benefits of the EU and US trade negotiations is based on analysis carried out by the Centre for Economic Policy Research, CEPR, a leading independent pan-European economic research organisation. The study commissioned by my Department of the potential impact on Ireland was prepared by Copenhagen Economics, independent external experts in this field. It is based on the best available techniques of economic modelling and uses the same model and methodology as for the CEPR study to facilitate direct comparison. It shows, based on reasonable assumptions, that a potential gain of €2.4 billion in national income, over €1,200 per family, is possible from an ambitious agreement.

The studies use the computable general equilibrium model, the purpose of which is to simulate the impact of an EU and US trade agreement based on assumptions about the outcome of the negotiations. The model can give important insights into the potential gains from negotiations and the potential opportunities or challenges for specific sectors. This, in turn, helps policymakers to frame policies to maximise the opportunities and mitigate the challenges. Bearing in mind the limitations of all economic modelling, the studies provide important insights and add to our understanding of the potential of the EU and US trade negotiations. For Ireland, the

studies show significant opportunities in important sectors such as pharmaceuticals, medical devices, food, especially dairy, software and public procurement. These represent an important and growing part of the exporting economy.

Deputy Clare Daly: All of the studies cited by the Minister are based on computable general equilibrium modelling techniques and the general equilibrium theory that underpins them. They have been widely discredited by sociologists and most economists, with the exception of the neoclassical economists who are wedded to the neoliberal agenda. The methods used by these groups have been defined by some as fictional expectations of GDP and jobs growth will come from the TTIP. I am not the only one who is saying this. Even not so radical organisations such as *The Economist* stated, “If the modeller believes that trade raises productivity and growth, for example, then the model’s result will mechanically confirm this”. It is very much like what is called in computer terms “garbage in, garbage out” and the predictions around austerity. We were told it would deliver magnificent growth rates in Europe when, in reality, it has delivered the opposite. The idea of deregulating Europe, privatisation, lowering the living standards of workers and so on was very much supported. Given that the European Commission has stated ballpark figures are available, the Minister might want to revise his attitude to the studies.

Deputy Richard Bruton: The truth is that economies need growth strategies. In the case of Ireland, our strategy has been very much based on export-led recovery. In our dealings with the United States 70%, or 125,000 people, are employed by US companies in Ireland. In the case of Irish companies, some €2 billion worth of trade is done with US companies. Both categories have grown rapidly. Ireland has used its trade links in the past few years to beat the pressures exerted by declining domestic demand and on the public finances by the crisis in banking. We have done so successfully and the growth strategy places Ireland at the top of the league in growth in employment, GDP and exports. We are managing it successfully. The reduction in trade barriers in the United States is good for Irish people because we have very strong trade links and can build on reduced tariffs and non-trade barriers and the better co-ordination of regulations. That is where we can gain and the model seeks to examine the impact of a reduction in tariffs and non-trade barriers. It naturally implies gains for Ireland which trades heavily in these markets.

Deputy Clare Daly: The problem is that the Minister’s predictions which he so confidently makes are nonsense in the context of the models used. I do not say this in a derogatory way but because the same rationale was used, for example, in making predictions about other trade agreements which did not materialise. Greatness was predicted in terms of the North American Free Trade Agreement, NAFTA, for example, which did not materialise based on this modelling. Other predictions were revised downwards because they did not live up to the so-called expectations.

As Lorenzo Fioramonti claims in his recent book, *How Numbers Rule the World*, numbers are used and abused to entrench the power of markets and undermine public debate. That is what we have seen utilised in this so-called debate on the Transatlantic Trade and Investment Partnership, TTIP. I asked that it would be discussed in this Chamber because three committees would not give it an adequate airing, given its impact here. Is it not just part and parcel of the neoliberal agenda to, as the Minister said, deregulate and liberalise everything, the consequences of which are environmental devastation, the destruction of workers’ rights and the welfare state while those at the top with the money can scoop up the profits and line their own pockets?

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Deputy Richard Bruton: The truth is that any free trade agreement offers opportunities for sectors to grow. In the case of Ireland and the United States, there is ample and clear evidence of that. For example, in terms of our growth in software and business services, 60% of that growth has been in the US market. That is a very strong market for us and if there can be better access to that market, we can gain from it. However, to take advantage of any trade agreement we have to put in place the necessary policies. That is why it is important that we do an evaluation of this nature, which models where the potential opportunities lie. We can now set about examining how we can exploit the opportunities in food, medical devices, software and public procurement that will arise, and prepare for areas where there are potential threats. That is the advantage of these models, and Ireland has proven over many years that we are adept at winning in international markets. We are a small, open trading economy. We depend on trade agreements. If we look at the evidence of the Korea Free Trade Agreement where trade between Europe and Korea has trebled as a result of the opening up of that agreement, we can see the benefits that are to be realised.

Other Questions

Enterprise Support Schemes

6. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation under the Action Plan for Jobs, the concrete measures that will be taken to improve the supports for female entrepreneurs; and if he will make a statement on the matter. [28673/15]

Deputy Dara Calleary: I ask the Minister the supports he is putting in place to improve the number of female entrepreneurs under the Action Plan for Jobs. In particular, what is he doing in the regional action plans because that is an area that is untapped? I ask the question in the context of a report on this area, which will be published next week, from the Joint Committee on Jobs, Enterprise and Innovation authored by Senator Mary White, who is a successful entrepreneur.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Damien English): In the first Action Plan for Jobs in 2012, special actions were initiated to support an increase in female entrepreneurs. This included Enterprise Ireland's first dedicated Competitive Start Call for female entrepreneurs. That call was massively oversubscribed and was immediately extended. That was the first step taken.

An increase of female entrepreneurship has been a consistent policy objective. Since then it has been reflected in the subsequent National Policy Statement on Entrepreneurship which was launched last year. This is the first time a Government has published a comprehensive national plan for entrepreneurship in Ireland. The policy initiatives to promote greater involvement by women include start up training programmes, mentoring and networking dedicated start-up training programmes, mentoring and networking dedicated start-up calls targeted at women, and public promotion of role models of successful women entrepreneurs. The policy is yielding significant results.

Enterprise Ireland had its best result ever for female led start-ups in 2014. Of the 183 technology start-ups that received equity investment, 43 were led by female entrepreneurs. Enterprise Ireland also supported 94 female led businesses through female specific development programmes co-funded by Enterprise Ireland, and it is on track to increase the numbers this year. Enterprise Ireland also has an online networking platform for female entrepreneurs and has supported several awards, conferences and initiatives to create platforms for female entrepreneur role models. I have not seen Senator Mary White's report yet, and I know the Deputy is launching a report today also. If we get a chance we can attend that to examine it but as is the case with all the reports that come through the committee, if there are proposals from which we can benefit we try to implement them if we can. We will have a look at that.

Last year, and this is a good statistic, the local enterprise offices, LEOs, delivered training to almost 14,000 women, compared to 11,000 males. That is a major increase. On the mentoring, approximately 2,921 women took up mentoring compared to 3,969 men, but the gap is closing, which is an improvement.

The LEOs organise the National Women's Enterprise Day and the Women in Business Initiative, which bring together women who are successfully running their own business and who aspire to success. Of the more than 1,000 participants in the LEO-run Ireland's Best Young Entrepreneur competition, there were 487 female participants. Some of the initiatives are having an impact but the onus is on all of us to keep promoting them.

Deputy Dara Calleary: I thank the Minister. I acknowledge that a lot of work has been done but to give an indication of the potential in this area, the total early stage entrepreneurial activity is measured by the Global Entrepreneurship Monitor and it shows that, in Ireland, 6.5% of the adult population are what it defines as early stage entrepreneurs. The percentage for Irish females is 4.23%, and the European average is 5.45%. The US average is 10.56%. We need to increase our activity.

As the Minister stated, the Enterprise Ireland fund was completely over-subscribed. First, are there any plans to increase the fund and increase the number of calls to the fund to ensure that more people get involved in it? Second, in the context of the regional jobs action plans, will specific measures be undertaken to encourage regional activity in this area? I acknowledge the huge amount of work that has been put into this by the people in Enterprise Ireland and in the local enterprise offices, LEOs, but they are crying out for more support and funding. As the Minister said, there is huge potential in this area but we need the funding to match the potential.

Deputy Damien English: Regarding the statistics, the Deputy quoted the Global Entrepreneurship Monitor, GEM. To be clear, the 2013 report showed that Irish men were 1.9 times more likely than Irish women to start their own business or become an early stage entrepreneur, and the EU average is 1.9:1. That is not good enough but we are competing in that regard. We are slightly above the OECD average, which is 1.7:1, but the Deputy will agree there is untapped potential when it comes to female entrepreneurship, and we are trying to push that forward.

The regional plans have a range of actions, two of which have been launched, with more to follow. Many of those actions are to be agreed and implemented at a local level. Some of them are specifically aligned to female entrepreneurship but they are more general in nature. Through the LEOs and Enterprise Ireland there are a range of initiatives specifically to target female entrepreneurship. To name a few, from an Enterprise Ireland perspective there is Going

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for Growth, which is a development programme specifically targeted at female entrepreneurship; the Dublin City University Royal Academy Female Propeller for High Fliers programme, the NDRC Female Founders programme; and the Cork Institute of Technology female Exxcel programme. There are an additional 32 women in the New Frontiers entrepreneur development programme as well. We have the funds available in terms of the target initiatives but it is a question of promoting the applications process.

Deputy Dara Calleary: In the context of the Action Plan for Jobs, one of the Minister's cries is that it is cross-departmental and represents a whole of Government approach. However, there are other issues around the lack of a proper child care system, the taxation of self-employed people, and generally supporting people to take time out of their personal lives to develop a business. What is the Department doing, under the Action Plan for Jobs infrastructure, to push other Departments, including the Department of Social Protection, to do what is necessary to encourage more female entrepreneurship? The Minister has used the phrase "disruptive reforms". He needs to blow a few reforms towards some of these Departments, particularly the Departments of Children and Youth Affairs and Social Protection, in regard to entrepreneurship generally but especially in regard to female entrepreneurship.

Deputy Damien English: That is a fair comment. We try, through the Action Plan for Jobs, to bring all the Departments together in that regard. I understand the Minister for Children and Youth Affairs, Deputy James Reilly, is bringing forward a document next week on the child care element and early school learning. It is hoped there will be some supports in that and that this will encourage us.

On the taxation of self-employed people, the Taoiseach referenced that yesterday in that we intend to address that in this year's budget and to be able to close that gap over coming budgets and make it more aligned to the PAYE system for self-employed. We know there is a gap in that regard, and that will be addressed in this budget.

On the area of child care, many of the start your own business courses are supported through the LEOs, the training awards and, likewise, our education and training boards. When it comes to child care, there are supports to facilitate women to attend these courses. We can examine that with a view to improving the offering because the Deputy is right. We have to encourage women to take up these courses. I am satisfied that the percentage of females involved in these courses has increased dramatically and if we need to do more to encourage that, we will.

Departmental Communications

7. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if he will provide a reading room to enable Oireachtas Members access departmental documentation on the Transatlantic Trade and Investment Partnership; and if he will ensure the EU Commission establishes a reading room for Oireachtas Members in its Dublin office as already provided for Members of the European Parliament in Brussels. [28664/15]

Deputy Peadar Tóibín: Transparency is the ally of the citizen and where there is a lack of transparency and affairs are shrouded in mystery, we see that the interests of the citizens are not upheld. The IBRC and NAMA are organisations where we see that in practice. The Transatlantic Trade and Investment Partnership is shrouded in secrecy. It is very difficult for elected representatives, even with the discussions we have had in the House, to be fully aware of the

details on what is actually happening at negotiation level. Our own Emily O'Reilly, the European Ombudsman, has stated this time and again. What will the Minister do to ensure elected representatives in the Dáil will have access to that information?

(Deputy Richard Bruton): To be fair to all concerned there are unprecedented efforts taking place to make the EU-US trade agreement as transparent as possible. All EU text proposals on the EU-US trade negotiations are now published on the European Commission website, generally within a week or two after each negotiating round. The website also includes a wide range of position papers, fact sheets and documents explaining positions. In addition, there is consultation with stakeholders after those rounds. All departmental documentation is available on request, subject to any legal restrictions, and my Department has published relevant documents, such as the recently commissioned study on the economic impact of an agreement on Ireland. I have briefed the committees of the Oireachtas and my officials are available to respond to any requests, subject to any legal restrictions.

The European Commission is obliged under the treaty to keep the European Parliament informed about trade negotiations. The arrangements in place between the European Commission and the European Parliament as regards access to documents, which are governed by the framework agreement between the European Parliament and the European Commission, are a matter for the two institutions concerned. There are not, to my knowledge, any similar framework agreements with national parliaments. However, the rules governing access to EU documents contained in Regulation (EC) No. 1049/2001 have as their purpose the widest possible access to documents. The procedures for applying for access to documents from the relevant EU institutions are set out in the regulation.

By their nature, negotiations are evolving and not all documents considered in such context are for publication. Notwithstanding those constraints, the European Commission is determined to make the process as transparent as possible.

Deputy Peadar Tóibín: The European Ombudsman, Emily O'Reilly, has established two separate investigations into the European Council and the Commission on the lack of transparency around negotiations. In her report she calls for public access to consolidated negotiations texts, greater proactive disclosure of TTIP documents and increased transparency as regards meetings that Commission officials hold on TTIP with other businesses, organisations, lobby groups and NGOs. This is a big sphere of leverage that is being put onto this particular negotiation. She has also called for the Commission to establish a comprehensive list of public and non-public TTIP documents and for greater proactivity concerning the publication of documents, including agendas and minutes of meetings with lobbyists. Emily O'Reilly has called for the Commission to extend the transparency obligations as a result of meetings with stakeholders to ensure EU officials involved in the TTIP negotiations only meet with interested representatives who are registered with the transparency register. At this stage the US is making some of these documents available through its embassies throughout Europe. Commissioner Malmström has stated it is up to particular governments, that is, the Minister, to ensure access by elected representatives, such as me, have access to these documents. Will the Minister give us access to these documents? Will he give us a reading room?

Deputy Richard Bruton: The position on access for the European Parliament is set out in the framework agreement. Part of the increased transparency is that it will provide broad access to all MEPs, subject to appropriate modalities to be agreed with the Parliament to ensure the confidentiality of the information provided, including taking the appropriate steps in the

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event of unwarranted disclosure of documents themselves or their content. MEPs are getting a certain privileged access subject to restrictions and obligations upon them. In terms of all other public interest, the Commission has made extraordinary new efforts to open this up. All the documents are provided. A full list of the documents that are going to the European Parliament is shared generally. There is an extensive report on the negotiating rounds. There is online material that explains the negotiating positions. There is engagement with civil society and the public at political and working level and increased communications and outreach efforts, and we are attempting to do the same. I have attended numerous briefings for parliamentarians and non-parliamentarians. We have invited people to contribute to debates and we have exposed everything we have that could contribute to an understanding of the issues. Clearly there are procedures in place whereby if the Deputy wants access to a particular document that is not in the public domain-----

Deputy Peadar Tóibín: The Minister mentioned that representatives in the European Parliament are getting privileged information. It is a privilege to be a public representative. Access to information which affects the people one represents is not a privilege; it is a right for public representatives. We are always told that nobody takes an interest in the European Union. Now people are taking an interest in particular negotiations and what is happening? There is a battering down of the hatches to try to stop the dispersal of information. This is a massive ceding of sovereignty. This is one of the biggest economic agreements to which the State will ever be party and yet the information we are getting is second-hand and the majority of elected representatives in this particular seomra have no iota of what is happening with TTIP.

What I am asking the Minister is very clear. We have been told by Commissioner Malmström that a reading room where we could gain access to all the documents that are already accessed by MEPs could be made available in this Oireachtas. Will the Government make such a reading room available? Emily O'Reilly has asked what MEPs do with the information once they get to see it in the reading rooms. At present they are prohibited from communicating that information any further than those reading rooms. That issue needs to be addressed. Will the Minister make a reading room available and, if so, will he allow elected representatives use that information in the best interests of citizens?

Deputy Richard Bruton: I have to deny categorically that there is any effort by either the Commission or anyone else to conceal information. There is a huge effort to make the information publicly available.

Deputy Peadar Tóibín: Why then the investigation of the Ombudsman?

Deputy Richard Bruton: In any such discussions there is confidentiality around individual items. There is commercial confidentiality. There is confidentiality that is recognised in our freedom of information process. Where there is a negotiation or a deliberative process one does not have a right of access to all the papers that might be engaged in. It is recognised in every freedom of information legislation that there is such a deliberative process. In some negotiations there are sensitive issues that have to be dealt with. Obviously the Commission has agreed to give limited access to members of the European Parliament.

Deputy Peadar Tóibín: Will the Minister give those to us?

Deputy Richard Bruton: As the Deputy rightly said, they are under restriction. If they get access to confidential documents it is to inform them and it is not for them to pass it on.

Deputy Peadar Tóibín: Will the Minister give access to these?

Deputy Richard Bruton: There are certain restrictions but in general we make everything available that we can and the Commission makes everything available that it can.

Deputy Peadar Tóibín: The Minister has not answered the question. Will he give access to us?

Deputy Richard Bruton: It has made huge efforts to do so and has a whole document on transparency.

An Leas-Cheann Comhairle: I ask Members to obey the clock as we are way over time.

Construction Contracts

8. **Deputy Terence Flanagan** asked the Minister for Jobs, Enterprise and Innovation when the Construction Contracts Act will be enacted; and if he will make a statement on the matter. [28406/15]

Deputy Terence Flanagan: The question concerns vitally important legislation for the construction industry and, particularly, subcontractors to ensure they receive payment from contractors. The legislation was signed into law on 29 July 2013 but we are still waiting for the commencement of various parts of that legislation. Will the Minister provide an update on the bottlenecks and the reason for the delay in the legislation being commenced?

(Deputy Gerald Nash): I thank the Deputy for tabling the question. The Government is committed to the earliest possible implementation of the Construction Contracts Act 2013 and, as a consequence, last November approved the delegation of responsibility for its implementation to me as Minister of State with responsibility for business and employment. Significant work has taken place since then. I have recently appointed Dr. Nael G. Bunni as chairperson of the construction contracts adjudication panel. Discussions are taking place with the Public Appointments Service to arrange an open competition for the selection of applicants for inclusion on the ministerial appointed panel of adjudicators. I am informed the Public Appointments Service will seek expressions of interest from suitably qualified persons in the coming weeks. In accordance with the Construction Contracts Act 2013, such persons will be drawn from categories specified in section 8(6) of the Act. I am also overseeing the preparation of a code of practice for the conduct of adjudications, which will be binding on all adjudicators operating under the Act. Once the preparatory arrangements have been finalised, a date for implementation of the Act will be announced in advance to provide sufficient notice to those affected by the Act's provisions. I expect that to take place later on this year.

Deputy Terence Flanagan: I thank the Minister for his reply and note his commitment in trying to get this legislation off the ground but this has been dragging on for quite a number of years at this stage. It is vitally important legislation, particularly for subcontractors who are unfortunately closing because of cash flow difficulties. In some instances they are not receiving payments from very large contractors who are making their lives extremely difficult.

I accept a chairperson has been appointed to the panel of adjudicators, which is good news, but will the Minister of State push the matter forward and ensure the full panel is put in place as a matter of urgency? I understand the Minister of State is looking for specialist and very quali-

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fied people to be appointed to the panel. Will the Minister of State give us an update on the code of practice regarding adjudications? I know the Minister of State had hoped all of this would be in place by spring of this year but that unfortunately has not happened. Will the Minister of State give a further update on the timetable for the implementation of the Act?

Deputy Gerald Nash: This is an important provision under the Construction Contracts Act 2013 and I only received responsibility for it towards the end of last year. I proactively sought this responsibility because I see it as being critically important to the construction industry, an industry that has suffered over the past few years. It is particularly important for SMEs operating in the construction sector, especially subcontractors, that there is a clear, fair and transparent system in place. Such a system has been lacking for years.

One of the issues we had was to identify a suitable and appropriately qualified individual who would command respect right across the industry. We have managed to do that in the appointment of Dr. Nael Bunni. His appointment has been widely welcomed by stakeholders in the sector. He is eminently qualified and internationally renowned in this space and I consider ourselves lucky to have his services.

It is important the appointment of the panel of adjudicators is done in an open and transparent fashion. The last thing I would do is simply appoint individuals based on an application to me or someone else. It is appropriate it is done through the Public Appointments Service and that will take some time but I expect the process to be concluded and for this scheme to be up and running shortly.

Deputy Terence Flanagan: Will the Minister of State clarify if he will sign a statutory instrument when the panel of adjudicators is in place? Companies are suffering greatly because of the failure to commence this legislation. Some huge companies do not always pay their subcontractors in a timely manner, causing huge cash flow difficulties for them and companies are working on projects despite having no guarantee of payment. The sooner we have the adjudication process in place, the better. I welcome the appointment of Dr. Nael Bunni, who is highly respected within the construction industry, as well. The sooner everything can be implemented, the better.

Deputy Gerald Nash: There is little for me to add other than to say this is a priority and I have given it my full commitment. We need to get the right people for this important panel to ensure the aspirations underpinned by the legislation work for everyone involved. I hope it will be a swift process but it needs to be open and transparent. The Public Appointments Service process will take some time but I am satisfied it is being expedited and look forward to the panel being appointed shortly and doing the work the legislation requires of it.

Deputy Terence Flanagan: Will the Minister of State be signing a statutory instrument?

Deputy Gerald Nash: I believe so.

Enterprise Support Services Provision

9. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation the amount of grants paid per year, every year to indigenous Irish start-up companies and foreign start-up companies between 2011 and 2015. [28629/15]

Deputy Clare Daly: We are always being told Ireland is a great little country in which to do business but there probably is a perception that the focus is overwhelmingly on attracting foreign multinationals rather than nurturing sustainable home-grown industry. Economic watchdogs such as the Nevin Economic Research Institute would warn we need to be careful of an over-reliance on foreign direct investment. How were the hundreds of millions available in State funding divided over the years of this Government's term in office between foreign and indigenous companies?

Deputy Richard Bruton: I do not wish to be evasive but the written question tabled by the Deputy related to start-ups and the statistics provided to me relate specifically to start-ups. In general terms, the vast majority of start-ups are Irish. Enterprise Ireland supports approximately 185 start-ups. Only ten of those would be sponsored by non-Irish individuals. The vast majority of the run of money, running from €17 million in 2011 up to €29.5 million in 2014, has gone to Irish-owned companies. IDA Ireland does not support start-ups in that sense. Similarly, the local enterprise offices have approximately €18.5 million of which approximately 60% is directed at start-ups, very few of which would be international.

On Deputy Daly's wider question, more than two thirds of the budget of the Department is spent on Irish as opposed to overseas companies. Irish companies account for the vast majority of the jobs growth. IDA Ireland was involved in the creation of 7,500 net jobs, Enterprise Ireland was involved in the creation of 8,500 net jobs and local enterprise offices were involved in the creation of 4,000 net jobs. That is some 12,500 net jobs versus 7,500 net jobs on the export-oriented side. Most of our budget goes to Irish-owned companies and most of the job creation is in Irish-owned companies. Foreign-owned companies are an important part of the mix and we seek to have a balanced expansion. There is a fair devotion of resources. The investment in Irish companies is on a much broader range. A much broader suite of policy supports are available to Irish-owned companies including capability, lean processing, research and development, innovation, management development and access to finance supports.

Deputy Clare Daly: This is really part of a broader discussion that needs to be had in terms of State supports, which come in many forms. I appreciate the Minister's point about my question. I had two questions in one but I think they must have been split up. I appreciate the points the Minister made about start-ups. I also hear what he is saying about more than two thirds of his budget going to Irish companies. However, that is only part of the issue. We have to see business supports as being much more than just grant aids and we need an analysis of this issue. Large international companies do not come to Ireland just because they get State aid. Much of it has to do with our low corporation tax and PRSI rates and, as Michael Taft said, the role Ireland plays in global tax avoidance. Has the Minister seen the report featured in *The Guardian* last week about the concept of corporate welfare? Big business is essentially getting massive handouts at the expense of the taxpayer. In Britain, it was £93 billion which equates to more than £3,500 per household. Why can we not do a similar analysis in Ireland to see the cost that is being borne by Irish families to pay for this State subsidy to big business?

Deputy Richard Bruton: As the Deputy knows, under the EU's regional guidelines, there are huge restrictions on state aid that can be given to large companies. By and large, there is no substantial state aid. The companies can be supported in areas such as research and development or training, but the era of large grants is over. Neither is the Deputy right when she says the predominant magnet of Ireland is our tax regime. The predominant magnet is our talent and the clusters we have developed in key areas. They have become the dominant attraction. The corollary, however, is that we need to continue to develop those talent areas. There is strong

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demand for skills in areas of science, engineering and mathematics, which are really important.

In terms of support to Irish companies, they are not, as Deputy Daly suggests, grant aid in the form of corporate handouts. That is not the approach which has been taken. Enterprise Ireland has strict criteria. Much of the money is competitive or is for leadership for growth. It is for companies to provide better leadership within companies or to look at their processes and improve them. It is very much focused on specific targets set by the business to grow its export and employment base. It is not a question of dishing out corporate charity.

Deputy Clare Daly: The point I am trying to make relates to the concept known as corporate welfare. It is not simply about direct aid which, as the Minister has said, has been restricted somewhat in recent years. It is really about subsidies and tax breaks. Would the Minister not agree that there is no centralised record in Ireland of exactly how much taxpayers' money is being diverted to foreign multinationals through various arms of the State in this way and, therefore, the true cost to the taxpayer remains one of the best kept secrets we have? Should we not try to find out that information?

In a British context the analysis has revealed the equivalent of £3,500 per household. I imagine in an Irish context the amount of the transfer is far greater. It is a little like what the Think-tank for Action on Social Change has said in the sense that what we are seeing is the concentration of income in fewer hands, giving wealthy people more power to lobby for tax cuts that will disproportionately affect them. It is the case, therefore, that Ireland is one of the most unequal countries in Europe. The issue of corporate welfare is part of this and we would benefit from a greater analysis of the problem.

Deputy Richard Bruton: I think the Deputy really is letting ideology run away with her. The total sum that my Department disperses is €500 million. This compares to a welfare budget of €20 billion, an education budget of €8 billion and the health budget of €13 billion. We are not engaged in substantial corporate welfare in any sense of the term. Any of the money we disperse is tightly accounted for. It is based on criteria, namely, the capacity of those companies to grow and deliver results. Often it is linked to delivery of results. In other words, if there is support, it is connected. It is all focused on commitments made by the companies which are closely monitored by development advisers of the companies.

This is a strategy to support an export-led recovery and the evidence is there to support it. Irish-owned companies have had double-digit export growth in each of the past four years. We have succeeded in attracting substantial and ambitious companies to use Ireland as their base to grow in Europe. They believe we have a good business environment in which they can grow. That is the nature of our policy. Any objective assessment of our policy would say that it is successful, focused, transparent and accountable.

Employment Rights

10. **Deputy John Browne** asked the Minister for Jobs, Enterprise and Innovation to outline his plans to regulate the *au pair* industry in view of the recent publicity regarding poor wages and bad working conditions; and if he will make a statement on the matter. [28414/15]

Deputy John Browne: My question relates to the possibility of the Minister regulating the *au pair* industry. Recently I had a visit from some *au pairs* in the south east. They relayed to

me some horror stories of exploitation, poor working conditions and abusive treatment. One lady pointed out that she was working 60 hours per week for a €120, which is €2 per hour. This is a breach of all Irish employment laws. What changes will the Minister bring about to regulate this industry?

Deputy Richard Bruton: There is no legal definition of the term “*au pair*” in Irish legislation, and individuals described as *au pairs*, nannies or childminders are not exempted or treated as separate categories of workers under Irish employment law. Ireland’s body of employment rights legislation protects all employees who are legally employed on an employer-employee basis, regardless of what title is given to them. Therefore, once it is clear that a person is working under a contract of employment on a full-time or part-time basis that person has the same protection under employment law as other employees. For example, the National Minimum Wage Act 2000 requires that any persons working under a contract of employment be paid the statutory national minimum wage. For the purposes of this Act, this means a contract of service or apprenticeship or any other contract whereby an individual agrees with another person to do or perform personally any work or service for that person.

Where the National Employment Rights Authority receives a complaint involving someone described as an *au pair*, it will investigate with a view to establishing whether a person has statutory entitlements under employment law. The question of whether a person is an employee is generally established by reference to the provisions of existing employment legislation and established contract law, regardless of any title or designation given to the individual. Complaints involving *au pairs* are considered on a case-by-case basis in the light of the facts of each case.

In addition to NERA’s programme of inspections involving domestic workers, which has been ongoing since 2011, last year the authority launched an information booklet on the employment rights of domestic workers to coincide with Ireland’s ratification of the International Labour Organisation Domestic Workers Convention, C189. It is available in a number of languages.

Deputy John Browne: I thank the Minister for his reply. Has the Minister had any contact with the Migrant Rights Centre Ireland, which recently published a report on this area? The report stated that 49% of *au pairs* earn between €100 and €119 per week with 26% working between 40 to 60 hours per week. There is serious exploitation in this area. The people who visited me suggested they are more or less abandoned once they leave their employer. Will the Minister consider setting up a registration centre in his Department to enable people to register, have someone to talk to and get an explanation for why they are being treated so badly and why employers are not adhering to employment laws, as laid down by this country?

Deputy Richard Bruton: My officials have met representatives from Migrant Rights Centre Ireland. Furthermore, NERA is keen to engage with people in any way. It has a lo-call number, 1890 808 090, and a website. It has provided a usable guide to entitlements. It seeks to engage with people in those conditions, advise them of their rights and investigate any case of breaches. If the Deputy has any particular examples they can certainly be brought to the attention of NERA. My Department will continue to work with the bodies representing such workers to ensure that they are treated fairly.

Written Answers follow Adjournment.

Defence (Amendment) Bill 2015 [Seanad]: Second Stage

Minister for Defence (Deputy Simon Coveney): I move: “That the Bill be now read a Second Time.”

I am pleased to present this Bill to the House. This is a short technical Bill. It was debated in the Seanad yesterday for 15 to 17 minutes or thereabouts. It provides for the inclusion in the Defence Act 1954 of an appropriate naval rank for the position of Chief of Staff of the Defence Forces. I thank Members for facilitating discussion on all Stages today.

Traditionally, the Chief of Staff of the Defence Forces has assumed the army rank of Lieutenant General. On 30 June 2015 the Government approved Rear Admiral Mark Mellet for approval by the President as the next Chief of Staff from the end of September. Rear Admiral Mellet is the first naval officer to be recommended for appointment by the President as Chief of Staff of the Defence Forces. The commissioned rank of Vice Admiral in the Defence Forces is the equivalent naval rank to the army rank of Lieutenant General. The purpose of the Bill is to provide for the rank of Vice Admiral in the Defence Act.

Before dealing with the detailed provisions, I wish to take this opportunity to congratulate Rear Admiral Mellett on his forthcoming appointment and wish him well in his new and challenging role. He will be taking office at the same time as the publication and launch of a new White Paper. There will be a sense of a new chapter for the Defence Forces, and that is welcome.

I also thank Lieutenant-General Conor O’Boyle for his distinguished service and important contribution as Chief of Staff in recent years. I got to know him very well in the past 12 months and regard him as a Chief of Staff who has done a remarkable job in recent years. He has changed things for the better in the Defence Forces. His mark is certainly on the White Paper. I thank him for a career of dedication in the Defence Forces and wish him a very happy retirement.

I will now mention the detailed provisions included in the Bill. Section 1 which contains definitions is a standard definitions section that, in this case, provides definitions for the “Principal Act”, the Defence Act 1954, and the “Act of 1979”, the Defence Act 1979.

Section 2 amends section 24 of the principal Act. The Second Schedule to the Defence Act 1954 lists, in tabular format, the commissioned Army and naval ranks in the Defence Forces. There is no equivalent naval rank for the Army rank of lieutenant-general. The section amends section 24(3) of the Defence Act 1954 to provide for the inclusion in the Second Schedule to the Act of the equivalent commissioned naval rank, that is, vice-admiral, for the commissioned Army rank of lieutenant-general.

Section 3 which amends the Second Schedule to the principal Act inserts, for ease of reference, an amended Second Schedule in the Defence Act 1954 that includes the naval rank of vice-admiral as the appropriate rank if a naval officer is appointed Chief of Staff.

Section 4 contains the Short Title and collective citation. It is a standard citation provision.

As the Bill will only give effect to a minor and technical change to the Defence Act 1954, it was considered that pre-legislative scrutiny was not needed in this case. On the proposed amendment tabled by Deputies Seán Ó Feargháil and Denis Naughten to change references to “Army rank” to “Army and Air Corps ranks”, I do not propose to accept it on the basis that there is no requirement for separate references to Air Corps ranks which are the same as Army ranks. The Air Corps and the Naval Service are both service corps of the Defence Forces. The reason the Schedule to the Act provides a separate column for the Naval Service is that naval ranks are different from the ranks of the Army and the Air Corps. The Air Corps and the Army essentially use the same ranks, as Deputy Seán Ó Feargháil knows very well.

There is a need to review the Defence Acts and we will do so if we have time in government. The Act being amended was put together in 1954, but it really reflects what was put in place in 1924 and we need to review it.

An amendment has been ruled out of order because of potential cost implications. It proposes establishing a rank of admiral to match the rank of general. Neither of these ranks is used in the Defence Forces. For the sake of completeness, it is probably the right approach, but this is not the time for it. We are simply seeking to change the legislation in a technical way to facilitate the new Chief of Staff and establish an appropriate rank for him in order that the change can take effect in September.

A broader review of the Defence Acts which may involve many other changes is probably necessary, but I do not believe we have the time to carry it out in advance of September, which is when Lieutenant-General Conor O’Boyle will retire and soon-to-be Vice-Admiral Mark Mellett will take over as Chief of Staff. That is from where we are coming and I ask colleagues to facilitate the change today in order that it may be made.

Deputy Seán Ó Feargháil: I am absolutely happy to facilitate what the Minister is proposing. We have all agreed that this is pretty straightforward legislation. Like the Minister, I pay tribute to Lieutenant-General Conor O’Boyle who has had a long and distinguished career in the Defence Forces. I was particularly impressed by his contribution at the recent symposium on defence in Farmleigh in the Phoenix Park. I might not have agreed with some of the comments he made such as the one on decentralisation, but I certainly believed his contribution overall was of enormous value.

I am sure Rear Admiral Mark Mellett will give outstanding service to the Defence Forces and welcome his appointment. Today’s initiative to pave the way for his appointment is important. I acknowledge that he has been Deputy Chief of Staff since November 2013. As I understand it, he is from County Mayo and joined the Navy in 1976. His first command was on *LE Orla* in 1992 and he commanded *LE Ciara* in 1997 and the Irish naval flagship *LE Eithne* in 2005. Therefore, he has had a broad range of appointments in naval headquarters. Prior to his appointment as flag officer in 2010, he was officer commanding naval operations command. He was also commandant of the Naval College and associate head of the National Maritime College of Ireland. He has received citations for service in Afghanistan and Lebanon and when he was captain of *LE Orla*, he was honoured by becoming the Navy’s first second-officer recipient of the distinguished service medal in recognition of the role played by his ship in the detention of the drug smuggling yacht *Brime*. He is a founding member of the Irish Maritime and Energy Resource Cluster and a member of the governing authority. In 2009 he received a PhD in political science from the National University of Ireland which I suppose was of some help to him in making his submission in Farmleigh.

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I am conscious that we will not take up too much time. I am also conscious that the Minister will probably publish his White Paper before the House resumes after the recess. As I have stated, he deserves commendation for his level of engagement in preparing the White Paper, but it is important that we recognise that the Defence Forces have gone through enormous change in recent times. While the Minister has fixed their strength at 9,500, the reality is that the number is closer to 9,000 and that there is significant pressure. In a recent policy paper *Fianna Fáil* produced we are considering moving back towards a position in which there would be perhaps 10,500 in the Defence Forces. We are committed to re-establishing the western brigade because the decision made peremptorily by the Minister's predecessor represented a seriously retrograde step.

As an island nation, we must consider the need to develop the Naval Service. Its current strength gives rise to concern. We need to equip the Navy and have more ships and need to be in a financial position to do so. We need to consider initiatives such as having a single unified maritime authority. However, these are all issues for the future. I hope that when the House resumes in September, we will have an opportunity at an early stage to debate the White Paper which I presume will be published by then.

Deputy Denis Naughten and I have tabled a number of amendments, to which the Minister has referred. Some of them have been ruled out of order. The Minister has referred to the fact that the Schedule from the 1954 Act, repeated in the 1979 Act, recognises we can have the position of general within the Army, but there is no corresponding role of admiral within the Navy. I do not see any reason this could not be rectified. It would be a very simple matter and the Minister has accepted that it is something we should probably do. However, his saying it is a little like saying, "God, make me pure but not quite at the moment." I do not believe there would be any difficulty on any side of the House in providing for a position-----

11 o'clock

Deputy Simon Coveney: I have no difficulty either but it has been ruled out of order so I cannot accept it.

Deputy Seán Ó Feargháil: I do not see why the Minister could not bring forward an amendment to address it in the same way. Obviously, I take his point about the Air Corps. One fully understands that the command role and titles within the Air Corps are similar to those applying with the Army. None the less, it seems somewhat perverse that we have an Air Corps, yet when one reads the Schedules to the 1954 Act or the 1979 Act, there is no mention in them of the existence of an Air Corps. We are simply putting on paper the reality of what exists. I cannot for the life of me see why this would present any particular difficulty.

We are about the business of clearing the way for the appointment of Vice Admiral-to-be Mark Mellett. I certainly support that. I will not delay the House as we go about that particular piece of business. The two salient points we have made in terms of how the Bill might be amended are relevant and appropriate. I think the Minister accepts they are appropriate and I do not see why we cannot do something about it now.

Deputy Peadar Tóibín: Sinn Féin supports the Defence (Amendment) Bill 2015, which seeks to provide for the commissioned rank of Vice Admiral in the Defence Forces. The rank of Vice Admiral is the naval equivalent of the Army rank of Lieutenant General, a rank whose holder traditionally has assumed the role of Chief of Staff of the Defence Forces. The Govern-

ment has brought forward this Bill to ensure Rear Admiral Mark Mellett, who has been working as deputy Chief of Staff of the Defence Forces since November 2013, can take over as Chief of Staff of the Defence Forces when Lieutenant General Conor O'Boyle retires in September. I wish him well in his retirement.

As Rear Admiral Mellett will be the first Chief of Staff of the Defence Forces to be selected from outside the Army, it is necessary to create the new Vice Admiral post. When Rear Admiral Mellett was promoted to deputy Chief of Staff and began his role as a Rear Admiral, it was the first time the three military wings of the Army, the Naval Service and the Air Corps held the top three jobs in the Defence Forces. It is welcome and important that the Army, Naval Service and Air Corps are represented in the general staff of the Defence Forces and that, for the first time, the Chief of Staff will be selected from outside the Army.

On behalf of Sinn Féin, I wish Rear Admiral Mellett all the best in his promotion. From all I have heard, he is an extremely acclaimed and impressive individual. Since he joined the Naval Service in 1976, he has had a distinguished career and he was awarded the distinguished service medal in 1994 in recognition of the role of his ship, the *LE Orla*, in detaining the *Brime* drug smuggling yacht. His appointment signals the importance of the Naval Service to this country and island nation. This can be most clearly seen in the fantastic work that the *LE Eithne*, a ship which Rear Admiral Mellett once commanded, is doing in the Mediterranean. It has saved almost 3,400 migrants, is now on its way back to Ireland and will be replaced by the *LE Niamh*, which has already set sail from Ireland. I commend the work of all those who work on board those ships.

However, Rear Admiral Mark Mellett is taking over at a time of change as this Government plans to launch its White Paper on defence. The Defence Forces are of critical importance to this State and for our society. Sinn Féin made clear in its submission to the White Paper on defence that we feel that Irish neutrality is under severe threat. Indeed, it has been corroded significantly in recent years, particularly with the use of Shannon Airport. More must be done to secure Ireland's position as a neutral state. I hope the Minister will include strong positive neutrality provisions in this White Paper in order that when Rear Admiral Mellett becomes Vice Admiral Mellett and Chief of Staff of the Defence Forces, it will be tasked with upholding historic Irish neutrality, which remains of huge importance for and benefit to this country.

Deputy Clare Daly: This Bill arises from the retirement of the former Chief of Staff, Lieutenant General Conor O'Boyle, and the Government's decision to make Mark Mellett the new Chief of Staff because, under existing legislation, Rear Admiral Mellett would not be of sufficiently high rank. I note that his name is spelt wrongly in the explanatory memorandum. I hope that does not jeopardise the plans and make us have to go back to the drawing board again. None the less, the idea of changing the law in response to an appointment is generally not good practice. I am not in any way casting aspersions on the individual in question. It is a bit like the appointment of Judge Mary Ellen Ring as the new commissioner of GSOC. Again, she must be moved up the rank to take that position. If we are saying these positions should be open to all, they should be open to all and we should change the circumstances that allow that to happen rather than use a piecemeal approach. This is better practice.

It is important this discussion is taking place against the backdrop of the overall changes to the Defence Forces and the discussions around the White Paper. In that context, it would be an awful shame to forfeit the opportunity to make some broader points about that. I have no knowledge of Rear Admiral Mellett. I believe he is highly regarded by the staff and personnel

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across the board in the Defence Forces, although based on some of the things I have heard, I would be a bit wary. He reminds me of my time in Aer Lingus. When Christoph Mueller was appointed as chief executive, many members of staff very much welcomed his different approach. They welcomed the fact he was perceived as somebody who could come in with a new broom and ruffle the feathers of those in the privileged positions of management but, of course, when he was finished doing that, having received the assistance of the staff in many instances, he moved against them as well, so I would sound that word of warning. The Rear Admiral seems to be very talented. He has moved very quickly through the ranks. I believe he was appointed to the special post of Rear Admiral by the former Minister for Defence a number of years ago, an appointment that took place when there was a moratorium on general recruitment in the public service which was a bit unusual. He is now being promoted again to take over as Chief of Staff. Perhaps that is the best decision or perhaps it is not - I do not know. However, there is a contrast between the way in which this has been dealt with and the way in which the ordinary ranks of the Defence Forces are being dealt with. We must take that into account.

I again acknowledge the difficulties that have been highlighted by organisations like PD-FORRA concerning the living standards of Defence Forces personnel because of repeated years of pay cuts and the fact a large percentage of our soldiers have to rely on family income supplement to make ends meet. We have seen the dreadful treatment of the families of some former Defence Forces personnel who were evicted from their dwellings in areas like the Curragh Camp. As a result of the closure of barracks, there have been confirmed stories of soldiers having to sleep in cars because they do not have the income to pay for lengthy journeys to their bases. That is not good common sense.

When we are talking about facilitating a promotion, we must also look at the avenue to promotion ordinary personnel have. I would like us to discuss that because officers are filling vacancies that were previously filled by NCOs. That is happening and is cutting across the opportunities of soldiers. A dining hall has an officer in charge whereas a sergeant would have been in charge previously. Enlisted personnel find it difficult to fulfil their contracts and get their service periods abroad because some functions that were traditionally performed by soldiers are being given to officers. Greater numbers of officers are making those trips overseas and carrying out functions such as acting as drivers. This is closing off a promotional route for ordinary NCOs. When we talk about promotion, let us look at some of those issues, because they are linked. I believe Rear Admiral Mellett is on record as saying he is favourable to the idea of commissioning from the ranks and challenging some of the Chinese wall between the ranks and, for want of a better word, officer classes. I would welcome such an approach.

Deputy Simon Coveney: That has been happening actively.

Deputy Clare Daly: It is the necessary way to go. However, we have to listen a lot more because there is a feeling morale is low in the Defence Forces. The three brigade structure has not worked. There is a belief it was totally dysfunctional and misguided. Troops from Finner Camp are coming to Dublin to carry out duties. Military police officers are being sent from Athlone to carry out duties in Leinster House. This does not make any sense. While this legislation is to facilitate the making of a promotion, we should also look at promotions through the ranks. An important challenge for the new Chief of Staff will be to listen more to personnel on the ground. The role of the Defence Forces Ombudsman has been contentious in some aspects because previous Chiefs of Staff sometimes ignored the recommendations and rulings of the ombudsman. There is also a belief the ombudsman has not been able to fulfil his functions completely properly because the position is held by a former military judge and is somewhat

of a part-time position. I hope that in assuming his duties the new Chief of Staff will not go down that road and will pay heed to the recommendations and rulings of the Defence Forces Ombudsman.

It is appropriate, given that we are talking about the appointment of the first naval officer as Chief of Staff of the Defence Forces, that we look at the role of the Naval Service. Like Deputy Peadar Tóibín, I will refer to the role of the *LE Eithne*. I very much welcome genuine participation by Defence Forces personnel, or anybody else for that matter, in intervening in the horrendous migrant crisis in the Mediterranean. We last discussed the issue at Question Time a number of weeks ago when we referred to the fact that Frontex, the border security organisation, was involved not in a humanitarian search and rescue operation but in border management. This claim was studiously denied by the Minister when he said Ireland's efforts were purely motivated by humanitarian concerns. Of course, subsequent to our last discussion documents came to light through the "This Week" programme on RTE which revealed clearly that the Government was actually opposed to search and rescue operations. When we were tabling important Topical Issues about the ending of the Mare Nostrum Italian search and rescue operation and the devastating impact this would have, little did we know that Irish Government Ministers in attending European meetings had been ordered to stay schtum, to make no contribution and to say absolutely nothing. They had been advised that if they had to say something, they should talk about the 300 people already here.

Deputy Simon Coveney: The Deputy knows that they are misleading comments.

Deputy Clare Daly: That is not good enough. It was a case of misleading the House on our role there-----

Deputy Simon Coveney: The Deputy is the one who is misleading the House.

Deputy Clare Daly: When *LE Eithne* and *LE Niamh* rescue migrants in these precarious waters, they should be regarded as Irish property and their entry into Ireland should be facilitated. However, the documents show that the Government supported the ending of the Mare Nostrum operation which, in turn, led to the deaths of thousands of people. That is not good enough. It is welcome that the Naval Service is now there, but I wish it was there to deal in a much more comprehensive way with refugees and the migrant crisis.

I wish to pick up on the point made by Deputy Peadar Tóibín about neutrality and the backdrop to the operations of the Defence Forces. In that sense I am a little concerned that included in the pedigree and CV of Rear Admiral Mellett is the fact that he is a distinguished graduate of the US naval war college on Rhode Island. I am deeply concerned about the close relationship between the US military and the Defence Forces in the context of the sincerely held belief of most citizens that we should be neutral. That co-operation is shown in the daily contact between the US defence attaché in Ireland and the Defence Forces. It is shown in particular by our facilitation of the US war machine in the repeated use of Shannon Airport which sees two US military landings every day, not to mention the troops, totalling 2.5 million, who have crossed the country on their way to causing devastation in the Middle East. Undoubtedly, it is a contributing factor to destabilisation around the globe and the development of ISIS. The new Chief of Staff of the Defence Forces should operate against a backdrop of enhanced and active neutrality. Unfortunately, however, the Government has seemed to creep in the opposite direction. These issues will be debated when we discuss the White Paper.

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I wish the new Chief of Staff all the best and the retiring Chief of Staff a happy retirement. I hope the standard set in the facilitating of individuals at the top of the Defence Forces will also be exercised in the case of those in the middle and ordinary ranks, the men and women who give excellent service, both in Ireland and internationally, as part of peacekeeping operations. There is no point in patting them on the back and telling them they are doing a great job and then refusing to remunerate them appropriately to allow them and their families to have a decent standard of living.

Deputy Denis Naughten: I welcome this legislation to facilitate the appointment of Mark Mellett as Vice-Admiral of the Defence Forces. I wish him every success in his new role and implementing, with the Minister, the White Paper on defence which will allow for a significant reorganisation and refocusing of the Defence Forces. I was disappointed I did not have an opportunity to speak in the debate on the White Paper and that the debate was so limited.

I wish to bring to the attention of the Minister an issue relating to the reorganisation of the Defence Forces to which Deputy Clare Daly referred. It concerns the movement of personnel around the country to provide cover in Dublin. Significant numbers of staff and personnel are moved from Custume Barracks in Athlone to carry out duties in Dublin. In the medium term this is completely unsustainable. Everyone is aware of this fact but too afraid to say anything in case he or she upsets the apple cart. What is happening in Athlone is replicated at Finner Camp in County Donegal and Cathal Brugha Barracks in Dundalk. It means, in practical terms, a loss of 2,000 man days every month at three barracks to provide cover in the Dublin area, including at Leinster House and other military sites. The mileage clocked up by Defence Forces personnel in these three barracks in providing cover in Dublin is the equivalent of travelling around the world 18 times a year. In effect, every member of the Defence Forces based in Athlone, Dundalk and County Donegal is being relocated to Dublin once a month to carry out duties. Not only is there a significant cost in terms of transport and fuel - the additional cost is approximately €200,000 per annum - staff also receive days off in lieu. This is seriously restricting the operations of the Defence Forces in Ballyshannon, Dundalk and Athlone. It is also very disruptive for staff and their families, some of whom reside in places such as Cavan. They must travel to Athlone to collect their guns before travelling on to Dublin to carry out their duties. The same applies to Donegal and Ballyshannon where staff have to come from outside Letterkenny before travelling on to Dublin. I cannot see how this can be justified in the long term.

While I believe there is no threat to the retention of Custume Barracks in Athlone, it is disingenuous to say there is no threat to personnel numbers based there after the general election under the current structure. The former Minister for Defence gave a commitment to maintain personnel numbers in Athlone at 1,000 and I welcomed that commitment at the time. However, I believe it is unsustainable with the current structure and over time it will undermine the status of Custume Barracks. While the current staffing structure protects the local economy in Athlone, I believe it is the tool that will be used to downgrade Custume Barracks in the longer term. In the future, Defence Forces personnel will not want to go to Athlone because they will be pulled from pillar to post.

We are all committed to delivering on a commitment given to the late former Deputy, Nicky McFadden. I see Deputy Gabrielle McFadden in the House. We all want to see those numbers retained in Athlone. I know the Minister is committed to that, as was his predecessor. However, if the current structure remains in place, it will not allow for those numbers to be retained in the long term in Custume Barracks.

Deputy Simon Coveney: That is not true. The Deputy is raising fears-----

Deputy Denis Naughten: I ask the Minister to let me finish my point. I have very limited time and was not given the opportunity to speak on the White Paper. I have only been given five minutes today. I did not get the same time slot as everyone else here. I ask the Minister to let me finish out my point as he will have the opportunity to respond.

I want a permanent structure to be put in place within the Defence Forces to allow for the commitment that was given to the late Nicky McFadden by the former Minister, Deputy Shatter, to be implemented and maintained in the long term. The figures I have outlined today are unsustainable in the long term and cannot be defended in that context. I want a mechanism to ensure that the 1,000 personnel-----

Acting Chairman (Deputy Liam Twomey): I thank the Deputy.

Deputy Denis Naughten: -----we were promised in Athlone will be maintained and the status of Custume Barracks will be maintained into the future.

Acting Chairman (Deputy Liam Twomey): I thank the Deputy.

Deputy Denis Naughten: That can only be done-----

Acting Chairman (Deputy Liam Twomey): The Deputy must conclude now.

Deputy Denis Naughten: With all due respect, there is an hour for Second Stage.

Acting Chairman (Deputy Liam Twomey): I do not set Standing Orders.

Deputy Denis Naughten: No.

Acting Chairman (Deputy Liam Twomey): There is no point in arguing with me. The Deputy should take it up with the Ceann Comhairle.

Deputy Denis Naughten: However, each grouping was given the same allocated time of 15 minutes.

Acting Chairman (Deputy Liam Twomey): Deputy-----

Deputy Denis Naughten: The other speakers have not used their time.

Acting Chairman (Deputy Liam Twomey): Sorry, Deputy-----

Deputy Denis Naughten: Chairman-----

Acting Chairman (Deputy Liam Twomey): When I speak the Deputy is supposed to stop. He has in been the House long enough. I do not set the Standing Orders. I am given the brief as set out by the House and it allows five minutes for Members other than the main group speakers. The Deputy's five minutes is up.

Deputy Clare Daly: He can have the two minutes I did not use.

Acting Chairman (Deputy Liam Twomey): No, it does not work that way.

Deputy Denis Naughten: There is an hour.

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Acting Chairman (Deputy Liam Twomey): Deputy, do you understand-----

Deputy Denis Naughten: Just let me finish the last sentence then.

Acting Chairman (Deputy Liam Twomey): There is no point in arguing with me. The Deputy is here long enough. He has been in the House longer than I have been and he understands the Standing Orders better than I do. He should make one sentence. He understands how Standing Orders work. I ask him to conclude.

Deputy Denis Naughten: All I am asking is that in conjunction with the incoming chief of staff, the Minister should outline a structure that fulfils the commitment that was given to the late Nicky McFadden and the town of Athlone through a sustainable reorganisation of the Defence Forces.

Minister for Defence (Deputy Simon Coveney): We will have an opportunity to debate the defence White Paper again, I suspect. I hope Deputy Naughten will be part of that debate and I am sure he will be. I have repeatedly given commitments on Custume Barracks in Athlone. The numbers stationed there now are higher than they were under the previous Administration even though many people have said otherwise. We intend to ensure that commitments that were given to the late Nicky McFadden are honoured. I am not sure it is appropriate to raise that commitment here, but since the Deputy has raised it, I am happy to say I intend to honour it. However, we will honour it in a way that makes sense in terms of structures and management within the Defence Forces. That will not be decided by a politician. It will be decided in consultation between the Defence Forces, the Department of Defence and the Minister. However, the commitment is clear in that regard and it will remain the case.

Some of today's comments may be linked to people looking to elections down the track. I get the impression that if our White Paper proposed doubling the numbers in the Defence Forces, Fianna Fáil would add another 1,000 to it and that would be its statement. People need to look at what is happening in the Defence Forces and the commitments that have been made, which are being delivered on. The White Paper will be published in advance of September. We will have an opportunity to debate it at that stage. I will happily have that debate because the White Paper contains a considerable amount that people will want to debate and discuss.

Today is not really about the White Paper as such, but of course Deputies have the right to raise general issues in the context of a Second Stage debate. The Bill introduces a technical amendment to legislation that, I accept, probably needs a broader review. It will allow for the smooth transition from one chief of staff to the next. It happens to be that somebody, who has moved through the naval ranks, has been a naval officer in the past and is currently the deputy chief of staff, is now the recommended Government appointee and we need to facilitate that. That is what we are focusing on today.

There was a broader discussion on neutrality and how it is protected in the White Paper in a way that is consistent with foreign policy papers that have been published in the past six or eight months. When the White Paper is published Deputies will see that the settled policy on Irish military neutrality remains consistent with the new White Paper.

The issue of promotions was raised. Many promotions are taking place in the Defence Forces at the moment and there is also considerable recruitment. There is also investment in the Defence Forces. In the coming days a new naval vessel will arrive into Cork Harbour. We will also see the product of new missions to which the Government has committed. The *LE Eithne*

will also be returning to Haulbowline on Friday morning and I am looking forward to meeting those personnel when they arrive.

A lot is happening in defence at the moment and most of it is positive. We have a future vision for the Defence Forces which will be published before September and I would be more than happy to have a debate on that when it is published to allow people to get under the skin of some of the things we are proposing. There will be an opportunity for everybody to discuss numbers, reviews, new ideas, and maintaining and supporting current structures of management and roles in the Defence Forces. I appeal to Deputies to facilitate us today in making a technical change to allow us appoint a new Chief of Staff who is more than qualified for the job.

Question put and agreed to.

Defence (Amendment) Bill 2015 [Seanad]: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

Acting Chairman (Deputy Liam Twomey): Amendments Nos. 1, 3 and 5 to 7, inclusive, are related and may be discussed together by agreement.

Deputy Seán Ó Fearghail: I move amendment No. 1:

In page 3, line 15, after “army” to insert “or air corps”.

I referred to this matter in my earlier contribution. I wish to ensure that the Schedule makes reference to the existence of the Air Corps. It is nothing more and nothing less. I want to see Air Corps mentioned alongside Army.

Minister for Defence (Deputy Simon Coveney): I will not accept this amendment but I do not think we disagree on much in respect of this issue. It may well be the case that when we review and amend the Defence Acts broadly we make some changes in respect of the Air Corps. Technically, the Army and the rank structure within the Army cover the Air Corps fully. For many years, until some years ago, the Air Corps was referred to as the Army Air Corps. The Army does already cover Air Corps. It is just not spelt out, as the Deputy is spelling it out now. It would not be appropriate to add unnecessary words because the ranks currently covered under the Army are part of the Air Corps ranking system already.

The only reason for a separate pillar for naval ranks is that there is a different rank structure in terms of name. I understand what the Deputy is saying and I value the distinction the Air Corps brings to the Army but it is part of the broader Army and rank structures. To separate them and say Army and Air Corps ranks suggests that the Air Corps is not part of the Army as regards ranking system and it is. In terms of legal accuracy, what is in place in the legislation is right. There are other aspects of the legislation that may need to be changed but that aspect is probably better left alone.

Deputy Seán Ó Fearghail: There is obviously-----

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Deputy Simon Coveney: We are splitting hairs.

Deputy Seán Ó Fearghail: We are splitting hairs. The Minister is saying there is merit in doing this but we should not do it now. One reason for bringing forward this amendment is that we are conscious of the fact that we have a very small Air Corps. Whoever is in government in the future needs to do something about that and it will take time to address it. It seems to be a weakness in the legislation generally that the existence of the Air Corps, in so far as this schedule is concerned, is not even recognised. I take the Minister's point about the command structures and so on but I cannot see why there would be any difficulty in making reference to that in the legislation now that we are amending it. There is an opportunity now to mention the Air Corps and, other than what I can only describe as a stubborn rejection of an Opposition amendment, I do not see any reason to say no to this.

Deputy Simon Coveney: The sense I get is that the Deputy wants the Air Corps to be mentioned to give it a boost.

Deputy Seán Ó Fearghail: To recognise its existence.

Deputy Simon Coveney: I can assure the Deputy we recognise the existence of the Air Corps. We announced a permanent air ambulance service with the Health Service Executive just before this debate started. It is to be located, ironically, in a location that some people have expressed concerns about, concerns that, in my view, are not founded. I am more than aware of the role of the Air Corps and its professionalism and we want to invest in it and will be doing so in the years ahead. That is very much part of the White Paper process. Today, however, we are talking about the legal accuracy of legislation, which is a different matter. We are talking about whether or not we make a distinction between Army and Air Corps when it comes to ranks. The title in terms of legal accuracy is that this is Army ranks, which covers Air Corps and Army because the Air Corps is part of the Army. If the wording is changed to Army and Air Corps rank it distinguishes between the two, although they have the same ranking systems. That is the advice I have.

We should consider how we mention the role and specifics of the Air Corps in a broad review of the legislation and I am happy to have that discussion, whether at the Oireachtas Joint Committee on Justice, Equality and Defence, here, or in the Department but the advice I have is that the Deputy seeks to replace Army ranks with Army and a subsidiary of the Army in the same title. I understand the point about recognition of the Air Corps and the distinctive role it plays in the Defence Forces, which is separate from the Army, and I accept that absolutely. In terms of ranking structure they come under the one heading. The advice I have is that we should keep it that way.

Amendment, by leave, withdrawn.

Acting Chairman (Deputy Liam Twomey): Amendment No. 2 is out of order.

Amendment No. 2 not moved.

Amendment No. 3 not moved.

Acting Chairman (Deputy Liam Twomey): Amendment No. 4 is out of order.

Amendment No. 4 not moved.

Amendments Nos. 5 and 6 not moved.

Section 2 agreed to.

SECTION 3

Amendment No. 7 not moved.

Acting Chairman (Deputy Liam Twomey): Amendment No. 8 is out of order.

Amendment No. 8 not moved.

Question proposed: “That section 3 stand part of the Bill.”

Deputy Denis Naughten: I thank the Minister for his comments on Second Stage about Custume Barracks. It is welcome that he has reiterated and clarified that commitment. It provides the reassurance we need because the questions being asked are genuine. We can debate them further when we discuss the White Paper. I also welcome the announcement this morning regarding the aeromedical service to be based at Custume Barracks in Athlone. That is a very positive and welcome development, not only in respect of the Defence Forces but for patient safety across the country.

Specifically on section 3, I tabled an amendment to the naval ranks which the Ceann Comhairle has ruled out of order because of the potential cost to the Exchequer. There is an anomaly in the legislation. While the Defence Acts provide for a general in the Army ranks there is no equivalent rank of admiral in the Naval Service. Under the Defence Acts there is a provision for the role of inspector general. We have never had an inspector general within the Defence Forces but there would be a presumption that if we were to appoint an inspector general that person would be at the rank of general. If that individual were to come from a naval background we would have to bring forward more amending legislation. Until today, there was the anomaly that we did not have the rank of vice-admiral. This amending Bill has been brought forward to facilitate that change. It was an anomaly in the original primary legislation that it did not make that provision. We are creating a further anomaly here today by not having the rank of admiral. If we have a general within the Army and Air Corps why should we not have the rank of admiral in the Naval Service? I ask the Minister to amend that anomaly and provide for that rank.

Deputy Seán Ó Fearghail: The sense of what Deputy Naughten has said is self-evident. We are here because there is a lacuna in the legislation. It was not anticipated that we would need to create this particular position of vice-admiral and we are here to do that today. We are looking to the future and saying God knows what will happen, perhaps there may be a general at some time in the future and perhaps there may be a need to appoint an admiral. We need to be far-thinking when we set about the job of legislating. It should not just be about facilitating what is happening today; it should also be about looking to the future and providing for all eventualities. Why not do what Deputy Denis Naughten is suggesting?

Deputy Gabrielle McFadden: I had the opportunity to speak about the White Paper and welcome what is being done today. I also very much welcome the Minister’s commitment to Custume Barracks and the air ambulance service that will be based in Athlone from today.

Deputy Simon Coveney: I thank the Deputy. I can see sense in what is being proposed. The amendment has been ruled out of order by the Ceann Comhairle because of the potential cost involved and that is a ruling with which I cannot argue. To be honest, I am not sure there

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would be any cost implication any time soon, but that is the judgment of the Ceann Comhairle's office. We had a long discussion before coming into the House this morning on whether we should accept the amendment. The only way I could do so is by introducing an amendment myself. We have decided not to do this on the basis that we need a complete review of the legislation.

There is a need for completeness in the ranking columns included in the legislation. Ireland is, however, unlikely to have a general any time soon. If one looks at the Israeli army, for example, one will see that it has a lieutenant-general, despite its size, scale and financial muscle. As I said, Ireland is unlikely to have a general or an admiral in the near future, although, that said, if we include the rank of general in the legislation, we should also include the rank of admiral. In fact, the advice we received was that we should perhaps remove the rank of general, but that would be seen by some as insulting, understandably so. If we look back in history, we had, for example, General Michael Collins. Therefore, the rank of general should remain in the legislation. In the future we should upgrade the naval ranks to also include the rank of admiral. Realistically, we will have time to change the position and there is no immediacy to the issue. We should use the time to review the Defence Acts generally and look to modernise them in a way that would be consistent with the White Paper. Certainly, if I am there when it is being done, we will include the rank of admiral to match the rank of general, even though we are not using either and are very unlikely to do so any time soon. Nonetheless, for completeness and balance, it should be done.

The problem in doing so now would be that we would have to send the legislation back to the Seanad. We could do this and if it was a really important issue and important to do it now from a timing perspective, I would do so. However, I am anxious to have this legislation completed before the House breaks in order that in September we can have a smooth transition. In the meantime, we are already looking at defence legislation generally in terms of its consistency with the White Paper and what we are planning to do in the future. In the context of the review, this is certainly a change I would be very open to making. It is a sensible suggestion from Deputy Denis Naughten, but it is not necessary to do it now. If Deputies could work with me on it, that would be helpful.

Deputy Denis Naughten: I have listened to the Minister and he is correct that it is not necessary at the moment to make the amendment. However, it creates a further inconsistency in the legislation. The reason we are here is there was an inconsistency in the Army and Naval Service rankings. At the time the relevant legislation was brought through the Houses, it was never envisaged that there would be the need for the rank of vice-admiral. That is why this Bill is before the House today having been brought through the Seanad. What we are talking about is the inclusion of a very simple table which would include the rank of admiral. I accept that the Bill would have to be brought back to the Seanad tomorrow, where it would take ten minutes to put it through. However, we would at least have consistent legislation. From my experience, it is important to act where there is a discrepancy. We all accept that there is a discrepancy and an inconsistency in this legislation. For the sake of a few hours, therefore, we should amend the Bill to include the rank of admiral.

During the discussion on the White Paper and earlier today we all commended the Naval Service for its tremendous service in the Mediterranean, yet here we are further enshrining in legislation a lower upper rank within the Naval Service than that within the Army. While this is technical in nature, it creates an inconsistency and an anomaly. We have time to deal with it. I, therefore, ask the Minister to draft an amendment and bring the Bill back to the Seanad

tomorrow. It could then be brought to the *Áras* for signing.

Deputy Simon Coveney: I have outlined my position. I can understand and have some sympathy for the arguments being made. However, if we were to look for discrepancies in the legislation, I am sure we could find others, too.

Deputy Denis Naughten: That is our job.

Deputy Simon Coveney: It is, but it is also our job to have this change made in a timely manner in order that we can have a seamless transition from one Chief of Staff to another and that we can have the ranking structure that is appropriate. We need to take our time and look at, review and update the legislation which has been in place for a very long time. I am sure there will be multiple suggestions on how we should update the Defence Acts. What I am saying to the Deputy is that I will look at this issue and that we will make the appropriate changes in that context. As I said, the legal recommendation was that we remove the rank of general as opposed to adding the rank of admiral, but I am not willing to do that. I am willing to consider adding the rank of admiral, but rather than push this Bill back to the Seanad and thereby attach significance and importance to a change which is not timely, we should look at the legislation in place afresh, engage in a broad review and make multiple changes, if necessary, including this one. We will do this in a way that is not rushed rather than with a sense that things have to be done before the summer. What we are doing is what it is necessary to do to make sure we will have a smooth transition from one Chief of Staff to another. We will have an opportunity to engage in a broader review of the legislation in place, at which time I will be very amenable to the amendment proposed by Deputy Denis Naughten.

Deputy Seán Ó Fearghail: What we have is a conflict between what is practical and the principle. The Minister wants to do something practical-----

Deputy Simon Coveney: On principle, I will change it but not now.

Deputy Seán Ó Fearghail: The Minister is saying we will leave aside the principle and address it at some time in the future. The problem is that, as he and I both know, it will be a considerable time before the matter can be tackled. The key principle is that, notwithstanding the need to deal with the matter expeditiously, when scrutiny of legislation throws up a discrepancy, an inadequacy or an inconsistency, it is not good enough to say we realise there is a problem but we will deal with it at some time in the future. Can we not get it right now in dealing with legislation? As Deputy Denis Naughten rightly said, the issue of time is not problematic. We will facilitate the Minister in every way possible. He could come back to the Houses with this legislation tomorrow and we would pass it straightaway. I do not see any difficulty in that regard. However, for him to say he accepts that there is a problem but that it can wait to be solved-----

Deputy Simon Coveney: I did not say there was a problem.

Deputy Seán Ó Fearghail: -----is the wrong way in which to do business.

Deputy Simon Coveney: There is no immediate problem. For the purposes of accuracy and balance, what I am saying is I have sympathy for the arguments being made. There will be an opportunity to review this legislation as a whole, which we have committed to, and an opportunity to change it. There is no perceived pressure coming from any direction, including from the Opposition benches, to do this before tomorrow. That is the only point I am making. Apart from that, the Ceann Comhairle has ruled the amendment out of order. We have a procedural

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problem. Even if we wanted to do it right now, I am not sure we could. I have not proposed any amendment in this regard. It was an Opposition Deputy who proposed the amendment, which has been ruled out of order. Procedural clarifications would be required from the Ceann Comhairle's office as to how we could do it.

I am trying to be helpful here in giving the Deputy an answer to an amendment that has been ruled out of order, which we should not even be debating. I ask people not to be unreasonable. I am taking the point the Deputy is making. Before we began the debate this morning, I asked whether we could accommodate it. I was told it was ruled out of order and I am just giving the Deputy my view for the benefit of the House. While this is something I would be open to accommodating, asking us procedurally to do it now poses practical difficulties.

Deputy Denis Naughten: Just to clarify for the Minister, it does not pose practical difficulties. The Ceann Comhairle has ruled the amendment out of order for the technical reason that it has come from the Opposition. It is possible for the Minister to propose an amendment on the floor of the House now using the wording we have already proposed. This would allow him to put in the Irish and English translations and can be accepted. It has been done in the past and the procedure exists to allow it. If the Minister so wishes, he can propose an amendment orally and allow for it to be adopted. That is just to point out that it is possible.

Deputy Niall Collins: There we go.

Deputy Simon Coveney: With respect, I am being told that not by the Ceann Comhairle but by an Opposition Deputy.

Deputy Denis Naughten: An Opposition Deputy who has seen it done here before.

Deputy Simon Coveney: My position is as follows. There will be an opportunity to do this in the context of a broader review of the legislation and we will do it at that stage. I do not think there is any reason it has to be done now. What I am asking people to facilitate is the amendment of this legislation in order that we can get on with the transition from one Chief of Staff to another. We should focus on that. I am happy to consider other amendments that may be appropriate when we review the Defence Acts at a later stage.

Question put and declared carried.

Section 4 agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

Acting Chairman (Deputy Liam Twomey): A message shall be sent to the Seanad acquainting it accordingly.

Topical Issue Matters

Acting Chairman (Deputy Liam Twomey): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Andrew Doyle - the need for additional funding for the national cycle network funding programme to assist greenways that had received the highest

scoring rating and have regional potential; (2) Deputy Dara Calleary - the need to ensure the Irish Association of Supported Employment gets financial support in its support for people with disabilities at work; (3) Deputy Paul J. Connaughton - the need to provide pension entitlements to community employment supervisors; (4) Deputy Brendan Griffin - the need for funding support to increase winter tourism numbers using the Wild Atlantic Way; (5) Deputy Pat Deering - the need to secure funding of the chemotherapy drug T-DM1, kadcyla; (6) Deputy Terence Flanagan - the measures to be taken to reduce the misuse of drugs; (7) Deputy Michael Lowry - the progress with construction works at Cormac's Chapel on the Rock of Cashel monument site, Cashel, County Tipperary; (8) Deputy Brian Stanley - the need to support autism services in County Laois; (9) Deputy Dan Neville - the inclusion of Ballyhoura Fáilte Country under the Ireland's Ancient East project; (10) Deputy Shane Ross - the need for an immediate freeze on any proposed increases to ministerial pensions; (11) Deputy Finian McGrath - the need for an immediate freeze on any proposed increases to ministerial pensions; (12) Deputy Tom Fleming - the need for an immediate freeze on any proposed increases to ministerial pensions; (13) Deputy John Halligan - the need for an immediate freeze on any proposed increases to ministerial pensions; (14) Deputy Michael Fitzmaurice - the need for an immediate freeze on any proposed increases to ministerial pensions; (15) Deputy Catherine Byrne - the need for increased home help provision in the community; (16) Deputy Michael Colreavy - the need to address concerns regarding the new Eircode system; (17) Deputy Noel Harrington - the need to establish a marine apprenticeship course at the BIM Regional Fisheries School in Castletownbere, County Cork; (18) Deputy Joe Costello - the loss of entitlements to 5,000 shareholders in Standard Life plc due to inordinate postal delays; (19) Deputy Michelle Mulherin - the need to support the long-term sustainable growth of Ireland West Airport, Knock, County Mayo; (20) Deputy Caoimhghín Ó Caoláin - the need to address an issue regarding allegations of sexual abuse and the pressing of charges against the accused; (21) Deputy Aengus Ó Snodaigh - the record number of people in housing need in Dublin city; (22) Deputy Dessie Ellis - the record number of people in housing need in Dublin city; (23) Deputy Bernard J. Durkan - the need to address the stalled development of the town centre at Naas, County Kildare; (24) Deputy Ruth Coppinger - the need to discuss the level of payment of the water charges; (25) Deputy Charlie McConalogue - the need to continue Teaching Council recognition to graduates of Saint Nicholas Montessori College in special needs settings; (26) Deputy Mick Wallace - the failure of the independent review mechanism to deliver justice for all those who chose to engage with the process; (27) Deputy Martin Ferris - bed closures at Kerry General Hospital; (28) Deputy Michael McNamara - home help allocations in the mid-west; (29) Deputy Seán Ó Feargháil - concerns that patients are being removed from waiting lists without having seen a doctor; (30) Deputy Martin Heydon - the need for increased adult education training opportunities and a training centre for Kildare South; and (31) Deputy Niall Collins - the need to address concerns regarding offences committed while on bail.

The matters raised by Deputies Joe Costello, Noel Harrington, Charlie McConalogue and Andrew Doyle have been selected for discussion.

12 o'clock

Leaders' Questions

Deputy Micheál Martin: Irish Water has only collected 46% of expected revenue despite bills falling due in the past two months. Only 43% of the expected customer base of 1.5 mil-

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lion people have paid up. If that rate of payment continues, the Government will take in approximately €120 million, while it will have paid out approximately €130 million. The water conservation grant will amount to €25 million and another €25 million will be due in interest repayments on the loans taken out to pay for the installation of water meters. On that basis, the Government will lose at least €35 million in revenue as a result of the imposition of the tax. It is probably the first Government in history to lose money having introduced a tax. That is extraordinary.

In addition, the capacity of Irish Water to pass the EUROSTAT test will be in severe jeopardy, notwithstanding the fact that the Government has cooked the books by shifting approximately €60 million of Irish Water's spending onto the local government fund. Registration confirms that one will get the €100 conservation grant. It was confirmed this morning by Irish Water that no proof of payment of one's bill is required. Essentially, if one does not pay one's bill, one will be rewarded with a €100 conservation grant.

Deputy Mattie McGrath: One could not make it up.

Deputy Micheál Martin: One will get paid for not paying one's water bill.

Deputy Noel Coonan: Will you take it Mattie or will you send it back?

Deputy Micheál Martin: That is extraordinary. Why would pay it at all if that is the case?

Deputy Mattie McGrath: It is kindergarten stuff.

An Ceann Comhairle: Deputy Mattie McGrath should stay quiet and let Deputy Martin put his question.

Deputy Micheál Martin: Why would one pay the water charge if one gets the €100 in any event? Those who have paid must be looking askance at the situation having learned of it this morning. Even if one is not an Irish Water customer, one will get the €100. If one does not pay one's bill, one will get the €100. Could the Taoiseach explain the reason a person would get a €100 conservation grant if he or she does not even pay his or her water charges bill? Does the Taoiseach accept that the policy has failed? The figures reveal that. After 14 U-turns on this entire saga, it is time to call a halt and to abolish the charges and this whole operation and edifice. It is a moment of high farce that the Government has now landed us in and it is time to go back to the drawing board and start afresh.

Deputy Robert Dowds: You landed us in it.

Deputy Finian McGrath: Fix the leaks.

The Taoiseach: I thought Deputy Martin might raise Irish Water today. I very much thank the 675,000 households who have paid their Irish Water bill. That represents approximately 2 million people in the country. Deputy Martin is still taking the same line as he always did, namely, to leave things as they were within an official system, both for water and for wastewater. The very fact that Irish Water has been set up, admittedly with challenges, allows for the entity to be able to borrow and to invest-----

Deputy Barry Cowen: At what rate?

The Taoiseach: -----to fix all the problems that exist and to provide a proper water system

and wastewater system for this country for the next 20 to 50 years. Deputy Martin does not seem to have a connection with a particular section of Irish people. They are people who have paid for their water for the past 50 years in group water schemes all over the country, who were very glad to get it. Many schemes were inferior and they are now in a position to be able to rectify them and update them.

Deputy Barry Cowen: The Government is spending less.

The Taoiseach: They too will get their €100 incentive from the Department of Social Protection once they register as users. Deputy Martin does not seem to recognise that at all.

I have listened to many left wing people talk about the issue recently. It is the same old story. They want to pay for nothing, make no contribution, and expect someone else to do it for them.

Deputy Noel Coonan: Is that you, Mattie?

Deputy Finian McGrath: That is not true. That is a distortion.

The Taoiseach: The Government has been very clear about this. The charge is €3 per week or €1.15 per week. That is a very modest and fair contribution.

Deputy Barry Cowen: Could the Taoiseach rewind and answer the question?

The Taoiseach: Deputy Martin's party left this country in an unprecedented mess.

Deputy Willie O'Dea: How about the question the Taoiseach was asked?

The Taoiseach: He is the last person who should come in here and talk about the situation.

An Ceann Comhairle: Would Members please stay quiet?

Deputy Barry Cowen: Am I the last person?

An Ceann Comhairle: It is not Deputy Cowen's question.

Deputy Barry Cowen: The Taoiseach is directing his answer at me now.

An Ceann Comhairle: He might be leader some day but in the meantime he should allow Deputy Martin to lead.

Deputy Willie O'Dea: We want the Taoiseach to answer the question he was asked.

The Taoiseach: I do not accept Deputy Martin's assertion.

Deputy Mattie McGrath: It is obvious.

An Ceann Comhairle: Would Deputy Mattie McGrath ever stay quiet?

The Taoiseach: This is the start of a billing process. People have received their first bills. They are entitled to factor that into the budgetary strategy for their households. The Government did not increase income tax in the way Deputy Martin wants to do now. Unlike other utilities, no reminders have yet issued to households but that will happen. Irish Water is still developing its customer database. People might be included in the database who are being

billed unnecessarily.

Deputy Michael Healy-Rae: Yes, a lot of people have been.

Deputy Mattie McGrath: Including deceased people.

The Taoiseach: As Deputy Martin is well aware, there are always teething problems. Approximately 182,000 properties in Irish Water's database are holiday homes and vacant dwellings. It is likely that some people are as yet unaware of their liability. I expect that people will continue to contribute.

Deputy Mattie McGrath: One cannot pay from the grave.

The Taoiseach: Deputy Cowen is aware that in Castlerea and south Roscommon, 11,300 people had boil water notices lifted from their households in the past two weeks.

Deputy Mattie McGrath: That would have happened anyway.

The Taoiseach: The people of Castlerea had been operating under a boil water notice since November 2009. Irish Water was set up to be able to borrow independently and invest in fixing and rectifying problems due to the situation in Castlerea and in other places around the country.

Deputy Barry Cowen: At a higher rate.

The Taoiseach: The point made by Deputy Martin on EUROSTAT is a matter for EUROSTAT, which is completely independent in the way it does its analysis of the situation in so far as Irish Water is concerned and it will make its decision in its own good time.

Deputy Micheál Martin: I asked the Taoiseach a simple question and as usual he did everything but answer it. Could he explain why a person would get a €100 conservation grant even if that person does not pay his or her water bill?

Deputy Noel Coonan: To conserve water.

Deputy Micheál Martin: It is a very simple question. It is a question that is connected to people who pay because they are wondering why one would bother paying under the regime the Government has established.

Deputy Mattie McGrath: Why did they pay?

Deputy Micheál Martin: Under that regime, one gets €100 if one does not bother paying one's bill. The bottom line is that given the rate of compliance, as of now the Government is losing money as a result of the introduction of the water charge. That is a fact. The Government has been forced into U-turn after U-turn.

An Ceann Comhairle: Could Deputy Martin ask a question please?

Deputy Micheál Martin: The net result is that following the introduction of the water tax, at the end of the year the Government will be down by between €35 million and €50 million. It is some feat to introduce a tax and lose money as a result of it. Only stubbornness and pig-headedness is driving the Government on in terms of trying to create the impression that all is well, but if the Taoiseach wants to pretend that all is well, he can do so.

An Ceann Comhairle: Deputy Martin is over time. Would he please adhere to the Chair?

Deputy Micheál Martin: I will not try to convince the Taoiseach that the situation is one of high farce right now in terms of how people look at the edifice that has been created and the extraordinarily farcical situation whereby if someone does not pay his or her bill, he or she will get a conservation grant.

An Ceann Comhairle: The Deputy has made his point.

Deputy Micheál Martin: One could not make it up, in terms of administration or operating any taxation system.

The Taoiseach: The Deputy fails to recognise that the sum of €100 is not just an incentive for people to contribute but also a conservation grant.

Deputy Mary Lou McDonald: It is a bribe.

The Taoiseach: The Deputy's philosophy has nothing to do with conservation. When billions of euro were sloshing around in the economy, Fianna Fáil had no concept of the conservation of money in the interests of the people.

Deputy Micheál Martin: That is all the Taoiseach can say.

Deputy Barry Cowen: The Taoiseach was promising 4.5% growth in 2007. He, too, has questions to answer.

The Taoiseach: Fianna Fáil squandered the livelihoods, careers, opportunities and ambitions of thousands of people, some of whom are now in America, Australia, Britain and elsewhere. Deputy Micheál Martin and his party, with a philosophy under which there was no attempt at conservation, are directly responsible. I expect people to continue to contribute to building an entity to deal with the many problems we have with the quality of water, the extent of wastewater going into lakes, rivers and seas, resulting in the loss of blue flags, and issues affecting the hospitality sector.

Deputy Micheál Martin: Deputy Barry Cowen is sighing. He does not believe the Taoiseach.

Deputy Barry Cowen: He should quit while he is ahead.

Deputy Micheál Martin: The Government has invested less money during the past three years than was invested during the previous three.

Deputy Mattie McGrath: The red flag is up on the Government.

Deputy Micheál Martin: The Government has spent €780 million.

Deputy Mattie McGrath: Where is the Minister, Deputy Alan Kelly?

The Taoiseach: That is why Irish Water was established. Deputy Micheál Martin knows that for many years the average investment has been approximately €300 million. It should be €600 million at least. That is why Irish Water was established. Fianna Fáil's philosophy was to approve water charges which were much higher than those the Government has introduced. It then abandoned ship when others said they would be populist about it.

Deputy Willie O'Dea: The Government is spending less and wasting money.

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Deputy Finian McGrath: Where is fiscal competency now?

Deputy Barry Cowen: The party is over.

The Taoiseach: While there are challenges, I expect the people to see the benefit of having an entity such as Irish Water and contribute to it. The charges are €1.15 and €3 per week and the sum of €100 to which the Deputy referred is a conservation grant for people who register online.

Deputy Willie O'Dea: Will the Taoiseach answer the question he was asked?

Deputy Micheál Martin: Tell it to the people.

Deputy Willie O'Dea: He will quit when he is behind.

An Ceann Comhairle: Will everyone stay quiet for one minute, settle down and let Deputy Mary Lou McDonald make her point? We all want to hear.

Deputy Mary Lou McDonald: I am sure they do.

An Ceann Comhairle: The Deputies must be wound up before they come in. Do they wind themselves up or what?

Deputy Willie O'Dea: The Taoiseach does it for us.

Deputy Finian McGrath: There is something in the water.

(Interruptions).

An Ceann Comhairle: It is the same little group. It must be the area in which they sit. They should change places.

Deputy Mattie McGrath: The air conditioning might be causing it.

Deputy Mary Lou McDonald: In a major blow to the Government's misguided water charges policy, Irish Water has finally revealed that it managed to collect from only 43% of households who had been targeted to pay. This is despite the extraordinary lengths to which the Government has gone to force them to pay. In the face of widespread rejection of the water tax, the Government had resorted to coercion, or so it thought. This week it is ramming through legislation to pickpocket the incomes of already hard-pressed citizens to prop up the discredited Irish Water quango. Although the Taoiseach had hoped it would frighten a significant number of people to pay the bills they had received, he was wrong - it did not happen. This represents more than a challenge to him, his Government and Irish Water. He has been told in no uncertain terms that his water tax is going nowhere. He has been told that families across the State are not being cowed by threats from the Minister, Deputy Alan Kelly, or the Taoiseach's bribes.

Who are the 57% who have not paid? They are not people who, as the Taoiseach asserts, do not want to pay for anything, an insult he regularly levels at families.

Deputy Derek Keating: The Deputy paid.

Deputy Mary Lou McDonald: In my experience, they are a mixture of people who will not pay on principle because they already pay through general taxation; they believe water is a human right and oppose the privatisation of such a vital service. As I have explained to the

Taoiseach many times, there are many families who cannot pay, who do not have the €3 or €1 per week about which he is so glib. They do not have it because they have been screwed by the Government in the past four years and have nothing left to give.

The Taoiseach thought he had got away with it. He thought the cosmetic changes the Minister, Deputy Alan Kelly, had introduced last year would thwart the anti-water charges campaign, but he was wrong. The popular citizens' campaign against this unjust tax has not gone away. If anything, it has grown in strength and support. Last week the trade unions reaffirmed their strong opposition to water charges. Did the Taoiseach hear? The right to water campaign will stage another major public demonstration on 29 August. I hope Fianna Fáil will be there, having had a conversion to an anti-water charges campaign.

(Interruptions).

Deputy Mary Lou McDonald: Will the Taoiseach do something refreshing and out of character? Will he end the sorry saga that is Irish Water? Will he, finally, acknowledge that his Government's efforts to bribe, coerce and intimidate families into complying with his water tax have failed? Will he return to the drawing board and abolish these charges?

The Taoiseach: Sometimes the Deputy amuses me, when she is clearly in competition with other Opposition parties to generate publicity for her party. She is a member of a party which proclaimed that all of its members were legislators and that they would pay the water contributions. Then, when she was caught out by Deputy Paul Murphy, further out on the left wing, she decided it would be a populist measure to oppose water charges.

Deputy Niall Collins: It is true.

Deputy James Reilly: The soldiers of destiny.

The Taoiseach: She was followed by the Soldiers of Destiny who said they favoured water charges but thought they should be abolished.

Deputy Micheál Martin: We oppose the mess the Government created.

Deputy Finian McGrath: The only people who can be trusted are the Independents.

The Taoiseach: The consequence would be increased income tax. Yesterday I gave Deputy Mary Lou McDonald full marks for her mathematics when she was dividing the time allocated for the amendments to a particular Bill. Irish Water has received 46% of expected revenue, not 43%.

Deputy Paul Murphy: Some 43% of people paid.

Deputy Barry Cowen: The Taoiseach had three weeks to get ready and is still getting it wrong.

The Taoiseach: Again, I thank the 675,000 householders who have made their contributions. Given that a number of people have received bills only in the very recent past, obviously, we expect more people to contribute to what is a very important entity. We have been very clear about the charges and I do not say this glibly, as the Deputy remarked. The charge is €1.15 or €3 per week, which is a very modest contribution, fixed until 2019. People know exactly where we are headed, namely, towards the provision of clean water and proper wastewater treatment

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facilities around the country. The Government has not increased income taxes, as Fianna Fáil and Sinn Féin want to do.

Deputy Micheál Martin: The Government has introduced approximately 40 new taxes during the past three years, including property tax and water tax. The Taoiseach should read George Orwell again. He is the man for the Government.

The Taoiseach: I was interested in Deputy Mary Lou McDonald's comment on this issue on 2 February when she was asked how Sinn Féin would pay for water services and facilities around the country. Her answer was very clear. She said, "We would be looking at all forms of formula that would achieve that." I am not sure what it means.

Deputy Willie O'Dea: It sounds like something the Taoiseach would say.

The Taoiseach: As far as the Government is concerned, Irish Water has received 46% of its expected revenue from 675,000 households, representing 2 million people. The contributions are very fair. The Government has been clear that water will not be cut off, that people will not be sent to prison, that the contribution is very modest and that it is for a very good cause for all the people and the country for the next 30 to 50 years. I hope and expect more people to continue to pay their bills, register and contribute to a fundamentally important entity for the future.

Deputy Mary Lou McDonald: I hate to break it to the Taoiseach but he is going to be sorely disappointed if that is his sincere hope. He has comprehensively failed to win the support of the people for the introduction of this charge. What he has left them with is a quango of enormous proportions, controversies around consultancy fees and so on, meters in the ground that cost a fortune and which are not being used. There is lead piping hither, thither and yon, which represents a threat to people's health.

Deputy Joe Carey: What would Sinn Féin do? Its solution is to ignore it.

Deputy Mary Lou McDonald: He has done this against a backdrop-----

Deputy James Reilly: Sinn Féin would know about lead in piping.

Deputy Mary Lou McDonald: -----of endless austerity.

Deputy Dessie Ellis: Come on lads and get the lead out.

Deputy Mary Lou McDonald: The Taoiseach and his cronies in government have-----

Deputy Bernard J. Durkan: I would not go there.

Deputy Ray Butler: Sinn Féin knows all about that.

An Ceann Comhairle: Will Members stay quiet?

Deputy Mary Lou McDonald: -----stuck their hands in the pockets of working people.

(Interruptions).

Deputy James Reilly: Sinn Féin would know about lead in piping.

An Ceann Comhairle: I expect more from Ministers to lead by example. It is hard enough job to sit here and keep order. When I have Ministers heckling, however, it is a big problem.

Will you please finish your point, Deputy McDonald? Your time is up.

Deputy Mary Lou McDonald: Thank you, a Cheann Comhairle.

The Government's strategy has been to buy off one half of the population with its €100 water conservation grant - wink, wink - and then intimidate the other half with a threat of attachment orders, court proceedings and sticking its hands into their pensions, welfare and wages. Newsflash for the Taoiseach: none of that has worked.

An Ceann Comhairle: Newsflash for you, Deputy. Your time is up.

(Interruptions).

Deputy Mary Lou McDonald: Up to 57% of those due to pay have not paid and will not pay. More of them cannot pay.

Deputy Joe Carey: How does the Deputy know?

Deputy Mary Lou McDonald: It is time for the Taoiseach to have a moment of clarity, even vision, and see the wood from the trees. He must understand that this charge is going nowhere. In the public interest, what the Taoiseach needs to do is to scrap it, not to make smart or condescending comments about my mathematics. His own mathematics are not too hot. Those with great mathematical skills are lone parents, however.

Deputy Joe Carey: What about Gerry?

Deputy Mary Lou McDonald: The lone parents the Taoiseach has ripped off and who now he glibly claims can find the €3 which they do not have.

An Ceann Comhairle: Deputy, will you please resume your seat?

Deputy Mary Lou McDonald: He must abolish the charge.

The Taoiseach: I think I heard Deputy McDonald say recently that it would have been an interesting experiment for Ireland to have followed Syriza's example in Greece. Am I correct? This is where she wants to place our country and our people, yet she comes in here talking about pensioners and ordinary people.

Deputy Brian Stanley: The Government put the boot into them.

Deputy Mary Lou McDonald: The interesting thing would have been to see the Taoiseach negotiate. We have yet to see that.

The Taoiseach: The Deputy's philosophy is to allow what has happened in Greece to happen here.

Deputy Brian Stanley: It is your German pals in the Bundestag that have done that.

The Taoiseach: Deputy McDonald has made her point about looking at all the formulae. Let me repeat again. The reason Irish Water has been set up is to provide proper and quality water facilities for our people and proper wastewater treatment plants-----

Deputy Willie O'Dea: And for bonuses.

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Deputy Barry Cowen: It has played a blinder so far.

Deputy Dessie Ellis: It is to sell it off.

The Taoiseach: That is an outrageous comment, Deputy Ellis.

Deputy Dessie Ellis: That is what we are paying for. It is privatisation.

The Taoiseach: Up to 675,000 households have registered and paid their contributions. That represents 2 million people.

Deputy Willie O’Dea: What about the 2 million who have not?

The Taoiseach: Many people have only received their bills in the recent past. I expect they will contribute and pay their bills, as many more will in the future.

Deputy Paul Murphy: They are all past their sell-by date.

The Taoiseach: The use of meters is to determine the extent of water use. Second, they will be able to identify where they are completely inadequate facilities, either leaks or the consequences of lead pipes into houses.

Deputy Barry Cowen: There is no scientific basis for that.

Deputy Bernard J. Durkan: There is.

Deputy Barry Cowen: There is not. The Deputy should talk to the senior officials in Irish Water.

An Ceann Comhairle: Please.

The Taoiseach: Whether Deputy McDonald likes it or does not want to recognise it, water conservation is a very important part of what we have to do.

Deputy Martin Ferris: Wait until they come after your own.

Deputy Mattie McGrath: The Taoiseach should toddle over to the audio-visual room at 3 p.m.

The Taoiseach: For years, taxpayers have been paying for inadequate facilities with 50% of water supplies leaking into the ground. However, Sinn Féin does not want to recognise that either. The extent of investment for years to come will be of a nature that will fix these leaks and inadequate facilities while providing proper water services for town, country, business, industry and consumer. Again, I thank those 675,000 householders who have contributed.

Deputy Willie O’Dea: It is a terrific success. Will the Taoiseach pull the other one?

Deputy Barry Cowen: The Taoiseach should take this to Carnegie Hall.

The Taoiseach: I expect this to continue and more will contribute to a modest charge. It is only €1.15 and €3 per week.

Deputy Mary Lou McDonald: It might be a modest charge for the Taoiseach.

Deputy Willie O’Dea: Modest if you have it.

Deputy Mick Wallace: Yesterday, the Taoiseach said the Comptroller and Auditor General and the Committee of Public Accounts are the agencies in this jurisdiction for dealing with issues concerning the National Asset Management Agency, NAMA. We both know neither of them have the potential to fully hold NAMA to account. The legislation regarding the Comptroller and Auditor General does not allow for ongoing, intrusive oversight and monitoring and lacks asset management oversight functions. There are many concerns around the workings of NAMA.

Cerberus expects to make a large fortune from the purchase of Project Eagle. The £7 million that ended up in an Isle of Man bank account will begin to look like small change. The big loser, though, is the Irish taxpayer in the South. NAMA says the sale of Project Eagle was lawful, but was the purchase lawful? I would have thought that a Fine Gael Government would have a bit more concern about slush moneys for fixers. I doubt the Taoiseach has heard the last of Project Eagle.

Does the Taoiseach know how many barristers, judges, solicitors, top-four accountancy firm partners and bankers are in syndicates which have been set up by Goodbody Stockbrokers, Anglo Private, Bank of Ireland Private, AIB Private, Davy, Warren and Quinlan which have transferred to NAMA but which NAMA has not enforced, despite personal guarantees being attached? NAMA is responsible for some people being tossed out of their homes, but it looks like some of the great and good of Irish society are blessed with NAMA's goodwill.

What role did a former Secretary General of the Department of Finance, John Moran, play in NAMA's handling of the Coroin group's portfolio? This gentleman remarked at one stage that the number of home repossession in Ireland was unnaturally low. It would appear he was unnaturally interested in playing a significant role in the outcome of the Coroin group's portfolio.

All is not well. I know of a construction company, Taoiseach, which wanted to exit out of NAMA, so it asked the manager of its portfolio if it could happen and he said, "Yes, but it will cost you €15,000 in cash and I want it in a bag".

An Ceann Comhairle: Sorry, Deputy. If you have these sorts of charges, can I suggest you give them to An Garda Síochána because they cannot be substantiated here?

Deputy Eric Byrne: The Deputy should go before the Committee of Public Accounts with this information. He is grandstanding here.

Deputy Mick Wallace: A few weeks later, they delivered the money. A few weeks later he demanded the same again. They duly obliged and all was sorted - a small window into the workings of NAMA. Is the Taoiseach still happy with the workings of this secret society?

The Taoiseach: The Deputy has made a number of comments and allegations here regarding people working in different sectors, including members of the Judiciary. He made comments in respect of a former Secretary General of the Department of Finance, as well as comments generally in respect of NAMA.

Let me repeat again for him. The process of accountability and transparency in this jurisdiction in respect of NAMA is the Committee of Public Accounts in the Oireachtas, chaired by a Member of this House. Personnel from the Comptroller and Auditor General's office work with NAMA and have access to all the papers and documents relevant to any of these transactions.

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I would suggest that, as a public representative, the Deputy has a facility where questions can follow his allegations. He should go to Deputy McGuinness's committee, the Committee of Public Accounts, a committee of long-standing integrity in this House. The Deputy can make his claims, ask his questions. The Chairman of the committee, with his members, is entitled to call in personnel in respect of the issues the Deputy raised.

The Deputy has made some serious claims here. I do not have the detailed responses to them. The Committee of Public Accounts is the authorised independent entity in the Oireachtas for accountability and transparency in respect of NAMA. I suggest to Deputy Wallace that in the interest of public accountability and transparency, he goes to the committee, presents his findings and facts - if facts they are - and allow the Chairman and his committee to do their work in the interests of their political responsibility here.

Deputy Mick Wallace: I can only come to the conclusion that the Taoiseach does not seem awfully interested in getting to the truth. There is a stark contrast between how Northern Ireland is dealing with this and how the Government is dealing with it.

Deputy Michael Creed: The committee is in the North.

Deputy Mick Wallace: Can the Taoiseach tell me why did Mr. Frank Daly tell the Committee of Public Accounts that he did not know about the alleged £7 million in the Isle of Man bank account until I mentioned it? I know for a fact that NAMA-----

An Ceann Comhairle: I am sorry, but this is Leaders' Questions.

Deputy Mick Wallace: -----knew this last January. What did it do about it? Did it tell the Minister for Finance or did it bury it with the rest of it? Mr. Coulter has denied the involvement of a politician. Well, he would, would he not? I decided to contact my sources this morning and ask them to what degree of certainty they could stand over the involvement of a particular politician. Their reply was, "Is 100% enough?". The Taoiseach has serious problems. Does he want answers to them? Do not bother asking me, Taoiseach, to go to the Garda-----

An Ceann Comhairle: Sorry, but this is no way to be dealing with such a serious issue. The Deputy cannot use the Chamber as a Star Chamber where no evidence is presented. The Deputy is affecting people's reputations here. He has not presented any solid facts.

Deputy Clare Daly: The facts are not the-----

An Ceann Comhairle: I cannot allow this to continue in this Chamber. I would not mind, but this has been set up as the big issue of the day. We cannot have that.

Deputy Clare Daly: It is not being set up by Deputy Wallace.

An Ceann Comhairle: This is Leaders' Questions, which is designed that the Taoiseach is asked questions that he can answer.

Deputy Mary Lou McDonald: He should answer them, then.

An Ceann Comhairle: Please proceed on that basis.

Deputy Clare Daly: The Taoiseach has not done a great job on it, has he?

Deputy Micheál Martin: He never answers.

An Ceann Comhairle: If Deputy Wallace has further problems, please go to An Garda Síochána or the Chairman of the Committee of Public Accounts-----

Deputy Willie O’Dea: It would be difficult to find his answer to that question.

Deputy Mattie McGrath: The Taoiseach never answers questions.

An Ceann Comhairle: -----and deal with them in the proper fashion.

Deputy Clare Daly: We went to the committee but we did not get answers.

An Ceann Comhairle: I do not want this to be some sort of Star Chamber.

Deputy Micheál Martin: Deputy Wallace is entitled to raise issues.

(Interruptions).

Deputy Paul Kehoe: Mattie will bring it.

Deputy Mattie McGrath: What? What is wrong with the Chief Whip?

Deputy Mick Wallace: I will ask the Taoiseach again whether he is prepared to set up an independent commission of investigation. If he wants the truth, that is what he will have to do. The people would like him to do that. He owes it to them.

Deputy Peter Mathews: Hear, hear.

Deputy Mick Wallace: NAMA came to the Oireachtas last week and felt it was out of the woods leaving here, but do you know what, Taoiseach? The trees are only starting to grow.

Deputy Finian McGrath: Hear, hear.

The Taoiseach: The Deputy has stood up again now and he has made further allegations. I do not speak for anybody in Northern Ireland in regard to this. There is a criminal investigation going on there. As I understand it from yesterday’s discussion here, there are no allegations against NAMA or personnel down here. I read out what the chronology of the actions of the Minister for Finance was-----

Deputy Mary Lou McDonald: There are serious questions.

Deputy Clare Daly: There are 13 Garda investigations.

An Ceann Comhairle: Deputies, please.

The Taoiseach: -----following the process down here. Now, let me repeat what I said to Deputy McDonald yesterday. Deputy Wallace now tells me that he has facts. He now tells me that he has been checking with his sources. He has a duty and a responsibility to bring that to the attention of the accountable body in this Oireachtas, and that is the Committee of Public Accounts.

Deputy Mick Wallace: The Taoiseach has a duty to set up an inquiry.

Deputy Finian McGrath: Exactly.

Deputy Róisín Shortall: The Taoiseach should do what Deputy Wallace is asking him to

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do.

An Ceann Comhairle: Hold on a second.

Deputy Finian McGrath: Deputy Wallace has a responsibility to raise it in this House.

Deputy Róisín Shortall: He has asked the Taoiseach to set up an inquiry.

The Taoiseach: Deputy Wallace is making allegations and assumptions in the middle of which he said he had facts. Well, I say to Deputy Wallace-----

Deputy Finian McGrath: He is quite entitled to raise these matters.

The Taoiseach: -----he has a duty to bring those allegations or those assertions or those facts to the accountable body in this Oireachtas, that is, the Committee of Public Accounts. The Chairman, who is present, with his members has full authority to follow through on those allegations-----

Deputy Mary Lou McDonald: We have been told that we cannot.

Deputy Clare Daly: How did the Government set up the banking inquiry?

The Taoiseach: -----assertions or assumptions that Deputy Wallace makes.

Deputy Clare Daly: The finance committee does not have the expertise.

The Taoiseach: As I understand it, there is no basis for any criminal charge that I have heard, either against NAMA or anybody associated with it or the Minister for Finance or anybody in the Department of Finance.

Deputy Finian McGrath: There is enough there for a commission of investigation.

Deputy Clare Daly: Is the Taoiseach not interested in finding out the truth?

The Taoiseach: If Deputy Wallace has evidence to the contrary, he should bring it to the attention of the Garda if it is criminal or bring it to the attention of Deputy-----

Deputy Micheál Martin: McGuinness.

Deputy Willie O’Dea: John McGuinness.

The Taoiseach: -----John McGuinness, Chairman of the Committee of Public Accounts in the Oireachtas.

Deputy Micheál Martin: The Taoiseach’s belated endorsement of Deputy McGuinness is noted.

The Taoiseach: That is Deputy Wallace’s duty and responsibility, and everybody-----

Deputy Bernard J. Durkan: Deputy Martin is a bit sensitive to that.

The Taoiseach: -----will be supportive of that-----

Deputy Paul Kehoe: Deputy McGuinness told Deputy Martin to step back.

The Taoiseach: -----but we need to hear more than allegations or assertions or assumptions.

Deputy Willie O’Dea: Step back. That is the problem. We are stepping back all the time.

(Interruptions).

The Taoiseach: If Deputy Wallace has facts and he has sources that he can check are authentic, he should bring them to the notice of the Chairman.

Deputy Mick Wallace: If the Taoiseach wants the truth, he will set up a commission of investigation.

Order of Business

The Taoiseach: It is proposed to take No. 15*a*, motion re events at Ballymurphy in 1971 and legacy issues; No. 43, statements on Northern Ireland; No. 41, Climate Action and Low Carbon Development Bill 2015 - Order for Report, Report and Final Stages, to adjourn at 7 p.m. if not previously concluded; No. 42, Children (Amendment) Bill 2015 [*Seanad*] - Order for Report, Report and Final Stages; and No. 1, Petroleum (Exploration and Extraction) Safety Bill 2015, [*Seanad*] - Second and Subsequent Stages.

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 9 p.m. and shall adjourn on the conclusion of Private Members’ business. which shall be No. 198, motion re social services and support (resumed), which shall take place not later than 9.30 p.m. or, in the event that a division is in progress at that time, immediately thereafter and shall, if not previously concluded, be brought to a conclusion after 90 minutes; (2) following the Order of Business, the sitting shall stand suspended until 2 p.m. and Topical Issues shall take place on the conclusion of No. 43; (3) the proceedings in respect of No. 15*a* shall be taken at 2 p.m. and shall, if not previously concluded, be brought to a conclusion after one hour and 20 minutes and the following arrangements shall apply: (i) the speeches of the Taoiseach, Tánaiste and leaders of Fianna Fáil, Sinn Féin and the Technical Group, or a person nominated in their stead, who shall be called upon in that order, shall not exceed 15 minutes in each case, and such Members may share their time; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply that shall not exceed five minutes; (4) the proceedings in respect of No. 43, if not previously concluded, shall be brought to a conclusion after two hours and the following arrangements shall apply: (i) the statements of the Taoiseach, Tánaiste and leaders of Fianna Fáil, Sinn Féin and the Technical Group, or a person nominated in their stead, who shall be called upon in that order, shall not exceed 15 minutes in each case, and such Members may share their time; (ii) the statements of a Minister or Minister of State and the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed ten minutes in each case, and such Members may share their time; and (iii) a Minister or Minister of State shall be called upon to make a statement in reply that shall not exceed five minutes; (5) the Report and Final Stages of No. 42 shall be taken tonight and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 8 p.m. by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Minister for Children and Youth Affairs; and (6) the Second and Subsequent Stages of No. 1 shall be taken tonight and shall, if not previously

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concluded, be brought to a conclusion after 90 minutes and the following arrangements shall apply: (i) the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after 65 minutes; the opening speeches of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case, and such Members may share their time; and a Minister or Minister of State shall be called upon to make a speech in reply that shall not exceed five minutes; and (ii) the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 25 minutes by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Minister for Communications, Energy and Natural Resources.

Tomorrow's business after Oral Questions shall be No. 44, Civil Debt (Procedures) Bill 2015 - Order for Report, Report and Final Stages; and No. 1a, Industrial Relations (Amendment) Bill 2015 - amendments from the Seanad.

An Ceann Comhairle: There are six proposals to put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with the suspension of sitting and timing of Topical Issues agreed to?

Deputy Ruth Coppinger: Not agreed. A Cheann Comhairle, how could we possibly take an hour-long break after the Order of Business and-----

An Ceann Comhairle: We have staff working here. That is why.

Deputy Ruth Coppinger: Okay. I am making a proposal-----

An Ceann Comhairle: We are sitting for more than 13 hours. The staff are entitled to a break, in case the Deputy did not realise.

Deputy Ruth Coppinger: It is on the agenda, if the Ceann Comhairle does not mind me speaking on it. Otherwise, it should not be on the agenda.

An Ceann Comhairle: I am answering the Deputy's question.

Deputy Ruth Coppinger: Okay. I would like to speak on this proposal on the Order of Business. It is clear that one of the most important legislative measures the Government has thrown its weight behind is that of water charges.

An Ceann Comhairle: No, I am sorry. The Deputy can resume her seat. This is a matter-----

Deputy Ruth Coppinger: Today, the figures reveal that 57% of households have not paid.

An Ceann Comhairle: Is the proposal for dealing with the suspension of sitting and the timing of Topical Issues agreed to?

Deputy Ruth Coppinger: I would like to make a proposal, that we do not-----

An Ceann Comhairle: The Deputy cannot make a proposal on the Order of Business.

Deputy Ruth Coppinger: Is the Ceann Comhairle going to allow me to speak?

An Ceann Comhairle: The Deputy can object to the suspension of sitting and timing of

Topical Issues, full stop.

Deputy Ruth Coppinger: I would like to make a proposal that we not take an hour-long break and that we have a discussion on the massive boycott of water charges that is taking place.

Deputy Paul Kehoe: Her microphone should be turned off.

Deputy Ruth Coppinger: This morning, the Minister stated that-----

An Ceann Comhairle: The Taoiseach to reply, thank you.

Deputy Ruth Coppinger: -----he was beyond satisfied with the payment rate.

Deputy Marcella Corcoran Kennedy: What about the rights of the staff?

Deputy Ruth Coppinger: More than half the people have boycotted the water charges and rejected this Government's proposal.

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

Deputy Ruth Coppinger: I am allowed a minute or two to explain.

An Ceann Comhairle: No, you are not.

Deputy Ruth Coppinger: I am.

An Ceann Comhairle: Will you resume your seat?

Deputy Ruth Coppinger: A Cheann Comhairle, I think you will find that-----

An Ceann Comhairle: Thank you. Will you resume your seat?

Deputy Ruth Coppinger: ----under Standing Orders, I am allowed to put my case to speak on the Order of Business.

An Ceann Comhairle: Yes, in respect of-----

Deputy James Bannon: Even Deputy Coppinger's co-pilot is embarrassed.

An Ceann Comhairle: ----the proposal on the suspension of sitting and timing of Topical Issues.

Deputy Ruth Coppinger: Yes, and I am not agreeing to it.

An Ceann Comhairle: You are not agreeing. You have made your point.

Deputy Ruth Coppinger: I would like you to let me get a full sentence out, please, if you would not mind.

An Ceann Comhairle: You have made your point that there should be no suspension of the proceedings. The Deputy has made her point. I call the Taoiseach.

Deputy Ruth Coppinger: I have not made my point because the Ceann Comhairle kept interrupting me.

An Ceann Comhairle: I am not interrupting. I am telling the Deputy that she cannot wan-

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der onto talking about water charges.

Deputy Ruth Coppinger: I can, actually.

An Ceann Comhairle: No, the Deputy cannot.

Deputy Ruth Coppinger: I am allowed to make a point on the Order of Business.

An Ceann Comhairle: I ask the Deputy to resume her seat so that the Taoiseach can reply. We are moving on.

Deputy Ruth Coppinger: In that case, I will jump up on the next item.

An Ceann Comhairle: The Deputy will not jump up. She will jump up when she is called. There is order in this Chamber, in case the Deputy does not realise it.

Deputy Ruth Coppinger: I am trying to speak but the Ceann Comhairle keeps cutting across me.

The Taoiseach: The procedure every Wednesday is for a sos for one hour. The people who work here and service this House are entitled to a break. It is standard procedure and I reject the assertion made by Deputy Coppinger. The staff who service the Houses of the Oireachtas are entitled to their break like everybody else.

Deputy Ruth Coppinger: The Taoiseach does not care about the staff. The Taoiseach is keeping the staff here until midnight tonight.

An Ceann Comhairle: Is the proposal for dealing with the suspension of the sitting and the timing of Topical Issues agreed to? Agreed. Is the proposal for dealing with 15a, motion re events at Ballymurphy in 1971 and legacy issues agreed to? Agreed. Is the proposal for No. 43, statements on Northern Ireland agreed to? Agreed. Is the proposal for dealing with No. 42, Children (Amendment) Bill 2015 - Report and Final Stages agreed to? Agreed. Is the proposal for dealing with No. 1, Petroleum (Exploration and Extraction) Safety Bill 2015 - Second and Remaining Stages agreed to?

Deputy Mary Lou McDonald: Not agreed. I oppose the guillotine of all Stages of the Petroleum (Exploration and Extraction) Safety Bill 2015. This Bill transposes EU Directive 2013/30/EU which was published as far back as June 2013 yet, two years later, the Government is only now putting forward the legislation to deal with it. It is very worrying that it has taken so long for the Government to implement a directive that regulates potentially hazardous activity in petroleum exploration and extraction. Indeed, the State's past handling of the Corrib gas project in Mayo, Taoiseach, is a reminder of why adequate time should be made available to debate this legislation and to reflect on the directive. It is guillotine time of the year but we object, as ever, to rushing legislation such as this through the House. It is not as if we have not had plenty of sitting days if we had only organised them in a more productive fashion. We are at the finishing line and rushing things in this way is not a good way to proceed.

The Taoiseach: Deputy McDonald is entitled to make her point. The purpose of the Bill is to transpose the offshore safety directive 2013/30 which follows the European Commission's review of offshore oil and gas operations in Europe, which in turn was prompted by the Deep-water Horizon accident in the Gulf of Mexico in April 2010. Our principal safety legislation is the Petroleum Exploration and Extraction Safety Act 2010. As this Act is broadly consistent

with the directive, the proposed approach to transposition in Ireland is to amend the existing statutory framework by means of primary legislation and to integrate the directive requirements with the Commission for Energy Regulation and the existing petroleum safety framework. If we do not transpose this by the deadline of 19 July we would be out of line with almost all EU member states who have developed an offshore oil and gas sector as most of them expect to meet the transposition deadline.

Deputy Mary Lou McDonald: Why did the Government not do this more quickly?

The Taoiseach: It would negatively impact on Ireland’s ability to engage with the European Commission over the coming months in the debate on how the important matter of financial liability for environmental damage will be addressed by regulators and it would send a negative signal to industry in advance of the 2015 Atlantic licensing round which closes for application on 16 September.

Following transposition of the directive the Commission for Energy Regulation will have to revise its existing petroleum framework so that it can operate on the basis of the directive from 19 July 2016. The regulator will need to publish proposals once the directive is transposed and allow time for consultation with the industry and other interested bodies. Slippage in its transposition will limit time for that consultation, which is very important.

Deputy Mary Lou McDonald: The Taoiseach refers to slippage in transposition after a delay of two years.

Question put: “That the proposal for dealing with No. 1 be agreed to.”

<i>The Dáil divided: Tá, 77; Níl, 22.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Broughan, Thomas P.</i>
<i>Bannon, James.</i>	<i>Collins, Joan.</i>
<i>Barry, Tom.</i>	<i>Coppinger, Ruth.</i>
<i>Browne, John.</i>	<i>Creighton, Lucinda.</i>
<i>Butler, Ray.</i>	<i>Ellis, Dessie.</i>
<i>Buttimer, Jerry.</i>	<i>Ferris, Martin.</i>
<i>Byrne, Catherine.</i>	<i>Flanagan, Terence.</i>
<i>Byrne, Eric.</i>	<i>Fleming, Tom.</i>
<i>Cannon, Ciarán.</i>	<i>Halligan, John.</i>
<i>Carey, Joe.</i>	<i>Healy-Rae, Michael.</i>
<i>Coffey, Paudie.</i>	<i>McDonald, Mary Lou.</i>
<i>Conaghan, Michael.</i>	<i>McGrath, Finian.</i>
<i>Connaughton, Paul J.</i>	<i>McGrath, Mattie.</i>
<i>Coonan, Noel.</i>	<i>McLellan, Sandra.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Mathews, Peter.</i>
<i>Costello, Joe.</i>	<i>Murphy, Paul.</i>
<i>Coveney, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Cowen, Barry.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Creed, Michael.</i>	<i>O’Brien, Jonathan.</i>

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<i>Deasy, John.</i>	<i>O'Sullivan, Maureen.</i>
<i>Deenihan, Jimmy.</i>	<i>Stanley, Brian.</i>
<i>Deering, Pat.</i>	<i>Tóibín, Peadar.</i>
<i>Donohoe, Paschal.</i>	
<i>Dooley, Timmy.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>English, Damien.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Gilmore, Eamon.</i>	
<i>Griffin, Brendan.</i>	
<i>Harrington, Noel.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Keating, Derek.</i>	
<i>Keaveney, Colm.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Enda.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lowry, Michael.</i>	
<i>McCarthy, Michael.</i>	
<i>McConalogue, Charlie.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGuinness, John.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Feargháil, Seán.</i>	
<i>O'Dea, Willie.</i>	

<i>O'Mahony, John.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ryan, Brendan.</i>	
<i>Smith, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Paul Kehoe and Robert Dowds; Níl, Deputies Mary Lou McDonald and Sandra McLellan.

Question declared carried.

1 o'clock

Deputy Micheál Martin: I am actually a great fan of fiction.

Deputy Aengus Ó Snodaigh: Deputy Martin is living it.

Deputy Micheál Martin: This brings me back to the programme for Government time and again. I want to clarify the position of one legislative proposal that the Government had put forward and promised.

Deputy Aengus Ó Snodaigh: The Fianna Fáil programme was fiction as well.

An Ceann Comhairle: The Deputy without interruption, please. Thank you.

Deputy Willie O'Dea: Deputy Ó Snodaigh can talk. He says Deputy Gerry Adams was never in the IRA.

An Ceann Comhairle: Hold on a second. Deputy Ó Snodaigh, please stay quiet. Thank you. There are only three minutes left.

Deputy Micheál Martin: The programme for Government states that the legislative basis for universal health insurance will be established by the universal health insurance Act. Can the Taoiseach indicate when we can expect that universal health insurance Act? The programme also stated:

In the first term of this Government, the foundations will be laid for the introduction of Universal Hospital Care Insurance:

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- The legislative basis for UHI will be enacted.
- Public hospitals will be given autonomy from the HSE.
- The HSE's function of purchasing care for uninsured patients will be given to a Hospital Care Purchase Agency which will combine with the National Treatment Purchase Fund to purchase care for the uninsured over this transition period.

I was listening to the Minister for Health, Deputy Varadkar, at the weekend. He indicated that these are no longer legislative priorities of the Government. He also said that the Government and the party he is a member of need to be more honest with the electorate before elections in respect of health policy. Can the Taoiseach confirm whether the legislative basis for UHI will be established by the universal health insurance Act? Will the legislation for the three areas I outlined relating to public hospitals getting autonomy from the HSE come before the House? When can we expect it? When can we expect the legislation governing the establishment of the hospital care purchasing agency that was to be established?

There is a commitment in the programme for Government to legislate for those in long-term illness to receive medical cards. I understand this is not now proceeding. The bottom line is that thousands of people, especially elderly people, some with terminal illnesses such as cancer, are still being refused their medical cards. The matter has been publicly reported on this morning and Deputy Moynihan has spoken of a horrendous and heart-rending case. When can we expect legislation to restore the medical card - I am not referring to the general practitioner visit card but the medical card - to the over 70s?

The commitment in the programme for Government to the elderly refers to long-term care places and how additional funding will be provided, particularly in terms of caring for people in the community and the capital plan that the Government had outlined. There is a substantial number of district hospitals throughout the country. The Health Information and Quality Authority has put out major warnings pertaining to their continuation and sustainability without capital investment. When can we expect the Government to make a decision in respect of that issue? When can we expect a review of the fair deal?

Finally, in respect of NAMA-----

Deputy Jonathan O'Brien: Come on.

Deputy Micheál Martin: I did not call a vote.

Deputy Jonathan O'Brien: I do not care.

Deputy Micheál Martin: I did not waste 16 minutes. I did not call the vote. I want to raise these issues. They are important. If Sinn Féin had allowed 20 minutes everyone would have got in.

Deputy Peter Fitzpatrick: We are here too. He is taking time from us as well.

Deputy Micheál Martin: In respect of NAMA, the programme for Government states that there would be transparency and that the Government would bring transparency to the operation of NAMA.

An Ceann Comhairle: Thank you. Your time is up.

Deputy Micheál Martin: I mentioned yesterday that €229,000 was paid by NAMA to go to the Supreme Court. Will the Taoiseach bring that transparency to NAMA?

An Ceann Comhairle: I call on the Taoiseach to come in quickly because the time is up.

The Taoiseach: In respect of the last question, obviously the Government does not dictate to NAMA what legal cases might arise or how NAMA might contest any legal cases. The case Deputy Martin mentioned went to the Supreme Court and NAMA lost. Obviously the Chairman of the Committee of Public Accounts is fully entitled to have representatives of NAMA before that committee and bring the transparency, which Deputy Martin rightly mentioned, so that everyone knows exactly what the issues were and how those costs arose.

Deputy Martin mentioned a range of health area legislation. I will send Deputy Martin details of the progress made. I have already indicated that UHI will not be introduced in the lifetime of this Government. It has been very much delayed and while Deputy Martin refers to fiction in the programme for Government, he should also refer to fact. A considerable number of facts required us to re-draft the priorities of the programme for Government last year and we are following through on those. I will advise Deputy Martin of the progress made in respect of the five or six tranches of legislation to which he referred.

Deputy Micheál Martin: There is a good deal of fiction there as well.

An Ceann Comhairle: I am afraid time is up. There is nothing I can do about it.

Child Care (Guardian Ad Litem) Bill 2015: First Stage

Deputy Robert Troy: I move:

That leave be granted to introduce a Bill entitled an Act to amend section 26 of the Child Care Act 1991 (as amended), to empower the Minister for Children to make regulations by Ministerial orders under the aforementioned section, to amend section 26(4) to grant a court the discretion to retain a guardian ad litem in circumstances where a child becomes party to proceedings, and to amend section 26(10) of the Child Care Act 1991 (as amended), to provide judicial guidelines for the appointment of a guardian ad litem in child care proceedings.

More than anything else recent reports on the exorbitant costs of the guardian *ad litem* system highlight the need for reform of this system. For example in March, we found out that a number of social workers, previously employed by the HSE, earned as much as €300,000 each last year to act as court-appointed officers for children likely to be placed in care. There have been repeated Government promises to reform this area and tackle the high payments. Yet, costs have risen, with spending on legal and guardian *ad litem* fees increasing from €11.9 million in 2013 to €16 million in 2014.

Let us put this into context. The last budget left the relevant allocation €18 million short of meeting day-to-day expenditure. This has resulted in making savage cuts to rape crisis centres throughout the country as well as domestic violence support services, among others. Tusla simply does not have enough resources to fund child protection and welfare services properly. Given the shameful number of children in care who remain without an allocated social worker

and the fact that 3,000 high priority cases throughout the country have yet to be assigned to a social worker, it is scandalous that scarce resources are being spent on an unregulated and chaotic system while we do not have sufficient front-line staff to help vulnerable children.

When I questioned the Minister about these costs he confirmed that the Child and Family Agency, the body responsible for administering the guardian *ad litem* system, could not provide the information on exactly how much is paid out to individual guardians. Remarkably, the financial system of Tusla does not have details on the number of individual guardians *ad litem* involved, despite the exorbitant fees being paid out under the scheme.

The high fees for legal representation are a gross waste of public money at a time when there is a shortage of social workers. One of the most serious issues arising is the fact that this area remains unregulated. We do not know who can be appointed or what criteria or qualifications they need to meet to be appointed. Moreover, there are serious variations from region to region in appointments. It is shocking that the Minister does not even know how many guardians *ad litem* are receiving these payments, a clear indication that there are serious management issues in his Department and Tusla with regard to the guardian *ad litem* system. The system is chaotic and mismanaged at the moment. It is not child-centred or child-focused. It is a cash cow that is being manipulated and abused for the benefit of a few.

The Child Care (Guardian Ad Litem) Bill 2015 will establish and provide for the ongoing regulation of an independent appointment system of guardians *ad litem* in the context child care proceedings. The Bill mandates Tusla to undertake the supervision, training, monitoring and accountability of all individuals involved in the appointment and the training of guardians *ad litem*. The Bill obliges the Minister to introduce regulations. Along with this Bill I will submit to the Minister a guideline set of regulations that can be introduced to establish codes of practice and professional standards for the guardian *ad litem* system.

The Bill and the regulations deal with a number of key reforms of the current system. The Bill makes a number of key amendments to section 26 of the Child Care Act 1991. It amends section 26(4) of principal Act by granting courts the discretion to retain a guardian *ad litem* in care proceedings in circumstances where a child becomes a party to proceedings. In addition, the Bill provides uniform judicial guidelines that a court must consider in appointing a guardian *ad litem* in child care proceedings. These provisions allow a court to appoint a guardian *ad litem* in various contexts to ensure accountability by both judges and guardians *ad litem*.

The proposed regulations would introduce a variety of important systemic reforms to improve fundamentally the independence and ongoing professional competence of all guardians *ad litem*. The proposed regulations would establish the Guardian Ad Litem Advisory Board for the first time. This body is to be an independent authority with statutory responsibility for ensuring the minimum qualifications; educating and training guardians *ad litem*; providing for and maintaining the professional competence of all guardians *ad litem* on an ongoing basis; maintaining the responsibility for the appointment and payment of individual guardians *ad litem* in all cases; and the appointment of independent guardians *ad litem*. Furthermore the board, through the independent fitness to practise committee, would have an important role in ensuring accountability of guardians *ad litem* by determining complaints made against any of them, whether in respect of bias, prejudice, discourtesy or otherwise, by any interested stakeholder.

I urge the Government and all parties seated here today to support this important Bill. The guardian *ad litem* system is in urgent need of reform and this Bill would achieve that reform.

Scarce money should not be wasted on a chaotic system that is being exploited by a few, and the reforms introduced by this Bill will enable resources to be targeted where they should be, namely, into child and family services.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): No.

Question put and agreed to.

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

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

Question put and agreed to.

Sitting suspended at 1.15 p.m. and resumed at 2 p.m.

Events at Ballymurphy in 1971 and Legacy Issues: Motion

The Taoiseach: I move:

That Dáil Éireann:

supports the Ballymurphy families in their quest for the truth through an Independent Panel of Inquiry concerning the context, circumstances and aftermath of the events in August 1971 in which eleven people died in Ballymurphy in West Belfast;

disagrees and is disappointed with the decisions by the Secretary of State for Northern Ireland in April 2014 not to establish independent reviews into certain Troubles-related deaths, including into the events in Ballymurphy in August 1971;

notes that the Taoiseach met the Ballymurphy families on 27th March last at which time he reiterated the Government's support for the families' quest for the truth and justice regarding the deaths of their loved ones, including their proposal for an Independent Panel of Inquiry, and that he has written further to Prime Minister Cameron on the matter;

calls on the relevant authorities in Northern Ireland and in Britain to ensure that incidents such as Ballymurphy, and other cases of similar circumstances and contention, are dealt with in a manner and a timescale that meets international human rights standards;

notes:

— in addition, the importance of addressing legacy issues related to the Troubles in a comprehensive way that encompasses all victims of violence and that respects the principles of the Stormont House Agreement, namely:

— promotes reconciliation;

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- upholds the rule of law;
- acknowledges and addresses the suffering of victims and survivors;
- facilitates the pursuit of justice and information recovery;
- is human rights compliant; and
- is balanced, proportionate, transparent, fair and equitable; and

— that inquests have now been reopened in Northern Ireland into a number of the deaths at Ballymurphy in August 1971 and other similar cases and calls on the British Government and all relevant authorities to co-operate fully and in a timely manner with those inquests and in line with the principles for dealing with the past established in the Stormont House Agreement;

supports the:

— implementation of the comprehensive institutional arrangements agreed under the Stormont House Agreement as part of the transition to long-term peace and stability, for dealing with the legacy of the past – in particular, the Historical Investigations Unit (HIU); the Independent Commission on Information Retrieval (ICIR); an Oral History Archive; high quality services for victims and survivors and an Implementation and Reconciliation Group; and

— full co-operation of all relevant Irish authorities with the mechanisms provided under the Stormont House Agreement as part of the transition to long-term peace and stability;

calls on the Secretary of State for Northern Ireland to reconsider her decision in April 2014 not to establish an independent panel to consider the events in Ballymurphy in August 1971; and

directs the Clerk of the Dáil to communicate the text of this Resolution to both the Northern Ireland Assembly and the House of Commons of the United Kingdom of Great Britain and Northern Ireland, with a request that the matter be considered by them and appropriate action taken.

The motion before the House is one that brings with it a sense of profound sadness on the part of all of us who will contribute to the debate: sadness for the 11 lives lost in the shocking and terrible events that occurred in Ballymurphy in August 1971; sadness for the bereaved and still grieving families, many of whom we warmly welcome to the House today, of those killed; and sadness, too, at the realisation that justice and truth still elude the Ballymurphy families.

I acknowledge the presence of some of the family members and representatives of those who lost their lives during that appalling period. With the Tánaiste and the Minister for Foreign Affairs and Trade, I have just met the families. The suffering they have endured through the loss of their loved ones has been compounded by the anguish caused by the failure, to date, to establish the truth about the tragic events which occurred almost 44 years ago.

I also acknowledge the presence of representatives of the McGurk's bar families who are here in support of the Ballymurphy families. They, too, have suffered the pain of losing loved

ones in terrible events that occurred on 4 December 1971, when 15 people were killed and 17 injured in a loyalist bomb blast in the New Lodge area of north Belfast. I know that they also have had a long quest to get to the truth of the events that so cruelly took their loved ones. We hope the recently granted judicial review of the Historical Enquiries Team investigation into these dreadful events will help that process. I recognise that there are very many bereaved families who are carrying a painful burden of loss from that period. In a great number of these cases justice has yet to be done. Tragically, in some, with the passing of time, justice may never be done. While those who died are mourned within their own families and remembered within their local communities, their stories do not necessarily receive a public profile. I express my utmost solidarity with all of these families. Their suffering is a further reminder, if any was needed, of the importance for all of us to comprehensively address the legacy of the past.

The deaths at Ballymurphy in August 1971 are part of that tragic legacy. When I first met the families at Government Buildings on 30 January 2014, I heard at first hand heartbreaking personal accounts of the deaths of their loved ones. I was struck by their determination to achieve truth and justice in order to honour the lives of those who had been killed. I was moved beyond words to hear of their need to get to the truth of the circumstances of the deaths of their loved family members. They know that nothing can ever replace those whom they lost, but they believe, as I do and all present, that the very least they are owed is the truth. I told the families - I reiterate it in *Dáil Éireann* - that the Irish Government supported them and was fully committed to assisting them in that search for justice. I told them that we supported them in their quest to find out the truth and vindicate the good names and reputations of their loved ones. I told them that the Government supported the call for an independent review to examine all documents relating to the context, circumstances and aftermath of the deaths of their loved ones. I welcome the all-party motion we are debating which consolidates our support for the families. I thank all parties and Members of the House for their support of the all-party motion.

When I met the families, I undertook to raise the matter directly with Prime Minister Cameron. I did so, both in writing and in person in March 2014. I also took the opportunity to recount to him some of the searingly painful stories that the Ballymurphy families had shared with me. I visited Ballymurphy in March this year. I heard further testimony from the families at the scene of what would always be a place of great sadness for them. It is a place which is their home but which will always bear the scars of the atrocity committed there. That visit again brought home to me in the most powerful way imaginable because I stood where the tragic events had happened just what the families had gone through and the great pain and suffering they had experienced. Following that visit I renewed efforts with Prime Minister Cameron, both in writing and in person when I met him on 18 June last, to reiterate the Government's support for the families' quest for truth and justice. I expressed the Government's strong view that a way should be found to get to the truth of what happened during those dreadful days in August 1971. The Prime Minister, for his part, remains unpersuaded of the need for an independent inquiry. The British Government is of the view that the balance of public interest does not lie in favour of establishing the independent review that the Ballymurphy families are seeking. I believe the British Government's position in this matter is wrong and will continue to press for an independent inquiry, as will my Government colleagues. Moreover, *Dáil Éireann*, the House of representatives of the people of the Twenty-six Counties, believes the British Government's position is wrong in this instance. The all-party motion reaffirms and reinforces that belief and consolidates support from the *Dáil* for the Ballymurphy families.

It is important to remember all of the victims of the Troubles. Since assuming the office

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of Taoiseach, I have stood with the families in Ballymurphy in the place where the horrendous killings took place in August 1971. I have stood with the families in Bessbrook where the awful Kingsmills massacre took place in 1976. I have stood on the Peace bridge in Derry, not far from where the awful events of Bloody Sunday unfolded in 1972. I have stood at the Cenotaph in Enniskillen where people were murdered in 1987 as they commemorated their war dead. How we deal with the past will help to determine the pace and the prospects for a reconciled and thriving society in Northern Ireland. Finding a way to do this and which honours the lives of all those who were lost and that comprehends all who have been left behind has been a long and difficult process. We acknowledge the important work done by Robin Eames and Denis Bradley in 2009 in publishing the report of the consultative group on the past. We acknowledge, too, the contribution made by Dr. Richard Haass and Professor Meghan O'Sullivan in 2013.

Throughout last autumn and winter the two Governments and the five Northern Ireland Executive parties worked with integrity as part of the Stormont House talks to find a framework to deal with the past which could command broad political support. That was substantially achieved in the Stormont House Agreement of 23 December 2014 which brings us to where we are today. The Stormont House Agreement provides us with an important framework for how we deal with the past. When I met the Ballymurphy families, I said there were at least three possible avenues that could usefully be explored. They include an independent panel inquiry; inquests held under a strengthened coroner process in the North; and the legacy structures being put in place under the Stormont House Agreement. I believe the appointment of an independent panel to examine all documents relating to the context, circumstances and aftermath of the deaths would be the best way to meet the families' wishes. The Government supports this proposal. The decision of the Secretary of State for Northern Ireland in April 2014 not to establish independent reviews into certain Troubles-related deaths, including those who died in Ballymurphy and also those who died in the bombing of the La Mon hotel, remains a source of disappointment for the families and also for Members of this House. The all-party motion will serve to reinforce and underscore the need to find a way to establish the truth.

Recognising shortcomings in the legacy inquest process in Northern Ireland, the Stormont House Agreement provides for the Northern Ireland Executive to take appropriate steps to improve the way legacy inquests operate in order to comply with the requirements of the European Convention on Human Rights. I welcome the reference in the motion calling on the British Government and all relevant authorities to co-operate fully and in a timely manner with the inquests which have been reopened into a number of the deaths at Ballymurphy. We must continue to drive forward the implementation of the Stormont House Agreement as it is of fundamental importance both to families who have suffered and society as a whole.

The Stormont House Agreement is built on a number of fundamental principles which must be respected if we are to achieve the true reconciliation that we all seek. These principles are reflected in the motion before the House today and include the pursuit of justice and information retrieval which is, of course, of particular relevance in the case of Ballymurphy. Good progress is being made on putting in place the arrangements necessary to establish the institutions under this framework, including the historical investigations unit and the independent commission on information retrieval. We ensured in the Stormont House Agreement that legacy inquests will continue as a separate process from the historical investigations unit, a matter that is of importance to the Ballymurphy relatives and other families. The Government will play its part in establishing this framework. We will bring forward all necessary legislation without undue delay. We will provide the fullest possible information which the State has in its possession, in

accordance with the law.

I spoke to the British Prime Minister in Stormont House during the talks leading up to the agreement and he assured me that the British Government will co-operate with the new structures. The Prime Minister has in the past shown leadership on these matters, including in regard to Bloody Sunday.

The historical investigations unit will be a new independent body and its personnel will have full investigatory policing powers. It will undertake investigations in Northern Ireland into outstanding Troubles-related deaths, including outstanding cases from the PSNI's Historical Enquiries Team process and the legacy work of the Police Ombudsman for Northern Ireland. The independent commission on information retrieval will enable people in both jurisdictions to seek and receive information about the deaths of their loved ones during those troubled times.

In addition, the Stormont House Agreement provides for an oral history archive and an implementation and reconciliation group to oversee themes, archives and information recovery across the framework for dealing with the legacy of the past. The oral history archive in particular will provide a central location for people from all backgrounds and from throughout Britain and Ireland to share experiences and narratives related to the Troubles.

As I have said on previous occasions, I do not subscribe to the notion of a hierarchy of victims. During the Troubles, thousands were murdered and maimed. Each tragic case left behind devastated family members, friends and colleagues. The challenge that continues to face us today is to address in an adequate fashion the issues faced by those people, including the Ballymurphy families, who continue to suffer the consequences of our tragic past.

Very many people lost their lives during the Troubles. Today, however, Dáil Éireann remembers with deep sadness eleven people in particular: Joan Connolly; Joseph Corr; Eddie Doherty; John Laverty; Paddy McCarthy; John McKerr; Fr. Hugh Mullan; Joseph Murphy; Noel Phillips; Frank Quinn; and Danny Teggart. Those 11 people lost their lives in Ballymurphy during those terrible events in August 1971. Today Dáil Éireann also pays tribute to the families of those who died and their courageous search for truth and justice for their loved ones. We wholeheartedly re-affirm our support for the Ballymurphy families and their quest for the truth and justice that they and their loved ones so richly deserve.

I commend the motion to the House.

Tánaiste and Minister for Social Protection (Deputy Joan Burton): I welcome the opportunity to speak this afternoon on this important all-party motion. In particular, I welcome to Leinster House representatives from the Ballymurphy Massacre Campaign and representatives of the relatives of the victims of the McGurk's Bar bombing. They have campaigned for many decades to finally see justice for the deaths of their parents, siblings, friends and pastors. While today is by no means the end of their campaign, it is a significant landmark on the journey.

My party has supported the Ballymurphy families over recent years. When he was Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore met the families and expressed his support for an inquiry, both as a member of the Government and as leader of the Labour Party. Some 18 months ago, a Labour Party delegation, comprising the Ministers of State, Deputies Ó Ríordáin and Nash, and Deputies Dowds and Wall, met the families in west Belfast. They listened to the families' stories, and heard the descriptions of what took place over a number of days in 1971, the trauma and suffering that the families have endured since,

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and the wholly inadequate official investigations that took place subsequently. At the time, my colleagues vowed to keep their campaign on the political agenda, to support the families' call for a Hillsborough-style independent panel inquiry, and to build wider consensus across the Oireachtas. This work has contributed to where we are today and I am proud and pleased the Labour Party has played a role in doing so.

It is hard for us today to consider the atmosphere in Belfast at the time that these events took place. That year, 1971, was one of the worst years of the Troubles. The year was characterised by a major upsurge in loyalist and republican violence. The then Northern Ireland Prime Minister, Mr. James Chichester-Clarke, was forced to resign as a result. The IRA campaign accelerated, and the Ulster Defence Association also mobilised. Yet, the year will be probably, and most tragically, remembered for the introduction of the policy of internment without trial by the British Government. This latter event, subsequently described by the then British Home Secretary, Mr. Reginald Maudling as “an unmitigated disaster which has left an indelible mark on the history of Northern Ireland”, was the backdrop for the shooting of 11 Catholic civilians by members of the parachute regiment in Ballymurphy, west Belfast, that August.

Internment was one of the most disastrous policy responses by the British Government to the escalating conflict in Northern Ireland. It was a blunt instrument, aimed exclusively at militant republicans and not at loyalist paramilitary groups. It was an outdated and in many ways nostalgic response to republican activity, harking back to the Border campaign of the 1950s. Rather than contain an IRA that had increasingly gone on the offensive, it used out-of-date intelligence to round up swathes of sympathisers alongside a number of leading people in the republican movement. In short, it left a bitter and lasting hostile legacy among the nationalist and Catholic population.

The Ballymurphy killings were part of the immediate aftermath of the introduction of internment. As violence flared in republican areas, gun battles broke-out between members of the IRA and the British Army. In the midst of this chaos, 11 people were shot by the British Army in Ballymurphy. From the personal history, we know they included teenagers, housewives, people who worked in bars and labourers - a wide cross-section of people.

Just as there was little or no doubt regarding the culpability of the parachute regiment for the deaths of innocent civilians during Bloody Sunday in Derry less than six months later, so too was that regiment clearly responsible for these murders. The pain that the families had to endure following the loss of their family members was exacerbated by the inadequate inquests into their deaths that returned opened verdicts. As a result, the families embarked on a long campaign for justice. The Labour Party has stood with the families in their campaign. We have done so not for any partisan political reasons, but simply because we believe it is the right thing to do.

I acknowledge the work that has been done by other parties in this House to support the Ballymurphy families. I would also like to acknowledge the work done by other public representatives to support them. I am glad that we are joined today in the Visitors Gallery by Alex and Tim Attwood of the SDLP who have stood with the families over many years and who introduced members of the campaign to the Labour Party and facilitated our meetings, as did John Hume over the decades, when his health was better. So too Trevor Lunn of the Alliance Party who has consistently campaigned on their behalf. Together, their work with the Irish Government and all the parties here in Dáil Éireann has been crucial in reaching agreement on this all-party motion.

As Tánaiste, I give the Ballymurphy families my commitment that I will continue to press the British Government on the need for a new independent review panel to investigate these deaths. The formula for such an inquiry is already there. A Hillsborough-style inquiry would be short and cost-effective. While the Bloody Sunday Inquiry took many years to retrieve the truth about what happened during that terrible day in Derry, this inquiry would be more focussed and succinct. It is regrettable that the British Government has so far turned down such a process. In doing so, it helps to maintain and foment a sense of suspicion, rather than assist in the recovery of truth for those that deserve it most, the families. Indeed, while I once again acknowledge the British Government's apology for the events of Bloody Sunday, it must not see that inquiry as an end in itself.

Throughout the peace process, the Irish Government has sought to fulfil all of its obligations and honour the commitments it has entered into. This applies to accounting for actions taken by authorities in this State. We took a leadership role in this area on publication of the Smithwick tribunal report two years ago. That concerned collusion by members of An Garda Síochána based in Dundalk and members of the IRA in the murder of two RUC officers in Armagh in 1989. On publication, the Government offered a sincere and fulsome apology to the Breen and Buchanan families on behalf of the Irish State. At the time my colleague, Deputy Gilmore, told the Dáil: "But where these allegations of collusion by agents of the state were concerned, we have long agreed that the state bears a particular and solemn responsibility". The families of the two men accepted it with grace and dignity.

This demonstrates that when those who were in any way involved in conflict face up to their responsibility, the healing and reconciliation process can be truly advanced. I recognise that full disclosure on the past may not be an achievable outcome but simply sweeping things away, or drawing a line under them, cannot provide the necessary healing. Too many issues surrounding the past in Northern Ireland require a form of resolution. The recent focus on issues of collusion is further evidence of that. It is for this reason that I have agreed to meet representatives of Relatives for Justice, along with the family of Eddie Fullerton, to discuss making further progress on their cases. The Irish Government also continues to support an inquiry into the murder of Pat Finucane, and we serially raise this matter with our British counterparts.

Dealing with the legacy of the Troubles remains one of the most difficult issues for the entire community in Northern Ireland. However, it is also one of the most crucial. For many years since the Good Friday Agreement it has been one of the so-called "outstanding issues" that successive governments have sought to deal with. For its part, the Irish Government is fully committed to finding appropriate mechanisms to deal with the past. The basis of our approach has always been the Eames-Bradley report of 2010, which laid down the basic foundations for such a structure. We worked to have the basic architecture of Eames-Bradley contained in the Haass-O'Sullivan proposals that emerged from a series of negotiations between the political parties in the North 18 months ago. The Haass package formed the basis of what was agreed at the Stormont House negotiations that I participated in along with the Taoiseach, the Minister for Foreign Affairs and Trade, the Minister of State with responsibility for North-South co-operation, and the British Government, along with the Northern parties, last December. While Eames-Bradley continues to be the core reference point, I am concerned that at each stage of negotiations, and the further we get from the original, the proposals lose a little, or get slightly more diluted. I am aware that many people who were young children and teenagers at the time of these murders and who now have children, grandchildren and great-grandchildren want to see the memory of their family members honoured and the truth of what happened emerge. To

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retain their integrity, and for the people in the North who have sought to have justice or even a basic level of investigation into what happened to their deceased loved ones, all parties must ensure that dealing with the past remains to the fore in political negotiations. Politics is always trying to achieve a settlement and to do so by negotiation.

Only through the work of the families and their determination to keep campaigning for the truth, and their perseverance, are we here today. Though their journey is not yet complete, they can rest assured that they have the support of this Government and my party, and all parties and Members in the Dáil along the way. Tá seanfhocal ann sa Ghaeilge: “Ní neart go cur le chéile” agus is fíor sin maidir le muintireacha agus clann Ballymurphy. There is a saying in Irish that we are not strong until we all come together. This process of the all-party motion is to bring the combined strength of the Dáil together and all the different histories and experiences we bring to this, and hopefully, to see the families achieve the resolution, the truth and the story that they deserve. They know but the rest of the world and this island needs to know.

Deputy Micheál Martin: Ar son Fhianna Fáil agus ar mo shon féin ba mhaith liom comhbhrón a dhéanamh le clanna na ndaoine a fuair bás in iarthar Bhéal Feirste 44 bliain ó shin. Níl aon amhras ach gur dúnmharú uafásach a bhí ann. Is deacair a thuiscint cén fáth nach bhfuil Rialtas na Breataine sásta an dúnmharú seo a fhiosrú go neamhspleách, ionas go mbeidh fios ag cách cad a tharla agus cén fáth gur tharla sé.

On behalf of Fianna Fáil I would like to again sympathise with the relatives who lost their loved ones in Ballymurphy in West Belfast nearly 44 years ago. I welcome the relatives, friends and those involved in the campaign to Leinster House. I also welcome representatives of the families of those who were murdered in the McGurk’s bar atrocity to Leinster House.

Those horrendous 36 hours between 9 and 11 August in 1971 will never and should never be forgotten. Fianna Fáil fully supports all the relatives in their quest for the truth. The families know the truth but what they want is official acknowledgement of the truth. There is no justification whatsoever for the refusal to grant them this fair and reasonable demand. We all remember the response from Prime Minister Cameron when he received the full 5,000 page Saville Report in June 2010. He spoke eloquently and honestly about what happened during the Troubles. He said what happened was wrong and that he was sorry. He said the events of Bloody Sunday were “unjustified and unjustifiable”. He also said, “Some members of our Armed Forces acted wrongly. The Government is ultimately responsible for the conduct of our Armed Forces. And for that, on behalf of the Government - and indeed our country - I am deeply sorry”. The other significant comment Prime Minister Cameron made that day was: “For someone of my generation, Bloody Sunday and the early 1970s are something we feel we have learnt about rather than lived through. But what happened should never, ever have happened”.

There is no basis for supporting the Bloody Sunday inquiry, on the one hand, and rejecting one into the Ballymurphy massacre, on the other. The Ballymurphy families have lived through the last 44 years, missing their loved ones, knowing that what happened should not have happened. They deserve and should have an independent panel of inquiry to investigate and, like the relatives of those who were murdered on Bloody Sunday, be allowed to be set free. An independent panel of inquiry would not take 12 years, like the Saville inquiry, and costs could be kept to a minimum, although time and costs have no legitimate place in discussing this important principle.

In thirty years of violence there were many atrocities. In overcoming the horrible legacy

of that violence there is no substitution for an honest and open statement on what happened. Unfortunately, what we have been seeing is a battle of narratives, where the truth is something demanded of others. Selectivity in investigating the past is the enemy of the truth. It reinforces divisions and erects a barricade to prevent reconciliation. From the start, the role of the Irish Government, especially when it was led by Fianna Fáil, has been to take the unique position of demanding openness from everyone and showing it in regard to the activities of the State during the years of violence. This must continue to be the policy of Dail Éireann and the Government we elect. We must stand against the sectarian search for accountability for others and stand for accountability for all.

In the early 1970s tensions were high in Northern Ireland and the British Government at the time introduced internment without trial. There were thousands of British troops across the Six Counties who were arresting and interning people without trial. Soldiers from the 2nd Battalion of the Parachute Regiment took over the community centre in Ballymurphy which was known as Henry Taggart Memorial Hall. This was from where Operation Demetrius was being managed and it produced some of the most intense violence. It was a small neighbourhood. Even though there were many tragic occurrences on all sides of the divide in the North during the Troubles, what happened in Ballymurphy was one of the most appalling and controversial. At the start of Operation Demetrius 18 people from this community were grabbed and removed from their own homes, taken to the hall and beaten up before they were removed to another location. This caused a huge stir and barricades were put up. Because of the obvious aggression of the soldiers, people were preparing for the worst. Ten people were murdered and one more died from heart failure following the brutal attacks. Witnesses say he had been cruelly subjected to a mock execution by soldiers and then had a heart attack. None of the people who was killed was armed. At the time, there was no international condemnation of the killings. One of the victims was a priest, Fr. Mullan, who had actually telephoned the army to inform it that soldiers were shooting at civilians. This was before he himself was shot twice while giving the last rites to one of the victims. Another, Mrs. Joan Connolly, a mother of eight children, was shot in the face. Another, Mr. Noel Phillips, was just 20 years of age and unarmed when he was shot dead. Mr. Daniel Teggart was shot as he attempted to cross open ground in front of an army base and, as he lay on the ground, was shot several times more.

It has been described as a prolonged killing spree by soldiers of the Parachute Regiment just a few months before the same regiment massacred protestors on Bloody Sunday in Derry. Unfortunately, there were no journalists or camera crews present in Ballymurphy between 9 and 11 August when the killings occurred. The Provisional IRA stated at the time that no shots had been fired at the Parachute Regiment during this period of 36 hours in 1971. By any yardstick, there is no possible justification for the murders by British troops.

Relatives have fought with dignity for the past 44 years for an independent panel of inquiry and submitted detailed proposals to both the Irish and British Governments, as well as the political parties in the Northern Assembly. I had the honour of meeting the relatives when I visited the Ballymurphy site in May 2010 in my capacity as Minister for Foreign Affairs. I welcome the families to the Visitors Gallery. It was through the relatives' own creativity that they approached the Attorney General for Northern Ireland in November 2011 and made an application to have the inquests reopened under section 14 of the Coroners Act 1959. The Attorney General has directed that the coroner reopen the inquests into the deaths, although it will not have the statutory, independent powers to truly examine the circumstances involved, as well as compellability powers.

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The families do not want to go down another cul-de-sac. Some reports have been carried out on the Ballymurphy massacre, but none of them actually addresses the true concerns of the families involved. There are direct contradictions of the soldiers by witnesses who were interviewed about the events. There were members of the Nationalist community who were brutally taken in the prime of their lives. The RUC performed an investigation at the time, but only members of the Royal Military Police were allowed to interview the troops involved. The soldiers maintained that they had been reacting to terrorists, that some of the deceased had been gunmen and that others had just been caught in the crossfire. Of course, no evidence was ever found of arms on the deceased and the RUC did not carry out an investigation. An inquiry was never conducted where compellability was required.

The shadows of the past will never be truly dealt with unless the nettle is grasped and an independent inquiry is established. We all accept that the families of victims of the Dublin and Monaghan bombings, Justice for the Forgotten, the Disappeared, the Kingsmill massacre, east Fermanagh and the Enniskillen bombings all need and deserve to know the truth. There has to be a genuine effort at senior political level to address this glaring anomaly. There are families on both sides who have been left bereft of the basic right to know what happened to their loved ones and who was responsible. Until we address the rights of all sides to seek and get the truth, we cannot fully deal with our island's past.

Commitments have been made on how to deal with the past in the latest Stormont House Agreement. These commitments cannot be treated flippantly, nor can they be used as an excuse not to do the right thing. The British Government has refused to set up an independent panel of inquiry into the Ballymurphy massacre, which is disappointing, to say the least. There is all-party support in the Oireachtas for an independent panel of inquiry and the Taoiseach has said numerous times since 2011 that he also favours such an inquiry. Since 2012 the economic and social position of Northern Ireland has deteriorated, we have had a succession of political crises, sectarian tensions have risen, the level of political participation has declined, the level of alienation has grown and issue after issue is being left to fester. We are returning to a damaging cycle of crises which has to stop. A genuinely open and honest reckoning with the past has to be a part of this process.

The relatives of the Ballymurphy families, in their submission requesting an independent panel of investigation, referred to the British Government-funded work of the Hillsborough independent panel, which would allow the disclosure of documents and add to the public understanding of how the murders occurred. It would also be able to help to “create a public archive of all documents reviewed by an independent panel which would establish an evidence base on which further legal actions and new inquests could be progressed”.

Fianna Fáil has submitted amendments to the motion. I put it to the Taoiseach that it will not be a genuinely all-party motion until the inputs of others are fully acknowledged. We accept that a strong statement is required from the Oireachtas to ensure the British Government will face up to its responsibilities and grant a genuinely independent inquiry. I have difficulty in understanding why the British Government remains so unpersuaded and resolute in its refusal to facilitate the kind of independent inquiry mooted and suggested in the motion before the House which is quite modest in the language used which, in some respects, could be even stronger, given what happened and the failure to respond with a suitable inquiry.

The first five years of Prime Minister Cameron's premiership were marked with an eloquent statement on Bloody Sunday and then, unfortunately, a general disengagement from Northern

Ireland. The refusal to allow transparency about the events of 44 years ago marks a return to a defensive and damaging approach to the past. The fundamental point is that if we compare the approach to Bloody Sunday with that to Ballymurphy, there is an extraordinary difference. We want Prime Minister Cameron to rediscover the spirit with which he approached the conclusion of the Saville inquiry into the murders of Bloody Sunday, and to reapply that spirit and approach to the massacre at Ballymurphy. The only logical conclusion he can come to, reading his speech in the aftermath of Bloody Sunday, is to facilitate the establishment of such an independent panel of inquiry into the Ballymurphy massacre.

The paramilitaries maintain the strategy of self-justification and covering up their worst excesses. Political parties continue to exploit sectarian tensions. It is up to the Governments to take the lead and fully embrace the ever more urgent need for openness and honesty about the past, thereby facilitating the only response to the legitimate, dignified and persistent campaign of the families of those who were so brutally murdered. That is the point of this motion.

Deputy Gerry Adams: Ba mhaith liom mo bhuíochas a ghabháil leis an Taoiseach as díospóireacht uile-pháirtí an lae. Seo céim thábhachtach chun tosaigh do theaghlaigh Bhaile Uí Mhurchú agus iad sa tóir ar an fhirinne agus cóir.

Today's motion is an important step forward in the search for truth and justice for the Ballymurphy families. Ballymurphy is a large housing estate at the foot of Black Mountain in west Belfast. Like other housing estates throughout these islands, it was badly built in the 1950s - jerry-built houses in an area which lacked many of the basic facilities for education, recreation, jobs, and for young people. My mother was allocated a home there in the late 1950s, so the people who are gathered in the Visitors Gallery today are my neighbours or the children or grandchildren of my neighbours and friends. They are the relatives of the 11 citizens killed in Ballymurphy in August 1971. Tá fáilte mhór rompu uilig.

I also want to welcome the British ambassador, Dominick Chilcott, here today. I trust he will convey the feeling of this Oireachtas to his Government and ask why, decades into a peace process, the Government in London does not accept the right of these victims of British state terrorism to have their truth acknowledged.

I also welcome the relatives of some of the victims of the McGurk's pub bombings, who have accompanied the Ballymurphy relatives today. Tá gaolta na ndaoine seo ag lorg na firinne. They are the victims of a war which commenced in the north-eastern part of the island in the late 1960s. War was the British state's response to the civil rights struggle. The Irish Government of the day stood idly by as ordinary people found themselves caught up in a carnival of reaction against very modest demands for civil rights.

On 9 August 1971, internment was introduced. By that time British troops had been on the streets for two years. They enforced their will through curfew, rubber bullets, gas, water cannon and lead bullets. On the back of the initial internment swoops, the Parachute Regiment was deployed in Ballymurphy. They, like the royal marine commandos, were the shock troops of the British military, deployed against communities which were deemed to be particularly rebellious. When I was growing up in Ballymurphy it was not particularly rebellious at all, but the events of 1969, 1970 and 1971 politicised and republicanised an entire community. Ballymurphy never went to war. The war came to us.

The bombing at McGurk's pub in north Belfast was another horrific example of that war. It

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took place in December 1971, four months after the events in Ballymurphy. In both instances, as in many others involving British state forces, the establishment sought to cover up and to deny any responsibility for the deaths. The McGurk's families have initiated legal proceedings against the PSNI, the British Ministry of Defence and the Northern Ireland Office, NIO.

An investigation by the Police Ombudsman for the North found the RUC had exhibited an investigative bias by blaming the loyalist attack on republicans. New evidence uncovered by researchers for the families at the British National Archives in London reveals links between the McGurk's bar bombing and other similar incidents, including the Kelly's bar attack on 13 May 1972 in Ballymurphy. These links provide evidence of collusion between British state agencies and Unionist death squads. We have also seen this in the recent RTE and BBC television programmes which looked at collusion, and which reinforce the view that the issue of collusion warrants a stand-alone debate in this Dáil. We have put this case to the Taoiseach and I ask once again that a debate be scheduled in the autumn.

Ach inniu táimid ag díriú isteach ar an slad a tharla i mBaile Uí Mhurchú. For the Ballymurphy families with us today, their story begins in the early hours of Monday, 9 August 1971. Thousands of British soldiers, supported by the RUC, smashed their way into hundreds of Nationalist homes. I was in Ballymurphy that night. I watched my own home being smashed into. I watched other male members of my family being dragged off. I watched my mother and my younger brothers and sisters fleeing. The house was occupied for days by the Parachute Regiment. They destroyed everything. They shit on beds, they urinated in wardrobes, they broke up family and religious memorabilia. They dragged away over 300 men and boys into the night, many of them to be tortured later. In the following hours in the Murph, they shot dead ten citizens: nine men, including a local priest, and a mother of eight children. Contrary to what the Tánaiste implies, there was gunfire only from one side when these citizens were killed. That gunfire came from the Parachute Regiment.

The innocent victims were Fr. Hugh Mullan, Francis Quinn, Daniel Teggart, Joan Connolly – a mother of eight - Joseph Murphy, Noel Phillips, Edward Doherty, John Laverty, Joseph Corr and John McKerr. An 11th man, local community worker Paddy McCarthy, died from a heart attack after a British army patrol subjected him to a mock execution. Eleven families lost loved ones and 57 children were bereaved.

As a consequence of internment, many Belfast citizens fled their homes seeking safety in refugee camps in this State. Among them were some of the Ballymurphy families and their children. Some of those in the Visitors Gallery today watched the funerals of their parents on news footage broadcast by RTE. Others were too young to comprehend the enormity of what happened.

Five months later the same paras were on the streets of Derry and shot dead 14 people. The main difference between what happened on Bloody Sunday in Derry and what happened in Ballymurphy was that a part of the assault in Derry was televised. It immediately became a huge issue of controversy while, in Ballymurphy, only the people there knew what had happened. Of course, the British, the regiments, the commanders and the British Ministry of Defence knew.

Six months after Bloody Sunday, the paras returned to west Belfast and carried out another attack in Springhill, the housing estate adjacent to Ballymurphy, where they shot dead another five people, including three children and another Catholic priest. Two Catholic priests were killed in the one community. Margaret Gargan was aged 13, John Dougal was 16, Davy Mc-

Cafferty was 15, Patrick Butler was aged 40 and the second Catholic priest, Fr. Noel Fitzpatrick, was aged 40.

For 44 years the Ballymurphy families, like many others, have demonstrated extraordinary courage and determination in the face of British secrecy and obstruction. Le fada an lá ní bhfuair scéal Bhaile Uí Mhurchú cluas éisteachta. It was the forgotten massacre. Ach d'fhág sé brón a bhí chomh fíor agus chomh trua le haon slad eile.

3 o'clock

For four decades the families have campaigned with great dignity and with grace. I have accompanied them to meet successive British Secretaries of State and shadow Secretaries of State. Truth to tell, I have lost count of the number we met. None of them did anything of any consequence, although some of them were moved to tears by what they were told. We have also briefed successive taoisigh and Ministers for Foreign Affairs, and today the families briefed the Oireachtas. Are we also going to let them down? It is obvious that the memories from that cruel period in our history are still fresh and the pain and grief is as strong as it was 40 years ago, but the families have also refused to be broken. They have refused to hate. They go forward with positivity. They have compiled significant evidence which shows that all who died were killed unlawfully and in breach of Article 2 of the European Convention on Human Rights, ECHR. The case also raises serious questions regarding human rights abuses committed by the British Army and exposes a culture of impunity in which members of the British forces routinely acted outside the law and were protected while so doing.

In November 2010 the families made an application to the Attorney General to re-open the inquests. A year later he agreed. That was a welcome development but the families and I remain concerned about the limitations of the inquest system. Consequently, they have proposed the appointment of an independent panel to examine all documents relating to the context, circumstances and aftermath of the deaths of their loved ones. The British Secretary of State has rejected this proposal. She is one in a long line. For that reason the families are looking to the Government and to Oireachtas Members to demand that the British Government stop blocking and hiding and agree to an independent review. This all-party motion is an important step on the road to achieving that, but let no one think that voting for this is enough. It is not enough to say that we support the families or other victims. As the Dáil knows only too well from its experience with successive British Governments in respect of the Dublin and Monaghan bombings, for example, motions on their own will not make a difference.

The Government has not done it yet, but it needs to put in place a strategic approach which ensures the British Government is challenged on this issue at every meeting and in every international forum. Unless we do that, the British Government will continue to refuse to give the people of Ballymurphy, and in particular the families and other families what they deserve. If our Government does not do it, how on earth can we expect anyone else to do it? If we are not making this the main issue of this time on the back of the all-party Oireachtas motion we cannot expect anyone else to do it. The matter must be on every agenda between Irish and British officials. The full resources of the State must be employed to challenge the actions that took place. It would be good for the people of Britain for the lid to be lifted on this phase of our joint history. It is not enough to raise the issue, tick the box and talk quietly on the side. It is only when one has a build-up, using diplomatic and other influences, that one will get the British Government to respond as it did on Bloody Sunday. Of course Mr. Cameron deserves commendation for his apology at that time, but we should remember that it too took decades to get.

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We should not forget the pain, suffering and tragedies from decades of conflict because for many they are as real today as they were when they first occurred. Almost 4,000 people died and countless others were injured in a war that was vicious and brutal. Fuair tuairim is ceithre mhíle duine bás le linn cogadh a bhí géar uafásach. Over the years I have met many victims, including victims of the IRA. I am prepared to do that, as are other leaders of Sinn Féin. The grief of all victims of the conflict must be respected and acknowledged and all of us in political leadership have a responsibility to do all that we can to ensure no future generation suffers the pain of war. We who have survived have a duty to set them free. For many however, the past remains a reality of the present. Even though it was over 40 years ago, it is as if it was yesterday. I found myself getting emotional when making my opening remarks here today, even though it is almost half a century ago. The past is the present for so many people, and it remains an obstacle to dealing with the future or a pretext or excuse for refusing to build a new future of equality, fairness and prosperity for everyone.

For that reason Sinn Féin endorsed the measures in the Stormont House Agreement for addressing legacy matters. Notwithstanding the difficulties that exist, there is an onus on the Irish and British Governments to implement those elements of the Stormont House Agreement that deal with the past and legacy issues. There is no need to wait for the local political parties - none at all. Issues of security and for the forces involved are the responsibility of the two Governments. They are not the responsibility of Sinn Féin, the DUP, the UUP, the SDLP or the Alliance Party. The Governments can put together the process for dealing with the past and Sinn Féin will co-operate with it. The peace process needs continuous nourishment. It needs to be at the top of the Government's agenda. Notwithstanding any of the other political priorities, that is where we need to put it. Unfortunately, that is not the case currently, although the Oireachtas all-party motion is very welcome and is a good step in the right direction. I commend the motion to the Dáil.

Acting Chairman (Deputy Derek Keating): Deputy John Halligan is sharing time with Deputy Maureen O'Sullivan. Is that agreed? Agreed. Deputy Halligan has seven and a half minutes.

Deputy John Halligan: This is an important motion and one would hope, given the overwhelming cross-party support and proposals, that the British Government would acknowledge the solidarity of this Parliament by reconsidering calls for an independent panel of inquiry into the events in Ballymurphy in August 1971 and their aftermath. The Ballymurphy massacre is one of many unresolved legacy issues that need to be addressed in Northern Ireland.

Almost 50 children were bereaved as a result of the atrocity. If details of such a travesty in a foreign country were broadcast on tonight's news, there would be immediate calls for a human rights investigation. If details unfolded of the terror and trauma that ensued when family homes were raided, when areas were put under military occupation and people were taken away and tortured, the international press would flood into the area to turn the spotlight on the injustices being perpetrated. Today, we see many forms of terrorism around the world. What happened in Ballymurphy was terrorism of the worst kind, inflicted by the British army and sponsored by the British state. There is no question about that.

As suspicions grew about the legal and judicial cover-up, there would certainly be calls for a UN investigation, as is happening in many countries around the world today. Instead, the families of the 11 victims have met with a wall of silence. Some of those people are here today and I have met them. I take the opportunity to convey my deepest sympathies to them on

their loss. Their trauma and bereavement has been followed by years of frustration and anger. Briege Foyle and her sister were staying in Waterford with relatives after being evacuated from Belfast. Members might recall that she heard on an RTE bulletin that her mother had been buried. When she returned home and tried to come to terms with her devastating loss, she faced the ordeal of taunts and horrendous abuse by paratroopers outside her home. Such behaviour was horrendous, outrageous and unbelievable. One could ask how we could allow such an injustice to be perpetrated and remain unaddressed. According to the old adage, the only thing necessary for the triumph of evil is for good men to do nothing. There is no denying that the British State had a role in the abuse of innocent children. At the time, the paratroopers were abusing children and saying horrendous, awful things to them. If we heard about such events today in any other part of the world, there would be outrage in every parliament across the world.

The Attorney General in the North, in ordering new inquests in ten of the cases, has made an important step towards justice. The collective voice of this Parliament must now play its part by co-ordinating with the efforts of the Ballymurphy massacre campaign to do everything in our power to help. Nothing less than a full international investigation will suffice. I do not trust the British to hold their own investigation into it. The circumstances were horrendous. Today, I spoke with a former member of the British Army, who said people needed to be called, including the county officers who were in charge, those who are still alive. It must be done. Given that we are still holding people to account for atrocities that happened in Auschwitz and Belsen 1940 and 1944, there is no reason we should not hold these people to account.

The people deserve closure on their 40 year quest for truth. So too do the victims of the IRA, UVF, UDA and other groups that operated in Northern Ireland. The families of Jean McConville and Joseph Lynskey also deserve closure on their years of torment. We cannot be selective about which horrors are to stay in the past and which are to be examined. Almost 3,000 people lost their lives during the Troubles, many of them murdered. Many people have been bereaved by killings on both sides and they deserve truth and transparency about their loved ones and recognition of the pain caused by atrocities on both sides. They deserve a body to bury respectfully, which is a major issue for many people.

The issue will not fade away into history, nor should it be allowed to, although it has been 40 years. As democrats and reasonably minded people, we in this Parliament have a duty to ensure it does not happen. These people were Irish people, not British citizens. Irish children were tormented and abused. Irish people were murdered. Everybody looks to us rather than the British Parliament to be strong and resolute. The French and German Governments have been strong on atrocities that were committed 40 or 50 years ago. To this day, they hunt down people who committed atrocities and, irrespective of their age or health, bring them to court. There is an onus on all of us to do the same. This Parliament has a duty to prevent what happened 40 years ago from happening again by demonstrating that there will be a recourse to action, that we will not stand by and allow it. If some atrocity took place in some other parts of the world today affecting children, all of us would find it abhorrent and seek accountability and justice. That is all we and the families are seeking.

Deputy Maureen O'Sullivan: Ballymurphy is one in a long list of appalling tragedies in Ireland, atrocities that have cost so much. I include in this list Bloody Sunday, the Dublin and Monaghan bombings, the murders of so many individuals including Pat Finucane, Rosemary Nelson and the Miami Showband members, what happened at Darkley and incidents such as the hooded men. In the vast majority of those cases, the truth has not been established. Not having the truth prevents recovery for those left behind, the victims and their loved ones. I turn to the

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poetry of Michael Longley from the North, who can capture it so well, particularly in his poem *Wreaths*, in which he examines the ordinariness of the people whom he describes in the poem, such as the civil servant “preparing an Ulster fry for breakfast”, the greengrocer who “ran a good shop” and “died/Serving even the death-dealers”, and the linen workers. His comment on those three particular examples was that the attacks had desecrated civilisation and he spoke about the awful, inhuman cost of violence.

We remember other atrocities, such as Loughinisland, where the UVF burst into a pub in which the customers were watching a Republic of Ireland match. Ordinary life was going on. On Bloody Sunday thousands of ordinary, unarmed marchers were exercising their civil right to peaceful protest with no sense of fear, and 26 of them were shot, 14 of whom died. Many were shot while they were fleeing from the soldiers and others were shot, like in Ballymurphy, trying to help the wounded. Ballymurphy followed the internment, a practice that is widely condemned as an abuse of human rights. In August 1971 in Ballymurphy, 11 unarmed civilians were murdered and, from 1998, the Relatives for Justice conference began its campaign to raise awareness of what had happened and seek an independent investigation and accountability. We must be conscious of their determination and tenacity in continuing to seek it and also to correct the misinformation and inaccurate information about the victims. While the group has costed an inquiry, political will is required. The political will in this Chamber is positive.

The motion supports the Ballymurphy families in their efforts to find the truth. Why are we, Governments and political parties, so afraid of the truth? The Bible tells us the truth will set us free. First, there must be a commitment to finding the truth and not being afraid to face it, whatever emerges. Some 44 years on, families have not been given the truth, just like the Justice for the Forgotten group regarding the Dublin and Monaghan bombings. People who have spent their whole lives seeking the truth have said they do not want their grandchildren to have to continue it. The Secretary of State’s unwillingness to support an independent review undermines her credibility. Tá súil agam go mbeidh an rún seo éifeachtach agus go n-athróidh daoine a n-aighe i dtreo is go mbeidh an fhírinne againn faoi dheireadh.

All the atrocities share certain common denominators, including swift retaliation and the lack of a thorough, independent, impartial investigation. Regarding Loughinisland, the Ombudsman concluded that there were major failings, and the solicitor for the families said “factual gymnastics” were being played. We saw the farce that was the Widgery report on Bloody Sunday and, finally, the Saville report, 26 years later. People involved in Justice for the Forgotten are still waiting for the truth about the Dublin and Monaghan bombings. They are also representing bereaved families and survivors of other bombings such as Belturbet in Dundalk and Castleblayney.

If Ballymurphy had not happened, or if there had been a prompt, thorough investigation into what happened, further atrocities such as Bloody Sunday might not have happened. It is harrowing to listen to and read about what happened to the 11 unarmed civilians, those who survived and those who are members of the committee. I am a member of the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement and we have planned a day in October on legacy issues in Northern Ireland that are affecting victims and relatives. Facing legacy issues and trying to find the truth takes courage, patience, resilience and doggedness. Martin Luther King said, “Our lives begin to end the day we become silent about things that matter”. There has been too much silence on Ballymurphy and other atrocities apart from the initial farcical investigation in which members of the military police interviewed the troops involved.

Despite some of the footage of recent events on 12 July, much has been achieved in the North. However, there is disquiet and dissatisfaction among certain groups of loyalists and republicans, those who disagreed with the Good Friday Agreement and who are in prison. The Minister knows a group of us in the Oireachtas has been involved in these prisoner issues and have raised them here and spoken to the authorities in the interests of a just peace, which is what the families of Ballymurphy seek. We know the series of human rights abuses, with revocation of licences, closed evidence, the length of time on remand, controlled movement, strip searching and the denial of due process to prisoners, who tell us their aim is a conflict-free environment. We know their expectations of the stocktake and their welcome of it, but what happened? Truth and justice are being undermined. We cannot allow these issues to continue unresolved. The way forward for everybody is to engage in real, meaningful dialogue and discussion.

The motion is “all party”. Given that a significant number of us here belong to no party, I suggest it should be recorded that all parties and the Independent Members support the motion. We all support it.

I sometimes wonder if reconciliation is a step too far for some people. To reconcile means to make friendly after estrangement, make acquiescent or make compatible. Some people are intransigent and are not able for reconciliation. I wonder about using the word “tolerance”, which allows the existence of difference, and means not being harmed because of difference. We must consider this if we want to escape the shadows of the past.

In Ballymurphy and the other atrocities we saw a senseless and cruel loss of life, the tit-for-tat nature of them and a lack of independent, thorough investigation that left survivors, loved ones of those killed and injured, and communities reeling with many unanswered questions. I do not believe there is ever closure from certain tragedies and atrocities. There is, however, a possibility, with the truth being revealed and questions answered, for people to move forward when they see due process and justice. It requires courage on the part of all us to face the truth.

The Secretary of State for Northern Ireland said the inquiry would not be in the interest of the people. Which people is she talking about? To me, she is not talking about the people of Ballymurphy, the people of Ireland or all those others waiting on answers. It requires political courage to do that. I hope the political courage will be shown, not just in this jurisdiction where we are at least showing it, but in other jurisdictions, so that the truth can finally be found.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank Members for their contributions to the debate on this all-party motion on this important issue. I pay special tribute to members of the Ballymurphy families present in this House today for the debate. I know the pain of the loss of their loved ones will never cease. I hope, however, they will take some comfort from the fact that their quest for truth about what happened on those awful days in August 1971 is one which this House continues to support. I also acknowledge the presence here today of representatives of the McGurk’s bar families who are here in support of the Ballymurphy families. They, too, suffered the pain of losing loved ones in violent circumstances in 1971. They have had to campaign over many years for truth about the circumstances of that horrendous bombing which scarred the lives of so many New Lodge families in the early days of the Troubles.

I acknowledge the presence in the Gallery of the British ambassador, Dominick Chilcott, and Alex Attwood, MLA. I also acknowledge the local knowledge and experience of the uachtarán of Sinn Féin.

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Today's motion sets out clearly what still needs to be done to achieve justice and truth for the deaths at Ballymurphy. A way needs to be found to get to the truth of what happened on those dreadful days almost 44 years ago and the role of the British Army and others in those events. It is important this House highlights our collective support for the Ballymurphy families in their quest. In particular, we support the families' call for an independent panel of inquiry into the context, circumstances and aftermath of those deaths. We regret and disagree with the decision of the Secretary of State for Northern Ireland in April 2014 not to establish independent reviews into certain Troubles related deaths, including those at Ballymurphy. The reasons given were wholly insufficient. It is insufficient to claim the balance of public interest does not lie in favour of establishing an independent panel. I take issue with the statement of the British Prime Minister, David Cameron, that "it would be highly likely that an independent review panel would cut across the ongoing legal process and would not necessarily provide any additional information or answers that are not already available to the families".

It is important we reiterate our call that incidents such as Ballymurphy, and other cases of similar circumstance and contention, are dealt with in a manner and a timescale that meets international human rights standards. Where any state is involved in the killing of civilians, it has a particular duty to investigate. This is a fundamental principle of international human rights.

More than 3,500 lives were lost in the course of the Troubles, an appalling legacy which has left wounds which will never fully heal. We need, however, to continue to do everything we possibly can to meet the challenge of dealing with the legacy of the past. I believe the comprehensive framework envisaged in the Stormont House Agreement for dealing with Troubles related deaths offers the best path towards dealing with that terrible legacy. The agreement among all the Northern Ireland Executive parties and both Governments on the establishment of that framework represented a major breakthrough on an issue which has been so divisive for so long. The Stormont House Agreement framework is founded on a set of key principles, namely, to promote reconciliation, to uphold the rule of law, to acknowledge and to address the suffering of victims and survivors, to facilitate the pursuit of justice and information recovery, to be human rights compliant, and to be balanced, proportionate, transparent, fair and equitable.

The Government will continue to do everything it can to make that framework a reality. It is the very least that we owe to the families, relatives and friends of those killed during the Troubles. It will be noted the first principle listed in the Stormont House Agreement framework is to promote reconciliation. By doing so, we will honour the lives and the memory of all those whose lives were lost in the Troubles, including those individual men and women killed during the terrible events in Ballymurphy in August 1971. As was eloquently stated in the declaration of support to the Good Friday Agreement:

We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.

This motion contributes to that fresh start and I commend it to the House.

Question put and agreed to.

Northern Ireland: Statements

The Taoiseach: I welcome the opportunity to open this debate on Northern Ireland. The House has just agreed an all-party motion in support of the Ballymurphy families and their quest for the truth about what happened to their loved ones who were killed over the course of a number of terrible days in Ballymurphy in August 1971. Their stories are a stark reminder of the horrors of the Troubles and the unfinished business of the past.

We must also recognise, however, how far we have come. Bilateral relations between the UK and Ireland have never been stronger and they continue to mature and deepen. These relations have been cemented through the highly successful and significant reciprocal visits of Queen Elizabeth II to Ireland and President Michael D. Higgins to the United Kingdom. More recently, the visit of the Prince of Wales and the Duchess of Cornwall to the north west was another significant and poignant milestone.

When the UK Prime Minister, David Cameron, and I signed a joint statement in 2012, it was a very deliberate statement of intent. We wanted to set out a roadmap of closer co-operation over the next ten years. We mapped out, in the most comprehensive way ever, a structured process of engagement, activity and outcomes between our two Governments. This is underpinned by annual summits where we both review progress and an ongoing programme of engagement at ministerial and senior official level. When the UK Prime Minister and I met last month in Downing Street, we renewed our commitment to this process and raised our level of ambition. We agreed to build on the success of co-operation initiatives already undertaken and those that are under way. Last year, Ministers from Dublin, Westminster and Stormont travelled to Singapore on an international joint trade and investment mission, the first of its kind. David Cameron and I both agree there is more business like this to be done for our mutual benefit. This includes business with Scotland, Wales and Northern Ireland in areas such as infrastructure, energy, marine resources and scientific research.

Elements of this agenda can also be progressed through structures established under the Good Friday Agreement, including the British-Irish Council. I have had the honour of attending all nine scheduled plenary meetings of the Council since becoming Taoiseach. When I chaired the most recent meeting in Dublin on 19 June last, we dealt with relevant practical business on the common social policy challenges we face around substance abuse. The UK Prime Minister and I also discussed the importance of the provisions of the Stormont House Agreement for dealing with the past. In that context, we discussed a number of legacy cases, including the Dublin-Monaghan bombings, Ballymurphy and the Pat Finucane case. I impressed upon the UK Prime Minister our desire to find a way forward on these. I also outlined the progress that we had made in the provision of information to the coroner's inquest into the Kingsmill massacre.

We also took the opportunity to discuss our shared agenda with regard to the decade of commemorations, including the Ulster Covenant, the Great War and the Easter Rising. Since I became Taoiseach, I have been determined that we should use this extraordinary period, which contains so many centenaries, not only to honour the past in a respectful way, but also to reflect on our shared heritage and sacrifices. I was privileged to visit the war graves in Flanders to honour all those Irish and British soldiers who died during the First World War. President Higgins and the Prince of Wales similarly joined in a solemn ceremony to pay our two nations' respects earlier this year in Gallipoli. We look forward next year to marking the centenary of the Battle

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of the Somme in a very respectful way as part of the extensive 2016 programme that we have put in place. The centrepiece of this programme will be the Easter Rising commemorations and it will be a multifaceted programme of State ceremonial events, cultural activities and art and historical exhibitions. I want this to be an inclusive, respectful programme with the active involvement of young people, the acknowledgement of the role of women and the engagement of our global diaspora.

As is the case with British-Irish relations, a practical approach to real world policy and economic issues is also informing the work of the North-South Ministerial Council. There have been 20 plenary meetings of the council since its establishment under the Good Friday Agreement and I am glad to say that I have led the Irish delegation on nine occasions, most recently in Dublin on 5 June last. Supporting the work of the council and the work of the North-South bodies, Ministers and officials continue to deepen our engagement with counterparts in the North on issues that will directly benefit all of us who live on this island. There is more business to be done here as well. I regret that the A5 road project, a strategically important piece of infrastructure, has not progressed substantially because of delays in Northern Ireland. Accessibility to all parts of the island is a fundamentally important issue for both economies, dependent as we are on exports, tourism and the easiest possible movement of goods and people. This kind of infrastructure will help us to win more investments.

Due to the fact that I am ambitious for North-South relations, I am ambitious also that if there is a resolute and unwavering leadership North and South, this island could accelerate exponentially cross-Border economic co-operation and the sharing of services. I know that there is an appetite, not only among businesses along the Border, but also among investors and potential investors all across this island, to see greater coherence between the two jurisdictions to facilitate in a better way economic growth. I am impressed, for example, by the ambitious thinking that is being done by the Confederation of British Industry, CBI, in the North and IBEC with regard to the all-island investment project. I met with both the CBI and IBEC along with business community representatives when I visited Belfast in March of this year, my 12th official visit to the North since taking office. This project envisions an island of 10 million people and is looking at the kind of road infrastructure, energy market and digital connectivity that we will need to service economies and societies of that scale. It also looks at how we can optimise a Belfast-Dublin economic corridor and market that internationally under “Brand Ireland”. I want to see the Northern Ireland Executive finding a resolution to its current political impasse so that it can devote the time and creative thinking needed to drive real economic growth and social development both within Northern Ireland and on a North-South basis.

It is not as if we lack good examples of where co-operation works. Our investment in the inland waterways has been a remarkable success. In February, the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, announced the approval of further restoration by Waterways Ireland of a 2.5 km stretch of the Ulster Canal at an expected cost of €2 million. Tourism Ireland’s all-island focus allows us to market this kind of investment in a mutually beneficial way. We are experiencing record levels of tourism on the island. Total overseas visitors to Northern Ireland in 2014 grew by 6%, with holiday makers increasing by 11% year on year. In this jurisdiction, total overseas visitors are up by 12% in the first five months of the year, compared with the same period last year.

There are many other examples of progress across the North-South Ministerial Council’s work programme. In respect of agriculture and rural development, progress is being made on the delivery of an all-island animal health and welfare strategy action plan. InterTradeIreland

is working to encourage and stimulate greater co-operation and to increase applications to EU framework programmes, including the EU's research and innovation programme, called Horizon 2020. There are very tangible and mutually beneficial operational programmes being put in place between our two health services to ensure that we optimise the specialist health care assets that we have on the island. This makes eminent sense. We need to look continually for ways to work smarter together. Our strong joint Rugby World Cup bid for 2023 is a very tangible example of where we are working together against international competition to win occasions like that.

While both jurisdictions on the island may approach some issues from differing perspectives, such as the UK's membership of the EU, we share an interest in how that debate progresses and ensuring that the best interests of the island as a whole are protected. There are wider EU and global challenges that we will be better equipped to manage working collaboratively together than separately. The Government's position here is clear: we want the UK to remain a central part of the EU. This is because of the interdependence of our two economies and labour markets, the €1 billion trade in goods and services between the two countries and the strong links between our two societies. Critically, however, we should remember that the EU has been an active political and financial supporter of the Northern Ireland peace process. This support continues through the EU PEACE and INTERREG programmes, which could see almost €500 million invested in the region for the period to 2020. It is essential that we take all steps, and remove all barriers, to ensure that we can maximise the draw-down under these and other EU programmes like Horizon 2020.

Let me also say this. The months ahead are not a time for Northern Ireland to be without a functioning Executive and Assembly with proactive institutions that can grasp opportunities and face up to responsibilities and challenges. These are important times for the United Kingdom. If one looks at Scotland, one sees a significantly changed political landscape, an agenda of greater devolution and an ongoing dialogue about the balance of powers between Westminster and Edinburgh. If we look elsewhere in the UK, we see proposals for greater empowerment of regions, not just in Wales, but potentially the creation of other economic powerhouses. The UK itself is rethinking its relationship with the EU in a fundamental way. All of these developments have potentially profound impacts for Northern Ireland. They are the business of government and are issues that people will expect their Ministers and their elected representatives to be monitoring, managing and influencing.

This brings me to the Stormont House Agreement. On 20 January this year, there were statements in this House on Northern Ireland. That debate took place in the context of the achievement of the Stormont House Agreement of December 2014. There was a broad welcome in the House that day for the Stormont House Agreement and recognition of its importance in terms of helping to set a path back to stability and to effective partnership Government in Belfast. I thank the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, for his sterling efforts over ten weeks in contributing to that debate along with everybody else who played his or her part.

Such agreements are hard won. They are a demonstration of a collective effort from across the political spectrum in the North, with the support of the two governments, for the sake of the greater good. The Stormont House Agreement was no different in this regard. In the weeks that followed the agreement, serious work was done by all parties to begin to implement the agreement and to meet the commitments made on 23 December.

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We have continued to act in good faith and in the hope and expectation that others will also. However, what is very clear is that, if key parties to the agreement withdraw their support for the financial package that underpinned it, the totality of the agreement is at risk and the very purpose of the agreement - to restore stability and effective partnership Government in Belfast - is undermined. Unfortunately, this is the current position. The ongoing impasse over welfare reform among the Northern Ireland Executive parties is having a direct impact on the prospects for implementing the Stormont House Agreement in its totality and the positive momentum created by the agreement is being eroded as a consequence.

The Irish Government has always been clear that specific circumstances pertain in Northern Ireland. That is why, last year, we committed to the Stormont House talks process and why we continue on an ongoing basis to commit to, build on and protect the principles and institutions of the foundational Good Friday Agreement. The Stormont House Agreement explicitly recognises that there are additional costs which are created in a divided society such as Northern Ireland. I am in no doubt that the British Prime Minister, Mr. David Cameron, recognises this also, which is why the agreement provided additional spending power of almost £2 billion provided by the British Government.

Like many other governments, the British Government will face budgetary challenges in the coming years which will no doubt affect Northern Ireland acutely. Clearly, therefore, stability and an effective power-sharing government in Belfast will be an essential backdrop to any serious, concerted approach to advocate for and address Northern Ireland's specific needs, to repairing the divisions of the past and to building a prosperous future for all the people of the island coming out of 30 years of conflict.

What I have not seen in recent months is the leadership and strategic vision required by those who are now delaying implementation of the agreement in its totality. The Stormont House Agreement is an overwhelmingly positive agreement for Northern Ireland and North-South relations. Delay and indecision serve no useful purpose and damage Northern Ireland's short-term and longer term prospects. We recall that the twin aims of the agreement were advancing the reconciliation agenda and economic growth. The Irish Government remains fully committed to both and the implementation of the agreement as part of that commitment.

I raised issues relating to the legacy of the past with the Prime Minister because I am also ambitious about reconciliation. The improved Irish-British relationship has been both a catalyst for positive change in Northern Ireland and a beneficiary of that change. In May I visited Armagh where I met the Kingsmill families who had suffered so grievously. I have also met representatives of the Dublin and Monaghan families who continue to seek access to information held by the British Government on that appalling atrocity. Last month ongoing work by the Independent Commission on the Location of Victims' Remains to find the bodies of the disappeared - those murdered and buried secretly by the IRA - resulted in the finding of human remains in County Meath, finally giving some form of closure to the families of those killed. Earlier today we convened together in this House in solidarity with the Ballymurphy families, who have been present for some time in the Visitors Gallery.

The legacy of the Troubles rests heavily on so many families across the island. In the Good Friday Agreement the parties committed to a fresh start and the achievement of reconciliation as the best way to honour those who had died and who had suffered. In my meeting with the Prime Minister, Mr. Cameron, last month we reaffirmed the importance of establishing a new, credible and comprehensive framework to deal with Troubles-related deaths. Implementation

of the Stormont House Agreement is key to this essential work. In late 2014 I met Mairia Cahill and heard her harrowing account of abuse and the brutal reality of IRA paramilitary control within her community. The emerging picture of systemic sexual abuse by paramilitary organisations and how it was handled is a different but nonetheless horrific manifestation of those dark days to which we can never return.

The work of reconciliation and economic progress in the North are hampered by episodes of law breaking such as we saw last Monday in Belfast. Some people have commented that the current political impasse in fiscal issues is a form of progress as it relates to real world political issues, not issues relating to sectarian differences, yet we still have people burning effigies of democratically elected representatives and flags and symbols of identity. We have people trapped in their own homes, afraid to leave their houses. We have entire new generations growing up behind walls and still have an unacceptable level of hate crime and sectarianism in Northern Ireland, not just in one community. We were supposed to be seeing a normalisation of politics and society in Northern Ireland. I condemn these activities last weekend.

So many years after the Good Friday Agreement, sadly, there is still a great distance to travel. The Stormont House Agreement can help us to get there. I call on all parties in this House and all representatives, as well as all other parties to the agreements, to honour their word and meet their commitments in full.

Deputy Eamon Gilmore: I am glad to have the opportunity to contribute to this debate on behalf of the Labour Party. I am sharing time with Deputy Robert Dowds.

Northern Ireland has been on the political agenda of this House for all of our lives. In 1989, when I came into the House, 81 people were killed in the Northern Ireland Troubles. It is difficult at this remove and for younger people to appreciate the horror and scale of the slaughter that was occurring in Northern Ireland at the time. I also remember the attempts by the IRA to blow up the rail line between Belfast and Dublin. I was involved in the peace train initiative to stand against this and promote travel, co-operation and relationships, North and South. Fortunately, great progress has been made since and Northern Ireland is now a much more peaceful, democratic and lawful society, but there are still challenges to be overcome. The scenes of rioting and violence following the 12 July commemorations in Belfast earlier this week, albeit on a much less dramatic scale than in recent years, are reminders of this, as is agreeing structures for dealing with outstanding issues arising from the Good Friday Agreement such as the legacy of the past. In this respect, I join speakers in the previous session in welcoming the all-party motion which was endorsed by the House. I acknowledge the remarks made by the Tánaiste on my own contribution to that issue during the period of time I held office.

It is not just what we call on others to do but what we do ourselves. It is important to lead by example in promoting reconciliation and dealing with issues of the past. I was honoured to be the first Irish Government Minister to lay a wreath at the Cenotaph in Belfast on Remembrance Sunday and I am glad that the Minister, Deputy Charles Flanagan, has continued that work. In a speech I made at Cambridge University two years ago I also said the Irish Government was prepared to address Unionist suspicions that during the Troubles elements of the State had somehow supported the activities of the IRA. Following publication of the Smithwick report later that year I followed through on this by apologising on behalf of the State to the Breen and Buchanan families for the role played by individual members of the Garda in the murder of two RUC members by the IRA. I did this because I believed words must be followed by actions. If we are to promote true reconciliation on the island, there is an onus on all of those in positions

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of responsibility to show leadership.

I regret that the political process in Northern Ireland remains somewhat deadlocked. It is welcome that the Stormont House Agreement, built on the formula developed under the chairmanship of Dr. Richard Haass and Professor Meghan O'Sullivan, was made. However, I share the concerns expressed by the Tánaiste that the package of measures agreed are ebbing further away from the original Eames-Bradley proposals of five years ago, which remain the most comprehensive set of ideas and mechanisms for addressing the legacy of the past and promoting reconciliation which should serve to guide all parties. It is inevitable that, because of the length of the horror and the atrocities that occurred in Northern Ireland, we spend a lot of our time addressing issues of the past and that will, rightly, remain on the agenda for a considerable time to come. However, it is also important to look to the future.

The Good Friday Agreement is now more than 17 years old and one of its big opportunities was the peace dividend. This was the potential for economic development on the island on the back of the Agreement. That opportunity was interrupted somewhat by the impact of the economic crisis that occurred since 2008. Now that we have emerged from that economic crisis and the economy is growing again, the time has come to look afresh at the development of an all-island economy. When one looks at the impact of globalisation around the world, particularly when one looks at the efforts being made on almost every continent to break down borders and harmonise regulations and economic activity, and the degree and height to which it has been brought on the European continent, it is something of an anomaly that on this relatively small island we still effectively have two systems. A person travelling between Belfast and Dublin changes currency and the way in which distance is measured is different. There are two sets of regulatory measurements and two social welfare systems. There are two systems for almost everything. We need to look at the practical steps which need to be taken to facilitate the development of all-island economic activity.

Apart from eliminating the barriers to all-island economic activity, there are two developments or contexts which are important. The first is the growth of the population. The population of the island, at approximately 6.5 million, is at its highest since the time of the Famine. At the rate at which it is growing, in all probability in the next two decades the population will exceed that on the island at the time of the Famine. We need to be preparing for that growth in population. There are big implications in terms of housing and employment provision and the development and provision of infrastructure and social services. It makes sense that the preparation for this be done on an all-island basis. It makes no sense in the modern world, in the context of what we see happening in a much more globalised economic environment, that it is being done separately. The appropriate location for that work to be performed is the North-South Ministerial Council. I accept and acknowledge that considerable progress has been made by the Council. Work has been done, for example, in hospital provision and areas of education and transport. The Taoiseach referred to the potential for the development of the A5 roadway to the north west. There is enormous potential in the North-South Ministerial Council in leading what is really an all-island project in terms of how we prepare and develop an economy within two decades and create jobs for the size of population we are likely to have in that period of time.

That agenda is important in the changing political context on these islands. The issue of Scottish independence is very much on the political agenda. The possibility - I put it no stronger than this - of a British exit from the European Union is also something which is going to be addressed in the next couple of years. If either or both of these were to happen, the political

context and the relationship between the countries on these islands would change dramatically, which gives rise to an imperative to consider our future development and the future development of economic activity for farmers, those in industry, research, public services and so on across the island. I encourage the Taoiseach and the Minister for Foreign Affairs and Trade to continue their good work on this issue. I commend them for what they have done and are doing. I ask, however, that the issue of the practical outworking of what is needed to facilitate the growth of an all-island economy and the implications for population growth across the island be looked at through the North-South Ministerial Council, the Northern Ireland Executive and the Irish Government.

Deputy Robert Dowds: I support the remarks of the Taoiseach and my previous party leader, Deputy Eamon Gilmore, whom I commend for the work he did in his role as Minister for Foreign Affairs and Trade and, in particular, in dealing with problems in Northern Ireland.

There are so many things we still need to address in the context of Northern Ireland. There are still the historical drags on us, including issues the British Government have not dealt with such as the situation affecting the people from Ballymurphy who were in the Visitors Gallery earlier today or collusion with loyalists. I could give a longer list. The same is to be seen on the Nationalist side in the issues Sinn Féin still needs to address. Similarly, on the Unionist side we see an unwillingness in many respects to address their role in the conflict and how they contributed to its development. The result is one *in extremis*; unfortunately, the extremes have quite a pull on what is happening and people are still trapped in their own minds. In that regard, I can think of two examples.

I remember talking to some of the loyalists involved in the stand-off at Twaddell Avenue in north Belfast. When I pointed out to them that they were playing into the hands of extreme Republicans, as well as risking people's lives in staying there, they acknowledged this to be true but insisted on their right to march, even though it was dragging society back. It could also be seen on the other side when people canvassing in Newry were asked on the doorstep not about health services or the economy but their attitude to the naming of Raymond McCreech Park. Unfortunately, on both sides, these mindsets drag us back a great deal, which is to be regretted.

As the Taoiseach and Deputy Éamon Gilmore said, it is really important that those who control the political levers, whether they be Northern Ireland parties, parties in the Republic or Britain, do their utmost to bring Northern Ireland forward economically and socially in the context of the impact on the whole island, North and South, because *ní neart go cur le chéile*. There is strength in unity. We should be able to do this while at the same time respecting our different traditions.

I see myself as very much coming from the Protestant-republican tradition that began with Tone and has been followed through the generations. It is a thin tradition without a great deal of support. In saying this I also reckon there is a very great Unionist tradition in my background. While I do not share that tradition, I recognise its right to exist and prosper. As someone who has lived all of his life in the Republic, I appeal to people on both sides and throughout the island to see what it is we share and drive forward and make the island a better place for all of us on which to live, North and South.

4 o'clock

Deputy Micheál Martin: I believe this debate is too short. Originally the debate was only

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going to provide for five minutes for spokespeople and I gather we had to make representations to get a longer debate. Not only is the debate too short but squeezing it into a packed agenda at the end of the parliamentary term is unsatisfactory. Unfortunately, in many ways it illustrates the approach the Government has taken to the North in the past four years.

While today we have two sets of statements concerning Northern Ireland, the fact is that over the past four and a half years Northern Ireland related issues have been increasingly ignored. With the exception of the work of a handful of journalists there has been little coverage of Northern developments outside of major incidents, such as this week's sectarian riot. At the core of this has been the undeniable disengagement of the Dublin and London Governments and the behaviour of the largest Northern parties in seeking to exclude others from legitimate debate. The sad reality is that the situation in Northern Ireland is now acutely serious. The slow but steady progress of previous years has been replaced by a growing sense of alienation and crisis. The many economic and social opportunities opened up by peace and agreed institutions are being lost, and with this the core challenge of reconciliation is sidelined.

The disengagement of our Government and the Cameron Government is something I have been challenging for years. I take no satisfaction from the fact that the crises I predicted from following this policy have all materialised. There is no question that root cause of the current problems has been the approach of the Democratic Unionist Party-Sinn Féin tandem. These parties have sought to maximise party advantage in government rather than work in a consensual way. Cases of sectarian funding, the abuse of expenses and the marginalisation of day-to-day issues continue to mount. No one can now question the impact that the DUP-Sinn Féin Administration, which has systematically excluded other parties from playing a meaningful role, has had on the public.

Last month, the latest Northern Ireland Life and Times survey report was published. This has tracked political and social attitudes since 1998 and is the most detailed work of its type carried out anywhere in Europe. The latest survey shows a major deterioration of public faith in institutions and a belief that the Northern Ireland Assembly and Executive are more detached than ever. Some 66% of people are dissatisfied with the work of MLAs. This is similar across age, social class and national identity. Fully 76% of people say that the Assembly has made no difference or given people less of a say in Northern issues. A total of 84% say the Assembly has achieved only a little or nothing at all. When asked what the Assembly and Executive should be focused on, people did not choose political issues but highlighted the economy and the health service. Their overall demand was for parties to make "devolution work in a way that is fair to all".

In most areas there has been an undeniable disimprovement in attitudes towards politics. This traces directly to the manner in which the Assembly and Executive have operated under DUP and Sinn Féin control. One good illustration of the impact of this was seen in the recent UK general election, when over 40% of people did not vote. Northern Ireland has gone from having one of the highest turnouts in these elections to having one of the lowest. Much of this reduced turnout is concentrated in marginal communities and among the supporters of other parties. These people see themselves as excluded from all policy discussions and are drifting away from political engagement. The long-term damage this could cause in Northern Ireland is profound.

It is not only in political attitude where we can see a deteriorating situation. While the two parties have worked hard to divide the spoils of power between them, they have presided over

a marked deterioration of the economic and social situation of Northern Ireland. Last year, Deputy First Minister, Mr. McGuinness, attacked me on this matter and claimed to have delivered economically for Northern Ireland. At the recent Ard-Fheis of his party he said it again and added the patently false claim that “Sinn Féin doesn’t do austerity”. Rates of poverty, child poverty, in particular, in Northern Ireland have continued to worsen, with the gap with the UK expanding. Over 46% of children in west Belfast are living in poverty - not only at risk of poverty but actually in poverty. Pensioner poverty in Northern Ireland is one third higher than in the United Kingdom. Tackling this through an ambitious development plan should be the issue dominating Northern discussions but it is, at most, marginal. The current development plan is limited and more about appearing to do something than actually doing it. It was agreed by the DUP and Sinn Féin with London without even the courtesy of mentioning it to the Dublin Government beforehand. There is no proposal to unleash the vast potential of cross-Border economic development and no economic vision for Northern Ireland. The provision of a blueprint for economic opportunity and tackling poverty are desperately needed in the North, yet the largest parties are focused on everything but this. It is striking that Sinn Féin, during the past 17 years, has chosen never to nominate a person to hold one of the principal economic ministries.

The current political impasse is the logical outcome of an approach that is focused on maximising political positioning rather than operating in the spirit of co-operation which the people voted for. It is not simply about the UK Government’s welfare policies. When Sinn Féin signed up to the Stormont House Agreement, it signed up to implement these policies with some minor changes. What we are seeing at the moment is a desperate attempt by Sinn Féin to find a way to allow these cuts through while still claiming to be against them. This is the party which is savagely cutting back on school staffing and threatening 50 schools but still delivering speeches claiming “Sinn Féin doesn’t do austerity”. This is the same party which claims in the South it will abolish property tax while voting to increase it in Northern Ireland.

Let no one be in any doubt: the welfare cuts are wrong and will cause serious damage in Northern Ireland, just as the other cuts which Sinn Féin and the DUP are enforcing without complaint are causing serious damage already. When in office, Fianna Fáil said to the British Government - and we have said it since - that London has to understand that it must invest in overcoming entrenched division and conflict. Northern Ireland is a special case and deserves extra leeway. This should be our Government’s position but, unfortunately, it is not.

The crisis goes well beyond the welfare issues. In fact, implementation of almost all the important issues addressed in the Stormont House Agreement has been delayed. Arrangements to allow the effective review of policies by parties other than the DUP and Sinn Féin were supposed to be in place in March. This has not happened. The commission on flags, identity, culture and tradition was supposed to be established last month and legislation on parades was due to be proposed. This has not happened and another contentious marching season is under way. A civic advisory panel was supposed to be established last month. Again, this has not happened. The Budget Act (Northern Ireland) is not required for any of these measures but they remain frozen. Northern Ireland desperately needs a new impetus for progress. Stagnation and drift is deeply dangerous. It breeds alienation and threatens a return to cycles of sectarian violence, which, at times, seem very close.

A range of concrete steps can and should be taken urgently. The Governments, if they have the will, can take the initiative on these steps and break the deadening grip of the largest parties on the entire process. A new economic and social development plan is required urgently. Entrenched poverty and unemployment must be tackled. Independent of the funding issue, at the

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least a sense of direction and a demonstration of ambition is required urgently. We need a new energy behind the North-South dimension of the agreement. The lack of interest of the British Government, the party politics of the DUP and Sinn Féin and the lack of urgency from our Government has reduced the North-South dimension to a series of meetings and photo opportunities. All parts of this island are suffering because of the failure to unleash the full potential for co-operation on economic and service development. There are individual examples of progress but they represent only a fraction of the true potential.

For four years we have been hearing about discussions. It is time for action and time to set out specific plans for the development of North-South initiatives, including formal bodies and other initiatives. There is an overpowering case for seeking a joint Border area economic and social services development plan. A lengthy history of sectarianism and 30 years of an illegitimate campaign of violence have caused damage which cannot simply be wished away. An ambitious Border regional plan is badly required.

We also need a new urgency around challenging sectarianism. While the majority of people are showing a new commitment to cross-community understanding, there is a substantial minority wedded to a deeply sectarian approach. A renewed anti-sectarian initiative is needed and a start should be made by calling out politicians who use sectarianism to further their own agendas. Mr. Gregory Campbell's childish mockery of the Irish language was not harmless and the fact that he faced no consequences reflects badly on his party. So, too, does the blatantly sectarian campaign of Sinn Féin in North Belfast in the recent election campaign.

Deputy Robert Dowds: Hear, hear.

Deputy Micheál Martin: Calling on people to vote by religion and get one over on the other side is sectarianism pure and simple, and Sinn Féin should stop trying to find excuses for it. The failure of political leadership to assist properly in the fight against sectarianism and to promote a genuine spirit of equality was demonstrated in Deputy Adams's disgraceful comments last year when he talked about "breaking the bastards" and said equality is "the Trojan horse of the entire republican strategy". He can do his usual twisting and turning, claiming that black is white and vice versa, but his words are on the record.

Equality is not a strategy and it is not something to be exploited. It is the fundamental and core foundation of the entire strategy of the people of Ireland. When a party of government in Northern Ireland speaks so cynically about equality, it is inevitable that the others will continue to resist it. The equality agenda remains essential and needs the Governments to insist on the implementation of past agreements.

Addressing issues of the past should not be an option; it is essential. So far, the Irish Government, due to initiatives taken by past Governments, is the only party to the process that has been willing to be fully open and honest about its failings. Everyone else has been taking the position of demanding openness from others while protecting their own.

The evidence of state collusion with loyalists in grotesque sectarian crimes is overwhelming. It must be investigated independently and the families of victims must be given the right to know what happened and who was responsible. Equally, collusion with elements of the Provisional IRA must be investigated. Significant collusion between state security forces and elements within the Provisional IRA did happen. Many people were murdered, wrongly, as a result of that. There are cases being pursued in this regard to the present day.

The Dáil has called for a full investigation into the revelations about the ongoing protection by the Provisional IRA of its own members when accused of child abuse. This is a problem that Deputy Adams has admitted was known about. While Sinn Féin did its usual trick of calling for co-operation with the justice system, yet again no one has come forward. Sinn Féin has been able to expel people for wanting to deselected a Deputy but cannot find anyone to take action against in regard to the systematic covering up of child abuse within the provisional movement.

Of course, there are limits to what can be done but our Government has a duty to demand a proper independent inquiry so that victims North and South can come forward and begin a process of healing, which must start with accountability for those who abused them and those who worked to prevent justice being done.

The Parliament promised Mairia Cahill, Paudie McGahon and other brave victims that we would not rest until their abusers were held to account, and we must honour this promise.

The increasingly dysfunctional political situation in Stormont needs to be tackled. Growing detachment and disengagement from politics is the direct and inevitable outcome of how the DUP and Sinn Féin are controlling the Assembly and Executive. They are focused on obtaining as much party political advantage as possible. Other parties are routinely excluded from discussions and the system is milked for party advantage. Northern Ireland has half the population of Wales but its leaders have twice the number of publicly funded political advisers. Ministers of both ruling parties have been found to favour their own in decisions, with a Sinn Féin Minister, Mr. Conor Murphy, found by a court to have made a major appointment on a sectarian basis.

Through the tenacity of journalists, a large-scale abuse of political funding has been revealed. None of this would be possible under the legislation in operation here for nearly two decades.

Deputy Adams never sat a day in Westminster but took over €1 million in expenses during the last decade. BBC's "Spotlight" found that over €1 million had been funnelled by Sinn Féin MLAs to Research Services Ireland Ltd, but was unable to find details of any research work carried out by the company. This is on top of the money funnelled by Sinn Féin to fictitious cultural organisations. There is an urgent need for the Governments to demand a tightening of the controls on public funding of politics and for the establishment of controls along the lines of those operated here, which would make such abuses illegal.

The revelations in regard to Cerberus and the NAMA portfolio have rightly led to concerns about political involvement. The memorandum of understanding between the Northern Ireland Executive and Pimco illustrates an incredible degree of political engagement and official involvement in the sale of the Northern Ireland loan book of NAMA. It is incredible that Sinn Féin would not have understood or would not have been fully aware of what was going on throughout the entire saga.

In the referendums of 1998, the people of this island chose to support a new way forward. They acknowledged our shared future and set all parties a challenge of working together for the common good. Too often, they have failed. Unless we see new energy and commitment, we will continue with the cycle of ongoing crises, and profound problems will be left to fester. We need renewed engagement by the Governments. We need a new vision for the economic and social development of the North and the Border region in general. We need a concerted effort to challenge sectarianism, starting with the casual sectarianism of political parties. We need a

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determined effort to sort out a dysfunctional and deeply cynical approach by the dominant parties. The peace process was and remains a great victory for constitutional republicans on this island, who did everything possible and many things thought impossible to get the paramilitaries to put down their guns and end their illegitimate campaign. However, the work is not over. Much more is required, and unless we are willing to commit to this effort we could make an error of genuinely historic proportions.

Deputy Gerry Adams: Bhí sé sin an-ghreannmhar ach sin an scéal. Cuirim fáilte roimh an deis seo a labhairt ar chúrsaí tábhachtacha a bhaineann leis na Sé Chontae. Táim an-sásta leis an méid a dúirt an Teachta Gilmore. Ba mhaith liom mo bhuíochas a ghabháil leis as ucht an obair a rinne sé.

Sinn Féin has called consistently for debates such as this to be a regular feature of Dáil business. The reality is that it will be squeezed and we will be dealing with a range of serious issues without adequate time to get to grips with most of them properly. That is not satisfactory. We have proposed that there be a monthly Dáil debate on the North. I urge the Taoiseach, even at this late stage, to agree to this proposal. Leis seo bheadh súil ghéar á choimeád ar phróiséis na síochána.

The peace process is undeniably the most significant political development on this island since partition. Let us remind ourselves that the partition of Ireland was both illegitimate and immoral. As James Connolly predicted, it triggered a carnival of reaction and created two conservative states on this island, ruled by two elites who entrenched their own power and privilege to the detriment of ordinary citizens. The campaign of the Northern Ireland Civil Rights Association in the late 1960s for equality in housing, education and employment and at elections was met with a violent response by the Stormont regime, supported by the British Government and tolerated by the Irish Government, and decades of conflict ensued.

Decades later, the Good Friday Agreement marked an historic shift in politics on this island by establishing a firm foundation from which it is now possible to continue building a future based on equality. For the first time since partition, there is an international agreement involving the two Governments, in addition to Nationalist, republican and Unionist parties, on a way forward. The agreement is one thing but implementing it is an entirely different country. As the events of recent days in Belfast have underlined, the peace process needs constant attention by the Government and political parties here.

The future of the political structures is currently in a very precarious position. In the 17 years since the Agreement was achieved, it has faced many challenges. Many commitments in it have not been implemented fully. The Taoiseach will know many were not implemented under the previous Government. A commitment made at Weston Park to investigate the murder of human rights lawyer Pat Finucane has not been implemented. In the St Andrew's Agreement, a commitment was made-----

(Interruptions).

Deputy Gerry Adams: Gabh mo leithscéal. Ní chloisfidh sibh mé ag caint má tá sibh ag caint. Ba mhaith liom giota beag ordú, le do thoil.

Deputy Micheál Martin: Tóg go bog é. Ar aghaidh leat.

Deputy Gerry Adams: In the St. Andrews Agreement, a commitment was made to Acht na

Gaeilge. This has not been implemented but the current determination of the British Government and Unionist parties to implement hugely destructive cuts to the fabric of society in the North represents one of the gravest threats yet to the institutions. Prior to last week's British Tory Budget, £1.5 billion had already been slashed from the Executive's budget in addition to cuts to welfare spending at Westminster. This austerity agenda has caused hardship for many families and impacted badly on public services. Sinn Féin's priorities have been to ensure efficient functioning of the power sharing institutions. People should remember that we are in partnership with some parties that do not want to be in partnership with us. We have endeavoured to create jobs and reduce unemployment, to protect the most vulnerable in society and to bring forward working budgets that ensure the delivery of front-line services. Deputy First Minister Martin McGuinness, MLA, has played a central role in the Executive's successful job creation strategy that has seen unemployment figures falling. During the negotiations at Stormont House, we tried to strengthen these objectives by working to create a coalition against Tory cuts within the Executive and wider society and by setting out an alternative to austerity.

Part of this was agreeing to the budget for 2015-16. This was done by Sinn Féin in good faith in the context of a finalised budget with no further cuts and in anticipation of the delivery of all aspects of the Stormont House Agreement. Last month, Sinn Féin agreed to give conditional support to technical legislation giving effect to the budget that we and the other parties had agreed during the Stormont House negotiations last Christmas. Sinn Féin's support for the Stormont House Agreement was based on full protection for all successful claims for social security benefits under the control of the Executive for the next six years. In February, the DUP defaulted on this part of the agreement. Sinn Féin's decision to conditionally support legislation for the budget provided a space in which solutions could be found.

However, the ability of the parties locally to do this has been severely undermined by four years of Tory cuts and the cuts promised by the British Chancellor, George Osborne. These are cuts to the income of working families and further cuts to public services. This British budget is a clear assault on working families and those on low pay. Instead of austerity, the Northern Ireland Executive needs a sustainable and workable budget, investment and powers to grow the economy and deliver public services. Tá an seasamh a ghlac Sinn Féin ar an gceist seo de réir a chéile an-soiléir. Sinn Féin is very clear that it is opposed to the policy of austerity in any part of this island. Watch this space - we will not be agents of cuts imposed on citizens in the North at the behest of the Tories. Others who may be prepared to perform this role should be mindful that these cuts will affect Unionist and loyalist citizens as well as everyone else.

Sinn Féin wants the political institutions to work and to deliver for citizens. Despite all the difficulties, the Executive, the Assembly and all-Ireland institutions have worked better for citizens than the years of direct rule by unaccountable British ministers and decades of one-party rule by the Ulster Unionist Party so our preference is for the current institutions to stay in place but this cannot be at any price. Sinn Féin does not expect conservative governments in Dublin or London to change their political or ideological positions. That is fair enough. They are both wedded to the austerity agenda. However, we do expect them, particularly the Government here, to accept the special circumstances of the North as a society coming out of conflict. I welcome the private remarks made to me by the Minister for Foreign Affairs and Trade. I do not know if he said it publicly. He said that he accepts that the North is a special place. We expect both governments to press and accept the need for an economic dividend to the necessary process of peace-building and change. We demand that they fully implement the Good Friday Agreement and subsequent agreements. I said earlier, during the debate on the motion

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on the events at Ballymurphy, that both governments should implement those elements of the Stormont House Agreement that deal with the past and legacy issues. The two governments can and should proceed with establishing the historical investigations unit, improving legacy inquests and establishing the independent commission on information retrieval.

Sinn Féin will endeavour to maintain front-line services and strive to protect vulnerable citizens but the Irish Government needs to play a more active and constructive role in the North. It will find that it will be welcomed within Unionism. Thinking Unionism knows that the way forward is not through burning effigies on 12 July. It knows that the way forward is through more tolerance, respect and co-operation. They see that as working to our mutual advantage. I have accused this Government in the past of being detached in its approach but it is not unique. It was also a feature of previous Administrations, including those of which Deputy Martin was a member despite their role in the beginning of the peace process. We need to be invigorated and actively engaged with the parties in the North but most particularly, engaged as with the Government in London.

It has been my experience that citizens in this State expect the Oireachtas to be proactively involved in the peace process. Citizens in the North expect the same. There is a partitionist mindset. I know some people are offended when I say this but it is at the heart of the work of the Dublin establishment. The Dáil needs to break out of this partitionist mindset. Any government that truly wanted a united Ireland, and I have yet to meet one, would work towards it and understand this means the unity of all the people, including those who see themselves as British. It means pursuing every avenue to promote greater all-Ireland co-operation and working to build relationships on the basis of equality between all the people on this island.

There is also an ongoing need to enlist the support from our friends internationally, including those in the US. It is no accident that Irish America and its representatives have often been more informed, involved and progressive on these issues than successive governments here have been. It means genuine outreach efforts to Unionists on the basis of equality and undoing ingrained partitionist thinking on the part of policy makers here. When one thinks of the Office of the Taoiseach, we should see someone who is a champion of the peace process and a champion of the people in the North. I do not mind the slings and arrows from Fianna Fáil, Fine Gael, Labour or other parties here but the peace process should be above party politics.

With the honourable exception of Albert Reynolds, it has been my experience that governments here have adapted easily into the role of junior partner. Leaving aside politics, it baffles me as an Irish person how we do not stand up for our own rights as a nation and do not deal with the British on the basis of equality. This is always what I have tried to bring to engagements in which I have been involved without being dogmatic or domineering because the British always respect their national interests and act accordingly. I have previously said that at the Stormont negotiations, the British government was allowed to set the agenda and the pace of negotiations. I urge political leaders here to accept that the success and stability of the peace and political process in the North and the all-island institutions are bigger than any point scoring or other political machinations in this State.

I am always torn between ignoring what Deputy Martin says and responding to him because his remarks are usually negative, unhelpful and ill-informed. They are not so much ill-informed because he knows the story but deliberately and maliciously dishonest. He decries events in the North-----

Deputy Brendan Smith: That is certainly dishonest.

Deputy Gerry Adams: That begs the question as to what is he doing about it. He sits back and lists a litany of things that are wrong in the North, but he does not tell us what he is doing about it. Unlike Fianna Fáil, Sinn Féin has a mandate on both parts of the island. We are also consistent. We are not the ones who think the good old IRA was the class of republican from which Fianna Fáil sprung and that they were all good guys and that those of our generation were all bad people. We do not accept this. We are not saying everything they did was right because patently it was not, but we stand with Terence MacSwiney and also Bobby Sands. We stand with Markievicz and also Máire Drumm and Mairéad Farrell-----

Deputy Micheál Martin: Markievicz was the first president of Fianna Fáil. The Deputy is misappropriating her yet again.

Deputy Gerry Adams: In other words, we are not revisionists.

Deputy Dessie Ellis: Deputy Micheál Martin does not know what is republican.

Deputy Micheál Martin: Of course, I would not know; only the Deputy knows.

An Leas-Cheann Comhairle: Deputy Gerry Adams has the floor, please.

Deputy Micheál Martin: Ask Scapaticci and he might tell the Deputy what republicanism is.

Deputy Brendan Smith: Collusion.

Deputy Gerry Adams: I am sure the Leas-Cheann Comhairle will give me extra time because he gave the previous speaker some.

An Leas-Cheann Comhairle: I suppose I will have to do so.

Deputy Gerry Adams: The example has been set. We are not revisionists. One of the disturbing aspects of Deputy Micheál Martin's contribution was his departure from the wide pro-agreement consensus across the island in recent years. On more than one occasion he has sought to denigrate the political institutions in the North and to erect new barriers to Sinn Féin's full and equal participation-----

Deputy Brendan Smith: The Deputy is now rewriting history.

Deputy Micheál Martin: Does he want us to be subservient to his position?

An Leas-Cheann Comhairle: Deputy Gerry Adams has the floor and is to continue without interruption, please.

Deputy Micheál Martin: Everything is by consensus in the Sinn Féin narrative. We will not allow Deputy Gerry Adams to rewrite history.

Deputy Gerry Adams: At least allow me to speak.

(Interruptions).

Deputy Gerry Adams: What I want to encourage the leader of Fianna Fáil to do-----

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Deputy Micheál Martin: The truth hurts the Deputy.

Deputy Gerry Adams: What I want to appeal to him to do, for the third time, is to organise his party in the North. There are people in Ballymurphy who are waiting; there are people on the Bogside who are waiting; there are people in Crossmaglen who cannot sleep at night at the prospect of it coming North-----

Deputy Brendan Smith: .They cannot sleep, including Paul Quinn's family-----

An Leas-Cheann Comhairle: One voice, please.

Deputy Micheál Martin: Ask the Quinn family about it.

Deputy Gerry Adams: Fine Gael should do the same, as should the Labour Party. The peace process is the most important political project on the island. It is through the building of all-Ireland sectors as part of a single island economy, including the environment, health, energy, education and agriculture, that peace will be developed, not least along the Border corridor where real co-operation can be built among neighbours. All aspects, including the economic dividend, should be nurtured.

This is a time of change in the union. I refer to the status of the United Kingdom, mar dhea, developments in Scotland with, perhaps, more to come in the time ahead, the British Government's commitment to holding a referendum on membership of the European Union, all of which present challenges but also opportunities. Therefore, the Government needs to be fully and consistently engaged in a strategic manner, in keeping with its constitutional obligations, as well as its responsibilities under a series of agreements from the Good Friday Agreement onwards. I would like to think this is only one in a series of debates for as long as the Taoiseach is in government.

Deputy Clare Daly: I propose to share my time with Deputies Mick Wallace and Paul Murphy.

The discussion thus far shows that electoral considerations down here are more important to some Deputies than the actual reality on the ground in Northern Ireland. I am happy to talk about the situation there. I am privileged to be part of a cross-party group of Deputies and Senators who have taken it on themselves in the past while to engage in multiple visits to prisons of Northern Ireland, especially Maghaberry Prison, to deal with issues of injustice. I highlight the failure of prison management to address the issues flowing from its failure to implement the stocktake of Maghaberry Prison agreement which is seriously destabilising in the North. I am beginning to wonder whether it wants a heavy price to be paid for it. We meet loyalist and Nationalist prisoners and, in some ways, their concerns are similar. Both groups believe they have nobody to represent them. Loyalist prisoners believe republican prisoners have everything their own way, that because of the peace process some voices in the nationalist community are now in the mainstream and that their issues are being addressed. One then meets republican prisoners who think their views have been sold out on.

It is against that backdrop that we need to look at the scandal which has convulsed Northern society in recent weeks, with the revelations in the NAMA scandal. To my mind, what we have in Northern Ireland is an unusual arrangement, a dysfunctional society which operates in a sort of sectarian balancing act, with both groups claiming to represent the viewpoint of their community, but actually ordinary people in both communities are being left behind. When rev-

elations come into the public domain about the upper echelons of the Northern political system being linked with big business and massive profiteering at the expense of the taxpayer, that is going to have political ramifications. It is a small part of the island and I honestly wonder how such behaviour could have gone unnoticed. The only answer I can give is that it did not go unnoticed but that perhaps people on both sides of the sectarian divide, diplomatically in Britain or the South, felt it was better to have certain people in place rather than have the process undermined. If that is the case, it is a very dangerous and unhelpful attitude. It is quite clear that Northern politicians have been very involved in the NAMA scandal from the beginning, despite the protestations of Coulter today.

Deputy Charles Flanagan: That is scurrilous.

Deputy Clare Daly: There has been an attempt made by NAMA to state the Project Eagle portfolio was a poor one, but the reality is that it was the biggest transaction in the history of the State. It was not a poor portfolio. The idea that we could not have got more money for it is, quite simply, laughable. Not only did it not get an extra €1 billion for it, it did not even recover the amount it had paid for the portfolio to begin with. Does the Minister not think this strange, if we compare it to, for example, the purchase of the Esat licence by Mr. Denis O'Brien? The issue at the heart of that purchase which led to a tribunal was not necessarily the price paid but that corrupt payments had been made to a politician to get the contract. Similar allegations have been made in this instance.

Deputy Charles Flanagan: The Deputy is making them.

Deputy Clare Daly: I have not. They are not matters in dispute. It is on public record at the Committee of Public Accounts and has been confirmed by the parties that €15 million was set aside. The legal firm Tughan's has confirmed that it retrieved the sum of €7 million. It was supposedly only employed for four weeks. Are complex legal arrangements involved? They must have been very complex to receive a payment of €7 million for four weeks work, yet it does not raise a concern for the Government. The Minister must be joking; it is an absolute scandal. It serves certain people's interests to have the Committee of Public Accounts or the Northern Ireland finance committee looking at these affairs because they do not have the expertise to examine them. If that expertise was available, why do we have a banking inquiry? Why not let the finance committee look at the issue? Why was there a separate investigation into the matter of penalty points and the Guerin commission considering that the Committee of Public Accounts had already looked at it? These are big money projects which have a huge impact on the taxpayer in the State. I really think the Government should be asking these questions when NAMA took the decision to remove PIMCO from the process. What statutes were breached? Did they include the NAMA Act or the foreign corrupt practices Act in the United States? This story is only stating and it has very great potential to further destabilise the situation in the North. It will also transfer to this side of the Border.

Deputy Charles Flanagan: That is the Deputy's real agenda.

Deputy Clare Daly: To destabilise the peace process.

Deputy Mick Wallace: I also believe things will improve for the Republic and the North of Ireland if there is more clarity about what happened with Project Eagle. I have a number of questions the Government should deal with; after all, NAMA is an agent of the State.

Mr. Frank Daly has confirmed that Mr. Frank Cushnahan, formerly a member of NAMA's

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Northern Ireland advisory committee, was one of the central participants and a prospective beneficiary of the PIMCO fee arrangement. A question naturally arises as to what service he had rendered to PIMCO to justify his inclusion in this arrangement and when. Did he provide external parties with confidential information which would provide them with an advantage over other bidders? Is it not an implied term that Mr. Cushnahan, through his former association with NAMA and subsequent involvement with a fund interested in the purchase of NAMA loans, would be placed in a position that would give an unfair advantage to PIMCO?

Why was PIMCO prepared to split £15 million between Belfast solicitors, Tughans, New York lawyers, Brown and Rudnick, and a former NAMA committee member, Mr. Cushnahan? When exactly did NAMA know of Mr. Cushnahan's involvement with the PIMCO fee arrangement? Why was no comment ever made on this fee arrangement until the Committee of Public Accounts hearing this month?

We are on notice that Mr. Cushnahan operated out of an office in Northern Ireland law firm, Tughans. Why and when did he have an office in Tughans? Tughans could not comment on when he took up the office space and if he was operating from it and making use of its facilities while he was a representative of NAMA.

NAMA has stated Mr. Cushnahan never had access to confidential information. Given that his potential input was deemed worthy of his inclusion in a lucrative fee arrangement with PIMCO, is it not plausible that he was using confidential or insider information to distort and prejudice the bid process in order that PIMCO would benefit from same?

Why did the Minister for Finance, Deputy Michael Noonan, not inform the Office of the First Minister and the Deputy First Minister of this information, or did he? Why did he decide not to intervene in suspending the sale of the NAMA assets in the North to Cerberus, particularly when he was on notice that the prospective sale to Cerberus involved the same group of people who were part of the PIMCO arrangement? NAMA and the Minister were aware that a questionable arrangement had been negotiated between a number of parties which would have prejudiced the open-market bidding process, yet nothing was done to prevent or suspend the determination on the overall sale and bid, even in circumstances where the same law firm acting for PIMCO was acting for the ultimately successful bidder, Cerberus.

Was there no concern on the part of the Minister and NAMA that Brown Rudnick was conflicted in representing Cerberus, the successful bidder in the loan sale, having already represented PIMCO, a company which had entered into a fee arrangement with a former NAMA representative in the very same loan sale? Have the Dublin or London offices of Brown Rudnick acted for debtors or loan or asset purchasers in relation to NAMA previously? If so, for whom did it act? Has any of these deals been off market?

What other dealings has Tughans had with NAMA, either as counsel to NAMA or acting for debtors or other buyers or potential buyers of loans? Was Mr. Cushnahan involved in any other arrangement with prospective bidders for NAMA loan sales prior to the PIMCO revelation?

What role, if any, did Mr. Ron Bolger, former managing partner in KPMG Dublin, as Cerberus' main representative in Ireland, have in this transaction? Did anyone for or on behalf of NAMA ever meet him?

What fees did Cerberus pay A&L Goodbody and Linklaters which, as outlined by Mr. Brendan McDonagh at the Committee of Public Accounts hearing, advised Cerberus until such time

as PIMCO was forced to opt out of the bid process? Can it be guaranteed that Brown Rudnick did not enter into a similar fee arrangement with Cerberus for the Northern Ireland loan portfolio?

Mr. Daly advised that it was NAMA's understanding Cerberus had instructed Tughans, only after PIMCO had pulled out of the bid. Can this be confirmed or were other funds using the same law firms concurrently?

Mr. Daly openly stated during the Committee of Public Accounts hearing that NAMA did not have a problem with Brown Rudnick or Tughans. He explained that the issue for NAMA was Mr. Cushnahan's involvement in the PIMCO arrangement. Can this really be its position when Mr. Cushnahan was, in fact, working within the law offices of Tughans? Can NAMA object to Mr. Cushnahan's involvement in the PIMCO arrangement without objecting to Tughans?

Mr. McDonagh asserted at the Committee of Public Accounts hearing that Cerberus had bought the Northern Ireland loan portfolio for £1.241 billion. We have been consistently told by NAMA that the portfolio was sold for significantly more, that is, £1.3 billion sterling. Mr. McDonagh at the Committee of Public Accounts hearing continually erred in outlining that the ultimate sale price was £1.3 billion sterling subsequent to conceding at the very same hearing that the actual number realised was, in fact, nearly £60 million less.

Why did Cerberus change lawyers after PIMCO's withdrawal from the bid? It surely raises question marks when the bidding party determines that its existing representation, Linklaters, one of the world's largest law firms, should be replaced by another firm in the midst of the bidding process. What advantages did Cerberus see in bringing in Brown Rudnick? Did NAMA not think it dubious that this decision was made, particularly in circumstances where Brown Rudnick had been central to the fee arrangement previously negotiated through PIMCO?

There are so many questions the Government needs to answer.

An Leas-Cheann Comhairle: I call Deputy Paul Murphy who will have five minutes because we have been given a little extra time.

Deputy Paul Murphy: In his supposedly emergency budget on 8 July the British Chancellor, Mr. George Osborne, as part of the new all-Tory Government, triumphantly announced measures, sticking the boot into working class and middle class people and again making their struggle to get by even more difficult. He slashed tax credits and housing benefit and maintained public sector wage increases at just 1% for a further four years. Those who will be particularly worse off after his budget will be future parents with more than two children. As a result of his vindictive cuts, many children in larger families will be condemned to greater poverty than those in smaller families.

The Tories have also stated their priority to introduce laws curbing the right to strike, introducing a ban on strikes by public sector workers, unless at least 40% of those eligible to vote vote in favour. This is from a government which crept back into power with the votes of 24% of the electorate. This vicious austerity budget will have a disproportionate effect on people in the North which has the lowest level of income of any part of the United Kingdom. It comes after £1.5 billion worth of austerity measures have already been implemented in the North by the Tories but also by local Assembly parties, including the DUP and Sinn Féin. By signing the so-called fantasy budget they have signalled that, despite the crisis in welfare reform, they are intent on moving forward with an austerity programme to which they agreed in the Stormont

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House Agreement which will result in up to 20,000 redundancies in the public sector, scandalously financed by Stormont borrowing £700 million from Westminster to lay off thousands of workers. Up to 500 schools are under threat under the watch of the North's Minister for Education, Mr. John O'Dowd, MLA, of Sinn Féin. This has not gone unresisted in Belfast, with communities rallying to defend Suffolk primary school in the west of the city, Avoniel and Dundonald schools in the east and Malvern school on the Shankill Road. They also want to push ahead with the selling-off of public assets. The Waterfront Hall and Belfast Harbour have been earmarked for privatisation and the DUP Minister, Ms Arlene Foster, MLA, recently stated Northern Ireland Water could be a potential revenue raiser if water charges were introduced.

This austerity agenda which the Tories alongside their colleagues in the DUP and Sinn Féin have been implementing has not gone unresisted. Thousands have taken to the streets against attempts to close Daisy Hill Hospital and the Downe Hospital. Most importantly, tens of thousands of workers - I was present - took strike action against the Stormont austerity budget in March, which assisted in forcing a crisis at Stormont over the implementation of welfare reforms. However, sadly, the majority of trade union leaders were not prepared to carry through in following up this strike action with further action against austerity. Instead some of them believe that some at Stormont are friends of the trade union movement. Parties that implement austerity measures are no friends of the trade union movement. Parties that base themselves on sectarian division and which during elections distribute sectarian material cannot be allies of the trade union movement. It is vital that a real strategy, including co-ordinated industrial action, be discussed in the trade union movement to challenge Stormont austerity.

The rioting that has happened in Belfast once again shows the urgency of building a political alternative to the politics of sectarianism. Sectarian politicians are incapable of solving the problems of sectarianism. They are part of the problem, not part of the solution. We need a new movement based on uniting working class people that can challenge sectarianism in all its forms and find solutions to contentious issues through dialogue between working class communities. There is another side to developments in the North, which is the disenchantment of a growing layer of people, especially young people, with what passes for politics. They are fed up of being left behind when it comes to women and LGBTQ rights. A total of 20,000 people marched in Belfast to demand marriage equality and 68% in an opinion poll said they support marriage equality, yet politicians in Stormont, not just the DUP but others, including the SDLP and Alliance Party, have opposed this or abstained in the vote. One cannot be neutral on these questions of oppression. The same applies to the right of women to access abortion. Recently, we heard the horrific story of a woman being prosecuted for providing her daughter with abortion pills. As in the South, all the establishment parties, from Sinn Féin to the DUP, are complicit in denying women the right to choose and it must be resisted.

People in Northern Ireland are increasingly disenfranchised from the politics of dinosaur politicians who deny basic rights and who refuse to stand up four square against oppression. They are fed up with politicians who make excuses for implementing austerity and they are sick of sectarianism which is a daily menace to the lives of ordinary people. That is why the desperate need, which the Socialist Party is committed to, is to build a working class and socialist alternative to the abysmal failure of sectarian politics and politicians in the North.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): It is just over a year to the day since I took up my current responsibilities as Minister for Foreign Affairs and Trade, a year that has been defined by strenuous efforts to resolve long-standing issues, meet newer ones head on, and keep Northern Ireland on track towards a prosperous and reconciled future.

Within hours of becoming Minister for Foreign Affairs and Trade, I had made my first calls to the Northern Ireland Executive party leaders and to the Secretary of State for Northern Ireland, and within a few weeks I had made my first visit to Belfast. It was clear then, as it is now, how high a priority Northern Ireland is for this Government.

The message I received from the North's leaders last July was clear. They were in the midst of a profound political crisis that they felt unable to resolve. They told me that the machine of devolved government was broken and they were not in a position to fix it alone. I was told by at least three parties that an intervention by the two Governments was urgently required. In September, the First Minister, Peter Robinson, publicly called for government involvement to resolve the crisis, and within a few weeks the Secretary of State, Theresa Villiers, and I had convened the Stormont House talks.

The Good Friday Agreement provides the framework for the totality of relations in Northern Ireland, and across these islands. This Government is committed to ensuring the institutions established under the Agreement deliver the effective leadership and governance that a society emerging from conflict needs. We entered the Stormont House talks with this key objective in mind. I acknowledge the contribution to Northern matters of my colleague and immediate predecessor, Deputy Gilmore.

The purpose of last autumn's talks was to create a framework across four work streams within which a range of previously intractable issues could be resolved, from the urgent need to provide human rights compliant mechanisms to deal with the past, to welfare and budgetary issues that had created a lengthy logjam in the North's political institutions, to issues such as parading which continue to cause friction at community level in small but significant areas. It was also an opportunity to refocus our collective efforts on implementing outstanding commitments from previous agreements. This was indeed a substantial body of work.

Throughout the talks, the Government's position was informed by the need to find practical, workable solutions, but also solutions built on the bedrock principles and ethos of the foundational Good Friday Agreement. During the course of these talks we insisted that the Government's role as co-guarantor of the Good Friday and succeeding agreements be fully respected. After decades of conflict and a generation of peace, the people of Northern Ireland deserve much more than piecemeal compromises or halting progress. They deserve vision. The Stormont House Agreement articulates a positive vision for Northern Ireland's future that fully respects the complexity of its past.

Indeed, the motion on Ballymurphy passed today by this House is a timely reminder that for thousands of families across this island, the past and its legacy have not been consigned to history. They live on in their daily struggle to find truth and justice. I am deeply conscious that these families are relying on us all, the Government, the North's Executive parties and the British Government, to implement the agreement to give them the best chance of getting what has been owed them for too long.

To this end, the Government has done everything in its power to ensure the total implementation of the agreement. Real progress on the legislation needed in both jurisdictions to establish the framework for the past has been made. We have fulfilled many of our financial commitments under the agreement, including the allocation of €5 million to the International Fund for Ireland and the disbursement of more than €1.5 million since the start of this year from my Department's reconciliation fund, and we have provided every support possible to Northern

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Ireland's leaders as they have struggled to find a way forward on complex financial and budgetary challenges.

Despite the enormous efforts invested in the Stormont House process, the fundamental issue of stable and effective partnership government in Belfast seems no closer today than it was this time last year. For months, Northern Ireland has been mired in deadlock over the budgetary and financial commitments agreed at Stormont House. These are fundamentally important issues that get to the heart of governance and I understand how challenging it is to find the necessary compromises. In government there are always constraints. There are always difficult choices to be made within limited resources. A much more creative and constructive approach than has so far been evident is needed to overcome the current impasse on these issues.

Instead, what we have seen over recent months is serial brinkmanship. Last-minute negotiation in the spotlight of another feigned crisis is not leadership at all. It damages people's faith in the institutions meant to serve them, undermines power-sharing politics and, as the Taoiseach stated, ultimately risks political collapse. We cannot afford, and cannot allow, that level of political neglect. What Northern Ireland needs is generous, courageous and effective partnership government in Belfast. Instead, the weeds of political opportunism are choking the green shoots of progress seeded by the Stormont House Agreement. No agreement in and of itself solves problems, it merely gives guidance and the tools to fix things. No piece of paper can force an individual to show the leadership or the strength of will needed to make a vision a reality.

Perhaps we need to ask ourselves the fundamental question of why, having spent so long and invested so heavily in agreeing a common vision of how to address the North's current challenges, the Northern Ireland Executive today continues to struggle to do its part in making this vision a reality. With the Stormont House Agreement we have a common map, we know the direction we must travel in, and yet the process remains hobbled.

Is the machine still broken? If so, how do we fix it? The Parliaments and Assemblies across these islands will rise shortly for the summer. Some have risen already. When we return, it will be to an impasse in Belfast on a series of issues that cannot be ignored. I hope that political leaders will use the weeks ahead to reflect carefully and to recognise how high the stakes are. The images on our television screens from north Belfast on Monday night remind us of the toxins that have yet to be drained from society and which will become even more poisonous if partnership politics fails to deliver for the people of Northern Ireland.

These are serious challenges but they are not insurmountable. The support of the Irish Government in reaching workable solutions to the benefit of the people of this island as a whole remains unwavering. No one is in any doubt about the particular circumstances of Northern Ireland or that, as a place emerging from conflict, it will have distinct and particular needs, perhaps over generations to come. Similarly, no one can be in any doubt that there needs to be political leadership in Belfast articulating and activating, through the powerful mandate it has as a power-sharing Executive, a strategy and a vision for Northern Ireland. It has to be a collective vision, founded in the economic reality of the present but also determined to seize every opportunity to create a better future for the people of Northern Ireland.

I have visited Northern Ireland 20 times over the past year. I acknowledge the contribution, particularly in economic and trade development, of my colleague the Minister of State, Deputy Sherlock.

5 o'clock

The focus of my visits has gone beyond political negotiations. I have attended commemorative events and met community and business leaders as well as civil society locally. I know the desire for political progress, genuine reconciliation and economic renewal runs deep.

Next year, Ireland will mark the centenary of the 1916 Rising, the centrepiece of this decade of centenaries. Next year, we will also mark the centenary of the Battle of the Somme. One hundred years on from 1916, we are a democracy that has stood the test of time. We have experienced violence, grief and tragedy on our island. We have weathered economic storms that caused untold damage to our communities. We have survived each crisis and emerged ever stronger.

We have worked to build peace and reconciliation in Northern Ireland and will continue to do so in order that all parts of this island community can realise the full potential of peace and stability. At so many points in the past 20 years, Northern Ireland too has proven that politics can inspire when individuals and groups have gone beyond their comfort zone to shift society and politics onto a more positive, transformative track, and when former opponents have put differences aside to work together for the common good. We need politics in Belfast and across Northern Ireland to inspire again.

Deputy Brendan Smith: I am very glad that, earlier today, we had the opportunity to agree unanimously a motion by all Members of this House in regard to the Ballymurphy massacre. I recall meeting the families a year ago and speaking to them, as we spoke to them this morning. When the proposal was put forward by the Ballymurphy families in regard to an independent panel, I recall one comment made by Alex Attwood, MLA, who stated:

Today has other significance. It is that it is the families who seek truth who know best how to address the pain of the past.

I am very glad the motion refers to the need for truth. All of us who know the families of the victims of the terrible deeds of state forces and paramilitary organisations, who have not yet received any justice or seen people prosecuted for those murders, know that the least they deserve is the truth. That is the clear message that comes across at all times. I sincerely hope the British Government will be more responsive to the motion in regard to Ballymurphy than it has been in regard to the unanimous motions passed in this House in 2008 and 2011 in regard to the Dublin and Monaghan bombings.

I refer to the comments of the Minister, Deputy Flanagan, about the thuggery and hooliganism we witnessed on the streets of north Belfast on Monday night. All of us would have thought we would not be in this Chamber once again referring to such acts of violence. I share the view of the Minister in his concluding remarks in which he stated very clearly that politics must work. Unfortunately, it is not working at present in Northern Ireland to the extent it should. Decent, law-abiding families in Belfast were once again the victims of this dysfunction. A very small minority can bring a city to its knees but we must be clear that those people can be totally unrepresentative of the community.

The backlog of unresolved political issues in the North is long and growing daily. I am struck by the straightforward message of the Minister, Deputy Flanagan, in his comments regarding the future of the Executive and the Assembly. I presume I am not misreading his message when he paints a stark and chilling picture in regard to the future of those institutions. We

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sincerely hope the brinkmanship can be ended and progress made, and that the commitments that were entered into by political parties on 23 December last will be honoured. The blame game as to who has responsibility for this has been well rehearsed, but the political establishment is only in place because the people have continued to support it. If the leadership of the DUP and Sinn Féin do not work harder and more successfully to resolve the outstanding issues that are paralysing Northern public life, the people themselves will wonder whether it is worth even trying to make politics work. The message that must go out across all of the island is that politics must work for every community and that extremists must be marginalised.

From the Minister's comments, it is obvious the political paralysis that has gripped Northern Ireland threatens to pull down the institutions that were painfully put in place after much negotiation and hard work by many people. One would think, listening to Deputy Adams, that Governments here took no interest in bringing about a peaceful solution in Northern Ireland when that could not be further from the truth. It is vital that renewed momentum is put behind the Stormont House Agreement and genuine progress is made in getting the institutions to deliver for people on the ground. Deputy Micheál Martin quoted earlier the statistics in regard to child poverty and poverty among older citizens, and he outlined how disadvantaged some communities are in Northern Ireland. Surely politics and the work in the Northern Ireland Assembly and around the Executive table should not be about sharing out the spoils but about working towards a better society for all communities.

Peace has to be about more than just the absence of violence. As a co-guarantor of the Good Friday Agreement, the Irish and British Governments have a special role in driving on that process, which must never be forgotten. We must also realise it is an international agreement and that the commitments made under the Good Friday Agreement must be honoured. The Northern Executive faces a serious financial challenge, which has been made even worse by the recent budget introduced by the Tories at Westminster. Unfortunately, deadlines with regard to progress that was expected to be achieved over recent months in regard to other elements of the Stormont House Agreement have not been met. None the less, I sincerely hope progress can be made on the other elements of the Stormont House Agreement. It is vital that the Government, the Northern Ireland Secretary of State, the British Government and the Executive parties breathe fresh life into the Stormont House Agreement. It is the best chance of getting momentum into the overall peace process and ensuring that many of the outstanding aspects of the Good Friday Agreement and successive agreements prior to the Stormont House Agreement are met.

The Governments have not lived up to certain of their responsibilities in regard to implementing different aspects of the Good Friday Agreement. However, there are aspects of that Agreement that the Northern Executive has failed to achieve. Deputy Adams referred to the civic forum. My understanding is that this is solely a matter for the Northern Executive to establish. As I have previously asked both Deputy Gilmore, as Minister for Foreign Affairs and Trade, and the current Minister, Deputy Flanagan, who in the name of God could be afraid of a civic forum? Why should there be opposition to a civic forum? Why can the Northern Executive parties not put in place a mechanism such as that? It is not a budgetary matter or a constitutional matter, and it should not be a political matter. That type of incremental implementation of the Good Friday Agreement and successive agreements should be achieved.

The Minister will have heard me on a number of occasions in the House raise the issue of the Dublin and Monaghan bombings and the absolute failure of the British Government to respond to the unanimous motions passed in this House. We know that was the single day of greatest

carnage on our island during that very troubled period, when 33 innocent people were killed on the streets of Dublin and Monaghan and 300 people were injured. We know there was collusion between British state forces and the UVF in carrying out those bombings. We know, from the good work carried out by Anne Cadwallader, about the collusion of British state forces and paramilitary organisations, North and South - paramilitary organisations that masqueraded under the banner of republicanism and other paramilitary organisations associated with loyalism. Many innocent people were killed due to that collusion and due to the murderous campaigns of many paramilitary organisations as well.

We meet regularly with the families of the victims of the Dublin and Monaghan bombings. Those people want the truth and it is the least they deserve. They have been grieving for more than 41 years and they have never got the truth in regard to who carried out the bombings. The Minister will also have heard me refer to the bombings in Belturbet and other parts of Monaghan, where there was also collusion with Northern state forces and where nobody has been brought to justice for those desperate deeds. The legacy of the past, parades and flags are an important part of the different agreements since 1998, reinforced in the Stormont House Agreement of December 2014. It is essential that we make progress on them.

Both the BBC and RTE did good public service broadcasting in the past months in a number of very thorough documentaries on collusion. The full truth is needed in the interests of true reconciliation. The horror of the Troubles inflicted by the provisional IRA and other so-called republican groups, loyalist paramilitaries and agents of the British security forces must be fully exposed. It is essential that we get to the truth. I refer again to the very good work carried out by Anne Cadwallader who, in her book *Lethal Allies: British Collusion in Ireland*, documents the campaign of terror carried out by paramilitary organisations, in many instances with the collusion of British state forces, where so many innocent people were murdered. So many of those families have not seen justice administered at all.

I appeal to the Minister that, in the difficult circumstances surrounding the implementation of the Stormont House agreement, different aspects of that agreement be progressed as quickly as possible. We all know that parades and dealing with the legacy of the past are not simple issues on which to get a comprehensive solution but they are issues on which progress needs to be made.

I refer again to the potential of North-South economic co-operation. There is a need for further economic development in the Border region. We need further co-operation in the areas of health, education and developing trade. We need co-operation at political and central Government Department levels as well as through State agencies. There is huge potential through the working of the agreement to ensure a better island for all the people. Worthwhile employment can be created and is so badly needed throughout this island. Working together and maximising the potential of the agreements will be for the benefit of all the people.

Deputy Mary Lou McDonald: I join colleagues in welcoming the fact that we have passed an all-party motion which unequivocally and strongly states our support for the Ballymurphy families. A very clear demand has now been made on the British system to establish an appropriate investigation. We do not want to hear from Theresa Villiers, David Cameron or anybody else the reasons that, in their rather odd views, this does not serve the public interest. I welcome the fact that the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, has been categorical in this matter. These atrocities must now be reviewed and investigated. The families are not looking for the moon. They are simply looking for an affirmation of the truth and that

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is not beyond any of us.

I welcome the current debate. It represents an opportunity to discuss matters facing institutions and, more crucially, citizens in the North. These matters also face all of us who share this island and nation. I use the term “nation” advisedly, as our nation is not bounded by an arbitrary line on a map or indeed by the whims of history. The North is not a foreign country, although sometimes one might feel that it is regarded almost as a faraway, exotic and separate place. I say that as a Dubliner; I imagine it is all the more acute for somebody from Belfast. Of course, the North is not far away, despite any partitionist mindsets. It is only a stone’s throw away from us, as they say.

The binds of family, tradition, kinship and diversity link all of us Irish men and women one to the other. We share a common history and common identities - in the plural - across the island. I am talking not only of Nationalist and republican heritage and traditions, but also of the Orange tradition, which is an intrinsic part of the tapestry of Irish life. Deputy Dowds alluded to the inclusive and egalitarian Protestant tradition as the foundation on which modern Irish republicanism rests. He referred to it, I think, as a thin or slight tradition. It is, in fact, a very broad and rich tradition and is the one I very proudly serve to this day.

I wish to address a couple of matters which I believe are of high priority at present. The ongoing issues around welfare cuts as envisioned by the Tories and the cut of over €1.5 billion to the block grant have caused, and continue to cause, grave difficulties for the institutions and people in the North. I remind Deputies that the Tories enjoy no mandate in any part of Ireland. The decisions made by the Chancellor of the Exchequer, Mr. Osborne, the British Prime Minister or anybody else in Westminster have not been democratically endorsed or supported by anyone in Ireland, Unionist, Nationalist, loyalist or republican. That is a matter of recorded fact.

The Minister has called for more imagination and creativity. He also called for an end to brinksmanship. We would not approve of brinksmanship in circumstances that might threaten the institutions which we and others have worked so hard to establish and sustain. However, the Minister needs to understand that what is happening here is not brinksmanship or game playing. From the perspective of Sinn Féin, what is happening is a very simple assertion, made publicly and privately, that we will not be the enforcers of Tory cuts. It is as simple as that.

The Minister also needs to understand that the institutions are necessarily limited by the fact that they do not enjoy the full range of fiscal powers. This point is crucial, also for those in Scotland who argue for independence or, at least, enhanced devolution. To ask the Executive and Assembly to build the economy in a sustainable, all-Ireland, joined-up and progressive way while keeping back these fiscal powers is asking them to do the job with at least one hand tied behind their backs in political terms. This is an issue we have raised consistently with the British and Irish governments. It should not just be seen as Sinn Féin’s battle or the Northern parties’ battle. Dublin needs to take up this cause and champion it.

I was very taken with Deputy Gilmore’s incisive commentary on the potential of this island, whose population is growing and which is brimful of talent, potential and optimism when we get things right. We need to mould that political opportunity in an all-island fashion, North to South and South to North. That can happen only if the Northern Executive and Assembly have the necessary policy levers to make it so. I cannot emphasise enough, from a political point of view and from my own personal point of view, how high that priority is. It was thrown at us almost as a political charge or insult, but we take it as neither because it is true. It is a state-

ment of fact to record the levels of poverty in places such as west Belfast where child poverty and pensioner poverty exists. It is also true to say that those same trends in poverty indices are alarmingly pronounced west of the River Bann. There is a regional division in terms of where one finds the most acute poverty.

It is a fair challenge to put to us what we will do about it. We will do everything we can within the powers that are assigned to us. At the forefront of our minds in the negotiation of the Stormont House Agreement was the protection of the most vulnerable and to ensure that current and future claimants of social benefits would be protected. That means children with disabilities and very large families. However, we also say to the Minister, Deputy Charles Flanagan, in particular and to the Government, that in order to meet that challenge of poverty head on, the Executive and Assembly must have the power, discretion and tools to so do. It is time to give the power to the institutions. That would go a great way towards addressing the sense of disappointment with the performance of the Assembly, which has been expressed here.

Increasingly, people look to the bread and butter issues. One could ask why on earth they would not. They look to the opportunities for their children and job opportunities for themselves. In circumstances where the necessary powers are held back of course people will ask why the Assembly is not performing better. The Assembly and Executive must be given the authority to so do and then the ball will be fairly and squarely in the court of our elected representatives to do the business and make that a reality.

The Minister, Deputy Flanagan, asked why it is that we find ourselves at this pass. He asked why the vision had not become a reality. I suggest that the Dublin Government has some soul-searching to do in that regard. Talking about the issues is extremely important. Having debates such as this one is also extremely important but of far greater importance is action on foot of the debates. We are not spectators. This is not some distant exotic land. We are talking about the six north-eastern counties of our country. We are signed up, and the Government is signed up, to an internationally binding agreement that identifies the Government as a co-equal signatory and guarantor of everything contained therein. We must make good on that. The Government must also make good on it.

I apologise as I could speak at length but I am sure you will not let me, Acting Chairman.

Acting Chairman (Deputy Robert Troy): No.

Deputy Mary Lou McDonald: I wish to make a final point. The scenes witnessed at the weekend were shocking, not least for some of my party colleagues whose election posters were placed on bonfires, or in the case of Michelle Gildernew, her effigy was burnt – not a pleasant or defensible action. There is a challenge for Unionism to examine that squarely. There is no doubt there is a challenge for all of us to deal with sectarianism. Let us record also that hundreds of loyal order institution parades went ahead with no trouble whatsoever. We have made progress and we can make more but we will only get there if we are fully engaged and if the Minister does not live in hope but lives in action.

Deputy Shane Ross: With the permission of the House I am sharing my time with Deputy Richard Boyd Barrett.

Acting Chairman (Deputy Robert Troy): Is that agreed? Agreed. The Deputies will have five minutes each.

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Deputy Shane Ross: I was reflecting, listening to the debate and the contributions of Deputy Smith and Deputy McDonald, on the changed atmosphere of debates of this nature since I came into not this House but the other House. There was a time in the 1980s and 1990s, which both the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Minister for Finance, Deputy Michael Noonan, will remember when Northern Ireland as a subject of debate was avoided like the plague by all governments because verbal explosions were liable to erupt and unreasonable emotional things were said which caused great difficulties to governments at the time. People could not be contained in their rather fiery outbursts about the issues of the day. That atmosphere has completely changed. Today, we have a fair degree of agreement and there is no longer the kind of imperative that Northern Ireland should be debated on a regular basis because thankfully, incidents of the sort to which we had become used are now a thing of the past.

I speak, I hope with no great hostility on the matter, but the great issues of the day on Northern Ireland included extradition, and at the time I called for the extradition of people who are now Members of this House. That is not something which, luckily, I feel impelled to do or would do again in the near future. Things have changed greatly and all governments should be congratulated on that. All parties involved should also be congratulated. While the atmosphere in which we debate today is divided in some areas, it is mature and sensible. That should be noted and welcomed. It has been brought about due to the great efforts and sacrifices that were made with great enthusiasm.

However, it is not as though the problem has been solved. We should note that sectarianism is alive and well in Northern Ireland. It may be a little bit below the surface and does not manifest itself in the way it did, but one only has to look at the results of recent elections there to see that the voting pattern is as sectarian as it ever was. While people vote on religious or tribal grounds in a mandatory way, thank God that at least they do not get up to the same activities as was previously the case. That should be a warning to us that the underlying trend still exists and it has not been eroded at all. One can predict the results of nearly all but one or two of the marginal seats in Westminster elections on the basis of a religious headcount. That is deeply regrettable.

I congratulate the Taoiseach on his speech and the Government on its performance. As the Taoiseach said, co-operation between the governments has improved immensely. Anglo-Irish relations have never been better. Co-operation exists on all fronts.

While there has been co-operation in many cross-Border activities, I deeply regret the decision of NAMA last week not to co-operate with the Northern Ireland investigation. I cannot understand why NAMA refused to co-operate at a time when there is such broad co-operation between the institutions, and that when investigations are being carried out that it would take a blatantly partitionist stance. Thank God the Minister for Finance, Deputy Noonan, is present as NAMA is under the remit of his Department. He might consider calling in Mr. Daly and Mr. McDonagh and instructing them to give full co-operation to the NAMA investigation in Northern Ireland, and to travel there to answer questions about what happened. That would show there is solidarity and that we are not going to obstruct in any way an investigation just because it is taking place outside the jurisdiction.

Deputy Richard Boyd Barrett: I welcome the commitment on the part of all parties in the House to the call for justice by the Ballymurphy families. It is good, at least, that we have come this far such that all parties can endorse the call. Having just come from a discussion

about Shannon Airport, neutrality and the role Shannon played in the Iraq war, it strikes me as a terrible indictment of our political system that it takes 30 or 40 years for an acknowledgement that a state has done violence against ordinary citizens, that it takes decades for the victims of state violence to get acknowledgement that a wrong was done to them. While it is good, even if belated, that there is a recognition in this House, if not in the British Parliament, that justice is required, we must do much better.

In decades to come, there will, eventually, be an acknowledgement that the people of Falluja and other parts of Iraq have had terrible crimes committed against them by the United States, Britain and the other coalition allies, that appalling things were done, and that it helped hasten the rise of sectarian conflict and the disintegration of Syria. Eventually, in decades to come, we will admit all of this and the families who were devastated by the violence may receive some acknowledgement, or they may not. It should not take so long. Ordinary people who resist unjust actions by a state are often vilified and demonised for doing so, and are called terrorists and extremists. Much later, it turns out that it was the state, those who were supposed to be the guardians of the people, who were responsible for the runs and injustices. Nonetheless, this is progress, if not from the British side.

Whatever debates and political battles we have to have, we all very much welcome the fact that the gun has been taken out of Northern Ireland politics and the vitriol and violence that characterised the political conflicts around the North have been somewhat diminished. This happened largely because the people of the North had had enough. I give far more credit to the ordinary people, both Roman Catholic and Protestant, than to any political force for bringing about the ceasefire and the current climate and atmosphere in which we can begin to talk and move towards a resolution of sectarian conflict. I fundamentally disagree with what seems to be the commitment on the part of parties on both sides of the House to the Stormont House Agreement. It is not a good agreement and it will not help matters but has the potential to inflame sectarian conflict.

As Deputy Shane Ross said, and as is clearly the case, despite the progress we have made, sectarianism still exists in the North. Given that the political arrangements in the Northern Ireland Assembly are based on sectarian quotas and on the continued existence of tribal, community-based parties, battles that should be over economic injustices and other issues are shoved through the prism of sectarian and communal conflict and express themselves in that way, always creating the potential for a flaring up of communal violence.

Against this background, the Stormont House Agreement is an austerity agreement. How can agreeing to 20,000 job losses in the public sector, the sale of State assets and the imposition of social welfare cuts do anything other than add fuel to the flames of the continuing festering sectarianism in the North? It cannot do it. If we impose further economic hardship and Roman Catholic and Protestant people in the North, against a background of continuing and bubbling sectarianism, it will be a potential recipe for sectarian violence to flare up again. If we want peace in the North, the Stormont House Agreement, in so far as it is an austerity agreement, is not part of the solution but may be a significant part of the problem.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I very much welcome today's debate on Northern Ireland. I acknowledge the contributions of Members across the House, which have captured not only the challenges but the opportunities that Northern Ireland faces. I agree with Deputies Gerry Adams and Mary Lou McDonald that we need to have more frequent debates in the House and I disagree with Deputy Shane Ross in that regard.

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I would like us to have at least one plenary debate on Northern Ireland every session and would be more than happy to consult with Opposition spokespersons and the Chief Whip on it. One of the Oireachtas committees is devoted to dealing with matters pertaining to Northern Ireland and I acknowledge the work of the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement and its Chairman. The Oireachtas Joint Committee on Foreign Affairs and Trade, which I regularly attend, also has a mandate in that regard.

Based on the debate, while we may differ at times in our analysis and prescriptions, we hold a common conviction that leadership is required to ensure the full realisation of peace, prosperity and political stability which was the fundamental commitment and promise of the Good Friday Agreement 17 years ago, that the Government is ambitious in its a vision for Northern Ireland and North-South relations. We spoke about close ties, economic co-operation and shared services, which will result in a dividend for all the people on this island. In recent times, we have already tapped into this potential in terms of joint trade missions, shared health services, joint applications for EU funding, joined up policies in agriculture, animal health and other areas, tourism promotion, joint bids for top-class world sporting events and much more. We will continue to work to enhance further co-operation across a range of issues.

I very much agree with the earlier comments by my predecessor, Deputy Eamon Gilmore, that we should consider practical steps we can take to build further over a range of issues to develop an all-island economy. We want to support and be a good neighbour to a vibrant and forward-looking Northern Ireland with stable, effective partnership Government and a society with tolerance and respect for human rights at its very core. We want to ensure the principles and ethos of the Good Friday Agreement remain the lifeblood of the ongoing process of peace and reconciliation on this island. These principles must shape political action, not just political rhetoric.

The challenges for Northern Ireland are numerous and significant and there is no panacea. However, I guarantee that any solutions must have in common two essential qualities, namely, generosity of purpose and honest engagement. Whether the task at hand is to resolve a long-standing parading dispute or identity issues more generally or to find a workable resolution to the deadlock around welfare, there must be a genuine desire to find agreement, otherwise it is merely a sterile game of blame avoidance and political calculation.

I refer to a comment by Deputy Mary Lou McDonald and others on the current budgetary and welfare impasse. While I recognise that not all fiscal powers are held by the Northern Ireland Assembly, there are degrees of responsibility which all parties in the North must accept. Despite what Deputy Adams said, unemployment in Northern Ireland rose over the summer, a matter of concern. As Deputy Martin said, a point which even Deputy McDonald acknowledged, 46% of children in west Belfast live in poverty. I welcome Deputy McDonald's statement that Sinn Féin will continue to do all it can to help reach agreement on the outstanding budgetary and financial issues. I look forward to listening to positive proposals on how the Northern Ireland economy might grow and engaging with Sinn Féin in this regard.

Deputies Ross, Clare Daly and Wallace raised the current issues pertaining to the sale of a portfolio of loans in Northern Ireland by the National Asset Management Agency. These serious allegations have been considered by the Committee of Public Accounts, and the Northern Ireland Assembly finance committee is holding hearings on these matters. The allegations are subject to a criminal investigation in Northern Ireland. The UK's National Crime Agency announced that, at the request of the Police Service of Northern Ireland, it will investigate the sale

of Northern Ireland loans owned by NAMA. I hope these hearings and investigations provide clarity on the serious issues raised. If Deputies Wallace, Clare Daly or Ross or anybody else has evidence, I urge them to pass on that information to the appropriate authorities. I assure Deputy Ross that An Garda Síochána will co-operate, as it does over a range of matters, with the appropriate UK authorities on this issue if required to do so.

Dialogue remains essential in finding solutions. Turning up for dialogue is important but it is not enough. Genuine engagement and dialogue in good faith is required. Talks, whether at community or political level, have little value if they are used as an opportunity not to listen but simply to restate long-standing positions. More honest conversation and less grandstanding will be necessary ingredients to any viable solution to Northern Ireland's most pressing problems. We must deny the cynics, the opportunists and those who exploit crises to meet their own socially destructive ends. As Deputy Smith said, politics must work and must be seen to work. Political and community leaders need to recognise the impact their engagement, or lack of engagement, has on the ground. Time and again failure of leadership has created vacuums that have been filled by those at the very extremes who have no interest in stability.

Deputy Martin referred to recent polling in Northern Ireland which demonstrated the degree of disengagement among the electorate. It would be a tragedy if the continuing impasse over welfare and budgetary matters had the collateral effect of squandering a significant opportunity to advance progress on the deeply sensitive issue of dealing with the past. I implore all those committed to valuing the promise of the Good Friday Agreement to provide leadership to the people of Northern Ireland which they so desperately yearn and clearly deserve. The Irish Government will continue to support and encourage those parties who by their actions are genuinely committed to partnership politics on this island.

Message from Seanad

Acting Chairman (Deputy Robert Troy): The Seanad has passed the Gender Recognition Bill 2014 without amendment.

Topical Issue Debate

Tax Code

Deputy Joe Costello: Tá áthas orm deis a bheith agam labhairt ar an ábhar tábhachtach seo. My matter concerns the loss of entitlements to more than 5,000 shareholders in Standard Life plc due to inordinate postal delays. It is an incredible situation that approximately 5,300 citizens will incur a tax bill due to delays in our postal service. The United Kingdom insurer, Standard Life, sold its Canadian affiliate and returned payment to shareholders. A large number of Irish shareholders wrote to Standard Life, stating they wanted their payment treated as capital, so as to enable them to avoid paying tax on most or all of the moneys they were due. Otherwise, they would be liable to income tax at the rate of 51% if the payment was not designated as such.

The farcical situation occurred that these 5,300 citizens found the letters to Standard Life

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did not reach the company on time to have their wishes implemented at the emergency general meeting held to deal with the sale of the Canadian affiliate. One batch of post did not arrive until six weeks after it was posted. Neither An Post nor the Royal Mail has accepted responsibility. Incredibly, there is no traceability of more than 5,000 letters. There is a rumour that they ended up in Roscommon but there is no proof of that. They certainly did not reach the United Kingdom in time. Unfortunately, An Post is immune from all liability for loss or damage arising from any delay in providing a universal postal service under the provisions of section 26 of the Communications Regulation (Postal Services) Act 2011.

As the Minister knows, similar postal delays were experienced when Vodafone returned money to shareholders in Ireland following the sale of its American affiliate. In the 2014 Finance Act, the Minister included provisions allowing for a measure of tax relief to the many thousands of Irish Vodafone shareholders who had a relatively small holding and who, likewise through no fault of their own, found themselves liable to income tax, PRSI and USC, rather than what they expected, namely a zero capital gains tax liability.

I suggest the principle is the same. Irish citizens have lost income due to an inadvertent mistake regarding the return of payment to them after the sale of an affiliate by a parent company. The fact that Vodafone shareholders may have incurred previous losses is neither here nor there. The Minister cannot treat the Vodafone shareholder preferentially and deny the Standard Life shareholder. Both sets of shareholders lost out through no fault of their own. In the forthcoming finance Bill in October, will the Minister consider inserting a provision, similar to that in the 2014 Act, to allow Standard Life shareholders receive a tax relief in a similar fashion, as the same principle underlines this case?

Minister for Finance (Deputy Michael Noonan): I thank Deputy Costello for raising this matter. My understanding of the background to this issue is that, following the sale of its Canadian business, the UK company Standard Life plc offered its shareholders the option of having the return of value payments due to them treated as income or capital. Treatment as income was decided by the company as the default position in the absence of shareholders choosing the capital option within a specified period, which elapsed some time ago.

It seems that the chosen options posted by quite a number of Irish shareholders in the company were delayed beyond the deadline and that the form in which they then received their payment was not the most tax efficient from their perspective. The Revenue Commissioners have informed me that, from an Irish tax perspective, the position is that, if the Standard Life return of value payment is received as income by an Irish resident taxpayer, it will be taxed under income tax rules. If it is received as capital, it will be taxed under the capital gains tax rules.

Comparisons have been made between this case and one from last year relating to Vodafone shareholders. In last year's Finance Act, I included provisions allowing for a measure of tax relief to the many thousands of Irish shareholders with small shareholdings in Vodafone plc who inadvertently found themselves subject to an unintended liability to income tax, PRSI and USC rather than a nil capital gains tax liability arising from a return of value payment from that company. I did this because the shareholding of many of the Vodafone shareholders arose originally from their investment in eircom from which they continued to carry capital losses. It was in this context that I felt it appropriate to protect these small shareholders in last year's Finance Act from additional cost or losses through a tax liability.

The particular background to the Vodafone case is not a feature of the Standard Life return

of value case. Furthermore, it is important to note that the fact that notifications of the options made by some of the Vodafone shareholders were also delayed in the post beyond the deadline date in that case or were not dealt with by the company as shareholders would have wished were not factors in my decision to provide the relief.

Having said that, though, I have undertaken to give consideration to the views and concerns expressed in respect of the affected shareholders in Standard Life in the course of my preparations for the forthcoming Finance Bill, and I will do so. The matter is already receiving attention in this regard.

Deputy Joe Costello: I thank the Minister for attending and for his response. I am delighted that he is considering this issue and that it is receiving attention. I hope he will take steps in the forthcoming Finance Bill to redress this matter. It was brought to my attention by the Standard Life shareholders. They are people, including people from the public sector, who made small investments with their redundancy payments, money they received, lump sums, etc. Due to the Celtic tiger and a number of changes made arising out of the troika's involvement, money became available for investment by small earners, people who would have worked all of their lives and believed their investments were secure. We are not referring to major investors, large sums of money or high flyers.

The Minister's explanation for the principle he established in providing tax relief to those Vodafone shareholders who lost out in a similar way does no justice to that principle. The underlying principle in this case is the same. The Minister stated, "The particular background to the Vodafone case is not a feature of the Standard Life return of value case." The circumstances are exactly the same. I cannot for the life of me see how he could make provision in the Finance Act 2014 yet not make similar provision acknowledging this matter. Doing so would not establish a new precedent, as it would be along the lines of what he Minister had already established.

I hope that An Post and the Royal Mail have learned their lesson. We need to tie down the traceability of all mail and the question of not incurring inordinate details. As to the question of tax relief and redress, though, that matter lies in the Minister's hands only. I hope he will be in a position come the budget and the Finance Bill to respond positively.

Deputy Michael Noonan: I thank the Deputy again and will examine the matter sympathetically, but without prejudice, as I prepare the Finance Bill, which is usually published in late October. I have asked officials in my Department and the Revenue Commissioners to examine the matter further in that context and to revert to me. I will make a decision based on the advice I receive from them and on the views that have been expressed to me by Deputy Costello and previously by other Deputies and citizens of this Republic.

Acting Chairman (Deputy Robert Troy): I thank the Minister. He made my job easy.

Apprenticeship Programmes

Deputy Noel Harrington: I thank the Ceann Comhairle's office for selecting this Topical Issue. I will take this opportunity to congratulate the Minister, his staff and the other organisations involved in the Harnessing Our Marine Wealth Conference that was held in Haulbowline last Friday. SeaFest at the weekend was a tremendous success and well attended. I was pleased to hear contributions from the European Commissioner with responsibility for marine issues.

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Arising from the conference is the achievable aspiration of developing a far greater maritime, or blue, economy, one that could create an extra 29,000 jobs. I will focus on an idea that continuously arises in Castletownbere, which the Minister is well aware is the location of the Bord Iascaigh Mhara, BIM, regional training centre. I compliment Captain Shane Begley and his staff in the centre. They do an extraordinary amount of good work in preparing young men and women for careers at sea, particularly in the sea-fishing industry. I was pleased to see people like Mr. Declan Power qualifying for a full skipper's ticket in the past week or two based on the work that was done in Castletownbere. More of the same is required.

The college offers a FETAC level 5 course in marine engineering processes, covering vessel construction, main propulsion systems, auxiliary machinery, electrical systems, hydraulic and pneumatic systems, and health and safety and environmental modules, but we need to look beyond those. While there are many trades people, not just in places like Castletownbere, our fishery harbour centres and our ports, small and large, there is a considerable shortage of skills in the mainstream trades that could be adapted to working in the marine sector, for example, fabrication, hydraulics and electricians. I am referring to trades for which it might not be necessary to undertake full FETAC level 5 courses. Trades people could be slowly introduced into courses or modules that would not impact unduly on their own work but would qualify them to conduct some maintenance work, for example, in many ports and harbours.

This issue may be tied into the dearth of trades people in rural Ireland. One of the sad effects of the economic downturn was the loss of a generation from rural Ireland, and many from our ports and harbours. Places like Castletownbere have suffered due to the emigration of people with specific trades.

6 o'clock

We could consider more nuanced education or trade studies. Captain Begley in Castletownbere is under tremendous pressure for resources and I would not be naive enough to suggest this would not need resources. It would eventually do so but it is time to start planning and reviewing how we deliver courses for trades to serve the marine industry.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In common with other sectors, the seafood industry needs a regular supply of suitably trained and skilled personnel to work on board fishing vessels, on fish farms and in processing plants and it needs broader skills around harbour activities. BIM has a long established record of providing the industry with vocational training for appropriate qualifications to work as crew members, skippers and engineers on fishing vessels, and this vital service continues to develop. BIM provides a broad range of Department of Transport and QQI accredited courses through the National Fisheries College, with locations in Greencastle, Castletownbere and Dún Laoghaire. These courses include fishing vessel deck officer and engineering certificates of competency training as well as short duration courses on safety, radio, first aid and other nautical skills.

BIM's mobile coastal training units provide short courses in safety, radio, engineering and navigation at ports around the coast, offering industry practitioners convenient access to necessary training. Courses related to product handling for seafood processors and traders are provided in the seafood development centre at Clonakilty. Developing industry skills is one of the five themes in BIM's current strategy, which addresses the promotion and development of business management skills in the sector through leadership programmes. Attracting potential seafood graduates into the sector is also targeted through the introduction of new seafood busi-

ness management courses with selected third level institutions. The provision of appropriate skills and training to the sector will underpin the drive towards competitiveness which is the central focus of BIM's strategy.

With regard to fishing operational courses, BIM has committed to provide practical certificate and diploma courses, including essential safety training, leading to recognised qualifications from the Department of Transport and FETAC at the BIM training colleges in Greencastle and Castletownbere; to develop and implement a strategic upgrade of the training programme for sea fishermen with particular emphasis on safety and on professional qualifications; to provide statutory safety and FETAC accredited training places to fishermen, fish farm workers and others working in the sector; to provide relevant courses at various fishing ports through the mobile coastal training units; and to work with industry to improve the occupational health and safety environment for crew serving on aquaculture and fishing vessels and staff working in seafood processing operations.

I take it the Deputy would like to see more of a focus on practical apprenticeships, managed out of his home port of Castletownbere. I will be there on Monday when we can perhaps talk in a bit more detail about what he has in mind. We have an open mind on the subject and we are trying to raise the skill set of coastal communities, not only around fishing and aquaculture but in respect of other marine industries as well. Many of these were explored for their potential at the SeaFest conference last Friday and Saturday, which I know Deputy Harrington attended.

Deputy Noel Harrington: I acknowledge the commitment of the Minister to the maritime and fishing sectors. Places like west Cork have a proud tradition in shipbuilding, particularly in areas around Baltimore, but where I live only one shipwright is left, and he will not mind my saying that he will not be around for very long more as he will be looking to retire shortly, and there is a general dearth of skills. The national maritime college of Ireland is a hugely successful story in terms of the way it attracts graduates and in the way it links to larger elements of the maritime industry, whether that be the merchant marine or other specialities. I am interested in how tradesmen who have a basic skill level for onshore work might be attracted to the maritime sector, whether in sea fishing, the leisure industry, commercial activities or general maintenance in a variety of disciplines. This might allow the industry to up its game in parts of this country where, at the moment, there is not considered to be a future. It would require a different type of thinking from bodies such as BIM. The people of whom I talk may have basic skills, which would not enable them to make a living onshore or to attract work in the offshore sector, but by combining both might be able to satisfy the basic requirements of the industry in smaller ports and harbours. This would provide a varied future for tradespeople in those ports and harbours.

Deputy Simon Coveney: The Deputy is preaching to the converted. The Government is taking a collective approach to create viable coastal communities, whether in fishing, marine tourism, ocean renewables, servicing offshore oil or gas rigs, leisure and sport or technology and design. We think the marine sector will have a turnover of well over €6 billion by 2020 and that should enable us to maintain a quality of life in coastal communities of which we can all be proud. The challenge is to ensure that young men and women growing up in those coastal communities can develop the skill sets to build careers servicing those industries by building their own businesses around those industries, whether aquaculture, fishing, tourism, energy or hospitality. I will happily talk to the Deputy in more detail about it. It might be useful to set up a working group of some coastal Deputies, maybe of Government and Opposition, to explore the possibilities of putting in place apprenticeships about which the Deputy speaks and to improve skill sets in areas that may have been traditionally valuable but may, over time, have

become diminished.

Teaching Qualifications

Deputy Charlie McConalogue: I thank the Minister for Education and Skills for coming to the House to respond to my issue in person. I wish to raise the issue of recognition for Montessori teachers to teach in special education primary schools and in special education across the country. There is currently one school, St. Nicholas Montessori College Ireland, which carries out a level 8 qualification for teachers over four years to become qualified Montessori teachers. Until now, graduates from this level 8 course have been in a position to teach special classes in primary schools and students with special educational needs and have been able to take up positions in special education schools, of which there are some 150 across the country. In the consultation currently being carried out by the teaching council to review the regulations in accordance with the 2001 and 2012 Teaching Council Acts, I understand there is a proposal to remove regulation 3, under which those graduates of St. Nicholas Montessori College Ireland currently get restricted registration to enable them to teach in primary schools and special education schools. Will the Minister update the House on the current position with regard to the Teaching Council's proposals to change this regulation? Will the Minister confirm whether the students who are due to start the course with Saint Nicholas Montessori College Ireland this coming September will have the same recognition as previous graduates when they graduate in 2019?

In light of the Minister's recent announcement of an early years education advisory group, which has been asked to look at the development of possible qualification structures in the early years sector and is now carrying out that work, will she await the outcome of its report before deciding to remove the current recognition graduates of the Montessori college enjoy? I know the Minister has a particular affinity with this sector, having worked in it in the past, and that she knows it very well. I look forward to her response.

Minister for Education and Skills (Deputy Jan O'Sullivan): I thank Deputy McConalogue for raising this issue. I am aware of the concerns of Saint Nicholas Montessori College Ireland about the recognition of its teacher education programmes. As the House will be aware, the Teaching Council is the independent statutory regulator for the teaching profession. The council sets standards for all elements of the continuum of teacher education including initial teacher education programmes, induction and continuous professional development.

The Teaching Council's regulations for the registration of teachers were first published in 2009 and set out the standards teachers must meet if they wish to be registered members of the profession in Ireland. Teachers recognised under regulation 3 are eligible for employment in restricted school settings, that is, in certain categories of special schools and in certain classes in mainstream schools where Irish is not a curricular requirement. The council has been engaged in a review of the regulations for some time. The review has been necessitated by the extension and reconceptualisation of all programmes of initial teacher education. New regulations will be also necessary in light of the Bill to amend the Teaching Council Acts that is currently completing its passage through the Houses of the Oireachtas.

The developments are part of a significant programme of reform of teacher education in which the council has been engaged in recent years, informed in part by my Department's literacy and numeracy strategy of 2011. It is important to remember that the primary focus of

the reform programme is to enhance the quality of the teaching and learning experience for all children and young people. In any discussions we have about teaching and learning, including inclusive education, the learner must be the focus.

As the statutory professional standards body for teaching in Ireland, the Teaching Council is of the view that all teachers should be first and foremost qualified and registered as teachers in their given sector, whether primary or post-primary, before they specialise in particular areas of teaching and learning. Special education needs is now mandatory in all programmes of initial teacher education under the council's criteria and guidelines so the landscape has evolved significantly since regulation 3 was put in place.

That said, the council itself acknowledges that no one phase of teachers' learning will be sufficient to address all the needs of the pupils they will teach throughout their careers. The very concepts of continuous professional development and the draft national framework for teachers' learning, *Cosán*, bear out that. Specialist provision will continue to have its place in teachers' learning. Once teachers are fully qualified and registered, it is hoped they will continue to have a keen interest in finding quality programmes that will enable and empower them to adapt their practice to the needs of children in their care.

The council has consulted with a number of stakeholders, including Saint Nicholas Montessori College Ireland. Following consultation, the council has revised its draft regulations to provide that students who commence the programme, which is one of the questions Deputy McConalogue asked, on or before 1 September 2015 and who complete it no later than 1 September 2020 will be able to register with the council. This will give the college ample lead-in time, in addition to that which they have already, to develop a programme at post-graduate level which would meet the requirements of the council. In this scenario, future graduates of Saint Nicholas Montessori College Ireland would be registered teachers who would have specialised in special education needs and would therefore have access to the same employment opportunities as other registered teachers.

Recent changes in the teacher education landscape have been designed to ensure that inclusive education, incorporating the education of learners with special education needs, is given the appropriate professional space and time. In summary, the advice of the council that regulation 3 is no longer required has been accepted.

Deputy Charlie McConalogue: I thank the Minister and welcome the clarification for the cohort of students beginning the four year course this September that they will be eligible to apply to the Teaching Council for registration and to teach in special education settings in primary schools and in specialist special needs schools. However, the fact that the Teaching Council will no longer recognise this four year course will be a source of real regret and disappointment to many people who very much value the option of a level 8 course in Montessori teaching. They value the option of being able to specialise in Montessori teaching from the outset of their third level career given its particular value from a pedagogical point of view in special needs teaching.

Will the move away from this recognition reduce the employment capacity of those who have already graduated from the level 8 course? Will those graduates continue to be able to attract and win employment in special educational settings in the same way as they did before, as new graduates of the course will no longer be able to avail of registration from the Teaching Council?

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The Minister did not refer in her reply to the work of the early years education advisory group which is carrying out an important overview of the development of the early years sector and trying to ensure there is a professionalisation of the workforce at early years level over the coming period. It would be appropriate for the Minister to consider any approach by the Teaching Council on qualifications of current graduates of Montessori degrees in light of the work of that advisory group. Will the Minister await the outcome of that advisory group's report before pursuing any change to regulation 3?

Deputy Jan O'Sullivan: I did not refer to that particular issue in my earlier response. I expect the early years education advisory group to have an initial report back to me before the end of the year and I intend to meet it in the autumn. The group has started having meetings and looking at some of the issues. However, the group is focusing primarily on the early years rather than school age sector. It is clear the Montessori method of learning is very much a feature of early years education in Ireland currently and I am sure it will continue to be a feature into the future. I intend to engage with the advisory group on that matter. Having the extra year, whereby people starting the course this year will be still able to register, gives some time for a full discussion and I intend to meet representatives of the Montessori method and the Teaching Council in the near future.

The Teaching Council is an independent statutory body and one of its roles is to advise on standards, qualifications, educational programmes and professional development of teachers. Its advice has to be taken seriously. There is also a lot of respect in Ireland and in other parts of the world for the Montessori method generally but it features primarily in Ireland in the preschool area rather than the primary and post-primary sector. However, it has been a feature in special schools and special classes. There is a period of time before a change in respect of regulation 3 will be in place, during which time there will be the opportunity to engage further with the Teaching Council and with the Montessori association.

Cycling Facilities Funding

Deputy Andrew Doyle: I wish to raise the issue of funding for a cycleway or walkway in what is known as the greenway in Blessington, specifically, for phase 2 of the project. I will set out some of the background. One objective of the Wicklow Outdoor Recreation Strategy 2009-2013 was to explore the potential of new trails in west Wicklow. A feasibility study was carried out in 2010 and the Pollaphuca Reservoir area, which forms part of the greenway, was identified as a flagship project. More recently, Fáilte Ireland developed a destination development strategy for Kildare and Wicklow and launched a new brand identity for the region. Subsequently, this was incorporated into the Ireland's ancient east initiative. All are very welcome.

A map shows clearly that this project is sited in the main around Pollaphuca Reservoir. The area is almost entirely owned by the ESB. Irish Water is now involved among the other stakeholders, as is Wicklow County Council. There are others including BirdWatch Ireland which works on potential nature reserves.

A comprehensive scoping study was carried out. It was identified that there could be up to three extra phases. The initial phase was carried out under the auspices of the Blessington and District Forum and ran to 6.5 km. It was opened by the Minister's predecessor in February 2014. Ironically, on the same day, a new car park facility was opened at Russborough House, down the road. Part of the proposed phase 2 includes a 2 km spur to Russborough House. There

has been controversy over the sale of paintings in Russborough House recently and among of the problems identified was the lack of footfall and the need to improve visitor numbers. This extension would have added to that, although it is not the primary reason for it.

The proposal was further assessed by a Fáilte Ireland assessment team in early 2014. The assessment team was shown detailed plans for the greenway following Wicklow County Council's application for funding under the Department of Transport, Tourism and Sport national cycle network funding scheme for local authorities. A total of 38 projects proposed by local authorities were funded. Unfortunately, the Blessington proposal, which finished among the top two, was not. Essentially, that is why I am in the House raising the topic.

An economic impact assessment took place when the Blessington and District Forum began the project in 2011. It estimated that between domestic, overseas and local residents the economic boost in a year would be of the order of €7 million. This project stands up to scrutiny. It stood up to the expert assessment team's scrutiny. It can be completed in a year. It is shovel-ready. All the various issues have been boxed off. There are some selected alternative routes which would shorten the route somewhat and take out some of the more expensive and problematic or challenging routes. Phase 2, with the amended route, would bring the total route from 6.5 km to 34.5 km, an increase of 28 km in the length of the cycleway or walkway.

We all know the value of these facilities. We are trying to encourage outdoor activities. This route goes around the lakes and links some of the villages, including Ballyknockan and Ballymount - Ballyknockan is known as the granite village. It also links to Avon Rí, a tourist resort and there is the spur to Russborough House as well. The project is well worth funding, whatever way we have to do it. I believe it stands up to scrutiny. I call on the Minister to seriously consider the matter, whether it involves working with other agencies or entities to try to secure the funding.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank Deputy Doyle for raising this matter. I am fully aware of the value of these projects. I have had the opportunity to experience a number of these cycleways and I have visited many of them throughout the country. One of the challenges I face is that in so many different counties and local authorities there is a strong demand for greenway projects like this. The script that is being handed to Deputy Doyle states that at the moment I have no additional funding for the coming period to allocate to new projects. It acknowledges that in recent years we have allocated many millions for greenway projects. A total of €6.3 million was made available last year to three local authorities for the delivery of three greenway projects. A further 11 greenway proposals were submitted by local authorities to share in stimulus funding, and €10 million was made available for the delivery of greenways.

I believe strongly in and I am passionate about the delivery of a system of integrated greenways across the country. A small number are under way but we want to get more under way. I am working within my Department to see whether we can come up with a framework within the constraints of the funding that is available to us such that we can better support and fund a number of greenways across the country.

There will be opportunities in future, particularly for Border counties, to apply for funding under the new programmes for cross-border co-operation and the EU PEACE programme. These funding programmes will be in place between 2014 and 2020. Alongside these it may be possible for some groups to secure funding via the Leader programme, which will at least

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allows proposals to be progressed up to design stage.

I am aware that this project is already designed and that Deputy Doyle is seeking funding to move it to construction, or, at least to move the next phase to construction. While I am not in a position to say I have funding available at the moment to do that, I accept the real value of projects like this and I am working at the moment to see whether there is some framework or way in which we would be able to fund these projects over of a number of years to enable more of them to be realised. I have seen the extraordinary benefits these projects deliver in the communities and the local authorities that have executed them not only from a tourism point of view but also in terms of sustainable transport and the way they serve as catalysts for local economic development. For example, I have seen the effect the greenway in Mayo has had on a community like Newport. I am keen to see these effects replicated throughout the country. In the time left open to me in this role and in the Dáil I am keen to find some way to support projects like that.

Deputy Andrew Doyle: I know the Minister is keen to get projects like this under way. We both dabbled in the greenway when we were in Westport at a party event some years ago. I am interested in what the Minister said about the INTERREG funding. He referred to the PEACE initiative and cross-border initiatives, whether they involved Northern Ireland or the United Kingdom. Not too far away from the greenway is the Glencree Centre for Peace and Reconciliation. It is stretching it a little but, at the same time, it has been involved in many projects that have brought people together from all over the planet from areas of conflict. Often this happens under the radar. The former director said once that in Glencree people can get things done or take credit for them, but they can seldom do both. It is a place that goes somewhat under the radar. It gets funding from the Ireland Fund and elsewhere. Perhaps some linkage could be established if all that is needed is imagination. There are really no land-ownership issues affecting the greenway. Everything can be accommodated, including the nature reserves and the bringing of people to the area. It is in west Wicklow, which tends not to do as well as the east coast. It does reasonably well but could do better. I ask the Minister to keep the project on the agenda with a view to having it on the list if funding is available.

Deputy Paschal Donohoe: The kind of project to which the Deputy is referring is one of which I am very much aware. We have made some progress on similar projects in some parts of the country. I hope that as our economy continues to improve, we will find funding to support projects such as the one referred to by the Deputy. However, I am not in a position today to say the funding is currently available.

With regard to the Deputy's specific question on the use of INTERREG funding and funding through the PEACE IV programme, the eligibility criteria are unlikely to be directly applicable to the Deputy's county. The programmes could be of great help, however, in that an opportunity could arise under them to seek co-funding for projects we want to fund in other parts of the country, which in turn would free up capacity in other parts of the country. That is where I hope a benefit would accrue for the kind of project to which the Deputy referred. Consider the opportunity both of us had on Monday afternoon to see the extraordinary 16.5 km of new motorway that will enable greater contact between the Deputy's county and the rest of the country. It would be great if we were able to use the infrastructure in a way that would allow people to sample and enjoy an even greater variety of tourist experiences in the area. I have no doubt that a project such as the one in question would be one of these. Although I cannot make funding available for it at present, I hope that, over time, we will find a way to make progress on it.

Climate Action and Low Carbon Development Bill 2015: Order for Report Stage

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Climate Action and Low Carbon Development Bill 2015: Report and Final Stages

Acting Chairman (Deputy Jerry Buttimer): Amendment No. 1, in the name of Deputy Stanley, is out of order. Amendment No. 2, in the names of the Minister and Deputy Cowen, arises from Committee proceedings. Amendments Nos. 2 to 4, inclusive, 6, 37, 45, 48, 49, 57, 60 to 65, inclusive, 69, 75 to 95, inclusive, 97 to 123, inclusive, 125 to 129, inclusive, 132, 133, 135, 137 to 139, inclusive, 141 to 145, inclusive, and 150 form a composite proposal. Amendments Nos. 64 and 65 are physical alternatives to amendment No. 63. All may be discussed together, by agreement.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan): I move amendment No. 2:

In page 3, line 9, to delete “*An Chomhairle Chomhairleach Shaineolach Náisiúnta um Athrú Aeráide*” and substitute “*An Chomhairle Chomhairleach um Athrú Aeráide*”.

All these amendments have one aim, that is, to change the name of the National Expert Advisory Council on Climate Change to the Climate Change Advisory Council. A corollary to this is that the short title of the council, namely the Expert Advisory Council, will become simply the Advisory Council.

This issue was raised on Committee Stage and by the environmental NGO community with the intention of modelling the format on the Fiscal Advisory Council. Although I place limited value on the title of the council, I have, in deference to the wishes of others, tabled these amendments to effect the name change throughout the Bill. I hope the entire House can support them.

Deputy Clare Daly: We have tabled one of the amendments but the reality is that it is just a bit of a sop. The change was obviously at the request of Friends of the Earth in order to change the name of the group. However, it really only makes sense if the ex officio members are to be taken off the panel. To me, the proposal is just an attempt by the Government to say it is really listening to the submissions that were made but in reality there is only a name change. It does not alter in any way the content or orientation of the body, which would be necessary if we were to have some meaningful action. I will not waste time on it because there are more important issues.

Deputy Brian Stanley: I welcome the opportunity to speak on this important Bill. The future of the planet is probably the most important matter we can discuss. Many amendments have been tabled and many have been ruled out of order. Members in these benches have put a

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lot of work into the legislation in recent years. In the summer of 2013, many of us spent nearly two weeks in the bunker under Leinster House 2000 producing the committee report. The report, produced along with Professor John Sweeney, mapped out a way forward. It is disappointing that the Government has not taken on board the key recommendations.

Acting Chairman (Deputy Jerry Buttimer): The Deputy may speak only to the grouped amendments. The Minister of State has no role in the ruling in or out of order of amendments. This is decided upon independently.

Deputy Brian Stanley: I am just disappointed that they have been ruled out of order. I am not blaming the Minister of State. Are we taking all the grouped amendments together?

Acting Chairman (Deputy Jerry Buttimer): The amendments I read out are grouped and are to be discussed together. It was not my decision to group them; it was an independent decision.

Deputy Brian Stanley: I accept that. The amendment on which I wish to focus-----

Acting Chairman (Deputy Jerry Buttimer): The grouping list has been circulated to Members.

Deputy Brian Stanley: I have it here.

I want to focus in particular on greenhouse gas emissions in the agriculture sector. While emissions must be reduced in other areas, we want to keep production at its current level in agriculture. That obviously presents a significant challenge. I have submitted amendments on this. The challenge concerns Harvest 2020, the Common Agricultural Policy greening requirements and the issue of Food Wise. There is great pressure to improve output and I certainly want to see strong beef and dairy sectors. The question we have tried to reflect in the amendments concerns how to keep agriculture strong without exceeding the imposed limits.

We need to consider restarting the beet industry. It was closed down in 2006 and 2007, unfortunately. This was very much an incorrect decision. Bearing in mind the great pressure to improve output, if we rely too much on the beef and dairy sectors, whatever Government is in power will end up buying carbon credits. They do not come cheap, never mind the damage we would be doing to the environment. Let us keep a good, strong beef and dairy sector but remember it has its limits in terms of farm expansion and production expansion. Beet is an excellent cash crop and break crop. It is a very sustainable crop for crop rotation, particularly with barley. Beet Ireland estimates that we import sugar products worth approximately €400 million. Beet has enormous potential to be of help in reducing greenhouse gas emissions. Unlike cattle production, beet production does not result in greenhouse gas emissions. Furthermore, the beet crop has the advantage of being a valuable carbon sink because it is a covering crop with big, broad leaves, certainly for the second half of its growth. This issue needs to be addressed.

Acting Chairman (Deputy Jerry Buttimer): It is about a change of name. I hate to be technical but we are dealing with Report and Final Stages.

Deputy Brian Stanley: While the beef and dairy sectors are important, we should not put all our eggs into one basket. In tandem with that, we should try to develop a strong tillage sector. In particular, we must give the beet industry the attention it needs and restart it.

In respect of other points relating to the amendments-----

Acting Chairman (Deputy Jerry Buttimer): I hate to be technical but we are dealing with Report and Final Stages. It is about a name change rather than what is being articulated by the Deputy. I want to be fair to all Members of the House.

Deputy Brian Stanley: I submitted 17 amendments. The question that arises concerns the advisory panel. I note that the Government is changing the name from the National Expert Advisory Council on Climate Change to the Climate Change Advisory Council. I am curious about the rationale for that. The Minister of State might address that. The lack of targets and the fact we are saying we will comply with EU targets and we are part of the EU-----

Acting Chairman (Deputy Jerry Buttimer): That is not part of this. We are dealing with Report and Final Stages.

Deputy Brian Stanley: I know that. Are we dealing strictly with amendment No. 2?

Acting Chairman (Deputy Jerry Buttimer): They are all grouped together.

Deputy Brian Stanley: What are they being grouped with? Is it amendments Nos. 2 to 4?

Acting Chairman (Deputy Jerry Buttimer): Does the Deputy want me to read them out?

Deputy Brian Stanley: Amendments Nos. 2 to 4 are what I have here.

Acting Chairman (Deputy Jerry Buttimer): They are amendments Nos. 2 to 4, inclusive, 6, 37, 45, 48, 49, 57, 60 to 65, inclusive-----

Deputy Brian Stanley: Up to amendment No. 123.

Acting Chairman (Deputy Jerry Buttimer): If the Deputy wants me to read them out, I will.

Deputy Brian Stanley: No, I have them here. They go up to amendment No. 123. I have the same sheet as the Acting Chairman.

Acting Chairman (Deputy Jerry Buttimer): All the amendments that have been grouped concern one issue, which is the name change.

Deputy Brian Stanley: We can change the name but the real deal is what is in the Bill. I suggest that this Bill does not do what it should do and I will leave it at that.

Acting Chairman (Deputy Jerry Buttimer): I call Deputy Cowen.

Deputy Barry Cowen: I will acquiesce in the Minister of State's agreement in respect of amendment No. 2 and others relating to the name change and I propose we move on.

Acting Chairman (Deputy Jerry Buttimer): Does the Minister of State wish to reply?

Deputy Ann Phelan: This was raised on Committee Stage. People wanted the name change and this is the response.

Amendment agreed to.

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Deputy Ann Phelan: I move amendment No. 3:

In page 3, lines 10 and 11, to delete “National Expert Advisory Council on Climate Change” and substitute “Climate Change Advisory Council”.

Amendment agreed to.

Deputy Ann Phelan: I move amendment No. 4:

In page 3, between lines 23 and 24, to insert the following:

“ “Advisory Council” has the meaning assigned to it by *section 8(2)*.”

Amendment agreed to.

Deputy Mick Wallace: I move amendment No. 5:

In page 4, between lines 1 and 2, to insert the following:

“ “baseline” means the aggregate amount of—

(a) net Irish emissions of carbon dioxide for 1990, and

(b) net Irish emissions of each of the greenhouse gases other than carbon dioxide for the year that is the baseline year for that gas;

“baseline years” for greenhouse gases other than carbon dioxide are—

(a) for methane, 1990,

(b) for nitrous oxide, 1990,

(c) for hydrofluorocarbons, 1995,

(d) for perfluorocarbons, 1995,

(e) for sulphur hexafluoride, 1995;”.

There is no reference in the proposed Bill to any baseline years for any of the greenhouse gases listed on page 4 of the Bill. This amendment will allow us to have a reference point for these greenhouse gases against which the advisory committee, or whoever is involved in the monitoring process and the drawing up of the action plan, can measure our progress and around which it can organise. Without a baseline to work off, the Bill makes little sense and without targets to reach that reference, the Bill as a whole does not amount to anything. Obviously, the years proposed for the baselines in this amendment are highly ambitious, but that is exactly what we should be trying to do with this legislation. Scotland has similar years referenced in its legislation on climate change which is, in stark contrast to the Bill we have before us today, an example of international best practice.

On Committee Stage, the Government ruled out of order any amendment that included a reference to targets on the basis that Opposition Deputies cannot propose amendments to legislation that may have a potential cost to the Exchequer - perhaps the second most undemocratic instrument in Irish politics after the Whip system - and gave no defence of the ruling. By refusing to commit to ambitious greenhouse gas emissions reduction targets, this Government is in-

curing a cost to the Exchequer and a global human cost that is only going to get worse. Those who live on or near the Equator line are already faced with daily life or death circumstances as a result of climate change and this Government's lack of action makes Ireland complicit. However, the insular and short-sighted thinking that dominates Irish politics today has no room for this reality nor does it see the lives of people - either those in Ireland or abroad - as having any real value, as evidenced by the decision to rule out any possibility of climate justice or real climate change mitigation because there might be a short-term cost to the Exchequer. If this analysis is too harsh, we can at least say that this Government understands the value of money but not the value of humanity.

Therefore, let us speak its language of quantity above all else. According to the European Commission, "early action on climate change will save lives and money. The EU-wide cost of not adapting to climate change could reach at least €100 billion a year by 2020, rising to €250 billion a year by 2050." Elaborating on the internationally accepted position that climate change poses a threat so serious that it could reverse the past 50 years of progress in global health and development, the European Commission has said that climate action would bring benefits of €38 billion a year in 2050 through reduced mortality caused by air pollution. The World Health Organization has estimated that, considering only a few of the associated health risks and assuming continued progress in economic growth and health protection, climate change would still be likely to cause about 250,000 additional deaths per year by the 2030s. A recent report by researchers at the International Monetary Fund identifies the omission of health damages from polluting fuels as the largest of the subsidies provided to global energy production and use, which will total \$5.3 trillion in 2015, which is more than the total health expenditure of all the world's governments.

What is clear is that climate change and its causes are the greatest risks facing human health. The purpose of this amendment is to ensure that when making a climate change mitigation plan, the Government has a reference point from which it can make long-term national commitments that are binding and those in power can be held accountable if they fail to protect the Irish people and the wider world. It is obvious that fast and meaningful action on climate change will have economic benefits for Ireland, but more importantly, it will mean the Government cares about the well-being of people. Failure to commit to targets and a fast-track of the mitigation plan will demonstrate that the opposite is the case.

As I have outlined, there is a wealth of peer-reviewed research showing that climate change will result in astronomical costs to governments the world over. There is also a long series of very coherent arguments from scientists, economists and international bodies that highlight the immense savings that will accrue from co-ordinated, effective and sustained commitment to ambitious emissions reductions targets. In light of these facts, a situation where the Minister refuses to entertain amendments that would commit us to national emissions targets on the basis that to do so would incur a potential cost to the Exchequer is Kafkaesque. This stance by the Minister is one of the starkest examples of the Government sticking its head in the sand on an issue. We would like to challenge the Government's use of Standing Orders as an excuse not to have to take seriously our concerns about the lack of any commitment in this Bill to reduce carbon emissions. Our argument is that contrary to the Standing Order ruling, it is the Opposition Deputies who are trying to save money for the Exchequer and it is the Government which wants to burn it and, simultaneously - I am not being over-dramatic here - the world with it.

A closely monitored and targeted emissions reduction strategy is essential for the economic and social well-being of this and every other country on Earth. The end result of refusing to

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commit to a significant target will be our collusion in the deaths of untold millions of people. The purpose of the amendment is to give some meat to the Bill. As it stands there is no reference to a baseline or an end goal, making the Bill effectively not fit for purpose. The amendment is based upon the text of the Scottish Parliament's Climate Change Act 2009. That Act, in stark contrast to the proposed Bill, clearly outlines the targets to be met, the criteria under which those targets should be assessed in their feasibility by an independent body, an ambitious timeframe for the publication of that advice and the framework around the responsibility of the Minister in regard to that advice.

The proposed Bill has little or no detail surrounding this issue and at worst, it allows an advisory panel that is not genuinely independent to draw up proposals that will not be provided to the public before the drafting of the adaption plan or sectoral adaption plans. Furthermore, as is clear from a reading of the Scottish Act, the aim there is to arrive at the highest target possible and that a full explanation as to why higher than their proposed minimum targets cannot be achieved. The proposed Bill comes nowhere near this level of commitment to tackling climate change.

By failing to act on this issue, this Government is cementing its legacy as a regressive and destructive force wholly bound to free-market ideology, no matter what the cost to the planet or the people on it. This is a crisis that needs governments to lead by example and to rein in the economic system that has brought the human race to the brink of extinction. This would mean an end to privatisation and an end to austerity, an increase in public spending to build up the public services and infrastructure that will be our best protection against climate change. It will mean reining in the behaviour of the biggest polluters, for example our beloved FDI partners, instead of the current practice of corporate welfare that is so widespread today. It will mean fighting for better building regulations rather than the Minister for the Environment, Community and Local Government effectively banning international best practice for building properly insulated homes, as happened recently.

We should be investing in the public transport sector, especially light rail, instead of concentrating almost exclusively on the roads network and selling off bus routes to the private sector, while we are at it. We need to challenge the ideology that places the endless pursuit of growth above all else. The world is finite, but one would not think so to listen to those on the Government benches. The fact that we gave our oil and gas fields off County Mayo to one of the worlds biggest polluters as a present and then brutalised and imprisoned the local people who objected, is a bad signifier on this front-----

Acting Chairman (Deputy Jerry Buttimer): The Deputy is straying from the Bill.

Deputy Clare Daly: This is intrinsically linked to it.

Deputy Mick Wallace: I thank the Acting Chairman for his guidance.

Acting Chairman (Deputy Jerry Buttimer): I am trying to be fair to everyone.

Deputy Mick Wallace: I appreciate that. The Deputy is a very fair Cathaoirleach.

Acting Chairman (Deputy Jerry Buttimer): Thank you, Deputy.

Deputy Mick Wallace: In view of this it does not come as much of a surprise that this Bill is toothless.

A national commitment to a reduction of 80% by 2050 is essential if this Bill is to carry any clout. Anything short of this will be leaving things in the hands of Europe and international agreements which have already been dumbed down. The 2030 targets of 40% recently set by the European Commission are clearly inadequate to meet the EU's own target of limiting global warming to 20 C. We need to give meaning to the words uttered by our leader, the Taoiseach, Enda Kenny, in New York last September when he said, "Leaders, governments and corporations have a responsibility to define objectives, make policy decisions and take action to preserve our planet and secure a prosperous future for its inhabitants". The Bill, as it stands, has no defined objectives. Was the Taoiseach talking something different because it does not match up with the provisions in the Bill?

As well as health and social issues, a changing climate poses potential risks to global security, in particular, to secure, sustainable and affordable supplies of key natural resources such as food, water and energy, that are essential for economic prosperity and well-being, but the only food security that we seem to be worried about is the security of our beef exports that are having such a detrimental effect on the environment and on climate change. We need to have targets in this Bill and an 80% reduction by 2050 is in line with the EU commitment to stop the rise of 20C degrees rise in the global temperature. Anything short of this and the Government will not only have failed the Irish people but we will continue to play an active part in the devastation affecting billions of people in the most climate change-vulnerable regions of the planet. The situation we are faced with is stark and we need to take the lead in standing up to those who pose the greatest threat. We also need to sort out our own affairs while we are at it.

Naomi Klein summarises the precariousness of the scenario:

In 2011 the London based Carbon Tracker Initiative conducted a study that added together the reserves claimed by all the fossil fuel companies, private and state-owned. It found that the oil, gas and coal to which these players had already laid claim - deposits they have on their books and which were already making money for shareholders - represented 2,795 gigatons of carbon (a gigaton is 1 billion metric tons). That's a very big problem because we know roughly how much carbon can be burned between now and 2050 and still leave us a solid chance (roughly 80 per cent) of keeping warming below 2 degrees Celsius. According to one highly credible study, that amount of carbon is 565 gigatons between 2011 and 2049. And as Bill McKibben points out, "the thing to notice is, 2,795 is five times 565. It's not even close." He adds: "What those numbers mean is quite simple. This industry has announced, in filings to the SEC and in promises to shareholders, that they're determined to burn five times more fossil fuel than the planet's atmosphere can begin to absorb."

This Bill needs concrete commitments to national targets for emissions reductions for now and well into the long-term. Anything less is a monumental failure of the political class on this island to do something that will really make a better world, at home and abroad, now and for the remainder of our time on this planet.

Deputy Clare Daly: I refer to some of the points made by Deputy Stanley. It is a disgrace that the discussion of this Bill is rammed into a half an hour the day before the summer recess. I mean no disrespect to the Minister of State but the fact that the Minister for the Environment, Community and Local Government is not present for a discussion on the biggest challenge facing our country and our planet is a little gobsmacking, to be honest.

This amendment is a critical addition to the Bill. It provides for national emissions reduc-

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tions targets and Ireland's part in leading the way in tackling climate change. In order to be able to formulate an action plan for implementing climate change mitigation, we need a reference point from which to start so that we can measure our progress against it. Last September at the UN climate change summit in New York, the Taoiseach referred to long-term objectives for 2050 of an 80% reduction across electricity, transport and the built environment. Yet this Bill contains no reference to any targets whatsoever. The closest the Bill will come to mentioning a target is by way of the new amendment No. 17 from the Minister. This proposes to change the Bill to the effect that when the Government is drawing up its action plan in a few years' time, while making sure that all measures are cost-effective they will have regard to the policy of the Government on climate change. That is all the amendment proposes. The official Government policy published around the time of the first drafting of this Bill, is that we were in pursuit of low-carbon Ireland by 2050:

[T]he Government shall endeavour to secure an aggregate reduction in carbon dioxide emissions of at least 80 per cent (compared to 1990 levels) by 2050, across the electricity generation, the built environment and transport sectors and in parallel, an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production.

Some aspects require clarification. This is not an airtight commitment to a 2050 target. Even if it could be construed as such, the Government policy only references carbon dioxide and none of the highly dangerous greenhouse gases listed in our amendment. In the first two decades after its release, methane is 84 times more potent than carbon dioxide. Both types of emissions must be addressed if we want to effectively reduce the impact of climate change. If our amendment is not included in the Bill, this will not happen.

A plethora of amendments were tabled on Committee Stage which were ruled out of order because they made reference to emissions reduction targets. It was argued without any supporting documentation or argument that reduction targets cost the Exchequer money and that opposition Deputies are not allowed to put forward amendments which will cost the Exchequer money.

Debate adjourned.

7 o'clock

Children (Amendment) Bill 2015 [Seanad]: Order for Report Stage

Minister for Children and Youth Affairs(Deputy James Reilly): I move: "That Report Stage be taken now."

Question put and agreed to.

Children (Amendment) Bill 2015 [Seanad]: Report and Final Stages

Deputy Clare Daly: I move amendment No. 1:

In page 8, between lines 3 and 4, to insert the following:

“(a) by the insertion of the following subsection after subsection (2):

“(2A) The maximum total period that a child may spend remanded in custody is three months from the date of being remanded in custody by the Court.””.

We discussed this issue on Committee Stage. I have tabled a number of amendments, but this is one of the two most important. The objective is to place an upper limit of three months on the time a child can spend remanded in custody. The amendment should be considered in the context of the purpose of the Bill which is to move away from detaining children who get into trouble.

Custody on remand is detention in circumstances where a person has not been convicted of a crime and may never be. We need to bear in mind that it should always be a minimum period for everybody. The Irish Penal Reform Trust recommends six months as the absolute maximum in all cases. My amendment seeks to have a limit of three months because three months in the context of a child’s life is perfectly balanced.

We should remember that four out of ten children in custody on remand have an intellectual disability. They often come from families where one family member has a criminal conviction. The majority of these children have behavioural problems, mental health difficulties and so on and often experience drug and substance abuse. They are vulnerable young people who need our support. I do not believe we can in any way stand over their being detained for periods of indefinite duration. My amendment seeks to place a time limit on that period.

Most of the young people in question end up getting no sentence. In 2014 only 27% of the young people detained received a detention order on conviction. In 2013 the figure was 45%. Therefore, between one half and three quarters of them end up not getting a conviction. We need to keep their time in incarceration to a minimum because of the damage it can potentially do to young people.

We discussed this issue on Committee Stage. When children are remanded in custody, it is incredibly important to separate them from those who have been convicted. The Bill, as it stands, states we should seek to do this as far as is practicable. I want this to be the case in all circumstances. On Committee Stage the Minister said he was striving to do this but that we would not have the level of accommodation necessary. There is no assigned remand unit on the Oberstown campus. There has been a consistently high number of children remanded, which means that the issue of solitary confinement that the Minister raised on Committee Stage would not arise.

The Bill is supposed to be about prevention. The young people concerned need sustained intervention. One of the problems lies with people being remanded in custody, for example, for breach of bail conditions. This has to stop, as we said on Committee Stage. People who are given bail are not given sufficient support to be able to understand the conditions set, to work with them and so on. We need community programmes. Non-detention-based initiatives have

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to be implemented while people are awaiting trial. The amendment would encourage this. This is about having an upper limit and giving less wriggle room to the State in that regard.

On Committee Stage the Minister said that what I was trying to do represented a blunt instrument and that it would not take into account the circumstances that gave rise to the remand in custody and that very serious charges might be a factor. He also mentioned the issue of the importance of the safety of the public. Putting an upper limit on the time somebody can spend on remand has nothing to do with any of these issues. I do not suggest not detaining them. I am saying they should be detained for a maximum of three months and that they should then be dealt with at trial. If they are convicted and there is to be a further period of detention, so be it, but they should not be kept in abeyance in the run-up to this. That is entirely consistent with human rights practices and what happens in other countries. I could list a range of international human rights agreements that support my view. In England, for example, time spent in custody on remand is limited to six months. In Spain it is only for very serious crimes and never for minor offences. When dealing with children, the maximum length of time spent in custody is three months. In Portugal I believe it is also three months. That is all I seek to do. I hope the Minister will reconsider the matter.

Deputy Sandra McLellan: I support the amendment. Even three months in a detention centre on remand can be a very long time for a young person. If at all possible, children on remand should be kept separate from those who have been convicted of a crime. For a child, being placed on remand for the first time can be very traumatic and scary. The Minister should reconsider the matter.

Minister for Children and Youth Affairs (Deputy James Reilly): As Deputy Clare Daly pointed out, her amendment proposes to insert a new provision in section 88 of the existing Children Act which deals with the remand of children in custody. The effect of the proposed amendment would be to impose a maximum period of remand in custody for a child of three months from the date of being remanded in custody by the court. Section 88 of the Children Act allows a court to remand in custody a child who is charged with or found guilty of an offence, who is being sent forward for trial or in respect of whom the court has postponed a decision. The section in question also provides that a court shall not remand a child in custody if the only reason for so doing is that he or she is in need of care or protection or the court wishes Tusla, the Child and Family Agency, to assist it in dealing with the case. In addition, section 76B of the existing Act provides for the involvement of Tusla in such cases, as deemed necessary by a court.

As provided for in various District Court rules, a child may be remanded in custody in the Children Court for an initial period not exceeding eight days and subsequently for an individual period not exceeding 15 days. Children can be remanded in custody for successive periods within this framework, but they are brought back before the court at regular intervals, which is important to remember. It is not as if they are being placed on remand for three months.

While there is no legislation governing the length of remand periods in the Circuit Criminal Court for children, the right to an expeditious trial applies to every accused person, irrespective of age. Section 100 of the current Act provides that where a court is satisfied as to the guilt of a child, it may remand him or her in custody for the purpose of the preparation of any necessary report but not for longer than 28 days. This period may only be extended once by a maximum of 14 days.

It is also important to note that all children remanded in custody have, of course, access to independent legal advice. Children remanded in custody can apply to a court to be remanded on bail at any time and a refusal of bail can be appealed to the High Court in accordance with the Bail Act 1997. The effect of the amendment as drafted would be to impose a maximum period of remand in custody of three months for all children. This would create a blunt rule which would apply in all cases relating to children in the criminal justice system, irrespective of the circumstances where a remand in custody may be considered necessary by the courts. This should not occur in the case of minor offences but if a 16 or 17 year old is accused of murder or manslaughter and the Deputy wants to impose a maximum remand of three months when court hearings are not within our control and it is necessary to have a Garda investigation to gather evidence, I do not believe this is wise. For these reasons I am not accepting the amendment.

I want to emphasise another point the Deputy alluded to, which might be the subject of further amendments. We absolutely want to ensure that detention, whether remand or otherwise, is the course of last resort and should never be because Tusla's assistance is required and awaited or because there are child protection issues. That would not be appropriate and will not occur under this Bill.

Deputy Clare Daly: The measures the Minister outlined that are available already to young people are welcome. I do not object to them. I broadly welcome this Bill. We are trying to make it better. We are not outlawing the possibility of a young person's being remanded in custody. We are trying to ensure the State is forced to act and the onus is on it to expedite the trial. If a young person is accused of a very serious crime, the Minister says the Garda might need time to get the evidence. If that young person's liberty has been taken and he or she has been brought before the courts and charged, I should hope the Garda already had a significant body of evidence. All the amendment states is that the person should be brought to trial and, by all means, if the court decides the person's liberty needs to be taken and he or she needs to be detained, that should be done, but recommendation 20 of the Council of Europe 2003 states that young people should be remanded in custody for no longer than six months before the commencement of their trial. This happens in England and Spain, and in Portugal it is three months. There is nothing bizarre, outlandish or revolutionary about what is being done here and it is in compliance with the idea of expediting trials, which we should strive for. The Minister says everybody has a right to an expeditious trial. They do but that does not always happen. Making it unlawful to detain a young person on remand for longer than three months and specifying that in law will help because those cases should be processed more quickly given the age of the young person.

Deputy James Reilly: We all want the best outcomes for children. We do not want children to be detained unless it is absolutely essential. As Minister for Children and Youth Affairs, my focus is on children. As a politician, however, I, like the Deputy, have to take into consideration the victims. If a person who lost a loved one through manslaughter or murder saw the perpetrator get off on the basis of the technicality of three months being the law, there would be a very serious situation on our hands. I would hope that in practice there will be very short periods of detention for remand. The evidence points to the fact that we see it as the very last resort because so few people who are on remand are convicted because other methods are found to deal with their situation.

Deputy Clare Daly: It is not a question of the perpetrator of a crime getting off on a technicality. That is the wrong issue. It is a question of somebody who has been charged with a crime having a right to an expeditious trial in order that the courts can then decide if the person is

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guilty. It is a question of people being held at a time when they have not been convicted and we do not know whether they are guilty because the courts have not adjudicated. This happens as a matter of course in many European countries and is recommended by the European Council.

Amendment put:

<i>The Dáil divided: Tá, 40; Níl, 68.</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>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>
<i>Browne, John.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Eric.</i>
<i>Cowen, Barry.</i>	<i>Cannon, Ciarán.</i>
<i>Daly, Clare.</i>	<i>Carey, Joe.</i>
<i>Dooley, Timmy.</i>	<i>Coffey, Paudie.</i>
<i>Ellis, Dessie.</i>	<i>Conaghan, Michael.</i>
<i>Ferris, Martin.</i>	<i>Connaughton, Paul J.</i>
<i>Fitzmaurice, Michael.</i>	<i>Coonan, Noel.</i>
<i>Fleming, Tom.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Halligan, John.</i>	<i>Creed, Michael.</i>
<i>Healy, Seamus.</i>	<i>Deering, Pat.</i>
<i>Healy-Rae, Michael.</i>	<i>Doherty, Regina.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Donohoe, Paschal.</i>
<i>McConalogue, Charlie.</i>	<i>Dowds, Robert.</i>
<i>McDonald, Mary Lou.</i>	<i>Doyle, Andrew.</i>
<i>McGrath, Finian.</i>	<i>Durkan, Bernard J.</i>
<i>McGuinness, John.</i>	<i>English, Damien.</i>
<i>McLellan, Sandra.</i>	<i>Feighan, Frank.</i>
<i>Martin, Micheál.</i>	<i>Fitzgerald, Frances.</i>
<i>Mathews, Peter.</i>	<i>Fitzpatrick, Peter.</i>
<i>Murphy, Catherine.</i>	<i>Flanagan, Terence.</i>
<i>Murphy, Paul.</i>	<i>Gilmore, Eamon.</i>
<i>Naughten, Denis.</i>	<i>Griffin, Brendan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Harrington, Noel.</i>
<i>Ó Cuív, Éamon.</i>	<i>Heydon, Martin.</i>
<i>Ó Fearghail, Seán.</i>	<i>Humphreys, Heather.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Humphreys, Kevin.</i>
<i>O'Sullivan, Maureen.</i>	<i>Keating, Derek.</i>
<i>Pringle, Thomas.</i>	<i>Kehoe, Paul.</i>
<i>Ross, Shane.</i>	<i>Kelly, Alan.</i>
<i>Shortall, Róisín.</i>	<i>Kenny, Seán.</i>

<i>Smith, Brendan.</i>	<i>Kyne, Seán.</i>
<i>Stanley, Brian.</i>	<i>Lawlor, Anthony.</i>
<i>Troy, Robert.</i>	<i>Lyons, John.</i>
<i>Wallace, Mick.</i>	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McHugh, Joe.</i>
	<i>McNamara, Michael.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Riordáin, Aodhán.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Sullivan, Jan.</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>Ryan, Brendan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Timmins, Billy.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Wall, Jack.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Clare Daly and Sandra McLellan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

Acting Chairman (Deputy Jerry Buttimer): Amendments Nos. 2 and 7 are cognate and may be discussed together, by agreement. Is that agreed? Agreed.

Deputy Sandra McLellan: I move amendment No. 2:

In page 9, between lines 35 and 36, to insert the following:

“(3) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.”.

Although the Bill makes provision for the director of the Oberstown campus to hold an inquiry into an alleged breach of discipline and inform the child of the details of that inquiry, no provision is made for the child to respond or be heard. In order that provision is made for a child to be heard fairly if he or she is accused of being in breach of discipline or brought before an inquiry, we must ensure the procedures children encounter in detention settings are understandable to them and take into account their age and vulnerability. It could very well be a child’s first time in such a setting, which is an intimidating and traumatic experience for any child. We must also be aware that many children within the system have literacy difficulties. This must be taken on board when addressing any disciplinary measure. Any reason for the imposition of a sanction should be recorded in writing and communicated to the child in ordinary language. The opportunity to be heard is of such importance, in terms of a child’s rights and due process, that it should be provided for in the Bill.

Deputy Clare Daly: In the matter of a child’s opportunity to be heard and respond to an allegation of a breach of discipline, as the Bill stands, a child does not have the right to respond. The stakes, however, are high. Potentially, the forfeiture of 14 days remission, effectively a loss of liberty, is at stake. Therefore, the child must be heard. It would be good to write this into the Bill.

Deputy James Reilly: Sections 18 and 19 of the Bill will apply a new disciplinary system to children subject to a detention order. Section 6 inserts a new section 88B in the Children Act. Section 88B will apply the same disciplinary system to children remanded in custody as applies to children subject to a detention order. Some exceptions to the application of the disciplinary system to children remanded in custody will necessarily apply such as forfeiture of remission which can only apply to a child subject to a detention order.

Amendment No. 2 proposes to insert a new subsection (3) into section 88B to provide that where a disciplinary inquiry is held in respect of a child remanded in custody, he or she shall be provided with an opportunity to be heard and respond to any allegation of a breach of discipline orally or in writing. Amendment No. 7 proposes to insert a new subsection (2A) into section 201 to provide that where a disciplinary inquiry is held in respect of a child in detention, he or she shall be provided with an opportunity to be heard and respond to any allegation of a breach of discipline orally or in writing.

Subsection (3) of section 201 which is being inserted into the principal Act provides for the procedure relating to an inquiry to be prescribed by the Minister. The procedure prescribed would include matters providing for fair procedures such as providing the child with an opportunity to be heard and respond to any allegation of a breach of discipline. It is intended that the operational and practical matters relating to such an inquiry will be prescribed and that they will include matters relating to fair procedures for a child. Matters such as giving an opportunity to be heard and respond orally or in writing are basic principles of fair procedures and natural justice and will be incorporated in the regulations made.

It is not proposed to incorporate some of the procedures relating to an inquiry in primary legislation and incorporate other procedures in secondary legislation. All matters relating to a disciplinary inquiry by the director will be prescribed in regulations. The regulations will apply

to children subject to a detention order and children who are remanded in custody.

The issue of fair procedures proposed in the amendment will be comprehensively addressed in regulations to be adopted on foot of enactment of section 18(3). At a recent meeting with the Office of the Ombudsman for Children about the Bill my officials undertook to consult that office in the drafting of the regulations. I do not, therefore, propose to accept amendments Nos. 2 and 7.

Deputy Sandra McLellan: I thank the Minister for his reply. It is very important that a child be given a fair hearing, especially if he or she is in breach of discipline. He or she must be afforded an opportunity to respond orally or in writing. We must also understand some of the children in question have very poor communication skills and literacy problems. They are entitled to a right to reply - verbally or in writing - and it should be afforded to them.

Deputy James Reilly: I fully accept what the Deputy is saying. It will be provided for in regulations.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 3:

In page 10, line 9, to delete “offence.” and substitute the following:

“offence, and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and the principle of detention as a last resort in determining the nature of any penalty imposed.”.

This amendment provides for that which the Bill is supposed to be about. The principle that detention should be seen as a last resort is not actually provided for in the Bill. On Committee Stage the Minister rejected the amendment on the grounds that detention was a measure of last resort as set out in section 96(2) of the 2001 Act. While that section states detention should be seen as a measure of last resort, the amendment would be more emphatic in stating it “shall” be. It provides that there would be no latitude whatsoever for judicial discretion in this regard. It may seem like I am nitpicking, but the issue merits it, as we are talking about the welfare of children. It is vital that we reiterate at every opportunity the clear principle that detention, including on remand, should be seen as a last resort for children. This is a clear requirement of the Convention on the Rights of the Child.

Apart from the principle that detention should be seen as a last resort, amendment No. 3 would also provide that in handing down a sentence of detention, the court should have regard to the child’s age, maturity and best interests. Section 96 of the principal Act is rather loose, stating the court may take these matters into account. That is not good enough. The amendment would not interfere with section 96 but would merely strengthen it in order to ensure the best interests of the child would at all times be considered. The Minister was keen to emphasise this on Committee Stage as the Government’s intention in the Bill. I do not see why there should be a difficulty in incorporating it.

Deputy Sandra McLellan: Rehabilitation should be the first option when addressing minors with issues. The State has a duty to protect and facilitate children who are experiencing difficulties in their lives. We need to treat these children as minors, not as adults or criminals. They must be afforded all of the supports they need for rehabilitation. That should be the

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State's first priority. While the Bill gives consideration to the principle of equality of treatment between children in detention schools and adults in the prison system, the wording could reflect the spirit of the Children Act 2001 more closely by emphasising the importance of the principle that detention should be seen as a last resort for children.

Deputy Robert Troy: I support the amendment. Without question, as everyone will agree, the principle underpinning the Children Act is that detention should be seen as a measure of last resort. I fail to see, therefore, why the Minister is opposing the amendment, or how accepting it would in any way diminish or weaken the Bill. All it could do is strengthen it by ensuring it would make it explicit that detention was a measure of last resort. As previous speakers rightly said, we should be in the business of rehabilitating, supporting and working with children who find themselves in a particular position.

I visited Oberstown recently as part of the Oireachtas Joint Committee on Health and Children. The building is magnificent, but, ultimately, the children who end up there are captive. They are prisoners in a building, which does nothing to rehabilitate them. If children end up in such a position, society has failed them. Putting them in a place such as Oberstown should be seen as a last resort. I hope the Minister will take on board the amendment in the spirit in which I am sure it was submitted.

Deputy James Reilly: Amendment No. 3 proposes to insert the words “and may be less” and a statement that “[t]he Court shall have regard to the age, level of maturity, best interests of the child and the principle of detention as a last resort in determining the nature of any penalty imposed” into section 149(1) of the Bill. On the insertion of the words “and may be less”, it is provided at section 149(1) that the period of detention imposed on a child by a court shall not be more than the period of detention or imprisonment that could be imposed on an adult. That does not mean that a lesser period of detention cannot be imposed on a child. It is inherent in the provision that the period of detention imposed on a child may be less than that imposed on a person of full age and capacity.

Section 96(4) of the Act provides for the principles relating to the exercise of criminal jurisdiction over children. It provides that the penalty imposed on a child for an offence should be not greater than that which would be appropriate in the case of an adult who commits an offence of the same kind and may be less. It does not state it “shall be less”. It already includes the words “and may be less”. A penalty may include any one of a number of sanctions ranging from community sanctions to detention as a measure of last resort. I do not consider inserting the words “and may be less” is necessary as section 149(1) already implicitly makes provision for a lesser period to be imposed on a child. In addition, section 96(4) is explicit on this point, clearly providing that the penalty imposed by a court on a child which may include detention as a measure of last resort may be less than that which would be imposed on an adult.

On adding the words, “The Court shall have regard to the age, level of maturity, best interests of the child and the principle of imprisonment as a last resort in determining the nature of any penalty imposed”, the principles proposed in the amendment are already explicitly provided for in the Children Act 2001, as the Deputy acknowledged.

Part 9 provides for the powers of the courts in relation to child offenders. As I have mentioned, section 96 provides for the principles relating to the exercise of criminal proceedings in the case of children.

Amendment put and declared lost.

Acting Chairman (Deputy Jerry Buttimer): Amendments Nos. 4 to 6, inclusive, are related and will be discussed together.

Deputy Clare Daly: I move amendment No. 4:

In page 10, to delete lines 10 to 12 and substitute the following:

“(2) The court shall not impose a period of detention in excess of three years.”.

Amendment No. 4 relates to providing for a maximum sentence of three years for children. Maximum sentences for juvenile offenders are common elsewhere in Europe. This country is unusual in the fact that we have not had a maximum sentence since 2006. For example in Spain, between the ages of 14 and 16 years there is a maximum period of four years, irrespective of the crime committed, while between the ages of 16 and 18, it is eight years. In Portugal the maximum period of detention for children is three years; in Germany, five years and in Sweden and Switzerland, four years. The Children Act 2001 contained a provision providing for an upper limit on the length of time a child could spend in detention and did not permit the courts to give a sentence of more than three years. I do not understand the reason such a provision cannot be contained in the Bill. If it was acceptable then, why was the provision changed and why can it not be included now? I compliment the Minister on what is, generally, very good legislation. However, it is based on the premise of assisting vulnerable young people and not seeing them as criminals but as people who need assistance. If detention is supposed to be about rehabilitation and not punishment, three years is a considerable time to work with a person. Engaging with people after their release is equally important, be it on issues relating to drug addiction, their mental health or whatever else.

Amendment No. 5 is very important as it deals with a court giving its reasons in writing for the handing down of a sentence involving detention. On Committee Stage the Minister noted that the writing down of judgments by judges was under review elsewhere. The strategic review group on penal policy recommended that such an approach be taken. A working group set up by the Minister for Justice and Equality is undertaking this work and examining the entire area. The Minister suggested that if we were to include the measure now, we would be jumping the gun. I do not agree. The fact that these two organisations support the measure and that the Law Reform Commission suggested it in 2003 also means that we are heading in that direction. Why, therefore, would we not be ahead of the posse with legislation dealing with children? That would be beneficial because data on child offenders in this country are scrappy and data collection is left to organisations such as the Irish Penal Reform Trust and the Jesuit Centre for Faith and Justice. The State with all of its resources should support them in their job of gathering data.

The amendment would assist in that regard because if we want to understand the current use of imprisonment and detention and encourage a more select use of detention as a sanction, it is essential that information on the reasons for the handing down of sentences involving a term of detention must be publicly available. This is particularly important in the case of children, not just because they are children but because it can help us to gain a more thorough understanding of the social inequalities which are such a feature of the lives of children who end up in the criminal justice system and of which they are often the victims. If we were to include the change proposed in the amendment, it would focus judges on the reasons for imposing custodial

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sentences, promote consistency in sentencing and provide clarity and transparency for courts, victims, offenders and the public and it would not involve any extra work for the Judiciary because judges already have to give their reasons. It would just mean they would have to write them down. I do not think that would kill them and it would be a worthwhile social project which other aspects of the criminal justice system are examining. We could be ahead of the posse in accepting amendment No. 5.

Deputy James Reilly: As we addressed the issue extensively on Committee Stage, I do not believe there is much point in reading through all of what was said then. As I said previously, it is not unreasonable to talk about a maximum sentence of three years for children who have mental health issues or drug addiction problems, in particular very young children aged 13 or 14 years. However, if one has a 17 year old on a serious assault charge or a sex offence charge or in a serious drug case involving not alone use but also dealing and, most important of all, someone who is found guilty of a murder charge, I do not agree with the suggestion made by the Deputy that the maximum penalty should be three years and that the child should be out of prison at the age of 20. We must remember that there are victims involved and their families. I do not think a one-size-fits-all approach can be used. We have a judicial system that affords judges discretion to allow them to adjudicate on the specific circumstances of each individual case and the impact of the crime on victims and their families. I am sorry, but I cannot accept the amendments.

Deputy Sandra McLellan: Somebody under the age of 18 years should be given a chance. He or she should be assessed regularly according to his or her age and should not be thrown in prison for in excess of three years. Many such children have learning difficulties, special needs and mental health issues. We must work on the basis that a young child can be rehabilitated.

With regard to amendment No. 6, in cases in which the liberty of a child is at stake, it is important that there be clarity in such significant decisions. That is why I believe judgments should be in writing as that would promote consistency in sentencing and ensure transparency for victims, offenders, legal practitioners and the public.

Deputy Clare Daly: I will not rehash the arguments we made on Committee Stage either, but children are different. If the Minister is worried about 17 year olds, he could consider putting them in a different category, as distinct from 13 and 14 year olds. In Sweden they do not incarcerate anybody under the age of 15 years, no matter what the crime is. In the main, we are talking about vulnerable children who need assistance and support. They should not be identified and tagged as criminals but as young citizens who need serious intervention and help. It is normal to place limits on the length of time they should spend in detention. Given that it happens in other countries and we previously had a three-year limit in place, it would not be radical. I will not rehash the arguments made.

The Minister did not comment on amendment No. 5 which I deliberately split off to give him the luxury of supporting one without the other, given that he does not like the amendment that would implement a maximum limit of three years. Amendment No. 5 contains the points I made at length about the court giving its reasons in writing, which is critical for all of the reasons I outlined such as the gathering of data and consistency. I do not see why he could not incorporate it.

Deputy James Reilly: Section 143(2) provides that where an order is made for the detention of a child, the court making the order shall give its reasons for so doing in open court. On

Committee Stage I brought forward an amendment to section 143 of the Act to provide for the insertion into section 143 of the words “in language that is appropriate to the age and level of understanding of the child concerned”. The Deputy’s proposal is, therefore, provided for. Her contention about children and mental health and other issues is provided for in so far as orders can be made for detention and supervision, which allows for early periods of release to see how they get on in the community. The difficulty is that one cannot apply a law, as the Deputy has suggested, regardless of the seriousness of the crime. While the Deputy is correct that for certain crimes, there is a cap on the duration of time for which a person can be detained, it is done on a stratified basis. Her proposal indicates that regardless of the seriousness of the crime involved, it could never exceed a three-year sentence, which is unreasonable.

Deputy Clare Daly: The Minister has said it cannot be done. Of course, it can be done and it is done in many other jurisdictions. I appreciate his amendment on Committee Stage which has improved the position. While it is good that the reasons will have to be given in open court and in language the child can understand, the amendment does not specify that they be given in writing. Despite the State spending millions of euro on digital audio recording systems in the courts, in many instances, there is no access to the recordings or they are turned off. Putting the reasons in writing would provide a better record.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 5:

In page 10, between lines 12 and 13, to insert the following:

“(3) Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing in language that is appropriate to the age and level of understanding of the child.””.

Amendment put and declared lost.

Deputy Sandra McLellan: I move amendment No. 6:

In page 10, between lines 12 and 13, to insert the following:

“(3) The Court shall not impose a period of detention in excess of three years. Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing.””.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 7:

In page 24, between lines 36 and 37, to insert the following:

“(2A) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.””.

Amendment put and declared lost.

Acting Chairman (Deputy Jerry Buttimer): Amendments Nos. 8, 10 and 12 are related and will be discussed together.

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Deputy Clare Daly: I move amendment No. 8:

In page 25, between lines 6 and 7, to insert the following:

“(5) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and/or if a sanction has been imposed under section 201A, the child shall be informed of his or her right to send to the Director, for transmission to the Minister, a petition concerning the finding or sanction or both the finding and sanction, and he or she shall be informed of the time limit of 7 days after the date of being informed of the finding and the imposition of any sanction for the submission of such a petition, as provided in section 201B(1).

(6) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and if a sanction of forfeiture of remission of portion of a period of detention has been imposed, the child shall be informed of his or her right to notify the Director of his or her intention to appeal against the finding or sanction, or both finding and sanction, to an Appeal Tribunal, and he or she shall be informed of the time limit of 21 days after notification of the finding or sanction to notify the Director as such, as provided for in section 201C(1)(b).”.

I raised these amendments on Committee Stage because the Minister had said he hoped to deal with some of the issues but was not sure how he would get on. He got on pretty well and given that amendment No. 10 in his name covers the issues raised in amendment No. 8, I will not press it.

On a small, technical point, amendment No. 12 would give the Minister the power to affirm, modify, suspend or revoke a finding, as well as a sanction. While in another amendment he is dealing with the findings, is it not necessary to insert my amendment in order to be in line with section 201B(1) which allows a child to petition the Minister on a finding, as well as a sanction? He has already allowed a child to petition him on a finding, as well as a sanction, which I welcome. My amendment would specify only when a child petitioned the Minister, would he have the power to affirm, modify, suspend or revoke a finding, as well as a sanction. It is a technical point and I hope I am not melting anybody's head. The Minister should include it in order to make the section compatible with his amendment, with which I agree.

Deputy James Reilly: I thank the Deputy and appreciate that she is not pressing amendment No. 8, given that amendment No. 10 encapsulates the issue.

I do not propose to move amendment No. 11 which would amend the shoulder note in the Bill at section 201B. The shoulder note will be updated administratively, given that it does not form part of the provisions of the Bill. When updated, the revised marginal note will more appropriately reflect the wording of section 201B to provide for a petition to the Minister by a child against a finding of a breach of discipline, a sanction, or both a finding and a sanction.

On amendment No. 12, I refer to amendments I brought forward in the Seanad and which were agreed to on Committee Stage. The amendments made to section 201B(2) provide that where the finding of the director is a subject of the petition, the Minister may affirm, modify or revoke the finding and where the sanction imposed by the director is a subject of the petition, the Minister may affirm, modify, suspend or revoke the sanction. The purpose of the amendment proposed appears to be to enable the suspension of a finding. A suspension of a finding would give rise to uncertainty for a child. It is more appropriate that a finding be affirmed,

modified or revoked with certainty and that there be a clear outcome for the child following a petition to the Minister arising from a finding of a breach of discipline. I do not propose, therefore, to accept amendment No. 12.

Amendment, by leave, withdrawn.

Deputy Clare Daly: I move amendment No. 9:

In page 25, between lines 31 and 32, to insert the following:

“(1A) Any child who breaches the rules of a children detention school may be sanctioned on the instructions of the Director of the school in a way that is both reasonable, proportionate and within the prescribed limits.

(1B) Without prejudice to the power of the Minister to prescribe limits for the disciplining of children detained in children detention schools, the following forms of sanction shall be prohibited:

- (a) corporal punishment or any other form of physical violence;
- (b) deprivation of food or drink;
- (c) treatment that could reasonably be expected to be detrimental to physical, psychological or emotional well-being; or
- (d) treatment that is cruel, inhuman or degrading.”.

Amendment put and declared lost.

Deputy James Reilly: I move amendment No. 10:

In page 26, to delete lines 14 to 18 and substitute the following:

“(7) When the Director informs a child under subsection (1) of a finding that the child has committed a disciplinary breach and whether or not the Director imposes a sanction on the child under that subsection in respect of the disciplinary breach, the Director shall explain in ordinary language to the child the content of section 201B(1) and, if any sanction imposed consists of or includes forfeiture of remission of portion of his or her period of detention, of section 201C(1).”.

Amendment put and declared carried.

Amendments Nos. 11 and 12 not moved.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Children and Youth Affairs (Deputy James Reilly): I thank the Deputies for their co-operation and support for the main thrust of the Bill which is to improve outcomes for children and end the practice of people under the age of 18 being detained in the prison system rather than in detention centres which are focused more on rehabilitation and education and to give them the best chance in life.

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Deputy Clare Daly: I compliment the Minister and his staff. It is a great step forward and good that we are passing this legislation before the recess. It is an important departure from the dark old days when children, like women, were treated as vessels. The Bill treats them as individuals with problems who can be worked with and make a valuable contribution to society. It is a great body of work. Well done.

Deputy Sandra McLellan: I, too, thank the Minister and his staff and recognise that it is good legislation.

Question put and agreed to.

Acting Chairman (Deputy Jerry Buttimer): The Bill which is considered to be a Bill initiated in Dáil Éireann in accordance with Article 20.2.2° of the Constitution will be sent to the Seanad.

8 o'clock

Petroleum (Exploration and Extraction) Safety Bill 2015 [Seanad]: Second Stage

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Joe McHugh): I move: "That the Bill be now read a Second Time."

Tá an reachtaíocht seo a bhaineann le coinníollacha sábhailteacha iontach caol agus gairid. Chomh maith le sin, tá brú ar achan tír san Aontas Eorpach cloí leis an spriocdáta den 9 Iúil. Déanaim comhghairdeas le mo chuid oifigigh as ucht an obair a rinne siad ar an reachtaíocht tábhachtach seo san am gairid a bhí acu.

I am pleased to introduce the Petroleum (Exploration and Extraction) Safety Bill 2015 for the consideration of the House. The purpose of the Bill is to transpose Directive 2013/30/EU, the offshore safety directive, which is focused on the safety of offshore oil and gas operations. Transposition of the directive will further strengthen the safety regulation of offshore oil and gas exploration and production in Ireland's offshore area.

The offshore safety directive is the European Union's response to minimise the risk of offshore accidents throughout the Union following its review of offshore oil and gas operations in Europe prompted by the Deepwater Horizon incident in the Gulf of Mexico in April 2010. The directive seeks to ensure a consistent implementation of best regulatory practices in all European jurisdictions with offshore oil and gas activities, as well as strengthening the European Union's preparedness and response capacity to deal with an emergency that would potentially affect its citizens or the environment.

This is an exciting time for the petroleum exploration sector in Ireland. In the past four years we have witnessed strong momentum in exploration interest with the number of exploration licences in place at its highest level ever. We now need to see this effort translated into increased drilling levels, as it is only through exploration drilling that the true potential of Ireland's offshore area can be proved. I would welcome an opportunity in the future to outline in greater detail to the House some recent and ongoing initiatives aimed at ensuring continued positive momentum. However, having regard to the time available, I will confine my comments to the Bill and the directive it will transpose.

The offshore safety directive specifically provides for the institutional separation of regulatory functions relating to offshore safety and the environment from those functions focused on the economic development of offshore resources such as licensing and revenue management. It also provides for a goal-setting approach in major accident prevention based on thorough risk assessment and reliable management systems; clarity on environmental liability in the event of a major accident; and emergency preparedness and response arrangements. The deadline for the transposition of the directive is 19 July 2015.

The approach to transposition involves integrating the directive requirements with the safety regulatory system for oil and gas exploration and production activities in Ireland introduced under the Petroleum (Exploration and Extraction) Safety Act 2010. That Act conferred on the Commission for Energy Regulation, CER, the responsibility for the safety regulation of petroleum exploration and extraction activities in Ireland, including a requirement to establish and implement a petroleum safety framework. The petroleum safety framework is the system the CER uses to regulate the safety of petroleum activities carried out by licensed petroleum undertakings. These activities extend from exploration through to decommissioning of infrastructure at the end of the lifecycle of a development.

It should be noted with regard to decommissioning that, in accordance with their petroleum lease conditions, all parties to a lease are required to post a decommissioning security once the decommissioning process is triggered. This ensures the costs of decommissioning are met by developers, not by the State.

The petroleum safety framework was designed in line with best international practice, with petroleum undertakings required to reduce all safety risks to the internationally accepted level that is as low as is reasonably practicable, ALARP. A guidance document was published in 2013 by the CER setting out how developers needed to demonstrate ALARP in their safety case applications and how the CER would assess such applications. While the Bill provides for fines of up to €3 million on developers for failure to ensure all petroleum activities are carried out in accordance with their safety management system and safety permit, it also provides that petroleum undertakings are financially liable for the prevention and remediation of environmental damage. It does not propose a limit on such liability. The key requirements of the directive are broadly analogous with the provisions of the 2010 Act. While a significant element of the transposition of the directive involves the introduction of consistent terminology and language, the main regulatory implications of the directive required to be addressed in the Bill are the establishment of a national competent authority; provision for the assessment of potential major environmental hazards offshore within the scope of the safety case regime; clarity on industry liability in the event of a major accident; and specific obligations to be placed on both operators and owners of petroleum infrastructure.

Section 1 is a standard provision concerning definitions.

Section 2 replaces section 13A of Part IIA of the Electricity Regulation Act 1999 with a new interpretation section that is consistent with the terminology and language of the directive. Key new definitions include those for “operator” and “owner”. These definitions enable the obligations under the directive to be placed on the relevant entity and integrated with the existing safety regulatory framework for petroleum safety.

Section 3 inserts a new section 13GA and establishes the CER as the independent competent authority under the directive. The principal objective of the CER as competent authority is the

effective safety regulatory oversight of operator and owner compliance in reducing the risk and potential consequences of major accidents offshore to a level that is as low as reasonably practicable.

Section 4 replaces the existing section 13H with a new section which integrates the competent authority functions under section 5 and the directive requirements in the context of the CER's general petroleum safety functions. The matters to be considered by the CER in carrying out its functions are also set out and include minimising the potential for overlap or duplication of effort.

Section 5 further strengthens the existing emergency preparedness and response arrangements through inserting a new section 13HA, providing the CER with the power to direct industry to conduct emergency exercises and tests and to direct industry to take adequate measures to ensure the continuing safety of designated petroleum activities.

Section 6 amends section 13I to align with the terminology and language of the directive. Section 13I requires the CER to establish and implement a risk-based petroleum safety framework through which it shall exercise its petroleum safety functions. The CER has successfully operated the petroleum safety framework established under the 2010 legislation since December 2013.

Section 7 which deals with obligations on petroleum undertakings, operators and owners inserts three new sections - 13KA, 13KB and 13KC - to reflect the general and specific obligations of each of the three related regulated entities under the directive, namely, the licensee, described in the 2010 Act as the petroleum undertaking; the operator who is appointed by the licensee to carry out oil and gas operations; and the owner who is the legal entity with operational control of a non-production installation.

Section 8 which deals with safety case guidelines replaces section 13L with a new section which requires that the contents of the safety case guidelines published by the CER be consistent with the specific information requirements of the directive.

Sections 9 to 11, inclusive, replace the existing sections 13M, 13N and 13O with new sections, placing the obligation to submit a safety case on operators and owners.

Section 12 which deals with notifications sets out the regulatory process for the submission, assessment and acceptance or refusal of design notifications and combined operation notifications by operators to the CER in accordance with the offshore safety directive.

Sections 13 and 14 which deal with safety permits and the refusal or revocation of a safety permit amend the existing sections 13P and 13Q to reflect the CER's assessment of safety cases submitted by operators and, where relevant, owners to reflect the capacity of the operator or owner, as appropriate, to carry out a designated petroleum activity.

Sections 15 to 18, inclusive, amend existing sections 13S, 13T, 13U and 13V. These sections relate to the notification to the CER by operators or owners of petroleum incidents or potential incidents; the further investigation and-or the taking of enforcement action by the CER regarding the notified petroleum incident; and the issuance of a report by the CER to the Minister with respect to each petroleum incident that results in the loss of human life, serious personal injury, damage to third party property or a major accident. The Bill provides that any petroleum incident must be notified to the CER immediately and potential incidents within 24

hours.

Section 19 which deals with the improvement plan and notice amends the existing sections 13Y and 13Z to extend the existing power of the CER to issue a direction requiring the submission of an improvement plan or the serving of an improvement notice on petroleum undertakings to also apply to operators and owners.

Section 20 which deals with access to safety case information amends the existing section 13AC to put the obligation on the relevant operator to provide a mechanism by which a copy of the accepted safety case can be made available to any member of the public who requests it.

Section 21 which deals with miscellaneous amendments makes a number of consequential amendments to the 1999 Act to, among other measures, extend the CER's enforcement powers to apply to operators and owners, in addition to petroleum undertakings, and enable the CER to charge operators and owners a safety case fee.

Section 22 amends the Petroleum and Other Minerals Development Act 1960 to require the assessment by the Minister for Communications, Energy and Natural Resources of the technical and financial capability of applicants for an offshore petroleum authorisation in line with the offshore safety directive. The section also makes provision for ministerial approval of an appointment of an operator proposed by a petroleum undertaking.

Section 23, an amendment to section 6 of the Continental Shelf Act 1968, amends the definition of "designated area" under the Act to align with Article 6(7) of the directive which requires the establishment of a safety zone in the vicinity of an offshore installation.

Section 24 makes the usual provision for the Short Title and citation.

The Bill is an important measure in the continued strengthening of the overarching regulatory framework governing offshore exploration for and the production of oil and gas in Ireland. It comprehensively transposes the directive in a manner that will enhance the safety of the offshore oil and gas sector, build on the regulatory model successfully implemented in December 2013 under the 2010 Act and incur the least cost on the industry and the public service.

I hope the outline I have provided of the Bill's provisions has been of assistance. I look forward to listening to the views of Deputies on this important legislation and their help in progressing the Bill into law prior to the directive's transposition deadline of 19 July.

Deputy John Browne: I welcome the Bill. Although we will support it, my colleague, Deputy Michael Moynihan, will table a couple of amendments that the Minister of State might consider taking on board. We question why it has taken so long for the legislation to be brought before the House. This is last minute dot com, despite the fact that the Government talked about openness, transparency and giving the House every opportunity to have wide-ranging discussions on Bills. The Minister of State mentioned that the Bill needed to be implemented by 19 July, which is not that far away. That does not give us much of an opportunity to debate the Bill fully and table amendments to it.

The offshore safety directive is the European Union's response to offshore accidents. The Deepwater Horizon incident in the Gulf of Mexico happened in April 2010. To date, dealing with it has cost \$14 billion. The Minister of State mentioned that, under the Bill, the fine would be €3 million. Given how much has been required to deal with the Deepwater Horizon incident,

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I am not sure about the amount that has been included in the Bill. Deputy Michael Moynihan will table an amendment on this issue.

It is good that a great deal of petroleum exploration is under way along the coastline. It has taken a number of years to bring the Corrib gas field to fruition. If there is successful exploration, I hope the country will benefit in terms of taxes and employment. However, that is a discussion for another day.

The offshore safety directive provides for the institutional separation of regulatory functions relating to offshore safety and the environment. It is important that the Minister of State clarify one point. The CER is the independent regulatory authority, but how many Departments would be involved in the event that there was a major spillage or accident offshore? There have been incidents. I remember one in County Wexford some time ago. The then Department of the Environment claimed that it was the local authority's problem, while the local authority claimed that it was the Department's. This went on for some time while the seas were being debased with oil. What funding and equipment will be available in the event that there is a major accident? Would we have the resources to deal with it? The Minister of State referred to the European Union coming together to deal with the issue. Will other countries help if there is a major problem in Ireland, England or close to the Irish coastline?

The Bill confers on the CER responsibility for the safety regulation of petroleum exploration and extraction activities, including a requirement for the CER to establish and implement a petroleum safety framework. This framework will be important in dealing with incidents. It should be broadly based and involve as many of the relevant organisations and institutions as possible so as to ensure incidents, of which I hope there will be none, will be dealt with successfully and co-operatively.

The CER is an important body in this field. The Minister of State mentioned that the framework had been designed using best international practice, "with petroleum undertakings required to reduce all safety risks to the internationally accepted level that is as low as is reasonably practicable." Previously, exploration, oil and gas companies took chances and their equipment might not have met the required standards. With the CER, the Minister of State must ensure top standards will be met by those companies operating off the coastline. How often are inspections of their equipment conducted?

A €3 million fine will apply to developers that fail to ensure all petroleum activities are carried out in accordance with their safety management systems and safety permits. That amount is too low. The incident I mentioned by way of example was large, but we do not know what might occur. A €3 million fine might not be a deterrent to the oil exploration companies operating off the coastline. It is a small amount to them in the light of the value of an oil find or their financial wherewithal. The Minister of State should consider whether it can be increased. Will there be further liabilities if costs increase above €3 million? If the cost was €10 million, €15 million or €20 million, would the Government of the day, the CER or the Department carry the can? It is important that the Minister of State clarify this point.

On the establishment of a national competent authority, the Minister of State might outline how the Minister will appoint people to it. It is important that there be people on it with expertise in this field, for example, engineers and scientists, instead of it just being a case of jobs for the boys. The Minister of State might have a few political hacks in County Donegal or the Taoiseach's constituency whom he might want to have in the authority. It is a very serious issue

and this very serious legislation. We have to be serious about the competent authority that will be set up to deal with it.

I welcome the Bill. As I said, Deputy Michael Moynihan will table a couple of amendments which he believes would improve the Bill and the Minister of State might take them on board. Generally, however, we support the Bill.

Before I came into the House many years ago, I worked in the oil industry. A discussion about the cost of diesel and oil is for another day, but the way the oil companies operate leaves a lot to be desired. The price seems to fluctuate and, despite the current position in which the spot price on world markets is low, prices at the pumps for motorists and transport operators have shot up alarmingly in recent months. Some of the price increases are not justified.

The Bill is better late than never, but the Minister of State might explain why it has taken so long to be brought before the House. However, we will support it, notwithstanding the fact that we will be tabling a couple of amendments to it.

Deputy Michael Colreavy: Government party spokespersons sometimes claim Sinn Féin opposes only for the sake of opposition. That statement is inaccurate and unfair because it is the duty of an Opposition Deputy, or a Senator in the Seanad, to oppose legislation where it will be damaging to the people of Ireland, to propose amendments where he or she believes they would improve legislation and to support Government legislation where he or she considers it to be good. This morning I attended the launch by the Minister for Communications, Energy and Natural Resources, Deputy Alex White, of Ireland's broadband intervention strategy. I described it as a good day. I also gave some opinions on options the Minister and his officials might consider to help to ensure there will be a smooth and effective roll-out of broadband, which is very necessary throughout the country. That is good, constructive politics. The Minister of State will be glad to hear that this theme will continue tonight.

The Bill seeks to transpose EU Directive 2013/30/EU into legislation in this jurisdiction. I am aware that the directive was published two years ago and that it has only now been brought before the House. I know that the Department has a tight timeframe to get it through and the implications of not transposing it in this jurisdiction within the prescribed timescale. It is not an ideal way to pass legislation, but we are willing to work with the Minister of State to ensure the legislation is allowed to move as necessary. I would have liked more time to properly scrutinise and evaluate the outworkings of the legislation, but we will not obstruct its passage. I will, however, mention some of our concerns.

The subject matter of the legislation is oil and gas safety, a very pertinent subject in Ireland today. I do not think it can be argued that the State has a good record in dealing with offshore oil and gas safety operations. Most of what we have in legislation was designed at a time when there was no thought of oil or gas exploration or extraction, either off the coast or onshore. I considered the crossover between this legislation and planning legislation and reflected on the situation at Rosspport. An example of where engagement with the community seriously failed was the Corrib gas project which had a damaging effect on the community of Rosspport and caused reputational damage to Ireland throughout the industry and the world.

What happened at Rosspport was important because it was a dispute about ownership and the use of natural resources. The local community regarded it as a threat to their well-being by a powerful coalition of State and capital, which raises questions about scalar politics and power.

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I do not know how that fits into planning legislation and the legislation we have in front of us, but locals opposed to the development at Rossport framed their opposition in terms of safety and health. They claimed that the pressure of unprocessed gas in the pipeline would be too high, that the pipeline would be too close to people's homes and that the environmental effects of gas transportation and processing would be devastating on the place, people and wildlife. They wanted the gas to be processed offshore. In that context, the statement that the risk was to be as low as was reasonable would have been very worrying to people alongside whose houses the pipeline was to be built. Some might see it as a statement that "This is the best we can do. Maybe your house should not be there in the first place."

Local opposition in Rossport sparked major controversy about the manner in which the main company involved in the development, Shell, had behaved towards local host communities. Landowners who took issue with a high pressure pipeline running through their land protested against what they believed to be an infringement of their rights. As a result, in March 2005 Shell applied to the High Court for an order restraining landowners from interfering with the laying of the pipeline. An injunction was given and, as a result, five local people were imprisoned for interfering with the work of Shell. They became known as the Rossport Five and were applauded throughout many parts of the country. They certainly had my full support and that of my party. I looked to see if there was anything within this legislation to ensure what had happened at Rossport would not happen again and I did not see it. It was and is, clearly, a safety issue for people in Rossport. Many maintain that the Government was complicit in the failure to engage with the local community. They believe their concerns were ignored by the Government and State agencies and that private business was allowed a free hand in developing energy infrastructure as it wished. If I had had more time to consider this legislation, I would have looked for an impact of the TTIP and the ISDS in the event that they were agreed, but I did not have the time to pursue the matter in any detail.

Ireland's offshore oil and gas reserves have the long-term potential to be a significant source of revenue for the economy. According to a 2006 report carried out by the Department of Communications, Energy and Natural Resources but from which the Government sometimes backs away, there is the equivalent of approximately 10 billion barrels of oil off the western coast, composed of 6.5 billion barrels of oil and 20 trillion cu. ft. of gas. At current oil prices, this equates to a value of approximately €540 billion. While it is true to say the amount of oil and gas brought ashore has been small, there are these reserves. There is very little gas and no oil being extracted from Irish waters, but we need to keep in mind that there is this potential, which highlights the importance of this legislation. At some stage, that potential will be tapped.

We also need to keep in mind always that companies that discover oil and gas in Irish territory are not obliged to supply these resources to the Irish market. Not only that, our licensing terms are so weighted in the industry's favour, they do not require the companies to bring a single drop of our oil or gas ashore in Ireland. They can make that call. The State's licensing terms do not reward the country with fuel security. Companies can sell these resources on the open market. It is therefore wrong of any Government Minister, and it would be wrong of any Opposition spokesperson, to say if we do this it will help secure our energy future. We can make no such claims as long as the companies have the right to sell it off on the world market.

When the Government awards oil and gas companies with a licence, ownership and control of Irish oil and gas is transferred to that company. Under the current licensing terms, the Government cannot guarantee that the oil and gas will be sold to the Irish market, that the oil and gas will be landed in Ireland or even that the companies will use Irish workers. Irish consumers

will continue to pay the full international price for oil and gas found off Ireland's coast. In a period when the world is nearing peak oil production, it is imperative that Ireland secures its fuel supplies. It is not part of this legislation but this is something we have spoken about before and something that needs badly to be addressed.

Under the 1992 and 2007 licensing terms, a 25% tax on the net profits of oil and gas is applicable. Against this, oil and gas companies can write off 100% of costs against tax, including costs incurred up to 25 years before field production begins and the cost of any unsuccessful wells the company has drilled anywhere in Irish waters in that 25 year period.

Under the 2007 licensing terms, a profit resource rent tax, PRRT, was introduced. PRRT is payable on a profit ratio calculated by the cumulative after tax profits on the specific field divided by the cumulative level of capital investment on the specific field. The profit resource rent tax has recently been adjusted so that larger finds will pay a 55% tax rate, which is good, but it falls far short of recommendations made by the Joint Committee on Communications, Natural Resources, and Agriculture that PRRT should be on a rolling scale of 40%, 60% and 80%, depending on the size of the find.

This Bill concerns offshore exploration and extraction but there is also such a thing as offshore fracking and I know the Minister of State would be disappointed if I did not mention hydraulic fracturing in my few words.

Deputy Michael Moynihan: I would say he would be shocked.

Deputy Michael Colreavy: The use of fracking as a means of extracting unconventional gas has become more common in recent years yet it remains a highly controversial method of extracting gas. We believe it is totally unsuitable and unsafe on a small island with a dispersed population. The proposed legislation refers to reducing risk to a level that is "as low as is reasonably practicable", but what is reasonable? What is a reasonable risk of fatally damaging our agri-food and tourism industries or the health of our population or wildlife?

Shale gas production is technically complex, capital intensive and financially expensive. It contributes to the risk of cost overruns for projects. As a result of that, the pressure is on people to get it done and in fast. This can lead to accidents and leakages and may make future developments contingent on certain technological breakthroughs in carbon capture and storage technology.

The fracking process involves pumping large volumes of water, chemicals and sand into the ground, and we do not know what chemicals they are using, in the hope of creating fractures in the earth to release the petroleum. Biocides and dyes are often used in the fracking process and these can have a major impact on the surrounding environment and host communities. The water that is pumped into the wells during fracking is significant. The companies aim to extract this water and dispose of it. Serious questions have been raised as to how much of this water is lost into the soil and the drinking water supply. The water mixed with chemicals is possibly already toxic when it is pumped into the ground and when the flowback is collected it will bring with it more toxins from the very ground it is taken.

Shale gas development can contribute to environmental degradation involving water and air, the social degradation of public health, climate change and the displacement of cleaner forms of energy. We are all aware of studies which are currently under way in this country. The Minister of State is on record as saying no licences will be granted until the EPA report has been

received and studied. The Government is telling people not to worry about it but my view, and I will say it at every possible opportunity, is hydraulic fracturing should be banned outright on the island of Ireland.

I would have liked more time to look at this legislation and to think through the possible implications of it. However, I realise the legislation is necessary and needs to be implemented within a specified timeframe. We will therefore not be blocking its passage.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate. Like other speakers, I question the timing of the introduction of this legislation, which has come down to the wire. As I understand it, we have two years to transpose European directives into national law and I fail to see why it takes one year and 363 days to get it to the floor of this House. It does not make much sense and it does not allow for the proper scrutiny which should be envisaged for such legislation, particularly when it relates to something as important and as potentially damaging as a major oil and gas extraction incident. If there was a major incident, it could take 20 or 30 years for our shoreline to recover. The environmental damage could be huge. Legislation such as this should therefore be given the proper time to be scrutinised.

The legislation is fairly complicated. It provides for definitions of operators, owners and petroleum entities and there are layers of different responsibilities. All of these should be teased out. Ultimately, whether an operator, owner or petroleum entity, they should all have equal responsibility in respect of safety in the operation of wells. The directive provides that the operator should always be the entity with primary responsibility for the safety of operations and should be at all times competent in that regard. Surely the owner who is contracting the operator should be able to ensure the operator is competent also.

I know the Commission for Electricity Regulation, CER, has a role under this legislation in deciding whether operators are competent and it can ask the Minister to refuse the appointment of an operator. Section 7 of the legislation states an operator has to be approved by the Minister but it does not require this approval to be made in conjunction with CER or to be based on a consultation with CER. CER examines the safety records and reports. Could the Minister approve an operator without referring to CER? Could an operator be approved without having been subject to the proper scrutiny? Those things needs to be clarified a wee bit.

I agree with Deputy John Browne on the fines for non-compliance with the safety statements requirements. The exploration and development of a site might cost up to €1 billion but the maximum fine for failing to report an incident is €3 million. That is peanuts in terms of the financial impact it would have on the operators. I do not see a deterrent in the level of the fine if an operator is caught out and sanctioned because of something carried out that was unsafe or that might lead to major incidents.

Under the legislation the Commission for Energy Regulation will review the safety plans of the operators and owners, consider how they might work and get them to simulate a response to any incidents or possible incidents. What is the role of the CER and the State and how would they respond in respect of a major incident? If there was a major oil spill offshore there would have to be a State response as well; the State would have to step up to the mark. While it is right that the operators should be responsible and should carry the liability, in any serious or major incident the State would have a role to play as well. Is there any role for CER in examining how prepared the State is for such an eventuality? It would be interesting to see how prepared the State is to deal with significant incidents or events that might take place offshore.

The legislation has to be transcribed into law. It will go through the House and will not be objected to. I realise it is not only the Department of Communications, Energy and Natural Resources that runs these things down to the wire in transcribing legislation. However, when a Department has two years to do it, those responsible are aware it has to happen. It is something that should be introduced in a timely fashion.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Joe McHugh): I thank the Deputies. I appreciate their constructive commentary on the importance of getting this Bill signed into law before 19 July. I also appreciate the fact that it is important to discuss the legislation and go through it with a fine-tooth comb. The first question raised by Deputy John Browne was why this is taking so long. Discussions have been ongoing at Commission level in respect of guidance on financial arrangements. That is an important subject in terms of responsibility. Deputy Pringle asked who takes the responsibility and whether it falls on the operators. It has been difficult and it has taken time to tease that out. Obviously, that gives less time for a national parliament. However, I appreciate the points raised.

The three Deputies raised the question of the €3 million imposition. It is a fine. It is important to have a distinction between a fine if proper regulatory management systems are not adhered to or if they are not in accordance with the permit provided on the one hand and other costs on the other. There is a maximum fine of €3 million. Deputy Browne raised the question of environmental damage or repercussions as a result of an accident. The point is addressed in this legislation as well. There is no limit to the costs involved in that case. It is important to make that distinction.

The Commission for Energy Regulation is the national competent authority. In the case of this legislation the framework or infrastructure is based on the 2010 legislation. It is more a question of language change and fitting into the framework that was built in 2010.

The question of first response if an accident happens was raised. That is not a place where we want to be. Let us consider what happened in the Gulf of Mexico in 2010. The first responder is actually the Coast Guard. Deputy Browne asked who leads on a mitigation or intervention plan relating to an accident. It is the Coast Guard, which comes under a different Department. Obviously, there is cross-collaborative interaction between local authorities, the Coast Guard and my Department.

I welcome Deputy Colreavy's constructive intervention and the fact that he will not be obstructing the passage of the Bill. I welcome his constructive acknowledgement of what the Government is trying to do in respect of broadband and the associated announcement this morning. I wish to acknowledge his comments in that regard.

Deputy Colreavy remarked that it is not ideal. He raised a broad range of issues, including Corrib. He raised issues on behalf of people who had difficulties during that process. It is important to note that as a result of that process we have learned lessons. We have contingency plans and legislation in place now as a result of the many lessons learned in respect of Corrib. I take Deputy Colreavy's point, but like any good debate or strong and divisive debate, there is passion on both sides. In certain parts of Mayo people say there are parts of the county that never were hit by the recession because of what went on there. It is a divisive argument but numerous important lessons have been learned in terms of framing legislation in recent years.

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Deputy Colreavy also mentioned potential. There is potential off the west coast. In geographical terms I always say that we are the fourth largest country in Europe in terms of land-mass after Spain, Portugal and France. This gives us an idea of the magnitude of the land territory available to us. The Deputy mentioned a figure of 10 billion barrels of oil out there. However, to date we only have four finds so we have to consider the context of what has been found to date. There is momentum and, prior to the licensing round expiring in mid-September, there has been increased momentum in terms of companies looking for prospecting licences for gas and oil.

I will cover some of the other ground if I get a chance to do so on Committee Stage.

Question put and agreed to.

Petroleum (Exploration and Extraction) Safety Bill 2015 [Seanad]: Committee and Remaining Stages

Sections 1 and 2 agreed to.

SECTION 3

Deputy Michael Moynihan: I move amendment No. 1:

In page 10, between lines 40 and 41, to insert the following:

“(3) The Minister shall issue a clear definition on what constitutes ‘as low as is reasonably practicable’.”.

The term “as low as is reasonably practicable” is open to interpretation - that is the substance of the amendment. It needs to be more clearly defined. Other legislation has been challenged and unclear definitions in legislation can lead to all kinds of views. I call on the Minister of State to consider the amendment.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Joe McHugh): The concept of reducing a risk to as low as is reasonably practicable, a concept known as ALARP, is best practice adopted internationally and a concept reflected in the offshore safety directive. There is no definition for ALARP set out in either domestic or international legislation. The concept of what is as low as is reasonably practicable has been considered by the Court of Appeal in the United Kingdom and the courts in Ireland. The courts have found that for a risk to be determined as ALARP it must be possible to demonstrate that the costs involved in reducing the risk further would be grossly disproportionate to the benefit gained. Providing guidance on what constitutes as low as is reasonably practicable is already a matter for the Commission for Energy Regulation under the Petroleum (Exploration and Extraction) Safety Act 2010. In 2013 the Commission for Energy Regulation published a document entitled ALARP Guidance. The purpose of the ALARP Guidance document is to provide detailed guidance to developers on the requirements of the Commission for Energy Regulation concerning the processes that must be used to determine whether a risk is ALARP. It is important that the concept of ALARP be kept under review and modified from time to time to reflect developing practices. Having regard to the fact the Commission for En-

ergy Regulation has an existing statutory obligation to provide guidance and has already acted in this regard, I do not propose to accept this amendment. However, I appreciate the stance the Deputy and his colleague in the Seanad have taken. It is important to point out that the ALARP definition can be kept under review.

Deputy Michael Moynihan: I am disappointed the Minister of State is not accepting my amendment because loosely worded legislation leads to bad law. As the Minister of State said, we should keep the legislation under review. I have a concern regarding the role of the Commission for Energy Regulation. We may have devolved too much power to it but I am not sure. Primary legislation should, in the first instance, be as strong as possible. I would have preferred it had the Minister of State accepted the amendment.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Sections 4 to 6, inclusive, agreed to.

SECTION 7

Deputy Michael Colreavy: I move amendment No. 2:

In page 15, between lines 28 and 29, to insert the following:

“(12) A petroleum undertaking shall not use the method of flaring of gas.

(13) A petroleum undertaking shall not use unconventional methods of gas exploration or extraction.”.

There are two aspects to the amendment. The first is that a petroleum undertaking shall not use the method of flaring gas. I understand the flaring of gas is sometimes necessary on safety grounds and that it is used to test the volume of supply during the exploratory phase. However, in many places in the world, there is continuous flaring of gas. Norway banned it many years ago because it is a waste of resources and releases an unnecessary amount of carbon dioxide into the atmosphere. The Joint Committee on Communications, Natural Resources and Agriculture, in its report of 2012 entitled *Offshore Oil and Gas Exploration*, recommended that the practice be banned. I would like to have seen this in the legislation.

May I speak to the second amendment now?

An Leas-Cheann Comhairle: They are to be discussed individually.

Deputy Joe McHugh: The transposition of the offshore safety directive, which is the purpose of this Bill, is to ensure consistent regulation throughout Europe with respect to the potential for major petroleum incidents. It is important we learn from other countries. In the Department of Communications, Energy and Natural Resources, we have tried to source staff from countries with very rich experience of working in the industry. We nearly recruited a member of staff from another country to our Department to share expertise but it did not happen. It is important, however, that we continue to aspire to this. Ireland should not be trying to reinvent the wheel if there are various models available.

With respect to the flaring of gas, the technology in question has more than one purpose. At a gas processing terminal, for example, flaring of gas can be necessary for safety reasons. More

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generally, gas flaring is contentious where the technology is used in the context of a producing oilfield. Gas that is produced along with oil is sometimes flared as processing it would not be commercially viable. If in the future Ireland has a commercial oil development and the flaring of gas is proposed, that proposal will be subject to an environmental impact assessment, including a public consultation process.

Amendment, by leave, withdrawn.

Deputy Michael Colreavy: I move amendment No. 3:

In page 16, between lines 5 and 6, to insert the following:

“(6) Any activity referred to in subsection (5) where relevant activity was suspended shall be reported to the Commission.”.

I understand legislation does not contain negatives. Amendment No. 2 states a petroleum undertaking shall not use unconventional methods of gas exploration or extraction. This uses a negative. If we were to opt for offshore hydraulic fracturing, we would have to examine again the safety legislation because there are inherent risks associated with hydraulic fracturing over and above those associated with conventional oil exploration and extraction. I understand why the Government is reluctant to include the negative statement in the Bill but I would like the Minister of State to commit on the record of the House that if there is to be offshore hydraulic fracturing in the future, the Government will re-examine the safety legislation underpinning it and accept that the legislation before us is not adequate.

Deputy Joe McHugh: I thank the Deputy again. He mentioned earlier that hydraulic fracturing is outside the scope of this Bill. For that reason, I will not be accepting the amendment. The Deputy has constantly referred to the duration and scope of the study that is under way. It is important that the debate continue, and I am certainly open to any opportunity to continue it. The EPA has been tasked with responsibility in this area. Given the two main pillars, namely, the environment and human health, it is important that all the various options, including consulting universities, which is occurring both in Northern Ireland and here, be explored. There ought to be a full, frank and open approach to determining strengths, opportunities, weaknesses and the factors that are detrimental to health and the environment. It is important that space be made available to do that work.

I have been doing my own background research on geology. We have very complex geology in this country. In the regions the Deputy is always mentioning, there is a very complex rock formation. Without pre-empting the report, I believe from anecdotal evidence that the complex geography in itself may not lend itself to the activity in question.

Deputy Michael Colreavy: The legislation refers to petroleum exploration and extraction. Could the Minister of State confirm explicitly that hydraulic fracturing is not within the scope of this legislation?

Deputy Joe McHugh: It is not within the scope of the legislation.

Amendment, by leave, withdrawn.

Deputy Michael Colreavy: I move amendment No. 4:

In page 16, between lines 24 and 25, to insert the following:

“(10) The operator shall ensure that verifiably calibrated and tamper proof flow meter systems are used to accurately monitor the volume of petroleum extracted.”.

This probably looks like more like a financial control than a safety provision. While the provision could be used to establish a financial control, it concerns safety because the volume of petroleum or gas extracted has a direct bearing on the level of risk in the business. Does the Government have any way of checking the volume being extracted and, consequently, the level of risk? Consider the example of our friends from Rosspport and the pipeline going very close to the houses. Who knows the true volume going through that pipeline?

9 o'clock

Are we depending solely on the operators to let us know what is going on or are there calibrated and tamper-proof flow meters that tell the truth?

Deputy Joe McHugh: Regulation of metering is principally an economic regulatory function under the existing regime for oversight of metering. Prior to their installation or modification, it is required that the detailed specifications of all metering stations are submitted for approval by my Department and are also subject to inspection. It is important to point this out. Metering of petroleum volumes also constitutes a part of the safety management system to be described in any developer's safety case, which is required to be assessed by the CER. As this activity falls within the current assessment regime, I do not propose to accept this amendment but it is important to go say that a lot of the hard work and heavy lifting in respect of management, regulation and oversight happened in 2010 and the CER is a robust and independent oversight mechanism to ensure that there is constant vigilance in respect of inspection during the process.

Deputy Michael Colreavy: So the Minister of State is saying that what I am looking for is already in place and that there is a tamper-proof and calibrated flow meter system that shows the volume at every stage.

Deputy Joe McHugh: Yes.

Amendment, by leave, withdrawn.

Section 7 agreed to.

SECTION 8

Deputy Michael Moynihan: I move amendment No. 5:

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

“(c) the requirement for any operator, who is granted an exploration licence or petroleum prospecting licence by the Minister, to put a bond in place, so that in the event of the decommissioning of petroleum infrastructure, the licensee not dismantling the infrastructure within 2 years of extraction being stopped, all cost associated with the decommissioning can be recouped by the State from the bond;”.

We should have a bond in place to make sure that if petroleum extraction or exploratory drilling take place or a licence is given and the infrastructure is not put back or dismantled properly, there is no cost to the State and any costs of decommissioning the entire oil rig, for

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the want of a better word, are recouped by the State. This is a sensible amendment that could be inserted in that section.

Deputy Joe McHugh: There is a distinction in terms of responsibility. It is addressed elsewhere so I am not accepting this amendment but I wish to put on record that the ultimate responsibility is not borne by the State. As a Cork man, the Deputy will have experience in respect of what is happening and what is in place in Kinsale. The decommissioning of petroleum infrastructure at the end of field life is addressed by the petroleum lease granted to the developer once the commerciality of a field has been determined. The decommissioning regime that is in place in Ireland for the Kinsale area gas fields and the Corrib gas field is based on the full cost of decommissioning being borne by the holders of the petroleum lease and not by the State. A petroleum lease also includes a condition that requires a parent guarantee which means that a deed of guarantee and an indemnity in favour of the Minister must be given by each leasee. As this Bill is focused on safety and the prevention of major accidents and the question of liability for the cost of decommissioning is already addressed elsewhere, I do not propose to accept this amendment. However, the Deputy has raised an important issue, namely, the question of who bears the responsibility - the State or the operator. It clearly says elsewhere that it is developer who bears the responsibility.

Deputy Michael Moynihan: I am disappointed that the Minister of State is not accepting it. This is a genuine effort to ensure that we are strengthening the legislation. We have seen that bonds work in other fields.

Amendment put and declared lost.

Section 8 agreed to.

Sections 9 and 10 agreed to.

SECTION 11

Deputy Michael Moynihan: I move amendment No. 6:

In page 24, line 32, to delete “not exceeding €3,000,000”.

My concern is about the lack of sanction regarding not carrying out requirements by the new authority and the limits on fines. One of the sections refers to a fine not exceeding €3 million on conviction on indictment. I do not know why we would limit that. We have seen the clean-up job in the Gulf of Mexico, which is somewhere in the region of €11 billion or €12 billion. We want to be very careful about putting a limit on the fine even if it looks large in the legislation. We should not put any limit on the fine because regardless of whether this legislation will operate into future, we should have a very high ceiling.

Deputy Joe McHugh: I again make the distinction between the fine and costs involved in environmental clean up. The maximum fine of €3 million is for infringement of contracts entered into in respect of permit and proper safety guidelines: the €3 million is a fine if those commitments are infringed upon. There is no cap if there is an accident, there is environmental damage and there are considerable costs involved in that clean up. There is no limit in respect of the cost that should be borne in respect of the clean up. If one looks at what happened in the Gulf of Mexico, one can see that one is into entirely new territory in respect of responsibility. I want to make the distinction. The figure of €3 million is a cap on the fine for infringement and

there is no limit to environmental damage.

Amendment, by leave, withdrawn.

Section 11 agreed to.

Sections 12 to 15, inclusive, agreed to.

SECTION 16

Deputy Michael Moynihan: I move amendment No. 7:

In page 29, between lines 38 and 39, to insert the following:

“(2) Such reports can be released on the instruction of the Minister.”

For the sake of openness and transparency, the Minister should be empowered to release all reports. Any reports that are within any Departments are public property anyway. The Minister of State should accept this amendment.

Deputy Joe McHugh: Amendment No. 7 speaks to the part of section 16 that confers on the CER a power to appoint a petroleum safety officer to investigate petroleum incidents notified to it or safety or environmental concerns that have been reported to the CER by individuals on a confidential basis. While it would be a matter for the CER to decide whether or not such reports should be released, it would not be appropriate to give the Minister a role in what should be a matter for the independent safety regulator. Section 16 gives the CER the power to investigate what would include whistleblower reports. Providing that such confidential reports might be published would be likely to discourage confidential reporting or disclosure.

Deputy Michael Moynihan: Again, our legislation gives an awful lot of power to people outside this House in terms of the CER. We have seen that it does not have enough powers to regulate properly some sectors we believe it is regulating. It gives the wrong impression. The Minister who is directly elected by the people should have power to distinguish what should or should not be put before the people.

Amendment, by leave, withdrawn.

Section 16 agreed to.

SECTION 17

Deputy Michael Moynihan: I move amendment No. 8:

In page 30, lines 34 and 35, to delete “a non-confidential version of the reports” and substitute “the reports in their entirety”.

Amendment put and declared lost.

Section 17 agreed to.

Sections 18 to 24, inclusive, agreed to.

Title agreed to.

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Bill reported without amendment, received for final consideration and passed.

Sitting suspended at 9.10 p.m. and resumed at 9.30 p.m.

Social Services and Support: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Tom Fleming on Tuesday, 14 July 2015:

“That Dáil Éireann:

calls on the Government to:

— implement a range of policies that are favourable to senior citizens to maintain independent living;

— provide the supports and services to assist people to continue to live in their own homes;

— in light of the upturn in the economy, prioritise the household benefits package including the electricity/gas allowance and the free television licence among other measures;

— continue to maintain the free travel scheme and the Christmas bonus;

— ensure that home help hours be maintained in line with demand so as older people can age in the community;

— invest in the Health Service Executive community care and community mental health services;

— ensure that:

— the living alone increase continues to reflect the cost of living; and

— the carer’s allowance and the half-rate carer’s allowance be maintained and recognise the value of the respite supports; and

— acknowledge the importance of:

— the household adaptation grant for people with a disability, housing aid for older persons scheme and home insulation and energy saving for older people living at home; and

— maintaining and enhancing rural community bus services.”

Deputy Aengus Ó Snodaigh: It is important we take this opportunity to speak on this very important matter. The Government has stated from its initiation and reiterated in the National Positive Ageing Strategy in 2013 that its policy was to enable people to age with confidence, security and dignity in their home and communities as long as possible. I do not believe anybody in this Chamber or elsewhere would speak against that laudable aim. However, as has

been shown, the Government has acted contrary to that stated policy.

The Irish Human Rights and Equality Commission has emphasised in its publications the need to ensure older people's human rights and dignity. That is similar to the Government's aim. It has also stated that this can be done by enabling older people to stay at home for as long as possible through the provision of home care that is both available and adequate. It is not just half an hour every day or four hours when 20 hours are required. It needs to be available and adequate. Despite this and the Government's 2013 National Positive Ageing Strategy, of the total budget for older people's services, only 14%, €190 million, was spent on home help service and only 9% spent on home care packages. These are the two services that support independent living "with confidence, security and dignity" as the Government promised. It is clear that Government resources are not aligned to its stated policy and have not been since it took office. Since 2009 the number of people aged 65 and over has increased by over 20%. The Central Statistics Office predicts in its demographic trends that this increase will continue over the next ten years and by 2016, 16% of the population will be 65. That shows how Ireland has developed but it also poses a challenge to us as legislators and to Government to budget. We know that 91% of older people rely on the State pension and related supports to protect them against poverty. That will put a huge pressure on State funding and our already stretched health service, on hospital beds and acute hospital services. We need to consider whether we are spending the money properly. The State is concentrating on subsidising private nursing home beds. Alone has said that one in three of those in nursing home beds could be supported to live in the community thus relieving pressure on State finances because it has been shown that living in one's home and community is more cost-effective in the long run. There needs to be a shift in emphasis in respect of the home help packages and home care.

Enabling older people to live at home could reduce the amount of grant aid required for a nursing home. Ireland has 35% more older people in nursing homes than other EU country. That figure was published by Alone. Moving the one in three from nursing homes to their own homes would be a job well done. That does not seem, however, to be the trend under this or the previous Government.

I condemn the litany of cuts which have cumulatively inflicted hardship on older people, in particular those who are dependent on social welfare during the lifetime of this Government. They have shouldered an unfair and scandalous burden. I heard the Tánaiste and Minister for Social Protection say in this debate last night that everything is rosy and that the Government is living up to the commitment made in 2013 that it would "enable people to age with confidence, security and dignity in their home and communities for as long as possible". We must not forget what has happened, that this Government has slashed the housing benefits package, the fuel allowance, the Christmas bonus, the living alone allowance, medical cards, the carer's allowance, home help hours, home adaptation grant and dental and optical benefits, as well as rural transport services. There are extra charges, which include the introduction of prescription charges, property tax, water charges, universal social charge for anyone with an additional income, the pension levy and the loss of the free passport. All this came at a time when the cost of living increased, as well as the cost of electricity, gas and fuel, forcing older people to choose between heating their homes, paying prescription charges or putting food on their tables. If we are moving out of the period of austerity we have an opportunity to be fairer and to concentrate on the weakest in society, especially those who depend on social welfare, who have no opportunity to increase their income, particularly pensioners. We should consider, for example, increasing the respite care grant, the home help hours and home care packages. We should also increase the

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living alone allowance and reverse some of the cuts heaped on senior citizens and others who depend on social welfare, for example, by reinstating the fuel allowance. Our party wants to ensure that older people can live independently in dignity and comfort in their homes and communities for as long as possible. I will live up to that commitment if I am ever in government. I ask the Minister of State at the Department of Education and Skills, Deputy English, to live up to that commitment now. The Government has not done so to date. It has a few short months left and there needs to be a change in the way funding is allocated to older people's services so that a greater portion of money goes towards keeping people in their homes, if appropriate. If it is more cost-effective to have home help and home care packages, that is the way to go rather than to subsidise a growing industry of nursing homes when in many ways it would be much more appropriate for people to be in their homes for the last years or months of their lives and enjoy their retirement and later years rather than feel them as a burden.

Deputy Mary Mitchell O'Connor: I am pleased to contribute to tonight's motion as it gives us all the opportunity rightly to acknowledge the immense contribution our elderly citizens have made to this country. Their contribution to the State cannot be overlooked or underestimated. They have helped drag us through not one but two terribly difficult recessions. They have watched the face of Ireland change from a small rural-based island to a leading international hub. Nothing would have been possible without their hard work and support.

I am proud that this Government is committed to our older citizens. However, more can always be done and I ask the Minister of State to ensure we continue to prioritise and do our best for our elderly parents, grandparents and pensioners. The State pension is a lifeline for the elderly. Safeguarding this has been a key priority for the Government. However, as the number of pensioners is gradually rising, I urge the Minister of State to continue to safeguard its role and ensure the continued expenditure allocation for it. Increasing the living alone allowance last year was a very welcome move. The last time it was increased was in 1996.

Isolation and the lack of supports can make daily living for an elderly person extremely lonely and difficult. I cannot over-emphasise the key role the household benefits package and the Christmas bonus play. As we steer the country out of recession and into recovery, I ask the Minister to look at restoring the Christmas bonus fully. It goes a long way in many elderly households and such a move would be greatly welcomed by all.

Mobility ensures social inclusion for many elderly people who otherwise would have no daily contact other than with their local postman or postwoman. Hailing from Galway, I have seen first-hand the many benefits the free travel scheme has brought in both rural and urban areas. I see pensioners using their free travel pass on a daily basis to get from Milltown to Galway and even to take day-trips to Dublin and further afield. Only last week I welcomed the Dún Laoghaire senior citizens group to Leinster House. They are a wonderful example of how the elderly should be living. They are active, involved in the community and enjoying life as they should be after their many years of contributing to the State. The free travel pass, the living alone allowance and the State pension help to provide for and ensure their continued involvement in the community.

I have been to social inclusion week events throughout the constituency of Dún Laoghaire and it is heart-warming to see the events and activities organised, the creative initiatives and the groups in place, all with an age-friendly focus. They are a credit to the constituency. Last month Dún Laoghaire-Rathdown County Council held an age-friendly consultation process so as to help to draft a comprehensive age-friendly strategy. The aim is to ensure the constituency

of Dún Laoghaire is a great place in which to grow old. I wholeheartedly welcome this initiative and will do my very best to work with all elderly groups and communities to ensure their voices are met and their needs are met at both local and national level.

I welcome this debate. I am confident that the Minister and the Government will continue to support and give back to the bedrock of our society - the elderly.

Deputy John O'Mahony: I commend Deputies Tom Fleming, Maureen O'Sullivan, Michael Fitzmaurice and Thomas Pringle for bringing forward this motion. With so many new parties and groupings in recent times, it is good to see a group of Deputies putting forward sensible suggestions on how we treat the elderly.

The motion comes up with many common-sense proposals into which parties on all sides of the House could buy. I am glad that the Government is not opposing the motion and that it has acted on some of the proposals made already. As was pointed out by Deputy Mary Mitchell O'Connor, the Christmas bonus was partially restored. I very much support the idea that it be fully restored in the upcoming budget. Funding has been put in place to address waiting times under the fair deal scheme, which has shortened waiting times from 16 weeks to four. Obviously, as well as easing the stress and trauma for families who want their elderly cared for in a nursing home setting, this was badly needed because, as well as allowing elderly persons to move out of acute beds, it freed up beds in hospitals.

It is, of course, the wish of the elderly and their families that they be cared for in a home setting, if at all possible. I understand €185 million worth of home help services, or 10.3 million hours, has been allocated in 2015 and that €114 million has been allocated for home care packages. I very much support the idea of increased funding in all of these areas, as resources allow. As well as giving the elderly security and the comfort of being cared for in their own homes, it allows faster throughput in carrying out elective surgery and means fewer patients on trolleys in accident and emergency units throughout the country.

Two of the other proposals issues referred to in the motion are very sensible. One concerns the need to prioritise and maintain the household benefits package, including gas and electricity allowance units and the free television licence. The number of units should be increased and restored to at least what it was previously. Reducing energy prices continues to be important and although there were some recent decreases, energy prices remain volatile. At some of our committee meetings with the various providers their advice was to switch energy provider at least once a year to gain the most benefit. The issue is that many elderly people, in particular, do not have the knowledge or capability to know how to switch. As it is mostly elderly persons who does not switch, they do not save money. Some method should be put in place to make it easy for them to switch, which would mean that they could carry forward their free allowance units. People have come to my office who have switched and then lost the benefits of the free units. There are also other complications. Something needs to be done to give a sense of security to the elderly and an easy way to switch their energy provider.

The State pension was maintained during the economic crash, which is to be welcomed. That was in contrast to the actions of the previous Government which abolished the Christmas bonus, cut carer's allowance and the disability allowance twice. It also cut the blind pension, the widow's pension and invalidity pension. Any restoration of these payments should be prioritised.

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Free travel is an important topic. I know that the scheme has been reviewed recently and that Opposition parties can sometimes scaremonger in a way that concerns older people who come up to Deputies in the street and say things like, “Do not touch our free travel.” It is very important that the scheme is not touched, but it is also important that people realise it is a central policy of the Government. I understand there are 771,000 people with free travel passes and, when companions are taken into account, there are over 1.1 million who can avail of the scheme.

Deputy Catherine Byrne: I am grateful for the opportunity to speak to the Technical Group’s motion. Like many others, I have been following the very sad news from Greece, in particular, the state of turmoil, the riots and the state of the parliament. Unfortunately, over the weekend, we saw the sad pictures of older people not being able to withdraw money from ATM machines and queueing for food parcels. Dioceses in Greece have given millions of bags of food to people who turn up on a daily basis. We are all deeply affected by the suffering of the people concerned.

I point out to my constituency colleague, Deputy Aengus Ó Snodaigh, that Sinn Féin supported taking the path that has led to Greece being destroyed in supporting the outrageous party that has caused the lives of people there to be practically extinguished.

Deputy Aengus Ó Snodaigh: Go back to sleep.

Deputy Catherine Byrne: The Deputy then stands up to say we are in a better condition in this country than we ever were and that we should be giving people more money. That is what happened in Greece. People did not realise things did not come for nothing and that they have to be paid for.

Deputy Aengus Ó Snodaigh: It is right-wing government. People know what happened.

Deputy Catherine Byrne: Older citizens are the backbone of our community and deserve to be supported with the very best care we can provide. As other speakers said, the country has an ageing population. There will be approximately 850,000 people over the age of 65 years by 2026. This will place huge burdens and pressures on our services. Only by laying the foundation now as a stable Government can we in any way expect that these people will be able to receive their benefits in the future.

At present, citizens have a number of State supports from the Department of Social Protection and the HSE, as a number of speakers have said. The State pension has been maintained by the Government despite the very challenging economic circumstances we have gone through over the last years. The living alone allowance was increased to €9 per week. There are also the household benefit packages worth €35 per month and the free TV licence, which many senior citizens tell me are the lifeline of their week. The Christmas bonus was abolished by the previous Government in 2009. The Minister, Deputy Joan Burton, partly restored it this year and will hopefully continue to do so.

There are currently approximately 820,000 customers in receipt of free travel allowance, at a cost of €77 million per annum. No one can tell me that is not caring for the elderly. I hear regularly that in other countries, such our neighbour across the water, people with free travel can only travel within the region in which they live and cannot go all over the country like elderly people here. It is a real benefit. I believe in the carer’s allowance, the domiciliary allowance and the respite care grant. They are all very important in having a civilised society which

helps older people.

The Government's policy of supporting older people is for them to live in dignity and independence in their own homes and communities for as long as possible. I am fully behind this policy as I know many elderly people who are capable of caring for themselves at home but might need a little help now and again. The home help service is of great value in the community. People in the community see the same friendly faces each morning and work side by side with each other. They are the backbone of home help provision in every community across our cities, particularly when it comes to dressing older people, washing them, giving them their meals and just being there to sit with them and talk to them.

We all want dignity when we get older. We want our loved ones to be able to be cared for whether they are our parents, aunts or uncles, but especially our senior citizens. It is not always possible for families to be around 24/7, which is why we need to keep providing the home help service to care for senior citizens and allow people to stay at home. The increase in home help services into the future will allow people to remain at home and live out their days with dignity in the community where they want to be.

Deputy Dan Neville: I welcome the opportunity to speak on this debate. I am pleased that the Government has decided not to oppose it.

There have been many improvements in the nursing home situation under fair deal scheme. The waiting time has halved in the past year from eight weeks to four. At one stage it was up to 15 and 16 weeks. The number on the waiting list has fallen from 1,265 in May 2014 to 557 in May of this year. The fact that €44 million was invested to reduce the number of those on the waiting lists for 15 weeks means it is now four weeks, down from 11 weeks earlier this year. I welcome this.

I wish to raise one problem in respect of the fair deal scheme. It concerns people who are at home, are emergency cases and need direct access to the nursing home from home rather than from hospital. Given that there is not the same detailed medical evidence on their conditions, only a recommendation by a GP, the assessment can be delayed. Nursing homes are obviously very reluctant if a person cannot pay. However, some people have some money with which they can pay for the nursing home. If someone has €5,000 and the cost of a nursing home is €800 to €1,000 per week, that is enough for five weeks. If, because of a delay, the assessment is not made within five weeks, the situation becomes very difficult for the nursing home, the family and the patient. Now they are unable to pay for the nursing home.

Going back some time, there was backdating once the application came through. That was suspended by the previous Government. It should be looked at in respect of how we handle patients' nursing home requirements and recommendations from GPs to access a nursing home. There should be some short circuit to ensure they get the same opportunity as those in a hospital situation. In a hospital situation, in most cases patients are kept in the hospital until the fair deal comes into operation. The same difficulty does not arise for the family and the patient also gets faster assessment because there are consultant reports, X-rays and other forms of medical evidence.

Fine Gael believes it is very important that older people should be supported to live at home as long as possible. The Government will continue to implement policies to support this objective. We know there are people in nursing homes who could be facilitated in the community

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in their own homes with more assistance. I welcome the fact that the Government has already restored certain payments for older people with increases in living allowances for the first time since 1996 and partial restoration of the Christmas bonus. This contrasts with the previous Government's record in office. It abolished the Christmas bonus, which was effectively cutting the State pension. It cut the carer's allowance, disability allowance, blind pension, widows pension and invalidity pension twice.

I congratulate the Technical Group on bringing this motion forward.

Deputy Michelle Mulherin: I welcome the opportunity to speak on this very important motion. I thank the proposers.

How we respect and support our elderly people is the measure of our society and where we are going. They should always be to the fore. We go from childhood to adulthood, obviously, and then become elderly and become in some ways dependent again. These are the people whose shoulders we stand on and who saw hard times that we have no idea about. They kept families together and kept things going when the social welfare State was just a fledgling idea. We owe them a lot of care and support so that they can live with dignity and independence in their own homes. They should be looked after from a health point of view.

One of the biggest challenges as people get older is that they are more liable to suffer from chronic illnesses that will not go away and will require treatment indefinitely. It is important that we have community supports in place whereby they can be cared for in their homes. Both their personal needs and also medical care should be provided for through home help, home care packages, intensive home care packages and community intervention teams.

10 o'clock

If people could be provided for in such a way, they would not end up in emergency departments on trolleys, and they would not reach a point where their condition would become acute, such that they would need care in an acute hospital.

We must plan ahead because we are all ageing. In many ways it is a selfish pursuit as we lay the foundations for standards of care that could ultimately benefit us if we stay the course. We must have honest conversations about care of the elderly and how we measure that. Through my constituency office and clinics as families and individuals come to see me, I get a sense of the care people are given. While there are many challenges, many supports are available. I take issue with people peddling the politics of fear to gain political support and momentum. They prey on the fears of the elderly by suggesting they are being forgotten about or that they are not at the heart of what we want to achieve in terms of allowing them to be independent within existing financial constraints. I have had some experiences in that regard in County Mayo, for example, relating to the Sacred Heart Hospital in Castlebar. Many column inches were devoted to its supposed demise and closure due to lack of funding. The speculation continued for months. That did not come to pass but such cases are part of the Opposition's political arsenal.

My first exposure to such carry-on was shortly after I was elected to this House. A big public rally was staged in my home town of Ballina due to the closure of beds in the district hospital. It was extrapolated that the community nursing home and all other health services would close. It was natural that there were fears because there was a moratorium on recruitment and

people were retiring. People were rightly concerned that all the priorities were kept in order as much as possible and that older people would be looked after. It was a shocking display on that occasion. I was new to the job but my sense of it was that there were plans and that the best was being done that could be done. Lo and behold, far from the beds being closed, additional beds have been opened and the hospital is now operating to its full complement. The hospital is a step-down facility for Mayo General Hospital. Ten additional beds were opened recently, which have cleared the trolleys in Mayo General Hospital, for the moment at least, and ten additional new staff are employed full time in the hospital.

Deputy Brendan Ryan: I welcome the opportunity to speak on the motion. It deals with fundamental and vital issues at the centre of maintaining a core level of decency and support for vulnerable groups in society, particularly older people. The population is ageing rapidly, with advances in health care leading to a dramatic rise in the older population. Each year, the total number of persons over the age of 65 is growing by approximately 20,000.

In government, we have worked to protect older people through the most difficult of the budgetary adjustments in recent years. The free travel pass has been protected and recognised by us as both an integral benefit for older people and also as an important contributor to local economic stimulus. Every year, some in opposition would stoke up a fear or worry that the travel pass would be revoked or cut, but we ensured it has remained a core benefit for older people. The travel pass allows elderly people to engage with and contribute to their local communities. That is increasingly important for older people who live alone and need to be supported in independent living. Support for older people to remain living in their community, in line with a balance for appropriate residential care places, is an important plank of the programme for Government. It is also in line with the positive ageing strategy national goal to: “Enable people to age with confidence, security and dignity in their own homes and communities for as long as possible.”

Resources have been scarce and it has been difficult to get to the levels of support to which we aspire. However, as the recovery takes hold, we will have the ability to do more and to deliver more. According to Alone, up to one third of residents in residential care are capable of living independently in their own homes and communities. Independent living with supports would provide a massive saving to the State over nursing home care. At the same time, it would free up much needed residential care beds for people who cannot live independently. I raised the matter in the Dáil this year in the context of the fair deal scheme, and the need to ensure it is demand-led rather than resource-led. Following the debate, the Minister with responsibility for disability and older people has changed the policy direction of the fair deal scheme in this regard, which is very welcome. However, it is very important to get the balance right between services to keep people at home and nursing home supports. Currently, resources are wrongly skewed towards nursing homes.

I support the call in the motion for home help hours to be maintained in line with demand. That must be assisted by adequately funded housing adaptation grant schemes within local authorities. In addition to funding, we need adequate personnel in the relevant departments to process and act on applications in a quicker manner. I know from experience with my local authority in Fingal that the hard-working staff in the architect’s department simply do not have the personnel to process the workload of applications. In addition, there is an annual funding ceiling which can delay much-needed adaptations. I support setting a target for waiting lists for the housing adaptation scheme and housing aid for older people scheme to perhaps a maximum of six months. If targets are matched with the appropriate resources, we can make further ef-

forts to show how the recovery will benefit those most in need.

We must apply a mix of strategy and funding to the need for independent living and we must bring an end to the bunker approach. A mix of supports need co-ordination, for example, carer's allowance and the half-rate carer's allowance, which we have protected in government, housing adaptation grants, home help hours and new primary care centres. All these are support structures which aid independent living for older people. I welcome the progress on the new primary care centres throughout the country, especially in my area in Balbriggan, in Fingal and in Swords. The provision of primary care centres has the capacity to further assist older people to live independently as comprehensive medical care will be provided within their communities.

We must end the bunker approach Departments can have and examine an integrated approach which will best serve individuals in need of support. The increase in the living alone allowance which was provided in last year's budget must be, and I am sure is, in a state of ongoing examination to ensure it reflects the extra cost of living for those people who live alone. The Christmas bonus payment was partially returned in last year's budget, and I will make the case for a further restoration of the payment in the upcoming budget. The Christmas bonus is an important measure to allow pensioners and families on low income a little support in providing for a better Christmas. I thank Age Action and Alone for the material they contributed in advance of the debate this week.

An Ceann Comhairle: Deputy Seamus Healy is sharing time with Deputies Pringle, Fitzmaurice and Mattie McGrath.

Deputy Seamus Healy: I welcome the opportunity to speak on the motion. I thank Deputy Tom Fleming for tabling a very detailed, important and significant motion. The core of the motion relates to independent living for the elderly to ensure they can remain in their homes and communities for as long as possible. That is something to which we all aspire and which we wish to be supported. We all want supports and services to be put in place to ensure that happens.

I take the opportunity to highlight a very successful pilot project on dementia which has been in operation in south Tipperary for approximately three years. The project has been funded through Atlantic Philanthropies and the HSE through the Genio Trust. I compliment and congratulate all those involved in the project. The project is led by a consortium of people with various interests in dementia. Importantly, the consortium includes people with dementia, carers, the Alzheimer Association, the Carers Association, Muintir na Tíre, South Tipperary Community and Voluntary Forum, GP representatives and HSE staff.

The project aims to create one point of contact for all dementia inquiries; to provide information, supports and services for every stage of the dementia journey; and to facilitate people with dementia to live full, enriched and happy lives at home and within their own communities for as long as possible. This is the key element that is replicated in tonight's motion and it is important to highlight it. The project also aims to provide individualised support on a needs-led basis, including home-based respite, crisis intervention and home from home respite; to acknowledge that the project is an additional service and is not to replace existing services; and to improve the quality of life for people with dementia and their families by providing high quality, flexible, person-centred care.

The project has been ongoing in south Tipperary for the past three years. The funding is coming to an end in October and we hope funding will be made available to ensure the project will be continued, mainstreamed and rolled out on a national basis. The project has dovetailed with and been part of the process of the development of the national dementia strategy, which was published in December 2014. It is important to remember that, due to our demographics, dementia is a widespread problem and will become more prevalent in the future. It is estimated that approximately 48,000 people suffer from dementia in Ireland, and this figure is projected to reach 96,000 by 2031 and 140,000 by 2041. This is a very significant demographic and is a time bomb at the heart of communities across the country.

The supports and services put in place in south Tipperary by the project can be replicated nationally. The scope of the project is to transform the life experience of people with dementia and their families by increasing public awareness of the illness among the public, dispel myths that surround it, reduce stigma and encourage people to come forward for early diagnosis and treatment. The project is entitled *Five Steps to Living Well with Dementia*. The first step is pre-diagnosis, building awareness in the community and providing timely information for as many people as possible. The third step is to deal with progressive dementia by way of home-based support from dementia support workers. The fourth step is advanced dementia, which involves the provision of a memory library and assistive technology equipment. The final stage is living well and dying well. The five steps were built on during the project. The first step is delivered through a clinical nurse specialist. There is great value in this service, which enables people to connect at an individual level with the health service and get support on the basis of their individual needs. Creating and raising awareness in the community was done through talks in community organisations, libraries, day care centres, pharmacies, men's sheds, sports partnerships, the Irish Countrywomen's Association, ICA, and meals on wheels. Awareness is a major part of it. There was a significant and effective localised media campaign which was significantly helped by the local radio station, Tipp FM, which was a key element of it.

Deputy Thomas Pringle: I thank Deputy Tom Fleming for introducing this Private Members' motion and dedicating the time to issues around elder care in Ireland. It is a timely issue, coinciding with yesterday's Dáil motion expanding the Ombudsman's remit to include private nursing homes. As I stated yesterday, our over reliance on private residential care and our approach to elder care has led to under investment in our home care sectors. The sector is reaching a critical stage as demand for home care increases with an aging population taking hold while people begin to prefer a more holistic approach to elder care needs. Predictions suggest that 75,000 people could seek to avail of home help services in 2021, compared to 48,000 in 2012.

There is a growing trend of people with low to medium support needs being admitted to residential homes such as nursing homes. ALONE's Home First campaign has tracked this trend, observing that 35.4% of people in the long-stay beds have low to medium support needs with an increase of 44.6% in the number of low dependency beds since 2004. The number of medium dependency beds has increased by 17.6% since 2004, while the number of high to maximum dependency beds are decreasing. High dependency beds are more likely to be kept in community hospitals, where there are nursing staff available to deal with patients. We can only imagine how many of these people are also located in hospital accident and emergency wards throughout country. This has become our policy for dealing with chronically ill elderly patients, leaving them physically on the margins of the health care service.

It is clear that nursing homes have a policy aimed at a lower level of needs for easier and more manageable environments, to reduce staff costs and in an effort to increase profits. Si-

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multaneously, the Government has cut funding to vital home care supports for both carers and elderly patients, including supports to improve their housing environments. To further add to the disintegration of the home care model, the number of people aged over 65 is increasing and will reach nearly 1 million by 2031, an increase of more than 86% or an extra 20,000 people every year. Some 7% of people aged over 65 live in nursing homes in Ireland, compared to just 4% in the Six Counties. People want to age with dignity and respect and as thriving members within their communities, and home care should and can reflect this. These principles are even reflected in Government policy documents, such as the programme for Government, the national service plan and the national positive aging strategy. Unfortunately, home care continues to be underfunded, under-regulated and undervalued by the Government.

Home care can take place in a number of arrangements, informally through family members, friends and neighbours or professionally through the HSE home care packages either directly or outsourced to private care companies, which is a growing trend. This country does not appreciate respect the role of care and many family members care for an elderly relative and others provide informal care. The carer's allowance and respite care grant have been under constant attack and scrutiny in successive budgets. It is imperative, if we are to have an ounce of respect for the role of carer, that we invest in and protect our carers in the community by maintaining these supports and improving on them to fit within the home health model. The carer's allowance must be maintained alongside the half rate carer's allowance. People could also be encouraged into employment by becoming carers if the Government had the imagination when it comes to labour activation measures.

Direct supports to elderly people are also under threat. The living alone allowance does not reflect the current standard of living while the over-70s GP card is too restrictive, allowing only free GP care without access to the services which come with the medical card. EUROSTAT data released this year showed the Government spent just 10% of social protection outlay on the elderly in 2013, almost 12% less than the eurozone standard. Countries like Bulgaria, Luxembourg, Austria and Romania all dedicate over 25% of their spend on the elderly. The State pension has not seen an increase since 2009. For many elderly people, their weekly incomes have been cut by over €14.

It is important the household benefits package, the free travel scheme, the Christmas bonus, the housing adaptation grant, the disability grant and other supports for the elderly are maintained in the forthcoming budget. A lack of financial investment in home help hours and home care packages, cuts to mobility aid and a lack of housing supports have meant elderly people have been forced away from the home care setting and into residential care. Up to 1.6 million hours of home help were removed from the sector over the past four years. Funding for home help services declined by almost 12% since 2009. Overall, 72% of the older people's services budget is spent on the nursing home support scheme, fair deal, while only 9% of the budget is allocated to home care packages. Housing supports, such as the housing adaptation grant, have seen a reduction from €79 million in 2011 to €50 million in 2015. As a result, home care provision is incredibly underinvested and is unevenly distributed across the country.

Thankfully, Donegal has one of the lowest proportions of elderly people living in nursing homes and has a culture of supporting the elderly in their homes. However, this too has been put under threat with cuts to home help hours, or rather home help minutes.

We also have a highly unregulated home care system. Many informal carers are not recognised and there are no set standards or legal obligations on home care provider companies to vet

staff. HIQA is left with no remit to monitor or enforce the sector, even though we have heard time and time again of dreadful standards witnessed in some private home care settings. The HSE is paying millions of euro to home care providers but due to an unregulated market, thousands of elderly people are at risk of poor quality care, abuse and medication failures. This is against a backdrop of a majority of over 50 private providers in Ireland not having relevant external quality assurance certification. Certification is only reflective of their business practices and management systems, not the level and quality of care they provide for an elderly person.

The HSE claims the approved providers are selected through a tendering process, covering areas such as client focus service, appropriate complaints processes and training and supervision of staff. A new tendering process was meant to be completed in 2013 but here we are in 2015 and we still have not seen the roll-out of this. It is over four years since it was first promised and we do not have another four years to wait. It is needed to ensure a high quality of care for elderly people.

I acknowledge the incredible work done by voluntary organisations such as Alone and Age Action in the area of home care provision, independent advocacy and campaigning for the rights of elderly people and their needs. I only wish the Government could have such a strong record as many of these organisations have shown. We might otherwise be witnessing a more dignified approach to our most vulnerable in society.

Deputy Michael Fitzmaurice: I commend Deputy Tom Fleming for tabling this motion and the Government for accepting it. However, implementing the proposals set out in the motion will be a separate matter. I hope all of Deputy Fleming's proposals are implemented by the Government.

We all know of the increasing ageing population in the country, particularly in the west, be it parents, aunts, uncles or neighbours. These are the people who laid the foundations for the rest of us through hard work and have passed on the baton to us. These are the people who, in their latter years, deserve to age with grace and dignity. We do not need to take away their free bus travel, telephone allowance or television licences.

Carers, be they relations, neighbours or professionals, do much work in helping the elderly. However, it is sad to see their hours being cut down to only 45 minutes. This needs to be re-examined. Putting a person into a nursing home instead would cost more, however. The maths of home care packages are simple, with employment being provided to many while the elderly people enjoy staying in their home.

This evening we learned the HSE has cut funding to men's sheds. Rural isolation is becoming a major problem. Many people in rural areas do not go to the pub, for example, or do not meet people during the day. The men's shed brought people together and saved the country money in mental health services provision. I accept efforts have been made to continue rural bus services, like in Roscommon and Leitrim, but their funding needs to be secured into the future, not decided on every year.

I thank the Minister of State, Deputy Kathleen Lynch, for committing to keeping the Rosalie unit in Castlerea, County Roscommon. We need full teams of nurses and carers to assist elderly people across the country. I know there is a pilot project in Galway which is working well. These projects can actually save money in the long term. Every old person wants to spend their last days at home with their families and neighbours. We need to ensure the recommendations

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of the national positive ageing strategy are carried out. We will all be elderly some day and will want a system in which we will be cared for with dignity.

Leitrim has the highest rate for dementia per head of population, followed by Roscommon. I hope during the summer we can devise a new system of helping those with dementia to be able to stay in their homes. I recently visited a company in Athlone which is producing new devices that will make it safer for people with dementia to live at home. These products will ensure, for example, that a cooker will turn off or the front door will lock if they leave the house. In England, there is no VAT on these items. I will be making a similar submission in the forthcoming budget. While a VAT exemption cannot be provided, a VAT refund could be given to family members who wish to buy these products for an elderly relative suffering from dementia. These are ideas we must examine to make it more flexible for elderly people to live at home.

In addition, the few hours of caring that a neighbour could provide could make it viable for another family in an area where there might not be much employment or industry. We need to examine this matter in terms of the whole of its benefit to communities.

I commend Deputy Tom Fleming and hope the Government implements some of our suggestions.

Deputy Mattie McGrath: I compliment Deputy Tom Fleming on this excellent, well-researched and timely motion. I do not want to be repetitive, but I will repeat something that has been said by many Deputies in the debate. The Irish Human Rights and Equality Commission, IHREC, has emphasised that the availability of home care that is of a standard that avoids the need for residential care is essential in upholding older people's human rights. Unfortunately, resources have not been aligned with policy under this or the previous Government. Governments change, but officials continue the policy. Out of the total budget of €1.39 billion for older people's services in 2013, 72%, or €988 million, was spent on nursing home support schemes. This supported 22,361 people, approximately 4% of the population aged 65 years or over. It is a whopping figure. Only 14% of the budget, some €190 million, was spent on home help services, with a mere 9%, or €130 million, spent on home care packages. These are devastating figures. Any departmental official or Minister who stands over these needs to be pinched and woken up. They are not acceptable. This is a wrong and sad policy.

We are becoming an older population. This is a serious demographic situation that we will need to address. It is happening in front of our noses and other issues follow on from it. Since 2009, the number of people aged 65 years or over has increased by 21%. Imagine that. The number of people aged 80 years or over has increased by 30%. We are living longer, thank God, with modern medicine. Since 2009, funding for home help services declined by almost 12% from €211 million to €185 million. I could rest my case and say no more if anyone wanted to listen, but no one wants to listen. It is a scandal that the Minister of State is here on her own. There is not a Member on the Government benches, and only a few Members on the Opposition benches, for this debate on a serious matter. The startling reality of the demographic situation facing us is accepted by all sorts of expert groups that have examined this issue fairly and want us to address it. We are not doing so, though. That is sad.

I am preparing a Private Members' Bill on elder abuse, if the Minister of State is interested in listening rather than in reading her notes. Ulster Bank did some shocking research recently on continual elder abuse inside and, in some cases, outside the family home. I thank it for doing that. We often give out about the banks, but this is good research. It is frightening and needs

to be addressed.

We have attack after attack. I am tired and weary of listening to the Tánaiste, backed up by the Minister of State, Deputy Kathleen Lynch, saying that they did not cut the headline rates. They did not, but they attacked them from all sides. We are like cows grazing under an electric fence in a field. They have attacked them. They have pulled the rug out from under them in every way. They have demoralised them. They have cut the telephone allowance. General practitioner practices have been cut back. District nurses are overrun with work. They have cut back home support teams. They have cut back everything. We listen to the Taoiseach and Tánaiste on Leaders' Questions saying people should go to the community welfare officer. They have taken away the community welfare officers from communities. One cannot find them now, at least not in south Tipperary. Deputy Healy is present. He will agree with me. They cannot be found because they have all been taken into a number of places. One must have an appointment to meet them whereas before they came to a village at a certain time every week and one could point people in need and difficult situations towards them. The community welfare officers want to help people but they have been taken back. It is the most regressive attack on elderly and vulnerable people that any Government has ever made since Ernest Blythe took the shilling off the old age pension back in the time of the Cumann na nGaedhal Government. All areas have been cut.

I salute what the Carers Association does. I wear its badge with pride day in, day out, 365 days per year. A centre manager, Councillor Richie Molloy from Clonmel, is coming up tomorrow with Dr. Caitriona Crowe and Professor Eamon O'Shea, who have set up a dementia service in Tipperary, to testify to the Committee on Health and children. They have done excellent work in a pilot project. They are waiting for the Minister of State to meet them. I have written to her. She has promised to visit them. I hope she will. The last time she visited St. Michael's in Clonmel, we did not have a good outcome, but at least she visited. I ask her please to go down and see what they do. They are doing tremendous work and they need to be supported. They are in a pilot project, ready to roll out in September, but they have not got any indication from the Minister of State or her Department whether they will be allowed to continue. Their five steps project is vital work for the most vulnerable people. They are coming up tomorrow to testify to the Committee on Health and Children. The Minister of State will probably not be there, but her officials will be. I hope she listens to them because Dr. Crowe and her team are doing powerful work. Dr. Crowe also did powerful work in St. Michael's before the Government closed it and pulled the shutters down on it. "To hell or to Connacht" was the old adage. The Government told them: "To hell or to Kilkenny." It sent them all off to Kilkenny and told them there would be beds there for them. There are no beds there for mental health patients. Kilkenny is full, out the door. There are no services either. Sin é an scéal. The Minister of State is not listening. She does not want to listen.

Those are the areas to which I hope this motion will bring some attention, but by the look of things, the Government will not have a vote tonight. It is easy to know because its Members have all gone to their respective summer parties. It is an insult that there is no one other than the Minister of State present on the Government benches, that is, besides the sometimes Ceann Comhairle and want-to-be Taoiseach, tonight's Acting Chairman, Deputy Durkan, who is normally jumping in to stop me from talking or telling me that my time is up, I am out of order or something, but who tonight-----

Acting Chairman (Deputy Bernard J. Durkan): I am not jumping in, but I just want to remind-----

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Deputy Mattie McGrath: ----is sitting quietly. I am afraid, before he gets-----

Acting Chairman (Deputy Bernard J. Durkan): Hold on a second, Deputy.

Deputy Mattie McGrath: What is wrong now?

Acting Chairman (Deputy Bernard J. Durkan): Let me remind the Deputy-----

Deputy Mattie McGrath: Do not take any of my time.

Acting Chairman (Deputy Bernard J. Durkan): I am not taking any of the Deputy's time.

Deputy Mattie McGrath: Stop it now.

Acting Chairman (Deputy Bernard J. Durkan): I just want to remind the Deputy that it is good-----

Deputy Mattie McGrath: The telephone allowance and the natural-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy. Just a moment. It is normal-----

Deputy Mattie McGrath: You are not going to waste my time tonight.

Acting Chairman (Deputy Bernard J. Durkan): Just wait a second. It is normal courtesy to refer to the subject matter under discussion.

Deputy Mattie McGrath: Yes. I am.

Acting Chairman (Deputy Bernard J. Durkan): A commentary on everything else is not necessary.

Deputy Mattie McGrath: No. I am just-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy can do it once, but after that, he is in troubled waters.

Deputy Mattie McGrath: The State pension, as we know, has not increased.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has one minute.

Deputy Mattie McGrath: I know. I am going to take a minute and a half.

Acting Chairman (Deputy Bernard J. Durkan): You are not going to take-----

Deputy Mattie McGrath: You took half a minute off me.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry.

Deputy Mattie McGrath: No. You cannot be at this craic always.

Acting Chairman (Deputy Bernard J. Durkan): I will move on to the next speaker. If you do not-----

Deputy Mattie McGrath: I will make a complaint to the CPP about you.

Acting Chairman (Deputy Bernard J. Durkan): You can make any complaint you like. You can-----

Deputy Mattie McGrath: No. You are a blunderbuss again. You want to stop me. You are not stopping me tonight-----

Acting Chairman (Deputy Bernard J. Durkan): -----observe the rules of the House or I will move to the next speaker.

Deputy Mattie McGrath: -----because you might want to go to the Fine Gael party down the town. You are not stopping me tonight.

Acting Chairman (Deputy Bernard J. Durkan): I am moving to the next speaker.

Deputy Mattie McGrath: No, you will not. Since 2009-----

Acting Chairman (Deputy Bernard J. Durkan): Do you want me to move to the next speaker?

Deputy Mattie McGrath: You will not. Since 2009, the State pension has not increased-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy. You are out of order.

Deputy Mattie McGrath: Can I continue without interruption, please?

Acting Chairman (Deputy Bernard J. Durkan): You are out of order, Deputy.

Deputy Mattie McGrath: I am not out of order. You are out of order, quite simply.

Acting Chairman (Deputy Bernard J. Durkan): You are attempting to bully-----

Deputy Mattie McGrath: I am not out of order.

Acting Chairman (Deputy Bernard J. Durkan): You are attempting to bully the Chair.

Deputy Mattie McGrath: I am not trying to bully the Chair.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy-----

Deputy Mattie McGrath: I want to finish, please.

Acting Chairman (Deputy Bernard J. Durkan): You will finish now-----

Deputy Mattie McGrath: I will not finish.

Acting Chairman (Deputy Bernard J. Durkan): -----in 27 seconds.

Deputy Mattie McGrath: Maybe, because you always do this. You do not allow me-----

Acting Chairman (Deputy Bernard J. Durkan): There is no “maybe” about it.

Deputy Mattie McGrath: You come in like a blunderbuss. I am sorry that I woke you out of your sleep. I did not say a word to you.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry about your condition as well. Just conclude, please.

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Deputy Mattie McGrath: I am saying that, since 2009, the pension has not increased. You are meant to be impartial in the Chair, not covering the Government.

Acting Chairman (Deputy Bernard J. Durkan): Listen, Deputy. For the very last time-----

Deputy Mattie McGrath: Since 2009-----

Acting Chairman (Deputy Bernard J. Durkan): For the very last time, Deputy, you have eight seconds.

Deputy Mattie McGrath: -----the pension has not increased one iota. We know that. The Government can talk about it not having been cut, but the Government has undermined it in every possible way. The Minister of State knows this. She knows it from her constituents and everyone else. Will she meet the people from the five steps programme for dementia services in Tipperary? They have invited her. I have invited her. Will she meet them in Dublin, Cork or anywhere? They would go to meet her. They are in Parliament tomorrow to give testimony to the Committee on Health and Children. As I said-----

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

Deputy Mattie McGrath: No. You took some of my time.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy, but that is none of your business.

Deputy Mattie McGrath: I will be writing to the CPP because-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy. You have used up your time.

Deputy Mattie McGrath: -----you do not know how to do your job. You love to stop-----

Acting Chairman (Deputy Bernard J. Durkan): If you choose to use your time in this way-----

Deputy Mattie McGrath: I will.

Acting Chairman (Deputy Bernard J. Durkan): -----then please resume your seat. I am calling the next speaker.

Deputy Mattie McGrath: No, you are not, because I am not finished.

Acting Chairman (Deputy Bernard J. Durkan): I now call-----

Deputy Mattie McGrath: I am not finished.

Acting Chairman (Deputy Bernard J. Durkan): Deputy, for the very last time-----

Deputy Mattie McGrath: I had time allotted to me.

Acting Chairman (Deputy Bernard J. Durkan): -----unless you want to be censured, I am telling you-----

Deputy Mattie McGrath: No.

Acting Chairman (Deputy Bernard J. Durkan): -----please to resume your seat.

Deputy Mattie McGrath: I will write to the CPP to complain about you.

Acting Chairman (Deputy Bernard J. Durkan): You can write any complaint you like.

Deputy Mattie McGrath: It happens all the time when you are in the Chair.

Acting Chairman (Deputy Bernard J. Durkan): For the last time, Deputy, resume your seat. You are out of order.

Deputy Mattie McGrath: I am not out of order. You are out of order by stopping me.

Acting Chairman (Deputy Bernard J. Durkan): I call the Minister of State, Deputy Kathleen Lynch-----

Deputy Mattie McGrath: You are out of order.

Acting Chairman (Deputy Bernard J. Durkan): -----who has five minutes.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I concur with every contributor regarding Deputy Tom Fleming's motion. It is a pity the debate has ended in this discord. Then again, that is nothing new with Deputy Mattie McGrath. I think that he deliberately sets out to insult people-----

Deputy Mattie McGrath: Does the Minister of State think that?

Deputy Kathleen Lynch: -----to get a headline.

Deputy Mattie McGrath: My goodness. The Minister of State will get plenty of headlines. Do not worry.

Deputy Kathleen Lynch: He has taken away from Deputy Tom Fleming's good motion. It is estimated that the over-65 population in Ireland will rise by nearly 220,000 over the next decade, to 803,000 in 2024. The over-85 population will quadruple from 58,200 in 2011 to approximately 262,900 in 2046.

The National Positive Ageing Strategy, which was published in April 2013, seeks to create a shift in mindset in how we view ageing and what needs to be done to promote positive ageing. The strategy seeks to highlight that ageing requires a whole-of-Government response to address a range of interconnected social, economic and environmental factors that affect the health and wellbeing of our ageing citizens.

In addressing the broader determinants of health across the administrative spectrum, the national positive ageing strategy is a new departure in policy-making for ageing in Ireland. Our policies must constantly try to respond to the wish of older people to stay in their own homes for as long as they can. In 2015 there is €185 million available to provide 10.3 million home help hours to 50,000 clients. For home care packages there is €130 million assigned and for intensive home care packages there is €10 million, which is planned to allow for 13,800 people to be in receipt of home care packages at any one time and 190 people to be in receipt of an intensive home care package at any one time.

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In considering how we can better support older people to maintain their independence for as long as possible, we must remember those who are affected by dementia. It is estimated that there are approximately 50,000 people with dementia in Ireland today, most but certainly not all of whom are older people. These numbers are expected to increase to over 140,000 by 2041 as the number of older people in Ireland increases. In December 2014, the Government launched the Irish national dementia strategy. The strategy emphasises that most people with dementia live in their own communities and can continue to live well and to participate in those communities for far longer than many people appreciate.

The Department of Health and the HSE have agreed a joint initiative with Atlantic Philanthropies to implement significant elements of the strategy over the period 2014-17. This national dementia strategy implementation programme will represent a combined investment of €27.5 million, with Atlantic Philanthropies contributing €12 million and the HSE contributing €15.5 million. It must be recognised that a proportion of people will always need nursing home care, at least for some period of time. The nursing homes support scheme has made nursing home care accessible to everyone assessed as needing it. The approved budget for the scheme is €993 million which will support almost 24,000 people by the end of 2015. The Government increased this budget by €54 million this year, allowing the waiting time following approval to be brought down to four weeks. This scheme will continue to be a key support for older people into the future.

In short, this Government has accepted that older people are the concern of the entire community and not just the health service. The whole of Government must be responsive. We have reaffirmed our commitment to supporting older people at home and in their own communities, and for those who need residential care we have placed the nursing homes support scheme on a firm and sustainable footing. Finally, we have constantly restated our view that having more older people is not something that we should be negative about. I have heard very little that is positive from some contributors to this debate. The longer lives now being achieved by many people should be celebrated as one of the great achievements of our era.

I appreciate the fact that the Deputy put down this motion. Not everyone is lucky enough to reach older age and we should remember that, from five to 50, it is usually a roll of the dice every day one gets up.

Deputy Michael Healy-Rae: I thank Deputy Tom Fleming and the Technical Group for allowing me some of their speaking time and I compliment Deputy Fleming for bringing forward this excellent Private Members' motion. The Minister is correct that our elderly people are to be cherished, adored and thanked for the great work they have done over the years, not least in bringing all of us into the world. Deputy Fleming is correct that the place everybody wants to be in is their own home. The Minister and the Government should do everything they can to help with that, such as increase the home help hours rather than cut them because they have been cut an awful lot.

I thank the people who provide a home help service - they do great work. Every one of them puts in hours every day for nothing. They go into a house but they do not look at the clock and decide they have to go after 30 minutes; instead, they stay on and do whatever needs to be done, going above and beyond the call of duty. We have to increase their hours.

Local authorities do great work in administering grants such as the disabled persons' grants, essential repair grants and mobility aid grants but in County Kerry the great people who work

in these departments have to treat money like the loaves and fishes because they have so many people looking for assistance but such limited resources. I acknowledge the money that does go into these services but it is never enough because more is always wanted. If a person cannot be in their home the next best place is the nearest they can be to their home. Great work is done in our community hospitals but community hospitals have space and beds which are not being opened up and utilised to their full potential. In Kenmare we have an excellent, state-of-the-art community hospital about which I know a lot because it was my father who put it there and I know the Minister will acknowledge that. However, more beds need to be provided. The upstairs is not used at all and there is a massive demand for it. We have a similar situation in the community hospital in Dingle where, instead of putting in beds, they have put in office space.

Great work is also done by our private nursing homes but I must express outrage at the actions of HIQA. The Minister must respect HIQA and the work it does, as I do to a limited extent. However, some of the things it does not only to private nursing homes but the HSE and public hospitals suggest it is an out of control monster. I recently saw the list of demands by HIQA but it knows nothing about the delivery of health care. It has lost sight of what it was set up for in the first place and a big mistake was made when HIQA was given the powers it was given by the previous administration. I would dearly love to see the wings of HIQA being clipped. If the Minister of State or the Minister were to do it I would back them 100% because they should be clipped. If they are not clipped by this Government maybe they will be clipped in the future.

I acknowledge and I am thankful for the fact that the Government is in agreement with the motion and not opposing it. While it is great that the motion is being accepted in its entirety, I very much look forward to seeing it being implemented. In other words, I look forward to seeing the issues referred to in it being addressed one by one and the Government translating its words into actions.

I again thank Deputy Tom Fleming for tabling the motion.

Deputy Tom Fleming: According to EUROSTAT figures for 2012, Irish males had a life expectancy of 78.7 years, while Irish females were expected to live 4.5 years longer, reaching the grand old age of 83.2 years. These figures have gradually but consistently improved in recent years and there has been an increase of almost three years in lifespan since 2003. The improvement is largely attributed to better survival rates for conditions such as heart disease and cancer in older age groups. Ireland's life expectancy figures should be considered in the context of many of the findings in reports on health inequalities and poverty figures. Ireland's poverty problems have serious implications for health, given the link between poverty and ill health and that those in the lower socio-economic groups have a higher percentage rate of both acute and chronic illnesses.

One very contentious issue concerns access to medical insurance by older people. The cost of medical insurance is very high and, unfortunately, is rising all the time. While older people may gain some consolation from regulations, community rating and open enrolment policies, for instance, the pressure on them to drop or jettison their private insurance cover is considerable and mounting. Senior citizens tend to have less money in the years following their retirement and, typically, the proportion of income spent on medical insurance is rising all the time. They also, naturally, tend to have more illnesses and health care needs.

For a person under the age of 50 or 55 years, the risk associated with dropping medical in-

insurance for a time is lower, as there is a lower risk of illness in that age group. The delay in the reactivation of a policy is about 26 weeks. This would be a high risk strategy for a person over 65 years of age, at the other end of the scale, as the risk of illness is much greater. The time lag before a policy becomes effective after re-enrolment is a minimum of two years, on top of the delay in re-enrolling. Long waiting times are impacting on poorer people without private health insurance, which is not compatible with a health service designed to provide a safe, high quality and effective service for all. Health care is a social right everyone should enjoy and people should be assured care is guaranteed in times of illness or vulnerability. Medical card coverage is necessary and a high priority for all vulnerable persons. Timely access to quality health care services can also prevent higher health care costs in the long run for those who are vulnerable.

The cutbacks in the past seven years have resulted in measures such as high prescription charges and increased thresholds for the drugs repayment scheme, which are most adversely affecting those on low incomes. There is no evidence that funding has been provided to address the needs of an ageing population that will result in a steady increase in older people and people with disabilities accessing services. For example, the number of people over 65 years of age is increasing annually by approximately 20,000. The number of people over 80 years of age who have the greatest health care needs is growing by some 4% annually. This ageing of the population is the most dramatic anticipated change in the future structure of the population.

Current capacity in community services is insufficient to meet the growing demands associated with demographic pressures and this is reflected in the inappropriate levels of admission to, and delayed discharges from, acute hospitals. The acute hospital system which is already under considerable pressure will be unable to operate effectively unless there is a greater shift towards primary and community services. These should be the principal means of meeting home support and continuing care needs, thereby enabling people to live in the community for as long as is possible.

Approximately €4 billion was cut from the health care system between 2008 and 2014. There were more than 12,000 fewer Health Service Executive staff in December 2013 than there were at the height of public health sector employment in 2007. The Department of Health reports there was a 16% reduction in total public health expenditure between 2009 and 2014. Capital expenditure was 42% lower in 2013 than in 2008. These changes took place during a period of rapidly rising unemployment and consequent growth in the numbers qualifying for medical cards, all in an ageing population. A study by the Centre of Health Policy and Management at Trinity College Dublin concludes that, from 2013 onwards, the health system has been under increasing pressure and has had no choice but to do less with less. Given that the Health Service Executive cannot control emergency admissions to hospital, there has been a reduction in the numbers able to access medical cards, as well as day and hospital inpatient treatment and social care in the home. While these structures may result in short-term savings, they may work out more expensive in the longer term if they result in hospital admissions that could have been avoided, not to mention the cost in human suffering.

Although Ireland's population is younger in comparison to those of other European countries, it is still ageing. Between 2006 and 2011, the number of those over 65 years of age increased by 14.4%, while the number of those over 85 years increased by 22%. The most dramatic anticipated change in the future structures of the population is the increase in the number of older people.

The 2011 census showed the disability rate at less than 10% for those in their 20s. The rate

is 20% by the age of 60 years and increases sharply for those aged 70 and older. The percentage of the population aged 85 years and over who have a disability is 72.3%, with a rate of 75.1% for females aged 85 or over. There were 58,087 people with disabilities aged 65 years or older living alone, which is a striking increase, given the number of older people now projected, particularly those aged over 85.

There is some evidence that the care needs of older people will not overwhelm the health system and that the changes will happen gradually and slowly. There is also evidence to the contrary which suggests, given the current experience of challenges within the acute hospital system in terms of trolley waits, delayed discharges and increased waiting lists for elective surgery, as well as significant HIQA reports indicating a system under pressure and providing strong evidence of reducing budgets since 2008, allied with an ageing population, related demands are overwhelming the system. A comprehensive report on care services, including integrated services across GP care, public health nursing, home care supports, acute hospital care, rehabilitation and long-term care, is required.

Many issues have been raised. We have already discussed in this House and elsewhere the dementia problem. I do not have to indicate the dramatic nature of that illness, one the country and its health service will have to face in the future. I congratulate the Minister of State, Deputy Kathleen Lynch, on her participation in devising the dementia strategy which will be very important in the future.

11 o'clock

This week I asked the Minister of State for her views on a recent study revealing that a far higher portion of Ireland's elderly population live in long-term nursing homes than the European average and to outline her plans to liaise with other Departments to examine the economics of the provision of services and financial supports for those elderly people who are well enough to say at home. I welcome the Minister of State's written reply to my Dáil question, including the following statement:

The review of the nursing homes support scheme, as well as considering the historical and future operation of the scheme itself, will consider how community and other services should be developed in order to facilitate more older people to stay at home for longer, and towards this end it identifies the services that should be prioritised into the future as resources allow. These include home care, better linkages between acute and community services, short stay beds, the use of assistive technology and consideration of new residential models on a collaborative basis by the Departments of Health and Environment and Local Government. The review is almost complete and will be published as soon as possible.

Thank you, Acting Chairman - I thank the Ceann Comhairle, who was present tonight as well - for presiding over these matters over the past two nights. I know you got into troubled waters for a while but you reached dry land again. On behalf of the Technical Group, I thank all Members who participated in this debate and who gave practical contributions. I thank the Tánaiste and Minister for Social Protection, Deputy Burton, for attending last night. She has a pivotal role to play, as does the Minister of State, Deputy Lynch, who is with us tonight, in giving the necessary supports to many of the Private Members' motions. I thank the Minister of State, Deputy Aodhán Ó Ríordáin, and the Minister of State, Deputy Damien English, who

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also gave positive contributions. Nick Doyle in my office assisted greatly in this endeavour as well. Some statistics were gained from Alone, Age Action Ireland and Social Justice Ireland.

This is the start of a debate that needs to be pursued and teased out further. We have done a good couple of night's work and I thank everyone who contributed over the two nights.

Question put and agreed to.

The Dáil adjourned at 11.05 p.m. until 9.30 a.m. on Thursday, 16 July 2015.