



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 10 Samhain 2015

Tuesday, 10 November 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Renewable Energy Generation Targets

67. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources the reason for the delay in publishing the White Paper on energy; if there will be a policy shift toward maximising all renewables to meet our Europe 2020 renewable targets; and if he will make a statement on the matter. [39035/15]

Deputy Michael Moynihan: Could the Minister explain the delay in publishing the White Paper on energy? Will there be a policy shift towards maximising all renewables to meet our Europe 2020 renewables target, and will he make a statement on the matter?

Minister for Communications, Energy and Natural Resources (Deputy Alex White): The overarching objective of the Government's energy policy is to ensure secure and sustainable supplies of competitively priced energy to all consumers. A new energy White Paper, which my Department is currently in the process of finalising, will set out Ireland's energy policy up to 2030, framed in the context of broader EU energy policy as articulated in both the energy union strategy and the EU's Framework 2030 for coherent climate and energy policies. The overall objective of the energy White Paper is to provide a coherent, joined-up policy statement aimed at ensuring that Ireland has an energy system that will support the transition to a low-carbon society and economy by 2050. While a range of measures will be needed to support this transition, including the increased use of renewable energy, we have already made significant progress, with an estimated 22.7% of electricity generated from renewable sources in 2014. The Government remains committed to implementing measures to achieve Ireland's 2020 renewable energy targets.

The White Paper process started with a Green Paper on energy policy in Ireland, published in May 2014. An extensive consultation process was undertaken on this Green Paper, including a ten-week written consultation process, resulting in 1,240 submissions, and 11 focused seminars nationwide. This provided significant opportunity for the public, business and industry to have an input into the policy development process.

This consultation was augmented by discussions between my Department and other Departments aimed at ensuring a whole-of-Government approach to the development of the energy White Paper. I intend to bring the energy White Paper to Government for approval before the end of the year.

Deputy Michael Moynihan: As regards the energy White Paper and all the possible renewables, how far down the line are solar panels and how integrated is solar panel farming? There is currently only one such unit on the island of Ireland, which is in County Down, although there is planning permission for a number of others throughout the country. How integrated is that process?

Last week, I asked about the status of guidelines on wind energy from the Department of Communications, Energy and Natural Resources and the Department of the Environment, Community and Local Government. The former Department was committed to having those new guidelines in place in the summer of 2014, but it is now winter 2015 and there is no trace of them. Has the energy White Paper taken community consensus into account?

How satisfied is the Minister with the information coming from various stakeholders, given that EirGrid got it so badly wrong in terms of pylons and the Grid West and Grid Link projects? Last week at the committee meeting they completely backtracked after putting the fear of God into communities the length and breadth of the country. I would like to hear the Minister's comments on those three issues.

Deputy Alex White: I certainly envisage that solar energy will be an important element of our renewables portfolio into the future. In addition to the White Paper, which is the high-level policy document, we are also in a consultation process in respect of a new REFIT regime and looking at appropriate subsidies for technologies such as solar panels so that we can have a mix. Onshore wind energy generation has proved to be very cost-effective, but it is not the whole story concerning renewables. We have to look carefully, clearly and responsibly at all new technologies, some of which are emerging while others are more advanced. Solar is one, absolutely, and it will feature in our future renewable energy policy. In addition, we have taken a lot of interest in research on offshore wind energy and what we can do in the biomass sector also.

The Minister for the Environment, Community and Local Government, Deputy Kelly, dealt with the issue of guidelines during Question Time last week. There needs to be community consensus and that will be a chapter in the White Paper, which we are close to finalising and bringing to Government.

Deputy Michael Moynihan: Perhaps the Minister can update me on the opinion of his ministerial colleague, Deputy Alan Kelly, and when those new planning guidelines will be in place. Should there not be a moratorium until the new planning guidelines take effect?

I understand wave energy technology has developed considerably. What aspects of the White Paper will refer to wave energy? Has the Department or have the various stakeholders looked into the issue of biomass at Moneypoint or the future of Moneypoint as a power gen-

eration station? This is in the light of what happened in the United Kingdom where the Drax power station was converted and is now completely biomass fuelled.

I ask the Minister to update me on those matters, especially the planning guidelines. Where are they at and what is the position on biomass? How far advanced is our wave energy in view of the fact that we are nearly at saturation point in terms of wind energy generation at the moment?

Deputy Alex White: I respectfully refer the Deputy to the response of the Minister for the Environment, Community and Local Government, Deputy Kelly, some days ago in the House in respect of the guidelines.

The Deputy referred to renewable energy. The options include solar, biomass and offshore wind. A range of technologies are coming down the tracks. Some are at a higher level of development than others but they will all feature. There will be a good discussion and treatment of these issues in the White Paper.

We have to transition to a low-carbon economy and we need to do so by 2050. That is the ambition we have set ourselves. The Deputy may recall that recently the G7 held out the aspiration to have a carbon-free world by the end of this century. I believe this is a correct aspiration and an appropriate one. That is the measure of the ambition that all of us need to look to for our children and grandchildren. We need to decarbonise. The energy policy I am responsible for will align with that ambitious target. The first targets, though, are those we must comply with by 2020. We have made good progress, particularly on the electricity side, but we need to make more progress on heat and transport.

The White Paper will have high level treatment of the plans for 2030 out to 2050.

Deputy Michael Moynihan: What about wave energy?

Hydraulic Fracturing Policy

68. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources if he will suspend the research project by the Environmental Protection Agency into hydraulic fracturing due to concerns regarding the independence and integrity of the project. [39146/15]

Deputy Michael Colreavy: Will the Minister of State suspend the research project by the Environmental Protection Agency into hydraulic fracturing due to the concerns regarding the independence and integrity of the project? The Minister of State's response may include a rehash of how the EPA research started and the fact that no licences will issue until the report comes in. If so, will the Minister skip that part and get to the substance of the answer?

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Joe McHugh): I will answer the question. I assume the focus of the Deputy's question is recent public comment relating to the role of the lead consultant in the multi-agency transboundary programme of research and the potential impacts on the environment and human health from unconventional gas exploration and extraction projects. This research programme is administered by the EPA and co-funded by the EPA, my Department and the Northern Ireland Environment Agency, with oversight from a broad-based steering committee that includes

representatives from my Department.

As is usual in major and broad-ranging projects, the project team involves a wide range of expert institutions and companies. CDM Smith is the lead consultant in the consortium engaged to carry out the programme of research. The consortium includes the British Geological Survey, University College Dublin, Ulster University, Amec Foster Wheeler and Philip Lee Solicitors, each offering a particular specialism required by the project scope. I understand that the contract for this programme of research was awarded following a robust evaluation process in compliance with public procurement guidelines and that the tender submitted by the consortium headed by CDM Smith was evaluated as being the strongest bid.

I am aware that there has been some comment on the fact that internationally CDM Smith has provided expert advice to oil companies involved in the development of unconventional gas resources. However, CDM Smith has also provided advice to State bodies and regulatory agencies across its area of expertise.

As I am sure the Deputy will appreciate, it is common that a broad range of parties will seek to draw on the specialist expertise available from a firm such as CDM Smith. The fact that disparate entities seek to draw on such expertise is generally seen as an indicator of a company's recognised experience.

Deputy Michael Colreavy: I do not know about the Minister of State, but when I see a company like CDM Smith leading and co-ordinating this project as well as having an influential role in deciding who will do the various phases of the work, like any reasonable person, I am entitled to question the independence and integrity of the report. I have no doubt it will cause irreparable damage to the reputation of the EPA.

I also understand that at least one of the universities named as being associated with this report was associated with only part of it and distanced itself from the overall work. There is no doubt that there will be serious questions about integrity and independence. The problem is that the next phase of the work involves people going onto land in north Leitrim, west Cavan and south-west Fermanagh. Undoubtedly, landowners will lock gates and not allow people onto their land because of the questions over independence. The sensible and the right thing to do would be to suspend the process, at least until after the EPA appears before an Oireachtas committee on 2 December.

Deputy Joe McHugh: There are legitimate concerns, which are shared by the Minister, Deputy White, and me. The former Minister, Deputy Rabbitte, also shared those concerns in 2011 when he made the decision to begin the process. The EPA is independent and I have tremendous confidence in it to do a job like this. There was a procurement process and CDM Smith won the tender. We can use all sorts of terms such as "leading", "co-ordinating", "heading up a team" or whatever.

I have confidence not alone in the EPA but in the steering group. I have tremendous confidence in the Department of the Environment, Community and Local Government, the Department of Communications, Energy and Natural Resources, the Geological Survey of Ireland, the Commission for Energy Regulation, the Health Service Executive, An Bord Pleanála, the Northern Ireland Environment Agency and the Geological Survey of Northern Ireland. A collaborative effort is taking place to get the research right and to ensure we are informed and that any future decisions will be informed ones. That is the important thing.

No reputational damage has been done to the EPA. It has been very consistent and focused in ensuring the two pillars of the research, namely, environment and human health, are addressed. A public consultation process took place.

The Deputy referred to Queen's University Belfast. For the purposes of the public record, it was confirmed that the university was initially participating as part of the research consortium. Due to a change in the resources available in the university, the tasks allocated to it were transferred to CDM Smith, supported by GSNI. The university is still involved, and it is important to point that out, as part of the internal review process carried out by the consortium.

Deputy Michael Colreavy: I thank the Minister of State. He made a good attempt to try to convince me of the independence and integrity of the project. His attempt failed and will fail with most reasonable people listening to the debate.

There is a wider context. I have spoken to many Deputies and Ministers in the House. All of them told me fracking will never be allowed to happen on this small island. It is time there was political accountability and that political responsibility was taken. It is time we acknowledge that the initial mistake was to issue an invitation to submit expressions of interest. It is now time to say we will not allow fracking in this country.

It is time we stopped funding the EPA to gather information that energy companies will be able to use in a future legal action against this country, in particular when the Transatlantic Trade and Investment Partnership and investor-state dispute settlement are introduced. Make no mistake about it, what we are doing is paying burglars and giving them the plans of our houses in order that they can come back and burgle us. The train is rolling. Who is in charge?

Deputy Joe McHugh: There is cross-party concern. The Deputy's constituency colleagues, Deputy Tony McLoughlin and Senator Michael Comiskey, have reflected local concerns. We have to give responsibility to the EPA. No organisation is better equipped to examine the environmental impact of the process. I have confidence in the stakeholders I have listed - I will not list them again - to ensure this is a collaborative approach that they conduct the proper research and that they are given sufficient resources to do so. Too often the public says politicians make decisions without investigation or research and without ensuring they know what they are making a decision on. Politicians will be making a decision based on informed investigation. That is why I have confidence in this process. It is important we ensure there is a collaborative effort.

Broadband Service Provision

69. **Deputy Tom Fleming** asked the Minister for Communications, Energy and Natural Resources if he will prioritise County Kerry in the broadband intervention strategy, as the county has had significant underinvestment by the State and the market in its telecom infrastructure, which is manifestly obvious from the national broadband plan survey data map; and if he will make a statement on the matter. [39198/15]

Deputy Tom Fleming: I ask the Minister for Communications, Energy and Natural Resources if he will prioritise County Kerry in the broadband intervention strategy, as the county has had significant underinvestment by the State and the market in its telecommunications infrastructure, which is manifestly obvious from the national broadband plan survey data map, and if he will make a statement on this matter.

(Deputy Alex White): The Government's national broadband plan aims to ensure every citizen and business, regardless of location, has access to a high-quality, high-speed broadband service. This will be achieved through a combination of commercial investments and State-led intervention in areas where commercial services will not be provided.

Last November, I published a national high-speed coverage map for 2016. This map is available at www.broadband.gov.ie. The map shows Ireland with two colours, blue and amber, and was developed based on the most up-to-date information available at the time of publication. The areas marked blue represent those areas where commercial providers are either delivering or have plans to deliver high-speed broadband services by the end of 2016. The areas marked amber represent the target areas for the proposed State intervention. I encourage consumers to consult the websites of the various commercial operators to ascertain details of current and planned future deployment plans.

Thirty-eight responses were received following the publication of the national broadband plan proposed intervention strategy last July. Non-confidential versions of these submissions have been published since last week and can be accessed at www.broadband.gov.ie.

The Department continues to review the technical and financial detail relating to potential new commercial investment proposals with a view to updating the intervention area map. I expect to publish an updated version of the map, finalise the strategy and move to formal procurement phase before the end of the year. The prospective bidder or bidders are experts in network roll-out and each will offer different network architectures and technologies to deliver the network. It is proposed to engage with the winning bidders on the optimum roll-out strategy and on the sequencing of the network deployment to maximise efficiencies during network build, having regard to business and consumer needs and to areas of particularly poor service and areas of strong demand. All these factors will need to be balanced against the most efficient network roll-out and will be agreed during the procurement process. The Government is determined to ensure the network is built as quickly as possible and engagement with industry stakeholders has indicated this could be achieved within three to five years of the contract award.

Deputy Tom Fleming: According to the Department's survey carried out in 2014, which was conducted by the commercial operators in County Kerry, we stand out as having the greatest need for State intervention to supply high-speed broadband to homes and businesses. County Kerry is in the top four of greatest need in terms of requiring State intervention, the lack of commercial coverage and the number of premises needing intervention. More than half the homes and businesses in County Kerry have been designated as requiring intervention. We welcome what is happening in some of the larger towns, for example, the recent roll-out of high-quality broadband in Tralee and likewise to Killarney and Listowel.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Tom Fleming: Unfortunately, the great majority of County Kerry is in deficit and there is a strong case for prioritising investment in the county due to the level of unemployment and underemployment. We also have a very low level of disposable income, with declining rural populations. Naturally, we need to see preservation of the Gaeltacht regions in the county.

An Leas-Cheann Comhairle: I will come back to the Deputy for a supplementary question.

Deputy Tom Fleming: The infrastructural deficit must be addressed most of all in order to

create and retain employment.

Deputy Alex White: Creating and maintaining employment, as the Deputy has stated, is one of the most important advantages that will accrue from the national broadband plan. I absolutely agree with the Deputy in that regard. I confirm that in Kerry, high-speed broadband services have been rolled out to over 27,500 premises to date, with a further 11,200 premises expected to be served by commercial operators. The remaining 51,200 premises in County Kerry will require coverage either by further commercial investment or they will be a target of the proposed State intervention under the national broadband plan. It is absolutely fair that the Deputy would make the case for County Kerry and there is a real case for whole areas of the county, as well as many areas in rural Ireland across the country, where broadband, or at least high-speed broadband, is unavailable and where the commercial sector is unlikely to invest. That is why the State must intervene and ensure we give people the same opportunities and access in rural Ireland as is available elsewhere. I dealt with the sequencing of how that will happen in my formal reply.

Deputy Tom Fleming: It is very evident that currently there is a two-tier system, with large tracts of expansive countryside in rural communities in County Kerry with practically no broadband or else very poor coverage, to be honest. I have several examples of people in commercial businesses being affected. The Commission for the Economic Development of Rural Areas, CEDRA, report, published by chairman Pat Spillane, emphasised the expediting of the rolling out of broadband to give some regional balance. Rural decline is accelerating because of the haemorrhaging of the young population, as those people are leaving in droves. Broadband is a major factor in this regard.

I have a message from the owner of a very viable enterprise in County Kerry.

An Leas-Cheann Comhairle: Do you have a question?

Deputy Tom Fleming: The owner states:

Poor broadband connectivity has proved to be one of the biggest deterrents in running a successful business for us in County Kerry. Connectivity is so poor that we have on a number of occasions sent our staff home so they could use their home Internet to research their work projects. To survive and grow, we need to compete not just nationally but in a global market. However, we are forced to compete without the basic tools of Internet connectivity enjoyed by most of our competitors, who are based in urban areas and consequently do not experience the same constraint.

An Leas-Cheann Comhairle: I must ask the Deputy to conclude.

Deputy Tom Fleming: This company has secured contracts with State agencies and it is trying its utmost to keep up that work. It cannot do so in the current climate.

Deputy Alex White: I agree with all the points made by the Deputy. He sets out the disadvantage experienced by areas of the country in the absence of adequate and high-speed broadband, particularly with regard to business and access to public and social services, as well as education and ability to interact culturally. All of these are areas of activity and interaction in a modern society and economy to which people should have a right. He is absolutely right in his comments about Kerry, as there are areas of the county that will be required to be dealt with through the State intervention. Other Deputies in the House and in the wider building could

make the same case for their county, which is fair. That is why we are doing this as one big State intervention, which is going to procurement at the end of this year, as I have indicated. It is a State project. People sometimes criticise the State or the Government for not being willing to intervene and make an investment. We have said in a robust way that we will make this investment and solve this problem by intervening where the commercial sector will not.

National Broadband Plan Implementation

70. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources his views on the timeline to connecting premises in counties under the national broadband plan; the future-proofing of the minimum broadband download speeds to be provided that has been carried out; and if he will make a statement on the matter. [39036/15]

Deputy Michael Moynihan: Following the previous question, I ask the Minister to comment on the timeline to connect premises in counties under the national broadband plan and what future-proofing of the minimum broadband speeds will be provided. Will he make a statement on the matter?

Deputy Alex White: The Government's national broadband plan aims to ensure that every citizen and business, regardless of location, has access to a high-quality, high-speed broadband service. This will be achieved through a combination of commercial investments and a State-led intervention in areas where commercial services will not be provided. On 29 September the Government approved an allocation of €275 million for the national broadband plan, NBP, which will provide the initial stimulus required to deliver the Government's intervention. Combined with commercial investment, this will ensure that 85% of Ireland's premises have high-speed broadband by 2018, with 100% coverage by 2020.

Some 40 responses were received following the publication of the NBP proposed intervention strategy in July last. Non-confidential versions of these submissions have been published since last week and can be accessed at www.broadband.gov.ie. Meanwhile, my Department continues to review the technical and financial detail relating to potential new commercial investment proposals, with a view to updating the intervention area map originally published in November 2014. I expect to publish an updated version of this map showing commercial investment proposals out to 2020 as well as finalising the intervention strategy and moving to formal procurement phase before the end of the current year.

As indicated in the published draft intervention strategy, we have set a minimum download speed of 30 Mbps, with an obligation on bidders to demonstrate clearly how they propose to future-proof the network to meet anticipated future bandwidth demand. This is considered the optimal approach, rather than the Department prescribing future speeds which might not reflect future market developments and technology evolution. The Government is determined to ensure that the network is built out as quickly as possible and engagement with industry stakeholders has indicated that this could be achieved within three to five years of the contract award.

Deputy Michael Moynihan: In 2011, the Government's programme for Government, one of the greatest books of fiction ever written, promised to make significant investment in next-generation broadband over the following four years for every home and business and to deliver it to 90% of homes. That has clearly failed on both levels. In the replies to various parliamentary questions the Government has said the network build will start in May 2016 and that it

will take three to five years to be completely operative. The Government is kicking the can to 2021. According to one of the replies we got recently, parts of Counties Clare, Cavan, Donegal, Mayo, Monaghan, Galway, Kerry, Leitrim, Kilkenny, Offaly, Roscommon, Sligo and Tipperary will have to wait until 2021 for high-speed broadband. This is one of the issues I have raised consistently on the floor of the House with the Minister, and even at committee level. He is saying the documentation is before the European Commission and all that. It has to be a priority for Government. In 2015, facing into 2016, broadband is one of the basic requirements for living in any part of the State, whether urban or rural. I know the State has built the population growth on the east coast, but forgetting about the other parts of the country is not acceptable and there should be a crisis Cabinet sub-committee set up to deal with the broadband issue, because nothing is happening.

Deputy Alex White: The Deputy mentioned 2011, which is the year he is interested in. Only 300,000 addresses had high-speed broadband when his party was in office, just before the 2011 election. He can talk about works of fiction all he wants and he can criticise us if he wishes, but the lamentable failure of the Government of which he was a supporter is manifest for all to see. The situation now is that high-speed broadband is available to approximately 1.3 million addresses, and by the end of 2016 it is envisaged that high-speed broadband will be available to 1.6 million addresses. By 2018, we aim to have 85% of the population covered.

There is no need to set up crisis committees, because this work is being expedited by Government, by my Department and by me on a daily basis, ensuring that this critical piece of infrastructure is put in place for the Irish people, and for all of the Irish people, not just those who live in cities and towns where they have access through the commercial sector, but right across the country. It is this Government that will deliver high-speed broadband. It is this Government that will achieve this important piece of infrastructure for the Irish people and it is this Government that will keep to that plan and ensure it happens.

Deputy Michael Moynihan: I do not accept that. It is before the European Commission. When will the Commission approve State aid? We have been debating this for the last year and a half across the floor and, before that, with the Minister's predecessor. Figures for broadband are being trotted out but there are parts of this country that do not have any kind of Internet connection, good, bad or indifferent. The residents are disadvantaged. A disadvantage is being developed in these parts of the country because it is costing young people to live in those communities, and costing people to set up businesses in those communities. There is a crisis that needs to be looked at, and we have debated it across the floor. There is constant movement and no doubt the Department is looking at it, but not aggressively enough, particularly for parts of both rural and urban areas.

There are residents in parts of Ireland, 15 to 20 miles from O'Connell Street, who contact me about their broadband coverage. Right throughout my constituency, across the western seaboard and in parts of nearly every county in the State, people do not have a proper broadband service. At this stage, it is beyond talking about.

An Leas-Cheann Comhairle: We are over time. I call on the Minister to conclude.

Deputy Alex White: It has been beyond talking about for quite a while because, as the Deputy is well aware, we are achieving and moving on this important project. It is exactly the same point he makes each time he comes in here, but he knows perfectly well that all of the timelines that I set and that I indicated in the House when I became Minister in July of last year

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have been kept. We published the map, but it is not merely a map because it is an assessment of where the commercial sector will deliver and where we will have to go. We stated that we would produce an intervention strategy with all the detail - I hope the Deputy has read it - of what that will incur, including the technical, financial and legal analysis. That all happened on time in the summer.

We also stated that we would have a further period of consultation to ensure that we had those numbers right and that we could go to procurement by the end of this year. To the extent that the Deputy is trying to give the impression that there have been delays, that there has been foot-dragging or that we have missed targets, the point is we have not missed any targets. Everything that he has asked me about in this regard since I became Minister and had the honour of dealing with this issue, through Parliamentary Questions and otherwise, has been kept to and there has been no failure at all.

Post Office Network

71. **Deputy Tom Fleming** asked the Minister for Communications, Energy and Natural Resources if he will expedite and implement the recommendations in the report of the post office business development group, chaired by Mr. Bobby Kerr; if he will support, in conjunction with this, the maintenance of social protection payments, the provision of new public services, basic banking and the roll-out of new commercial and financial products delivered through the post office network; and if he will make a statement on the matter. [39241/15]

Deputy Tom Fleming: I ask the Minister if he will expedite and implement the recommendations in the report of the post office business development group, chaired by Mr. Bobby Kerr, and if he will support, in conjunction with the report, the maintenance of social protection payments, the provision of new public services, basic banking and the roll-out of new commercial and financial products delivered through the post office network. I am sure my colleagues will join me in wishing Bobby Kerr a speedy recovery following his recent illness.

Deputy Alex White: I am sure we all join Deputy Tom Fleming in wishing Mr. Bobby Kerr a speedy recovery. Mr. Kerr has been doing terrific work for us on this agenda.

The post office network business development group, the remit of which is to examine the potential from existing and new Government and commercial business that could be transacted through the post office network, presented its initial report to me in May 2015. In summary, the initial report outlined that the future of the post office network would be best secured by seeking out opportunities in the following areas: financial services, including services delivered by the Department of Social Protection, and basic banking for the unbanked; Government services; social capital and enterprise; and white labelling of financial and other products.

To gain further insight into these areas, a public consultation exercise was held from 16 June to 28 July last, inclusive. Interested parties were invited to submit their views on the initial report. It is clear from the responses received that there is a strong public desire to maintain the nationwide network of post offices. The consultation responses are assisting the group in identifying opportunities that can benefit the post office network and will inform the final report, which I expect to receive presently.

It is premature to speculate, in advance of receiving the final report, on future products and

services and on what the next steps will be until I have had the opportunity to consider in detail the findings of the group.

Deputy Tom Fleming: I believe there is a certain amount of procrastination. There is significant delay in the publishing of this report. I cannot see how it is taking such a long time to come up with it. As the Minister stated, the public consultation was completed a long time ago. There are evident vital proposals that could be quite simply implemented. The Grant Thornton report published by the Irish Postmasters' Union identified motor tax as the number one item that could be made available through our post office network. Another was the extension of banking services. All we have heard during recent months has been negativity - for example, the utterances of the Minister for Social Protection about giving priority to banks by paying social welfare benefits into recipients' bank accounts. It was a drastic action by the Minister. Although we hear that the Government has the will to retain and promote the post offices, nothing we have heard over recent weeks has been very positive.

Deputy Alex White: The Deputy should wait for the report and see how positive it is. I am confident that it will be positive. The Tánaiste and Minister for Social Protection and her Department have a positive attitude to post offices. Social welfare payments comprise a critical component of post office business, irrespective of the size of a particular post office, and support a cross-selling model, especially regarding bill payment. Social protection payments are and will remain a critical element of the work done by the post offices. I hope the Deputy is aware that the interim report was published earlier this year. The final report is the one to which the Deputy refers, and it will be published in the coming weeks. Although I must receive the report, consider it and bring it to the Cabinet, there will be no undue delay. The consultation process to which the Deputy referred finished at the end of July. An enormous amount of work is going into the report so that we get it right this time. We know An Post is widely supported by the Irish people and by communities, and we want to ensure that it thrives into the future. That is what the report will be about.

Deputy Tom Fleming: There is much uncertainty in rural areas due to a number of negative factors, such as the closure of our Garda stations and the downgrading of what were vital hubs of rural Ireland. People have no confidence in the Government giving out a strong message of support. There are 1,100 post offices in the network, which are the only retail units in some communities. Given our lack of rural security, postmen and women are like watchdogs, and the local post office is a meeting place for people and a place of communication with the outside world. In many cases, it is the only one.

Deputy Alex White: The Government and I strongly support the maintenance of a post office network across the country. The report, which I will shortly receive and publish, will demonstrate this. The Government's response to the report will demonstrate its commitment to the maintenance of a post office network service right across the country which is viable, remains at the heart of communities and supplies services that people want to avail of. This is the job we need to do, which I am doing, as the House would expect. Once we receive the report and the Government has dealt with it, we will have an opportunity to debate it here.

Other Questions

Broadband Service Provision

72. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources if this Government is committed to providing fibre broadband to every household in County Donegal; if not, the reason why; and if he will make a statement on the matter. [38991/15]

Deputy Charlie McConalogue: I would like to ask the Minister for an update on progress in the delivery of high-speed fibre-optic broadband to homes across Donegal and other parts of the country. What timelines are in place for the delivery of high-speed broadband under the Government's proposed national broadband scheme? When will it start and when will it be completed, something that is important for premises that are waiting anxiously on it?

Deputy Alex White: The Government's national broadband plan aims to ensure every citizen and business, regardless of location, has access to a high-quality, high-speed broadband service. This will be achieved through a combination of commercial investments and State-led intervention in areas where commercial services will not be provided. In July of this year, I published a detailed draft intervention strategy for public consultation. That strategy proposes that the State-funded network must be capable of delivering high-quality, high-speed broadband with a minimum download speed of at least 30 Mbps and a minimum upload speed of at least 6 Mbps. It must be capable of catering for higher performance in the future to keep pace with consumer demand. This will be a specific requirement of the tender. It will be a matter for bidders to select the technology they consider will best deliver the service.

As I have repeatedly said, we must observe a strict policy of technology neutrality in any procurement process. Therefore, I am not in a position to promise connectivity through any particular technology platform. As I have said, we will set out a detailed service specification, including a requirement to scale up services over the lifetime of the contract. We will allow bidders to show how they propose to meet these contractual requirements. Given the quality of the services we wish to see delivered and based on the current absence of significant fibre networks in many parts of Ireland, it is likely that fibre will play a major role in any proposed solution. However, the technology platforms that provide the final connectivity to premises will be matters for commercial operators to decide on. The Government is determined to ensure the network is built as quickly as possible. Engagement with industry stakeholders has indicated that this could be achieved within three to five years of the award of the contract. In this context, the national broadband plan proposes that through a combination of commercial investment and State intervention, 85% of addresses in Ireland will have access to high-speed services by 2018 with all addresses passed by 2020.

Deputy Charlie McConalogue: I thank the Minister for his response. The speed and urgency with which the Government has addressed the broadband issue and the need to ensure all parts of the country receive fibre broadband has been lamentably slow. It is unacceptable that many parts of the country are waiting for the State-assisted scheme on which they will depend to achieve fibre broadband. The Minister indicated in his response that the tender he is planning to bring to procurement will specify "a minimum download speed of at least 30 Mbps". Will he comment on the future-proofing of such a level of speed? It is simply not good enough.

We should be seeking to ensure the State scheme provides a fibre broadband service to every household in the country. This is what was done when electricity and telephone services were rolled out many years ago. We should be taking the same approach to broadband services. The Minister has indicated the Department must be technology neutral with regard to the technological platforms proposed by the various companies that tender for the delivery of broadband. If he were to indicate that the technology used should be fibre broadband, he would have much more control. It would be more expensive, but the Minister would be ensuring not only that every household gets high-speed fibre broadband once and for all but also that the service is future-proofed. Will the Minister comment on the suitability of that in the context of the minimum speeds he is proposing?

Deputy Alex White: Under state aid and other EU rules, I am not in a position to specify a required technology but I am in a position to specify that the service would have a minimum download speed of 30 Mbps and a minimum upload speed of 6 Mbps. If the Deputy reviews the literature and the experience in other countries and the technologies that are available elsewhere, he might come to the conclusion that it is likely that fibre will feature in the deployment of such a service here. When we specify that minimum requirement, it is likely that fibre will feature prominently in it. I had to remind the Deputy's colleague, Deputy Moynihan, a few minutes ago that when this Government came into office in 2011, some 300,000 addresses throughout this country had access to high-speed broadband. That figure is now 1.3 million and it will be 1.6 million by the end of 2016. By 2018, 85% of the country will have been covered.

Deputy Michael Moynihan: The Minister promised it would be 90%.

Deputy Alex White: Full coverage will be attained by 2020.

Deputy Charlie McConalogue: The Minister has outlined how much broadband has improved in the last few years but all of that has been no thanks to himself, although he is not slow to stand up here today and try to give the impression that the improvement is the product of this particular Government. The Minister might consider the fact that in County Donegal, following on from the broadband mapping exercise conducted by his Department, 52% of all premises in that county, both private and residential, are awaiting a Government scheme before they will get high-speed broadband. The private sector has indicated that it will not provide services to those areas. The people are waiting on the Minister to deliver broadband but unfortunately all we have had over the last five years is the current and previous Minister, Deputy Rabbitte, making grand announcements about how they are going to deliver broadband to the public. As of now, this Government has not spent one euro in delivering broadband services to Donegal. Indeed, by the time it leaves office, this Government will not have delivered broadband services to any premises in Donegal. It is somewhere into the future, at best three to five years way, despite the fact that the current Government has been in power for five years. Donegal and other parts of the country which require State assistance to get broadband are falling behind. It is a critical item of infrastructure and businesses and everyday life fall behind and areas become more peripheral without it.

An Leas-Cheann Comhairle: Thank you, Deputy. We are way over time on this.

Deputy Charlie McConalogue: The record has been poor. I ask the Minister to indicate when we can expect this to proceed because there are many areas still waiting for it.

An Leas-Cheann Comhairle: I call on the Minister to reply and conclude.

Deputy Alex White: In the first instance, the delivery of such an important piece of infrastructure, as the Deputy must know, is a major undertaking by the State. It is a major intervention by the State and is not a matter of, as the old joke went about one of Deputy McConalogue's party colleagues, arriving in a constituency with telephones in the boot of one's car. It is not like that. The facility has actually to be built. We must have State aid approval, make sure the financing is in place and make sure that all of the requirements are met.

Deputy Michael Moynihan: We have no state aid approval.

Deputy Charlie McConalogue: The Government has had five years.

Deputy Alex White: The private sector-----

Deputy Charlie McConalogue: Five years.

Deputy Michael Moynihan: There is no state aid approval yet.

Deputy Alex White: We know that there is an election coming.

Deputy Charlie McConalogue: The Minister knows there is an election coming.

Deputy Alex White: We know the Deputy is grandstanding on this issue and waving sheets of paper at me-----

Deputy Michael Moynihan: It was the Government that spoke about 90% five years ago.

Deputy Alex White: The Deputy must understand, and he should take some time off from the grandstanding to look at the issue, that we absolutely intend to deliver.

(Interruptions).

Deputy Alex White: If the Deputy looks at the lamentable performance of the last Government with regard to broadband he will see that we have worked very closely with the private sector. I am not claiming to have personally affixed fibre or any other technology to any individual home in the country or that I have lugged the equipment around myself.

Deputy Charlie McConalogue: That is certainly not the case.

Deputy Alex White: I did not make any claims like that. What I said was that this Government is working assiduously and in a very committed manner to deliver this. The Minister of State, Deputy McHugh, and myself have worked very hard, not just to ensure that it happens in Donegal but that it happens right across the country. Less grandstanding, shouting and roaring in here and more hard work is what this Government does.

Deputy Charlie McConalogue: Nothing has been delivered.

Deputy Michael Moynihan: We do not even have the approval yet.

An Leas-Cheann Comhairle: The next question is from Deputy Broughan.

Dáil Éireann
Postal Codes

73. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he will report to Dáil Éireann on his response to ongoing public concern regarding the escalating costs and the tendering process for Eircode; and if he will make a statement on the matter. [38989/15]

Deputy Thomas P. Broughan: Last July the Minister launched the Eircode identification system at a cost, it was said, of €27 million. We have since found out from the report to the Committee of Public Accounts by the Comptroller and Auditor General that the cost now stands at approximately €38 million. It is generally agreed that the system will cost at least €50 million but the real question is whether it is a good system. Is the Minister potentially leaving a complete white elephant behind him in the Department, a system that will be unusable? It seems that our emergency services, An Post, commercial suppliers and many others are still using traditional addresses. How many people are using the Eircode system now?

Deputy Alex White: The cost of the contract with Capita, which was awarded a ten year licence to develop and maintain the post code system, is €27 million excluding VAT or €33.2 million including VAT. This position has not changed since I last reported on the cost of the contract and covers the design of the Eircode, encoding public sector databases, accessing the GeoDirectory database, the launch and implementation of Eircodes and the ongoing management of the system for the licence period.

The total spend to date on the post codes project amounts to €19.5 million, including VAT. Of this, Capita has been paid €17.5 million on foot of delivery of agreed milestones. The bulk of this figure, €11.5 million, was spent on encoding public sector bodies' databases. Apart from payments to Capita, €2 million has been spent on specialist costs arising in the period from 2009 to date.

My Department commenced the procurement process for the national postcode system in 2011. An open and competitive procurement process was conducted in accordance with Department of Finance and European Union procurement frameworks. My Department received correspondence from the European Commission in 2012 regarding certain aspects of the procurement process. In 2013, the Commission informed the Department that the matter had been closed on the basis that it could not establish any breach of EU procurement law that would justify the opening of an infringement procedure.

Subsequently, the Commission requested that certain measures be adopted by Ireland regarding the clarity of language to be used in future procurements. My Department responded to this request after consulting the Office of Government Procurement. In recent correspondence, the Commission confirmed that there are no grounds for reopening an investigation into this matter, which it now regards as closed.

Deputy Thomas P. Broughan: Is it the case that the EU procurement unit found the tendering process for at least three major contracts to be highly irregular and faulty? It is highly unusual for the Comptroller and Auditor General to criticise a public sector contract as severely as he did in the case of the postcode contract. I was astonished to read an article in the *Sunday Independent* recently by the distinguished journalist Eoghan Harris in which he described what appears to be a very poor tendering process for the postcode contract. He refers, for example, to Mr. Gary Delaney, who developed the Loc8 code, a satellite-navigation-based postcode sys-

tem that he was prepared to give to the Government and the Northern Ireland Executive free of charge. In Mr. Delaney's view, smaller companies were grossly discriminated against in the tendering process. For example, bidding companies were required to have an annual turnover of €40 million. I am aware of similar requirements in other areas of Government procurement. Why was Mr. Delaney's innovative and free postcode system not considered? Why did we end up with such an expense? As I stated, the tendering process for the postcode system has been severely criticised. I note also that the Department awarded at least two consultancy contracts without any tendering process.

It was reported recently that 87% of people know their Eircodes. Does the Minister know his Eircode?

An Leas-Cheann Comhairle: We are over time. I must call the Minister.

Deputy Thomas P. Broughan: My Eircode is D13 TX82. However, I do not use it, and I am not aware of many people who use their Eircodes.

Deputy Alex White: To return the favour to Deputy Broughan, my Eircode is D6W WN99.

On the procurement issue, Deputies will understand that I was not the Minister during the procurement process. I am perfectly happy to report to the House on precisely what occurred, however. I outlined the position regarding the complaint submitted to the European Commission, which it subsequently investigated. On foot of the complaint, the Commission contacted the Department on certain aspects of the procurement process and the issues were addressed in correspondence with the Commission. The complaint was not upheld and the Commission has confirmed that the file on the complaint was closed in 2014.

It is important to stress that this was a pilot complaint and not a formal infringement under the EU treaties. The Commission did not give any indication that the tendering process was invalid. The European Commissioner for Internal Market and Services advised in 2014 that the Commission department "could not establish any violation of EU public procurement law that would justify the opening of an infringement procedure."

Deputy Thomas P. Broughan: Use of the Eircode has been optional since it came into operation in July. Is the Minister concerned that only a small number of bodies, including commercial entities, are utilising the postcode system? Is the reason for the low take-up the random nature of the system selected? The Minister and I both referred to our Eircodes. It is striking that the numbering system in housing estates and townlands in rural areas is random. This seems to be one of the reasons that emergency bodies, for example, do not use Eircodes. Is it a case that we should not have done this at all, that given we are in the e-mail era we should have waited a little longer and utilised GPS, sat. nav., Google Maps and so on, which would have been much simpler and which would have saved the country €50 million?

3 o'clock

Deputy Alex White: The National Ambulance Service is already constructing a new computer-aided dispatch system to use Eircodes and it will be deployed in its new state-of-the-art national call centre. The licensing terms are being finalised between GeoDirectory and the service, which will facilitate the inclusion of Eircodes in its database before the end of the year. The service has welcomed the introduction of Eircodes as they will facilitate the speedier deployment of ambulances.

There are now 21 value-added resellers registered with Eircode and they will provide a variety of services including database cleansing, address look-up and geocoding. One can see a full list on the Eircode website. Some residual licensing issues are being finalised between the postcode contractor and GeoDirectory, which will facilitate the inclusion of Eircodes in commercial databases. Similarly, with respect to sat nav and similar technologies, deployment will take place in early course. The licensing arrangements are being finalised and I expect to see that occur in the coming weeks.

An Leas-Cheann Comhairle: We must move on to the next question.

Deputy Michael Colreavy: Sorry-----

An Leas-Cheann Comhairle: I am sorry, Deputy, but we are well over time and the Deputy's own question is next.

National Broadband Plan Implementation

74. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources for an update on the national broadband plan intervention strategy; and if a decision has been reached as to how it is to be rolled out and funded. [38964/15]

Deputy Michael Colreavy: In respect of the last question, the Minister will know that I asked the very questions that have now been posed by the Comptroller and Auditor General. I said I did not get adequate answers to them. If the Minister and the Department had listened to the concerns I expressed, we would not now have the adverse report.

An Leas-Cheann Comhairle: Please introduce Question No. 74.

Deputy Michael Colreavy: I commend Deputy Broughan on his raising of the matter. Can we focus in my question on the ownership of the infrastructure after the roll-out of broadband? Unlike those in Fianna Fáil beside me, I may be politically naive.

Deputy Alex White: I do not think so.

Deputy Dara Calleary: I doubt that.

Deputy Michael Colreavy: However, I trust that the Government will do what it says on the tin. Ireland badly needs the broadband roll-out. If it does not happen, the Government will know all about it at the next election.

Deputy Alex White: I would not dream of accusing the Deputy of naivety. The Deputy has been a supporter and has understood realistically what such a huge State investment entails. I thank him for that.

The Government's national broadband plan aims to ensure that every citizen and business, regardless of location, has access to a high-quality, high-speed broadband service. This will be achieved through a combination of commercial investment and State-led intervention in areas in which commercial services are not provided. On 29 September 2015, the Government approved an allocation of €275 million for the NBP, which will provide the initial stimulus required to deliver the Government's intervention. Combined with commercial investment, this will ensure that 85% of Ireland's premises have high-speed broadband by 2018, with 100%

coverage being achieved by 2020. Last November I published a national high-speed coverage map for 2016, which is available at our website, www.broadband.gov.ie. The map is based on the most up-to-date information available at the time of publication. I encourage consumers to consult the websites of the various commercial operators to ascertain the details of current and future deployment plans.

Following the publication of the NBP's proposed intervention strategy in July last, 38 responses were received. Non-confidential versions of these submissions have been published since last week, and these can be accessed at www.broadband.gov.ie. Meanwhile, my Department continues to review the technical and financial detail relating to potential new commercial investment proposals with a view to updating the intervention area map. I expect to publish an updated version of the map, finalise the strategy and move to the formal procurement phase before the end of the year. The Government is determined to ensure that the network is built out as quickly as possible. Engagement with industry stakeholders has indicated that this could be achieved within three to five years of the contract award.

Deputy Michael Colreavy: While I thank the Minister for the reply, I am still unclear as to the Government's strategy on the ownership of the infrastructure. Is it the Government's intention that most of the infrastructure - the spine of the system - will be in public ownership? Is it the Government's intention that the spine and the connections to the more rural areas will be in public ownership? Alternatively, is it the Government's intention to hand ownership of the infrastructure over to private industry? I ask the question because this will be a most valuable piece of infrastructure and it will be possible to make money from it. I would prefer to see the Irish people, and not private investors, making that money through public ownership. If this is in private hands, we will be at the mercy of private companies, whose motivation naturally will be profit, and the Government will have no influence over what they charge or how they improve connectivity and the infrastructure.

Deputy Alex White: The Deputy is right, in that the issue of ultimate ownership is one of those that requires to be determined. This relates to many of the other questions that have required to be addressed in recent months during the time when the Deputies opposite seem to believe that nothing was happening. There are issues of ownership of the network, the financing structure for the public investment, the legal framework, state aid implications in the EU context, etc. We are engaging in an analysis. The issue that the Deputy raises is a live one. We require further analysis before the Government is in a position to reach a determination on what is the most appropriate ownership model for the network at the end of the period. This is an important issue and I want all of its various aspects to be evaluated and considered before a final decision is made.

Deputy Michael Colreavy: I understand the answer.

Renewable Energy Generation

75. **Deputy Tom Fleming** asked the Minister for Communications, Energy and Natural Resources the progress his Department has made in the development of solar energy; the projected target for solar energy as a percentage of our energy needs by 2020; and if he will make a statement on the matter. [39028/15]

Deputy Alex White: The overarching objective of the Government's energy policy is to

ensure secure and sustainable supplies of competitively priced energy to all consumers. The 2009 EU renewable energy directive set Ireland a legally binding target of meeting 16% of our energy requirements from renewable sources by 2020. In order to do that, Ireland is committed to meeting 40% of electricity demand from renewables, 12% renewables in the heating sector and 10% in transport. While we have made good progress with regard to renewable energy deployment, significant challenges remain, particularly in the heat and transport sectors. Provisional figures provided by the Sustainable Energy Authority of Ireland, SEAI, for 2014 show that 8.6% of Ireland's overall energy requirement was met by renewable energy. In addition, the SEAI has calculated that, in 2014, some 22.7% of electricity, 6.6% of heat and 5.2% of transport were met from renewable sources. Less than 0.1% of electricity is generated from solar photovoltaic, PV, installations.

In setting an overall target for electricity from renewable sources, the Government has not set specific targets for given renewable technologies. To date, wind energy, as the most cost-effective technology available to Ireland, has been the largest driver of growth in renewable electricity generation. The Government recognises, however, that wind must be complemented by other policies to meet our renewable energy ambitions. In addition to our onshore wind resource, bioenergy, solar and other technologies may play a critical role in diversifying our renewable generation portfolio over the period to 2030.

To support the use of renewable electricity and heat further, my Department launched two consultations on 31 July on proposed support schemes, one for renewable electricity and one for a renewable heat incentive. While the initial phase of both consultations closed on 18 September, there will be two further opportunities to contribute at key stages in the design of any new scheme. Subject to Government approval and state aid clearance from the European Commission, the new schemes will be available in 2016.

In the context of the forthcoming energy White Paper, my Department is considering the optimal fuel mix, including the role of renewable energy, for Ireland.

Deputy Tom Fleming: We are falling far behind, given what is happening in the development of solar energy globally. In the US, for instance, the cost of providing solar energy has reduced by more than 60% since 2011. The technology has improved enormously and manufacturing costs have tumbled in the meantime. In Texas, the price of electricity has reduced dramatically since the rolling out of solar energy technology across the United States. There is a lesson to be learned here because of our high dependency on the importation of expensive oil, for instance. Electricity and gas suppliers in this country have been ripping off customers, as the Minister is well aware. I acknowledge he intervened earlier this year. In a little over three years, electricity prices have increased by 22% and standard gas prices have increased by 36%. The result of this is an increase of up to €500 in the yearly running costs of a domestic dwelling.

Deputy Alex White: Undoubtedly, there is potential in solar technology. On a number of occasions, I discussed these issues with energy Ministers in Europe. In more than one country in Europe, a regime of subsidies was put in place for solar energy that is now regretted. It is not that the regimes are regretted because of the authorities not believing solar technology is good but because it now turns out it was not necessary to subsidise it at the level at which it was subsidised. I have praised previous Governments for recognising the importance and cost-effectiveness of onshore wind energy. It is a question of not getting in too early and not waiting too long. Our success in regard to onshore wind energy is clear. We just have to be careful. Solar energy is certainly becoming much cheaper. The Deputy is absolutely correct that prices

are tumbling all over the world, with China leading the fray in regard to the manufacturing of solar technology. The questions to be asked are whether we should intervene with a subsidy and how best we can protect the consumer. Obviously, we do not want to hold back too long because the technology can get ahead of us. However, we also do not want to be getting in too early, as other countries did by putting in place subsidy regimes that were not necessary because investors would have invested in any case.

Deputy Tom Fleming: Germany is one of the largest solar energy producers in the world. Our climatic conditions are very similar to those in Germany. The same goes for Britain, for instance. It produces approximately 5,000 MW of solar energy. Our potential solar yields are not different from those in our neighbouring country. Unfortunately, solar energy is one of the lesser used renewables. This is to be regretted. It is very unfortunate that we have not grasped it yet and taken off in this regard. I raised this with the Minister at a meeting of the energy committee and he was very positive about solar energy. Really, we are sitting on this and lagging far behind.

There is an opportunity in rural areas for farmers to invest in solar energy to supplement what are, in many cases, very low farm incomes. We should take cognisance of this. We should redouble our efforts and give all those interested in promoting solar energy in this country all the backup possible.

Deputy Robert Troy: We all agree that there is a need for renewable energy. However, we must question the cost to rural Ireland. For a number of years, there has been an ongoing threat of industrial wind turbines being erected throughout rural areas. Will the Minister not agree that there should be a moratorium to ensure no industrial wind farms can be given planning permission until he and his colleague, the Minister for the Environment, Community and Local Government, bring forward robust legislation to deal with the erection of wind turbines?

An Leas-Cheann Comhairle: That is a slightly different question.

Deputy Robert Troy: It is absolutely unbelievable and despicable that, over 12 months since thousands of people made submissions as part of the information process concerning new wind energy guidelines, we have yet to see where the Government stands on this issue. What consultation has the Minister had with his counterpart, the Minister for the Environment, Community and Local Government, on the new wind energy guidelines? When can we expect to see them published? Does the Minister agree there should be moratorium in place until such time as the wind energy guidelines are published and put on a statutory basis?

Deputy Anthony Lawlor: Does the Minister not believe we have some form of flawed policy when we have turbines that generate electricity on only three out of every ten days? On solar energy, does the Minister not believe the tariffs we have in place discourage people from getting involved in the solar energy sector? There are no planning guidelines at all for solar panels around the country. Does the Minister believe we should have such guidelines?

Deputy Alex White: I have no responsibility in determining where any particular structures are located. I, and ultimately the Government, have responsibility for the energy policy of the country. It is my job to ensure we press on to achieve our renewable energy targets and climate change targets generally by 2020 in so far as they affect energy.

With regard to solar power, I have already made the point that I envisage a role for it. Since Deputy Tom Fleming and I last spoke about this, we have moved on it. There is a consultation

process ongoing in respect of the kinds of refits or subsidies that would be appropriate for solar. I made the point to the Deputy that other countries regret becoming involved too early with subsidies that were too extensive. We could have and expand solar energy generation without necessarily affecting the individual consumer and customer of the electricity suppliers. We must have a balanced approach to this.

With regard to the wind energy guidelines, I said earlier when asked that the issue was put to my colleague, the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, last week during Question Time. He dealt with it then and it is a matter for him but I have had contact with him and my Department has had contact with his Department. We have had good discussions on this.

Deputy Robert Troy: When will the guidelines be published?

Deputy Alex White: I have raised the issue as to whether there would be a risk of an adverse effect on the renewable energy policy of the country if there were to be a significant change to the setback distances. I make no bones about having done that and about having said to this House that I have done so. We are having good discussions and I hope for a result in early course.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Fergus O'Dowd — the need to address security concerns in the north Louth area, including the establishment of a cross-Border task force to tackle organised crime in the area; (2) Deputy Sean Fleming — the need to address the issue of admissions to St. Vincent's Hospital, Mountmellick, County Laois; (3) Deputy Jonathan O'Brien — the need to discuss the operation of JobPath in assisting persons in accessing employment; (4) Deputy Finian McGrath — the need to address concerns regarding wall height at the proposed flood defence project between Wooden Bridge and Causeway Road, Dublin 3; (5) Deputy Derek Keating — the need to address concerns regarding the over-emphasis on technology for day-to-day banking and its impact on persons who are not computer literate; (6) Deputy Jim Daly — the need to control the spread of knotweed and other invasive non-native species; (7) Deputy Michael Kitt — the need to address concerns regarding the school dental service in Gort and south Galway; (8) Deputy Mattie McGrath — the need to postpone the introduction of the producer responsibility initiative for the tyre wholesaler and retail sectors; (9) Deputy Catherine Murphy — the need to address concerns regarding the ability of the commission of investigation into IBRC to complete its work; (10) Deputy Michael Colreavy — the need to address concerns regarding the charging of electric car drivers to use public charging points; (11) Deputy Jerry Buttimer — the need for clarity on funding for the redevelopment of Páirc Uí Chaoimh, Cork; (12) Deputy Brendan Griffin — the need to discuss the risk of over-regulating credit unions; (13) Deputy Denis Naughten — the need to secure replacement jobs in Carrick-on-Shannon, County Leitrim, following recent job losses; (14) Deputy Thomas Pringle — the need to fund adequately the provision of special needs assistants in preschool; (15) Deputy Billy Kelleher — the need to commission an updated sexual abuse and violence in Ireland report; (16) Deputy Bernard Durkan — the need to address the stalled works at the town centre developments in Naas, County Kildare; (17) Deputy Brian Stanley — the need to discuss the decision by HIQA

to stop the HSE admitting new patients to St. Vincent's Hospital, Mountmellick, County Laois; (18) Deputy Tom Fleming — plans to postpone the signing of the remaining sections of the commencement order of the Credit Union and Co-operation with Overseas Regulators Act 2012 in order to allow further discussions on regulation CP88; (19) Deputy Mick Wallace — the need to address concerns regarding the ability of the commission of investigation into the IBRC to complete its work; (20) Deputy Paul Murphy — the need to discuss changes to the provision of telecare equipment in the senior alert scheme; (21) Deputy Clare Daly — the need to discuss the implications of the lack of female voices in broadcasting and ways to address this; (22) Deputy Helen McEntee — the need for funding for six children in County Meath unable to avail of additional preschool support; and (23) Deputy Joan Collins — the need to discuss the recent meeting with Respond! regarding the threatened closure of Cuan Álainn women's refuge centre, Dublin 24.

The matters raised by Deputies Michael Kitt, Jerry Buttimer, Finian McGrath and Jonathan O'Brien have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: I wish to raise the issue of the sale of State-owned assets by IBRC and the inquiry into their sale, in addition to the difficulties and obstacles that have now been identified by the chairman of the inquiry and as revealed in *The Sunday Business Post* via a leak of some sort. The issues are very serious, and the Taoiseach will recall the background to them. The sale of Siteserv to a Denis O'Brien-owned company at a loss of €119 million to the taxpayer was the prime catalyst for the initiation of the inquiry into that deal and other deals about which it subsequently emerged senior civil servants in the Department of Finance had concerns. It is fair to say the Government was dragged kicking and screaming to the stage of establishing an inquiry. There was reluctance and, indeed, a refusal to answer parliamentary questions. The concerns of the senior officials in the Department of Finance were forced into being released through freedom of information requests. The doggedness and tenacity of Deputy Catherine Murphy are to be commended in that regard. All along, there was reluctance. KPMG, the company that advised on the sale of Siteserv originally, was asked by the Minister for Finance to conduct the inquiry, incredible as that now seems. Eventually, with all the opposition, he capitulated and handed it over to the Taoiseach who appointed Mr. Justice Daniel O'Keefe. A month later, Mr. Justice O'Keefe had to withdraw for personal reasons and Mr. Justice Brian Cregan was appointed to the chair. This week we learned that the Taoiseach was alerted last Thursday or Friday that there were major obstacles. Today, the judge is saying to the Cabinet that he cannot proceed with this inquiry.

It is a litany of incompetence at best and maybe a degree of convenience as well. The Government thought it might have parked all the controversies some time ago, but it is extraordinary the degree to which it seems impossible to get any information or any inquiry going concerning the sale of Siteserv and other issues.

An Ceann Comhairle: A question please.

Deputy Micheál Martin: Is the Taoiseach saying that Government officials did not know about any of this until this week? On 22 August, there was an article in *The Irish Times* by Cliff Taylor flagging concerns of this kind and indicating that Government officials are saying they are confident that any legal concerns can be overcome to allow the formal handover of docu-

mentation to get under way in earnest. It identified issues at that time. We have also learned that Department of Finance officials confirmed in this morning's *Irish Examiner* that they had taken legal advice and had not waived their rights in relation to the release of documents.

An Ceann Comhairle: Would the Deputy put a question?

Deputy Micheál Martin: If Department of Finance officials are taking legal advice on this very issue and are refusing to waive their rights in relation to the release of documents, how is it that the Minister for Finance and the Taoiseach knew nothing about it until Thursday or Friday? Is it credible that the Attorney General did not flag this issue to the Cabinet in advance of the establishment of the commission of investigation? Will the Taoiseach undertake to publish the Attorney General's advice that was given to the Government prior to the establishment of the commission?

The Taoiseach: Deputy Martin has outlined the background to this particular issue. I will start by saying that I do not know of anybody in the House who does not want this matter dealt with thoroughly, comprehensively-----

Deputy Robert Troy: Look in the mirror.

The Taoiseach: -----and in an absolutely accountable way in the public interest. That is my opening position. The Department of the Taoiseach is the receiving Department for reports from Mr. Justice Cregan in respect of this matter. Discussions would have taken place when Mr. Justice O'Keeffe was dealing with this because he was beginning to handle it at that stage. He then had to retire because of personal reasons and, as Deputy Martin pointed out, Mr. Justice Cregan has taken over.

For the information of the House, at its Cabinet meeting today, the Government reaffirmed its commitment to ensuring that there be a full and independent investigation of the issues that were raised in relation to the IBRC matter and the transactions therein. The Attorney General briefed the Government on a number of legal issues and potential options that are open to ensure this can be achieved. The Government noted that a number of significant legal issues arise which need consideration.

I will briefly set out for Members of the House the sequence of events. On 9 June, following consultation by the Minister for Finance with the Opposition parties, the Government approved the draft order establishing the commission of investigation into certain matters concerning transactions entered into by IBRC. The draft order was then laid before both Houses of the Oireachtas and approved, following debate in both Houses. Subsequently, on 15 June, the Government established the commission. Following the resignation of Mr. Justice O'Keeffe for personal reasons, Mr. Justice Cregan was appointed as chair of the commission on 9 July. I was designated as the responsible Minister under the Act so the judge sends his formal reports to me and his work is funded through the Vote of my Department. He is completely independent in the conduct of his investigation.

Last Thursday, 5 November, Mr. Justice Cregan and his legal team met, at his request, with officials from my Department and the Office of the Attorney General. At that meeting he outlined legal issues he had considered in relation to the use of documents which were either confidential or subject to legal privilege and stated that he had made a determination in this regard. The official asked that his position be outlined urgently in writing to me as the responsible Minister under the Commissions of Investigation Act. The determination by the judge was not

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given to my Department at that meeting although it was sent by Mr. Justice Cregan to the Department of Finance later that day and therefore has been available to the Attorney General for her consideration of the matter.

I received a letter from Mr. Justice Cregan the following day, last Friday, 6 November. This letter referred to the determination of the judge and the commission on issues of confidentiality and privilege, which means that, in the words of the letter, “it is not in a position to proceed with this investigation into any of the relevant write-off transactions”. The letter also stated that the commission is in the process of preparing an interim report to me, as the specified Minister, which will outline the work of the commission to date and the issues which have arisen. It will also seek an extension of time for the completion of the work of the commission. The interim report can be finalised only after the commission has consulted any person who is identified in or identifiable from the draft report.

On receipt of that letter from Mr. Justice Cregan, I immediately requested advice from the Attorney General on the implications of this determination and the legal options that are open to ensure the House can have an investigation which is fully transparent and accountable and that can be completed in an effective and timely manner. I will arrange to have the judge’s letter published today.

The Government was informed this morning that Mr. Justice Cregan has decided to publish his determination both in respect of the issue of confidentiality in regard to the special liquidator and the Department of Finance. I understand this has been done and I welcome the judge’s decision to publish in order that all concerned can debate in a transparent fashion the issues involved.

The Government was also informed this morning of a request from Mr. Justice Cregan that it would be preferable for the Government to receive his interim report before deciding on the course of action it should take. This is also the view of the Attorney General who cannot, in fairness, give formal legal advice to the Cabinet in the absence of the judge’s interim report. I understand that the report should be available shortly as the consultations were under way and dealt with on Friday last.

The importance of the issue - the question of confidentiality and legal professional privilege - raises extensive legal issues which have been considered in detail by the commission over recent months. Given that importance, that the terms of reference for the commission were prepared following consultation with the Opposition parties, and that the order establishing the commission was approved by the Houses of the Oireachtas, I believe the questions that have arisen should be considered by all the parties and the Members of the House before a decision is made on the best way to proceed.

I also hope Mr. Justice Cregan will be in a position to submit his interim report to me formally, as the receiving Minister, at the earliest possible date. I will then commit to publishing that in accordance with the law and also to discussing it with Opposition Members and in the House in order that we can identify what needs to be done following the judicial determination and move on to achieve the ambition of accountable, transparent analysis of all the transactions in what was in excess of a €10 million write-off.

Deputy Micheál Martin: The Taoiseach did not answer any of the questions I asked. Not one.

Deputy Robert Troy: Ten minutes of waffle.

Deputy Micheál Martin: I asked a very simple question. Is the Taoiseach saying that Government officials were not aware of any of this until this week? Why are Department of Finance officials confirming that the Minister for Finance and the Department of Finance have refused to waive their rights in relation to the release of documents? Will the Taoiseach please explain why the Department of Finance is doing that? It was confirmed by its officials yesterday. In that very decision, clearly being aware that this was an issue for some time, the former IBRC chairman, Alan Dukes, is confirming he discussed it with the chairman of the investigation two months ago.

On 22 August, an article on these issues was published in *The Irish Times*. Did the Attorney General, in her advice to Government, flag this issue with the Taoiseach at any stage prior to the establishment of the commission of investigation? There must have been advice at that stage, so will the Taoiseach now publish it? It seems incredible - it does not seem credible - that these substantive issues were not raised with the Government and the Taoiseach in advance of the setting up of the commission of investigation. That would seem to have been a major omission.

Fundamentally, is the Taoiseach saying to me categorically that no officials in either the Department of Finance, the Department of the Taoiseach or elsewhere were aware of this issue prior to this week? Can the Taoiseach clarify that?

Why has the Department of Finance refused to waive its rights? We have an extraordinary situation, it seems, from the evidence of Mr. Dukes, whereby KPMG, a State-appointed liquidator to the Irish Bank Resolution Corporation, is claiming privilege over these documents, as is the Department of Finance. This relates to the activities of a State bank handling assets belonging to the people and involving write-offs concerning the people.

The public generally will be looking at this with the view that when it comes to the powerful and wealthy the Government never really goes too far with the inquiries. That is a problem in terms of the public's perception of how obstacle after obstacle can be put in the way of getting to some truths about basic issues raised. These issues were first seriously alerted to the public, the Taoiseach and the Minister for Finance by senior civil servants in the Department of Finance. It was not media hype, as some would suggest. It was done by senior civil servants in the Department of Finance. They flagged real concerns to the Minister, Deputy Noonan, some time back on the sale of Siteserv and the sale of other assets. However, the Government chose to do nothing about those concerns until it was forced into the open through freedom of information requests. That is the sad reality. The Government was dragged kicking and screaming to where we are today. Again, we are empty-handed in terms of any succour for the general public and their wish to know what went on.

The Taoiseach: I wish to make the point to Deputy Martin, as I did before, that Fianna Fáil was forthright in welcoming the setting up of the commission of investigation into certain matters relating to IBRC.

Deputy Dara Calleary: Answer the question.

The Taoiseach: I made the point that the establishment of the statutory investigation was a rare victory for our parliamentary democracy. Everyone, despite their initial political comments, welcomed the fact that the commission of investigation was being set up.

Deputy Micheál Martin: What about the officials?

Deputy Michael Healy-Rae: It would be great to get an answer to the question.

The Taoiseach: The Department of the Taoiseach is the receiving Department for the report or reports that will come from Mr. Justice Cregan. The Department of Finance is party to the investigation by the commission into this matter. Therefore, of course, the work of the commission will be outlined in the interim report from Mr. Justice Cregan. Obviously, he will outline the contacts and the consultations that he had with all interested parties, including the Department of Finance.

Deputy Micheál Martin: They knew. Is that correct?

The Taoiseach: They are a party to the investigation being conducted by the commission.

Deputy Micheál Martin: They knew and they did not tell the Taoiseach. Is that what the Taoiseach is saying?

An Ceann Comhairle: Please. We are seven minutes over time.

The Taoiseach: No. Deputy Martin is going a little too far with me.

Deputy Michael Healy-Rae: Is he too quick for the Taoiseach?

The Taoiseach: The point is that the Department of Finance is part of the investigation by the commission into the sale of the assets in respect of IBRC. Therefore, the justice, in moving through the process, has to be in contact with interested parties. He has now made a determination, following that process, that he cannot go any further because of the issues of confidentiality.

Deputy Micheál Martin: That does not answer my question. Is the Taoiseach saying that Department of Finance officials knew?

The Taoiseach: The Minister for Finance, Deputy Noonan, commented the other day to the effect that all of the requests made at the Department of Finance in regard of this matter were sent in unredacted form to the commission when they were requested.

An Ceann Comhairle: Sorry; there are other Deputies here and we are eight minutes over.

Deputy Micheál Martin: Does that mean Department of Finance officials did not know?

The Taoiseach: Obviously, as has happened in the vast majority of other cases, they carry a warning in respect of confidentiality.

Deputy Micheál Martin: Not necessarily.

The Taoiseach: In the past, in the conduct of a number of commissions, the question of confidentiality was overruled in the public interest, which is what we want here. However, no justice in the past has equated the question of confidentiality with that of privilege.

Deputy Micheál Martin: I waived confidentiality on documents in a previous inquiry as a Minister.

The Taoiseach: The Act drawn up in 2004-----

Deputy Micheál Martin: It is open to the Minister for Finance to waive all rights relating to the release of documents if he wants to. It has been done before.

An Ceann Comhairle: Sorry. I have to ask you to finish, Taoiseach.

The Taoiseach: The draft of the Act drawn up by the late Attorney General did not distinguish between the questions of confidentiality and privilege.

In the determination published on the commission's website, Mr. Justice Cregan has made a number of observations. He made a request this morning that the Cabinet would not take a course of action until the interim report is received from him, and I respect that. Anyway, work was already under way in respect of the possibilities and options that need to be followed by the Office of the Attorney General. Let me repeat again that it is the single determination-----

Deputy Micheál Martin: Can the Taoiseach confirm whether Department of Finance officials knew?

The Taoiseach: It is the single determination of the Government to see-----

Deputy Micheál Martin: Is the answer to my question "Yes"? That is all. Is it "Yes" or "No"? Did they know before last week?

An Ceann Comhairle: Sorry, Taoiseach. I have to ask you to finish, please.

Deputy Micheál Martin: I asked a straight question. Did they know before last week? Can the Taoiseach not tell me whether they knew?

An Ceann Comhairle: No.

Deputy Micheál Martin: Why does the Taoiseach have to keep going on, obstructing and not giving clear answers to questions asked?

An Ceann Comhairle: We are ten minutes over on that question.

Deputy Micheál Martin: I cannot get a clear answer. Did they know?

An Ceann Comhairle: Deputy Adams is next. Thank you.

Deputy Micheál Martin: Will the Taoiseach state whether they knew before last week?

Deputy Gerry Adams: The Taoiseach's claim that the Government only found out about legal difficulties with the commission of investigation into IBRC does not have any credibility. The reason it does not have any credibility is that every time issues have been raised about IBRC the Taoiseach has done what he did today: he has stonewalled.

In 2012 Deputy Pearse Doherty and I submitted a range of parliamentary questions about IBRC. The responses from the Government, including the Taoiseach and the Minister for Finance, were obstructive and unhelpful. That is despite the fact, as it later emerged, that the Minister for Finance was briefed by his own officials on their concerns about this deal and other deals involving IBRC. It is despite IBRC's having sold Siteserv to a Denis O'Brien company at a loss to taxpayers of at least €105 million. It was only as a result of An Teachta Catherine Murphy's efforts that we found out the O'Brien company was not the highest bidder. The Government would not tell us that. The Government also resisted the calls for a commission. Then,

when the Government eventually published the terms of reference for the commission, I wrote to the Taoiseach on 4 June pointing out that the terms of reference did not deal comprehensively with all the issues the commission would need to examine. An Teachta Mary Lou McDonald met the Minister for Finance and made the same case. The Taoiseach was well warned that the scope of the investigation was not wide enough to carry out the necessary examinations.

What advice did the Taoiseach receive from the Attorney General in respect of the commission's ability to examine confidential or privileged documents? Did this include documents from the Department of Finance? I am keen for the Taoiseach to repeat what he said in his statement a moment ago, because I do not want to make a mistake about it. He said that the commission had made a judicial determination on the admissibility of documents from the special liquidator. I heard that much. I think the Taoiseach went on to say "and the Department of Finance". Will the Taoiseach repeat that statement for me before I come back with a supplementary question?

The Taoiseach: There are two determinations made by the justice: one in respect of the documentation received from the special liquidator and another from the Department of Finance. Both are published on the commission's website today. They are there for Members to read and there is nothing secret about that.

In the letter Mr. Justice Cregan sent to me formally on Friday, he alluded to the fact that he had a determination made at that point in respect of the documentation from the special liquidator and that he was proceeding to make a similar determination in respect of documentation received from the Department of Finance.

Some 12 or 14 different commissions of investigation have been conducted under this Act since 2004. This is the first occasion on which a judge in charge of a commission has made this particular observation in terms of the law. Since the Government is keen that everyone be involved in this in the public interest and that the process be open, transparent and accountable, it is only right and proper that I accede to a request from Mr. Justice Cregan to wait until I receive the interim report and have authorisation to publish it. I understand that can be as soon as possible. Then, as a House, we can discuss the actions that need to be taken. In his determination there are a number of references to inadequacies and the restrictions upon him. Work is under way in the Office of the Attorney General on a number of things. I would like to see the interim report from Mr. Justice Cregan before we can discuss it as a Cabinet and in the House, and determine the best thing to do. It is the first time since the Commissions of Investigation Act was established that a judge in charge of a commission has made this particular decision. As the House knows, commissions of investigation were welcomed by everybody, including Sinn Féin, as being the way to proceed. Everybody is also aware that commissions of investigation were initiated in the first instance by the then Attorney General and Government as a method of not having to go down the road of endless tribunals of inquiry. I do not think anybody would want to contemplate that.

Deputy Gerry Adams: The Taoiseach did not answer my question on the advice the Attorney General gave him. He promised a democratic revolution and said he would do things differently, not like his predecessor. It is obvious he did not mean any of that because since he has become Taoiseach every time there has been a conflict between the elites and golden circles and citizens, he has taken the side of the elites and golden circles.

I asked him to repeat his earlier statement because he said that the judge had made a judicial

determination on the admissibility of documents from the Department of Finance. Does that mean that the commission could not obtain or examine documents? Does it mean that if he is making a judicial determination about this matter that he brought this to the attention of the Department of Finance? It clearly knew that there was a problem.

The Taoiseach is only now addressing the issue when everything has been forced upon him by the judge in charge of the commission writing a letter, which was subsequently leaked to the media. It appears that, whatever about any speculation on any other issue, this happened on foot of KPMG not making documentation available to the commission of investigation. KPMG had a role in the sale of Siteserv and other assets. He also knows that KPMG was the first choice of the Government to conduct a review of IBRC transactions, even though it was involved in them. At the bottom of all of this are the millions of euro that are going into the pockets of the elites and out of the pockets of taxpayers.

The Taoiseach has fudged the issue. He claimed, in his usual obtuse and opaque way, that he only knew about this last week on receipt of the letter from the commission. A Government spokesperson is quoted in, I understand, *The Irish Times* as dismissing these concerns as early as mid-September. The Government was aware of them. Why did the Taoiseach wait until his hand was forced today?

The Taoiseach: This is a commission of investigation. It is obliged by law, in terms of the consultation or discussion that takes place between the person dealing with the commission and those who were named or interested organisations or bodies that are involved in it, not to talk about any of these things. I do not deal in speculation or rumour. Deputy Adams has been moving in some golden circles quite recently, I note, but that is beside the point.

Deputy Paul Kehoe: \$500 a head.

The Taoiseach: There is no need to make an assertion of some kind of restriction or cover-up of documentation. The Minister for Finance said all of the documentation available to the Department of Finance, without redaction, was sent to the commission.

Deputy Gerry Adams: All that he requested.

The Taoiseach: All of the documentation relevant to the commission of investigation by Mr. Justice Cregan was sent.

Deputy Gerry Adams: The Minister for Finance said all that he requested was sent.

The Taoiseach: The Deputy should not assert in here that somebody was trying to restrict or not send information that is relevant.

All of this information carried with it a confidentiality warning from the Department of Finance, not in all of the papers but in some of them. That confidentiality applied in many other commissions of investigation. It can and has been overruled in the public interest by the person chairing the commission of investigation.

As the Deputy knows, we have had commissions of investigation into the Dublin-Monaghan bombings, child sexual abuse, the Leas Cross nursing home, the banking sector and so on, where matters of confidentiality were overruled in the public interest. This is the first time, however, that a judge, in this case Mr. Justice Cregan, has pointed out from his perspective and independent determination that he cannot go any further. I want him to be able to go further,

and I am quite sure everybody else in the House does as well.

In the interests of everybody and the accountability and transparency the Deputy has spoken about, we should be allowed to receive his completed interim report. It is to be hoped it will be released very quickly. When authorisation is received to publish it as soon as possible afterwards, it can be discussed in the House so that the Dáil and later the Seanad can make decisions about how best to proceed in order to have accountability, transparency and full compliance.

People in IBRC are also concerned that their good name is being shoved aside. In the interests of all of the transactions in respect of which there was a write-down of over €10 million, we need to be able to deal with this issue in whatever form. The Office of the Attorney General is examining some of the options that might be considered following the determination of the judge now published. I would like to wait to get the interim report, discuss it at Cabinet level and in the Oireachtas and make the necessary decisions so that the commission of investigation can get on with its business with openness, accountability and transparency and, in the public interest, deal with the issues that have been raised by Deputies, including Deputy Murphy.

Deputy Catherine Murphy: Last October I stood in this very spot and raised issues about Siteserv and the water metering contract. As the months progressed the questions extended into the wider issues surrounding IBRC and how it handled certain transactions. Ultimately, the questions moved to the dysfunctional relationship between IBRC and the Department of Finance.

IBRC had one remit, namely, to ensure that citizens got the maximum return possible for the €35 billion they were forced to pump into banks, primarily the failed Anglo Irish Bank. We want assurances, for example, as to whether the €119 million written off when Siteserv was sold to Denis O'Brien was in fact the best decision for Irish citizens. Some five months on from the establishment of the commission, we are at a stalemate.

Ironically, the special liquid liquidator, Kieran Wallace, the person whom the Department originally wanted to conduct a review into the Siteserv issue, is now claiming privilege and refusing to co-operate fully. Over the past 24 hours the public interest director of IBRC has taken to the airwaves to express concern about the injustice that will be perpetrated against the board of IBRC and its reputation if the commission collapses. What about the injustice perpetrated against Irish citizens, in a situation where the public bailed out the bank but cannot know how the assets were disposed of? That is the real injustice.

It appears that the balance of law falls on protecting individuals rather than the common good. How can that be right or even constitutional? Was that even considered when the inquiry was established? The Minister, Deputy Noonan, can claim that his Department has provided unredacted documents, but he is providing them inside a circle of confidentiality. If he is providing documents, but placing significant restrictions on them, how can he claim that he is co-operating fully?

Can the Taoiseach confirm whether any debtor involved in any of the transactions has threatened legal action if the commission proceeds? Can he confirm if the Minister, Deputy Noonan, is co-operating fully in a way that will allow the findings to be available for full public consumption? When did the Taoiseach first know of the problems with the commission? Apparently letters have been flying around for the past few months between the parties concerned. Articles in newspapers have been written by Cliff Taylor and John Walsh. Alan Dukes has

known about it since August. Does the Taoiseach's Department read these newspapers? Would that have been discussed? Would the Taoiseach have been kept in the loop on this issue? Will he tell us what he means by "as soon as possible"? The 2004 Act allowed for the setting up of these inquiries to replace very time-consuming and expensive tribunals. Does the Taoiseach agree that if he wanted to shut down debate on a particular topic the best way to do so would be to set up a commission of inquiry, because there can be no parliamentary questions, no freedom of information requests, no questions to the Taoiseach and no press inquiries? Unfortunately, in this case it appears that we do not even have an inquiry.

The Taoiseach: I thank Deputy Murphy. The Deputy was one of the principal public representatives who raised this issue and welcomed the debate and the establishment of a commission of investigation. The Government was happy in the circumstances to provide that. She made the point in her observations that she was pleased that we were going to get that information, albeit in a different way. I am quite sure everybody supports a facility for absolute transparency, accountability and so on in the public interest. The Minister for Finance, Deputy Michael Noonan, is, of course, co-operating fully with the commission of investigation and has said publicly that all of the available documentation was sent in unredacted fashion to the commission of inquiry.

I cannot communicate with Mr. Justice Cregan to tell him when to send in his interim report. My understanding is that it could be finalised very soon. I do not want to put a day on it, but I would hope that in a relatively short time we could have the interim report. If I were to say next week, I would hope that could be so, in order that we could have his authorisation to publish the report and have it reflected on here in the Oireachtas to receive the wisdom of all Deputies about how to proceed. Nobody - with one exception, I think - referred to the word "confidentiality" during the discussions that took place on the terms of reference for this inquiry and nobody pointed out what all Deputies now know to a great extent and are very knowledgeable about. This is the first time a judge has taken this particular view in respect of the Commission of Investigation Act 2004.

The Deputy asked when I found out about this. I have already put that on the record here. I received a letter from Mr. Justice Cregan on Friday, 6 November 2015. The judge did make contact with officials from the Department of the Taoiseach, as the receiving Department, and with officials from the Office of the Attorney General, and I asked that that be presented in writing. He sent me that letter on 6 November, last Friday. In that letter he pointed to the fact that a body of work had been done by the commission of investigation in respect of the special liquidators, that he had received their assertion of confidentiality over all the documents they had submitted, that a similar claim of confidentiality and privilege was made by the Department of Finance over some of the documentation received from it, and that the commission was proposing to have a similar determination drafted as it did for the special liquidator.

Deputy Micheál Martin: This is outrageous.

The Taoiseach: They are published on the website for the Deputies' perusal. He went on to say in his letter, which I will publish later today, that the commission is preparing an interim report under section 34 of the Act. Prior to the submission of the interim report to me, under the relevant sections thereof, any persons identified or identifiable from the draft report must have it under normal circumstances. He pointed out that the interim report would outline in detail the work of the commission to date and would also deal with issues that have arisen. I assume that Mr. Justice Cregan, in the interest of carrying out his business in a transparent and accountable

fashion, will point out the recommendations he sees as appropriate for the Oireachtas or the Legislature, in whatever fashion, to allow him continue to do that. I do not know of anybody here who does not want that to happen as quickly, as effectively and as speedily as possible. The Government will respond, and in order to do that, we have to know what exactly it is that we have to do and the best way of going about it.

Deputy Catherine Murphy: Of course I welcomed the establishment of the commission, but I think we would all have expected the legal issues to be explored before it was set up. Will the Taoiseach confirm that the Attorney General specifically said there was no impediment to the commission when it was established? Would this particular aspect have been considered? Can the Taoiseach show goodwill in at least holding an aspect of that inquiry, particularly in regard to Siteserv, in terms of the response that will be forthcoming from him to the judge in question? We all know that Anglo Irish Bank is no ordinary bank. The information, we are informed, is confidential to the borrowers. That is one of the impediments. Therefore, we all collectively pay off the debts of many of these borrowers who will have their confidentiality protected. Does the Taoiseach see this as an issue of clear public interest? Is it that the common good is the primary issue at stake? Is that the way this is being approached?

An Ceann Comhairle: I thank the Deputy.

Deputy Catherine Murphy: An issue that is being discussed at the moment - I am certainly hearing it, although I do not know whether it is just Chinese whispers or it is real - is that one of the responses might be consideration of a tribunal of inquiry. Given that the same names crop up in the context of, for example, the Moriarty report, how could people have confidence in that kind of response? What responses is the Taoiseach looking at in terms of how this inquiry can proceed without running into the legal impediments that are stalling the inquiry or possibly causing it to collapse?

The Taoiseach: I do not expect that the inquiry will collapse. Mr. Justice Cregan has pointed out in his determination the reasons for saying to me formally in a letter that he is unable to continue processing the case given the circumstances that now apply, so how can we make adjustments, legislatively or in any other fashion, to allow him to continue to do that? From that point of view, Mr. Justice Cregan has requested that I wait until I receive the interim report. Obviously, he is working on that. In the meantime, the Office of the Attorney General is looking at a range of options that have been referred to in the determination of Mr. Justice Cregan in respect of both the special liquidator and the documentation received from the Department of Finance. As I said, in answer to an earlier question, I do not think anybody wants to go down the route of a tribunal of inquiry. We have had experience of inquiries lasting ten years and costing in excess of €100 million. The issue here, which Deputy Catherine Murphy rightly raised - it was in order for her to do so - is to find out in the public interest whether there was favouritism or whether any undue decision was taken, not in the public interest, in regard to any of these transactions to which a write-off in excess of €10 million applied. My understanding is that there are 37 cases involving 200,000 pages of documentation, and the intention of the Government in setting up the commission was to be able get to the bottom of that. If there is an issue that needs to be addressed in a fair and accountable fashion, then so be it; the commission of investigation should be able to do that. Mr. Justice Cregan has pointed out how, in his decision and his judgment, he is unable to go further. We as the Oireachtas have a duty, in the public interest and for public information, to deal with that issue. In order to be able to deal with it, I need to have Mr. Justice Cregan's interim report. He has requested we wait until we receive that report before proceeding. From my point of view, as the person whose Department

sponsors this inquiry and from whose Vote it is paid, I assure the House that whatever it is that we have to do or whatever we can do in order to allow the inquiry to proceed will be done.

4 o'clock

When we get the interim report, we will have it considered by the Cabinet and brought here.

Deputy Catherine Murphy: When?

The Taoiseach: We will get all the advice and then decide if a legislative proposition or whatever will allow that to happen, so the commission of investigation can implement and deal with the terms of reference that were given to it by the Oireachtas to find the answers to those questions in the public interest.

Deputy Róisín Shortall: I do not think anybody believes the Taoiseach.

Ceisteanna - Questions (Resumed)

Departmental Staff Data

1. **Deputy Micheál Martin** asked the Taoiseach the number of staff in his Department who work on www.merrionstreet.ie; and if he will make a statement on the matter. [19229/15]

2. **Deputy Micheál Martin** asked the Taoiseach the number of civil servants and non-Civil Service staff working for the Government information service; and if he will make a statement on the matter. [19230/15]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

There are 14 members of staff in my Department who work in the Government press office, compared with 18 members of staff who worked there under the previous Administration. The staff of the Government press office comprises three non-established civil servants; nine civil servants, two of whom work on www.merrionstreet.ie; and two temporary contract staff, non-established civil servants. Staff in the Government press office are contactable around the clock to respond to media queries. Two members of the Government press office staff work on www.merrionstreet.ie and both are at executive officer level. Through www.merrionstreet.ie, they provide a factual news service on the work of the Government and its agencies both at home and all over the world via the Internet. They maintain website content via video, audio and all modern media platforms.

Deputy Micheál Martin: The two questions relate to www.merrionstreet.ie and the Government information service. The Taoiseach will remember that at one stage he promised to reduce the number of staff operating in the Government information service by a third. Of course, that is another broken promise in a long list of them. A wider concern is the increasing politicisation of this area and the Government information service in general. The Taoiseach is not the only member of the Government fond of telling stories, with the Army at automated teller machines just the latest one. As the election gets closer, it is important that the abuse of the system does not get entirely out of hand. The Taoiseach has a responsibility in that regard.

The Taoiseach's Government sees spin as central to everything it does and the Taoiseach's first letter to the Minister for Public Expenditure and Reform, Deputy Howlin, was to ask for money for Fine Gael's press officer to take charge of selling messages on the economy in the Department of Jobs, Enterprise and Innovation. The concern with *www.merrionstreet.ie* is how it has gone from being quite a broad service to one which is increasingly political. A good example of this relates to materials in Operation Thor, as this supposedly major initiative amounted to less than €28,000 per Garda district per month, with some districts losing money because of overtime restrictions. Nevertheless, the Taoiseach's Department is spending public money making claims which simply have no link to reality.

Will the Taoiseach explain what measures, if any, he has in place to prevent the abuse of Civil Service media and advertising resources over the next three months? That is a very important point, given that we are on the cusp of a general election. If media monitoring is one of the roles, why was Mr. Cliff Taylor's article in *The Irish Times* on 22 August not picked up? This relates to a previous issue, the obstacles that are presenting in the release of documentation to the commission of investigation into sale of assets by IBRC. The article outlined the legal concerns being experienced by the inquiry into Siteserv and other deals but we were told by the Taoiseach's Department that the Taoiseach was only told about these concerns last Friday, when the judge formally wrote to him.

An Ceann Comhairle: We are not getting back into that.

Deputy Micheál Martin: I know but this relates to the media monitoring role. In many ways it is extraordinary that somebody did not pick up that article in August and alert the Taoiseach to the issue at the time. Of course, if there had been more proactive media monitoring, the Taoiseach would not have been in the dark, as he allegedly has been for a number of months about those core issues.

The Taoiseach: With regard to the last point, the office of Government procurement under the Department of Public Expenditure and Reform recently completed a market research process, including but not limited to consultation with both buyers and suppliers within the very niche area of media monitoring. Based on the findings of that research, it is now finalising documentation with the intention of publishing a request for tender this month with a view to having a central contractual arrangement for the provision of media monitoring services to the public sector.

Staff numbers in the information service are not down by a third but they are down to 14 from 18. I am very conscious of the Deputy's comment regarding the abuse of public service time or personnel in the interests of party politics. I note that *www.merrionstreet.ie* is a useful resource for members of the public and journalists, providing access to parliamentary activities such as Leaders' Questions, which the site posts on its YouTube, Facebook and Twitter platforms. That means the Deputy features regularly on *www.merrionstreet.ie*, along with Deputy Adams. The site carries content from European Councils and meetings, as well as featuring the work of agencies like IDA Ireland, Enterprise Ireland and the Irish Coast Guard. It makes content available regarding major Government events, such as the budget, as well as commemorative events such as the 1916 Rising commemoration and the national day of commemoration. The website team provides live video coverage of budget press conferences and other major press conferences, and that is available to media organisations.

The site is staffed in the main by young people who are very active. It has had 158,000

users in the past 12 months and over 500,000 page views. The Twitter account has gained 300 new followers per month and the Facebook account has a considerable number of “likes” and so on. The staff have been able to deal with many issues that used to cost much money. I am looking for a figure.

An Ceann Comhairle: Do not look too far, as you were only asked how many people worked there. I want to get on to other questions, some of which go back to matters from last May.

The Taoiseach: In addition to other duties, staff of the website have largely taken over photographic duties in the Department of the Taoiseach and also covered many events across Departments. As a consequence, photography costs in the Department of the Taoiseach have been reduced by 85% from €83,398 in 2008 to €12,709 in 2014. This practice also resulted in significant savings across other Departments.

Taoiseach’s Meetings and Engagements

3. **Deputy Micheál Martin** asked the Taoiseach if he discussed the war in Syria with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [21323/15]

4. **Deputy Micheál Martin** asked the Taoiseach if he discussed the issue of climate change with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [21324/15]

5. **Deputy Micheál Martin** asked the Taoiseach if he discussed the issues of world hunger and Ireland’s record of overseas development aid with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [21325/15]

6. **Deputy Micheál Martin** asked the Taoiseach if he discussed Uganda’s record on its intolerance of homosexuality with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [21326/15]

7. **Deputy Micheál Martin** asked the Taoiseach if he discussed the actions the United Nations is taking with regard to African countries where homosexuality is illegal with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [21327/15]

8. **Deputy Gerry Adams** asked the Taoiseach if he will report on his discussions with the Secretary General of the United Nations, Mr. Ban Ki-moon, during the Secretary General’s two day visit to Ireland in May 2015; and if he will make a statement on the matter. [31701/15]

9. **Deputy Gerry Adams** asked the Taoiseach if he discussed the deployment of Irish troops in United Nations peacekeeping roles; and if he will make a statement on the matter. [31702/15]

10. **Deputy Gerry Adams** asked the Taoiseach if he discussed the resettlement of refugees in this State with the Secretary of General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [31703/15]

11. **Deputy Gerry Adams** asked the Taoiseach if he discussed the marriage equality refer-

endum result and its implications for other states where homosexuality and marriage equality are banned with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [31704/15]

12. **Deputy Joe Higgins** asked the Taoiseach if he will report on his meeting with the United Nations Secretary General, Mr. Ban Ki-moon. [31776/15]

13. **Deputy Ruth Coppinger** asked the Taoiseach if he will report on his recent meeting with the Secretary General of the United Nations, Mr. Ban Ki-moon; and if he will make a statement on the matter. [31779/15]

The Taoiseach: I propose to take Questions Nos. 3 to 13, inclusive, together.

I met with United Nations Secretary General Mr. Ban Ki-moon for a courtesy call on 26 May. Mr. Ban was in Ireland to receive the Tipperary International Peace Award. I was delighted that his visit took place in the year that we mark the 60th anniversary of Ireland's membership of the United Nations, as well as the 70th anniversary of the UN's establishment. The Secretary General and I had wide-ranging discussions in which we discussed some of the key issues facing the United Nations and the role that Ireland is playing to support UN initiatives. The Secretary General paid tribute to Ireland's commitment to the UN and he praised, in particular, our long-standing participation in UN peacekeeping operations. We spoke of Ireland's continued engagement on global hunger issues, including with the Zero Hunger initiative. I raised with the Secretary General the enhanced contribution which Ireland and Irish agribusiness could make in the field of milk processing technology to address food insecurity and malnutrition.

We discussed the role that Ireland was playing at the time of the meeting as co-facilitator of the post-2015 development agenda negotiations. As the House is aware, the product of these negotiations was the new UN sustainable development goals. These were launched at the UN sustainable development summit in New York in September 2015, the largest gathering of world leaders in the history of the United Nations. The drafting of this document, accepted by many nations, was in the main the work of Ambassador Donoghue, the Irish ambassador to the UN, together with his Kenyan counterpart, and we owe them our congratulations. Secretary General Ban and I also discussed the need for UN member states to continue to provide appropriate levels of overseas development aid. This issue was subsequently addressed at July's Addis Ababa conference on financing for development, at which Ireland was represented by the Minister of State, Deputy Sean Sherlock.

My meeting with the Secretary General took place shortly after the historic vote in the same-sex marriage referendum and we discussed the importance of supporting LGBT rights in the domestic and international context. On this point, the Secretary General and I were in agreement that prejudice and discrimination against the LGBT community must be tackled at every opportunity and that Ireland would continue to support the work of the UN Human Rights Council and other fora to combat homophobia.

On Syria, we spoke of the ongoing migration crisis and of the need to find an agreed approach at EU level to address the problem effectively. The Secretary General was complimentary of the compassionate approach that Ireland has taken towards resettling refugees. As we all know, the situation within Syria and with regard to migration has deteriorated since May, but our commitment to finding a suitable resolution and providing support to those affected by the crisis has not diminished.

With regard to climate change, the Secretary General expressed his appreciation for the position taken by the EU in the negotiations which, it is hoped, will lead to a global agreement at the forthcoming COP21 conference in Paris in December. I underlined Ireland's commitment to an ambitious and legally binding agreement. Overall, this was a very useful opportunity to engage with the Secretary General on a range of issues of mutual concern.

Deputy Micheál Martin: I thank the Taoiseach for his reply. He will agree that the UN Secretary General has rightly expressed his urgent concern regarding the escalation of events in Syria and the failure to put the interests of refugees first. When the Taoiseach met Ban Ki-moon, I am sure the fact Syria represents the largest humanitarian disaster for decades must have weighed on their minds. It is the direct result of a brutal regime which would not let its own people have even very basic freedoms. Unfortunately, some countries that see the spread of democracy as a threat have worked to prop up the regime and the situation has radicalised. As they face into the winter, the position of the refugees is desperate. We have to respond generously to those who have fled to Europe seeking safety and shelter.

It seems the scale of the response is underwhelming. Even in Ireland we are looking, at best, at 200 before the end of the year: 100 at the very beginning of the year and 100 at the end of the year, despite all the hype about thousands and so on. People much prefer more precise figures and the real story as opposed to headlines that scream out 3,000 and 4,000, when there does not appear to be any prospect of that, regardless of whether one agrees with it. There is no scheduling and no plan has been published regarding how set numbers will be achieved.

The bottom line is whether, in the Taoiseach's discussions with Ban Ki-moon, the more important issue of addressing the needs of the millions in camps in the region was raised. The failure to address these needs is one of the reasons so many people risk so much in undertaking the dangerous journey to Europe. They would not be coming to Europe if the situation were made more habitable in the camps themselves in terms of education, work, quality of life, and so on. Would the Taoiseach accept that the response supporting displaced people in and around Syria has failed and that we now need something far more ambitious from Europe in that regard? The recent decision of the European Council gives humanitarian support in the region only a fraction of the amount being spent on trying to contain the issue in Europe. Would the Taoiseach agree that is reflective of perverse priorities? The bulk of Europe's resources should go to improving the situation in the camps in order that the motivation to leave them and migrate to Europe would not be as strong as it is. Were there any discussions about the United States playing a role by taking some people from this war-torn region?

The Taoiseach knows my second question deals with the new wave of repression being directed by some countries in Africa against their lesbian and gay citizens. I refer to Uganda in particular and its intolerance of homosexuality and ask that the Taoiseach raise that issue with Ban Ki-moon. It is the nature of extreme populists that they will seek to find enemies within and try to get some moral hysteria going. The dangers faced by gay and lesbian people in many African countries have become significantly worse in recent years. Would the Taoiseach agree that the United Nations should take a lead role in combatting this discrimination and repression?

Would the Taoiseach also agree with the action of some donors in insisting that no funding can go to any organisation that supports the repression of lesbian and gay people? This is an issue we should also consider. Like many donor countries, we do put even very basic conditions pertaining to democracy and governance issues on aid and seek to bring about change for the better in this respect. This issue is one where it is legitimate and moral to leverage some-

thing from the governments in terms of their approach and particularly the repressive attitude towards the gay and lesbian community in African countries. We donate quite a significant sum of money from our Irish Aid programme to Africa, especially to Uganda, and some of the programmes are very good, especially in education. We do a hell of a lot in terms of primary school participation in Uganda. I have been there in that context. However, we cannot run parallel silos in terms of supporting those programmes while turning a blind eye to the unacceptable repression, discrimination and almost state oppression faced by the gay community in Uganda and across Africa generally.

In terms of climate change, would the Taoiseach accept that the Government is being quite tardy and lacking in ambition in respect of our contribution to the wider debate on this?

The Taoiseach: I will deal with the question of gay and lesbian rights in the first instance. An anti-homosexuality Bill was passed by the Ugandan Parliament in 2013. That Bill was signed into law by President Museveni in February 2014. The Act further criminalised homosexuality and imposed even harsher penalties. In a welcome move in August last year, the law was struck down by the Constitutional Court of Uganda as the President lacked a quorum when the Parliament passed the Bill. Uganda's President Museveni has indicated that he will not pursue new anti-homosexuality legislation as current legislation, that is, the law prior to the one that went through without a quorum, is sufficient. The Ugandan President has also acknowledged the extent to which the legislation has damaged Uganda's reputation which he sees as important for investment in the hospitality sector and so on.

Ireland, along with other donors, engaged intensively on this issue behind the scenes and at the highest level with the Ugandan Government and continues to do so. Some aid donors instituted aid cuts to the Ugandan Government when the anti-homosexuality law was enacted. As Ireland had not provided funding through the Ugandan Government since 2013, prior to the enactment of that Bill, this question did not arise in respect of funding from Ireland. Nevertheless, there continues to be discrimination against LGBTI communities in Uganda and elsewhere in the region, including reports, as Deputy Martin pointed out, of violent attacks against some people. We strongly condemn discrimination on the grounds of sexual orientation or gender identity and support the promotion and protection of the human rights of all persons, irrespective of their sexual orientation or their gender identity. We are working with the authorities and the human rights organisations in Uganda to address the safety concerns of the LGBTI community. In the context of our membership of the UN and, in particular, as a member of the UN Human Rights Council, Ireland is strongly committed to combatting discrimination on grounds of sexual orientation or gender identity, and supports the promotion and the protection of the human rights of all persons irrespective of their sexual orientation and gender identity. In fact, the Government's review of foreign policy, *The Global Island: Ireland's Foreign Policy for a Changing World*, which was published in January 2015, reaffirms our country's commitment to promoting the rights of lesbian, gay, bisexual, transgender and intersex individuals, who continue to suffer disproportionate levels of violence and face systemic discrimination in many countries. During the 2013 Irish Presidency of the Council of the European Union, we facilitated and made substantial input into the EU guidelines on LGBTI issues, which were adopted during Ireland's Presidency. We are currently participating in EU discussions on the implementation of these guidelines as part of the European Union Action Plan on Human Rights and Democracy 2015-2019. In addition, our diplomatic network has been active in its advocacy of LGBTI rights, including on issues relating to the decriminalisation of homosexuality and by supporting civil society organisations that are active in the field, many of which operate in dif-

difficult environments.

I agree with Deputy Martin; nobody could disagree. The exodus from Syria is unprecedented. Over 1 million people have been assimilated into south Lebanon, many in poor conditions. I understand the camp in Jordan is well run, but it is in the desert and a long way from anywhere. The refugees, many of whom are middle-class and educated, with their families, who were the first to leave Syria, have a sense of frustration at what is not happening for them because they see others being adopted by other countries, in some cases in considerable numbers, and this is a cause for concern. The European Council has discussed this on a number of occasions and we have received reports from the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, about the problems arising due to the reduction in the amount and quality of food given to many of the camp residents. I might say it has been brought to my attention that the camps in the Horn of Africa are simply appalling. Clearly, the news today from Ethiopia of a severe drought that may lead to serious problems next year is not encouraging.

Deputy Martin will be aware that in Turkey there are a further 2 million Syrian refugees, the vast majority of whom would like to stay in their own country if the situation were normalised. For the first time, Iran was involved in discussions. This cannot and will not be sorted until Iran, Russia, Syria and the United States are able to hammer out a solution. Otherwise, the exodus from Syria will continue. I have spoken to people who worked in Syria a number of years ago when that country was making great progress, but it is now in a desperate situation whereby Assad has been responsible for the vast majority of deaths that have occurred there. It is a really difficult situation that is taking up quite a deal of time at the European Council. The consequence of not being able to deal with it are these significant numbers of refugees moving through the Balkan countries to Austria, Germany and some of the Nordic countries. This will get much more difficult in the next two or three months with the coming of winter. In eastern Europe, winter can be exceptionally harsh and very different from what refugees from more southerly countries have been used to.

On the question of the free movement of people as a cornerstone and principle of the European Union, either one has external borders that one is able to deal with and has internal freedom of movement, or one does not. A case in point is Greece, where there are significant difficulties; this is now at last being focused upon by the European Council. Meetings held recently mean that there are negotiations and discussions with the Turkish authorities on the opening of pre-accession chapters for consideration for the European Union, and also on requests for funding to deal with the scale of the influx into Turkey and, obviously, the other problems arising from that.

I take Deputy Martin's point that organisations that do not support the rights of LGBTI persons should not be in receipt of funding from any country, and in so far as any aid from Ireland to such organisations is concerned, I will have that checked with the Minister for Foreign Affairs and Trade.

Deputy Gerry Adams: I will start with the issue of global warming and climate change. NASA recently revealed that the world's sea levels have risen by nearly 8 cm since 1992, and the UN has estimated that sea levels will rise by 1 metre or more by the end of the century. Of course, that has significant implications everywhere. In some parts of the world, it means hurricanes, cyclones and storms of greater ferocity than ever witnessed previously. When I visited Cuba recently, Ministers spoke of their concern about the problem of drought arising from

climate change, particularly in that island. Returning to our own island, under the European Commission's energy and climate package of 2008, we are required to deliver a 20% reduction in non-emissions trading scheme, non-ETS, greenhouse gas emissions by 2020 relative to the levels that existed ten years ago. This is not an ambitious target but it is crucially important. It seems we will not meet our 20% reduction target by 2020 and we will actually be lucky to achieve half of this. Strong growth in emissions from transport, agriculture and other areas are key factors. Non-compliance with the targets carries a fine of €600 million in 2021. That should be a secondary consideration. Is the Taoiseach concerned that we will not reach our target reduction, and what steps have been taken to reverse this trend?

On the issue of the UN forces, the Taoiseach will be better aware than I am that 500 Defence Forces personnel are committed to 12 different international missions, such as UNIFIL and UNDOF in Syria. Famously, we also have the 60 naval personnel on the *LE Samuel Beckett* saving thousands of lives in the Mediterranean. All of these men and women are performing their duties with distinction and they deserve our support and commendation. Has there been any additional request from the UN for Irish troops or personnel to serve in other trouble spots?

I have raised this issue with the Taoiseach on a few occasions. Has the Government resolved to the satisfaction of the naval personnel engaged in the maritime humanitarian search and rescue operation in the Mediterranean the amount paid to them for the stressful and hazardous work that they are engaged in? The Minister for Defence stated a month ago that the Naval Service personnel were not involved in an armed mission, but the fact is that they must be armed because some of those with whom they are dealing are dangerous smugglers. I am sure our hearts go out to those refugees, but they also go out to the naval personnel who have to retrieve the drowned remains of women, men and children from the sea. These personnel certainly deserve to be financially recognised for their efforts. We were told that the issue of payments was under review. Can the Taoiseach give us a progress report on this?

On the issue of refugees, we are a people who have our own memories, both folk and historical, of coffin ships, and we now watch on our television screens as refugees make the considerable trek of hundreds of kilometres across the European mainland. Every week brings a different element. Did the Taoiseach have the opportunity to talk to the UN Secretary General about any of the detail of Ireland's contribution to resolving or trying to relieve the problem with our refugee protection scheme? Will we accept the 4,000 refugees anticipated? How quickly can it proceed? The number we are to take between now and Christmas is pitifully small. Does the Taoiseach have other information on the progress of the programme, such as the numbers anticipated, when they will arrive and the provision of accommodation and services for them? Given the way we treat people in direct provision centres and the way we treat members of the Traveller community, we must be sure we are not creating more difficulties for these people when they reach our shores.

Did the Taoiseach have the opportunity to discuss the Palestinian situation? When I raised the issue with the Taoiseach last week, he did not answer me but said he would get back to me. I received a letter from the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, which was totally unsatisfactory and fudged the issue. It failed to acknowledge the expressed support of the Oireachtas for a Palestinian state. It is all about ongoing discussions and assessments. We need to show leadership. In these issues, as I have said many times here, Ireland has a certain global reputation, given our colonial past and the success of our peace process, imperfect though it may be. When we speak on these issues, we speak not least to the people in the region in a way they would understand and respect. What do Palestinian children do,

being treated as they are, if nobody outside the circle stands up for them and recognises that they have rights? The EU Foreign Affairs Council meets next Monday. It is an opportunity. I never receive a report on all the meetings the Taoiseach attends. I never receive a report on this dreadful situation. The unresolved Israeli-Palestinian issue is the main core of the destabilisation of the entire region.

Regarding the rights and entitlements of LGBT citizens, it was a major victory for humanity when, overwhelmingly, people voted in favour of marriage equality. The fact that it is being brought into law so quickly is to be commended. The Northern Ireland Assembly recently voted in support of marriage equality. Sinn Féin had moved the motion for the sixth time, this time with the support of the Social Democratic and Labour Party, SDLP. The previous five times, we did it alone. Although the Democratic Unionist Party, DUP, and other Unionist parties blocked it from becoming law, it was still a very important vote of confidence and a clear signal to LGBT citizens. As the Taoiseach noted, some 80 UN states have criminal laws against sexual activity by LGBT citizens, and in at least eight of these the death penalty can be imposed. While Russia does not have laws against homosexual acts, it has repressive laws against what it describes as homosexual propaganda. As the Taoiseach noted, there has been some success in overturning some of these laws in some states. Did the Secretary General give any indication of the work of the UN in combatting these injustices?

The Taoiseach: We referred to the Palestinian issue several times last week. At my request, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, wrote to Deputy Adams. The Government fully recognises Members' interest in the Israeli-Palestinian conflict, and has done so for many years. Our goal is to achieve statehood for Palestine in reality, not rhetorically. The Minister, Deputy Charles Flanagan, on behalf of the Government and, therefore, the people, is continuing to reflect on whether earlier recognition by Ireland would be a positive contribution to the situation and how it might affect our voice and influence on the issue. Is it the right thing to do? Is now the right time? What are the consequences? With the current wave of violence in Israel and Palestine, our immediate priority, quite rightly, must be directed towards reducing tensions and general de-escalation of this volatile situation. The Minister and his counterparts across the EU will discuss, as part of the agenda, the Middle East peace process at the Foreign Affairs Council on 16 November.

The climate change situation is more severe than the Deputy mentioned. Whoever is in government between 2020 and 2030, if the targets for 2030 are based on the 2020 targets, the fines could run to the order of €5 billion or €6 billion, which is an astronomical charge. There is a real challenge for the Government. The people will elect a new Government in the spring, and if it becomes my responsibility, we will have a real challenge between now and 2020. Our profile in terms of the agri sector is similar to only one other country, namely, New Zealand. I have always held the view that the scientific analysis that was done originally was not, perhaps, as strong as it might have been, and it will make it very difficult for this country to achieve the 2020 targets, never mind the 2030 targets. This means if we are to get any concession from Europe, another EU country will have to take up that slack. Regarding the cost of reducing carbon, we have less room for manoeuvre than others, due to our circumstances.

I referred to the issue with President Hollande the last time I was in Paris and I said we would attend and support COP21, which he will hold next month in Paris. The potential charge on the country is very severe. We have some of the best minds dealing with the sector and trying to work out how, technically and politically, we might be able to demonstrate that while we want to achieve targets we can achieve, we should not be saddled with something unachiev-

able. Most of Ireland's climate financing to developing countries, which comes to €34 million per year, is being provided through the Irish Aid programme. The resources are delivered principally for climate change adaptation in sub-Saharan African countries through our country programmes, civil society organisations and international organisations.

The Government has pursued the transition to a low-carbon agenda. Our goal is to achieve a competitive low-carbon, climate-resilient and environmentally sustainable economy by 2050. The Government's Climate Action and Low Carbon Development Bill, which is before the Seanad, will build on existing efforts to decarbonise the economy. The Bill sets out the process to achieve this transition, including the adaptation of a series of national mitigation plans. In anticipation of enactment of the legislation, work has already begun on the first such plan. A cross-departmental steering group will ensure the whole-of-Government approach to the plan and engagement across the sectors that is necessary will happen. The Climate Action and Low Carbon Development Bill places the Government's adaptation efforts on a legal statutory footing. These efforts are focused on the National Climate Change Adaptation Framework, published in 2012. To protect vulnerable communities, the Government has prioritised the introduction of a new flood risk management programme being handled by the Minister of State, Deputy Simon Harris. Annual spending on the programme, which is being handled by the Minister of State, Deputy Harris, will reach approximately €100 million by 2021. The climate Bill also provides for an independent advisory council to advise the Government on matters relevant to mitigation and adaptation. The members of the climate change advisory council, who were announced in June of this year, are due to have their second meeting at the end of November. This will enable them to make an input into the important preparatory work that is already under way. At the Paris conference, we will strongly support an ambitious, legally binding, global agreement with broad participation as a core outcome of COP21. As an EU member state, Ireland is committed to playing its part in reaching an historic agreement on supporting decisions, which should put the world on a collective pathway to limit the average global temperature increase to less than 2°C above pre-industrial levels. Ireland recognises that some of the poorest and most vulnerable countries need real assistance in responding and adjusting to climate change. We have maintained a flow of climate-related aid despite our recent economic circumstances. We deliver grants of approximately €34 million every year, mainly to countries in sub-Saharan Africa. We are actively exploring options for scaling up that mobilisation of climate finance from public and private sources. The recent passage of the climate Bill is an example of the steps we are taking in this regard.

Deputy Adams spoke about defence personnel. I do not think we have had any further requests from the UN for defence personnel. Such matters have to come before the Cabinet and the Oireachtas before they can be approved. That is the context for the conditions that are set out for participation by Irish troops. I will advise Deputy Adams further on that.

While we are not part of the protocol for the migration crisis and the asylum seekers, we have decided to opt into the protocol and agreed to accept approximately 4,000 asylum seekers and refugees under the resettlement or relocation programmes over a couple of years. This is well in excess of any sort of notional quota that might be allocated. This figure includes 520 refugees whom we have offered to resettle from existing refugee camps. Some of these people have now started to arrive in Ireland. It also includes 2,800 people under the Commission's relocation proposals. An initial tranche of 20 asylum seekers from Italy or Greece will arrive here before Christmas. The other numbers will arrive in stages after Christmas. This first tranche will include Syrian and Eritrean asylum seekers. The remaining people in that group - approxi-

mately 680 people - will be taken on a resettlement or relocation basis, with the final breakdown yet to be decided. As Deputies are aware, we have deployed Naval vessels - first, the *LE Eithne*, then the *LE Niamh* and now the *LE Samuel Beckett* - in the Mediterranean since June. It speaks for itself that 8,066 individuals had been rescued by 4 November last. Obviously, this rotation is due to be completed at the end of November. As the winter will have arrived at that stage, it is likely that a smaller number of boats will be travelling across the Mediterranean. The question of a further deployment will be considered at that stage in the context of what is actually happening in the region. I do not want to comment on the PDFORRA matter that was raised by the Deputy because it is the subject of arbitration at the moment. Perhaps it will suffice to say that the matter has not been lost sight of.

We provide financial support to other parts of the world that are affected by instability and conflict. Some €41 million will be provided by the end of 2015 to assist those who have been displaced as a result of the crisis in Syria. This is Irish Aid's largest response to a single crisis in recent years. Some €36 million has been allocated to deal with the humanitarian issue in Somalia since 2008. We have committed to and approved a doubling of our annual world food programme allocation from €10 million to €20 million for the next three years. High Representative Mogherini pointed out at a recent Council meeting that the level of food being given out for meals under the World Food Programme had been halved and that this was causing difficulties for thousands of children, in particular, who suffer from malnutrition and a lack of quality food. At the Valletta summit, which takes place this week, the Minister, Deputy Fitzgerald, will make a formal announcement of a significant contribution to the EU trust fund for Africa. The establishment of the Irish refugee protection programme and, in particular, the efforts of the interdepartmental task force, are important elements that we have to consider as well.

Deputy Micheál Martin: When the Taoiseach met Ban Ki-moon, did he ask him for his perspective on the idea of statehood for the Palestinians? We supported the motion on their right to a state at the time it came before the House. We had earlier indicated our support for the idea of a Palestinian state anyway. We regretted the fact that Sinn Féin kind of went solo on it. My understanding was that all parties had agreed to meet to see whether a collective agreement across the House could be reached, thereby enabling us to speak with one voice. While the Parliament has done that to a certain extent, the Government and the State have not recognised Palestine's statehood in UN terms. I ask the Taoiseach to facilitate a meeting between the Minister for Foreign Affairs and Trade and the respective party spokespeople on foreign affairs, or the party leaders if necessary, at which any issues the Minister may have with this can be teased out. The line "he continues to reflect" is classic diplomatic-speak. He can continue to reflect for a long time. I ask the Taoiseach to consider arranging for the foreign affairs spokespeople of all the political parties to meet the Minister. I agree that it should be more than rhetoric. If we are going to do something in this regard, it should be done in unison because there is greater strength in unity. I would appreciate it if that could be done because the construction of the settlements and the ongoing persecution and violence mean that the situation is getting more precarious and the two-state solution is becoming less viable. It is clear that a majority at the EU Foreign Affairs Council will support the stance of Israel, just as the US does. Something needs to be done to change the narrative of what is going on.

I do not think the flood risk provision of €100 million per annum by 2021, as mentioned by the Taoiseach in his reply, will be enough. I think the situation is far more grave than that. I suggest the Government needs to wake up because the rapidity of climate change is a serious issue. As we have seen, the storms that occur here have increased in ferocity and have greater

levels of rainfall. Many coastal regions, including some cities, are now very vulnerable to flooding on an ongoing basis.

Deputy Gerry Adams: For the record, Sinn Féin did not go solo. This is an Oireachtas motion. The entire Oireachtas agreed to it.

Deputy Micheál Martin: I was referring to a Private Members' motion.

Deputy Gerry Adams: The key issue is that the Government has failed to act on the determination of the Oireachtas. When I was speaking a moment ago, I informed the Taoiseach that the letter I received from the Department of Foreign Affairs and Trade at his request was entirely unsatisfactory. In his reply, the Taoiseach essentially read out the content of that letter. We want to see the Government recognising the state of Palestine. It is quite right that we recognise the State of Israel. I support that position and I believe in a two-state settlement. Why is this country recognising one state but not the other state? The notion that it should have to wait until there is a settlement has been presented. No settlement will be reached unless progressive states in the international sense, including this State, raise their voices. Who else is going to do it?

The Taoiseach: I saw the Palestinian flag flying at the United Nations on the day of the climate change discussions. Obviously, that was remarked upon by a number of people. The point I am making in response to the suggestion that we should follow through with it now is that we need to be conscious of the fragility and uncertainty that exists at present as a result of the violence in Jerusalem, etc. I will certainly be happy to ask the Minister for Foreign Affairs and Trade and the Minister of State, Deputy Sherlock, to sit down with the Opposition spokespersons on foreign affairs to discuss this matter. I was invited to go to Israel and Palestine when I met the Israeli people at the UN. They were sitting across the aisle from the Irish delegation because the seating arrangement was decided on using alphabetical order. I raised this issue in conversation with them.

I assure Deputy Martin that we have set out the flood relief plan for the period ahead as best we can. Clearly there are problems in his own city of Cork and in Galway, as well as a number of other places around the country that have been very severely damaged both by storms in the Atlantic and on the Irish Sea and because of rising tides and exceptional levels of water in rivers and lakes.

We will have a mid-term review of the capital programme, which sets out the spending of over €20 billion between now and 2021. The flood relief programme is being driven by the Minister of State at the Department of Finance, Deputy Harris. Obviously some of the works involved are pretty major and will take a while to put in place, in terms of planning, laying foundations, engineering works and so forth. One would like to think that we would have more but between now and 2021, quite a substantial amount of money will be spent, reaching €100 million by 2021. We could look at that question as part of the mid-term review of the capital programme. There may be some items of planned infrastructure that cannot go ahead because of court decisions or planning objections. If the economy continues to improve, which I hope it will, and we arrive at a balanced budgetary position from 2019 onwards, there will be more money available for whatever Government the people elect to deal with many of the social and infrastructural challenges that we have. We could certainly look at it in the context of a mid-term review.

Taoiseach's Meetings and Engagements

14. **Deputy Micheál Martin** asked the Taoiseach if he had bilateral meetings around the meeting between the European Union and the Community of Latin American and Caribbean States held on 10 June 2015; and if he will make a statement on the matter. [24525/15]

15. **Deputy Gerry Adams** asked the Taoiseach if he will report on the European Union and the Community of Latin American and Caribbean States summit that he attended in June 2015; and if he will make a statement on the matter. [31692/15]

16. **Deputy Gerry Adams** asked the Taoiseach if he will report on his conversations with European Union leaders at the European Union and the Community of Latin American and Caribbean States summit in June 2015; and if he will make a statement on the matter. [31693/15]

17. **Deputy Gerry Adams** asked the Taoiseach if he will report on bilateral meetings he held while attending the European Union, Community of Latin American and Caribbean States summit in June 2015; and if he will make a statement on the matter. [31694/15]

18. **Deputy Gerry Adams** asked the Taoiseach if he spoke to the British Prime Minister, Mr. David Cameron, at the European Union and the Community of Latin American and Caribbean States summit in June 2015; and if he will make a statement on the matter. [31695/15]

The Taoiseach: I propose to take Questions Nos. 14 to 18, inclusive, together.

The EU and the Community of Latin American and Caribbean States, CELAC, summit of heads of State and Government which took place in Brussels on 10 and 11 June on the theme, “shaping our common future: working for prosperous, cohesive and sustainable societies for our citizens” was the eighth bi-regional meeting between the EU and the 33 countries of the Latin American and Caribbean region since the partnership was founded 16 years ago. It was also the second summit with the recently established CELAC as the EU’s counterpart. The summit was chaired jointly by European Council President Tusk and by President Correa of Ecuador, which currently holds the presidency of CELAC.

The format of the summit involved two working group sessions and a discussion session. I attended both working group sessions and spoke on the theme of re-invigorating the bi-regional partnership. The Minister of State at the Department of Foreign Affairs and Trade, Deputy Dara Murphy, attended the less formal discussion session on 11 June on my behalf. In my intervention I supported closer ties between the EU and CELAC and raised the key global challenges of development and climate change, our priorities with regard to human rights, disarmament and conflict resolution as well as the importance of 2015 for global co-operation. I noted the historic opportunity this year provides for global consensus on many of the key challenges we face, particularly the UN’s post-2015 development agenda, where Ireland was one of the UN co-facilitators for the final negotiations, and efforts to tackle climate change.

The main outcome documents of the summit were the political declaration, entitled A Partnership for the Next Generation, and an action plan which I am circulating with my reply. The focus of the action plan is on areas including science, research, innovation and technology, sustainable development, environment, climate change, energy, regional integration and education to promote social inclusion and cohesion.

On the margins of the summit I had three bilateral meetings with the Presidents of Chile,

Colombia and Mexico. In my meeting with President Bachelet Jeria of Chile, I expressed my congratulations on the Start-up Chile programme and my appreciation that Irish entrepreneurs have had the opportunity to participate in the programme. I also extended an invitation to the President to visit Ireland. During my conversation with President Juan Manuel Santos of Colombia, I noted Ireland's support for the peace process in Colombia, the efforts of the Colombian Government to promote human rights and Ireland's recent ratification of the EU, Colombia, Peru Free Trade Agreement as well as an interest in growing our relations with Colombia. I also noted that the Vice-Minister for Foreign Affairs of Colombia, Ms Patti Londoño, was due to visit Ireland on 17 and 18 June 2015. She subsequently did so and met with the Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan. I would like to take the opportunity to welcome warmly the appointment of the former Tánaiste, Deputy Eamon Gilmore, to the role of EU Special Envoy for the peace process in Colombia. I wish Deputy Gilmore every success in the important task of spearheading the EU's support for Colombia's efforts to build a lasting peace for the benefit of all its people.

I also met with President Peña Nieto of Mexico and discussed trade issues between Ireland and Mexico with him as well as the EU-Mexico Global Agreement. I reiterated an invitation extended by President Michael D. Higgins in Mexico in 2013 to the President to visit Ireland.

I meet regularly with my European counterparts and while we met informally at this summit, I did not have substantive meetings with them. I met most recently with Prime Minister Cameron yesterday in London.

Deputy Micheál Martin: I thank the Taoiseach for his reply. I welcome the aforementioned action plan and the issues it addresses, including sustainable development, climate change, trade and various other matters. Obviously the Taoiseach did not meet the President of Bolivia at the summit or discuss the ongoing issue of the very unsatisfactory follow through by the Bolivian Government on the execution or murder of Michael Dwyer from County Tipperary a number of years ago. I know the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, recently met the Bolivian President and has been involved with the case. There is now a commitment, as I understand it, to an international, independent investigation. At the time of that execution there was much written in the media which was unfair to Michael Dwyer and his family. His mother has fought a very courageous campaign over quite a number of years. Did the Taoiseach have any contact with the Bolivian Government on this issue? The obfuscation and the stonewalling nature of its response over the years is extremely unsatisfactory. The prosecution case never really hung together and has now fallen apart completely. Essentially Mr. Dwyer was executed in a hotel bedroom by Government forces which raises issues for us, diplomatically, in terms of our relationship with the Bolivian Government, at least until the issue is resolved to some degree. When I say resolved, I mean that some level of disclosure and honesty is required of the Bolivian Government in the context of what happened.

I ask the Taoiseach to indicate if he had any briefings on the Cuban situation, particularly the moves by President Obama to change the relationship between the United States and Cuba, and whether that has been reflected on the EU front, in terms of changing the paradigm. I believe I was the first Minister for Foreign Affairs to visit Cuba some years ago, following prompting by the Spanish Foreign Affairs Minister at the time-----

An Ceann Comhairle: I ask Deputy Martin to give way to Deputy Adams.

Deputy Micheál Martin: I am interested to know if the Taoiseach had any briefings or

heard any commentary about how both Europe and the Caribbean and Latin American States see the evolution of Cuba in the short to medium term.

Finally, were there any functions involving Enterprise Ireland in the context of Latin America, including Brazil and Mexico? Some years ago Enterprise Ireland identified Latin America as a potential market for the penetration of Irish goods and services. It has not been, from what I can gather, as effective as we might have thought. I would like the Taoiseach to provide any updates he may have received during his visit and to outline his thoughts on that matter.

Deputy Gerry Adams: I was reminded during my recent visit to Cuba of the enormous historical links that exist between Ireland and Latin America. Apart from anything else, there are half a million or more citizens in that part of the world who claim Irish descent. There has been a huge change in the politics of that region. I commend Presidents Obama and Castro for the new accord which has developed and for the courage they have shown in terms of the initiatives to normalise the relationship between their two countries. However, I think we can play a more positive role because while the US President has used some executive powers to remove some aspects of the blockade, it still remains in place.

5 o'clock

Ireland could play a very positive role in encouraging a complete end to the blockade.

Trade between the State and Latin America is worth €3 billion annually. I am convinced trade between the entire island and Latin America could be improved if we were imaginative about it. I met some of the negotiators involved in the Colombian peace process. I very much welcome the positive role certain countries - Norway and, in particular, Cuba - have played in that peace process. The Cuban President, Raúl Castro, hosted a press conference at which the Colombian President and the leader of the FARC rebel group shook hands, which was a remarkable breakthrough. A timeframe of six months has been set for achieving a final agreement.

I also welcome the appointment of Deputy Eamon Gilmore as the European Union's envoy for the peace process in Colombia and I wish him well in that role. Sinn Féin is committed to providing whatever support and help it can to anyone in the region. Given our background, the Government can play a role in this regard. However, we must ensure bilateralism prevails in the Colombian peace process. It must not only be about ending war. While ending the war is crucially important, we have to build democracy and peace and this must be based on people's rights. A bilateral cessation would be very helpful in Colombia because a unilateral cessation by one side is in place at the moment.

An Ceann Comhairle: I have to interrupt the Deputy because his time has concluded.

Deputy Gerry Adams: I will finish on the following point. I support the Dwyer family in their call for a fully independent international inquiry into the state killing of Michael Dwyer. Having watched a television programme about the case recently, I hope the Government will give the family as much support as possible.

The Taoiseach: I am glad Deputy Adams welcomed the action plan. In respect of the Dwyer case, I briefed President Michael D. Higgins recently on the legislative programme and so on and an tUachtarán undertook to raise the matter directly with President Morales of Bolivia during his visit to this country. I am sure we will receive a report on the matter.

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In regard to Mexico, the country is the focus of much more intense interest from Ireland. In recent years, we sent senior Ministers to Mexico to attend engagements during St. Patrick's week. The Minister for Health, Deputy Varadkar, visited the country last year, the Minister for Public Expenditure and Reform, Deputy Howlin, visited in the past fortnight and other Ministers have visited previously. We should, at an appropriate time, send a serious trade mission to Mexico, a country where much activity is taking place.

On 27 October 2014, Ireland voted at the United Nations General Assembly to lift the embargo against Cuba. We welcome the decision by President Obama and President Castro to restore diplomatic relations. This holds the potential for serious economic development and opportunities for people in Cuba and many other countries.

I will leave it at that as we have run out of time.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 14, motion re referral to joint committee of proposed approval by Dáil Éireann of the Horse and Greyhound Racing Fund Regulations 2015; No. 15, Social Welfare Bill 2015 – motion to instruct the committee; No. 16, motion re proposed approval by Dáil Éireann of the terms of the Intergovernmental Agreement on the Transfer and Mutualisation of Contributions to the Single Resolution Fund - back from committee; No. 45, Finance (Miscellaneous Provisions) Bill 2015 - Order for Report, Report and Final Stages; and No. 9, Horse Racing Ireland Bill 2015 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that, in the event that a division is in progress at the time fixed for taking Private Members' business, the Dáil shall sit later than 9 p.m. tonight and adjourn on the adjournment of Private Members' business, which shall be No. 216, motion re Health Service Executive emergency departments and shall, if not previously concluded, adjourn after 90 minutes; Nos. 14 and 15 shall be decided without debate; the proceedings on No. 16 shall, if not previously concluded, be brought to a conclusion after 20 minutes and the following arrangement shall apply - the speech of a Minister or Minister of State and of the main spokespersons for the Fianna Fáil Party, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed five minutes in each case; and that, pursuant to Standing Order 82(3), the Dáil shall waive its instruction that not more than two select committees shall meet to consider a Bill on any given day in the case of the proposed meeting of the Select Sub-Committee on Environment, Community and Local Government to consider the Dublin Docklands Development Authority (Dissolution) Bill 2015 on Wednesday, 11 November 2015.

Tomorrow's business after Oral Questions shall be No. 45, Finance (Miscellaneous Provisions) Bill 2015 - Report and Final Stages (resumed); No. 9, Horse Racing Ireland Bill 2015 - Second Stage (resumed); and No. 46, Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 - Order for Report, Report and Final Stages.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 14, motion re referral to joint committee of proposed approval by Dáil Éireann of the Horse and

Greyhound Racing Fund Regulations 2015, and No. 15, Social Welfare Bill 2015, motion to instruct committee, without debate, agreed to? Agreed. Is the proposal for dealing with No. 16, motion re proposed approval by Dáil Éireann of the terms of the Intergovernmental Agreement on the Transfer and Mutualisation of Contributions to the Single Resolution Fund, agreed to? Agreed. Is the proposal to allow three Bills in committee on Wednesday, 11 November 2015 agreed to? Agreed.

Deputy Micheál Martin: The Taoiseach indicated earlier that there would be a debate in the House when Mr. Justice Brian Cregan submits to the Government his interim report on the issues that have arisen. Will the Taoiseach confirm that time will be provided to hold a debate on the report? If I picked up the Taoiseach's words correctly, he indicated a debate would be held when Mr. Justice Cregan reports.

The Taoiseach: Yes.

Deputy Micheál Martin: Specifically, will the Taoiseach get the Department of Finance to clarify or the Minister of Finance to issue a statement on the reason the Department of Finance is not waiving its rights regarding the release of documents it has sent to the inquiry? The Taoiseach confirmed earlier that this was the position. This is a significant issue. It is extraordinary that a Department would retain its rights in this matter. It should co-operate 100% with the inquiry, which would mean waiving its rights with regard to the release of documents, including allowing the commission of inquiry to do so.

Earlier this year, the Minister for Health, Deputy Varadkar, promised legislation to establish a hospital trust, namely, the children's hospital trust, on a statutory basis before the end of the year. The Minister made a significant statement last week regarding proposed legislation on such trusts when he indicated they that they should behave like commercial semi-State bodies. He also stated that trusts which do not perform should be sent out to tender or their management transferred to a private provider for a certain period, which essentially amounts to the privatisation of public hospitals. Will the Taoiseach indicate when the Bill providing for a children's hospital trust will be brought before the Dáil? In light of the statement made by the Minister last week, will the Bill provide for a significantly different type of trust for the national children's hospital from the one we were promised?

Will the Taoiseach facilitate a debate on the €600 million Supplementary Estimate for health? As we approach 2016, many acute hospitals have significant deficits and overruns. These hospitals are unclear as to whether portions of the €600 million will be allocated to them to eradicate their deficits entirely. Many have significant issues in terms of trolley count, accident and emergency overcrowding, tensions and stress on staff, waiting lists and so forth. A little more transparency than that provided to date is required on the €600 million Supplementary Estimate and how it will be allocated.

An Ceann Comhairle: That is not a matter for the Order of Business.

Deputy Micheál Martin: I am asking about the Supplementary Estimate for health and requesting a debate on same.

When can we expect the landlord and tenant reform Bill, and will it deal with the abolition of development levies for homes sold for under €300,000? Finally, the Garda Síochána compensation (malicious injuries) Bill has been on the legislative programme for quite some time. Given the horrific attack on another garda this morning, can the Taoiseach confirm when the

Bill will be brought before the House?

The Taoiseach: The Bill on malicious injuries is due early next year. The landlord and tenant reform Bill is due for later next year after the-----

Deputy Micheál Martin: After the election.

The Taoiseach: It will be after the Garda Síochána compensation (malicious injuries) Bill.

Deputy Michael Healy-Rae: When is the election?

An Ceann Comhairle: Stay quiet.

Deputy Billy Kelleher: Ask the Tánaiste.

The Taoiseach: Obviously, I will advise the Whip in respect of Deputy Martin's request for a discussion of the Supplementary Estimates. I do not have a date for the-----

Deputy Michael Healy-Rae: Election.

The Taoiseach: -----hospital trusts Bill. I do not think it will make it in this session.

Deputy Micheál Martin: We were promised it would.

The Taoiseach: I would be happy to have a debate in the House on the report of Mr. Justice Cregan when it comes to me. When it comes, I will have to ask him for permission to publish it. Obviously, we can have a debate in the House about the best way to proceed.

Deputy Micheál Martin: What about the statement from the Department of Finance?

The Taoiseach: The Department of Finance has already sent all the material without redaction. The legal advice it has is that any matter of confidentiality is a matter for the commission to overrule in the public interest.

Deputy Micheál Martin: Why would the Department of Finance be hiding anything?

The Taoiseach: Obviously, there are reasons for that. In this case, the judge has pointed out his difficulty.

Deputy Micheál Martin: Why would the Department of Finance be hiding documents?

The Taoiseach: It is not hiding any document.

Deputy Micheál Martin: It is. It is asserting the right to withhold documents from third parties.

Deputy Gerry Adams: The promised legislation on bankruptcy proposes to reduce the length of bankruptcy from three years to one year. It was handed over to the Joint Committee on Justice, Defence and Equality, which reported to the Minister at the beginning of July after unanimously agreeing that it should be reduced to one year. That is the last we have heard of it. It is still sitting on the Minister's desk. Will the legislation be presented to the Dáil and, if so, when? Will it be before the general election?

Tá tamall fada ann ó chuir mé an cheist faoi Acht na dTeangacha Oifigiúla don chéad uair.

Cathain a fhoilseofar an tAcht seo? Tá pobal na Gaeilge ag fanacht air le fada agus tá siad tuirseach leis na geallúintí atá briste ag an Rialtas. Níl go leor ama fágtha ag an Rialtas. Tá sé ar a last legs, mar a deirtear. An bhfuil dóthain ama ann an Bille a chur os comhair an Tí agus a chur i bhfeidhm roimh an earrach?

The Taoiseach: Tá sé i gceist go dtabharfar an Bille sin isteach le linn an tseisiúin seo. Tá súil agam go bhfuil neart ama ann le haghaidh díospóireachta faoi.

Deputy Gerry Adams: Roimh aimsir na Nollag.

The Taoiseach: Sea. Tá súil agam go dtarlóidh sé sin agus beidh cead ag an Teachta Adams labhairt faoi cibé atá ar a aigne aige.

On the bankruptcy Bill, the joint committee has sent a report to the Minister for Justice and Equality and she is considering it. I expect the legislation will come before the Cabinet in the next couple of weeks with a request to publish it. It has been mentioned on a few occasions. I think Deputy Adams might have stolen someone's thunder on it today. In any event, he is first out of the blocks.

Deputy Paul Kehoe: Deputy Mathews looks amazed. Did he get a text from Deputy Adams?

Deputy Anthony Lawlor: I refer to the energy Bill and the reply by the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, to my question last Thursday. He asked me to ask the Taoiseach when we can expect the Bill and the wind energy guidelines to come before Government. I note that 7,500 people have been waiting for those since they made submissions in early 2014.

The Taoiseach: I cannot give Deputy Lawlor an answer to the question. There are two contradictory issues here. The Minister for Communications, Energy and Natural Resources and the Minister for the Environment, Community and Local Government and their respective Departments are working pretty hard to come to a conclusion on it. I cannot give the Deputy a date for the publication of the guidelines. However, I confirm that the matter has been the subject of discussion at a number of meetings I have chaired. I will advise the Deputy as to where they are or if there is the prospect of a date by which guidelines can be published.

Deputy Barry Cowen: In light of the announcement by the Minister for the Environment, Community and Local Government today of proposals on rent and the housing sector, will existing legislation be amended to give effect to some of those proposals? If so, when will they be before the House? Will adequate time be provided for debate and for recommendations and proposals to emanate from this side of the House?

The Taoiseach: It is intended that these will be implemented as quickly as possible. The Minister set out a series of amendments which it is expected will be dealt with, hopefully, this month. We will see through the Whips that adequate time is made available for discussion.

Deputy Peadar Tóibín: The Construction Contracts Act was introduced in the Oireachtas 1,800 days ago but it is still not functioning. It was introduced in an effort to ensure that subcontractors were not stuffed by those higher up the food chain. The chair of the organisation was selected last July but we still do not have a board of adjudicators in place to provide this badly needed service. Can the Taoiseach tell us when that will be in place?

It is five months since we had the cynical and strategic use of company law to defraud the workers of Clerys and to stuff the State for statutory redundancy. Where is the Government with regard to legislation on this? Finally, I add my voice to the calls on the one-year bankruptcy Bill.

The Taoiseach: I have answered the last matter in respect of the Minister for Justice and Equality coming before Government shortly. I will advise Deputy Tóibín in respect of legislation arising from the Clerys issue. The Construction Contracts Act was enacted in 2013. Perhaps the Oireachtas committee dealing with it might have an analysis of the performance to date. I can advise the Deputy of the progress on the board of adjudicators.

Deputy Ray Butler: When is publication of the family leave Bill, which will consolidate all family leave legislation with amendments, expected? When can we expect a reformed domestic violence Bill to consolidate previous versions of the Domestic Violence Act and include additional provisions to protect victims of domestic violence?

The Taoiseach: The family leave Bill is due early next year. The heads of the domestic violence Bill were cleared in July and work is proceeding on it.

Deputy Noel Grealish: With waiting lists spiralling out of control at University Hospital Galway, where more than 10,000 people are on lists awaiting inpatient and outpatient services, I do not know how the Government's penalisation of the hospital to a total of €1.2 million will solve the problem.

An Ceann Comhairle: No speeches. Please ask about legislation.

Deputy Noel Grealish: Can the Taoiseach tell the House when the health reform Bill will come before the House? Will the Bill address these issues?

The Taoiseach: I cannot give the Deputy an exact date for it, but I am glad to see that a major unit is being built at University Hospital Galway, which I visited recently.

Deputy Micheál Martin: There is no date for it.

Deputy Peter Mathews: I always like to avoid doubt, which is why I ask the Taoiseach again about the one-year bankruptcy Bill. It is urgent and an imperative to stop the ridiculous and unnecessary pain suffered by too many business people when they are already financially dead. It is an imperative. The Taoiseach should just tell the Minister to wheel it out. Deputy Penrose told me it was ready to go. The others have forgotten about it.

An Ceann Comhairle: No speeches. I thank the Deputy.

The Taoiseach: I saw Deputy Mathews's call to arms on this matter, a Cheann Comhairle.

Deputy Peter Mathews: It is an invitation.

Deputy Noel Grealish: He had to ask a lot of people.

(Interruptions).

The Taoiseach: The Minister for Justice and Equality will report to the Cabinet very shortly when she has analysed the report from the Oireachtas committee that she received on this matter.

An Ceann Comhairle: I call Deputy Durkan.

Deputy Paul Kehoe: Come on, lads. Will you help him? Micheál, will you not help him? You said you would.

Deputy Peter Mathews: Help the people, not me. It is the people we serve.

An Ceann Comhairle: Please. I have called Deputy Durkan. We are way behind time as it is.

Deputy Bernard J. Durkan: The Aarhus Convention Bill, No. 79, has been promised for some time. It is to provide for a number of EU directives, which will have implications for some of the other legislation that has been referenced. The criminal justice (community sanctions) Bill is to provide a modern statement of the law governing community sanctions and the role of the Probation Service in the criminal justice system. No. 96 on the list is the health (transport support) Bill for children with special needs who cannot access public transport. When are these Bills likely to be before the House? Will it be by the end of this session or in the next session?

The Taoiseach: Those three are scheduled for next session.

Deputy Bernard J. Durkan: I thank the Taoiseach.

Deputy Michael Healy-Rae: I am answering Deputy Mathews's call to arms and wish to support him in his statement.

An Ceann Comhairle: Good, but what is Deputy Healy-Rae on about?

Deputy Michael Healy-Rae: I am on about-----

Deputy Paul Kehoe: He is going to light the Christmas tree.

Deputy Michael Healy-Rae: -----the bankruptcy legislation.

An Ceann Comhairle: We have already dealt with it.

Deputy Michael Healy-Rae: No.

Deputy Peter Mathews: And we will keep dealing with it. That is the point.

An Ceann Comhairle: On the Order of Business.

Deputy Peter Mathews: We will keep dealing with it until it is addressed.

Deputy Michael Healy-Rae: I will raise two issues.

An Ceann Comhairle: We have dealt with it on the Order of Business.

Deputy Micheál Martin: The Taoiseach has not dealt with it.

Deputy Paul Kehoe: Gerry, let us take the Christmas tree.

Deputy Michael Healy-Rae: That is one issue, and the second-----

An Ceann Comhairle: Come on, will you?

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Deputy Michael Healy-Rae: Yes.

Deputy Peter Mathews: Debating, debating, debating.

An Ceann Comhairle: Will Deputies stay quiet, please?

Deputy Peter Mathews: Deal with it. Do it.

An Ceann Comhairle: Will Deputy Mathews please stay quiet? He got his turn.

Deputy Michael Healy-Rae: The second issue relates to the tenant purchase scheme, which I have raised with the Taoiseach many times. Will he ask the Minister for the Environment, Community and Local Government to wake up-----

An Ceann Comhairle: This is the tenant purchase scheme.

Deputy Michael Healy-Rae: -----and introduce a scheme-----

Deputy John Browne: When will the Government build houses?

Deputy Michael Healy-Rae: -----as quickly as possible so that local authority tenants-----

An Ceann Comhairle: An environmental question is needed.

Deputy Michael Healy-Rae: -----can purchase their homes? The Taoiseach has promised me many times that he will deal with this issue.

An Ceann Comhairle: I thank the Deputy. He has made his point.

Deputy John Browne: Disgraceful.

An Ceann Comhairle: I call Deputy Joan Collins.

The Taoiseach: No, I will have to advise Deputy Healy-Rae on the second one there, a Ceann Comhairle: the tenant purchase scheme. I will let the Deputy know.

Deputy Michael Healy-Rae: I thank the Taoiseach.

Deputy Joan Collins: The sneering on the opposite side of the House about the one-year bankruptcy Bill is really low. It is an important issue. The Taoiseach stated that it had gone to the Minister for Justice and Equality-----

An Ceann Comhairle: Thank you, but-----

Deputy Joan Collins: -----but is there the urgency to introduce this legislation before Christmas to address the issues that people are facing? It is important that we get a commitment from the Taoiseach today.

I raised the matter of the public health (alcohol) Bill a couple of weeks ago. The national drugs and alcohol task force is keen to see it pass. Will the Government introduce it before the general election?

The Taoiseach: The public health (alcohol) Bill dealing with minimum pricing and labelling is this session. It is coincidental that the Deputy should raise the bankruptcy Bill. The Minister for Justice and Equality will come before Cabinet in the next couple of weeks with a

response to the Oireachtas committee on its view on the legislation.

Deputy Joan Collins: Will the Government commit to introducing it before Christmas?

The Taoiseach: Yes, hopefully we will have it published.

Deputy Peter Fitzpatrick: Noise nuisance caused by neighbours makes up the majority of noise complaints, be they private or local authority tenants or home owners. We need to extend and improve the powers available-----

An Ceann Comhairle: Deputy, please get to the legislation.

Deputy Peter Fitzpatrick: -----to enforcement authorities to prevent, reduce or abate noise nuisance by allowing fixed payments and providing mediation between neighbours.

An Ceann Comhairle: Will the Deputy listen to me? What legislation is he talking about?

Deputy Peter Fitzpatrick: The noise nuisance Bill.

Deputy Tom Hayes: It is badly needed in this House.

An Ceann Comhairle: We eventually got there.

(Interruptions).

The Taoiseach: That will be towards the end of the next session.

Deputy Billy Kelleher: I wish to raise two issues. I support the call for a debate on Deputy Penrose's Bill.

Deputy Peter Mathews: Hear, hear.

Deputy Billy Kelleher: It is important that it be debated on the floor of the Dáil in view of the fact that it was accepted-----

An Ceann Comhairle: We have been through all of this.

Deputy Billy Kelleher: -----by the House. It is up to the Government to move this issue forward. We are not talking about the Minister for Justice and Equality's Bill, but-----

An Ceann Comhairle: Deputy, please.

Deputy Billy Kelleher: -----about a Bill that has already been agreed on Second Stage.

Deputy Micheál Martin: The Deputy is asking a question.

An Ceann Comhairle: Correct.

Deputy Billy Kelleher: Could we have that debate in the near future? It is a matter of urgency.

An Ceann Comhairle: What Bill is the Deputy on about?

Deputy Billy Kelleher: Universal health insurance is a commitment in the programme for Government. When will we see the finer detail of that commitment? When will a Bill be

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published? Can we have that debate well in advance of the election, given the fact that there seems to have been a great deal of undermining of the proposal by some Ministers? Could we have that Bill or the details of what the Government is proposing in advance of the election? The Irish people would like to know that the Government is proposing to hike up private health insurance costs by dramatic sums.

The Taoiseach: No, the House will not have the Bill before the next election.

Deputy Billy Kelleher: For God's sake.

The Taoiseach: I can advise the Deputy of the progress made towards universal health insurance-----

Deputy John Browne: Tell people after the election.

The Taoiseach: -----as I have referred to it on many occasions previously. Regarding the bankruptcy Bill arising from a text the Deputy might have received, the Minister for Justice and Equality will come before the-----

Deputy Barry Cowen: No. It is Deputy Penrose's Bill.

Deputy Peter Mathews: The Taoiseach has got it wrong.

Deputy Finian McGrath: How does the Taoiseach know about the texts?

Deputy Barry Cowen: We are discussing Deputy Penrose's Bill, not a text.

The Taoiseach: -----Cabinet in the next couple of weeks, a Cheann Comhairle.

Deputy Tom Hayes: We will give the Deputies a copy of the text if they would like.

An Ceann Comhairle: I call Deputy Finian McGrath.

Deputy Peter Mathews: Go for it, Deputy.

Deputy Paul Kehoe: Fair play to Deputy Kelleher. He has-----

An Ceann Comhairle: Is your name "McGrath"?

Deputy Billy Kelleher: It is a modern form of communication.

Deputy Peter Mathews: This is great. We have got minds engaged.

Deputy Barry Cowen: We are referring to Deputy Penrose's legislation.

Deputy Paul Kehoe: Deputy Mathews has influence over the Deputies opposite.

Deputy Billy Kelleher: The Taoiseach texted Deputy Mathews a few times himself.

An Ceann Comhairle: I am sorry, but will the Deputies allow Deputy Finian McGrath-----

(Interruptions).

Deputy Finian McGrath: I would like to support my colleague, Deputy Mathews, on the important bankruptcy legislation.

An Ceann Comhairle: The Deputy is not on about that as well, is he?

Deputy Paul Kehoe: He should draw his breath.

Deputy Finian McGrath: It is an important issue. When will the Taoiseach roll the Bill out and is it shovel ready?

(Interruptions).

An Ceann Comhairle: That has already been addressed.

Deputy Jerry Buttimer: I am sure that the Ceann Comhairle will indulge me for one second.

An Ceann Comhairle: No, I will not. This is purely on legislation.

Deputy Finian McGrath: Put him out.

Deputy Bernard J. Durkan: Do not turn him down.

Deputy Jerry Buttimer: On an historic day, I just want to say-----

An Ceann Comhairle: I know that it is historic, but this is the Order of Business. Will the Deputy stick to it?

Deputy Jerry Buttimer: Yes, I am on the Order of Business. I am sure that even the Ceann Comhairle, as the Chair of the Dáil, will join me in commending the signing of the commencement order of the marriage equality Act at Dublin Castle today.

Deputies: Hear, hear.

Deputy Jerry Buttimer: It is an historic day and I know that the Ceann Comhairle will indulge me in thanking every Deputy who made that signing possible.

An Ceann Comhairle: Okay.

Deputy Jerry Buttimer: Like Deputy Fitzpatrick, I wish to refer to the noise nuisance Bill. We have-----

An Ceann Comhairle: Hold on one second. Resume your seat. It has been addressed.

Deputy Micheál Martin: There is no need to do that now. Deputy Buttimer should not be so self-deprecating.

(Interruptions).

An Ceann Comhairle: We are way behind time.

Deputy Jerry Buttimer: If I may-----

An Ceann Comhairle: No, you may not. I call Deputy Martin Ferris.

A Deputy: This is outrageous.

Deputy Micheál Martin: Deputy Buttimer is the personification.

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An Ceann Comhairle: It is not outrageous. We have dealt with that matter.

Deputy John Browne: When Deputy Buttimer was on this side of the House, he was not so quick to sit down.

Deputy Jerry Buttimer: Was the Deputy about last night?

An Ceann Comhairle: Where is Deputy Martin Ferris?

Deputy Martin Ferris: I am here.

An Ceann Comhairle: There you are. Come on. Let us have you.

Deputy Martin Ferris: I thank the Ceann Comhairle. The Taoiseach is aware of this morning's Health Information and Quality Authority, HIQA, report regarding Kerry General Hospital, the terrible state of its operating theatre and health and safety concerns for those undergoing operations-----

An Ceann Comhairle: What legislation is this?

Deputy Martin Ferris: -----as well as other patients and visitors. Will the Taoiseach call in the Minister for Health and make funding available so that-----

An Ceann Comhairle: No. Hold on one second.

Deputy Martin Ferris: -----an adequate health service can be available in Kerry General Hospital?

An Ceann Comhairle: The Deputy is abusing the Order of Business. I call Deputy McLoughlin.

The Taoiseach: Private Members' business this evening will debate emergency departments in hospitals.

Deputy Martin Ferris: Okay.

Deputy Tony McLoughlin: When can we expect the higher education reform Bill to be before the House?

The Taoiseach: I think that is going to be next year at this stage, Deputy McLoughlin.

Deputy Eamonn Maloney: I wish to refer to two Bills. First, my understanding is that the Legal Services Regulation Bill 2011 will not be taken in the House prior to Christmas. Will the Taoiseach assure me that, post Christmas, we will debate it? Second, I lend my support to Deputy Penrose's one-year bankruptcy Bill, which was referred to the Taoiseach.

The Taoiseach: Yes, we have had discussions on the legal services Bill. This is probably the most radical shift in the legal service in 200 years. I hope they can get it through before Christmas. Now, it is going to be very challenging, believe me Deputy Maloney. I cannot confirm one way or the other because it seems to me as if, repeatedly, there are new obstacles that arise each time one takes a step here. It is quite complicated.

I have referred to the bankruptcy Bill already.

Horse and Greyhound Racing Fund Regulations 2015: Referral to Joint Committee

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

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

Horse and Greyhound Racing Fund Regulations 2015,

copies of which has been laid in draft form before Dáil Éireann on 28 October 2015, be referred to the Joint Committee on Agriculture, Food and the Marine, in accordance with Standing Order 82A(4)(j), which, not later than 24 November 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Social Welfare Bill 2015: Instruction to Committee

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

That, pursuant to Standing Order 131(2), it be an instruction to the Select Sub-Committee on Social Protection that, in its consideration of the Social Welfare Bill 2015, it has power to make provisions to amend and extend the Pensions Act 1990 to provide for the appointment, as Pensions Ombudsman, of the person who also holds the office of Financial Services Ombudsman and to change the title of the Bill to take account of these provisions.

Question put and agreed to.

Finance Bill 2015: Referral to Select Committee

An Ceann Comhairle: When Second Stage concluded last Thursday, the order referring the Bill to committee was not made.

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

That the Bill be referred to the Select Sub-Committee on Finance pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Topical Issue Debate

Sports Facilities Provision

Deputy Jerry Buttimer: I thank the Ceann Comhairle for allowing me to raise this matter on a very emotional and significant day. All politics is local; that is why I am here. On the day

we signed the commencement order of the marriage equality Act, I raise the issue of the need for clarity to be provided on the funding for the redevelopment of Páirc Uí Chaoimh in Cork.

The Government has a very proud and strong record on supporting large, important and necessary infrastructure projects in Cork. Deputy Varadkar, the predecessor of the current Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, ensured that, with a limited budget, projects on the south side of the city were funded. The current Minister has announced funding for the Dunkettle interchange and the Cork–Ringaskiddy road under the capital programme. Funding of €10 million has been included for the event centre and funding has been made available for the redevelopment of the historic Beamish and Crawford brewery site.

The other significant project that the Government is committed to involves the provision of €30 million for the redevelopment of Páirc Uí Chaoimh, a development that is necessary and that will provide a significant economic boost for the city during its construction and when the stadium is in use. The estimated total cost on completion is €70 million. The stadium will have a capacity of 45,000. It will be a state-of-the-art facility for players, fans and staff. The investment is not just about the stadium but also about jobs, the development of the marina park and delivering a tourism and economic boost to the area to the tune of €22 million. The combined projects will create employment and see a facility being redeveloped. They will give to a generation of Cork people in the GAA a home for their activities, be it playing matches, training or creating a centre of excellence.

Last month the Cabinet recognised the importance of, and signed off on, the grant of €30 million. We are led to believe, however, that Europe has raised questions about the allocation of the funding. It is important that there be clarity on this. Is Europe becoming too involved, interfering and putting its nose in where it should not be? Is it the case that state rules were misapplied or not applied appropriately? We need certainty at this stage in order that the project can continue and we will see the proper and justified use of taxpayers' money.

As the Minister knows, the Cork county board has done a very significant job in making the finances available along with Government funding. The board is committed to working with all the stakeholders to ensure the project is brought to completion. Without State funding, it would not be possible to deliver the project. If the Government were not involved, no private operator could step in to develop the project. Without Government funding, the redevelopment of Páirc Uí Chaoimh would be unlikely to take place. In saying that, there is a need for clarity and certainty, not only for the people of Cork but also the men and women of Cumann Lúthchleas Gael, all of whom work every day to provide facilities and help young boys and girls to play and train in our Gaelic games.

We know the Government is committed to ensuring this important project is supported and comes to fruition, but it is important that we be assured the Minister and his officials will do everything in their power to ensure the best case is put forward at European level. The project is of importance not only to Cork but also to the wider region, and it is the source of ongoing consultation between the Department and the local team at county board level. It is important to ensure the redevelopment takes place while at the same time ensuring there is transparency and value for money for the taxpayer.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I also acknowledge what a very important and positive day this is. I am confident history will recognise the leadership role Deputy Jerry Buttimer played in allowing our country to get to this point. It is

my sincere hope that the people of Cork will do so as well.

I thank the Deputy for raising this matter. As he acknowledged, Exchequer funding of €30 million in support of the Cork GAA's Páirc Uí Chaoimh redevelopment was agreed by the Government and announced as part of a package of stimulus measures in May 2014. The package set out a proposed additional Exchequer investment of €200 million to fund new projects in a range of sectors. As with previous investment packages, the projects were spread geographically across the country and were expected to create economic activity and employment. The announcement stipulated that projects were approved subject to compliance with the public spending code.

The redevelopment of Páirc Uí Chaoimh includes the development of a centre of excellence, including a full-sized all-weather training facility and the establishment of a local marina park. The redeveloped stadium will see an increase in capacity, with the new development accommodating 45,000 spectators when completed. The proposed provision of €30 million from the Exchequer is expected to help to progress this project, with the balance of funding being provided by the GAA at national, provincial and county levels.

As the funding will be channelled through my Department's Vote, with accountability for the investment lying with the Department's Accounting Officer, full compliance with the public spending code is required by my Department. In addition, the normal terms and conditions of the sports capital programme will apply. The public spending code requires that all publicly funded projects or initiatives should be appraised carefully for consistency with programme or policy objectives and value for money. Following liaison between with my Department's economic, financial and evaluation unit and Cork GAA's advisers, a business case, incorporating an economic appraisal, was submitted on 13 August by Cork GAA. This business case was sent to the central economic evaluation unit in the Department of Public Expenditure and Reform for approval in accordance with the provisions of the public spending code. That Department has recently advised my Department that the business case is public spending code compliant. Following the receipt of the finalised business case from Cork GAA in August, arrangements were made to discuss the project in detail at a meeting with the European Commission in Brussels.

After that meeting and the earlier submission of a pre-notification questionnaire, the competition directorate of the European Commission informed the Department by correspondence dated 28 October 2015 that a notification to the Commission for state aid clearance is required in respect of grant aid for the redevelopment of Páirc Uí Chaoimh. Naturally, this requires further work on the part of both Cork GAA and my Department. The format for the notification will follow a template provided in EU regulations, supplemented by additional material specifically requested by the Commission in regard to the project. This additional material will cover matters such as the nature and scope of the project, the amount of aid and its percentage of the overall costs, or the aid intensity. Other information sought by the Commission includes the planned operation and use of the stadium, attendance figures, participation figures and other details. The Deputy will appreciate that the Department must comply with the Commission's requirements. While there is a Government decision to grant aid this project, it is not possible to give formal confirmation of the project until this process has been completed successfully.

I want to assure the Deputy and the House that my officials are working closely with Cork GAA and its advisers to ensure that the necessary material is compiled so that the notification can be formally submitted to the Commission as quickly as possible.

Deputy Jerry Buttimer: It is important to recognise that the business case is compliant with the public spending code. I welcome the fact from the Minister's speech that there is nothing to be unduly worried about. I just hope we can expedite the process quickly, because this is a successful venture not only for Cork city and county but also for the country. When it is completed, Páirc Uí Chaoimh will be central to our application for the Rugby World Cup, along with the fact that it will offer an alternative venue choice for supporters of the GAA and other codes. More importantly, due to the foresight and stewardship of the Cork county board, the venue will also be of benefit to residents and the city generally.

In his speech, the Minister referred indirectly to the fact that it is not just about Cork but also about us as a country. It is about how we can ensure that our sporting facilities are developed to the best level, ensuring maximum attendance for a variety of codes. It is important that Páirc Uí Chaoimh is of benefit to everybody in Cork. The Cork county board must continue to liaise with local residents and residents' groups. I happened to be down at the marina last weekend and both stands have been demolished, leaving just a piece of the terrace and the pitch remaining. We look forward to seeing the Páirc Uí Chaoimh building project commence next year, so that by 2017 we can have our first Munster final there. Equally, Páirc Uí Chaoimh will be a central part of our 2023 Rugby World Cup bid. We must bring clarity and certainty to that endeavour. I thank the Minister and his officials for their work and stewardship in this regard, because this matter has been a source of worry for many people in Cork in recent weeks. I welcome the Minister's clarification.

Deputy Paschal Donohoe: I wish to make three points concerning the matters raised by the Deputy. First, I agree with him that this project is of importance not just to Cork city and county but also to the region. As he has identified, it does have an important national role in that, were our country to be successful in winning the bid for the 2023 Rugby World Cup, due to the agreement we have with the GAA, this would be an extremely important stadium for holding tournament matches.

Second, I want to convey my strong support for this project. I have outlined the different requirements that the Government had to meet in order to move this project forward. There was a requirement concerning the business case, and we also need to engage with the European Commission on this matter. This procedure takes place for large capital projects of any kind.

Third, the Deputy can be assured that my Department and I are giving this matter the fullest possible attention. We will continue to work actively with his colleagues in the Cork county board to ensure that this matter is dealt with speedily and to respond to the requirement of the European Commission for us to participate in the state aid process, which we will do.

As I said at the start, I fully acknowledge that this project is not only important to Cork city and county but also has broader benefits for our country. He can be assured of my support, as Minister, and that of the Government in dealing with this matter. We will keep the Deputy and other stakeholders informed.

Dental Services

Deputy Michael P. Kitt: I thank the Ceann Comhairle for allowing me to raise this matter. I also wish to thank the Minister for Health for attending the House for this Topical Issue. I am concerned about the existing dental services in south Galway and particularly in the Gort area.

Having spoken to the general public in that area, I know that it was a very good service in south Galway. It was always important for a dentist or a nurse to visit a primary school, and the more medical professionals that can call to schools the better. We have learned that prevention is the best cure and it is good for a young person to have a meeting with a dentist in a school setting. Teachers have told me that such visits have always focused on children in second and fifth class, but sadly this is not happening now. Many parents and teachers have asked me what happens when a child is in pain and needs fillings or sealants, and I wish to raise the issue of staffing in this regard. Another important point is whom one deals with when trying to get detailed information about dental services, particularly in south Galway.

What I am raising is relevant to any part of the country, but there was a good service in south Galway and there is a justifiable demand. Consequently, there is a need to restore that dental service. I hope that more resources can be allocated to the school dental service. It is an important issue in dealing with the alleviation of toothache and other dental problems for young people. If such visits and examinations are taking place in primary schools, eligible children could also be put on the list for orthodontic treatment. We are all aware of the support for young people's confidence and self-esteem provided by orthodontic treatment, including braces.

All branches of medicine remind us of the importance of early detection, which is crucial in fighting tooth decay. That is why the provision of these inspections and examinations in school are most important for children who may otherwise not get to see a dentist. If this service was affordable 50 years ago, surely it should be available today. We all know of the risks to heart and body associated with tooth infections, so oral hygiene and care are best learned in early life.

In Gort in the past, children were referred to a centre or the nearest hospital, which could be University Hospital Galway or Merlin Park Hospital in Galway, while children in east Galway were often referred to Portiuncula Hospital in Ballinasloe. This service was much appreciated and I hope it will continue to be made available to young people.

Minister for Health (Deputy Leo Varadkar): I want to thank Deputy Kitt for the opportunity to address the issue of the school dental service in Gort and south Galway. I am taking this debate on behalf of my colleague, the Minister of State, Deputy Kathleen Lynch, who is in the Seanad at present.

Dental services for children up to 16 years of age and people of all ages with special needs are provided by the public dental service of the HSE through its dental clinics. These dental clinics provide a screening and fissure sealant programme for children at key stages of development, aged between six and eight and between 11 and 13. The service includes referral for further treatment, including orthodontic treatment where necessary. Emergency care for children up to 16 years of age and treatment for special needs patients are also provided.

A reduction in staff numbers since 2010 has led to a reduced service in all Galway schools. The HSE is aware of this difficulty and is currently taking steps to reverse it. There are particular challenges in recruiting staff to work in more remote rural areas but, nevertheless, a recruitment drive is now under way. It will take some time to fully realise the gain associated with the new staff, but the next school year, 2016-17, will see the benefits of this campaign. In the meantime and for the current school year the objectives are to assess and treat sixth class children in all Galway schools; to assess the same schoolchildren for orthodontic need and refer, as necessary, to the local orthodontic service, to provide a dental service for patients with special needs, and to maintain an emergency dental service.

Prioritisation of the older age group does not mean younger children will not be screened. However, it is particularly important that children are referred for any necessary treatment before the age of 16 years as their eligibility for referral ends at that stage. Where extra capacity is available, it is being targeted at isolated schools. Given the additional challenges of providing an emergency service to isolated areas, such as Clifden and the Aran Islands, they are prioritised for preventative services where resources are available. This work also involves addressing a backlog of some children who had not been seen in sixth class.

To strengthen the service in County Galway, a programme of renovation of dental clinics and the provision of new developments is under way. The renovation of the dental clinic at Merlin Park in the east of Galway city is finished and the renovation of the dental clinic in Shantalla health centre is to be completed by the end of January. More clinics are also under consideration, including in Tuam, County Galway. I am confident these measures will result in improved services for all children in the area in due course.

Deputy Michael P. Kitt: I thank the Minister for his reply. He has said some positive things in the reply, especially in respect of assessing and treating sixth class children in all Galway schools. I understand that previously two classes in each school were prioritised and the children in those classes were prioritised for treatment. While I welcome what has been said in respect of Tuam and the services in Galway city, south Galway is still an issue. This is the reason I am raising the matter. We need a dental clinic providing services there.

There is also a need for information to be provided to the public on what is available. I cannot emphasise enough the importance of the school visit for cases requiring treatment and for those who need to be included on the orthodontic treatment list. There is a long waiting list for orthodontic treatment in Galway, particularly in south Galway.

It is unusual that we have orthodontic and dental treatment operating under two different sections of the HSE. The primary care sector deals with dental treatment while the hospital group - Saolta, in the case of Galway - deals with orthodontics. The practical problem is that when we have discussions with the primary care team in Galway, we can only talk about the particular issue of dental treatment. By the way, we are glad to be invited to such discussions. However, orthodontics is an issue we deal with through the hospital group. That could be looked at again.

I hope that the recruitment the Minister has referred to will improve the situation for the next school year. Moreover, I hope younger children will not be forgotten when the Minister puts a priority on sixth class children in all Galway schools. As we all know, prevention is the best way of dealing with tooth decay. The earlier we can intervene, the better. It is important that younger children are screened as well.

Deputy Leo Varadkar: I thank the Deputy for his comments and interest in this issue. More than 300 dentists - down from 312 at its peak - 500 nurses and 600 hygienists work in the salaried public dental service. The budget is a little more than €60 million. The Merlin Park clinic has been renovated and plans for Shantalla are under way. Consideration is being given to Tuam, Roscommon and Boyle as well.

Orthodontic referrals are received by the HSE through the dental services schools screening programme. Referrals are assessed for eligibility under the modified index of treatment need, IOTN. In the western area, patients receive treatment more promptly than in most parts of the

country, with 27% receiving treatment in less than six months as against 19% nationally, and 24% receiving treatment in six to 12 months as against 19% nationally.

I have noted the Deputy's comments about the split between dental and orthodontic services. That may be related to the fact a certain amount of orthodontic work has to go to surgery and, therefore, to the hospitals. It is something I had not heard of as a difficulty before. I will check it out.

Flood Prevention Measures

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to raise with the Minister for the Environment, Community and Local Government the urgent need to address the concerns regarding the wall height at the proposed flood defence project between the Wooden Bridge and Causeway Road in Dublin 3.

Last Wednesday night at 7.30 p.m. in Clontarf Castle hotel, more than 600 people attended a public meeting on the proposed wall planned for near St. Anne's Park and overlooking Dublin Bay. The high turnout highlighted the anger over any attempt to damage a public amenity. I called the meeting to hear the views on the proposed flood defence wall. There was never any agreement with local residents, local businesses or the joint working groups on the wall height, which is why there are major concerns. The project was originally billed as a cycleway and assurances were given for a minor wall. I am opposed to the current wall and its design. It destroys a major public amenity and damages the scenic view of Dublin Bay and Bull Island.

Dublin Bay is protected by nine special areas of conservation. Why is there no aesthetic finish to this wall? Thousands of people enjoy this environment each day. Why would anyone want to damage such scenic beauty? It seems to be a continuous battle to get Dublin City Council to realise the importance of Dublin Bay. There seems to be a cultural view that concrete is the answer to everything. Dublin City Council has a record of some bad decisions as a result of not listening to the people. Is Dublin City Council concerned about its future working relationship with the joint working group or in respect of progressing flood defence work on this and future promenade projects? A commitment was given by senior engineers that the wall would be no higher than the stone wall leading to the Wooden Bridge. Why was this commitment not adhered to? The local independent councillor, Damian O'Farrell, had motions agreed by Dublin City Council that called on the council to preserve the amenity and protect the environment in any future flood defence plan. Why was this ignored?

I have worked on Dublin Bay matters previously over the duration of my political career. I was honoured to be endorsed by the late great Seán Dublin Bay Loftus. That tradition goes on. I am well aware of the position Dublin Bay and Bull Island hold in our community. Either one or the other is designated as a UNESCO biosphere, a nature reserve, a special protection area under the EU birds directive or a special area of conservation. I will be damned if I let anything happen to this local and national amenity.

Another important aspect relates to how no consideration was given to the wheelchair-bound population, although both the Irish Wheelchair Association and the Central Remedial Clinic are based in Clontarf. At our meeting on Wednesday night, a young wheelchair-bound man made a poignant remark to the effect that while the able-bodied might have some chance of seeing over the wall, no consideration was given to wheelchair users who would never have

that ability.

The day after our public meeting I attended a meeting in City Hall with the city manager, officials, engineers and councillors. Councillor Damian O'Farrell and I put the views of the local residents on the wall and Dublin Bay. Councillor O'Farrell succeeded in getting a special city council meeting tomorrow at 6.15 p.m. All I ask is for the Minister, the city manager and senior officials to listen to the views of the local residents and have sensible flood defence measures that protect local people but also enhance beautiful Dublin Bay.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I thank the Deputy for raising the issue and for giving me the opportunity, on behalf of the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, to outline the position regarding Dollymount promenade and the associated flood protection project.

As the Deputy will be aware, under section 30 of the Planning and Development Act 2000 the Minister, Deputy Kelly, is specifically precluded from exercising any power or control in respect of any planning case under consideration by any planning authority, including An Bord Pleanála.

6 o'clock

The management of the Dollymount promenade and the associated flood protection project is a matter for the relevant planning authority, which is Dublin City Council in this instance, and the Minister has no function or remit in this regard.

From inquiries made with Dublin City Council, I understand that this project, comprising a promenade and cycleway proposal as well as flood alleviation works to address higher tides and sea levels, was originally approved by An Bord Pleanála in 2011 under section 226 of the Planning and Development Act 2000, as amended, relating to foreshore developments. The environmental impact of the project was comprehensively assessed as part of this process. Dublin City Council subsequently made some alterations to the promenade and cycleway aspects of its proposals which were progressed under the Part VIII requirements of the Planning and Development Regulations 2001, as amended, relating to local authority developments.

The Part VIII process for local authority development works involves extensive public notice, public consultation, including with prescribed bodies, and the public display of plans and other documentation, with the proposed development ultimately being subject to the will of the elected members of the local authority concerned. As required under the Part VIII provisions, the revised proposals for the Dollymount promenade and flood protection project was the subject of extensive public consultation with the local community generally and with local community groups. The National Parks and Wildlife Service was also consulted on the preparation of the proposal and habitat screening. Planning approval for the revised proposals was granted by Dublin City Council in May 2013.

I understand that the specific works proposed under the project include sea wall repairs and the insertion of a flood defence wall up to a maximum height of 4.25 m, which the council has indicated is the minimum recommended to protect this area of coastline. The council has advised that these flood defence works will mean that 30% of the existing sea wall will remain at its current high level, 10% will be raised by between 1 and 8 inches, a further 32% will be raised by 8 inches to 1 ft. 4 in., with the remaining 28% raise in height by between 1 ft. 4 in.

to 2 ft. 3 in., which will be the maximum height increase on any part of the flood defence wall.

The proposed works are being undertaken against the background of the need to address the realities associated with adaptation to climate change and the putting in place of necessary flood risk management measures to address this phenomenon. There are many areas of the country, including cities and towns, which are at risk from periodic flooding, and Dollymount promenade is seen to be particularly at risk as a result of rising tides and increasing sea levels.

Acting Chairman (Deputy Olivia Mitchell): The Minister of State can come back to the rest of his reply.

Deputy Jonathan O'Brien: There are only two lines left.

Acting Chairman (Deputy Olivia Mitchell): Okay.

Deputy Tom Hayes: The works on the Dollymount promenade project have commenced. By their nature such works will, though kept to a minimum, create some disruption in the area while ongoing. However, the council considers that when complete, these works will have significant benefits in the context of improved cycling and walking amenities and protection against flood risks in the area.

Deputy Finian McGrath: I thank the Minister of State for his response, but I disagree with him and Dublin City Council on this project. The name of the project was very misleading. It was called the Sutton to Sandycove scheme, which received approval in 2013 in an interim works project. It comprised elements of two schemes, one of which was the Dollymount promenade and flood protection project which received An Bord Pleanála approval in 2011. The Minister of State should also note that the conditions of that approval still apply to this interim project as far as flood defences go.

Condition No. 5 clearly states that an environmental and liaison committee shall be established with the local community representatives. It would appear that this has not happened and Dublin City Council may be in breach of An Bord Pleanála planning conditions. If this is the case, this is a very serious matter. I call on the city manager, Mr. Keegan, to make a statement on this matter. At a recent information meeting with councillors, Dublin City Council admitted that it was its intention to build the sea wall in question higher than the 4.25 m permission granted in Part VIII of the approval in 2013.

The other issue is that, as I said, it was called the S2S Cycleway & Footway Interim Works: Bull Road to Causeway Road. There was no mention of the term “flood” in the title. Section 371 on page 11 deals with flood defence measures, but the most important section is section 48 on page 25 which refers to the wall and states that it will be only slightly higher than the level of the footpath. The page also contains a drawing. Dublin City Council has refused to meet residents and local groups and also gave a very misleading report. The people of the northside are very angry about this wall. We support the cycleway and want anti-flood measures but we want them to be decently done and to ensure that they do not destroy our lovely bay.

Deputy Tom Hayes: There is obviously a lot of common ground in the Deputy’s response to my reply. The reality is that the Minister does not have any part to play in this. Flooding was a real problem in Clonmel and Carrick-on-Suir. The residents were very concerned when the project was being carried out, but when it was finished the effect it had on the area was unbelievable. I do not know anything about the area to which the Deputy refers, but I would advise

the residents that some misleading information can be given out by people and there can be some misunderstanding of the value and benefit of the project. There is a role for Dublin City Council in terms of better explanation to people of what is happening and the long-term benefits of the project. I will relate the concerns of the Deputy to the Minister.

Labour Activation Measures

Deputy Jonathan O'Brien: The JobPath programme is one of the labour activation measures initiated by the Department of Social Protection. The Minister of State may be aware that the programme outsourced labour activation measures to private companies. There was a tendering process during which a number of companies bid. In the end, two companies were selected to run labour activation measures on behalf of the Department.

I understand almost €7 million was spent on branding and publicising Intreo offices. Those who engaged with the offices were assigned case workers who worked with them in trying to secure employment or upskilling. The problem with the private companies operating the labour activation measures set up by the Department is that they are paid by results. The reality on the ground - this is not hearsay and the evidence will bear this out - is that many of the people who are directed into those private companies - Seetec Limited and Turas Nua Limited - are being advised of things which I think are unethical. For example, I know of one young lady who was advised to leave her qualifications off her CV because they indicated she would be overqualified for many of the jobs in which they were trying to place her. Many individuals are being forced into low-paid jobs because it is done on a commission basis and the private companies are only paid if they are successful in placing somebody in employment. What is happening is that people are being directed into low-paid jobs with no job security. As a result, people are being recycled. They are getting a low-paid job and are being let go. They go back in again to the private companies and are again placed in another low-paid job and it is a continuous circle.

I am sure all Deputies received the e-mail from a young lady who wrote a letter of complaint to the Tánaiste and Minister for Social Protection, Deputy Joan Burton, in respect of her experience with one of these companies, Seetec Limited. It should be pointed out that Seetec Limited was under investigation in England for abuse of powers in respect of disabled people and how they were being treated in regard to labour activation measures. That this company is running labour activation measures on behalf of the Department raises questions all on its own. Some of the advice this individual got from a person in the private company was that she should leave her education qualifications off her CV, that she should not bother to get a full driving licence because one can drive around on a provisional licence, which is not the case, and not to go on to a community employment scheme because that scheme is being abused by people who do not wish to find real employment. In her e-mail she said she felt put down, disrespected, belittled and bullied by the individual who was dealing with her who had no regard for what she wanted which was to try to secure sustainable employment. The JobPath scheme is a failure and is just a profit-making exercise for private companies. We have privatised a public service.

Deputy Tom Hayes: I thank the Deputy for raising this important issue and giving us an opportunity to discuss some of the issues he has raised. JobPath is a new approach to employment activation that will support people who are long-term unemployed and those most at risk of becoming long-term unemployed to secure and sustain paid employment. Following the completion of a rigorous public procurement process, two companies were selected to provide

the JobPath service, Turas Nua Limited and Seetec Limited. The companies will deliver services directly and will also engage a range of local subcontractors, including local training and employment service providers. In delivering these services the contractors will be supplementing and complementing the work of the Department's existing in-house case officers and the work of the mediators of the local employment services. JobPath will not replace or substitute for these services. It will provide additional capacity to extend case-managed activation to people who are long-term unemployed.

JobPath has been designed having regard to international experience of contracted employment services. Significant safeguards have been built into JobPath. These include a service guarantee to ensure all participants receive a baseline level of service as well as payment penalties for the companies if service performance or service quality do not meet standards.

Participants on JobPath will receive intensive individual support to help them address barriers to employment and to assist them in finding jobs. Each person is assigned to a personal adviser who will assess a person's skills, experience, challenges and work goals. A personal progression plan will be drawn up that will include a schedule of activities, actions and job-focused targets. Participants are also provided with a range of training and development supports, including online modules, career advice, CV preparation and interview skills. They will spend a year on the programme and if they are placed in a job, they may continue to receive support from the JobPath contractor for the first year of employment. During their term on JobPath they may also be referred for further education and training opportunities. Jobseekers retain their existing social welfare payments while on JobPath.

An important feature of JobPath is that it is a payment by results contract. Contractors are paid if and when they place clients into sustained employment. In this regard employment is defined as work of at least 30 hours per week lasting for at least 13 weeks. Contractors are paid a fee, in arrears, for each 13-week period of employment up to a maximum of four payments or one year's work. This payment approach incentivises the contractors not just to find work for people but to strive to ensure the work is full time and sustained.

Acting Chairman (Deputy Olivia Mitchell): I will stop the Minister of State and he may come back to the rest of his reply. I call Deputy Jonathan O'Brien.

Deputy Jonathan O'Brien: The Minister of State listed what the individuals in these companies are supposed to do, namely, formulate a personal progression plan that helps a person to find a job, assess their personal skills, experiences, challenges and work goals, and give them help with career advice, CV preparation and interview skills. I put it to the Minister of State that is not what is happening within these companies. The details of a case have been e-mailed to every Deputy in this House. It outlines one young lady's interaction with Seetec Limited where she was told to leave her qualifications off her CV. That is not helping her with her CV. That is not assessing her career skills. It is the complete opposite.

The reality is that because it is a pay by results system, we are finding that many of those engaging with these companies are being forced into low-pay, zero-hour contract jobs. They are not getting sustainable employment. Many of them will stay in employment for a number of weeks, but after 13 weeks that company gets paid. After 13 weeks and one day, if that individual loses that job, that company will still be paid. It is a private company which in my opinion is doing the job the Intreo offices and the education and developmental intervention services, EDIS, were doing on the first day. We spent a good deal of public money on establish-

ing the Intreo offices. We took a thousand people from that system and we are now directing them into private companies that are only interested in profit and not giving people sustainable employment. They are being forced to take up no-contract, zero-hour jobs.

Deputy Tom Hayes: It is important not to generalise. Some people will find work and do very well on a scheme like that. One cannot generalise and say people will not get jobs from these schemes. Some will do well and get into a good career.

Deputy Jonathan O'Brien: Not with the type of jobs I am talking about.

Deputy Tom Hayes: To clarify, both companies will be subject to regular on-site inspections and audits to ensure JobPath is delivered in accordance with contractual obligations. In addition, the Department will commission customer satisfaction surveys to assess independently whether customers referred to JobPath are satisfied with the level and quality of the services delivered by the contractors. It is important with respect to the Deputy's points about assurance because they will be audited and monitored. Failure by the contractors to satisfy the Department inspectors or achieve a satisfactory score in an independent survey will result in payment penalties being applied, so there is a measure to ensure the bodies must live up to this programme. I know one of the companies in Roscrea involved with this and it has a very good track record. I take the points made by the Deputy and I will relate them to the Minister. I thank him for raising the issue because a scheme like this will always run into some difficulties.

Single Resolution Fund: Motion

Minister for Finance (Deputy Michael Noonan): I move:

That Dáil Éireann approves the terms of the Intergovernmental Agreement on the Transfer and Mutualisation of Contributions to the Single Resolution Fund as required under Article 29.5.2° of the Constitution, signed at Brussels on 21 May 2014, a copy which was laid before Dáil Éireann on 9 October 2015.

I seek the approval of the Dáil of the motion on the terms of the intergovernmental agreement on the transfer and mutualisation of contributions to the Single Resolution Fund which will enable the subsequent ratification of the intergovernmental agreement to the Single Resolution Mechanism. This motion was considered by the Select Sub-Committee on Finance on Tuesday, 3 November. Approval of this motion is an important part of the overall ratification process, with the other major element being the enabling legislation in Part 2 of the Finance (Miscellaneous Provisions) Bill 2015, Report Stage of which will be dealt with shortly. There is a requirement for the member states to ratify the intergovernmental agreement before 30 November for the Single Resolution Mechanism to come into force by 1 January 2016. As Members are aware, the Single Resolution Mechanism is a very important part of the banking union agenda and it is essential that it is ratified on time. That is why I am seeking support for this motion.

The intergovernmental agreement was negotiated to enable the Single Resolution Fund, a key element of the Single Resolution Mechanism, to be put into operation. The Single Resolution Mechanism will have a fund known as the Single Resolution Fund which will be financed by the banking sector. In an ideal world, such a fund would have been fully mutualised from the outset. However, because of concerns about legacy issues from a number of member states, this

was not possible. Consequently, the intergovernmental agreement was negotiated to facilitate a transition period of eight years to full mutualisation of the Single Resolution Fund by requiring that the contributions from the banking sectors of the participating member states are paid into national compartments within the fund in this time. This structure enables the progressive mutualisation of the fund by requiring that in the event of a call upon it, the national compartment of the affected member state pays first before, if necessary, the other compartments make a contribution. As the transition proceeds, a smaller percentage is taken from the affected national compartment and a greater percentage is taken from the other compartments, until after eight years when full mutualisation occurs. From that point, any funds required for the resolution of a bank or banks will come from the Single Resolution Fund as a whole.

I will give a brief overview of the Single Resolution Mechanism. It is the second pillar of the banking union and will ensure that if a bank subject to the Single Supervisory Mechanism faces serious difficulties, its resolution will be managed efficiently, with minimal costs to taxpayers and the real economy through a single resolution board and a Single Resolution Fund financed by levies imposed on the banking sector. The Single Resolution Mechanism applies to all credit institutions in the banking union. The single resolution board is responsible for the effective and consistent functioning of the Single Resolution Mechanism but the operational side of its work is split with the national resolution authorities. In this regard, the board is responsible for drawing up resolution plans and adopting all decisions relating to resolution from significant institutions, the category into which our four major institutions fall. They are AIB Bank, Permanent TSB, Bank of Ireland and Ulster Bank. National resolution authorities, on the other hand, will be responsible for similar decisions for small institutions, except where the use of the Single Resolution Fund is required, where the board shall adopt the resolution scheme.

What this means in practice is that should any of our four major banks get into financial trouble, the decision about putting it into resolution will be made by the single resolution board rather than our domestic resolution authority. In addition, where bail-in of shareholders, capital instruments and eligible liabilities are insufficient to cover the losses of the bank in question, there will be access to funds from the Single Resolution Fund. This has the aim of breaking the link between banks and the sovereign and thus avoiding a repeat of the issues faced by countries during the recent financial crisis.

It should be noted that the target level of the Single Resolution Fund is at least 1% of the amount of covered deposits of all credit institutions authorised in all the participating member states, which is to be reached at the end of eight years. This is estimated to be in the region of €55 billion. We estimate that the contribution of Irish banks to the Single Resolution Fund will be €1.8 billion over the eight years, which amounts to approximately €225 million per year. The contribution of international banks to the overall total is likely to be significant - in the region of at least 50% - but unfortunately it is not possible to be more precise in the matter at this stage.

On the question of whether the fund of €55 billion is sufficient, it should be noted that at the time of the negotiation of the Single Resolution Mechanism regulation, there was considerable discussion around the topic. However, the general view that emerged was that most of the losses of a bank should be recovered by the bail-in of shareholders and creditors in line with the general philosophy underpinning the Single Resolution Mechanism regulation and the bank recovery and resolution directive. In this regard, a contribution to loss absorption and recapitalisation equal to an amount of not less than 8% of the total liabilities, including own funds of the institution under resolution, measured at the time of the resolution action, must be used before

the Single Resolution Fund can contribute. This is a significant contribution to loss absorption and should, in many instances mean that the use of the fund will not be needed. Therefore, in this context, the view of most member states was that a fund of €55 billion struck an appropriate balance between the need to establish a credible and effective fund while at the same time not overly burdening the banking sector from a contribution perspective.

As noted at the outset, the passing of this motion is an essential part of the ratification process for the intergovernmental agreement and I would appreciate Members' support.

Deputy Charlie McConalogue: I welcome the opportunity to speak on behalf of Fianna Fáil to the motion approving the terms of the intergovernmental agreement on the transfer and mutualisation of contributions to the Single Resolution Fund. The Single Resolution Fund is an integral part of the banking union process that is designed to break the link between weak banks and taxpayer bailouts. Fianna Fáil supports the concept of banking union while maintaining our belief that Europe has still not made good on the commitment it entered into in June 2012 when it pledged to break the link between bank debt and sovereign debt. Until such time as this is resolved, Ireland must continue to press its case for meaningful relief from the debt which was taken on to rescue the banks. In the short time available for debate on this motion I will focus on three aspects of it: the size of the Single Resolution Fund, the period over which it is being implemented and the ultimate need for treaty change to underpin the process.

As my colleague, Deputy Michael McGrath, has pointed out, the Single Resolution Fund is likely to be too small for the purposes for which it is intended. It is also not being implemented soon enough and is likely to suffer from political difficulties relating to its implementation. I will start by addressing the size of the fund. I concur with the principle that the Single Resolution Mechanism should in so far as possible be constructed with the intention of minimising the recourse to national taxpayers' money. This would ensure that where a regional banking crisis develops, possibly for reasons outside the control of the national government, that country will not be overwhelmed by the cost of rescuing its banking sector. As it stands, banks will contribute to the costs of resolution through the collection of levies, and where there is a shortfall, through *ex post* levies.

The initial target level of funding for the Single Resolution Fund is €55 billion, to be achieved by 2024. This is the estimated value of 1% of deposits of all institutions authorised by the relevant national authorities. However, the eurozone banking sector is more than three times the size of the wider eurozone economy. In that context, will the resolution fund be large enough to underpin the €33 trillion eurozone banking sector? The Open Europe organisation has estimated that a fund would need to be around €500 billion to €600 billion to provide a viable backstop for a banking sector this size in line with international comparisons and standards.

One of the most concerning aspects of the process is that so-called national compartments of funding for resolution will not be phased out until 2024. This is a very long period when individual countries will be largely left to their own devices for resolving a banking crisis within their own borders. It is a long way short of the notion of banking union and mutual support across countries. There is every chance that a banking crisis will hit an individual member state before full introduction of the Single Resolution Fund.

The final issue I want to touch on is the potential need for treaty change to underpin the process for rescuing banks. Under the current process, the single resolution board will make the initial assessment of whether a bank needs to be put into resolution. It has the task of put-

ting in place the rescue plan and deciding whether a call will be made on the Single Resolution Fund. As current EU treaty provisions preclude the delegation of policy-making powers to a subsidiary body such as the single resolution board, it will be necessary for the European Commission to take the final decision to trigger resolution and use the fund. This is where potential political difficulties arise. There is still a mindset whereby European Commission members act primarily in what they perceive to be their national self-interest. Any proposal for a streamlined process to remove the final decision-making power from the European Commission and vest it in the single resolution board will almost certainly meet with resistance from the German authorities. If necessary, Ireland should seek to build a consensus for treaty change to remove this potential roadblock to the successful implementation of the Single Resolution Mechanism. Unless this happens, it is likely that the less than perfect system being presented to us will remain in place for some time to come.

Deputy Peadar Tóibín: Gabhaim buíochas as ucht an deis labhairt ar an rún seo. Since the crash, we have heard many times that the Government seeks to break the link between the sovereign and the bank and that link needs to be separated fully. Here we are, almost in 2016, and the final pieces of this process are coming together, but what we have is something that is watered down beyond recognition. There is still a risk between the banking system and the sovereigns. This period of eight years of mutualisation, which the Germans sought and got, will allow this risk to continue into the future.

In addition, many organisations around Europe have argued that the fund being set up is too small to deal with the potential size of a banking crash and the procedures put in place do not go far enough to safeguard citizens from reckless bankers. My colleague, Deputy Pearse Doherty, raised with the Minister at committee the fact we are not convinced there is a full understanding of how new entrants or legal changes to existing banks, such as the change we saw in Ulster Bank recently, are going to be dealt with under these new rules. It seems there is a major gap and Frankfurt will decide in the future.

The crucial failure, and this is very important, is that none of these new procedures that are being put in place throughout Europe after years of the EU stumbling and lunging around will do anything for Ireland's banking legacy debt. That is one of the biggest issues at the heart of society and the economy at the moment. The towel was thrown in on the Anglo-Irish Bank debt in February 2013 and that toxic debt has been placed on the shoulders of citizens of my generation and of the next generation. Even their children will probably be paying for the mistakes of the Government on that toxic debt. At the same time, some of the speculators involved in that are on course to benefit to the tune of hundreds of millions of euro on that toxic debt.

The other chunk of debt, the pillar bank debt, was subject to the great game changer, the seismic shift. We were told that Ireland would be able to apply retrospectively for recapitalisation. Some of us called it correctly at the time. We said the Government was over-egging what was in fact a vague commitment. Here we are in 2015, approaching 2016, and they still have not bothered drawing up the rules on how a country can retrospectively recapitalise and how that system can work. That is quite shocking. We had the Taoiseach coming back to the State, like Neville Chamberlain, nearly saying "peace in our time" and that we had resolved this recapitalisation. Now we are being told by the same Government that it is not even in our interest to apply for that money back. Defeat is dressed up as victory. When it comes to our banking debt, the Government has failed significantly twice and has called it victory both times. It was unambiguously Frankfurt's way all the time.

While Sinn Féin does not oppose this motion, as it is a technical one, I want to put on the record our party's distrust over the increasing powers being handed over to the ECB. The undemocratic nature of that organisation has become increasingly clear. It is entirely unaccountable to the national parliaments and to the citizens of the European Union, yet it increasingly oversees whole chunks of our economy. My understanding is that even at the highest level of Europe there is little clarity as to the extent of the ECB's powers and that it will be decided on a case by case basis exactly what its competencies will be. This is a very large issue at the heart of this process with regard to the ability of this State to determine its economic future. I appeal to the Minister to stand up to Europe on it.

Deputy Paul Murphy: We can date this agreement back to the infamous summit in June 2012. At that summit two clear commitments were made: affirming that it is imperative to break the vicious circle between banks and sovereigns and making a commitment to examine the situation of the Irish financial sector with a view to improving further the sustainability of the well-performing adjustment programme. I will deal with the first commitment presently.

The second commitment was translated in the heads of the Taoiseach and the former Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, into a game changer, a seismic shift and a promise that there would be retrospective recapitalisation of the Irish banking system. Taxpayers in Ireland would get back some of the 42% of the total cost of the European banking crisis that they paid. It was something which the media at the time fell for entirely, despite some of us pointing out the reality that was not contained in what was agreed and that it was an element of the kind of dreaming that goes on in the Taoiseach's head, a similar example being the ATM machines and the soldiers. As Deputy Tóibín mentioned, the Government not only has been defeated on it but also has tried to present that as a victory. It never applied for recapitalisation and it has no intention of applying for recapitalisation, and that should be noted now at a time when the Single Resolution Mechanism is being set up, by which time we were meant to have all of this sorted out.

I want to deal with the idea that this breaks the link between the sovereign and the banking sector, or as the former Commissioner for Internal Market and Services, Mr. Michel Bernier, stated, "that taxpayers no longer foot the bill when banks make mistakes". It is simply not true. The big banks and their massive lobbying in Europe to the tune of €120 million a year and 1,700 lobbyists, have shaped the Single Resolution Mechanism and taken any significant punch out of it to serve their interests. This does not mean the public will not bail out banks in the future. Banking union has been used as a mechanism by the big banks primarily to further liberalisation and deregulation throughout the European Union. That is the reason the big Association for Financial Markets in Europe, AFME, welcomed banking union as a vital project which should advance market integration.

The Single Resolution Fund is entirely inadequate. I thought it was best explained by Mr. Wolfgang Münchau who wrote that the ECB will end up as the supervisor of 128 banks which have assets of between €26 trillion and €27 trillion. He wrote:

The bank resolution fund for this new banking union will be built up over 10 years through bank levies. At the end of that period it will have reached €55bn – a mere 0.2 per cent of the asset base. Most of these banks have assets of more than €30bn. In a systemic crisis, in which banks can suddenly collapse, the whole European resolution fund could easily be swallowed by a single moderately sized bank.

If that happens, it is the European Stability Mechanism, ESM, which is funded by taxpayers and will have conditionality built into it, as happened in Spain in the form of the demand for more austerity, that will pick up the can. The Minister, if he had the chance, could point in response to the 8% of liabilities to be paid for by investors, but what about Anglo Irish Bank? It far exceeded 8%. What about the exceptions? What about the various classes of investors who will not be included and who will not have to pay the 8%?

The reality is that we do not have fundamental change and public money will still be used to bail out private banks. The European Central Bank has been further empowered. It is the most powerful unelected and unaccountable institution in the world. It serves the interests of big banks, hedge funds and financial markets. It does not serve the interests of ordinary people. One need only look at the incredible dictatorial role it has played in the European crisis in Greece, Spain and Italy. This simply empowers it further. Those who oppose it should vote against this motion and not go along with it.

The alternative is proper regulation of our banking system, genuinely preventing banks from becoming too big to fail but also fundamentally saying that we do not accept that we run society in the interests of private banks that are interested in maximising profit. The massive resources that exist in the financial sector should be in public hands and used as a public utility, democratically controlled to serve the interests of society to provide funds, loans and so on necessary to provide infrastructure for small businesses and for others who need access to funds.

Question put:

<i>The Dáil divided: Tá, 74; Níl, 12.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Boyd Barrett, Richard.</i>
<i>Aylward, Bobby.</i>	<i>Broughan, Thomas P.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Fleming, Tom.</i>
<i>Byrne, Eric.</i>	<i>Halligan, John.</i>
<i>Calleary, Dara.</i>	<i>Healy, Seamus.</i>
<i>Cannon, Ciarán.</i>	<i>McGrath, Finian.</i>
<i>Carey, Joe.</i>	<i>Mathews, Peter.</i>
<i>Colreavy, Michael.</i>	<i>Murphy, Paul.</i>
<i>Conaghan, Michael.</i>	<i>Pringle, Thomas.</i>
<i>Connaughton, Paul J.</i>	<i>Ross, Shane.</i>
<i>Coonan, Noel.</i>	
<i>Corcoran Kennedy, Marcella.</i>	
<i>Costello, Joe.</i>	
<i>Coveney, Simon.</i>	
<i>Cowen, Barry.</i>	
<i>Creed, Michael.</i>	
<i>Deasy, John.</i>	
<i>Deenihan, Jimmy.</i>	
<i>Deering, Pat.</i>	

<i>Dooley, Timmy.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Martin.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Fleming, Sean.</i>	
<i>Grealish, Noel.</i>	
<i>Hannigan, Dominic.</i>	
<i>Hayes, Tom.</i>	
<i>Healy-Rae, Michael.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Keating, Derek.</i>	
<i>Keaveney, Colm.</i>	
<i>Kelleher, Billy.</i>	
<i>Kenny, Enda.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Ciarán.</i>	
<i>Mac Lochlainn, Pádraig.</i>	
<i>McConalogue, Charlie.</i>	
<i>McDonald, Mary Lou.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLellan, Sandra.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	
<i>Ó Snodaigh, Aengus.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	

<i>O'Sullivan, Jan.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanley, Brian.</i>	
<i>Tóibín, Peadar.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies John Halligan and Paul Murphy.

Question declared carried.

7 o'clock

Finance (Miscellaneous Provisions) Bill 2015: Order for Report Stage

Minister for Finance (Deputy Michael Noonan): I move: "That Report Stage be taken now."

Question put and agreed to.

Finance (Miscellaneous Provisions) Bill 2015: Report and Final Stages

An Leas-Cheann Comhairle: Recommittal is necessary in respect of the amendments in the name of the Minister.

Bill recommitted in respect of amendment No. 1.

Minister for Finance (Deputy Michael Noonan): I move amendment No. 1:

In page 5, to delete lines 19 to 23 and substitute the following:

"(3) Subject to subsections (4) and (5), this Act shall come into operation on the date of its passing.

(4) Part 3 shall come into operation on 20 November 2015.

(5) Part 4 shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provi-

sion and different days may be so appointed for different purposes or different provisions.”.

This technical amendment varies the commencement dates as appropriate across different Parts of the Bill. I felt it necessary to move the commencement of Part 2 of the Bill, which deals with the intergovernmental agreement, to the date of signature, as this agreement is crucial to the Single Resolution Mechanism and must be ratified by the end of the month. Consequently, I did not want any unnecessary delays in the making of commencement orders. As Part 5 of the Bill involves a technical amendment to remove an ambiguity in the legislation, I believe it should take effect immediately when this legislation is signed into law. That is the basis of this technical amendment.

Amendment agreed to.

Bill reported with amendment.

An Leas-Cheann Comhairle: Amendment No. 2 is out of order.

Amendment No. 2 not moved.

Bill recommitted in respect of amendment No. 3.

Deputy Michael Noonan: I move amendment No. 3:

In page 17, to delete lines 8 to 11 and substitute the following:

“(2) A regulatory act taken by the Bank under the relevant regulations in respect of a Solvency II undertaking on or before the commencement of this section continues to have effect according to its terms.

(3) The Bank may enforce a regulatory act referred to in subsection (1) or (2).

(4) The repeal of the repealed instruments does not preclude the taking of any legal proceedings, or the undertaking of any investigation, or disciplinary or enforcement action by the Bank or any other person, in respect of any contravention by a Solvency II undertaking of a provision of the relevant regulations or any misconduct which may have been committed by a Solvency II undertaking before the repeal of the repealed instruments.

(5) In this section—

“regulatory act” includes any direction, order, requirement, sanction, condition, appointment or request (however described) of a regulatory nature made, given or imposed by the Bank;

“Solvency II undertaking” means an undertaking to which Titles I, II and III of the [No. 89a of 2015] [10 November, 2015] Solvency II Directive applies.”.

This amendment ensures that actions taken by the Central Bank in respect of undertakings which will fall within the scope of the Solvency II directive but are currently within the scope of the Solvency I directive shall continue in force. The Central Bank can take actions against such undertakings for non-compliance with the Solvency I regime.

Amendment agreed to.

Bill reported with amendment.

An Leas-Cheann Comhairle: Amendment No. 4 is out of order.

Amendment No. 4 not moved.

Bill, as amended, received for final consideration.

Question, "That the Bill do now pass," put and declared carried.

Horse Racing Ireland Bill 2015: Order for Second Stage

Bill entitled an Act to amend and extend the Irish Horseracing Industry Act 1994, the Greyhound Industry Act 1958, section 10 of the Animal Remedies Act 1993, section 2 of the Forestry Act 2014 and the Horse and Greyhound Racing Act 2001, to repeal the Horse Racing Ireland (Membership) Act 2001 and section 2 of the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999, and to provide for related matters.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I move: "That Second Stage be taken now."

Question put and agreed to.

Horse Racing Ireland Bill 2015: Second Stage

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I move: "That the Bill be now read a Second Time."

I am pleased to introduce the Horse Racing Ireland Bill 2015 to the House. The Irish bloodstock breeding and racing industry is of major national importance in terms of employment, especially in rural areas, and in terms of exports and tourism. It is estimated that the industry employs approximately 18,000 people when breeding, racing, betting and other elements of the industry are included. It contributed almost €1.1 billion to the Irish economy in 2012 and achieved exports of over €205 million to 37 countries in 2013. It is estimated to attract up to 80,000 tourists to Ireland each year. Those tourists are among the more than 1 million people who attend horse races each year in this country. The Irish thoroughbred sector has built a global reputation for excellence. In sporting terms, Ireland can consider itself to be among the best in the world.

Horse Racing Ireland, HRI, is a commercial State body that was established under the Horse and Greyhound Racing Act 2001. It is charged with the overall administration, promotion and development of this very important industry. These activities are funded to a significant extent by the Exchequer funding of the horse and greyhound fund, which comes within the ambit of my Department's Vote. After a period of necessary retrenchment over the past several years, I have started a significant restoration of the Exchequer provision for HRI - to €54.4 million in 2015 and €59.2 million in 2016 - to assist with the development of the sector. HRI also provides funding for integrity services to the racing regulatory body. The Turf Club, which

includes the Irish National Hunt Steeplechase Committee and is a private body, is designated as the racing regulatory body and is charged with carrying out these functions under the current legislation. HRI provided €7.1 million for these activities in 2015. The independent role of the racing regulatory authority is protected in the Bill I am introducing today.

Before I deal with the substance of the Bill, I want to refer to a report, Review of Certain Aspects of the Irish Horse Racing Industry, which I commissioned and which was published by Indecon International Economic Consultants in July 2012. The Department facilitated a stakeholder consultation process as part of that review. Written submissions were sought from interested parties and forwarded to Indecon for consideration. The resulting report examined the legislation, governance structures, funding and management of the industry, including the streamlining of functions assigned by legislation to HRI and the racing regulatory body. It made a number of recommendations in this regard. Following the Indecon report, HRI and the racing regulatory body established a streamlining task force with a view to achieving efficiencies, and a consultancy firm, Smith and Williamson, was appointed to act as a facilitator in these discussions. The consultants estimate that the 18 recommendations contained in its report could result in savings of €1.8 million.

My Department drafted the general scheme of the Horse Racing Ireland Bill 2015 taking account of this general background and the recommendations of the Indecon and Smith and Williamson reports. The general scheme was subject to thorough pre-legislative scrutiny by the Joint Committee on Agriculture, Food and the Marine in 2014. I believe the joint committee heard from all the major players in the industry and departmental officials appeared before it on two occasions. The comprehensive report produced by the committee was useful in finalising the Bill and we changed the Bill accordingly. On foot of the pre-legislative scrutiny report, I have increased the proposed membership of the board and reserved a seat for a representative of the stable staff. I have also made some changes in the structure of the sections dealing with the functions of HRI and the Racing Regulatory Body, RRB, to increase transparency.

I am also inserting an obligation for both bodies to consult each other when making rules within their own remit to avoid changes that may adversely impact on operations of the other body and to create greater synergies. This requirement is simply for the sake of good order and does not prejudice the independence of the RRB, which explicitly remains solely and independently responsible for the making and enforcing of the rules of racing. I have also inserted a provision requiring HRI to consult with the executives of the authorised racecourses when negotiating media contracts. I am happy to detail these changes on Committee Stage. In the meantime, I acknowledge and thank the members of the committee for their useful input in the development of this Bill.

Before going through the Bill in detail, I would like to draw the attention of the House to a small change in the Forestry Act 2014, which was not in the general scheme. Last year during the passage of the Forestry Bill the rather burdensome requirement for two separate consents for a forestry road was raised. Under the existing regime, consent is required from my Department for the construction of a forest road while an entirely separate consent is required from the local planning authorities for the entrance of a forest road on to a public road. I am pleased to announce that in this Bill I am taking the opportunity to introduce an amendment to eliminate this duplication, following consultation and agreement with the Departments of the Environment, Heritage and Local Government and Transport, Tourism and Sport. On enactment of this provision, only one consent will be required. This will be administered by my Department and will cover the construction of the forest road as well as its entry on to the public road. While

this is a small change, it will reduce the administrative burden on the industry and will make the consent process quicker and more efficient.

Turning to matters relating to horse racing, which is what this is about, the Bill before us builds on the recommendations of the Indecon report and is intended to strengthen governance and transparency within the administration of horse racing, clarify the respective roles of HRI and the RRB, improve accountability and control over State funding and provide a foundation for streamlining the functions of the two bodies, where it makes sense to do so.

I will now provide Deputies with detail on the Bill. Section 1 provides the definitions for the Bill. Section 2 introduces new definitions of jockeys and qualified riders and betting intermediaries to be inserted into the Act for the purposes of defining the membership of the new statutory committees. The section also extends the definition of integrity services to allow for off-course activities and of the RRB to include limited companies established by that body, these latter two at the request of the RRB. This section also amends the definition of the rules of racing so that the rules explicitly apply to point-to-point racing. Section 3 provides for modernisation of provisions relating to fines under the Irish Horseracing Industry Act 1994 and the deletion of continuous offences in line with current standard legislative practices. Section 4 changes some of the constituencies that ordinary members of the board represent by re-enacting the Schedule to the 1994 Act. The number of ministerial representatives on the board is increased to three, in line with the Indecon recommendations. In addition, in direct response to the report of the Oireachtas committee following the pre-legislative scrutiny of the heads of this Bill, I have provided for two board representatives from the industry services committee, one of whom shall be a representative of stable staff. The section also explicitly requires HRI to have regard to Government policies and guidelines in determining the remuneration or allowances paid to its chairman and to comply with any directions given by the Minister for Agriculture, Food and the Marine, with the consent of the Minister for Public Expenditure and Reform, in this regard. Furthermore, the chairmen of the new statutory committees established in subsequent sections shall be members of the board of HRI. This is intended to provide greater transparency and better communication between the statutory committees and the board. Finally, this section updates references to the Minister for Finance and to the Minister for Public Expenditure and Reform. Subsection 2 provides for the transitional arrangement.

Section 5 of the Bill consolidates and clarifies the general functions of HRI and clearly provides that HRI is responsible for the overall administration, governance, development and promotion of the industry other than the integrity functions that are assigned in a later section of the Bill to the RRB. It provides that HRI may use directives to set rules and procedures in order to guide its activities, but also requires HRI to consult with the RRB before issuing any directive. Section 6 provides for the statutory committees in HRI and standardises their size. Subsection 1 simply re-enacts the provisions for the race fixture committee, in line with the other statutory committees. Subsection 2 provides for the establishment of a new industry services committee to focus on the requirements of those employed directly in the horse racing industry. It provides that the members shall elect the chair of the committee who will be a member of HRI. It also provides for a new betting committee to focus on the requirements of the betting section on the same basis as the industry services committee. Subsection 3 increases the membership of the media rights committee to five and provides that members of the committee need not be members of the board of HRI so that specialists can become committee members. It also provides that the committee will consult with the executives of authorised racecourses when negotiating any contract, thus increasing the influence of the authorised racecourses in matters relating to

media rights, an issue which has been a topic of discussion in recent weeks.

Section 7 clarifies that HRI may make deductions from monetary prizes in accordance with its directives, as is current practice. Such directives provide for payments to various associations, to jockeys' and trainers' pension trusts and other welfare funds. The section further provides that HRI cannot make changes in the directives governing deductions for charitable funds administered by the RRB without the prior agreement of that body. Section 8 strengthens governance arrangements by explicitly providing that HRI must provide information to the Minister about its activities or its compliance with the code of practice for governance of State bodies, by including provision for the issue of a direction to HRI by the Minister regarding such compliance and by providing that the Minister may require HRI and the RRB to agree procedures relating to such compliance.

Section 9 provides that the owner or keeper of a thoroughbred foal must pay the thoroughbred foal levy in advance of registering the foal in the stud book and allows the registering authority to refuse to register a foal if the levy has not been paid. Section 10 permits HRI to establish companies to carry out any of its functions and substitutes references to the Minister for Public Expenditure and Reform for references to the Minister for Finance. Section 11 defines the role of the RRB and its functions under the Act. It maintains its responsibility for the integrity services and licensing individuals involved in horse racing. It requires the RRB to consult HRI about new rules but does not provide any *imprimatur* to HRI in that regard. It also provides that funds due to the RRB but processed by HRI as a result of administrative streamlining, such as payments for licences, registrations and fines, must be paid by HRI to the RRB and such funds shall be taken into account when determining the budget for integrity services. I assure anyone who may have concerns in this regard that the purpose of the Bill is to streamline the process as opposed to changing where money is allocated. The money that used to come into Turf Club offices will come through a central office, if one likes, provided by Horse Racing Ireland but will continue to be automatically allocated to the Turf Club. I will ensure, on Committee Stage, that this is made absolutely clear in the Bill. Concerns expressed in this regard are unfounded.

It is inconceivable that the State body charged with providing funding from the taxpayer to a third party in respect of statutory functions would not be in a position to take into account funds levied as a result of the exercise of those functions. Strong checks and balances are already built into the legislative framework to protect the independence of the integrity function. Given that a State body is being allocated more than €7 million per annum for its integrity budget, the other income of the Turf Club will obviously be taken into account when determining this budget. However, current funding streams for licensing and regulation should not be affected.

Section 12 develops the theme of accountability and requires the RRB to prepare accounts in respect of its statutory obligations and forward such accounts to the Comptroller and Auditor General. This was a requirement of the Department of Public Expenditure and Reform and is consistent with the general theme of improving accountability.

Section 12 also provides that the chief executive of the RRB shall attend Oireachtas committees if requested to do so. It also obliges the RRB to furnish information to the Minister, on request, regarding its statutory activities, including its compliance with Government codes and policies. The section provides that the RRB must provide information to Horse Racing Ireland with regard to future funding requirements and disposal of funds in order that HRI may comply with its statutory obligations in accounting for funding for the industry.

There is no intention whatever to change the status of the RRB, the private nature of the Turf Club or its relationship with its members. These provisions are simply intended to improve accountability for taxpayers' money, as all of us have an obligation to do.

Section 13 - head 14 in the general scheme that was submitted to pre-legislative scrutiny - places the existing RRB practices in respect of transparency on sanctions imposed by it on a statutory footing. Section 14 - head 13 in the general scheme submitted to pre-legislative scrutiny - provides that bookmakers at point-to-point meetings will be subject to the same rules as they are at authorised racecourses.

Section 15 provides greater control over disbursements from the horse and greyhound racing fund by permitting the Minister to withhold payment of instalments from Horse Racing Ireland or Bord na gCon where either organisation has failed to provide satisfactory strategic plans, make reasonable progress on its strategic plans or provide the Minister with required information. The section also provides that moneys paid from the fund through instalments reflect the financial needs of HRI and Bord na gCon in order that the fund is used to best effect. It should not be forgotten that the fund amounts to more than €70 million per annum, a substantial figure.

Section 16 has been introduced following pre-legislative scrutiny and is consequential on section 15. The section inserts a new provision into the Greyhound Industry Act 1958 to provide that Bord na gCon is obliged to furnish information on its compliance with the code of practice for State bodies. It is similar to provisions referred to earlier in respect of Horse Racing Ireland.

Section 17 provides for the sharing of data between HRI and the RRB in accordance with the Data Protection Acts to facilitate administrative streamlining.

Section 18 amends the provisions regarding the appointment of authorised officers for the purposes of the Animal Remedies Act 1993. Under the existing provisions, an authorised officer would have powers under all of the provisions of the Animal Remedies Act. This revised provision empowers the Minister to appoint authorised officers for all or any of the functions specified in the Act. It would, for example, permit the Minister to appoint officers of the RRB to be authorised officers for the purposes of the Act in respect of horses only. This will enable such officers to investigate matters related to the misuse of animal remedies in horse racing.

Section 19 is the minor amendment to the Forestry Act, to which I have referred. Section 20 repeals the Horse Racing Ireland (Membership) Act 2001, as the measures in that Act are re-enacted in section 4 of this Bill. Section 21 contains the normal provisions for citation and commencement of the Bill.

This legislation will strengthen governance and transparency within horse racing, lay the foundations for increased efficiency and cost reduction through streamlining of administrative operations, clarify the respective functions of Horse Racing Ireland and the RRB, strengthen the RRB integrity functions, and improve accountability and control over State funding in the horse and greyhound racing sectors.

I intend to introduce a Committee Stage amendment to repeal sections 10(9) and (10) of the Horse and Greyhound Act 2001 which deal with media rights, and include a provision requiring any media rights deal negotiated collectively on behalf of the industry to be ratified by the Horse Racing Ireland board and representatives of the authorised racecourses. I also intend to introduce a minor technical amendment to section 7(2) to ensure that Horse Racing Ireland

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cannot alter the contributions to charities either administered or established by the Turf Club without the approval of that body. This is simply a technical amendment. I may introduce one or two other amendments if they make sense, are appropriate and will improve the legislation.

The Bill will strengthen the Irish horse racing industry, enable it to deal with the existing challenges and maximise its future potential. Horse racing is an extraordinary industry that is full of extraordinary people who set incredibly high standards. As a result, horse racing, as a sport and an industry, has been extraordinarily successful in Ireland. The sector will continue to be protected and supported, which is the purpose of this legislation. I commend the Bill to the House.

Deputy John Browne: I welcome the Bill and compliment the Minister - an unusual position for me to take - on allocating more money for the horse and greyhound racing fund. Following the reductions in funding for horse racing during the recession, the Minister's decision to allocate additional money to this important industry in the years ahead is an important one.

Horse racing calls to mind names such as Jim Bolger, Aidan O'Brien, Paul Nolan, Colm Murphy and the Mullins brothers. As a Deputy from the south east, I recognise the importance of horse racing in terms of employment, tourism, sport and culture. It is an important industry in the south east, and almost every farmer in County Wexford owns one, two or three horses. The horse industry has a number of different elements, including racing, breeding and show jumping.

The Fianna Fáil Party will support the Bill's passage through the House. I hope it will build on existing legislation in this area. As the Minister noted, the Bill strengthens governance and transparency within the administration of horse racing on the island of Ireland and incorporates the findings of an important independent report published by Indecon in 2012. I am pleased to note that the Minister has recognised the importance of the contribution of the Joint Committee on Agriculture, Food and the Marine during pre-legislative scrutiny of the Bill. It is welcome that he took on board some of the comments and recommendations made by the joint committee.

As the Minister stated, Horse Racing Ireland is the governing body for horse racing on the island. The proposed legislation improves accountability and control of State funding in the horse racing sector.

Debate adjourned.

Hospital Emergency Departments: Motion [Private Members]

Deputy Billy Kelleher: I move:

That Dáil Éireann:

agrees that:

— prolonged waiting times in emergency departments are associated with poorer outcomes for patients;

— the safety and quality of patient care must be a primary focus and timeliness is a

crucial component of quality care;

— patients should receive a high standard of treatment irrespective of when or where they seek emergency care and they should not experience excessive waiting times in emergency departments;

— elderly patients, in particular, should not be waiting more than six hours; and

— consultants are obliged and entitled to highlight conditions that may jeopardise patient care;

recognises that:

— last month was the worst October on record with 7,971 admitted patients cared for on trolleys; and

— over the first 10 months of this year almost 80,000 admitted patients were on trolleys;

notes that:

— the April 2015 initiative, while reducing waiting times for the Fair Deal and the number of delayed discharges, has not reduced the overcrowding in emergency departments; and

— the introduction of a system of fines to penalise hospitals that do not meet non-emergency care targets could further aggravate the difficulties in emergency departments;

calls for the Government and the Health Service Executive to:

— ensure safe, adequate and consistently available staffing levels for all emergency departments;

— recruit additional designated staff to look after admitted patients who are on trolleys;

— ensure the total patient time spent in the emergency department is less than six hours;

and

further calls for:

— the recommendations of the 2012 Health Information and Quality Authority report (entitled *Report of the investigation into the quality, safety and governance of the care provided by the Adelaide and Meath Hospital, Dublin incorporating the National Children's Hospital [AMNCH] for patients who require acute admission*) to be fully implemented; and

— the strategy to improve safety, quality, access and value as set out in the 2012 National Emergency Medicine Programme to be implemented.

The purpose of the motion is to highlight the continual overcrowding our emergency depart-

ments face nationally. Day in and day out, we see the Trolley Watch numbers and hear harrowing stories of patients lying for inordinate lengths of time in emergency departments. I would be failing in my duty if I did not raise this issue consistently. It is not something that happens every now and again. It is consistently a failure of determination by the Government to address the fundamental problem of lack of capacity across our hospital system. We had some very serious personal issues being brought to public attention recently having regard to the number of elderly people waiting on hospital trolleys in emergency departments. In that context, it is significant to acknowledge first and foremost the work of front-line emergency medicine consultants, nursing staff and all of the support staff required to ensure our hospitals are working. Unfortunately, they are expected to deliver more than the capacity will allow.

Issues were raised last week about overcrowding at Tallaght and comments were made by an emergency medicine consultant there. It was dealt with in a distasteful way. He was raising the plight of a patient under his care in the emergency department. I found it amazing that there was an attempt to damage the messenger. He said a patient was waiting for over 27 hours in an emergency department which was not appropriate. Unfortunately, the guns were turned on him notwithstanding the fact that he was a whistleblower. It is his duty to advocate for the patients in his care. It was very distasteful that the Minister would dismiss it summarily and try to undermine the message he was bringing. I found it incredible that, according to reports, the Minister decided to contact the particular patient. I find it almost unethical that a Minister of the day, regardless of whether he or she is a doctor, would contact a patient in the care of a doctor to ask whether or not he or she was satisfied with the treatment and service. It is wholly inappropriate. The Minister should reflect on that.

Commitments have been made time and again since 2011 to tackle head on the overcrowding in our hospital system and emergency departments and on our outpatient and inpatient waiting lists. We could go back and revisit the stewardship of Deputy James Reilly when he was Minister for Health. At the very least, it was inept in the handling. That was acknowledged by the Taoiseach himself who said at one stage on the floor of the House that he was taking a hands-on approach to the management of the health service because, obviously, he felt the Minister was not capable of doing it by himself. That was a sad indictment and undermining of the Minister of the day. However, a decision was made to shift him on. What has happened subsequently is that the story and how it is told has changed. That is all. The underlying circumstances for patients across our emergency departments has not changed. In fact, it has got progressively worse. We now have continuous incremental increases month on month of people waiting for inordinate lengths of time on hospital trolleys throughout our emergency departments. Some hospitals consistently breach the requirement for a timely throughput of patients. The idea that we can point fingers at or blame consultants because they speak out is distasteful to say the very least. The Minister should bear in mind that when he was Minister for Transport, Tourism and Sport, he lauded and applauded whistleblowers who stood up to champion the issue of the quashing of penalty points. He said they were very brave people. As Minister for Health, he was delivered the message by a whistleblower in an emergency department that people are waiting inordinate lengths of time, that their health is being put at risk and that basic human rights were not being afforded to them. His response was to undermine that person. He tried to attack the whistleblower and bring him into ridicule. That is something he should reflect on.

The broader issue in the motion is the requirement to recognise that last month was the worst October on record. It saw 7,971 admitted patients cared for on trolleys. Over the first ten months of 2015, almost 80,000 admitted patients were on trolleys. The Minister said he would

tackle the issue. He set new targets to reduce the use of hospital trolleys and he established an emergency department task force last year. The task force eventually met just before Christmas and it then resurrected itself on 6 January when there were over 600 people waiting on trolleys in emergency departments nationally. The task force eventually published recommendations in April. In June, the Department sent a one line email to the HSE asking it how it was getting on with regard to the recommendations. All in all and on a continual basis, a very hands-off approach is being adopted by the Minister and the Department in respect of addressing the national crisis. It is a crisis of huge proportions. The continual glib commentary that things will get worse before they get better is not a sustainable position for any Minister for Health to hold. The Minister continually diminishes expectations and talks about things getting worse before he will have an opportunity to improve them. The Minister has been in place for well over a year and the Government has been in place for almost five years but the position has consistently and rapidly deteriorated.

The motion notes that while the April 2015 initiative reduced waiting times for the fair deal and reduced the number of delayed discharges, it has not reduced the overcrowding in emergency departments. That was a key tenet of the proposals brought forward by the emergency department task force. We were told that if we could reduce the waiting times for the fair deal, there would be a more efficient transfer of patients from acute hospital settings into step-down and nursing home facilities. Of course, it has not addressed the fundamental problems because there are more fundamental problems in our hospital service. The Minister and his predecessor consistently said that it was not all about resources and hospital beds. At times, the Minister has said the problem would not necessarily be solved by providing additional hospital beds. The bottom line, however, is that it is impossible for our emergency departments to cater for what is presenting itself on a continual daily basis throughout this country without an expansion of capacity. The idea that we can pretend on a continual basis that things will improve without actually addressing the fundamental, underlying nature of the problems is not a tenable position to be in. Dampening expectations continually and putting presentation, spin and PR on it is not acceptable.

The motion calls on the Government and the Health Service Executive to ensure safe, adequate and consistently available staffing levels for all emergency departments. The Minister should know and I am quite sure the emergency department task force has highlighted the fact that we do not have adequate staffing in our emergency departments. We have front-line staff who are worked to the bone and put to the pins of their collars on a continual basis. They work under inordinate pressure and give above and beyond what is considered normal duty. There seems to be no acknowledgement of that but when people speak out, there is an effort to quash any dissent and undermine their views and ability to express freely their concerns and advocate for patients. The Tallaght case is indicative of the view that is held by the Minister and the Department of front-line staff, particularly our emergency medicine consultants who are working under extraordinary pressure.

We could go through the Government's record on health and the funding of same. Today, I asked the Taoiseach about the amazing utopian announcement of universal health insurance, UHI, that was made in 2011. It was to transform fundamentally how we delivered and funded health care, but the opposite has been the case. There is a paralysis in the consideration of how to fund health care for the years ahead. For a long time we have been discussing the abolition of the HSE and how we are to establish hospital groups that will formally be transferred into trusts. However, we discovered that the Minister recently made a case for the potential privatisation

of the management of some of those groups. He seems to be trying to absolve himself and the Government of responsibility for the health service, which is a public health system. He must examine this matter quickly, as the people should be informed of what the Government intends to do with that service if returned to office.

We cannot get a credible opinion from the Minister or the Taoiseach regarding UHI. The Minister consistently refers to universal health care. We all know what that is, and UHI is a different animal. Some Ministers with whom the Minister serves have consistently tried to undermine him. For example, the Minister for Public Expenditure and Reform has called UHI a non-runner in off-the-record briefings, given the costs that would be incurred by people who retained private health insurance and those who would be obliged to get some. A bit of honesty in the Minister's proposals for funding the health service would be important this side of an election. The commitment as regards the publication by the ESRI and others of a scoping exercise after many years of prevarication on the UHI project was also important.

If the Minister does not believe me that health services are in rag order, including our emergency departments and outpatient and inpatient waiting lists, he might observe that the members of the Irish Nurses and Midwives Organisation, INMO, have balloted for industrial action and highlighted the need for some acknowledgement of the crisis in hospitals. Front-line staff in emergency departments are warning the Minister that the crisis is jeopardising people's health. Across modern health systems, empirical evidence has shown that inordinate delays in assessing, triaging and treating a person result in adverse outcomes. People who are waiting inordinate lengths of time on trolleys in our emergency departments are dying because of delays in assessments. This is a fact. The Minister may not want to accept it, but people are dying on his watch because of his inability to deal with the crisis in our emergency departments. He should weigh on this heavily when responding to the motion.

The Government's amendment is self-congratulatory and restates what the Government will do, but it does not acknowledge the crisis in the health system. It lauds the Minister, stating: "supports the Minister for Health in his continued determination to bring about improvements in urgent and emergency care services."

Deputy Colm Keaveney: Guff.

Deputy Billy Kelleher: It is signed by the Minister himself. This is more self-congratulation. He is commentating on the health services and putting a spin on them that has no relation to the reality of patients' daily experiences. The 91 year old who waited 29 hours on a trolley is not an unusual occurrence. It happens constantly. While Beaumont Hospital was nearly being shut down because of overcrowding in its emergency department, the Minister was at a public relations institute event to outline to PR professionals how good he was at PR, spin, press releases and presentations.

We have an obligation to highlight the Minister's failing to deal with overcrowding in emergency departments. We do not do this just to cause him embarrassment. If we do not do it, we will fail in our duty to the many people who are left languishing on trolleys because of the Government's inaction and inability to address a national crisis that has been worsening under its watch and the Minister's in particular. This is not just me saying this, as these are the statistical facts. Behind those statistics are patients who are not being treated in the fair or reasonable manner that they expect when presenting at public hospitals. I commend the motion to the House.

Deputy Colm Keaveney: I thank the Leas-Cheann Comhairle for this speaking time. I acknowledge the dedication, commitment and, above all, actions of Deputy Kelleher in proposing such a comprehensive motion on emergency departments.

Eventually, one gets used to the Government's style of counter-motions that are tabled week after week. Tonight's is a half-hearted, sly acknowledgement of a problem, yet it is riddled with self-congratulation and guff. These are followed by an attempt to shift responsibility for the problems created by this Government onto someone else before finally disassociating itself from direct responsibility for resolving the issues at hand. As a parliamentary technique, designing an amendment like this is grand, but it is difficult to see how citizens on the receiving end might see any solution to their problems.

The Minister for Health refers in his amendment to the addition of 149 public nursing home beds. What he fails to mention are the 7,000 residents of the 119 public nursing homes that failed to meet HIQA's physical environment requirements. I wonder how these older citizens and their families feel about the Government parties' approach to self-congratulation in its amendment. Only last week, the Minister of State, Deputy Kathleen Lynch, announced that, rather than bring HIQA's opinions to the Cabinet to ensure that sufficient funding was provided, she and the Minister, Deputy Varadkar, would solve the non-compliance problem by extending the deadline for compliance by six years. Pretend and extend, as it were. As a way of getting around failing to hit key performance indicator targets, this works from a political point of view but abjectly fails from the point of view of the thousands of citizens who languish on trolleys and in corridors in accident and emergency units. They and other vulnerable citizens have been told to take their place in the queue and that the Government has prioritised rewarding people on twice the average industrial wage with tax cuts. Those people must come first. The sick, the vulnerable and the senior citizens must wait.

This approach of shifting targets in order not to miss performance indicators is an admission of failure. It is an approach that the recent Ministers for Health, Deputy Leo Varadkar and, before him, Deputy James Reilly, have practised like an art form. What is the solution to failing to hit the average waiting times target? Double the target. The solution to failing to bring nursing homes up to HIQA standard is to extend the deadline.

After failing to address the accident and emergency crisis, however, the Minister changed his approach. In response to the recent case of a 91 year old man who was left on a hospital trolley for 29 hours, the Minister deployed his patented approach, that of the disinterested observer. He calmly and nonchalantly informed the nation that he was not surprised by what had occurred and that he expected more such instances to arise in the coming months. It was almost as if he believed that the deficiencies in the health service were an act of God, some kind of natural disaster, and that there was nothing to be done but shrug one's shoulders because we could expect these situations to happen.

While asserting that no one was to blame for the difficulties in accident and emergency departments around the country and carefully ignoring his own responsibilities as Minister for Health, he then opined that the health service would benefit from having sections of it privatised. Here we get to what I believe lies at the heart of the matter. Fine Gael and, whether wittingly or unwittingly but as a patsy, the Labour Party have in health and in others areas of the public service engaged in a deliberate policy of degrading services and diminishing the expectations of the public, the members of which have a right to an acceptable service. Having stood over the degradation of public services, the Government uses the poor state of those services

as an excuse to privatise them. Of course, they will be sold to the favoured few or perhaps the favoured one. I should not go any further with this line because someone is likely to make an accusation against the House in order to have the record redacted.

This Government has consistently failed to demonstrate the kind of urgent political will required to deal with the crisis in our health service. Instead, every year there has been a scramble for funds and an urgent requirement at the end of each year to address what is clearly a case of underfunding. The evidence of that is that there is no plan beyond the plan to fire-fight.

The question of whether there is political will in the Cabinet to face up to the future costs of the health service must be asked here tonight. Of late, the Minister's main rival for the leadership of Fine Gael seems more committed to buying F-15 fighter jets for the chaps in the Defence Forces than he is to funding public services. For some in Cabinet, the allure of NATO seems stronger than building the kind of state whose legacy we can celebrate in years to come. Before the current Minister took on the health portfolio, he successfully won plaudits and political capital for backing whistleblowers in An Garda Síochána. He did this against the interests and even the will of some of his Cabinet colleagues who sat with him at the table on the day. He rightly won praise, including from me, in the corridors of Leinster House generally and across the floor of this Chamber. However, his actions in the recent past contrast starkly with his silence in response to a HSE internal inquiry being launched against a whistleblower from within that organisation. I acknowledge the work of Dr. James Gray, who deserves the support of this House and the Minister. The Minister supported the Garda whistleblowers but he has refused to listen to those in both the health service and the mental health service. He and the Minister of State, Deputy Kathleen Lynch, have refused to listen to Deputies and to testimonies in the print media, in local media and on radio stations, including my local radio station, Galway Bay FM, a presenter on which, Keith Finnegan, deserves credit for his work in respect of waiting lists at University Hospital Galway. The Minister and Minister of State have not listened because they do not want to do so; they do not want to know the truth. To listen would mean they would have to face the consequences of the decisions they make within Cabinet in respect of the health portfolio.

During the recent debate on the Financial Emergency Measures in the Public Interest Bill 2015, I made what I believed to be a reasonable and uncontroversial statement:

The challenge for the next Dáil should not be primarily around a language of taxation and the economy. We do not live in an economy; we are citizens of a society. There must be a discussion about the fabric of our social structures.

I also said:

We need to start talking about delivering the social wage. We live in a society, not an economy. We can have the debate[s] side by side.

One can work with the other. Those comments are uncontroversial to me and I believe they apply to this debate. When responding to my comments, Deputy John Paul Phelan of Fine Gael, a Deputy for whom I have great respect, expressed something close to outrage and said the next general election should not be held on anything other than the economy, as if we do not have a society and as if the economy and society do not go side by side. For the Deputy, it is a question of the economy and the economy only. He said:

Fianna Fáil has learned nothing if it believes the primary debate in the next Dáil should

not be about the economy and taxation. The economy should always be part of the primary discussion that takes place here and [elsewhere and across the constituencies].

In saying that, Deputy John Paul Phelan drew attention to the key difference between his policies and those of Fianna Fáil. He and Fine Gael believe that a government exists to serve the economy, while I believe a republic exists for the people and the good of society and that the economy ought to serve society rather than rule it. We are not a society of statistics. A statistical rise in GDP does not feed or clothe people. It does not respect the dignity of an elderly person in an accident and emergency unit, and it does not provide a disabled person with the dignity of his or her own citizenship within a republic. The solution requires political will and belief, and a value system should exist at Cabinet level.

Our accident and emergency units have become ground zero in the fight that must take place. As one of the highest-paid Ministers for health in Europe, Deputy Varadkar must roll up his sleeves and resolve the problem. We need to ensure a fairer society as we approach the next general election. Our communities require and expect that the most vulnerable people, some 350 of whom are to languish on trolleys in acute hospitals tonight, require this. What is occurring is completely unacceptable. It is not as if we did not know this set of circumstances was coming down the track like a train. The Minister knew and we were forewarned. Clearly, stronger political will is required. The Government does not have as part of the fabric of its politics the will to protect the most vulnerable.

Deputy John Browne: I welcome the discussion initiated by Deputy Kelleher on the emergency departments and the need to have a frank, open discussion in this House on how we can resolve the problem. Like the Leas-Cheann Comhairle, I am a long time in this House. I have noted that the health services have used up a lot of debating time and energy down through the years. Despite the efforts of many Ministers, the brains of the country and top-class management, we never seem to be able to come to grips with the problems in the health service throughout the country. The ongoing crisis we are facing in our emergency departments is simply not acceptable and must be tackled without delay.

The Government has failed to keep its election promise to end dangerous overcrowding. It is estimated that 350 patients per year die as a consequence of the latter. The failure of the Minister to take definitive action on the real and serious risks to patients from overcrowding continues to threaten the lives of vulnerable and elderly patients attending accident and emergency departments. We receive e-mails from him stating heads must roll. I do not know whose heads he suggested should roll. Is it the management in the HSE, the management in the hospitals or that in the accident and emergency departments? The Minister has never really spelled out whose heads should roll. At times, he is inclined to blame others rather than tackle the problem head-on himself. This is symptomatic of the overwhelming failure of Fine Gael and the Labour Party to deliver on the programme for Government commitment on health. The problems in the emergency departments are symptomatic of a system-wide problem in the acute hospitals. The capacity issues must be addressed, which requires a system-wide response. What we really need to see is immediate enforcement of the six-hour target for the 1 million patients attending emergency departments every year, with an absolute ban on any patient staying over six hours in an emergency department.

The news that overcrowding in emergency departments increased by 14% during the year to October is yet another indictment of the Minister, Deputy Varadkar, during his tenure in the Department of Health. Last month was the worst October on record, with nearly 8,000 patients

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cared for on trolleys. I noticed this week that one of the hospitals in Dublin has tendered for the purchase of new trolleys. The Minister might explain who gives approval to buy new trolleys. Obviously, if the hospital is buying new trolleys, patients will be on them for the remainder of this year, next year and for years to come. I doubt that the hospital would invest in new trolleys unless there was a plan for their use.

8 o'clock

In the first ten months of this year almost 80,000 admitted patients were on trolleys, which is the highest figure for the first ten months of any year since the INMO's Trolley Watch began. This comes despite the publication of the emergency task force report seven months ago. I do not know what happened to that report or if any action is planned following it, but it certainly does not seem to have any relevance in the Dublin hospitals at present.

As a Wexford Deputy I have a direct interest in the Dublin hospitals because County Wexford is now aligned with them. It is important that patients coming from Wexford do not have to spend their time on trolleys in accident and emergency units for more than 24 hours, as they do in some cases. Very little thought was put into that alignment because it does not seem as if the Dublin hospitals are able to cater for Dublin patients let alone those coming from rural areas.

The situation has been highlighted of elderly people spending 24 hours on trolleys while awaiting admission for urgent treatment. We had a 93 year old and a 91 year old in this position but those are only the ones whose cases were highlighted. I am sure there are many other elderly people whose cases were not reported in the newspapers. I do not think the Minister would accept that people of such an age should have to spend 24 hours or more on a trolley. Why would hospital management allow such a situation to occur and continue over 24 hours? Some people tend to blame nurses, but nurses in accident and emergency departments are worked to the bone. In many cases not enough nurses are on duty at night so they are not in a position to provide one-to-one support to elderly people.

Last week, the INMO suggested that a specific person should be designated to deal directly with people on trolleys. The designated person could ascertain the age of a patient and therefore try to fast-track elderly people into a hospital bed or at least have them treated without having to wait for 24 hours. It is a good suggestion and one the Minister should ensure hospitals act upon immediately, thus providing a designated person to deal with such a situation.

The six-hour target for 1 million patients attending emergency departments every year was a recommendation of HIQA which should be implemented without delay. I understand it is a four-hour target in the UK, so we should try to reach that target rather than going in the opposite direction with people waiting for up to 24 hours on hospital trolleys.

Dangerous overcrowding persists because it is tolerated and accepted as an unfortunate but normal side-effect of corporate governance failure from the top of the HSE down. I see it in Wexford and other hospitals, although I must compliment the management of Wexford General Hospital because it only had ten people on trolleys last month when every other hospital had huge numbers. That compares with 270 or 280 on trolleys in October 2014. Wexford General Hospital has a strong manager and management committee who have taken action to deal with the trolley situation. Other hospitals should do the same.

During the week, Beaumont Hospital had a ward with 30 beds closed due to renovations. With a bit of common sense, management would not have renovations going on in October,

November and December when hospitals tend to be busy and overcrowded. Surely the management could have arranged to have renovations carried out in the wards at a less busy period in the year rather than waiting until now. I put that down to bad management and bad decision-making. That matter should certainly be taken up with the management of Beaumont Hospital. However, I must compliment the hospital because my daughter attends there regularly as she suffers from spina bifida. It is a very good hospital providing a very good service. However, decisions such as closing a 30-bed ward at this time of year do not make sense.

The lack of doctors in rural areas seriously impinges on overcrowding in accident and emergency departments. People tend to go directly to hospital rather than their local GP because in certain areas there is no local GP anymore. That is due to decisions taken by the HSE to withdraw funding they had in the past. That situation needs to be re-examined by the Minister. I wrote to him recently concerning a doctor in Adamstown, County Wexford, who finds it difficult to provide a service based on her current income given that many supports have been withdrawn. She introduced small charges for those attending her clinic to try to survive in that rural area of the county. However, she was reprimanded by the HSE because it was a breach of contract. She could not do that despite the fact that patients in that area were only too happy to pay a small fee to ensure the GP remained in the area rather than emigrating to Australia, Canada or elsewhere. That situation also needs to be dealt with.

I welcome that 64 new ambulances are being purchased. However, one ambulance person said to me recently in Wexford that despite the new ambulances, there is no one to operate them due to a lack of drivers. That service should be provided 24 hours, seven days a week throughout the country, but that is not happening. I had a case last week in my town where a woman unfortunately passed away. They rang for an ambulance to be told the ambulance was there but there was no driver. It did not make any difference in that case because the person had passed away. However, it makes no sense to have a state-of-the-art ambulance with no driver. These issues need to be dealt with.

The CareDoc system came in some years ago to keep people out of accident and emergency departments. If a person rings CareDoc now, however, they are usually answered by a nurse or someone else on duty. They will say to go to Wexford hospital, Kilkenny hospital or whichever hospital is nearest to the caller. They no longer provide the type of service that is needed.

Fire brigade action is required to deal with the problem of people on trolleys in accident and emergency departments. The nurses' union says there has been a complete failure of management to address identified areas of concern such as staffing, including recruitment and retention, the maintenance of a safe work environment for staff to enable them to care for their patients to the highest standard, consistent use of agreed escalation planning, enhanced senior clinical decision-making presence throughout the seven-day cycle, and improved access for triage nurses to order diagnostics to aid patient flow.

The INMO is making these requests of management but the buck stops with the Minister to ensure management will introduce such services. The INMO is also demanding safe, adequate and consistently available staffing levels and additional separate staff to look after admitted patients who are on trolleys. That is the point I made earlier, that there should be designated staff to deal with those on trolleys, to keep an eye on them and to ensure that they are not left on trolleys for one or two days but are seen to as quickly as possible.

Emergency departments should be designated as a specific place of employment under the

Safety Health and Welfare at Work Act, thus requiring regular inspections to ensure staff health and well-being.

The motion serves to put pressure on the Minister and prompt him to deal with the problems now common and more or less taken for granted in accident and emergency departments throughout the country. Good management can deal with some of the problems but other problems remain, including lack of staff, reduction of staff numbers, difficulties recruiting staff, ambulance problems and doctors in rural Ireland leaving in droves - there is no longer a sufficient service in rural Ireland and this is leading to overcrowding in accident and emergency units.

I call on the Minister to take his responsibilities seriously. As I stated at the outset, there have been many debates in the House during my time here and I have been here a long time - some 32 or 33 years - the same as the Acting Chairman. No one seems to be able to get to grips with the health service despite the fact that so much money has been pumped in. The money is not being spent or used wisely. Despite promises from the top in the HSE and from the Minister, Deputy Varadkar, there seems to be a serious lack of proper management in the accident and emergency departments in all our hospitals throughout the country, but especially in Dublin. There seems to be serious problems in Dublin in respect of accident and emergency departments. I know there is a significant population in Dublin and that large numbers of people attend accident and emergency departments in Dublin. However, it should still be possible to manage the services to ensure that if trolleys are used, at least people are not lying on them for 24 hours plus, which seems to be the case at the moment.

Acting Chairman (Deputy Bernard J. Durkan): The Minister for Health, Deputy Leo Varadkar, is sharing time with Deputies John Deasy, Michelle Mulherin and Dan Neville. You have 30 minutes in total.

Minister for Health (Deputy Leo Varadkar): I move amendment No. 1:

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

“acknowledges:

— that improving waiting times in Emergency Departments (EDs) is a key priority for Government;

— the wide-ranging set of actions which are being put in place by the Health Service Executive (HSE) to achieve improvements in the delivery of care in EDs;

— the difficulties which overcrowding in EDs cause for patients, their families and the staff who are doing their utmost to provide safe, quality care in very challenging circumstances; and

— that optimum patient care and patient safety at all times remain a Government priority;

notes in particular that:

— the Minister for Health convened the ED Taskforce last year and the publication, in April 2015 of the ED Taskforce action plan, with a range of time defined actions to (i) optimise existing hospital and community capacity; (ii) develop internal capability and process improvement and (iii) improve leadership, governance, plan-

ning and oversight;

— the Director General of the HSE is co-chairing the ED Taskforce Implementation Group from now until March 2016. This is to ensure that all relevant parts of the health service, including acute, social and primary care, are optimising resources to deal with the particular challenges associated with the winter months;

— the significant progress made to date on the ED Taskforce plan is as follows:

— delayed discharges are reducing steadily from 830 in December last year to 567 on 3 November and the average number of patients waiting greater than nine hours on a trolley in October was 115, down from 173 in February;

— waiting times for Nursing Home Support Scheme (NHSS) funding have reduced from 11 weeks at the beginning of the year to three to four weeks;

— transitional care funding has continued to support 3,000 approvals, which is significantly above the original target of 500;

— over 1,200 additional home care packages will have been provided by the end of 2015;

— 149 additional public nursing home beds and 24 additional private contracted beds are now open;

— in addition, 65 short-stay beds opened in Mount Carmel Community Hospital in September;

— 270 of 300 additional beds funded under the winter capacity initiative will open by the end of November. The remaining 30 will open in February 2016; and

— 129 hospital beds which had been closed for refurbishment or for infection control purposes during 2015 will be reopened by the end of November;

— the HSE has provided over 1,400,000 inpatient and day case treatments and over 2,400,000 outpatient appointments up to the end of September this year – an increase of 8% inpatient and day case treatments and 2.3% outpatient appointments compared to the same period in 2014;

— the provision of additional funding in 2015 to relieve pressures on acute hospitals is as follows:

— €74 million in April 2015 which has supported significant progress to date on reducing delayed discharges and lowering the waiting time for Fair Deal funding, as well as providing additional transitional care beds and home care packages to provide viable supports for those no longer needing acute hospital care; and

— €69 million in July 2015 – €18 million to support the acute hospital system over the winter period by providing additional bed capacity and other initiatives to support access to care and €51 million to ensure achievement of the maximum permissible waiting times for scheduled care;

— this additional funding came on top of measures already taken in budget 2015,

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when the Government provided €25 million to support services that provide alternatives to acute hospitals;

— all of the funding referred to above is additional to the welcome increase in the total financial resources made available to the HSE by the Government in 2015; and

— a series of campaigns are ongoing to attract frontline staff in order to meet patient care requirements;

— in the past 12 months there are over 500 more nurses working in the health service;

— since September 2011, over 300 additional consultants have been appointed to acute hospitals around the country, including 78 consultant appointments this year;

— the number of Non-Consultant Hospital Doctors employed in the health service has increased by 338 since last year; and

— ED consultants have increased by 30 since 2007; and

supports the Minister for Health in his continued determination to bring about improvements in urgent and emergency care services.”

I welcome the opportunity to update the House on what is being done to improve access to services in our acute hospitals. I acknowledge that too many patients throughout Ireland are still spending far too long in our emergency departments waiting to be seen, moved to a hospital bed or sent home. This causes difficulties and distress for patients and their families and makes working conditions more difficult for staff. That is why dealing with this problem is a key objective for the Government.

The events of last week, when a number of individual cases were highlighted in the media, were met with the familiar cries for more beds, money and staff. We have heard much the same from Deputy Kelleher and others tonight. However, this is already happening. The problem is more complicated with multiple causes and they all need to be addressed. Any efforts undertaken must be sustained.

I reconvened the emergency department taskforce in 2014 to provide focus and momentum to deal with the challenges presented by hospital overcrowding. Progress is being made on implementing the plan. The Government has allocated more than €117 million in additional funding this year to reduce overcrowding. We have got the fair deal scheme waiting time down to between three and four weeks, from 15 weeks this time last year. This has freed up 225 hospital beds every day and is supporting hospitals to re-open closed beds as well as add more beds. Over 500 more nurses are in place compared to 12 months ago and we have more registered doctors than ever, with a further 338 non-consultant hospital doctors and 78 consultants appointed this year.

As I mentioned there are a number of different causes that can give rise to hospital overcrowding and it is worth setting them out. First, there are demographic pressures. The growing and ageing population is causing a small but relentless increase in demand year-on-year. Second, the level of attendances can increase or decrease for all manner of reasons, including general practitioner referrals, influenza, weather or accidents. Third, admission rates vary widely from hospital to hospital. In some hospitals, patients are twice as likely to be admitted than in

others. This can be cultural or down to the fact that a particular doctor will admit more patients than necessary. Less experienced doctors and locums have a lower threshold for admissions than experienced or more senior doctors, who are more confident in sending a patient home. There is also the issue of elective admissions. This involves patients being brought straight in for surgery or from a clinic and into a hospital bed rather than through an emergency department. Some hospitals manage this better than others by taking more people in when trollies are low and restricting the number when numbers on trollies are high. Others manage it less effectively. There is also the question of length of stay. Some hospitals can sort out the average patient in four days. Others might take a week, thereby using twice as many beds to do the same amount of work. This is often linked to getting tests and scans done, skeletal services at weekends or slow decision-making due to infrequent senior clinician-led ward rounds or board rounds. Other factors include care provided on an outpatient basis and the operation of acute medical assessment units.

Some hospitals can complete investigations in a single day and therefore the patient need not be admitted. Others must admit a patient. This requires a bed to be allocated simply to get investigations carried out. Then there is the question of bed capacity. Some hospitals may simply not have enough beds. Another area where capacity can be a problem relates to the delayed discharge of patients from hospitals. Some areas do not have enough nursing home capacity or home care packages and this means patients can be delayed leaving hospital. I was keen to explain this point to Deputy Keaveney, although he has left us. That was why the decision was made to spend more time meeting the HIQA standards. The alternative was to start closing down or blocking admissions to district hospitals and community hospitals throughout the country, something neither the Minister of State, Deputy Lynch, nor I could stand over. It does not make sense to say that a four-bed or six-bed ward is not up to standard while we allow other services to have 40 people on trolleys in an emergency department. That is why we made the decision. It was for practical reasons. More important, we now have the type of budget that was not available in the past six years because of the economic crisis. It will allow us to refurbish and replace these old nursing units, some of which are over 200 years old. I welcome the support of the Irish Nurses and Midwives Organisation for that decision.

There are many other issues related to efficiency or lack of efficiency in the operation of a hospital. Hours can be lost getting the discharge paperwork for a patient done, getting prescriptions written or getting the bed cleaned for the next patient. This could be done in an hour but sometimes it can take as long as five hours, thus leaving someone else on a trolley during that time even though a bed is available. I visit hospitals all the time on either an announced or unannounced basis. Often I see overcrowding in the emergency department and then empty beds on the wards. That is most frustrating and simply not acceptable.

Another cause is bed closures. This can occur for a number of reasons, including staff shortages, renovations or infection control. There is also the interaction with primary care provision in a given area. Where community intervention teams are in place patients can avoid admission or be sent home early since the nurses in the community intervention team can administer intravenous drips at home or in a nursing home. They can also check wounds or monitor blood levels. When these services are not in place, patients have to stay in the hospital until everything is sorted out, thus lengthening the average length of stay. There is no simple or quick-fix solution to the problems in our emergency departments. I note Deputy Kelleher brought the matter back to the time of my predecessor, the former Minister for Health, Deputy Reilly. Of course he could have brought it back further to the time when he served in Government along-

side the former Minister, Mary Harney, or when his party leader and now candidate for Taoiseach, Deputy Micheál Martin, was Minister for Health and Children.

Our approach to tackling this issue is to address the challenges throughout the health service. We must ensure all relevant parts of the health service, including acute, social and primary care, are working together to make the best use of resources. Experience has taught us two key lessons. First, additional hospital beds alone will not resolve the difficulty. Services and capacity in primary and community care are equally essential. They support people outside of hospital enabling them to access care in a primary or community setting or assisting them in the move out of hospitals to home or residential care. Second, today's cancelled operations are potentially tomorrow's emergency presentations. Therefore, it is equally important for us to balance planned and emergency care needs to prevent delays in diagnosing or treating illness that could result in greater needs for emergency intervention next week, next month or next year.

The real answer is to continue to implement the tailored solutions we are already working on, in particular the 88 actions identified through the emergency taskforce. The actions are a combination of immediate measures to target the pressure areas - fire brigade action, as someone else referred to it - as well as long-term sustainable solutions, which of course will take time to implement. These are designed to address emergency department overcrowding, provide specific care pathways for frailer patients, specifically elderly patients, and facilitate early discharge planning, beginning when patients first come into the hospitals with community and primary care services closely involved. The solutions also envisage more efficient discharge processes, including weekend discharges in order that patients can be discharged as soon as they are medically fit and better access to home-care and care in the community. Other plans include making the best use of all the non-emergency department facilities available, such as medical assessment units, minor injury units and urgent care centres as well as reducing delayed discharges.

Delayed discharges refer to patients who have been medically discharged and are waiting to go to a nursing home or home with supports. They are now steadily reducing. The latest figure is 567, the lowest in many years, compared to a high of 830 last December. This means we have freed up approximately 265 beds every day to be used by patients, which is a capacity increase equivalent to a medium-sized hospital. In addition, by the end of 2015 we will have provided over 1,200 additional home care packages, 149 additional public nursing home beds, including a new community hospital in Mount Carmel and another to open the next few weeks, 24 additional private contracted beds to support Drogheda and 65 short-stay community beds. All of these have been open since the summer.

These very significant increases in capacity are beginning to be reflected in emergency department performance. While it is still extremely challenging, the number of people waiting for nine hours or more on a trolley fell to an average of 115 in October, compared with 127 in June and 173 in February. We know the hospitals which are most affected, and these have been the subject of a particular focus in supporting them to implement solutions.

We also know the hospitals that have demonstrated specific improvements in areas such as length of stay, trolley waits, delayed discharges and helping patients and their families negotiate the fair deal applications process. These include Mullingar, St. Vincent's, Connolly Hospital Blanchardstown, St. James's, Portiuncula and Mercy University Hospital. I could have mentioned Wexford, as Deputy Browne did, favourably as well. Common to all of these sites is strong executive and clinical leadership, and integrated working across the community and

social care services and national clinical programmes.

We also need to provide more alternative models for pre-hospital care so that ambulances do not necessarily have to transport every patient to a busy emergency department. I have asked the National Ambulance Service to review protocols and I expect some progress on this matter in 2016.

We have a very high volume of activity in our acute hospitals. On average, 250,000 outpatient appointments and between 120,000 and 130,000 inpatient or day case procedures are carried out every month. The HSE has provided over 1.1 million inpatient and day case treatments and over 2.4 million outpatient appointments up to the end of September this year, an increase of 8% in inpatient and day case treatments and a 2.3% increase in outpatient appointments compared to the same period in 2014. The health service is expanding and doing more, rather than being cut back, and the facts show that.

As I said, we must also address access to hospitals for elective work. Additional funding of €51.4 million provided by the Government in 2015 has allowed the HSE to maximise capacity across public and voluntary hospitals, as well as outsourcing activity where the capacity is not available to meet patient needs within the maximum allowable waiting time. The latest NTPF figures published last Friday show reductions in total inpatient and day case waiting lists, in the numbers of patients waiting between 15 and 18 months and those waiting over 18 months. Similarly, there have been reductions in the total number of people waiting for outpatient appointments, which has fallen below 400,000 for the first time this year. At the current time, 85% of patients wait less in a year.

The HSE is working with hospital groups towards a new maximum waiting time of 15 months by the end of the year. As part of this work, the HSE is applying fines to hospitals which breach the maximum waiting time in order to incentivise improved performance for the longest waiters. The Opposition talks about accountability a lot, but seems to express absolute outrage at the notion that any hospital be held to account for its performance. Where hospitals fail to meet performance targets which others can meet, and where those reasons are internal as distinct from other causes, then that needs to be tackled. When additional resources are invested, patients and taxpayers have a legitimate expectation that questions should be asked if improvements are not secured and actions taken. What is the Opposition's alternative? Its solution is to throw good money after bad, as it did in the past. That is not a solution or an alternative.

Primary care services are also helping by providing alternatives to hospital emergency departments, such as GP out-of-hours services and primary care teams, reducing emergency department attendances through avoidance measures such as access to primary diagnostics and the provision of chronic disease and minor injury care in primary care settings and also enabling earlier discharge from hospitals. GP out-of-hours activity has increased by 10,000 patients in 2015 and community intervention team, CIT, activity, which is particularly focused on relieving pressures in emergency departments in hospitals, has increased by 30% compared to last year, with some CITs now actively working in nursing homes. Where equipment, aids and appliances are required to facilitate hospital discharges, community teams are given priority to acquire these, and palliative care and end-of-life services in the community are also being enhanced, such as additional beds in Galway and nurse specialist appointments which are now under way.

The difficulties in the health service have been exacerbated by recruitment challenges, which is well known. Less well known is the progress being made. According to the HSE, the number

of staff employed in the public health service has increased by over 4,700 full-time equivalents over the past 12 months, with a focus on medical and nursing recruitment. Government policy is to move to a consultant-delivered service and the number of consultants has grown significantly in recent years to 2,700 full-time equivalents. Between 1 January 2015 and the end of September, the HSE has offered 82 consultant posts, 78 of which have been appointed and 69 have taken up duty. The number of non-consultant doctors has increased by over 1,000 in the past five years and now stands at 5,500, the highest ever. There are 500 more nurses on the health service payroll than 12 months ago.

We are now facing into what is very likely to be a challenging winter period. It is imperative that we sustain the momentum of the various initiatives I have already outlined. To that end, additional funding of €18 million has been provided for winter initiatives which will increase the capacity in our acute hospitals. Some 301 additional beds are being opened and 129 beds which had been closed are being reopened, subject to staffing. I appreciate the positive comments of Deputy Brown on the spina bifida services in Beaumont Hospital, which are very good. I understand what he said about the wisdom of closing St. Damien's ward at this time of year. It is never a good time to close down or renovate a ward, in particular in a hospital as busy as Beaumont, but it needed to be done and it is a specialty kidney and renal ward. It had to be done for patient safety and outcome reasons. I am assured by the management in Beaumont that the ward will reopen this month.

Work is ongoing on other specific initiatives, and some have already commenced. For example, a new eight-bed clinical decision unit and four-bay surgical assessment unit are now open in Our Lady of Lourdes Hospital, with further beds to open later this month. The day hospital service in Beaumont has increased from two to three days and will become a five day service in the course of this month, giving elderly patients, in particular, an alternative way into the hospital rather than having to go through the emergency department. A similar system exists in the Mater through Smithfield.

Additional beds have been provided at Connolly Hospital Blanchardstown for overflow capacity and to take some benign surgical work from Beaumont, alleviating the situation there. The new Leben building in Limerick has been opened, providing an additional 24 beds in the stroke and cystic fibrosis units. At long last the cystic fibrosis and respiratory unit has opened in Cork University Hospital.

I have heard much talk from the Opposition about the need for additional resources to address the problems in our emergency departments, but unfortunately all it has been is talk. Sinn Féin and Fianna Fáil in their alternative budgets for 2015 provided nothing at all to address emergency department pressures. In contrast, we have provided €117 million and a further €51 million to address waiting lists. It is fair to acknowledge that they recognised the issue in their alternative budgets for 2016, promising to provide €86 million in the case of Sinn Féin and €90 million in the case of Fianna Fáil, but that is still less than the €117 million we provided in 2015 and the further significant funding we will provide in 2016.

Both parties talk a lot about the need to hire more staff, but Sinn Féin's plans are to cut consultant and management pay and increase their taxes, in a move that would be guaranteed to make recruitment more difficult. Fianna Fáil, in its alternative budget, made no provision for the Lansdowne Road pay restoration for nurses, young doctors, ambulance drivers, paramedics and therapists. I do not see how we could possibly recruit more staff if we were not to fund or renege on the commitments made in the Lansdowne Road agreement.

It is little surprise that in the case of Fianna Fáil joined-up thinking is so absent. After all, it ran away from the health ministry in 2004 after Deputy Martin's period as Minister for Health. During this time, the Fianna Fáil-led Government, supported by Independents, promised to end waiting lists permanently within two years and ensure sufficient bed capacity in hospitals. Instead, it set up the HSE. Thereafter, so scarred by the experience it was happy to leave the ministry to Mary Harney even after the demise of the Progressive Democrats in 2007. Nobody in Fianna Fáil wanted the job, so it left it to an Independent. I expect it is the same old Fianna Fáil, and it does not want the job now and will not want it after the election. Fianna Fáil's record in health speaks for itself. It set up the HSE and now wants to get into power to stop Fine Gael dismantling it. It spent more than €100 million on the IT systems known as PPARS, which did not work. It took free GP care from the over-70s, but the current Government has restored it not only to the over-70s but to all those under six years of age. Let us not forget Deputy Micheál Martin's famous response to the emergency department overcrowding that occurred when he was Minister, which was to complain that the hospitals had not ordered enough trolleys.

My focus is on patient outcomes, not on rhetoric, which is all we hear from the benches opposite. I am focused on making sure that patients receive the care they need when they need it. This is a substantial challenge for the health services, which were seriously damaged as a result of the economic crisis, caused in no small part by the actions and inaction of the last Government.

In any debate about health care, whether it is in this House or in the media, numbers are thrown around like confetti. The House should be assured that we are making some progress, and this is borne out by a reduction of 13,000 in the number of people on trolleys, which equates to a 16.7% reduction compared with 2011, the year in which we took office, and the fact that 85% of people who require an outpatient appointment or surgery are seen in less than 12 months.

The initiatives I have outlined this evening are slowly but surely gaining traction and are beginning to make a difference not in all places but in some places and not for all patients but for some patients. It is too simplistic and, indeed, wrong to suggest that it is just a question of increasing funding or staff or capacity in our hospitals. On any given weekday the number of people on trolleys peaks at around 300; it rarely exceeds 500. One would think, therefore, that putting an extra 600 hospital beds into the system would resolve the problem. I hope I have explained the reasons it will not be that simple. I ask the Members opposite, any of whom could be in the next Government, to be careful about the comments they may make because they may live to regret them in only a few months' time. Sustained investment, sustained reform and performance improvement are needed. Short-term solutions will only work in the short term, if at all. I can assure the House of my ongoing commitment and that of the Government.

Deputy John Deasy: The motion mentions poorer outcomes for patients, safety and quality of patient care, standards of treatment, elderly patients and conditions that may jeopardise patient care. If one just arrived from a different country, walked into this Parliament and picked up the motion and read it, one would probably consider it to be quite reasonable if one did not know who was running the health system between 2000 and 2011 and what those people did when it came to health care budgets, particularly as it relates to directing money towards the patient. They are the same people who drafted the motion. Within our system, if one excludes general practitioners and other primary care services, the average figure for pay in all operating environments or units is between 70% and 90% of total costs. In acute hospitals pay accounts for more than 70%, and in disability services it is about 90%, making a rough average of 80%

in those operating units. I dealt with pay in the Committee of Public Accounts a couple of years ago. Let us look at pay trends from 2002 onwards. The 2002 outturn pay figure for the health boards was €3.5 billion. By 2012 it had increased to €4.71 billion, a 35% increase. In voluntary hospitals, pay accounted for €1.13 billion in 2002, and by 2012 that figure had increased to €1.55 billion, a 37% increase. The collective trend is approximately 36%. That gives an idea of the increases during that ten-year period.

The HSE's annual financial statement shows that its basic pay increased by 24% between 2005 and 2011. The increases grew in the past six years, and in the last decade allowances increased by 22%; for example, night duty pay increased by 18%. Generally speaking, there were very substantial pay increases across the board. In the HSE's pay costs for management and administration, there was an increase of approximately 24% between 2005 and 2011. Those are the figures in the financial statements and the accrual accounts. Given that about 80% of the spend in the operating units goes towards pay and salaries, one comes to the conclusion that when the party that drafted this motion had control over the health system the directing of increases in the health budget towards the patient was not a priority. That statement is backed up by hard figures and facts. As everyone knows, when people get used to increases in their pay it is very difficult to reverse them; it is almost impossible. Health care workers deserve to be well paid. I am trying to point out that most of the new money injected into health care between 2002 and 2011 was not channelled towards essential services or to the front line or directly to the patient. When I read this motion, knowing that by 9 o'clock tomorrow evening the voices opposite will get louder and more accusatory and a little angrier, it is worth pointing out when the party opposite was in power it spent most of the extra money in health on pay, not on the patient. The facts prove that.

Deputy Billy Kelleher: On staff.

Deputy Michelle Mulherin: With regard to the issue of people on trolleys in emergency departments, I compliment the Minister, who has not been ducking and diving. In December 2014 he convened an emergency department task force. The reality is that there has been a serious conversation and a serious analysis of the issues leading to the overuse of trolleys, and a serious effort has been made to address it. Sometimes that is forgotten in the very hard cases that we hear of, and without doubt it is serious when people, especially the elderly, end up on trolleys. When the top people in the HSE work with the Minister, there is a concerted effort to find a solution. It is not a simple solution. A multifaceted approach is required to address delayed discharges, including improving access to diagnostic procedures. It is a question of ensuring that people go through the system more quickly and that those who need to leave have an appropriate bed to go to, whether in a step-down or a nursing home facility, or, if going back to their own home, that they have a home care package or something of that sort. It is quite complex. In the case of Mayo General Hospital, there has been an increasing demand. From the beginning of the year to date, aside from the surges, we have seen a 1% increase in demand. The much-talked-about issue of an ageing population is not in the future; it is now. We see more elderly people presenting with chronic illness who are in our hospitals in medical beds.

In the brief time available to me, I compliment the Minister, whom I have approached with many health issues. The investment in Ballina District Hospital means that all step-down beds are open; this has also happened in Swinford District Hospital and, to a certain extent in Belmullet Community Hospital. This all helps the situation. Ten extra full-time permanent staff are employed. The hospital and staff do a great job. Prior to the establishment of the task force, Mayo General Hospital achieved a substantial reduction in the number of people on

trolleys simply by implementing a change of approach to bed management and addressing the issues of delayed discharges and so on. Ultimately, however, there is an increase in demand across the board, which has undone some of the good work done.

In respect of the fair deal scheme, this time last year there were 79 people in Mayo waiting to be approved and validated. Today, there are four people waiting for approval. That means more people can get into nursing homes. The focus on home help, home care packages and so on has helped people to remain in their homes. There has been increased investment in primary care centres and services. Much good work has been done but until we eradicate the trolley issue or bring it to a position of minimal effect, the work will not be completed.

I pay tribute to the management and staff of Mayo General Hospital and particularly those who work in the accident and emergency department there. They demonstrate out and out commitment to providing the best possible care for patients. They are very pragmatic and, especially when we see so many people in the accident and emergency department and on trolleys, it can be very trying for patients and staff. We must continue to work towards a solution and I know that is what the Minister is about. He has my support in that regard. It is worthwhile to show all the efforts that have been made as it is a complex issue.

Deputy Dan Neville: I welcome the opportunity to discuss the motion. I will deal with one element, namely, that the safety and quality of patient care must be a primary focus, with timeliness being a crucial component of quality care. I fully agree with that. In the short time available, I will discuss regulating the area of psychotherapy and counselling. As the Minister knows, I spoke with him about this matter at the health committee meeting on 20 October. Earlier today, I spent a full hour with a person who has had serious difficulties with a psychotherapist. We regularly hear from people like Bodywhys, the eating disorders association of Ireland, that there are serious difficulties in this area. It is ten years since the then Minister promised there would be regulation of the sector as quickly as possible under the Health and Social Care Professionals Act 2005. I know the Minister obtained a report from CORU, the regulating advisers, about this in March this year. There will be further soundings and we will hear more at the end of this year or early next year. There is disagreement among bodies in some respects.

Patient care is a key issue. It is not acceptable that somebody may achieve an advanced diploma on suicide in the course of six weekends or that someone else may obtain a diploma on eating disorders, which is a highly complex area both in psychiatric and physical terms, over eight weekends. I take this opportunity to highlight the urgency required after ten years to bring about regulation.

Acting Chairman (Deputy Bernard J. Durkan): Deputies Ó Caoláin, Tóibín and Stanley are sharing time.

Deputy Caoimhghín Ó Caoláin: The Minister did his best to talk down the crisis in our health services but he will now have to hear some of the reality of the impact on service users and those dependent on it. Reports last week of a 91-year-old man spending 29 hours on a trolley in Dublin's Tallaght hospital, while his wife was also on a trolley for nine hours, depict a health service that is on its knees. This news emerged following a letter from Dr. James Gray, an accident and emergency department consultant, to the chief executive of Tallaght hospital, in which he claimed that there were "grave and dangerous governance failures". The position in which this elderly man found himself was absolutely appalling and a clear violation of his basic human rights. Last week, there were also horrific newspaper reports of an elderly woman

placed in an all-male ward due to overcrowding in South Tipperary General Hospital and who was allegedly subjected to a horrific sexual assault. Another report is that of Mr. Daultagh Donnelly, the father of two who bled to death while waiting 40 minutes for an ambulance to arrive, despite his family home being only five minutes from the Dundalk ambulance station. He lived close to Louth County Hospital, where the accident and emergency department has been closed. This litany of horrendous events stretches way back. In December 2014, an 87-year-old woman spent 57 hours on a trolley and a chair in a hall in University Hospital Limerick. In June 2015, two elderly ladies, both over 100 years old, had to suffer the indignity of spending more than 24 hours on trolleys while awaiting hospital beds. In September 2015, an elderly cancer patient spent five days on a trolley at Our Lady of Lourdes Hospital in Drogheda.

These are not isolated incidents and I am sure there are many more of which we have not heard. Our health service is a shambles. Overcrowding continues to increase and all measures taken to date have failed to address the critical issues of bed capacity and staffing. Last month was the worst October on record, with 7,971 admitted patients cared for on trolleys. In the first ten months of this year almost 80,000 admitted patients were on trolleys, which is the highest ever figure for the first ten months of any year since Trolley Watch began. According to the Irish Nurses and Midwives Organisation, INMO, in October, for the 15th month in a row, there was an increase in the level of overcrowding in accident and emergency departments. The latest monthly figures also confirm that 25 of the 29 accident and emergency departments have endured an increase in overcrowding in 2015 compared with the same ten-month period in 2014.

Beaumont Hospital's accident and emergency department recently had to go off call as a result of severe overcrowding. It is unbelievable that in 2015 patients and workers alike have to deal with conditions like this. As a result of these intolerable workloads, the INMO has begun balloting its members working in accident and emergency departments in respect of possible industrial action. This Government, faced with the enormity of the challenge of dealing with this crisis, has utterly failed in its obligation to alleviate the suffering caused by a health system in tatters. Efforts by the Government to date have amounted to little more than a stand-still response, holding things as they have been rather than investing and resourcing the identified needs of our health service.

The latest fanciful notion from this Government and the Minister's mouth is that hospitals that consistently underperform will see their management passed over to a private operator. I am aghast to think of how this would affect patients, particularly as they would then be at the mercy of a profit margin. The Minister also wished to incentivise hospitals to do more work. This would suggest that the overstretched men and women in our hospitals - in whatever role they play - could be induced to do more for our health service. This is simply not true, as the nurses in St. Vincent's Hospital have been forced to take industrial action to highlight.

Last week, the Minister, Deputy Varadkar, stated that it was "indefensible" that any patient was forced to spend more than 24 hours in an accident and emergency department. I remind him that he also stated a number of months ago that there would be "zero tolerance" of patients requiring hospital admission waiting in accident and emergency departments for more than 24 hours. So much for zero tolerance. He continually states that there is a plan in place but this plan is not working. The crisis is escalating at a ferocious rate.

A severe shortage of nurses is a major contributory factor in the current crisis. Nurses are choosing to go abroad because of poor working conditions and the lack of career prospects here. A Health Service Executive recruitment scheme to encourage Irish nurses working abroad to

return home and take positions in the health service here has been extended after it managed to attract just 77 people. The aim behind the nursing in Ireland initiative, announced on 23 July, was to recruit 500 Irish nurses and midwives within three months. At least 4,000 additional nurses are required as a matter of urgency in our health service. The Government must engage in a massive recruitment campaign to bring nurses back home and encourage more nurses training in Ireland to stay in service in their own country. This must be combined with a drastic improvement in working conditions at home or else all will be for naught. This is not about money, although the Government has made matters worse through its savage cuts under the financial emergency measures in the public interest legislation in recent years. Our public health service is severely under-resourced and requires a commitment not only to new investment but also to the public ownership model itself. This seems not to be forthcoming from Fine Gael and, even more disgracefully, from the so-called Labour Party. The Government has provided €18 million euro in additional funding for health in 2016 when demographic pressures and the Lansdowne Road agreement are stripped out. That is what the budget 2016 document says and that is what the Minister, Deputy Howlin, placed on the record in this House not many weeks ago, and yet the Minister still provides multiples of that with his colleagues in government - nearly ten times that amount - in tax relief to those who earn in excess of €70,000. This is a damning indictment of the Government's approach to the health crisis.

Deputy Peadar Tóibín: The health service has gone through five years of sustained vandalism. The current and previous Governments have gouged €3.3 billion and 9,000 staff out of the health service. As a result, the points of access for citizens into the health service have been severely restricted. In my constituency we have Navan hospital and we have a hospital in Drogheda. So far this year, 7,700 people have been forced onto trolleys by the Government. That is the whole population of the town of Trim, every man, woman and child. The equivalent of that population has been forced onto trolleys in those two hospitals in our region. Being put on a trolley means delayed diagnosis, delayed treatment and poorer outcomes. It can mean significantly deteriorating health or death, yet the small framework document, which is the official policy document of the Government, seeks to close the emergency department in Navan hospital. Will the Minister ensure this document is no longer the policy document for the Government?

Access to hospitals via ambulances has also become more difficult. I know of 40 separate cases where ambulances took at least one hour to come to emergencies in my county in recent years. There were fatalities in seven of those cases. In the past week we heard of the tragic case of a young father, Dualtagh Donnelly.

Access to hospitals via waiting lists has also become more difficult, with 69,000 people on inpatient and day case waiting lists, 401,000 people waiting on outpatient lists, children on painkillers waiting more than six months to access dental treatment, and 3,000 children on waiting lists for mental health services. The backdrop to this is a high and increasing youth suicide rate. At the same time, the Government seeks to close the 24-hour psychiatric unit in Navan. It was supposed to be closed at the beginning of last month but has been pushed out until after the general election. This is despite reduced bed capacity and people being turned away. This is a false economy. If diagnosis and treatment are delayed, hundreds of thousands of people will see their health deteriorate. It will necessitate more crisis interventions, which cost money and clog up acute emergency services.

Under the stewardship of the Minister, the unacceptable has become the normal in this State. I wish to raise with the Minister a petition that has gone before the petitions committee from a

constituent of mine in County Meath who believes strongly that water is being contaminated in houses throughout the State. This water is being pushed from pressurised heating systems into the household water and then, through shower units, is leading to respiratory disease among a large section of the population. Will the Minister draw this to the attention of the HSE and have it investigated? Prevention is better than cure.

Deputy Brian Stanley: I welcome the opportunity to speak on this motion. No one can deny we have a crisis in emergency departments throughout the State. The facts are there. While we have a crisis throughout the State, the Portlaoise emergency department is fighting for its very survival. A report was commissioned under the stewardship of Dr. Susan O'Reilly and we were supposed to have its conclusion and outcome in September. However, we now find it is delayed and, two months on, we still do not have it. I am raising the question of whether it is being delayed until after the general election. I hope not because the people of Laois and beyond want to know what is happening to their emergency department.

Portlaoise is one of the busiest emergency departments outside of Dublin. An average of 40,000 patients go through that unit. The number of patients on trolleys has increased by 60% on last year. They are the facts and the figures are there to show that. There are a number of problems, the main one being that there is only one temporary consultant and some out-of-hours cover by a visiting consultant. There is no emergency department on call outside of 9 a.m. to 5 p.m. That is not acceptable and we know the damage it is causing to the viability of the unit. We also have a shortage of nursing staff in the unit, which needs to be improved. There are only 39 medical beds in Portlaoise hospital and I am told by staff in the hospital that this is causing a bottleneck in the emergency department because beds are not available to move the patients off trolleys, through the emergency department and into the medical wards. There are only 39 beds and ten more are needed. Other hospitals are having difficulties but they have more staff available per patient. The budget in Portlaoise at one stage was in the region of €52 million per annum. At the moment it is in the region of €47 million. That is a real problem because it costs money to employ nurses, consultants and other staff. The hospital needs to be funded as a busy regional hospital, not just as a small local hospital.

Obviously we want emergency departments improved throughout the State and we have a crisis. We need the report into the situation of the emergency department in Portlaoise to be published. We were supposed to have it in September. Will the Minister bring that forward to provide the 24-7 on-call consultant coverage we need in the hospital and to provide the nurses who are needed? About eight extra beds are needed in the medical wards. Those extra beds would transform things in Portlaoise. Will the Minister for Health provide those? The INMO members are not threatening to go on strike for their own gain. They stated very clearly that they are going to do so because they are concerned about emergency departments and the risks to patients. They want to ensure the health, safety and well-being of their staff on the front line. That is what they said. We must listen to these people who are at the coalface. We must provide the supports, the finance and the resources to staff these emergency departments properly. Portlaoise urgently needs the three actions I outlined.

Deputy Maureen O'Sullivan: We can all agree that health care should be based on need. With the health care budget we have, which is massive, we should have a state-of-the-art health service. We have excellent care for people once they get into the system, but getting in is the problem. That is the thrust of the motion. Tá sé uafásach éisteacht leis na fadhbanna atá ag daoine, go háirithe seandaoine, le déanaí. Cad ba cheart dúinn a dhéanamh?

I acknowledge the work of the doctors in local areas who are doing their best to keep people out of emergency departments. We must remember that they are just for accidents and emergencies. These doctors, with additional equipment and facilities, could stay open much later and prevent more people going to emergency departments when they could go to their local doctor. We need to look at emergency departments in terms of the demands on the service. Those presenting with addiction issues need a separate facility which should not to be imposed on the general population, because that is not fair to either group.

9 o'clock

To break the cycle of addiction, we need staff who are trained in addiction and we need a service where those who present drunk or drugged in accident and emergency have an opportunity to sleep it off, get the medical care they need but, more importantly, be linked in to detox, community programmes or whatever because at present the emergency department is a revolving door for those in addiction. According to the statistics from the HSE for August 2015, some 8,000 plus were returning attendees. I wonder if there is a breakdown of those and how many of them were presenting in addiction.

Another group who have significant difficulties at accident and emergency departments are those who present with mental health issues, autism and Asperger's syndrome. Accident and emergency is a nightmare for them. Designated intellectual disability nurses would ease that situation for such people. I ask that the Minister look at a separation of services.

Regarding the waiting time for knee and hip replacements, I thought patients were making progress in this area but the calls are coming in again. I am hearing of delays with hip and knee replacements. If the replacements were done speedily, these patients would not have to give up their jobs, which is what they tell me they have to do. It is worth considering that they could be back in work paying their taxes rather than in a situation where they are a cost to the State. There is a role here for the treatment abroad scheme. It would be interesting to conduct a cost-benefit analysis on what it costs the State to have someone out of work as opposed to utilising the treatment abroad scheme. If the private health care system can be run efficiently and promptly, why can that not be replicated in the public health service?

Great work is being done by our doctors and nurses, and they are in demand abroad. While the salaries that those abroad would get here might bring them back, one aspect they will not come back for is the working conditions here because they have better working conditions abroad.

Deputy Finian McGrath: I thank the Acting Chairman, Deputy Durkan, for the opportunity to participate in this urgent debate on the health service and the lack of supports in accident and emergency departments. It is a national scandal that the Government still has not fixed the health service and provided safe and quality service for all of the people. Elderly patients and persons with disabilities are being left lying around and, in some cases, with no services.

Today, in my constituency office in Donnycarney, a mother of a 28 year old severely disabled young man told me of her recent experience in Beaumont Hospital. Her son, who has severe cerebral palsy, is PEG-fed, non-verbal and five stone in weight. His mother made the following points. His feeding system has a balloon attached to bring the food, fluid and medication to his colon and when this bursts, which can happen at any time, it cannot be replaced in the accident and emergency department but must be done through the radiology department in

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Beaumont that he has attended for the past ten years.

On Saturday, 31 October at 6 p.m., his mother took him to Beaumont as the PEG had burst. There was nobody in radiology to deal with this, as it was only open for stroke victims but if it had been an emergency, the team would be called in and they would see him. His mother was very concerned that her son would receive no food, fluid or medication if this was not rectified, but the doctor in accident and emergency told her to take him home and just feed him as normal, which is what his mother and her husband did after receiving this advice from a trained doctor. On Sunday, 1 November, they returned to Beaumont to the same experience, with nobody in radiology to see their son. They went back on Monday, and when they got to see the doctor in radiology, he said it was not okay to feed their son through the broken tube as their son cannot vomit if there is something wrong so they queried the authority of the doctor on the previous visit.

Normally, the procedure takes ten to 15 minutes to perform, but this day it took over an hour. They could not get the tube in and her son was very agitated, which was upsetting for herself and her husband. The doctor took them both aside and explained how dangerous this procedure had become and that this was due to the mother feeding him through the broken tube. Their son's temperature was now reading 38.5°C and the doctor told them to take him back to accident and emergency. At this stage, the mother was quite worried about her husband, as it was taking its toll on him. Her husband is 70 and the mother is in her 60s. They took their son home, as they had had enough of Beaumont over the weekend.

The mother and her husband have never been away from their son's side since he was born and would like to know what are his rights. He is being discriminated against because he has no voice. This has to stop in Beaumont. Nobody seems to be in charge. This family is suffering. I ask the Minister what are the rights of this person with a disability? Does he and his family deserve a quality health service? The Minister needs to act, and act now.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Wednesday, 11 November 2015.