



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 26 Samhain 2015

Thursday, 26 November 2015

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Economic Competitiveness

1. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation the actions he is taking to increase Irish competitiveness levels given the increased competition from the United Kingdom as a location to establish a business compared to Ireland; and if he will make a statement on the matter. [41849/15]

Deputy Dara Calleary: Will the Minister for Jobs, Enterprise and Employment discuss the actions he is taking to increase our competitiveness in light of the competition coming from the UK, particularly in respect of non-taxation matters but also in the context of the decision to reduce corporation tax in Northern Ireland to our level?

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Some of the taxation matters could probably be directed to the Minister for Finance but I will endeavour to answer the question as best as I can. Ireland suffered a sustained decline in competitiveness from about 2002 which contributed in major part to the depth of the economic crash and job loss. Reversing these trends has been a central challenge in our Action Plan for Jobs. That plan has addressed the full range of policy areas. Sustained improvement has been achieved in all key areas: the support for start-ups; the ease of doing business; the tax environment; access to finance for start-ups and small business; access to new markets; and critical skills. We have improved our ranking but there is no reason for complacency and we actively watch what other countries are doing, including our nearest neighbour in the UK.

In respect of start-ups, last year, I launched Ireland first ever national strategy for entrepreneurship, which we are more implementing through the Action Plan for Jobs

process. Specifically, we have reformed how we provide supports for enterprise through the establishment of the local enterprise offices providing a first stop shop for entrepreneurs and small businesses in every county in the country. We have launched Ireland's Best Young Entrepreneur, IBYE, competition. Enterprise Ireland has increased supports for high-potential start-ups and launched a number of competitive funding calls, focusing in particular on encouraging female entrepreneurship. We have reformed how we support commercialisation and spin-outs from our third-level institutions with the establishment of Knowledge Transfer Ireland with the central focus on making it easier for entrepreneurs and enterprises to develop new products and services and to create jobs and impact for the investments being made.

We have continued to improve the attractiveness of the tax environment for start-ups and entrepreneurs as part of budget 2016. The start-up refund for entrepreneurs scheme was announced in 2016, the rate of capital gains tax for entrepreneurs was reduced to 20% for the first €1 million of gains and the exemption from corporate tax for the first three years of a business was also extended. We have improved access to finance through a range of initiatives including the establishment of Microfinance Ireland, the introduction of the credit guarantee scheme and, more recently, the launch of a range of funding initiatives by the Strategic Banking Corporation of Ireland.

There are encouraging signs of strong growth in start-ups. Entrants to the IBYE competition are up by 40% this year. The number of self-employed people with employees has increased by 13% in the past four years. The number of companies establishing for the first time has increased by 29% in the past four years. These results, along with the very positive job numbers in general, encourage us in our conviction that we have the right policy mix to support strong jobs growth into the future. The challenges involves continuing to improve that environment and not losing that mix or drifting off course.

Deputy Dara Calleary: Let us try something different here and let us try to get an answer to the question. That is the cut-and-paste answer that is the Minister's standard speech on start-ups. What I want to focus on is the challenge we face from the Six Counties and Great Britain in respect of their competitiveness for start-ups, the package and offering they have put together and their agencies' hunger to get start-ups to locate there. All the factors the Minister mentioned are correct. People are actually starting up companies here but they are making the decision to expand them outside the jurisdiction because of the range of supports that are available. Taxation is a matter for another Minister, but taxation in the context of the corporation tax rate is something the Minister needs to be on top of and very aware of. A very significant step relating to corporation tax on this island, to which our Government has been a signatory, has been taken and will take effect in the next number of years. It will now impact on decisions by people who are making long-term business decisions. What is the Department of Jobs, Enterprise and Innovation doing in respect of this?

Deputy Richard Bruton: If the Deputy wants a different answer, he should ask a different question. He asked if I would discuss the actions the Government is taking to increase Ireland's competitiveness levels so he-----

Deputy Dara Calleary: Given the increased competition from the UK.

Deputy Richard Bruton: The Deputy asked a two-sided question, which I answered. If the Deputy wants to change his questions, he has a right to do so. I welcome the move by Northern Ireland to have a low corporate tax rate. I think it will benefit both parts of the island. We stand

to gain from a more competitive offering in Northern Ireland. Of course, we will face competition for mobile projects but that has always been a feature. We have faced competition from the UK, Switzerland, Belgium and Luxembourg all of the time. The record will show that we are doing well in any competitive assessment of how we fare in winning investment.

There is no doubt that the UK has offered a tax environment that is favourable to start-ups. As the Deputy will see, this year, the Minister for Finance received a discussion paper on entrepreneurship and the tax code. In response to that, he has started a process of reform. This year, he reduced capital gains tax for entrepreneurs as well as making other changes such as those for the self-employed.

Deputy Dara Calleary: Is there a group or focus within the Department of Jobs, Enterprise and Innovation on the competitiveness of Great Britain and the Six Counties and their impact on our potential to grow jobs? Has any work been done in the Department on the potential consequences of the change in corporation tax in the Six Counties?

Deputy Richard Bruton: We have a group. The strategic policy group deals with all issues involved in preparing for the Action Plan for Jobs. The National Competitiveness Council assesses all aspects of competitive challenge for Ireland. I do not see a move by Northern Ireland to have a lower corporation tax rate as something that we should be worried or concerned about. I see it as a natural development. A stronger offering in Northern Ireland can benefit both parts of the island. We will continue to compete for projects with Invest Northern Ireland or whatever other programme exists. We continually review our effectiveness and competitiveness. IDA Ireland has been very successful at horizon scanning and positioning ourselves in skills, tax, the business environment and different ways to respond to the challenges as they emerge.

Economic Policy

2. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if he has read the report “Modelling Irish Unification” by KLC Vancouver, British Columbia, Canada; and if he agrees with the projected potential growth boost to the Irish economy of €35 billion of gross domestic product that could be provided by the realisation of an all-island economy. [41848/15]

Deputy Peadar Tóibín: It is not like me to complain and the Ceann Comhairle knows that I have been a very co-operative Deputy over the past five years but I just want to draw attention to the method of dealing with Parliamentary Questions to the Minister for Jobs, Enterprise and Innovation. In 2012, as the spokesperson on enterprise in the second largest Opposition party, I was afforded the opportunity to ask 31 questions relating to enterprise. So far this year, I have only been afforded the opportunity to ask seven. Obviously, this has reduced my ability to hold the Minister to account on this issue. Could the Ceann Comhairle take the fact that there has been a fall in the number of questions I have been given the opportunity to ask from 31 in 2012 to seven in total this year into consideration? It has had a significant effect on my ability to hold the Government to account on enterprise. The Government promised-----

An Ceann Comhairle: This is a matter that should be discussed between the Whips.

Deputy Peadar Tóibín: I understand the Whip has already raised it at the Committee on Procedure and Privileges. I wanted to raise the issue here but will leave it at that.

An Ceann Comhairle: I thank the Deputy.

Deputy Peadar Tóibín: A significant body of work has been carried out by Professor Hübnér. This work has stated that there is an opportunity with regard to economic integration in the North for €35 billion in extra GDP to be created over eight years if the two economies were to integrate properly. My question simply asks if the Minister has read the report and, if so, if he will carry out the actions in the report.

(Deputy Richard Bruton): I welcome the publication of this interesting report which gives considerable food for thought by undertaking some economic analysis of issues arising in the event of the unification of Ireland.

It is very difficult to say whether the conclusions of the report in relation to the potential growth boost to the Irish economy would be borne out in practice. I note that the report's conclusions are based on an economic model and on significant assumptions in that regard. The economies of the Republic and Northern Ireland have developed in very different directions in the past 90 years. There is a significant range of different legal, administrative, regulatory, and financial systems in place and Northern Ireland is an integral part of the much larger United Kingdom economy.

Regardless of the political structures in place on the island, there is an overwhelming economic case to be made for more economic engagement. I emphasise that this Government is fully committed to the Good Friday Agreement, to the principle of consent and to the institutions that were established at that time. The need to address economic business development matters on the whole island was recognised and resulted in the establishment of InterTrade Ireland, the cross-Border trade and development body. At that time there was very limited interaction between business North and South, relatively low levels of trade between both jurisdictions and untapped potential for better engagement. To combat this disadvantage and to seek to drive enhanced levels of business activity, InterTrade Ireland has, in the intervening years, operated a range of programmes and initiatives to develop economic linkages between businesses on both sides of the Border. This work has represented a modest but positive start to the process of developing an "all island" economy, regardless of political structures.

Deputy Peadar Tóibín: The model measures a number of outcomes and steps that would be taken with regard to harmonisation of tax. We see some of that harmonisation in the adoption of common currency, convergence in productivity across the island and the eradication of parallel government structures. It states that €35 billion would be created if the economy in the South were to integrate with the Northern economy, that is, €1,497 per person in the first year of that integration, and €5,650,000 of extra GDP per person, man, woman and child on the island of Ireland in the eight years. That is a massive amount. It states that the two economies are interlinked and interdependent but it also states that there is a massive economic gap and that hundreds of thousands of people, right through the island and especially along the Border corridor, are falling through that economic gap every year. As Deputy Dara Calleary said, the Minister does not answer questions. The simple question is whether the Minister has read the document.

Deputy Richard Bruton: I have read the document in considerable part and, as I said in the reply, it is based on a number of assumptions. It is up to people to read it and evaluate them. They are assuming an immediate devaluation in Northern Ireland which would mean a reduction in the average value of wages within the Northern Ireland economy. There are issues

around that. It assumes the immediate harmonisation of taxes, North and South. It assumes that the Republic of Ireland would take up a considerable part of the deficit within the Northern Irish economy that is currently supported by the UK and a whole lot of other assumptions about the way in which the economies would converge and how this would evolve. As an economic exercise, it is a very valuable contribution to the discussion. It shows the opportunity for significant gains but it does not call for action by me, as the Deputy suggested. It is an evaluation, it is an economic modelling exercise and it is a very valuable contribution.

Deputy Peadar Tóibín: It is startling that the Minister said it does not call for actions. If €35 billion could be gained following economic integration, then €35 billion is the cost of doing nothing and standing over a policy inaction or inertia with regard to not getting involved. The Minister of State at the Department of Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan, appeared on a BBC programme a couple of weeks ago and was asked a very important question about the costing of an all-Ireland economy and, gormlessly, he answered by saying he did not know. The report stated that there is a dearth of research on this issue across the world. That the report was commissioned and carried out in the US says something shocking with regard to this issue. Blissful ignorance is not an opportunity for the Government or the people of Ireland to do nothing. Will the Minister carry out research on best case scenarios and take elements of the report - without full unification which would take political decisions - that could be implemented purely under the Good Friday Agreement and do a cost-benefit analysis of those?

Deputy Richard Bruton: Certainly I am in favour of lower trade barriers. The work of InterTrade Ireland is to do just that, to reduce trade barriers; both North and South, as export economies, favour the reduction of trade barriers in every way possible. Obviously, the more immediate concern of the Government would be with the possibility of the reverse happening, that there would be an increase in trade barriers between North and South should the British people take certain decisions. There are issues here that are worthy of keeping under consideration. What I said was that this report does not call for specific action from me but it is a worthy contribution. The Deputy is right. As I said to Deputy Dara Calleary, I welcome the move in Northern Ireland to adopt a lower rate of corporate tax. I think that will be good for the all-island economy. I welcome any efforts to reduce trade barriers. I welcome and support actively through my budget InterTrade Ireland which supports North-South activity but some of the wider issues, such as whether Northern Ireland would adopt the euro, are clearly not for me to consider. There are other issues. It is a worthwhile debate and it is a worthwhile report. It is worthy of consideration, and I read it on foot of the Deputy's recommendation.

Deputy Peadar Tóibín: In large part.

Fishing Industry

3. **Deputy Paul Murphy** asked the Minister for Jobs, Enterprise and Innovation if he will report on measures he has taken in monitoring compliance with workplace legislation in the fishing industry, with particular reference to migrant labour; and if he will make a statement on the matter. [41851/15]

Deputy Paul Murphy: I am sure the Minister is aware of the cases of gross exploitation and slave-like conditions of undocumented migrant workers in the fishing industry in Ireland, exposed by *The Guardian*. The Minister was asked about this issue almost two and half years ago by Deputy Joe Higgins. He referred to it as a contention and the International Transport

Federation has done much work on it. What action will the Government take to end the gross exploitation that is taking place to ensure these workers are afforded the full protection of the law?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): Concerns about exploitation of vulnerable migrant workers in this sector are global in nature. In order to address the complex array of issues facing the State in monitoring compliance with workplace legislation in the fishing industry, the Government established a task force a few weeks ago on allegations regarding the treatment of workers on Irish fishing trawlers. Arising out of the conclusion of the task force's work last week, we now have a scheme in Ireland to assist such workers.

I welcome the agreement reached by members of the task force, which saw all Government and State agencies involved in the sector coming together to come up with a solution. This cross-departmental approach makes the scheme robust and fair, as well as helping to reduce the potential for migrant workers in this sector to be abused by unscrupulous employers. That is the aim of the scheme. The agreement provides that non-EEA nationals will enter into a new employment relationship with an employer in the State, as opposed to being share fishermen, which has been the predominant model in the sector. As such, they will be guaranteed all appropriate employment rights and protections during their period of employment and the WRC will have a remit in respect of compliance with employment rights legislation and enforcing these workers' rights. Inspections regarding enforcement of legislation relating to the rest periods and maximum working time of seafarers and fishing vessel crews will continue to be undertaken by marine surveyors of the Department of Transport, Tourism and Sport.

Complementary to the new scheme, the powers of the inspection service of the Workplace Relations Commission, WRC, have been broadened under the recently enacted Workplace Relations Act to empower WRC inspectors to board vessels to enforce the full suite of employment rights legislation for non-EEA workers who will be employees under this scheme. It is the Government's stated intention to see a memorandum of understanding put in place by the relevant State enforcement bodies to provide for a rigorous and effective cross-agency inspection scheme. I am chairing a sub-group of the relevant enforcement agencies in order to ensure that this memorandum is in place before the commencement of the scheme. The sub-group will hold its first meeting shortly. Strong enforcement and inspection is absolutely essential to the success of this new regime.

Deputy Paul Murphy: Why did the Government do nothing about this matter two and a half years ago when it was first raised in the Dáil? At that time, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, referred to the allegations as "a contention" and added that the former Minister for Justice and Equality, Deputy Shatter, had pointed out that "because a person may elect not to abide by the rules does not imply that the onus is on the State to regularise - far from it". Both Ministers adopted an extremely callous attitude to what we now know was gross exploitation. That exploitation included the withholding of pay and the holding of workers' passports-----

An Ceann Comhairle: Sorry, this is Question Time. The Deputy should ask questions.

Deputy Paul Murphy: -----by owners. The question is clear. Why did the Government not do anything about this two and a half years ago? Why did it sit on it when workers were denied freedom of movement, subjected to sleep deprivation, exposed to dangerous work practices and

so forth?

Deputy Gerald Nash: The point is that the Government is acting now. In a very short period we have brought the relevant Departments and agencies together to address this egregious issue. We now have a system in place in which everyone can have confidence. I compliment the members of the task force from a range of Departments who were involved in this for their efficacy and for the delivery of this outcome in such a short timeframe. As I said, I will be chairing a sub-group of the relevant enforcement agencies because inspection and enforcement is absolutely critical to the success of the scheme.

We must put the position of the non-EEA workers at the very centre of our concerns and we have done that. We have now, for the first time, established that all non-EEA workers who are operating on a permit under the new system will enjoy all of the protections of an employee. Their terms and conditions will come under the remit of the relevant inspection agencies in my Department.

Deputy Paul Murphy: The Government should be ashamed of the fact that it did not do something about this sooner. In terms of the task force, why was the International Transport Workers Federation, ITF, not involved, given that it has been doing work on this issue for years? Mr. Ken Fleming, in particular, has been trying to expose these practices for a long time. The Departments involved in the task force are, unfortunately, the same ones that played a role in the system that has obtained up until now. Does the Minister of State agree that the workers in question should be afforded an amnesty equivalent to that offered to workers who have been trafficked here for the sex trade?

Deputy Gerald Nash: We are providing an opportunity to a considerable number of non-EEA workers who are engaged in this system to be considered employees. The new permit scheme will be very robust. The State will hold a central depository of relevant permits that are in play at any given moment. The Deputy will be aware that the number of permits in the scheme has been set at 500. For the first few months of the operation of the new scheme, we want to work towards a system whereby those who are here already have the opportunity to regularise their situation.

We have been working with the ITF and with the Migrant Rights Centre Ireland, MRCI. I insisted that both organisations would be consulted and engaged with in the context of the development of the new scheme. I respect and acknowledge the work that the ITF has been doing - and Mr. Ken Fleming in particular - on this issue for a considerable number of years. The State has responded in a very effective way to this very egregious situation to protect the interests of extremely vulnerable workers who have been exploited. We will have the full range of employment protections in place under this scheme to protect people at work. They will be paid at the bare minimum, that is, at the national minimum wage rate. We will establish for them an employee employer relationship. I hope that Deputy Murphy will recognise that this is significant progress in the context of where we have come from.

Industrial Development

4. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation his views on the current regional spread of jobs and on Industrial Development Agency Ireland site visits; and if he will make a statement on the matter. [41757/15]

Deputy Dara Calleary: The various regional jobs action plans are being rolled out around the country but I am seeking specific information. All of the plans contain commitments to increase the number of new IDA Ireland investments, as opposed to existing employment. Many of these commitments are similar, with the targets for the mid-west, south west and the west set at 30% to 40%. I ask the Minister to detail the specific actions that will be taken by IDA Ireland to drive these figures, particularly in the context of the poor performance in recent years.

Deputy Richard Bruton: I am encouraged by the overall strong recovery in employment, with a net 135,000 extra people back at work in enterprises right across the country. While every region has seen employment expansion in its IDA Ireland-supported base, we have not experienced equal recovery in all sectors which is why I have launched the regional Action Plan for Jobs. I would point out to the Deputy that the plan is not confined to IDA Ireland developments because almost 90% of the enterprise base in the regions is Irish owned. Indeed, since the launch of the Action Plan for Jobs, approximately 90% of the additional jobs created have come from Irish-owned companies in the regions. It is important to recognise the contribution and ingenuity of Irish enterprise.

Foreign direct investment, FDI, is a key part of IDA Ireland's strategy to improve its performance in the regions. The agency has set a target of between 30% and 40% in new investment won in each region. It has strengthened its regional office network and that network's connection into its overseas network of offices. The agency is committed to a new programme of advance facilities and other priority property initiatives in the regions. Site visits, to which the Deputy referred, are not an accurate reflection of regional progress. IDA Ireland-supported companies have provided over 10,000 net new jobs outside Dublin since the launch of the Action Plan for Jobs. It is encouraging to see that the regional spread has been improving every year.

Work on the Action Plan for Jobs is now entering the implementation phase. We will be sitting down with regional interests in the monitoring group to oversee the implementation of the strategy. All of the agencies within my Department are wholly committed to the delivery of this approach.

Deputy Dara Calleary: I accept that there are many more elements to the Action Plan for Jobs than IDA Ireland, although I pay tribute to the agency for the work it does. The Action Plan for Jobs for the west has a very specific target. It refers to 92 additional projects from IDA Ireland within the lifetime of the plan. However, between 2013 and the end of September 2015, 561 IDA Ireland site visits were to Dublin and a full 71% of them were to sites in the greater Dublin area. I am trying to work out how we will move on from this situation when the majority of site visits are to the Dublin area. The Minister has said that site visits are not the be all and end all but unless we bring potential investors to a location, they will not invest in that location. Given the disparity in terms of putting the bait out to catch the fish, how are we going to entice investors into the regions when we are not bringing them there? The Minister is long enough in politics to know that the investment cycle, in terms of a decision to invest, starts years out in advance.

Deputy Richard Bruton: I thank the Deputy for his comments. It is important to bear in mind that 70% of the wins by IDA Ireland in terms of job expansion come from the existing base of companies. Deputy Calleary will know that the west of Ireland has had a very strong performance in the last four years, with a net increase in the numbers working in IDA Ireland companies of 27%. Indeed, all counties have experienced a significant increase but we believe

that we can do better. We propose to create magnets within the regions through the construction of advance facilities. This approach has not been used for some time. We have deliberately sought to locate those facilities close to significant labour pools within the regions so that we have a strong offering to encourage investment.

Apart from the advance facilities, IDA Ireland will look to build on the strength of its offering in the regions as well as the more effective sale of the region and better co-ordination of regional actors in promoting the area and supporting the agency's marketing efforts. All those can contribute and that is why a multi-stakeholder approach to this is being adopted in the regional plan.

Deputy Dara Calleary: I agree with the Minister about the existing workforce and I would direct those commentators, particularly in the US, who have commented on the Allergan takeover this week, which I welcome, to the quality of the 1,000 strong workforce in Westport. The Minister made a specific commitment in the Action Plan on Jobs to provide 92 additional new projects to give new opportunities to a talented workforce to show its stuff and I am not convinced based on building two advance units in Galway and one in Castlebar and improved promotion, measures we have been asking the Minister to take for four years, that there is a roadmap. I am trying to get from him how specifically we will go from such a low base of new projects to 92 over the next few years but I will not get that this morning.

Deputy Richard Bruton: The Deputy is welcome to examine IDA Ireland's strategy and talk to IDA Ireland officials as well. They have been successful in targeting, for example, emerging companies that are making their first move, particularly from the US, to a European base and attracting these high-growth companies. Where we have a win such as Uber in Limerick, a high-growth company expanding rapidly, those wins can be significant. To get such companies into a region sets the region up not only for that project, but it is also a reference sale on which we can build.

I do not deny this is an ambitious programme but we are putting in place solid actions for this year on which we will build in the effort to deliver these projects. I welcome the Deputy's support for it. We can do better if we get all the actors in the regions working to these common goals and that is what I intend to do.

Comprehensive Economic and Trade Agreement

5. **Deputy Paul Murphy** asked the Minister for Jobs, Enterprise and Innovation the progress of the Comprehensive Economic and Trade Agreement, CETA, between the European Union and Canada; the status of the agreement's investor state dispute settlement, ISDS, mechanism; if the mechanism will threaten the right of European governments to regulate in the interests of workers, consumers, and the environment; and if he will make a statement on the matter. [41852/15]

Deputy Paul Murphy: What is the status of the CETA agreement between the EU and Canada? In particular, I would like to ask about the ISDS within the agreement. I refer the Minister to his comments a few weeks ago when he assured us that the Transatlantic Trade and Investment Partnership, TTIP, agreement will not contain a similar ISDS. Is it not the case that US corporations will be able to use the ISDS under CETA as a back door to sue European gov-

ernments, including the Irish Government, that interfere in any way with their right to profit?

Deputy Richard Bruton: Increased exports have played a major part in Ireland's economic recovery. Of the approximately 135,000 people back at work, it is estimated that close to 50% have come directly from export earnings. Agreements that improve the access to markets for Irish enterprises are strongly supported, therefore, by Ireland.

With regard to the Canadian agreement, political agreement on the key elements was announced in October 2013, and the conclusion of negotiations were announced at the EU-Canada Summit on 26 September 2014. The agreement covers virtually every aspect of economic activity, and it is extremely important for Ireland. It offers significant opportunities for growth in trade with Canada.

The agreement is currently at the legal scrubbing stage. Once this phase is completed, it will have to be ratified by the parties involved, including all 28 EU member states. In Ireland's case, this will mean a decision of the Houses of the Oireachtas. The ISDS mechanism in the Canadian agreement provides that the mechanism can only be invoked where there is a breach of fair and equitable treatment, meaning one of the following: denial of justice in criminal, civil or administrative proceedings; a fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings; manifest arbitrariness; targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief; and abusive treatment of investors, such as coercion, duress and harassment.

The Canadian agreement also makes clear that legitimate public policy measures taken to protect health, safety or the environment do not constitute indirect expropriation. Indirect expropriation can only occur when the investor is substantially deprived of the fundamental attributes of property. In Ireland, private property is protected by virtue of Article 43 of our Constitution. The Commission has confirmed that it is considering whether aspects of the EU-US trade agreement investment protection proposals could be incorporated into the EU-Canada agreement as part of the legal scrubbing process. However, any changes to the investment protection provisions would require the agreement of both the EU and Canada. A committee to be established under the investment chapter of CETA can consider whether and, if so, under what conditions, an appellate mechanism could be created under the agreement.

Deputy Paul Murphy: Does the Minister agree the ISDS under CETA is more expansive than that proposed under TTIP, presuming that deal is concluded? Does he further agree it is at least as expansive, if not more expansive, than that under the North American Free Trade Agreement, NAFTA? Does he acknowledge that NAFTA and the ISDS mechanism have made Canada the most sued state in the world, resulting in damages of almost \$200 million being paid over the past number of years to foreign investors? Why on earth do corporations need a separate justice mechanism? Why can they not operate under the law like everybody else where people's rights are protected instead of being given specific rights which are protected by separate court processes? Would the Minister at least admit that if CETA goes through, any US corporation with a subsidiary in Canada will be able to sue the Government under these mechanisms?

Deputy Richard Bruton: The Deputy asked why these are in place. He should consider a small Irish enterprise trading in the US. There are 50 different states in which a legal action might be taken to establish its rights under a trade agreement. In many cases, those states do not incorporate into their laws the specific elements of these agreements. The investor dispute

mechanism is, therefore, a way of trying to facilitate the capacity to go to one location to establish entitlements under the agreement. It is similar for US companies dealing with 28 different member states in the EU. The difficulty of pursuing cases in different countries has been acknowledged. That is the reason ISDS mechanisms have been developed.

The Deputy is correct that there has been criticism of past agreements. However, the Canadian agreement and the current EU-US agreement are not more expansive in that the same provisions in respect of what can be invoked still apply in both agreements. The changes proposed under the EU-US agreement relate to the process such as the selection of judges who would adjudicate on disputes, the transparency of the procedure and the availability of an appeals mechanism. The EU is considering the possibility of applying those additional procedural protections to the Canadian agreement.

Deputy Paul Murphy: The ISDS is in place to defend the right of corporations to profit and to say that any interference with that right to profit under the expansive fair and equitable treatment and legitimate expectations provisions constitutes something that they can then sue a state for huge amounts. That can be workers' rights such as in the case of Veolia suing Egypt for increasing the minimum wage; environmental regulation such as in the case of Canadian subsidiary of Lone Pine Resources based in the US suing Canada over a moratorium on fracking or Vattenfall suing Germany over a moratorium on nuclear power; or consumer rights such as in the case of the pharmaceutical giant, Eli Lilly, suing Canada for €500 million under NAFTA. There are repeated examples under NAFTA of corporations suing states that try to defend the interests of their citizens as opposed to corporate entities. Does the Minister agree this represents a serious danger and that the Government should not go along with it?

Deputy Richard Bruton: No, the Deputy is misinformed on this. The agreement does not allow companies to contest interference in respect of legitimate expectations. The range of cases that can be taken is narrow. These include denial of justice in criminal, civil or administrative proceedings; a fundamental breach of due process, manifest arbitrariness; and abusive treatment of investors. The agreement explicitly excludes workers' rights, environmental rights, health and safety regulations or similar public policy measures. They cannot be the basis of any such challenge, so the Deputy is incorrect. Bad investor dispute settlement agreements have been negotiated in the past and the EU is seeking to introduce a new model which will be robust and inspire confidence in citizens and companies alike. That is why the changes introduced in this agreement, which were introduced in the Canadian agreement and are being further evolved in the US agreement, are being put in place.

Other Questions

Startup Gathering

6. **Deputy Seán Kyne** asked the Minister for Jobs, Enterprise and Innovation if he will report on the Startup Gathering 2015, which took place last month; if he has analysed the events and continuously monitored the impact, which was hoped to include the creation of at least 2,500 new jobs within the next 12 months; and if he will make a statement on the matter. [41743/15]

Deputy Seán Kyne: Was there any analysis of the Startup Gathering, which took place in five cities, including Galway, last month, and will there be continuous monitoring of its impact on job creation and the target of 2,500 jobs?

(Deputy Gerald Nash): The Action Plan for Jobs 2015 outlined an action in respect of a national week of events promoting entrepreneurship and showcasing Ireland's start-up sector to entrepreneurs from all over the globe, including the Irish diaspora, with the message "Start, Scale, Succeed from Ireland." The initiative that was put in place as a result was the Startup Gathering. It featured more than 400 business events, held over five days, making it one of the biggest start-up events in the world in 2015.

Five cities, Dublin, Cork, Waterford, Limerick and Galway, acted as the hubs for the Startup Gathering, and there were also associated regional events in a total of 22 counties, including a programme of events in the north east. The aims of the Startup Gathering were to promote entrepreneurship and help identify entrepreneurial talent at an early stage across the country; to help develop world class regional start-up hubs around the existing strengths in each region to accelerate the growth of start-ups and scale-ups in Ireland; and to raise the international profile of the start-up sector in each region of Ireland to global entrepreneurs, investors and research and development teams. The Startup Gathering was led by the not-for-profit organisation Startup Ireland. It was sponsored by the Department of Jobs, Enterprise and Innovation and by Bank of Ireland.

Initial reaction to the Startup Gathering has been positive in terms of number of events and participants. However, given the scale and extent of the week, it is necessary to conduct a comprehensive evaluation of all aspects of the initiative. The Startup Gathering was but one element of work on entrepreneurship detailed in the Action Plan for Jobs 2015. This work has seen Irish performance in the area of entrepreneurship improve substantially in the past year, as has been recognised in two international indicators released in the last couple of weeks. The 2015 Small Business Act Fact Sheet for Ireland, which was published last week by the European Commission, shows that Ireland has one of the friendliest environments for small and medium-sized enterprises, SMEs, in the EU; and in the Global Entrepreneurship Index, also released earlier this month, Ireland moved from 17th to 12th place among 132 countries and from 12th to seventh place among 40 European countries, which puts Ireland's global entrepreneurship ranking ahead of such notables as Israel, the Netherlands and Finland and just one place behind Singapore. The report states that Ireland's biggest opportunities for improvement are in the areas of entrepreneurship opportunity recognition and reducing risk aversion.

A Startup Gathering exit review report is being prepared and is due to be sent to the Department in the coming weeks. The report will include an analysis of the core objectives and key performance indicators, a survey of start-ups, and an overview of the various events, including marketing, advertising, branding and so on. The Department, Bank of Ireland and Startup Ireland will be meeting in early December on the issue and the national steering group that I chair will then meet in advance of finalisation of the report. Work on the entrepreneurship area will continue in 2016, when we will continue to put in place actions to help improve our performance.

Deputy Seán Kyne: I thank the Minister of State for his reply. I spoke at the event in Galway on 5 October and would like to acknowledge the work of Eoin Costello, the chief executive of Startup Ireland, the Galway city co-ordinator, John Breslin, Bank of Ireland, which was a key sponsor, Enterprise Ireland, EI, and the local enterprise office under Breda Fox. The meet-

ing was very impressive. There was an array of people from the business and higher education sectors and the wider community of the Galway area. I welcome also the initiatives in respect of the jobs action plan for the west, including the specific measures for micro-enterprise in conjunction with EI, the LEOs and Údarás na Gaeltachta. I commend the Minister of State and the Department on the work they have done for start-ups. The Minister of State mentioned the 2016 action plan. What specific measures will be rolled out in that in respect of start-ups, or will they flow from the analysis of the events this year?

Deputy Gerald Nash: We are working to finalise the elements that will inform part of the package for the action plan for jobs 2016. While we are not in a position to discuss those here today, there will be a very clear suite of proposals, many of them emanating from changes introduced in the budget this year to help the enterprise sector, but also to build on the publication of the national entrepreneurship strategy last year. It is our ambition to increase the number of start-ups by 25%, which would represent 3,000 more start-ups per annum, and to increase the survival rate in the first five years by 25%, as well as to improve the capacity of start-ups to grow in scale by 25%. We constantly look for ways in which we can continue to improve the models across the country to bring coherence to the supports that start-ups enjoy. There has been reference to that area in the regional Action Plan for Jobs, which is the right way to go about building up our enterprise ecosystem on the ground across the country - by responding to regional needs and working with the private and public sectors. We are ambitious for start-ups, and that is enshrined in our Enterprise 2025 strategy, the Government's national policy statement on entrepreneurship in Ireland, and the Action Plan for Jobs provisions, which will be published in January for 2016 and will be very ambitious.

Deputy Seán Kyne: Start-up companies have created up to two thirds of the jobs created in the past five years - that is, around 90,000 jobs - so it is a very important sector. The Minister of State must be familiar with the PorterShed initiative in Galway; he may have visited it. It is a space for people setting up companies to work together. There are several other such initiatives, especially in the large urban areas. Does the Minister of State think it would be a good idea to consider incentivising these types of incubation space for start-ups in the large towns? Would it be possible to develop something within the action plan in 2016 or any other initiatives in the Department? This could include the large towns in my area, An Cheathrú Rua, Clifden and Oughterard, because the entrepreneurial concentration may have been in the urban areas and we need to spread it out to the large towns as well.

Deputy Gerald Nash: I agree with Deputy Kyne that the start-up sector has been the unsung hero of our economic recovery. There has been a record number of new company registrations over the past couple of years, which is very encouraging for those of us interested in creating and helping start-ups. Coming from a constituency that includes Ireland's two largest towns, I agree that we have to focus on improving the ecosystem in major regional towns. We have two funding calls out at the moment: a €5 million fund for a community enterprise initiative and a €5 million LEO fund to try to encourage LEOs to collaborate on opportunities that will focus on the existing strengths and try to build capacity in those areas. We also have a considerable fund available, and EI has advertised for expressions of interest, for the development of big ideas in areas where private industry and the public sector can prove they are collaborating on clustering and so on. That initiative will have a huge impact on our towns, because start-ups are so important for the economic vibrancy of the regions.

Question No. 7 replied to with Written Answers.

Export Controls

8. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation the number of the 680 dual-use licences issued in 2014 that were for commercial purposes. [41423/15]

Deputy Clare Daly: The Department of Jobs, Enterprise and Innovation grants export licences to goods that are on the EU common military list. The Minister for Jobs, Enterprise and Innovation has justified several of those licences on the grounds of their dual use - that is, they can be used for military or civilian purposes. What checks does the Department have in place and how does it know the goods are for commercial use? What scrutiny is there of the end use applications? Is he happy that many exports have been sent to Israel, Saudi Arabia and other countries?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Damien English): As the Deputy notes, my Department issued 680 individual dual-use licences during 2014. Dual-use items are controlled pursuant to Council Regulation (EC) No. 428/2009, which set up a community regime for the control of exports, transfer, brokering and transit of dual-use items. Of these 680 licences, 660 were issued for commercial purposes. Twenty were issued in respect of exports to entities involved in the manufacture, repair or sale of military equipment. Of these 20 licences, eight were issued in respect of entities involved in the manufacture of military equipment; two were issued in respect of components that could potentially be incorporated into military equipment; and the other six were issued for the export of IT equipment. Eight licences were issued to mixed end-users. Mixed end-users are involved in the manufacture of both civilian and military products. Of those eight licences, two were issued in respect of components that could potentially be incorporated into military equipment. The other six licences were issued for the export of IT equipment. Two licences were issued in respect of trade associations for entities involved in the manufacture of military equipment. Both of these licences were issued for the export of IT equipment. Two licences were issued to entities involved in the repair of military equipment. Both of these licences were issued for the export of IT equipment.

Deputy Clare Daly: The difficulty that the Minister of State has not addressed is how his Department knows the products will be put to commercial rather than military use. There are no such questions on the forms; in fact, the Department asks for the form to be filled out in layman's terms to a maximum of 250 characters. It does not address the issue that arose in Britain of front companies setting themselves up as end users of dual-use items. What checking is done by the Department in evaluating the applications? Let us face it - we do not really have top-notch intelligence and we know of examples from Britain of exports to companies in Syria that were clearly front companies, even though the applications seemed worthy.

When exporting to certain countries from Ireland, an end-use certificate is required for dual-use items, which is much more strict than usual. Syria is on the list of these countries, yet Saudi Arabia and Israel are not. How could the Minister of State possibly explain the different criteria? They suggest there is no problem whatsoever in exporting to Israel or Saudi Arabia.

Deputy Damien English: To give the Deputy a bit of background, the key consideration in dealing with all export licence applications is to establish whether there are concerns with either the end user or the proposed end use. This process may include consultation with other controlled export authorities both within and outside the EU. Through these consultations, my Department has access to a wide range of information on proposed end users. This consultation

process is a fundamental aspect of making a determination on the granting of a licence.

My Department consults with the Department of Foreign Affairs and Trade on all military licence applications and on all sensitive dual-use export licence applications. That Department is able to draw on a wide range of resources when considering an export licence application. When assessing export licence applications, my Department's main focus is on ensuring as far as possible that the item to be exported will be used by the stated end user for the stated end use and will not be used for any illicit purposes.

Council Regulation (EC) No. 428/2009, as I mentioned earlier, sets out the considerations that must be taken into account when deciding whether to grant a dual-use export licence. The regulation provides that we take into account considerations such as any sanctions in force, any foreign policy or security concerns, any concerns about the proposed end use, or a risk of diversion. I can provide the relevant extract from the regulation to the Deputy if she wishes.

Deputy Clare Daly: The problem is the definition of a sensitive application and how we can tell in terms of dual-use goods. To look at one thing on the list, shaped charges can be used to produce warheads but also for quarrying, breaking ice and so on. They are, however, extensively used in missile production - armour-piercing and anti-tank missiles and so on - including in the missile used to shoot down the Russian helicopter that went to collect the pilot when the plane was shot down by the Turkish authorities. How do we know part of that missile did not transit through Ireland? What checks and balances are in place for export licences on the munitions that travel on a regular basis on civilian and military aircraft through Shannon Airport? Is the Minister of State's Department involved in that?

Is it not a problem that countries that we know to be funding ISIS, such as Saudi Arabia, are not on the list for definite scrutiny, while Syria is? We know that huge volumes of exports go there and to Israel, for that matter, a key destabilizer of the Middle East region. The scrutiny the Minister of State says the Department is applying excludes the biggest offenders in the region. That is something that really needs to be looked at.

Deputy Damien English: If it is any help to the Deputy, there is also the Council common position, which sets out the eight criteria under which we make those judgments. I will send that on to the Deputy as part of her answer so that she can analyse it and we can have a further debate on it. Our analysis is informed by an EU common ground position. We adhere to all the criteria, which I think would cover all the concerns the Deputy has. I will pass that information on to the Deputy, as there is not time to go through it all now.

Regional Development Initiatives

9. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to support enterprise development in the midland and western regions; and if he will make a statement on the matter. [41425/15]

Deputy Denis Naughten: I welcome the publication of the jobs action plans for the midlands and the west, which focus on our strengths in those regions. It is important that these plans do not just mean investment for Galway city and Castlebar. While I welcome the fact that I see my own fingerprints on some of the proposals in the western plan, the frustrating thing is that the investment that has taken place over the past few years has been very much focused on

Galway city. For every 29 jobs created in Galway city, we have seen just two.

Deputy Richard Bruton: I welcome the Deputy's support for the process. One of the things we have lacked over the years is a genuine attempt to have bottom-up regional development which embraces the stakeholders in the region and gets them involved in a set of objectives for the region and actions that can transform it. As the Deputy knows, since the start of the Action Plan for Jobs we have seen a net increase of 135,800 people at work. That is well in excess of the target we set. Every region is experiencing jobs growth and, interestingly, the midlands region has been one of the star performers in terms of the pace of growth, although it probably suffered particularly badly in the crash.

The action plans for the midlands and the west launched over the last few months contain, as the Deputy says, a series of practical actions developed in collaboration with the regional stakeholders to support enterprise growth. I would point out, as I did to Deputy Calleary, that 90% of the extra jobs in the regions have come from Irish-owned companies. Any reasonable debate about regional development has to focus on developing the ingenuity and capacity of those firms to grow. Nonetheless, IDA projects are important. As I said to Deputy Calleary, we have set a target of increasing them. We will have an advanced facility in Athlone, as Deputy Naughten knows.

To give examples of some of the actions, there is a skills forum to look at the skills mix; there will be an initiative to develop a marketing proposition around high-value manufacturing, which is a cluster spread well throughout the region; we are looking at a midlands manufacturing technology campus, which I think has a good spread; we are examining the capacity for development of the various tourism spines; and we are looking at the medical devices sector, which is thankfully located not just around the city. The plan is looking at a range of actions, and it also involves a competitive call that allows others to come forward with initiatives that have not been outlined at this point.

Deputy Denis Naughten: I thank the Minister and do not dispute anything he has said. The regional plans do bring a new focus to what we are actually good at. May I ask specifically about the status of the midlands plan in respect of the skills forum? As the Minister knows, young people will be filling out their CAO forms in a few weeks. What progress has been made since this was launched last June?

The Minister will be aware that we are set to lose another 35 jobs in Carrick-on-Shannon at the MBNA site. We have the staff and facilities there to facilitate the expansion of a financial services company tomorrow morning if required. We have 45,000 sq ft of walk-in office space now becoming available in Roscommon town. We have 60,000 sq ft at the St. Brigid's complex in Ballinasloe, which could be retrofitted into offices with four broadband cables on either side. In view of the pressure on office accommodation in Dublin, can we target some foreign direct investment to those sites?

Deputy Richard Bruton: There will be a six-monthly review. I am attending the first six-monthly review, not of the midlands but of the south east, where we will be sitting down with the stakeholders. It is a broad base so it is enterprise as well as public bodies. We are starting that process of reviews. It will be a progressive element. It is an evolving process, so new ideas can be included and we will soon have the competitive calls which will trigger new initiatives. They are under assessment at the moment.

The IDA has set a target of increasing projects won by 40%, and that has meant examining its existing property offering wherever it is available, promoting it more effectively and also examining where it needs to enhance its offering in order to act as a magnet. That has been the thinking behind the setting aside of a significant budget for property enhancement. I am absolutely confident that with a stronger regional management arrangement in each of the regions, the IDA will now be actively promoting the available sites the Deputy mentioned.

Deputy Denis Naughten: The Minister is correct when he points out that 90% of the growth is coming from indigenous local employers. Does he not agree that we need to support existing employers and those who want to set up or expand their business in their local areas? As he rightly points out, we are going to face challenges in many parts of the country in bringing in foreign direct investment, FDI. There is a discrepancy. For example, for every 29 jobs created in Galway city we are getting two in my constituency, Roscommon-Galway. In light of that, would it be possible to try to front-load and make additional funding available to the local enterprise offices, LEOs, in the likes of Roscommon and for businesses in east Galway where we will struggle to get FDI but where we can support local businesses? That fund runs out in both our counties by the middle of the year, which means we cannot expand and grow these enterprises in the second half of the year.

Deputy Richard Bruton: In respect of Irish-owned business, most of the effort and 70% of the budget I have goes into supporting Irish-owned business, and we have tried to do new things. There have been major improvements in access to finance and various instruments. There has also been a major expansion of Lean, innovation and other initiatives that can help companies to up their game, such as new models to help people to recruit, and so on. We have a competitive call out for LEOs, so it is based on the quality of the proposals that come in, but we are not allocating money automatically. We committed to this and we said at the outset that part of this process would be competitive calls to encourage more collaboration and more innovation. The LEO is to become a centre of innovation for SMEs. We are following that and having a competitive call so the best projects will win. That is the right way to go. Resources are constrained, so I cannot allocate special moneys to anything, but we are using the money we have in as creative a way as we can.

Economic Competitiveness

10. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation his plans to improve the competitiveness of the economy. [41753/15]

Deputy Peadar Tóibín: Many local enterprise offices are shockingly understaffed at the moment and FÁS is also gobbling up most of their resources with regard to start-your-own-business courses and so on.

An Ceann Comhairle: Maybe the Deputy would stick to his own question for a minute.

Deputy Peadar Tóibín: The World Economic Forum global competitiveness report has stated that economies that are more competitive do better with regard to growth and are more resilient in terms of downturns. We have a shockingly low base of indigenous enterprise firms that export and those firms are still suffering due to costs on which the Government has major influence, namely, energy costs, legal costs, etc. What is the Government doing to resolve that?

Deputy Richard Bruton: We have allocated extra staff to the LEOs, including new graduates, so we are attending to that and will review staffing levels.

Deputy Peadar Tóibín: JobBridge.

Deputy Richard Bruton: I agree with the Deputy that competitiveness is crucial to our economic progress and the Deputy should acknowledge that exports from Irish-owned firms have been the star performers in our recovery. Last year, Irish-owned exporters created more jobs than the IDA. Most of the debate focuses on the IDA, but Irish-owned exporting companies created more jobs in 2014 than foreign-owned companies, and it is important to remember that.

We have focused very much on competitiveness which has been a key feature of the Action Plan for Jobs. We lost a great deal of competitiveness during the crash. That saw a declining export market share in the economy, which undermined our competitiveness. Since then, we have undertaken a range of measures to improve competitiveness, including many structural reforms. We have sought to make work pay, to improve access to finance for business, to streamline regulatory processes and to reduce the administrative burdens by establishing new rules on incorporation. We have improved our domestic cost base. Unit wage cost is estimated to have improved by 20% relative to our competitors. The exporting sectors of our economy are creating jobs at record levels and we have doubled trade missions to support that. We have improved our competitive tax regime, particularly in respect of innovation and start-ups. We have invested significantly in skill areas where there have been gaps, especially in ICT.

As a result of these efforts, we have seen significant improvement in our international ranking for competitiveness, but as I said to Deputy Calleary, we certainly are not complacent about this. We always need to be attentive to that. We have the National Competitiveness Council, which now reports to the Cabinet sub-committee on a number of occasions per year to underline the areas where we can make improvements. We seek to act on those reports and incorporate their recommendations, where we can, into our action plan.

Deputy Peadar Tóibín: The number of Irish exporting firms is dwarfed by the number of Danish or Austrian exporting firms. We have a very low base with regard to this sector of the economy. The problem I have with competitiveness is that every time I mention it in this Chamber, the Government talks labour costs and taxation. They are not the areas in which to look for competitiveness. Even the chief executive of ISME, Mark Fielding, has commented that energy, insurance, local charges and legal fees are all higher in this State than in our European counterparts. This is the major difficulty local businesses will say they have with regard to staying in business. There is a range of talent cost in this State on which the Government is not focusing. We are talking about these particular costs for five years. The export plans of this State will never come to fruition until the Government deals with them properly.

Deputy Richard Bruton: The export plan set by the previous Government for 2014 was exceeded dramatically by Irish-owned enterprise. It is not true that Irish businesses are underperforming in the markets; they are exceeding expectations. We have enjoyed double-digit export growth from our Irish-owned companies in the past three years. That is exceptional performance. It is driven by some very innovative sectors, including food and software development, FinTech and so on. We can stand and compete side by side with any companies, from Denmark or anywhere else in the world. I know that from the trade missions. We are winning in sectors where we have a competitive edge. The Deputy is right that there are costs and they

cover all ranges, including labour, transport, property and so on. The public utilities have undergone cost restructuring and have sought to reduce the cost in the utilities. The Minister took measures in the budget to reduce transport costs, particularly in respect of freight.

Deputy Peadar Tóibín: I mentioned talent. The IMD World Talent Report 2015 shows that Ireland has dropped ten places in its ranking since 2014, the largest drop of any developed country. It states that there are problems with infrastructural development and investment, worthwhile apprenticeships and internships, and that the labour force is contracting in certain sectors. In this sector, we are 50th out of 61 participating countries. The quarterly national household survey states that about 300 people in the age group of 20 to 34 are leaving the country every week, which is quite shocking. If one adds the problems we have with utility costs and not developing our talent properly to the problems with upward-only rent reviews, the commercial price for property and the housing catastrophe, one sees these elements reducing competitiveness and the opportunity for indigenous businesses to export and grow.

Deputy Richard Bruton: The Government adopted a national talent drive last year. The consequence of this is that the Minister of State, Deputy English, has introduced 25 new apprenticeships which will have 1,500 people enrolled each year in entirely new areas of apprenticeship as well as significant growth in the traditional apprenticeship areas. We have doubled the output in ICT. When we started, we were supplying only about 45% of the ICT needed domestically, but we are now pushing that up to 75%. We have undertaken the regional skills evaluation, and as Deputy Naughten acknowledges, if we can get the skill mix right in our regions and get a magnet there for skill attraction, we can do much better there. We are good for skill availability. The IDA has many rankings that show that skill availability in many of these critical sectors is better in Ireland than in many other locations. These are tight areas and there are difficulties.

I certainly will look at the talent issue. A lot of that is around costs and investment, and everyone knows that in recent years there has been curtailment of the capacity to invest. In terms of the competitiveness which concerns the Deputy, we have boxed clever and sought to ensure that we have invested in skills that are close to those enterprises that the Deputy is concerned about.

Question No.11 replied to with Written Answers.

Trade Agreements

12. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation if he has read the recently released Trans-Pacific Partnership Agreement, and if he has any concerns about the reported roll-back on progress on contentious areas such as patent rules and the investor state resolution system, particularly given the ongoing negotiations on the Transatlantic Trade and Investment Partnership and the assurances from both sides in the negotiations that this agreement is in the best interests of the public; and if he will make a statement on the matter. [41750/15]

Deputy Mick Wallace: For almost 30 years now, we have seen countries from the developed world lower tax rates at the top and rip up a lot of regulations - basically, it is state-sanctioned mass corporate welfare. The incomes of the bottom 90% have stood still while productivity levels have soared, and the top 10% reap an ever-increasing slice of the pie. The

Trans-Pacific Partnership, TTP, and the Transatlantic Trade and Investment Partnership, TTIP, are legal mechanisms designed to ensure that the profits of corporations are ring-fenced against any developments in the battle for workers' rights, climate justice and socially positive progress. The Minister must have concerns about the TTIP.

Deputy Richard Bruton: We have had this debate previously in the House.

Free trade agreements are an effort to make it easier to trade across borders. In the course of the recent recovery, half of the extra jobs have come from exporting. We depend on access to markets as a key aspect of our ability to bring companies overseas and to grow. I have visited Japan, Canada and the United States with companies seeking to penetrate these markets and there are real difficulties in those markets, particularly around public procurement rules that keep Irish businesses out. The purpose of these agreements is to create opportunities for companies to trade, and I welcome them. These agreements also enshrine - the Deputy keeps asking about this - provisions to ensure there will be no dilution of labour, environment and health standards. That was in the mandate that we signed. These are protected in the agreements.

The Deputy's original question was about the TTP. I have not been party to the specifics of the agreement between the United States and Japan. I am sure there are, as in every trade agreement, those who criticise some of the provisions as not going far enough and others who say they go too far. There are always sectors which have defensive interests. If a sector enjoys protection, it will not want to see those rules changed to allow in new competition and those within it will give out, while others will say the provisions are welcome.

I am not in a position to comment on an agreement between Japan, Malaysia, the United States and others. It would be unfair of the Deputy to ask me to comment on those. In terms of what we are doing at European level, we are at pains to ensure that the agreements are negotiated transparently and that there is protection of the public interest, but also that there are significant opportunities for new business and new jobs to be created on both sides.

Deputy Mick Wallace: The problem is that there is a serious lack of transparency and there is a serious concern that the public interest is not to the forefront of the ambitions of the agreements. Only in August last, the European Commissioner for Trade, Dr. Cecilia Malmström, promised another bout of TTIP transparency, stating that even more documents from the negotiations would be made available, but when the promise was put to the test a few days later and the corporate transparency body Corporate Europe Observatory received documents on exchanges between the tobacco lobby and the Brussels institution concerning TTIP and the EU-Japan trade talks, it turned out most of the documents had been redacted. It was described as an exercise in black humour.

Professor Joseph Stiglitz, a renowned economist, has stated:

The reality is that this is an agreement to manage its members' trade and investment relations – and to do so on behalf of each country's most powerful business lobbies. Make no mistake: It is evident from the main outstanding issues, over which negotiators are still haggling, that the TPP is not about "free" trade.

Deputy Richard Bruton: I would have to respect Professor Stiglitz, because I sat in his classes at some stage, but I must disagree with him on this issue. For a small trading economy like ours, if we can get the barriers down to conduct trade in ICT products for public procurement contracts in the United States, that is good business. It means a lot of smart companies

that have solutions to problems can do business in the United States, Canada or Japan, the latter of which has traditionally been a very closed economy. Since the Korean agreement, there has been a trebling of trade between Europe and South Korea. Real opportunities have been opened up and new jobs have emerged. I have not heard anyone giving out that the agreement with Korea has resulted in any dilution of the protections that the Deputy is concerned about.

In terms of transparency, the Commissioner, Dr. Cecilia Malmström, has been extraordinarily open. After the negotiation sessions, all the documents are made available. There is stakeholder engagement with those who are representative of trade unions, etc., around the documents so that they can give their view. Obviously, some things were redacted because, where there are negotiations going on, as the Deputy will be aware from his business experience, one does not publish the detail of offers on a tariff or whether it is three versus two. Those are matters on which there is a balance to be struck across a range of sectors, and some elements will only be seen towards the end when they are finalised.

I am aware that there are critics of the agreements. The Deputy only reads the comments of critics. He does not read any of the general commentary about what this is about or what it is trying to achieve. He discounts every protection that the Commissioner seeks to put in as being inadequate. I would have to say that the Deputy is coming to this with a fairly closed mind most of the time.

Deputy Mick Wallace: I refute that comment. I even read what the Minister says on this matter. How can he say that I have a closed mind on the issue?

The TTP is a forerunner of the TTIP. It is interesting that Mr. Lori Wallach of Public Citizen's Global Trade Watch has pointed out some of the roll-backs on the TPP, stating, with regard to access to affordable medicines, that the TPP's rules on patents for both developing countries and the United States would roll back initial reforms and make medicines more expensive in pretty dramatic ways. He adds that the investor state dispute resolution system is actually expanded so that more types of law can be attacked, and many more companies will be able to attack the laws of all countries party to the trade deal. In Europe alone, only a fraction of US companies are able to avail of the investor state dispute mechanism. It is worrying that if we sign the TTIP, 47,000 US-owned companies in Europe will be able to use the investor state dispute mechanism in order to challenge state regulation.

Deputy Richard Bruton: The Constitution has offered investors far more protection than has ever been envisaged by the ISDS mechanism. We have very strong protections for companies and no one has complained that those protections have been abused.

As I outlined in an earlier reply, the ISDS mechanism that has been put in place by Europe has been dramatically narrowed compared to the versions in some of the older investment agreements, which the Deputy rightly criticises. The Deputy needs to read the new provisions, which are much narrower. One must show demonstrable wrongful discrimination against a company in order to use this as a basis for taking a case. There will be an appeal mechanism under the agreements. Those who will hear the cases are persons who are fit to be appointed as judges, and the EU will be involved in their appointment. The procedures will be transparent and new rules are being put in place. All of those protections are being brought in to deal with legitimate concerns that the system was not adequate in the past. The Deputy needs to evaluate these protections rather than continuing to repeat what was stated four years ago about some other agreement in some other place. This is about these agreements, and whether we are

putting in the correct protections and whether they are in the public interest, and if the Deputy assesses them in a fair-minded way, he will see that they are.

Written Answers follow Adjournment.

Equality (Miscellaneous Provisions) Bill 2013 [Seanad]: Second Stage (Resumed)

Question again proposed: “That the Bill be now read a Second Time.”

An Ceann Comhairle: Deputy Catherine Murphy was in possession. She had only one minute remaining and I assume she is not resuming. As there is no other Deputy offering on this Bill, I call the Minister of State to reply.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): I thank Deputies from all sides for their valuable contributions on this Second Stage debate and for the broad support they have given to the principle of equality for all workers, particularly teachers and other workers who feel threatened by the current provision of section 37(1) of the Employment Equality Act 1998. Deputies referred to the devastating effects of discrimination and homophobia, and studies highlighting higher rates of depression and self-harm among the LGBT community have, sadly, underlined these effects all too clearly. These, and other examples mentioned by Deputies, show the extent of the problem and the urgency of having amending legislation in place as soon as possible.

It was for this reason that the Government, in the programme for Government, undertook to amend section 37(1) to provide for a more equitable balance between the rights and freedoms of religion and religious institutions on the one hand and the right to be free from discrimination on the other. The aim of the Bill is to provide clear guidance on resolving disputes that may arise between employees and employers. While it will always remain the case that an employer has the right to take action against an employee who acts against the employer’s best interests, or undermines the institution’s ethos, there will now be criteria against which to determine the reasonableness and proportionality of any action taken. The Bill requires that employers who provide publicly funded services should meet a higher standard of justification for any action taken against an employee on grounds of undermining the institution’s religious ethos. The Bill thus distinguishes between religious institutions run wholly for private purposes and those providing a social, educational or medical service to the public financed by State funding. This important distinguishing feature must be recognised in any amending legislation in order to ensure its constitutionality.

I understand the frustration of some Deputies that the Bill does not go far enough and their desire that section 37(1) be repealed. However, there is a constitutional balance to be struck in reconciling the competing constitutional rights involved, namely, on the one hand, freedom of religion and freedom of association for religious bodies and their freedom to establish and maintain their own institutions, and on the other hand, the right of employees to be free from discrimination. To present it in a positive way, the legal advice available is that the State has a stronger standing, the right and, arguably, the duty to ensure people whose salaries are paid directly or indirectly from the public Exchequer are protected and that in such circumstances a stronger intervention in the employee-employer relationship than would be appropriate in purely religious institutions is justified.

The fundamental point with which we are grappling is that religious institutions do, and must, have the constitutional right to differentiate, which is the sense in which discrimination is used in EU law and our domestic legislation, on the basis of religion or belief. We can say there must be a rationale for favourable treatment and any action taken must be fully justified. We can raise the bar to a very high level where public funding is involved. However, we cannot prohibit religious institutions from differentiating on the basis of religion. Otherwise, the legislation when passed will be liable to successful challenge in the courts.

The Bill should be seen in the context of what the Government has achieved for LGBT people. We have introduced compulsory anti-bullying procedures in all schools explicitly referring to homophobic and transphobic bullying for the first time. We recently enacted progressive gender recognition legislation, making us one of the most progressive countries in the world for transgender rights. This week, we gave effect to the results of the marriage equality referendum last May through the commencement of the Marriage Act 2015. Ending discrimination in our schools and hospitals is the next major step in the programme of reform. I look forward to engaging further with Deputies on the technical aspects of the Bill on Committee Stage.

Question put and agreed to.

Acting Chairman (Deputy Bernard J. Durkan): When is it proposed to take Committee Stage?

Deputy Aodhán Ó Ríordáin: Next Wednesday.

Committee Stage ordered for Wednesday, 2 December 2015.

Criminal Justice (Burglary of Dwellings) Bill 2015: Second Stage (Resumed)

Question again proposed: “That the Bill be now read a Second Time.”

Deputy Willie Penrose: When the debate was adjourned last night, I was speaking about the importance of the dwelling, how it is sacrosanct and the impact on people of marauding gangs burgling dwellings. Article 40.5 of the Constitution states that “The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law”. This is very important. When people find their houses have been burgled and ransacked, the invasion of people’s space is even more important than the theft of their valuables, and leaves a deeply distressful and traumatic feeling of despondency and helplessness. Although nobody should ever deprive people who have worked hard at building up their houses and putting various implements and items in them, as one couple said to me, one can replace the valuables or material items. However, one cannot easily get over the horrific feeling associated with the invasion of one’s private space and dwelling house. The intangible fear remains.

The Bill amends two previous Acts, the Bail Act 1997 and the Criminal Justice (Theft and Fraud Offences) Act 2001 by providing that where a person applies for bail in a domestic burglary case, the existence of certain circumstances must be considered as evidence that the person will commit a domestic burglary if released. The judge always retains discretion on whether bail should be granted, having considered all the evidence tendered. This is very important. The independence of the Judiciary from the Legislature and the Executive is constitutionally recognised, and I respect this. I have been appearing before judges for more than a quarter of a

century and their independence, probity and integrity cannot be questioned. I have always admired them. They are ruggedly independent in administering justice and adhering to the oaths they took when they entered office. Even when a decision is given with which one disagrees, it is the nature of the process, and there is a right of appeal if one feels strongly enough. This is the essence of democracy. A judge listens carefully to all the evidence and is the essence of judicial independence, which I acknowledge and salute. The Judiciary has served us very well.

The Bill provides that where a person has been sentenced to a period in prison for domestic burglary, the sentence must run consecutively to a sentence of imprisonment imposed for prior domestic burglary offences in certain circumstances. Section 1 amends section 2 of the Bail Act 1997 regarding refusal of bail. I used to be very familiar with this. The Minister of State's officials are probably more familiar with it. It is focused on the new situation of considering a bail application from an adult charged with burglary or aggravated burglary offences under section 12 or section 13 of the Criminal Justice (Theft and Fraud Offences) Act 2001, which pertains to the dwelling. The Bill sets out various circumstances which may be admitted as evidence that a person is likely to commit a further domestic burglary.

Such horrific offences can wreak havoc on citizens, individuals, families and communities. People can feel so bereft. It is important we do not overstate this. The apprehension and fear can be spread and promulgated, and we do not want to reach this stage. They are despicable crimes and we have witnessed in recent months the Save our Community campaign and how people are registering the impact on them and how they feel. These are people getting up in the morning, reaching for a toolbox, working equipment, machine or tractor, and finding the means of earning their livelihoods has been removed. Such an attack breaches not only Article 40.5 of the Constitution, but is an attack on the personal rights of the citizen. This has been eloquently set out by the thousands who have attended Save our Community meetings. In my county, a farmer lost 100 head of stock. This is a very hard working young family in the Kilbeggan area who worked night and day to put together a herd of animals, and the next minute they found their means of earning a livelihood and everything was gone.

11 o'clock

That is horrendous.

I am aware that the Minister has been eager to deal with this issue for a considerable period of time. She initiated a major review of how the criminal justice system was responding to what had become an epidemic of burglaries. One of the statistics that emerged from the review was that up to three quarters of property offences are committed by a quarter of offenders. It is clear that there is a cohort of persistent offenders in this area. That is a major problem that has to be tackled. Recidivism is another issue that emerged from an analysis of the data in the review. We do not want to put everyone into jail. There has to be rehabilitation and restorative orders etc. If people are repeat offenders, however, the only logical thing to do is to take them off the streets.

I appreciate that various strategies, such as Operation Fiacla and Operation Thor, have been employed by the Garda Síochána to deal with and target various groups who are continuing to plan burglaries, especially those who use their high-powered vehicles on our improved roadways and motorways. We must acknowledge that there have been significant successes. I appreciate that if there was a policeman or a policewoman at every corner of every street in Ireland, some burglaries would take place regardless. Nevertheless, the presence of gardaí on a continuous basis has a significant deterring effect.

There have been recent robberies in my area of Ballynacargy even though it has a Garda station with active gardaí who deal with the community on a daily basis. Elderly relatives of my late mother were robbed approximately two years ago even though their house is less than 1200 m from the Garda station and there were gardaí on active duty that night. It worries me that in many of these cases of burglary and theft, some local information appears to be provided to pinpoint the existence of elderly people who are living on their own. I meet many elderly people in Longford-Westmeath, which is a very rural constituency, through my constituency work. I would not know about the presence of such people if I was not doing this work, but these criminals seem to have some degree of inside information that is being provided locally to enable them to target the elderly. Those providing such information have to be rooted out as well.

Significant additional funding has been allocated for the purchase of new specialised vehicles, which are urgently required to support our gardaí who risk life and limb on a daily basis to keep us secure and safe. Gardaí deserve the best of equipment and technology to assist them in their duties and tasks, which are clearly not easy. There should be no limit on the expenditure that is required to enable the gardaí to achieve their objectives of deterring, preventing and responding to these horrendous offences. I suggest that the PULSE system should be available in all Garda stations. Members of the force who detect something while manning checkpoints should not have to drive long distances to the nearest Garda station where this facility is available. It should be available in local Garda stations. That it is not is a major failure which needs to be addressed.

I note that substantial financial commitments have been made in the Government's capital plan, which extends from 2016 to 2021. I am glad to see that Mullingar courthouse will get substantial refurbishment and modernisation at long last. The people of Mullingar deserve these additional facilities. It is something I have pursued and advocated for over a long period of time.

One of the most important things in rural Ireland is reassurance. People want to have a sense that they are not being left isolated. Rapid and co-ordinated responses are all fine and dandy, but there is no replacement for the garda on the beat picking up useful information from members of local communities who act as the eyes and ears of such communities and convey vital information to local gardaí. That is why the local garda who lives and plays football in the local area is a treasure. I grew up with such a person, who was a great motivator in terms of football and everything else. He got all the community together. However, the day came when gardaí stopped living in the local areas they serve. They moved out. There was always a Garda house provided to gardaí. We had all of this in rural Ireland when the population was not as big as it is now. We started to move away from things that were important and successful in terms of preventing and deterring crime. In this fashion, a store of important and useful information was assembled and used in the prevention, deterrence or detection of crime.

The recruitment and training of additional gardaí is vital. The reopening should now be permanent. I listened carefully to President Hollande of France in the aftermath of the horrific atrocities that were committed in Paris two weeks ago. Obviously, we were all shocked and traumatised. Our hearts and our empathy is with the French people at this time. President Hollande made a salient and important point about the need to provide vital additional resources in France to enable additional security personnel, intelligence officers, police officers and military personnel to be employed. He rightly said to the EU Commission that security was going to cost a great deal of additional money. He said that he was not too worried about EU caps in

terms of GDP ratios and everything like that. He is right when he says that such things are of no use in these circumstances. I support him. We should take the same approach here.

I heard some of the comments that were made about the Fiscal Advisory Council this morning. That is all fine and dandy, but if everything was done as a book-keeping or accountancy exercise, we would never make any progress. It is essential that people are built into these decisions. It is important to remember that we have a social responsibility as well as an economic and accounting responsibility. Additional money might be needed in that context. The recruitment of 500 gardaí is wonderful, but between 200 and 250 gardaí are retiring. If they are spread across all the stations, there might be seven or eight in every county. We need approximately 1,000 gardaí to be additionally recruited every year. We want to get beyond the 14,000 level that is often mentioned. The important thing is to have gardaí on the beat. That is where we are. I think that is very important and I would support that.

A colleague of mine at the bar informed me of a robbery that took place one time in his own area. A home owner who had a small trade and business had his house burgled, with substantial items taken, on one of the few occasions when he left his house to go to a particular event. That shows again that there must be an inside track. People are worried and are trying to react to the best of their abilities. They are installing alarms, sensor lights and electronic gates. They are carefully noting the registration numbers of strange cars in their local areas. They are getting back to the old meitheal concept, not in terms of work but in terms of looking out for their neighbours. It is important to monitor strange activity and to note car numbers.

The community alert programme, the neighbourhood watch scheme and the various support schemes for the elderly see communities working actively together in co-operation with gardaí. We should acknowledge and appreciate the valuable input and great work of the community activists who initiate and supervise the operation of these schemes. The Garda text alert scheme also has a pivotal role to play.

I have received correspondence from the chairperson of a community alert scheme in County Westmeath that is doing a tremendous job in liaising with the Garda in a rural community that spans a significant geographical area in south Westmeath and has a membership of almost 600. The members were asked to contribute to the group's funding so that it could erect signage throughout the area and receive texts from the Garda Síochána on incidents that happen inside and outside the immediate community. The problem is that it costs money to get such texts. It recently cost the group in question €90 to get texts relating to an outside area. The members of the group have no problem paying for texts relating to internal matters in the community, but they feel the State should contribute to the remaining costs. Obviously, they will play their role from that perspective in ensuring people are aware and fully alert, and providing any help they can in the detection of culprits who might be at large and continuing to prey on people. The gardaí are aware of this but their hands appear to be tied. One could say in the context of the central role that community alert groups play in our communities, and the centrality of text alerts in that work, that there should be no cost to communities. That would allow them to send out more texts. I think the Minister should try to provide some finance in this area.

There are many things that can happen as a result of a burglary. I would like to mention some of the unseen consequences of a burglary in a house or a business premises. One might not think of the effect of such an incident on insurance. The question of indemnification arises after burglaries. People may well have to install new security systems, including CCTV. The system of loading that is used by insurance companies can lead to significant increases in pre-

miums, that is if one is lucky enough to secure a quote at all. That is one issue.

As residents of rural Ireland - I live in the heart of rural Ireland on the border between two counties - we pay our taxes and expect as a minimum that our contribution to this country's progress will be recognised by the comfort of not having to live in fear or apprehension. That is all we want. This means that additional Garda resources have to be provided. People across the country are disgusted when they learn that someone who has perpetrated an awful crime upon a citizen, having been brought to court, subjected to due process and convicted, has been released from prison within a short period of time because of the shortage of prison accommodation. If additional prison accommodation is required, it should be built.

I am talking about serious crimes. We got rid of all that thing of putting people in jail for not paying fines or TV licences at their local post offices. That was nonsense. Nobody who has committed a serious crime should be back out on the street because of a lack of prison space. It is difficult for those who believe it is very important that respect for the law is inculcated across the country to see people getting out. Notwithstanding the advice of the Fiscal Advisory Council and other eminent bodies, I suggest that if we need to recruit an additional 1,000 gardaí to ensure the safety of our people, we should do so. It will take us a number of years to get back to the policing levels required.

I am aware that Fianna Fáil has proposed a Bill to deal with the installation of CCTV systems on approach roads and motorways in order to capture roving criminals in their souped-up and high speed vehicles.

At the ploughing championships the Minister for the Environment, Community and Local Government, Deputy Kelly, brought forward a pilot scheme, which is operational in Laois, using CCTV in conjunction with the local community. This is a big help and I have no doubt it would be very useful to install CCTV on the N4, the N6 and the N52 across County Westmeath and the entire west. If it requires legislative underpinning, let us proceed in that fashion as it would play an important role in the detection and prevention of criminal activity. Communities place a significant value on the role of CCTV. The bringing forward of the DNA database is also critical and is long awaited.

Somebody said in the debate that if there are no receivers, there will be no stealers. That is a truism. There have been significant increases in the populations of towns across the midlands, including in my constituency, and there should be a concomitant increase in the allocation of Garda resources but it often goes the other way, leaving people frustrated and flabbergasted. An article by Michael Carty, a retired chief superintendent of An Garda Síochána who also served as an overseas police adviser to the UN, advocates the implementation of a zero tolerance approach to crime and recommends that every offence be dealt with. This is based on the belief that if minor offences go unchallenged or unheeded by gardaí, they will develop into more serious crime. Sometimes small things lead to big things. When people disregard the law and are seen to get away with it, it dispirits people who are law abiding, who get up in the morning go to work, pay their taxes and ensure everything they have done is above reproach and in compliance with the law. This would be a new approach and would require additional resources but it is a worthwhile objective and should be factored into our criminal laws going forward.

This is a good start but it is only a start. In my area, Lismacaffrey and Rathowen have been subject to a number of burglaries recently, with machinery being taken out of farmyards. People believe that the allocation of additional gardaí is fundamental. We can dress up every-

thing else, we can soup up rapid response cars, but it is critical for people to see a garda every day with whom they can build up trust. Whoever is in Government, additional resources will have to be provided to ensure additional Garda manpower is available throughout the country in urban and rural areas. We in rural Ireland feel that resources are inadequate at this point. Anybody who speaks to Garda personnel will hear the same sentiment.

Deputy Maureen O’Sullivan: I hope I am not tempting fate by saying that I have never been burgled but friends, members of my family and constituents of mine have been burgled and the common denominator is the sense of invasion. One normally thinks of one’s home as one’s sanctuary or refuge or a place of safety and comfort. When I listen to these people’s stories I am constantly struck by how difficult it can be to regain a sense of security. Burglary is a violation of one’s personal space and those who are burgled say they always have a sense of the intruder touching their personal possessions, which they find quite eerie. It can take quite some time before the person burgled can feel safe again.

In Dublin Central we have quite a number of community policing forum meetings where gardaí from the various stations give the crime statistics since the previous meeting. The stations are Store Street, Mountjoy, the Bridewell and Cabra and each will report on a number of burglaries. Sometimes they are up on the previous figure, sometimes they are down. At a meeting this week, the numbers were down and I would hope that Operation Thor is being successful in this regard. I acknowledge the work of the community gardaí. Their proactive contact, the advice they give and the circulars and leaflets they provide in their respective areas on how best to prevent burglaries are very welcome. Their availability is valuable and some stations have the text alert facility in order that people can let them know of suspicious activity or if houses or premises have been burgled in the area.

The pattern with burglaries is that there is no pattern. There is a wide variation and they can occur at any time. Those that occur during the night are particularly frightening, especially for older people. There have been examples of assault and violence. I was at a birthday party for a 102 year old man a couple of weeks ago who told me he had been burgled when he was in his 90s. He was living in senior citizen accommodation and, apart from the illegality of it, I find it completely immoral to target old folks’ and senior citizens’ residences deliberately because they know people in such places are vulnerable. There is a need in certain areas for better grants for people, especially those on low or limited income, to take precautions in the form of locks, chains, alarms CCTV, lights and panic buttons.

The Bill is about sentencing and reoffending by serial burglars but I will mention two other aspects. Those in possession of stolen goods are often young people, elderly people, people in addiction or people who are intimidated. There are others who knowingly buy stolen goods. PhoneWatch estimates that €48 million worth of property was taken from households in the past 12 months, which averages out at €1,870 in property from each household.

I acknowledge the work of the crime victims helpline for the emotional support and information they give and for the way they point victims of crime towards services they may need.

We have seen burglars in Dublin Central becoming quite sophisticated, acting as charity workers, workers from various companies, doing surveys or, as recently happened, posing as legitimate window repair workers who had permission to remove the window panels, which bypassed the alarms. Garda response and Garda resources are one aspect of the answer to burglaries and the Garda Síochána must be resourced to do the job. I listened to a report from the

meeting in Trim this week and heard the frustration among gardaí over the fact that they are not resourced adequately but are still expected to do the job. There have been times when burglars had better technology than gardaí. Gardaí said that cuts to the force rather than the closure of stations had led to the increases in rural crime. The meeting also heard from victims of crime and people in communities who lived in constant fear because of their space being violated. One-person patrols are an issue. When dealing with young people there have to be two adults, but gardaí can go out to these situations on their own.

It is welcome that there are more recruits coming out of Templemore but not if they are simply filling the places of gardaí who have retired, because we need more. At the Cabra station, as well as having to look after the Cabra area, they have to provide gardaí to the President, to Áras an Uachtaráin, to Farmleigh and to the American ambassador's residence, all from a station which needs all the resources it has.

A question was asked about high-speed vehicles. Are the drivers of those vehicles trained to drive them?

Some elderly people in rural areas keep large sums of money in their homes and I think this comes from the lack of access to the local post office and banks due to closures. It may be that the closure of post offices and banks is having a more serious effect on rural crime than the closure of Garda stations. People would prefer to see gardaí on the streets, whether on foot or cycle patrol or in a car, rather than behind a desk.

We have discussed cash for gold and cars for cash and there were suggestions that these activities were contributing to crime. Do we know how much that may be happening? There is a need for a legal requirement to provide proof of ownership before selling on particular articles. Article 40.4 of the Constitution speaks of the dwelling of every citizen being "inviolable" and "shall not be forcibly entered save in accordance with the law." Statistics show that this provision is not respected, as indicated by the increase in the number of burglaries, both aggravated and non-aggravated, and offences involving possession of an article with intent to burgle. How can the Bill act as a deterrent? The statistics show that 75% of burglaries are committed by 25% of burglars, with re-offending rates among people in prison for burglary and related offences standing at almost 80%. The conclusion one must draw from these figures is that current procedures do not work and will not bring an end to burglaries. Concurrent sentences are not an effective approach. If I were a burglar facing a three-year sentence, I would be inclined to commit a few more burglaries on the basis that I would receive the same sentence for multiple burglaries.

Continuing to lock people up without intervention does not work, nor should people be kept in prison for long periods on remand. While bail should be denied in certain circumstances, specifically when the person seeking bail has been found guilty of repeated violent offences, the practice of holding prisoners on remand for two or three years before bringing them before the courts is a denial of prompt and due process.

I have a difficulty with mandatory sentencing. The different circumstances that apply to each crime or criminal should be taken into account. I referred, for example, to the issue of intimidation. While this problem is primarily associated with drug crime, it has also spilled into other areas of crime. In certain areas, especially Dublin Central, intimidation is a very serious problem for families and individuals.

Recent burglaries involving the use of violence were horrific crimes and some involved appalling assaults on individuals and families. These crimes led to the introduction of this legislation and hours of debate on the punishment of criminals. It is necessary to consider the profile of burglars and criminals. In saying this, I am not condoning or excusing criminal behaviour, particularly violence. However, we know that prisoners tend to have a particular profile. Most come from similar socio-economic backgrounds and lack educational attainment as a result of early school leaving, which causes literacy problems. We also know there is dysfunction in the majority of prisoners' families and addiction issues are common. Many also have a propensity of violence, which is often related to the inability of the individuals in question to express themselves. In addition, the majority of prisoners in Mountjoy Prison and Wheatfield Prison are from three postal areas. The Minister of State will be familiar with the revolving door system from his time working in this area. Why are we not debating the need to tackle the issues as part of a discussion on prevention? We do not do prevention well in any area, whether health, addiction or crime.

If we are serious about tackling crime in a positive manner, as opposed to through punitive measures alone, we must consider approaches that work, including restorative justice and community courts. Restorative justice, which involves supporting the victim in meeting the perpetrator, is powerful in many cases. Positive research evidence is available on the effectiveness of community-based responses to crime and anti-social behaviour. Those who participate in restorative practice have been shown to be up to 40% less likely to reoffend. In that regard, we should bear in mind the number of burglars who reoffend. Between 80% and 90% of victims who participated in restorative justice programmes reported satisfaction with the outcomes. Speaking to a conference some time ago, the then Ombudsman for Children, Ms Emily Logan, noted that restorative justice encouraged the individual to take responsibility and supported a focus on solutions rather than blame. Restorative practice is not just the response to crime, but also a measure for preventing crime and giving people a greater sense of safety and belonging in their communities.

Community courts are also part of this process. In 2007, the National Crime Council chaired by Mr. Justice Michael Reilly, with the then Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, issued a major report titled, Problem Solving Justice: The Case for Community Courts in Ireland. While the Government of the day responded positively to the report, the concept was abandoned when it fell. In January 2014, the Dublin City Business Association organised a seminar on community courts and made a presentation to the Joint Committee on Justice, Defence and Equality, which was strongly in favour of community courts. The Secretary General of the Department and the then Minister for Justice and Equality, Deputy Alan Shatter, were also positive about the concept. However, both men have since left their positions. The current Minister for Justice and Equality, Deputy Frances Fitzgerald, appears to be in favour of community courts and seems to support the idea of establishing a pilot community court in Dublin. The North Inner City Community Policing Board, of which I am a member, covers an area with significant levels of crime that produces a significant proportion of the prison population. It also supports community courts. What is the current position in respect of community courts? By using restorative justice practices, these courts would make a difference.

I share the view of the Irish Penal Reform Trust that judges should adopt an individualised approach. This means taking into account the circumstances of the accused and the offences with which he or she has been charged to ensure sentencing is strictly necessary and proportion-

ate. The Bill appears to encourage judges to deny bail on the basis of very loose terms such as the likelihood of a person re-offending if released on bail. Judges are human, which means they are not infallible and cannot predict the future. Decisions on bail must, therefore, be based on evidence.

The message from some previous speakers seemed to be along the lines that we should bring back the gallows. While I have full sympathy for victims of crime, if we want to prevent crime, we must consider the reasons people get involved in crime, especially young people, and ways in which they can get out of the cycle of crime. The Irish Penal Reform Trust will hold a major meeting tomorrow which will be attended by members of the Care After Prison programme, CAP, run by the Carmelite Community Centre on Aungier Street, which works with prisoners when they leave prisons. The programme does amazing work and will demonstrate tomorrow that it is possible to rehabilitate former prisoners and help them to become useful members of society again.

I would love to live in a crime-free environment. I recall an era when people could leave their doors open or their keys in the door. The recent proliferation of gated communities is, therefore, a sad reflection on society. I encourage the Minister to move towards community courts, restorative justice practices and prevention.

Deputy Pat Deering: I am pleased to speak on this important Bill in light of the recent discussion on crime in rural and urban areas. The legislation is designed to keep repeat burglars off the streets and improve the safety of communities by providing for the refusal of bail and tougher sentencing for repeat home burglars. Gardaí have expressed much frustration over the years about the revolving door attitude that has prevented crime from being addressed. The two new measures on bail and sentencing should go some way towards eliminating crime in our communities.

We have heard a great deal about crime in recent weeks and months. It was interesting to note that statistics published in recent weeks showed that crime levels are higher in urban areas than in rural areas. Without seeking to diminish the importance of crime, we must provide balance in this debate and avoid painting a picture of rural areas as a kind of wild west of old where people are no longer safe. Crime has always occurred in rural and urban areas and it is important not to get carried away when discussing the issue.

Unfortunately, no one is immune from crime and all of us will know someone who has been a victim of crimes such as burglary. We must step up a level in tackling the problem. Technology has changed and criminals have become more literate, as it were, in information technology. They also have access to faster, more powerful vehicles, which creates a different environment for the Garda when tackling crime. For this reason, a new approach is required.

In recent years, we have heard a great deal about the closure of Garda stations, especially in rural areas. Bricks and mortar are no good for tackling crime. We need a Garda presence on the ground. There is no point in someone ringing a Garda station at 2 a.m. having been a victim of crime if no one is there. That will not help the person to sort out the issue. Unfortunately, in most places where there is a rural Garda station, it may only be open for one or two hours every week or every fortnight. That is of no value whatsoever. The real need is for a greater presence on the ground which is to say more gardaí on the ground as we had 20 or 30 years ago. We need a different approach.

We have seen the reopening of Templemore. I agree with Deputy Willie Penrose who spoke earlier about Templemore. Closing it was a very retrograde step as we are now playing catch up and it will take a while to get back to the numbers we had. It is important to keep reinvesting in gardaí because we need more of them on the ground. In the past, the garda was part of his community. He lived in the community and got involved in the GAA club, soccer club or community association. Now, he may come 15 or 20 miles from his home as part of a job rather than being part of the community. The old joke in times gone by was that if a garda was moved to some far-flung place, it was as penance for something he may or may not have done. He would have to move lock, stock and barrel whereas now he simply comes to do his job and does not get involved in the community as much as a garda did previously. That is a disadvantage. Being involved in the community, be it through the GAA or soccer club, he was able to hear exactly what was going on. He could go to the local pub for a drink with colleagues or friends and hear what was going on. That acted as a deterrent. A garda could build up a stockpile of important information in that way.

Another important matter has been the development in my area and many others of Muintir na Tíre, the community text alert system, which has been very effective and should not be underestimated. It is something we could develop more. I agree with Deputy Penrose again that finance needs to go to this area if at all possible from the national pot. My county, Carlow, is a relatively small one and it has 32 different community text alert areas. That is very important. They are all up and running. Not only does it create a deterrent to criminals, it binds communities together. During the Celtic tiger years, people would get up for work in the morning when it was dark and not come home until it was dark in the evening. Generally speaking, they did not know their neighbours. Now, they are more concerned about that. They are getting involved in their communities and watching out for one another, which did not happen in the so-called Celtic tiger years. We need to move to the next stage with the community alert system. Community alert areas must be joined up so that neighbouring parishes or communities can communicate with each other to let them know if an issue is happening in their area. The community alert system must also connect adjoining counties because we are dealing with very mobile criminal groups who can travel across several counties in one night or day. It is, therefore, important to be able to contact one another all the time.

The new chief superintendent in the Carlow-Kilkenny division has introduced Operation Storm, which has been very effective. He gets all the resources of the division in certain areas every so often so that there is a large presence of gardaí in different towns in the community on a regular basis. It acts as a deterrent and is very welcome. Operation Storm is very effective, but it needs to move on to the next level. We need to see more investment in CCTV cameras on motorways and in towns. It can be very helpful in the ongoing battle against criminals that gardaí know but must be able to catch in the act. That is something we should consider going forward.

Deputy Seán Kyne: I welcome the Minister of State, Deputy Aodhán Ó Ríordáin, to the House and I welcome the publication of the Bill. It is an important one with the potential to combat the scourge of burglary. As the courts have said, burglary is a serious act of aggression and attack on the personal rights of the citizen. It is a traumatic event for a person to endure and it often has repercussions and consequences long after the crime has been committed. As a society we need to ask questions of our communities, political system, education system, economic system and the behaviour of people towards one another, all of which are factors in the persistence of burglary. Certainly, there have been some horrific cases in the not-too-distant

past. Looking at the crime statistics over the last dozen years for my own county of Galway, it is clear that the incidence of burglary has fluctuated around the 1,000 per year mark. It is a similar picture for the western region which, for the purpose of compiling statistics on crime, comprises Galway, Mayo, Roscommon, Longford and Clare. Last month, An Garda Síochána in Galway noted that the 2015 rate of burglaries is down 7% on the 2014 rate. One burglary is one too many, but the issue is unfortunately being used to stoke fears and to fill column inches, web pages and current affairs programmes. While burglaries are a serious problem which we must tackle, the picture of complete lawlessness that some are working hard to create is not an accurate one.

Crime is being tackled through a mix of resources and legislative changes. By the end of 2015, the Government will have spent over €34 million since 2012 on Garda vehicles. In 2015 alone, the investment has brought 640 new Garda vehicles to communities across the country. Funding has also been provided for new specialised vehicles to support front-line gardaí responding to crimes, including burglaries by highly mobile gangs. The reopening of Templemore Garda College by the Minister for Justice and Equality, the recruitment of 550 new gardaí in 2014 and the recruitment of 600 more as highlighted in budget 2016 are welcome. An additional allocation of €5 million has been made for the anti-crime and burglary plan, Operation Thor. The plan involves the use of high-powered vehicles by regional armed-response units, increased use of checkpoints and additional patrols with the particular aim of combating highly mobile gangs using motorways and national roads for burglaries. It also includes crime awareness and prevention and enhanced support for victims. On top of this welcome investment are legislative changes which are a necessary component of tackling burglaries. Issues such as bail, the type and length of custodial sentences and legal aid are regularly raised by constituents. They are complex issues which require a thorough examination because of the competing rights of the different people concerned. Legal aid is important for the fair and transparent administration of justice, which is not to say that there are not abuses of the system. Rather, it is a recognition that the right to legal representation is a crucial one. However, I note that it aggrieves many that there are multiple repeat offenders who get free legal aid on every occasion. Whether there needs to be a system whereby some moneys can be taken from social welfare for repeat offenders might be something to consider. The issue of bail is also raised regularly but it is associated with the fundamental element of our criminal justice system which is the presumption of innocence. I welcome the publication of the general scheme of the new bail Bill which will consolidate the law around bail.

It is clear that changes to this area are being considered carefully and thoroughly. In this respect, I am encouraged that the Minister initiated a review of the criminal justice system's response to the problem of domestic burglaries. The Bill seeks to address the two problems identified. The first is the problem of repeat offenders. Garda statistics show that three quarters of burglaries are being committed by one quarter of burglars. The same few are causing trauma for the householders affected by this category of crime. Section 1 of the Bill will address this by ensuring that previous relevant offences are taken into account and that bail should be refused in cases of repeat and serial offenders. The review identified the problem of relatively short custodial sentences and the running of sentences concurrently. As a result and to act as a greater deterrent, section 2 inserts a new section 54A into the Criminal Justice (Theft and Fraud Offences) Act 2001. Under defined conditions, persons committing burglary offences will be given consecutive custodial sentences.

The home is the place where one should feel most safe and secure. This ideal is enshrined in

our Constitution and held dearly. I am confident that the Bill and the extra resources for gardaí which I have highlighted will reinforce this ideal and support it by reducing the number of burglaries in Galway and other areas nationally. I welcome the publication of the Bill.

Deputy Tony McLoughlin: I am grateful for the opportunity to speak on this important Bill. I commend the Minister for Justice and Equality, Deputy Frances Fitzgerald, on the reforming nature of the work she has done since she was appointed to office. She has taken on the problems affecting both the Department and the Garda Síochána and shown real leadership in tackling the criminals who plague this country. This Bill is just another example of how, under her stewardship, the Government is cracking down hard on criminals.

The Bill is targeted at repeat burglars who have multiple previous convictions and have been charged with multiple offences of residential burglary. It has two clear elements. First, it will strengthen the provisions for refusing bail in respect of future offences and, second, it will provide for tougher sentencing for repeat home burglars. Criminals need to know that, from now on, there will be tougher sentences and sanctions for this type of crime. There needs to be a deterrent to stop them from appearing before the courts every few months. As the system stands, it is acting like a merry-go-round because it does not sanction criminals hard enough to stop them from repeatedly offending.

Thankfully, neither my family nor I have ever been the victim of a residential robbery. However, I am sure that the House agrees that it is a highly damaging crime. In many instances, the victims are also physically assaulted by the criminals involved. I know a large number of families, widows, widowers, business people and elderly persons in my constituency of Sligo-North Leitrim who have been burgled by criminals, causing them and the areas under threat shock and horror. Too often, there is an even greater shock for the victims when these repeat robbers and scourges to society appear before the criminal justice system only to be handed concurrent sentences or sentences so lenient that one wonders whether there is any point in bringing criminal proceedings in the first place. This leniency needs to stop and we need to start getting tougher with such criminals. The Bill, when enacted, will be the starting point for this to occur.

From speaking to gardaí on the ground in Sligo and Leitrim, this type of result clearly has a demoralising effect on them. Gardaí can spend many months working hard on a case to bring criminals to justice only to see them laughing at them in the courtroom as the sentence is handed down. Seeing these criminals walking into our courts only to be handed such sentences week in, week out does not promote the drive that is necessary for gardaí to put serious effort into their work.

The Bill is just one component in Fine Gael and Labour's plan to tackle criminals and make crime pay. Work is progressing on updating the Garda's operational response to burglaries. For example, €700,000 for new specialised vehicles to support gardaí in responding to current and emerging crime threats, including burglaries committed by highly mobile gangs, was recently announced to tackle the gangs hitting rural Ireland. This is on top of the €29 million that the Government has invested in new Garda vehicles since 2012, with 370 new vehicles coming on stream since the start of this year. This investment clearly supports the Garda in being mobile, responsive and visible in communities, both urban and rural, and is critical in supporting the work of the traffic corps and national units.

Another aspect of the fight against burglaries and crime generally will be aided greatly by

the Government's decision to recruit new gardaí. In September 2014, the Government opened the Garda college in Templemore for new recruits for the first time since 2009.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy, but we are squeezed for time and, unfortunately, I must bring his remarks to a conclusion.

Deputy Tony McLoughlin: I will conclude. The Minister for Justice and Equality recently announced a large new capital investment budget which will see the refurbishment and construction of new Garda stations. When enacted, the Bill will be just one more step in the Government's plan to tackle repeat offenders and put them behind bars for longer. I call on all sides of the House to support it and let the courts get tougher on repeat burglars.

Deputy Brendan Griffin: I could speak for the day on this matter, but I will try to put as many of the relevant points forward as possible in three minutes.

I welcome the Bill, the provisions of which I hope will give an advantage to the Garda and the justice system. We need to put the same level of fear into criminals that they are putting into people. I am not sure whether it can be replicated lawfully but these scumbags need to be hammered by every means that the State can employ. What they are doing to ordinary, decent folk around the country is unacceptable. We must show no tolerance for such behaviour, in particular among repeat offenders. Everyone makes mistakes, but these people make mistake after mistake. There can be no leeway for them. They need to be locked up. I would throw away the key. The fear that I have encountered among people in rural parts of my constituency who have been victimised is shameful. We must take the strongest possible line.

I wish to address isolated rural communities. I welcome the Fianna Fáil Bill on motorways that was published last week, but a small bit of common sense would see us offering more protection to people living in isolated communities through the placing of cameras at strategic locations. I will provide an example from my constituency. There are only two access points onto the Dingle Peninsula, with 13,000 or 14,000 people living beyond them. One must either cross the bridge at Boolteens or take the N86 at Derrymore or Curraheen. There is no other vehicular access. Why not have cameras at those two points? A number of people on Valentia Island were the victims of burglary in recent times. One needs to cross the bridge to get onto the island. That is, unless one takes a boat, but I do not know many criminals who are making high-speed escapes by boat. Why not have a camera on the bridge? If one wants to get to most parts of the Iveragh Peninsula, one must cross the River Laune. We need cameras at its bridging points. If one wants to get from south Kerry to north Kerry or *vice versa*, one must cross the River Maine. There are only a handful of bridging points, so let us have cameras there. They will not prevent crime, but they will help as deterrents.

The little parish that I come from is squeezed between the Slieve Mish Mountains and Castlemaine Harbour, making it a long, linear parish. A single main road runs through it with little byroads branching off of it, each of which is lined by 20 or 30 houses. One must pass a single point between the main road and the byroad to access them. For a very small cost, a little camera placed at the bottom or top of each byroad would provide a great deal of security and a sense of safety to the people living there. People might claim that this is big brother territory, but it is not. It is only using modern technology cleverly to give us the best possible chance of targeting the scumbags to whom I referred.

We must keep recruiting gardaí. Templemore was closed but has since re-opened. It will

take a long time for the cycle that came about after the embargo on recruitment to be reversed. This is not an issue of Garda stations but of gardaí who are visible, mobile, effective and re-sourced. We need to get gardaí into our communities, give people a sense of security and ensure a deterrence against the perpetrators of crime.

I welcome that my Ramming of Garda Vehicles Bill 2015, which has been selected to be read on Second Stage, will be debated in the House on 11 December. We must make ramming Garda vehicles a specific crime as it is now almost second nature for criminals when being pursued. They do not think twice about doing it and injuring the vehicle's occupants or worse. We need to clamp down hard on this issue. I look forward to contributions from Members from all sides of the House on that Bill when it is debated on 11 December.

Deputy John McGuinness: Like others, I welcome this Bill, but I wonder about its impact in terms of the custodial sentences that might be granted. Have we the places to accommodate all the extra individuals who might be sent to prison? I also question the extent to which the Garda can investigate every burglary. It will require extra resources, which must include not only cars but also manpower and the ability to deal with under-age burglars. I disagree with some of the comments made earlier to the effect that this thinking is driven by media comments that burglary is widespread throughout the country. There are indeed burglaries throughout the country. In fact, they are horrendous in rural areas. The number of people in isolated areas who live in fear and have a gun or some other weapon beside their bed or elsewhere in their house when the nights get long has grown immensely. They will say this. People openly admit they will defend their homes and belongings at all costs.

There are burglaries that are not reported. Farm machinery, diesel and home heating oil are being stolen but these crimes go unnoticed because they are not reported to the Garda, although they are reported generally to us or on local radio. When they are reported to the Garda, it is very difficult to find the culprit. Since that is the reality, investment is required in technology, gardaí and the means of pursuing the hard-nosed criminals involved in burglary as a business.

I can point to an industrial estate in Kilkenny that is burgled regularly. Substantial businesses are under threat because those who are involved in the criminal activity, and who are known, leave little or no trace behind them. It is therefore hard to tie them down and convict them. It is also a fact that they are using young children to carry out burglaries. At times, they can be untouched by the law. CCTV footage that pinpoints individuals at particular locations may not be good enough to be presented in court, yet everyone knows what is going on.

It is a crime to extract from a business a sum of money every week for protection. Businesses have to go to such lengths as paying criminals to protect their properties. The growth of activity in this area is outrageous. It is outrageous that commercial operators are subjected to that sort of Mafia control of their business and locality without the Garda being able to intervene substantially to track down the criminals.

I have witnessed under-age youths being used for the purpose of criminality. The Garda and local community know this, yet no action is taken because the amount of evidence required is simply not available. However, local knowledge and the experience of businesses and households in the area in question prove my point. We have to find a way to tilt the balance of justice in favour of the person whose property is broken into and the families against whom the criminals are acting.

With bullying, intimidation and criminality comes fear. Householders are living in fear, as are the businesspeople who are paying protection money. The latter know it is easier to pay the protection money than to rely on the Garda. I fully support the efforts of the Garda and am behind it in every way I can, but its hands are tied. As legislators we need to untie its hands. We need to enable it to take on the powerful criminals and ensure they are put out of business. In most cases, the burglars and thieves to whom I refer start in some way with petty theft. They start in some way on the first rung of the ladder. They are known at that stage but they are not plucked from their community and sent to prison or redirected, through guidance and counselling, to a more productive and active role in society. That is where the breakdown is. If we do not correct the small things, the bigger things will continue to feature. Right now, burglary and criminal activity are out of control in rural areas to the extent that criminals now feel they can pick up a gun or other weapon and attack a person in his or her own home. They feel they can hold a man or woman overnight while taking control of his or her family home or business with the aim of walking away with the takings and damaging him or her in some way. I know from experience that when this happens to one, one never looks at that crime in the same way again. One constantly lives in fear and overreacts by installing in one's house or business extensive technology to ensure everything is recorded. Nowadays, however, although criminal activity may be recorded, the police cannot rely on the recording because the criminals are too smart and too far ahead of the gardaí who are trying to detect the crime.

All support should be given to the gardaí but we have to find some method of engaging with the burglars and other criminals at a very early stage to put them out of business. Where people who live in fear are willing to come forward and speak about it, they should be given protection. I would go so far as to say that if they speak against a known burglar or criminal publicly, they should be afforded the protection of the Garda to ensure they are safe in their homes and businesses. As long as we stand by and do not introduce an effective mechanism or control of this kind, we are allowing the criminals to prosper. That does not bode well for rural areas or communities generally.

Rural areas are undergoing serious difficulties with burglaries at present. It is a fact that the motorways have made the countryside more accessible. It is a fact that organised gangs are travelling from Dublin and identifying properties by marking them in a particular way. The Garda recognises this. The activities of the individuals who own the properties, be they commercial or residential, are known to the gangs. When the criminals come to visit, they already have a plan of engagement and know exactly how they will vandalise the property or rob the household, machinery or commercial outlet and take away the proceeds. They use high-speed cars and carry out burglaries regularly. They are organised and are known to the Garda. If they are known and if what we are hearing in rural areas and seeing on television is true, or even half true, it is demanded of this House to react in a far more effective way than simply passing this legislation. Let us be honest with one another. As parliamentarians setting out the law, we have a real problem and it will not go away with the introduction of this legislation, although I welcome it.

Acting Chairman (Deputy Bernard J. Durkan): I ask the Deputy to move the adjournment of the debate at this stage. He has nine minutes remaining.

Deputy John McGuinness: I will do so, but I wish to say that beyond this day we need to engage with the police and communities. We need to support them by funding text alert and community alert systems. Without that we are going to fail.

Debate adjourned.

Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): 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 Thomas P. Broughan - the need for capital funding for the dredging of Howth Harbour in early 2016; (2) Deputy Bernard J. Durkan - the need to address the stalled works at the town centre development in Naas, County Kildare; (3) Deputy Joan Collins - the need to discuss the outcome of the recent meeting with Respond regarding the threatened closure of Cuan Álainn women's refuge centre in Tallaght, Dublin 24; (4) Deputy Eamonn Maloney - concerns regarding the pending industrial action by the Irish Nurses and Midwives Association in hospital accident and emergency units; (5) Deputy Paul Murphy - the need to discuss the campaign by the Teachers Union of Ireland against cuts in third level education; (6) Deputy Sean Fleming - the need to discuss the exclusion of local authority social housing units provided under Part V from the new tenant purchase scheme; (7) Deputy Clare Daly - the need to discuss the convening of a commission of inquiry into the workings of NAMA; (8) Deputy Dan Neville - the need to complete a 20-bed child and adolescent inpatient unit in Limerick as recommended by A Vision for Change; (9) Deputy Timmy Dooley - the need to discuss Irish Water's plans to take 300 million litres of water from the River Shannon and the associated environmental impact; (10) Deputy Robert Troy - the need to address the imposition of a full producer responsibility initiative on waste tyres, particularly in the context of Repak's monopoly position in the disposal area; (11) Deputy Mick Wallace - the need to discuss the convening of a commission of inquiry into the workings of NAMA; (12) Deputy Seán Kyne - the need to address issues around the deficit of the Brothers of Charity services in Galway, which has arisen from the implementation of a HSE reduction in funding in 2010; and (13) Deputy Paul J. Connaughton - the need to address the unacceptable delays in processing times for Garda vetting.

The matters raised by Deputies Dan Neville, Robert Troy, Thomas P. Broughan and Joan Collins have been selected for discussion.

Leaders' Questions

Deputy Michael McGrath: Tuesday night's RTE "Prime Time" programme made for shocking viewing. It exposed the scandal of banks denying mortgage customers their contractual right to return to a tracker rate following a period of time on a fixed or variable rate. Customers have been forced to go through the banks' own internal appeal systems, the Financial Services Ombudsman, the Central Bank, and the courts system to vindicate their rights. If they finally win the argument to be returned to a tracker rate, many of them are not being given the original tracker rate but a much inflated one which is sometimes between 3% and 4% higher than the original tracker rate.

As the Tánaiste knows, the only variable element of a tracker mortgage rate is the ECB base rate. The margin should remain constant. "Prime Time" featured a customer who successfully fought Permanent TSB all the way to the High Court. He has now been given what can only be described as a ridiculous tracker rate costing him hundreds of euro extra each month in additional interest payments. In that case alone, Permanent TSB stands accused of failing to honour

the terms of the original tracker mortgage contract by significantly hiking the margin it charges, quoting the customer a margin of up to 3.35% instead of the original 1.1% above the ECB rate. This cannot be dismissed as a legacy issue from another era because it is happening here and now. Indeed, it is not an isolated case.

Very serious issues were also raised in the “Prime Time” programme concerning practices at AIB and Bank of Ireland. One AIB customer whose case was profiled was eventually, after a battle, returned to a tracker rate with a margin of just under 4%. We already know that up to 300,000 variable rate mortgage customers are being ripped off by their banks. We now know that many tracker customers are being denied the right to return to a rate to which they are contractually entitled. We have known for some time that in some cases banks are determined to do whatever it takes to get people off tracker mortgage rates.

Deputy Mattie McGrath: Yes.

Deputy Michael McGrath: There is a widespread suspicion that banks have been using subtle tactics, and in some cases not so subtle tactics, in recent years to nudge customers off the tracker rate they are entitled to. The banks have no fear of the Central Bank on this issue and that is the sad reality. They are not afraid of a slap on the wrist. The truth is that the Central Bank has been examining this issue since 2010. If the Government wants banks to sit up and take notice of this issue, it needs to talk the language they understand, which is that heads will roll at a senior level if such consumer issues are not being dealt with-----

Deputy Finian McGrath: Fire them.

Deputy Michael McGrath: -----fines will be imposed which will hurt them, and additional capital requirements will be imposed on financial institutions that breach the consumer code of conduct and where consumer rights are not being protected. Is the Government going to stand idly by and allow this practice to continue?

Deputy Mattie McGrath: It has.

Deputy Michael McGrath: What is the Government going to do to end this scandal which is being perpetrated on an unknown number of customers who are being denied their contractual rights?

The Tánaiste: First, I express my full sympathy for individuals and families who have had this negative and at times extremely stressful experience of dealing with banks, including negotiations, the time it takes, and the various levels people have had to go through.

The Deputy is probably aware that the Money Advice & Budgeting Service, MABS, is one of the advisory services available to the public through the resources of the Department of Social Protection. It helps in situations like those outlined by the Deputy. It can be very difficult for those involved because while we have the Financial Services Ombudsman, the actual examination of various issues in cases can take a great deal of time. I would certainly like to see an improved and expanded service from the Financial Services Ombudsman. This is one way in which this particular situation would be assisted.

The Deputy said it is not a legacy issue, but the actual experience-----

Deputy Finian McGrath: Here we go.

(Interruptions).

Deputy Michael McGrath: You cannot get away from it.

Deputy Kevin Humphreys: Listen to the truth.

A Deputy: She has the shovel now. Let her dig.

An Leas-Cheann Comhairle: Please.

The Tánaiste: However, the actual experience of this problem does relate to the collapse of the banks.

A Deputy: No.

The Tánaiste: Yes, it does. Let me finish. I did not interrupt the Deputy at all. The consequences of the crash have been very simple. The actual powers of the Central Bank and of the regulatory authority as well as the independence of the Central Bank as an institution have been strengthened significantly to ensure for everybody's sake that we will never see a banking crash again.

The Deputy asked a number of questions. I do not know whether he is implicitly proposing in the question that it would be better to remove the independence of the Central Bank and that the Minister for Finance, Deputy Noonan, would make direct decisions in this case. As the Deputy knows, the general regulatory structure that has been adopted in Ireland and around the European Union is to seek to have a strong independent regulatory authority as well as having strong consumer protection.

I share the Deputy's concerns both in terms of cases I am aware of and those I have read about in the newspapers. The banks have been dealing quite well and fairly with a number of cases. However, I do not have the overall picture. I know that some people have got settlements from different banks which they have been satisfied with.

Deputy Mattie McGrath: Very few.

The Tánaiste: These include the banks the Deputy has mentioned. If we are having a serious discussion about this, we need to look at the different elements of the problem. Is the Deputy suggesting that somehow or other we should move away from the independence of the Central Bank, but not from dialogue with the Central Bank or requiring it to act both in terms of the security of the banking system and also customer protection?

Deputy Colm Keaveney: It is the directors of the bank.

The Tánaiste: That is the balance we have to achieve concerning this matter. In the context of where we have come from, it is absolutely a legacy issue. It is also a legacy issue for all of the European banking system where we have a properly independent regulatory structure. If Deputy McGrath is suggesting that the Minister for Finance should personally regulate the Central Bank, I do not agree with him on that. That is what led us down the road of difficulty in the past. What I am saying to the Deputy is that the consumer side of the regulatory structure, in my view, certainly does need to be improved. As Deputy McGrath is aware, the Central Bank is undertaking an examination of this area. When we have the results of that examination-----

Deputy Mattie McGrath: What year?

The Tánaiste: Today marks the first day in office of the new Governor of the Central Bank, who is properly independent in the exercise of his functions to protect the system and customers.

Deputy Timmy Dooley: The Tánaiste is waffling.

(Interruptions).

The Tánaiste: If the examination shows - and I hope it will - that more protection is required, then I absolutely believe that.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Michael McGrath is next. Can we have order, please?

Deputy Michael McGrath: The bottom line is that the sanctions available to the Central Bank are not strong enough. That is the issue we need to deal with. The banks are not afraid of the possible sanctions that the Central Bank can impose. It is a function of this House and of the Executive to bring forward proposals to deal with that. Since 2010 the Central Bank has been trying to deal with this issue. Customers, who should be protected, have been utterly frustrated at having to go through the internal system within the banks, the Financial Services Ombudsman, the Central Bank's consumer protection division and the High Court.

Deputy Colm Keaveney: They are being gouged.

Deputy Michael McGrath: Permanent TSB went to the steps of the Supreme Court in this land to deny customers their contractual rights. How can an ordinary family deal with that situation? It is simply not fair. What we are dealing with here is a scandal. We need more than sympathy from Government. The individuals and families affected on a day-to-day basis by this issue need action to help them to deal with it.

What we are suggesting is that there is a need for stronger legislation to sanction the banks where clear breaches of the consumer protection code are taking place. It is evident that the sanctions that have been applied have not worked. When something does not work, then the Government has to step it up a level. That is clearly what needs to be done.

I welcome the examination that the Central Bank is doing of the broader issue of how customers on tracker mortgages have been dealt with. However, even if those involved find serious and fundamental problems with how banks have dealt with customers on tracker mortgages and in respect of their rights, I do not have confidence that the Central Bank has the capacity to deal with that. The evidence, unfortunately, is to the contrary. The Government needs to ensure that where there are cases in the system of banks seeking to repossess properties or disputes about the contractual rights of customers to a certain interest rate, then those cases should be halted immediately. The Government also needs to deal with the necessary reform of the Financial Services Ombudsman. There is a six-year rule at present, as the Tánaiste is aware, such that complaints can only be taken in respect of a matter that originated within the past six years. For many customers, that door is closing, if it has not already closed.

Deputy Mattie McGrath: It is closed. It is gone.

Deputy Michael McGrath: They will be denied the right to any recourse. That is simply

not acceptable.

An Leas-Cheann Comhairle: Thank you, Deputy. I have to call the Tánaiste.

Deputy Michael McGrath: We also have a series of public interest directors in the banks, whom the Minister for Finance should be talking to. They should be asking questions on behalf of the State and customers in respect of what the banks are doing. There are a number of examples of what can be done. The Central Bank and the Government need to speak the language that the banks understand, because they have not understood so far.

An Leas-Cheann Comhairle: Deputy, you are over time.

Deputy Michael McGrath: If it means that, in order to protect consumers, heads have to roll or far more serious fines have to be imposed-----

Deputy Colm Keaveney: That will not happen.

Deputy Michael McGrath: If it means additional capital requirements have to be put in place in respect of banks, where they are clearly breaching the rights of consumers, then so be it. The Government will find support on this side of the House to achieve that.

The Tánaiste: I thank Deputy McGrath for his comments. The Department of Social Protection, my Department, actually has two services, the Citizens' Information Board and the Money Advice and Budgeting Service. We deal with some of these difficulties in terms of helping families who have problems. In fact, we have recently introduced a court mentoring service for people who have other mortgage difficulties and are going before the courts. The idea is to give people assistance when they need it.

Deputy Michael McGrath: That is a broader issue.

The Tánaiste: What I am saying to Deputy McGrath in respect of this matter is that we set up a structure, in light of some of the lessons learned about the banking crash, such that we have a strongly independent Central Bank that is not at the whim of any politician.

(Interruptions).

The Tánaiste: That structure has been established on a Europe-wide basis to avoid banking crashes. At the moment, the Central Bank is actually undertaking an examination of this particular area. Those involved have not given an actual date for when they are going to report, but, as I understand it, they have been in contact with the different institutions and people who have been affected by the kinds of distressing stories that Deputy McGrath has mentioned in the House. I do not have an exact date for when they will report, but my understanding is that they will be coming back sometime around the middle of December. I hope that when we get their considered report and evaluation on this matter, any advice they give in respect of the further vindication of consumer rights relating to banking will be implemented. I am saying to Deputy McGrath, as I said in my earlier response, that the Financial Services Ombudsman services could be enhanced.

Deputy McGrath referred to capacity in the Central Bank. There are 1,400 people working in the Central Bank.

Deputy Michael McGrath: It is about powers.

The Tánaiste: They are now doing the evaluation.

A Deputy: They are paid salaries, but are they working?

The Tánaiste: I hope we will get the report by the middle of December, as has been suggested.

Deputy Mattie McGrath: What is the Government going to do with it?

The Tánaiste: We will certainly be prepared to act on the recommendations.

Deputy Mary Lou McDonald: The crisis in our health system is getting worse. This morning, we learned that 99% of members of the Irish Nurses and Midwives Organisation in Beaumont Hospital in Dublin have voted for industrial action. This is not a dispute about pay; it is a dispute about patient safety. Nursing staff levels have been decimated on the Government's watch. Nurses would tell the Tánaiste, if she cared to listen, that it is impossible to provide a safe level of care to patients. Those are not my words; they are the words of the professionals. They tell us that staff are close to burnout, that their workloads are impossible and that they have been highlighting serious concerns with management for some time. However, nurse numbers continue to fall and the situation continues to deteriorate.

Beaumont Hospital is short 45 nurses in the medical and surgical divisions alone. Today, 22 patients in that hospital are on trolleys. Here in Dublin, my local hospital, the Mater Misericordiae University Hospital, is 100 nurses short. Today, it has 29 people on trolleys. In fact, as we speak, the Mater is on the verge of triggering the full-capacity protocol. That is how bad things are. Why is this? The answer is quite simple. Today there are 4,500 fewer nurses in the health service than when the Government took office five years ago. This is the result of the Government's health policy and its refusal to invest and reform. It seems the Government prefers to give tax breaks to the rich than invest in more nurses, more home-help hours or more nursing home beds. The Teflon Minister for Health, Deputy Leo Varadkar, has abandoned the Government's big idea and now the Government has no plan and, worse still, it has no clue.

My question is straightforward. Given the scale of the crisis, does the Tánaiste still have confidence in the Minister for Health? How can the Government tell staff and patients at Beaumont Hospital and beyond that it will ensure patient safety?

The Tánaiste: The State industrial relations machinery is at the disposal of the parties to the dispute. It is at the disposal of the nurses and their representatives as well as the management of the HSE. I sincerely hope that if those mechanisms are used there will not be industrial action. It is to be hoped such a situation could be avoided with the use of industrial relations machinery.

On the Deputy's point on overcrowding in respect of emergency departments, the emergency department task force implementation group is co-chaired by the director general of the HSE and Mr. Liam Doran, the general secretary of the INMO. It has already implemented a range of measures and other measures to improve the situation are in train as we speak. The emergency department task force has provided funding for the opening of an additional 300 beds to allow patients in emergency department beds to move to other, more appropriate, units within the hospital and has provided significant funding for step-down facilities, in particular for older people who may need nursing home respite care or longer-term nursing home care.

As the Deputy knows, the waiting time for funding for the fair deal has dramatically and

positively improved. Additional funding has been provided for the fair deal scheme,-----

Deputy Finian McGrath: Why do they want to go on strike then?

The Tánaiste: -----173 extra community beds have been opened and 65 beds have been opened in Mount Carmel, which is now the first public community hospital in Dublin.

Deputy Peadar Tóibín: This is the same answer the Taoiseach gave yesterday.

The Tánaiste: The question of emergency departments requires widespread constructive and positive action from hospital management, consultants, senior management and nurses. Some 700 more nurses are employed in the public health service than one year ago.

Deputy Peadar Tóibín: The Government came into office in 2011.

The Tánaiste: There are a total of 35,163 whole-time equivalents, compared to 34,404 whole-time equivalents in October 2014. As recently as a couple of days ago, an OECD report, which was widely circulated in the media, indicated that we have one of the highest ratios of nursing employment among all of the OECD countries.

We need extra resources, but we also need to improve management. The emergency department task force comprises the people at the heart of the issue, namely, the chief executive of the HSE and the general secretary of the nursing union. They are working together to resolve the situation, which also requires additional resources, beds and staffing. Anybody who has experience of being on a trolley, in particular the elderly or those who have had relatives, children or parents who have been through that experience, know it is a difficult situation. Through the provision of all of these resources, the situation is being invested in and improved upon. A significant number of extra nurses have been employed this year.

Deputy Mary Lou McDonald: The Tánaiste has some cheek to call for constructive engagement from nurses who are at the end of their tether. They are stressed out of their minds and managing an impossible and utterly chaotic situation in our hospitals. It takes gall of the highest order for the Tánaiste to appeal to them to be constructive. They are more than constructive. Every day they are managing the chaos the Government has caused in our hospitals.

I referred to the Mater Hospital, which is about to invoke the use of the full capacity protocol. This involves taking people from trolleys and moving them to different wards - the Tánaiste knows the protocol. Does she know that on any given day seven hospitals trigger that protocol? That is how dire the situation is, but that seems to pass the Tánaiste and Minister by.

The Tánaiste has bragged about 700 extra nursing posts. As of 8 November, the figures from the HSE's staff management analysis show that in terms of staff nursing positions we are in a minus situation. We are actually down 274 posts. The Tánaiste can play with figures in terms of recruitment, but she cannot get away from the fact that there are 4,500 fewer positions, the moratorium has buckled our hospitals and something urgent and immediate needs to be done.

I ask the Tánaiste to answer the questions I put to her initially. What of the Minister, Deputy Varadkar? He is presiding over a disaster that is putting the safety and, God forbid, the lives of patients at risk. That is the reality.

Deputy Finian McGrath: Hear, hear. That is true.

Deputy Mary Lou McDonald: Does the Tánaiste maintain a position of confidence in him? I refer to those who attend Beaumont, the Mater, Our Lady of Lourdes Hospital in Drogheda and hospitals across the State. I ask the Tánaiste to tell them how she will ensure patient safety.

Deputy Finian McGrath: Beaumont needs more beds.

The Tánaiste: As it happens, I know the Mater Hospital extremely well because I have been with people who have used its services, in particular elderly people-----

Deputy Mary Lou McDonald: On trolleys.

The Tánaiste: -----on many occasions throughout the decades, and not just today or yesterday. I do not know whether the Deputy has been in the Mater Hospital recently, but it probably has one of the best emergency departments in Europe, which is situated in a very fine, improved, refurbished and rebuilt hospital.

I do not deny for a moment that there are very serious stressors for very hard-working nursing staff. I have said that the Minister, Deputy Varadkar, brought the task force together, which is headed by the head of the HSE and the head of the nurses' union. They have been given-----

Deputy Mary Lou McDonald: He passed the buck.

Deputy Peter Mathews: There are a lot of heads.

Deputy Mary Lou McDonald: That is a crazy answer.

The Tánaiste: If we are interested in solutions-----

Deputy Mary Lou McDonald: We are.

The Tánaiste: If the Deputy knows anything and has ever spent nights in an emergency ward or emergency department, she will know one solution which most hospitals could adopt, and which is available in a number of hospitals at the moment, is an urgent assessment unit. Older people can go to a special facility, which the Deputy needs to go and see in operation. I can tell her-----

Deputy Pearse Doherty: It is the fault of the nurses and doctors.

Deputy Mary Lou McDonald: I know how it operates.

The Tánaiste: The Deputy needs to talk to staff working in emergency departments, nurses and those who work in hospitals with such facilities.

Deputy Peadar Tóibín: The Government has vandalised capacity for the past five years.

The Tánaiste: It is one of the best innovations that has happened in our health system in recent years because it allows chronically ill older persons with medical conditions to be checked out over a number of hours or longer, as required. People do not have to be in the queues to which the Deputy referred. The Deputy is shaking her head. Obviously she has never seen-----

Deputy Mary Lou McDonald: In disbelief.

(Interruptions).

The Tánaiste: Obviously she has never seen these urgent assessment units. We have some of the best staff in the world working in our hospitals.

Deputy Peadar Tóibín: We have some of the best crises in the world.

The Tánaiste: It is in everybody's interests to come together and resolve the situation using the industrial relations machinery of the State. The Deputy hardly wants to see nurses going on strike.

Deputy Mary Lou McDonald: No. I want the Government to make the right investment in staffing.

The Tánaiste: She is not suggesting that she wants that. I accept she does not want to see nurses who work hard going on strike. We want to resolve this issue, which we will do by providing more beds and employing more nurses.

Deputy Pearse Doherty: By cutting more taxes for the wealthy. Read the report of the Irish Fiscal Advisory Council. The Government is vandalising public services.

The Tánaiste: Some 700 extra nurses have been employed this year and 400 nurses are currently in the recruitment process for additional staff. We are in favour of reducing USC for low-paid workers.

Deputy Pearse Doherty: The Government is also in favour of vandalising public services.

An Leas-Cheann Comhairle: I call Deputy Mick Wallace.

(Interruptions).

Deputy Pearse Doherty: It is in favour of more patients on trolleys.

An Leas-Cheann Comhairle: Order, please.

Deputy Pearse Doherty: We have had a complete reversal of all Labour Party principles. What it is doing is unbelievable.

An Leas-Cheann Comhairle: I have called Deputy Mick Wallace. Order, please. I ask Deputies to settle down.

Deputy Pearse Doherty: Independent analysis and vandalising public services. That is what it stands for now.

An Leas-Cheann Comhairle: Could we have some order, please? Deputy Mick Wallace has the floor.

The Tánaiste: That is why Sinn Féin voted against tax cuts for lower paid workers.

Deputy Pearse Doherty: The Tánaiste will get a good tax cut and a good pension increase, fair play to her. She has given herself that.

An Leas-Cheann Comhairle: There is no need for this disorder. I have called Deputy Mick Wallace.

Deputy Mary Lou McDonald: There is every need for this disorder.

Deputy Pearse Doherty: Well done. Look after yourself and your buddies.

Deputy Bernard J. Durkan: This is disgraceful carry on. Go away out of that.

An Leas-Cheann Comhairle: Deputy Durkan, please. I call Deputy Wallace.

Deputy Mary Lou McDonald: It is disgraceful.

Deputy Pearse Doherty: Back to Fianna Fáil policies.

An Leas-Cheann Comhairle: Deputy Doherty, please.

Deputy Mick Wallace: I have been co-operating with An Garda Síochána on a number of issues relating to NAMA and it has been back to me regarding some of these issues. As the Tánaiste is aware, I have asked many questions in the Chamber about NAMA but I have not got many answers. In fact I have got none. I have put some of the questions and others to NAMA directly and I have got answers from it, some satisfactory and some not. One of the questions I asked about Project Eagle was whether Ronnie Hanna, along with Frank Cushnahan or David Watters, ever met any US investment fund personnel. NAMA's reply was "No", that Mr. Hanna had no such meetings with these individuals. We now know that Ronnie Hanna, head of asset recovery in NAMA, did meet at least one of the US investment funds. NAMA's answer to my question is not true.

PIMCO pulled out of the Project Eagle deal because its compliance department would not agree to the success fee. Cerberus replaced it and paid the success fee. What would PIMCO have got for this fee? What did Cerberus get for the fee? It got insider information and the ability to affect the deal. An executive of NAMA, Ronnie Hanna, was part of a cabal to seek payment for affecting the biggest property deal in the history of the State. The three individuals, Ronnie Hanna, David Watters and Frank Cushnahan, had information above and beyond what was available in the data room. David Watters had reviewed the business plan for many of the debtors.

An Leas-Cheann Comhairle: The Deputy is naming many names-----

Deputy Peter Mathews: We need them.

An Leas-Cheann Comhairle: -----and it is a long-standing convention that accusations should not be made against people outside of the House.

Deputy Mick Wallace: These are all in the public domain.

Deputy Robert Dowds: Go before the Committee of Public Accounts on this.

Deputy Mick Wallace: Frank Cushnahan was looking after the political side in the North and Ronnie Hanna was looking after matters inside NAMA in Dublin. We are not talking about Belfast; this is Dublin. This is at the heart of NAMA in Dublin, and this is on the Tánaiste's watch. The Taoiseach assured us that NAMA had dealt comprehensively with all matters put to it at the Committee of Public Accounts, but what is this worth now? We need an independent commission of inquiry. I realise that Fine Gael certainly does not want one, but the Tánaiste is the leader of the Labour Party and she should ensure there is an independent commission of inquiry.

The Tánaiste: With regard to Project Eagle, I am advised the loan sale was executed in a

proper manner, and despite all the different charges the Deputy has made, and charges against named individuals who are not in a position to comment or defend their good name in the House-----

Deputy Bernard J. Durkan: Hear, hear.

The Tánaiste: -----but the Deputy has named them nonetheless, I am told the facts are there are no claims of wrongdoing against NAMA. However, the Deputy clearly has issues with regard to the people he has named.

Clearly, at the base or back of his particular complaints is probably his own unfortunate experience, to which he has referred on many occasions. Understandably, he has a very strong vested interest in, and probably even stronger feelings about, what happened in the context of the collapse in the values of properties when the economy and property valuations collapsed. A portfolio worth almost €6 billion, like many people's personal domestic houses, lost 60%, 70%, 80% or 90% of its value. If the Deputy is saying this loss of value can be attributed entirely to NAMA, and not to the actual impact of one of the most devastating property crashes in the world, then I want to acknowledge he has suffered.

Deputy Peter Mathews: It was a banking crash that led to a property crash.

The Tánaiste: As somebody who was involved in the building trade, I know from some of the public records and the media that he suffered. This does not mean that because he feels a very strong personal sense of grievance, which I understand, that his claims of wrongdoing against NAMA stand up. I said to him before on this that NAMA is answerable to the Committee of Public Accounts. I strongly advise the Deputy to take the issues he has raised here, if they are additional to the issues he has already raised, to the Committee of Public Accounts and seek to have them examined there. He knows as well, because we discussed it on a previous occasion, that in the North the Comptroller and Auditor General there is conducting a value for money review into the Northern Ireland sale, and I strongly recommend that the Deputy seeks to get the findings of this report and what it will have to say.

Deputy Mary Lou McDonald: That report is happening here and not in the North.

An Leas-Cheann Comhairle: Under Standing Order 59 there is a mechanism whereby a Deputy can give prior notice to the Ceann Comhairle concerning matters in the nature of being defamatory and Deputy Wallace should avail of this. I ask him not to name people who are outside the House.

Deputy Mick Wallace: Any allegations I have made against NAMA have zero to do with my business. I never had interaction with NAMA through my business. I did not go into NAMA. The Tánaiste seems to be deliberately failing to interpret what I have said. I have given her some new information and I have outlined how I was told untruths by NAMA when it was questioned. The Tánaiste does not seem to have a problem with this. This is shocking.

Deputy Pearse Doherty: Hear, hear.

Deputy Mick Wallace: It has nothing to do with me; it has to do with the people. NAMA has failed to serve them properly. There are serious question marks. An executive of NAMA, Ronnie Hanna, in Dublin, deliberately interfered in the process. Does the Tánaiste not have a problem with this? Is she just going to let this flow on and not look for a proper independent

commission of investigation into this? Is this possible? I find it hard to credit.

Deputy Eric Byrne: Say it before the Committee of Public Accounts.

Deputy Robert Dowds: Go before the Committee of Public Accounts on this.

Deputy Mick Wallace: I will put a number of questions to the Tánaiste, and she should get answers to them from NAMA. It might tell her the truth. What date and time and to whom was the Fortress bid submitted? What date and time and to whom was the Cerberus bid submitted? Were the bidders advised that the bids were to be the best and final bids? Were they advised that the reserve was £1.24 billion? When and by whom was Fortress advised that its bid was not successful? Did Fortress offer in writing or verbally to increase its bid? Mr. Hanna resigned six months to the day after the Cerberus deal went through. Why?

Deputy Arthur Spring: Does Deputy Wallace know the answers to any of those questions?

The Tánaiste: I appreciate the Deputy's concern in the matter, and if he has had no contact with NAMA, I accept that, but I certainly have seen in the public media and I am aware that he was a very fine developer and builder who lost out, as so many others did, in the course of the property collapse in Ireland.

Deputy Clare Daly: What has that got to do with it?

Deputy Peter Mathews: That has nothing to do with it. How dare the Tánaiste say that? The Tánaiste should withdraw that remark as it has nothing to do with Deputy Wallace's question.

The Tánaiste: The Deputy has set out on Leaders' Questions a series of very detailed questions relating to a specific institution - NAMA - that is answerable to the Committee of Public Accounts. The Deputy is, I suppose, using a trick deployed by lawyers. He is asking a question and he is very confident he knows the answer to it but I have had no notice of it.

Deputy Peter Mathews: That happens in life.

The Tánaiste: In all honesty, I cannot conceivably-----

Deputy Clare Daly: If the Tánaiste does not have the answer, she should go and check it out.

Deputy Peter Mathews: It happens in real life.

The Tánaiste: -----answer it.

Deputy Clare Daly: It is all there.

The Tánaiste: I cannot answer those questions. If Deputy Wallace is serious about getting an answer to those questions, although I presume what he is really trying to do is publicise-----

Deputy Clare Daly: If the Tánaiste believes he has the answers, she should be very worried.

An Leas-Cheann Comhairle: This is Leaders' Questions.

Deputy Clare Daly: She should be very worried.

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The Tánaiste: He is naming people I do not know. I do not know who these people are, although I have seen some of the names in the public domain.

Deputy Clare Daly: She should know them.

Deputy Peter Mathews: Let us throw some light on this. That is the point.

The Tánaiste: The Deputy expects me to answer these questions. He really ought to go to the Committee of Public Accounts and if he has evidence of wrongdoing, he should take it to the Garda.

Deputy Peter Mathews: Take it to the top, which is here.

The Tánaiste: He should take it to the authorities in Northern Ireland-----

Deputy Mattie McGrath: What is the Tánaiste's role?

Deputy Peter Mathews: He is taking it here, to the top.

The Tánaiste: -----and in any other jurisdiction where he is claiming to have evidence of wrongdoing.

Deputy Bernard J. Durkan: Hear, hear.

The Tánaiste: I am not in a position to answer-----

Deputy Mick Wallace: Does the Tánaiste not care?

The Tánaiste: I care very deeply.

Deputy Peter Mathews: Then do something about it.

The Tánaiste: I care deeply that our system of construction and banking collapsed and the Irish people were left with a significant debt because of the loss of value.

Deputy Mattie McGrath: The Government did not burn the bondholders.

Deputy Peter Mathews: No, the banks created-----

The Tánaiste: The subsequent sale and recovery-----

Deputy Peter Mathews: The Tánaiste is an accountant.

An Leas-Cheann Comhairle: This is Leaders' Questions.

Deputy Peter Mathews: She knows this.

Deputy Clare Daly: What has that got to do with the question?

Deputy Peter Mathews: The banks speak for themselves. She is not looking at the facts.

Deputy John Lyons: Come on, Peter, it is Leaders' Questions.

The Tánaiste: Deputy Mathews has told us on many occasions how he helped liquidate a failed banking situation some decades ago. In all failures in banking and in business, unfortunately there is a loss of value.

Deputy Peter Mathews: It was the disappearance of a bubble.

The Tánaiste: Deputy Wallace is disputing that in the biggest property crash in the world, there was a loss in the value of the assets. There was a loss of book value. These were bubble-inflated prices and the Deputy argues that all of that should have been recovered. I am afraid that when there are very big crashes-----

Deputy Peter Mathews: The banks made the credit pyramid. We know that.

Deputy John Lyons: Deputy Finian McGrath should apply the Whip to Deputy Mathews.

The Tánaiste: The only way to recover value is to rebuild the economy and get people back to work. That is the only way to recovery.

Order of Business

The Tánaiste: It is proposed to take No. 15, motion re proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2014 (back from committee); No. 16, motion re proposed approval by Dáil Éireann of the Horse and Greyhound Racing Fund Regulations 2015 (back from committee); No. 16a, motion re leave to introduce Supplementary Estimates [Votes 30 and 37]; No. 16b, motion re referral of Supplementary Estimates [Votes 30 and 37] to select committee or sub-committee; No. 17, motion re proposed approval by Dáil Éireann of terms of economic partnership agreement between CARIFORUM states and the EC and its member states (back from committee); No. 18, motion re proposed approval by Dáil Éireann of terms of economic partnership agreement between the west African states, ECOEAS and UEMOA and the EU and its member states (back from committee); No. 19, motion re proposed approval by Dáil Éireann of the Planning and Development (Urgent Social Housing Supply) Policy Directive 2015 (back from committee); No. 44, Criminal Justice (Burglary of Dwellings) Bill 2015 - Second Stage (resumed); No. 45, Credit Guarantee (Amendment) Bill 2015 - Second Stage (resumed); and No. 8, Child Care (Amendment) Bill 2015 [Seanad] - Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.30 p.m. today and shall adjourn on the conclusion of Topical Issues, which shall take place on the conclusion of No. 8; Nos. 15, 16 and 16a shall be decided without debate, and subject to the agreement of No. 16a, No. 16b (referral to select committees), shall be decided without debate and any divisions demanded thereon shall be taken forthwith; Nos. 17 and 18 shall be debated together and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 20 minutes, whereupon the separate questions shall be put from the Chair, and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed five minutes in each case; the proceedings on No. 19 shall, if not previously concluded, be brought to a conclusion after 20 minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed five minutes in each case; the proceedings on the resumed Second Stage of No. 44 shall, if not previously concluded, be brought to a conclusion at 4 p.m. today; the proceedings on the resumed Second Stage of No. 45 shall, if not previously concluded, be brought to a conclusion at 5.30 p.m. to-

day; the proceedings on No. 8 shall, if not previously concluded, be brought to a conclusion at 7.35 p.m. today; and Topical Issues shall be taken immediately thereafter.

Tomorrow's Friday fortnightly business shall be No. 81, Protection of the Environment (Criminal Activity) Bill 2015; and No. 20, report on the regulation and inspection of gas installers operating in Ireland.

An Leas-Cheann Comhairle: There are seven proposals to be put to the House. Is the proposal for dealing with the late sitting agreed?

Deputy Michael McGrath: We object to the Order of Business. This Government promised to end the use of guillotines but we have a flurry of guillotines in today's order. Our Whip objected to this at the Whips' meeting last evening. Many of these issues do not need a guillotine and we can debate them appropriately, like adults. For example, yesterday the Finance Bill went through its Remaining Stages in the House and there was to be a guillotine. That was discussed and it was agreed there was no need for a guillotine. It went through slightly after the time at which the guillotine was meant to take effect. There is no need for this approach and we have little enough accountability in this House as it is. Some of these issues warrant more time but others might not, so the time afforded will be adequate. The matters should be dealt with by agreement rather than by ramming through a series of guillotines in a manner which the Government promised would never happen.

Deputy Mary Lou McDonald: It is obvious not just coming into Christmas but coming into the election season that there is a furious pace in ramming through as much legislation as possible. We have no objection to late sittings - far from it - but it is, of course, always better to have more notice than was given in this instance. There is a problem with affording 20-minute slots for debates in the Dáil, as these are clearly inadequate. I agree entirely with Deputy McGrath that there is no need for so many guillotines. It definitely goes against the grain of what was promised by this Government by way of "democratic revolution", etc. I will raise those points at this stage rather than repeating them as we get to each guillotined matter.

An Leas-Cheann Comhairle: I was going to say to Deputies McGrath and McDonald that both of them are referring to proposals Nos. 5, 6 and 7.

Question, "That the proposal for the late sitting be agreed to", put and declared carried.

An Leas-Cheann Comhairle: Is the proposal for dealing with No. 15, motion re proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2014, No. 16, motion re the Horse and Greyhound Racing Fund Regulations 2015, and Nos. 16*a* and 16*b*, motions re leave to introduce and referral of Supplementary Estimates without debate, agreed to? Agreed.

Is the proposal for dealing with No. 17, motion re proposed approval by Dáil Éireann of the terms of the economic partnership agreement between CARIFORUM states and the EC and its member states, and No. 18, motion re proposed approval by Dáil Éireann of the terms of the economic partnership agreement between the west African states, ECOEAS and UEMOA and the EU and its member states, agreed to?

Deputy Mary Lou McDonald: To reiterate, while it is welcome that there is debate on these matters, 20 minutes is inadequate for agreements such as these. They should be properly scrutinised. It is almost cynical to allow a tokenistic slot of time to tick a box in order that there

is some debate, but then to guillotine it after 20 short minutes. We object on that basis.

Question put: “That the proposal for dealing with Nos. 17 and 18 be agreed to.”

<i>The Dáil divided: Tá, 58; Níl, 35.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>
<i>Byrne, Eric.</i>	<i>Cowen, Barry.</i>
<i>Cannon, Ciarán.</i>	<i>Creighton, Lucinda.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Daly, Clare.</i>
<i>Conaghan, Michael.</i>	<i>Doherty, Pearse.</i>
<i>Connaughton, Paul J.</i>	<i>Donnelly, Stephen S.</i>
<i>Conway, Ciara.</i>	<i>Dooley, Timmy.</i>
<i>Coonan, Noel.</i>	<i>Ellis, Dessie.</i>
<i>Costello, Joe.</i>	<i>Fleming, Tom.</i>
<i>Creed, Michael.</i>	<i>Healy, Seamus.</i>
<i>Deasy, John.</i>	<i>Kelleher, Billy.</i>
<i>Deenihan, Jimmy.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Deering, Pat.</i>	<i>McDonald, Mary Lou.</i>
<i>Doherty, Regina.</i>	<i>McGrath, Finian.</i>
<i>Dowds, Robert.</i>	<i>McGrath, Mattie.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>
<i>Farrell, Alan.</i>	<i>McLellan, Sandra.</i>
<i>Ferris, Anne.</i>	<i>Mathews, Peter.</i>
<i>Fitzgerald, Frances.</i>	<i>Murphy, Catherine.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Paul.</i>
<i>Griffin, Brendan.</i>	<i>Naughten, Denis.</i>
<i>Hannigan, Dominic.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harrington, Noel.</i>	<i>Ó Fearghail, Seán.</i>
<i>Harris, Simon.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Heydon, Martin.</i>	<i>O’Brien, Jonathan.</i>
<i>Humphreys, Kevin.</i>	<i>O’Sullivan, Maureen.</i>
<i>Kenny, Seán.</i>	<i>Shortall, Róisín.</i>
<i>Kyne, Seán.</i>	<i>Timmins, Billy.</i>
<i>Lynch, Ciarán.</i>	<i>Tóibín, Peadar.</i>
<i>Lynch, Kathleen.</i>	<i>Troy, Robert.</i>
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	

<i>McGinley, Dinny.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mulherin, Michelle.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Ó Riordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Mahony, John.</i>	
<i>Penrose, Willie.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Pearse Doherty.

Question declared carried.

An Leas-Cheann Comhairle: Is the proposal for dealing with No. 19, motion re proposed approval by Dáil Éireann of the Planning and Development (Urgent Social Housing Supply) Policy Directive 2015, agreed to?

Deputy Ruth Coppinger: I do not agree with this proposal. This is a proposal to discuss emergency measures in relation to housing, such as the modular housing proposal which is extremely controversial, in five minutes in the Dáil. That is effectively what is being proposed. We have already seen that the Government does not consider that we have a housing emergency but it is incredible to come to the Dáil with such a serious proposal and expect us to debate it within five minutes.

1 o'clock

Deputy Jerry Buttimer: It was in committee.

Deputy Ruth Coppinger: We have already heard - it is coming out of local authority chambers - that these modular or prefabricated buildings, whatever one wants to call them, will probably cost more than actual houses and the Tánaiste expects to debate it in Dáil Éireann in five minutes. This is adding insult to injury to the thousands of homeless people or people on a housing list who are out there waiting for serious measures to be taken. I propose that we reject this and that we extend that debate.

Deputy Pat Deering: Does the Deputy want us to leave them on the street?

An Leas-Cheann Comhairle: This is only leaders of groups now.

Deputy Michael McGrath: My party objects to the guillotining of this in 20 minutes. Twenty minutes is a ridiculously short timeframe to debate an important issue. We support the taking of action to deal with this issue but 20 minutes is an insult, with no opportunity for Opposition spokespersons and Deputies to put questions to the Minister.

Deputy Finian McGrath: We need more democracy.

Deputy Michael McGrath: For example, can we have an assurance that the Attorney General has given the legal approval to this in the sense that temporary accommodation, which is undefined in terms of the duration, is fully legally proofed? These are important questions. We do not want this initiative to blow up in the Government's face. It needs to be dealt with in a mature and responsible way and we need to debate legitimate issues relating to this in this House. There is no need for a 20 minute guillotine. It is ridiculous.

Deputy Mary Lou McDonald: I want to raise my party's objections also. I stated on the previous matters that 20 minutes was woefully inadequate. This, equally, is the case here. Twenty minutes is derisory. It does not give the scope for what could properly be called a debate, and on an issue with such urgency and importance for so many at this time, I am at a loss as to why Government would insist on such a short time span.

The Tánaiste: As Deputies will probably be aware, this was debated at length in the committee.

In response to Deputy Coppinger, the reason the modular housing construction is expensive is because it has such high standards of insulation construction.

(Interruptions).

The Tánaiste: I am sorry, Deputy Coppinger may not have bothered to go down and see them.

Deputy Ruth Coppinger: We did.

The Tánaiste: They are available to see.

(Interruptions).

The Tánaiste: The reason they are expensive-----

Deputy Barry Cowen: Did the Attorney General see them?

Deputy Jerry Buttimer: Did Deputy Cowen go and see them?

The Tánaiste: -----is because they are of a very high standard, and a much higher standard of insulation than a lot of traditional build houses.

Deputy Seán Ó Fearghail: Pay more for temporary than permanent.

An Leas-Cheann Comhairle: I am now putting the question.

26 November 2015

Deputy Dessie Ellis: They cost €191,000 each.

An Leas-Cheann Comhairle: Order, please.

Deputy Dessie Ellis: These are modular housing.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Dessie Ellis: They cost €191,000 in Ballymun.

An Leas-Cheann Comhairle: Deputy Ellis, please.

Deputy Dessie Ellis: Some 22 cost €4.2 million. Is the Government living in another world or something?

Question put: "That the proposal for dealing with No. 19 be agreed to."

<i>The Dáil divided: Tá, 56; Níl, 35.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>
<i>Byrne, Eric.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Creighton, Lucinda.</i>
<i>Coffey, Paudie.</i>	<i>Crowe, Seán.</i>
<i>Conaghan, Michael.</i>	<i>Daly, Clare.</i>
<i>Connaughton, Paul J.</i>	<i>Doherty, Pearse.</i>
<i>Conway, Ciara.</i>	<i>Donnelly, Stephen S.</i>
<i>Costello, Joe.</i>	<i>Dooley, Timmy.</i>
<i>Creed, Michael.</i>	<i>Ellis, Dessie.</i>
<i>Deasy, John.</i>	<i>Fleming, Tom.</i>
<i>Deenihan, Jimmy.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Kelleher, Billy.</i>
<i>Doherty, Regina.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Dowds, Robert.</i>	<i>McDonald, Mary Lou.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Finian.</i>
<i>Farrell, Alan.</i>	<i>McGrath, Mattie.</i>
<i>Ferris, Anne.</i>	<i>McGrath, Michael.</i>
<i>Fitzpatrick, Peter.</i>	<i>McLellan, Sandra.</i>
<i>Griffin, Brendan.</i>	<i>Mathews, Peter.</i>
<i>Hannigan, Dominic.</i>	<i>Murphy, Catherine.</i>
<i>Harrington, Noel.</i>	<i>Murphy, Paul.</i>
<i>Harris, Simon.</i>	<i>Naughten, Denis.</i>
<i>Heydon, Martin.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Humphreys, Kevin.</i>	<i>Ó Fearghail, Seán.</i>

<i>Kenny, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Kyne, Seán.</i>	<i>O'Brien, Jonathan.</i>
<i>Lynch, Ciarán.</i>	<i>O'Sullivan, Maureen.</i>
<i>Lynch, Kathleen.</i>	<i>Shortall, Róisín.</i>
<i>Lyons, John.</i>	<i>Timmins, Billy.</i>
<i>McEntee, Helen.</i>	<i>Tóibín, Peadar.</i>
<i>McFadden, Gabrielle.</i>	<i>Troy, Robert.</i>
<i>McGinley, Dinny.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mulherin, Michelle.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Penrose, Willie.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Feargháil.

Question declared carried.

An Leas-Cheann Comhairle: Is the proposal for dealing with No. 5 to 7, inclusive, without debate agreed to? Agreed.

Rent Certainty and Prevention of Homelessness Bill 2015: First Stage

Deputy Dessie Ellis: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Housing Act 1988

and the Residential Tenancies Act 2004 to update the definition of “homelessness” to more appropriately address the needs of people experiencing homelessness, to bring the task of homelessness prevention within the remit of the Housing Act 1988, and to provide for rent certainty in the private rental market and for related matters.

I thank groups such as Focus Ireland, Threshold, the Simon Community, the Peter McVerry Trust and the Society of St. Vincent de Paul for their excellent advocacy work. They have fought long and hard for the kind of reform contained in this simple, but important and timely, Bill. The inspiration for the legislation comes from the work of these groups, to highlight the gaps in legislation and policy in dealing with homelessness, as well as the factors that have combined to form our homelessness emergency.

An ever-growing population of people are without a home or secure accommodation. Every night, thousands of people sleep in bed and breakfasts, hostels and hotel rooms. Hundreds sleep rough on the floors of night cafés. Many more invisible homeless people sleep in abandoned buildings, cars, dark corners where nobody looks or on the sofas or floors of friends or relatives. At least 1,500 of our homeless are children, who must get up, go to school and learn about life through the prism of desperate need, isolation and insecurity. While the causes of the emergency are many, all interacting to create a perfect storm, the failure lies firmly at the door of the Government. I do not refer specifically to this Government. The groundwork was laid long before it took office. However, the Government’s inaction and, in some cases, reckless action has turned a fire into an inferno, a wave into a tsunami.

The Bill seeks to amend sections 2 and 10 of the Housing Act 1988 to update the definition of “homelessness” and introduce new responsibilities for local authorities in dealing with homelessness and those affected by it. It provides for local authorities to consider the position of families and individuals who are homeless or at risk of homelessness, and thus compels the authorities to act in a preventative way. We are always reminded that prevention is better than cure, but that is not true in the case of the Government’s policy for tackling homelessness. Homelessness is treated like a dangerous, contagious and terminal disease which must be quarantined and controlled. The proposed amendment to section 10 provides for bodies such as local authorities and approved housing bodies to be given funding to support interventions which would prevent homelessness and adequately deal with the problem to ensure those who need support are housed. A crucial aspect of this amendment is that it would open resources to those who have not previously experienced homelessness, thereby preventing them from falling into this pit and facilitating a quick remedy for their individual crises.

The last section of this Bill seeks to do a job the Government failed to do for the past five years, which is to put a lid on rent rates. The Government has failed to deliver rent certainty. It has provided merely for a delay in rent increases. Rent certainty is the limiting of rent increases over a period of time. It is not simply the delay of such increases. The proposal in this Bill to tie increases to the rate of inflation, which would give landlords the ability to raise rents within a small margin or not at all, would provide real certainty.

No Bill is perfect. I welcome any constructive criticism that is intended to enhance this legislation and deliver on its aims. The rejection of this Bill by the Government, which is something that often happens with Opposition proposals, would be unacceptable in light of its reasonable and badly needed content. We have an emergency crisis. Approximately 5,000 people are homeless. Some 1,500 children are in emergency accommodation. We need more certainty for these people. People on the rent supplement and rental accommodation schemes

and people who are losing their houses because of mortgages are ending up homeless. Many of these people are before the courts at the moment. I ask Deputies to support this legislative proposal which is urgently needed.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Health (Deputy Leo Varadkar): No.

Question put and agreed to.

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

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

Question put and agreed to.

Defence Forces Report: Motion

Minister for Health (Deputy Leo Varadkar): I move:

That Dáil Éireann approves the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2014, copies of which were laid before Dáil Éireann on 29 June 2015, in accordance with section 13 of the Defence (Amendment) Act 2006.

Question put and agreed to.

Horse and Greyhound Fund Regulations 2015: Motion

Minister for Health (Deputy Leo Varadkar): I move:

That Dáil Éireann approves the following Regulations in draft:

Horse and Greyhound Racing Fund Regulations 2015,

copies of which were laid in draft form before Dáil Éireann on 28 October 2015.

Question put and agreed to.

Supplementary Estimates for Public Services: Leave to Introduce

Minister for Health (Deputy Leo Varadkar): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December 2015:

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*).

Vote 37 — Social Protection (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates for Public Services: Referral to Select Committee

Minister for Health (Deputy Leo Varadkar): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December 2015, the Supplementary Estimates be referred to the following select committees or sub-committees, as appropriate, pursuant to Standing Orders 82A(3)(c) and (6)(a) and 159(3), which shall report back to the Dáil by no later than 9 December:

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*) — Select Committee on Agriculture, Food and the Marine.

Vote 37 — Social Protection (*Supplementary Estimate*) — Select Sub-Committee on Social Protection.

Question put and agreed to.

Economic Partnership Agreement: Motion

Minister of State at the Department of Foreign Affairs and Trade (Deputy Jimmy Deenihan): I move:

That Dáil Éireann approves the terms of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, copies of which were laid before Dáil Éireann on 15 June 2015.

I am pleased that my colleague, the Minister of State, Deputy Sherlock, had an opportunity to have a detailed discussion on the two agreements with the Select Committee on Foreign Affairs and Trade last week. The complexity of these agreements is such that they lend themselves to being discussed in committee. The select committee engaged in a strong and robust debate on them. It has completed its consideration of the agreements, which are now before the House for approval. These two motions seek Dáil approval of the terms of the EU's economic partnership agreements with 15 Caribbean countries and 16 west African states and their two regional economic organisations.

These two agreements are significant as they are the first full economic partnership agreements to be signed between the EU and African, Caribbean and Pacific, or ACP, countries. It is important to note the context which led to these agreements. Historically, ACP countries benefited from unilateral trade preferences with the EU. However, such preferences were deemed to violate World Trade Organization rules on the basis that they established unfair discrimination between developing countries. In 2000, the EU and 78 ACP states concluded an agreement known as the Cotonou Agreement, which provided for a new trade and development framework based on economic partnership agreements. This new type of multilateral agreement combined trade and wider development issues in a unified framework and contained reciprocal preferences in trade between the EU and the ACP states. On this basis, the World Trade Organization

agreed in 2001 to give a waiver to the EU to continue the unilateral preferences until 31 December 2007 when these agreements were expected to come into effect.

These economic partnership agreements are pioneering agreements in the international trading system. They are the first genuinely comprehensive north-south trade agreements that seek to promote sustainable development, build a regional market among developing countries and help eliminate poverty. The agreements seek to put trade at the service of development. The EU's trade and development partnership with the African, Caribbean and Pacific countries stretches back more than 30 years. These agreements build on that partnership. The aim is to make it easier for people and businesses from the EU, the Caribbean and west Africa to invest in and trade with each other and thereby help Caribbean and west African countries to grow their economies and create jobs.

The original intention was for the EU to conclude comprehensive economic partnership agreements with the six regional groupings of the ACP states. Following protracted and difficult negotiations, only the Caribbean was in a position to initial a full economic partnership agreement before the December 2007 deadline. Some 21 other ACP countries initialled interim agreements in smaller subgroups or individually. In west Africa, two interim economic partnership agreements were concluded with Ghana and the Ivory Coast. The interim agreements have been acting as building blocks to full economic partnership agreements, negotiations on which have been ongoing in Africa and the Pacific. Last year, a full economic partnership agreement was signed with west Africa and negotiations were concluded on two full economic partnership agreements with the economic partnership agreement states in the East African Community and the Southern African Development Community.

The Caribbean agreement was signed in 2008 and entered into provisional application on 29 December 2008. As of now it has been ratified by 17 EU member states and eight CARIFORUM states. Last year, the ministerial joint council on the Caribbean economic partnership agreement reviewed the first five years of the implementation of that agreement. It concluded that the economic partnership agreement has tremendous potential for contributing to the sustainable development of CARIFORUM states. Ratification by all CARIFORUM and EU states was one of the key issues identified for action. Approval of the agreement today will ensure Ireland plays its part in this process.

The west African agreement was signed by Ireland on 12 December 2014 and in west Africa on 15 December 2014. All EU member states and 13 of the 16 west African states have signed it. Both agreements ensure duty and quota-free access for Caribbean and west African products into the EU. They involve partial, gradual and controlled liberalisation of EU exports to the Caribbean and west Africa. They allow for permanent protection of sensitive Caribbean and west African products, especially agricultural products. The agreements also contain safeguards to deal with the possibility of disturbances to local markets, food security and infant industry. Under the agreements, Caribbean and west African countries benefit from improved rules of origin that support the development of industries that import materials to make goods for onward export to Europe. A key innovation of these agreements is the recognition that our developing country partners need assistance to build their trade capacity to reap the opportunities the agreements offer. This is why they provide for development support for their implementation. This is already being provided and will continue through the European Development Fund and the development instruments of member states.

In conclusion, I am happy to move these two motions for approval. These agreements pres-

ent a strategy to assist our Caribbean and west African partners to build larger markets, to foster trade in goods and services and stimulate investment. They reaffirm the EU's commitment to a close trade and development partnership with these two regions.

Deputy Seán Ó Fearghail: Tá mé ag déanamh ionadaíochta anseo ar son mo chomhghleacaí, an Teachta Breandán Mac Gabhann, mar ní féidir leis bheith i láthair. I am grateful for the opportunity to speak on this issue. Fianna Fáil is supportive of the aims to promote sustainable development, build a regional market among developing countries, eliminate poverty and develop a close trading and development partnership between the Caribbean and west African regions and the EU. We concur with these aims and recognise the potential for development for the benefit of both partners. It is not just the text of the agreements that is critical, however, it is their implementation and having proper mechanisms in place to review their workings is fundamental.

Flexibility is also important in the implementation of the agreements. We need to guarantee that there are safeguards in the agreements to ensure their fair implementation to suit the needs and capabilities of the European Union and Caribbean and west African countries. For example, the EU-west Africa economic partnership agreement will seek to facilitate EU food exports to the West African region, but what impact will this have on the ability of local agricultural interests, both farmers and producers, to engage with their local and regional markets?

Questions such as these are crucial as the eradication of global hunger is one of the cornerstones of Irish foreign policy. It is important that agreements do not fundamentally undermine our goal to eliminate hunger and poverty throughout the world. We have all seen the devastating impact of hunger, malnutrition and poverty so we must ensure that agreements do not hinder rather than help countries and that we do not create conditions that will have long-term negative impacts on these countries and will essentially undermine their progress, both economically and socially. We need assurances against these possible pitfalls.

It is clear to us that a worthwhile agreement should not be about displacement of local produce or industry which would, in the long term, continue to restrict overall growth in the local economy. We must be very cautious in that regard. For example, my colleague, Deputy Brendan Smith, raised this very issue last week in the committee. He noted that between 2004 and 2014, consumption of poultry meat in sub-Saharan Africa increased by a staggering 99%. However, local production grew by only 57% while imports from the EU grew by 209%. By 2014, imports of poultry meat accounted for 44% of sub-Saharan African consumption compared to less than 30% in 2004. The poultry sector is a very small one from a European Union point of view, although it is significant in some countries and in particular parts of this country, but it is a very important sector for so many impoverished farmers and producers in impoverished regions in the area.

My concern is that if Article 34 of the EPA, which deals with the agrifood sector and the export of food, is applied, there is nothing to prevent EU poultry and dairy products flooding into countries that have signed the EPA in far greater volumes than they are at present. We have to monitor situations arising where there is increased consumption but the share of the market by local producers is in decline and the European Union is displacing local producers, which I am sure is not our objective. That is the type of issue on which we must keep a very close eye and ongoing reviews are necessary of the mechanisms and workings of the agreement.

If these EPAs are to be agreed, I will call on the Government to report back to the Oireachtas

on a regular basis so we can monitor the impact they are having on the west African region. To say that local farmers and producers will be protected is not enough. I am calling on the Minister for Foreign Affairs to ensure at EU Council level that Article 34 is being applied cautiously and with flexibility so that local industries in west Africa are not destroyed. I am asking the Minister to report back to the Joint Committee on Foreign Affairs regularly on this important matter. I cannot emphasise enough the need for flexibility and considerable oversight to ensure the spirit of the agreements is followed, with which all of us agree, in terms of trying to grow trade and improving the economic fortunes of people in less developed areas. It is very important that the mechanisms are put in place to do that.

I am sure the Minister and his colleagues in Government will share those views and I look forward to constantly monitoring these agreements if we are here in the future to ensure they have the desired effect.

Deputy Seán Crowe: The idea of economic partnership agreements, EPAs, is to combine trade and development. According to the EU, the various African, Caribbean and Pacific countries with which it wants to conclude these trade deals will not only benefit from these agreements in an economic way, but will do so in terms of human and social development. We refute these disingenuous claims as they include more than just a reduction in trade tariffs and result, in many cases, in negative consequences for workers, farmers and the poor in both jurisdictions.

Sinn Féin is opposed to many of these agreements as they can be exploitative. They are bilateral investment treaties on free trade, outside the framework of the World Trade Organization, which ensure the EU is in a far more powerful position compared to the countries and blocs mentioned. We strongly support increased trade between Ireland and Africa, and the EU and Africa, but this trade should be fair, sustainable and mutually beneficial. CONCORD, a European NGO confederation for relief and development, has stated that it regrets that the EU, the largest economic zone in the world, is trying to obtain disproportionate commercial concessions from west Africa, one of the poorest regions in the world, with this economic partnership agreement. The EU should not be using its economic power to undermine and stagnate development in west Africa.

CONCORD also believes that with this EPA west Africa will have less policy space to use important tools for the development of certain economic sectors in order to improve the living conditions of its people and, as a result, the EPA is incompatible with the development of west Africa. While trading as a bloc is good for regional integration in west Africa, the level of integration of west Africa is very weak. Rather than trying to set up a free trade zone with west Africa, the EU could have given priority to stronger regional integration within west Africa itself. CONCORD also points out that the EPA still holds a risk for west African agriculture, and west African farmers expressed these fears in their December 2014 open letter to parliamentarians in Europe, calling the EPA an economic pauperisation agreement.

During the debate in the meeting of the Joint Committee on Foreign Affairs and Trade, the Government said that the poultry and dairy industries in west Africa would be protected or removed from liberalisation requirements under the EPA, but this can safely be called “spin”. If Article 34 of the EPA is applied, there is nothing to prevent EU poultry and dairy products flooding into countries that have signed the EPA in far greater volumes than they are already. If these EPAs are to be agreed, I will be formally requesting that the Government reports back to the Oireachtas regularly to show that the most damaging aspects, such as Article 34, are not being rigidly applied.

The EU-CARIFORUM EPA was voted on and consented to in the Parliament on 25 March 2009 and is now in force. It is incredible to think that it took so long for it to come before the Oireachtas and that it has been in force for over six years without the approval of the Oireachtas. This is crazy stuff. These economic partnership agreements also raise some serious concerns because development considerations are absent and trade interests have instead been allowed to prevail. Thus, the European Union takes with one hand what it gives with the other. This demonstrates the manifest incompatibility between the EPAs and development objectives. On those grounds, Sinn Féin will formally oppose the motion.

Deputy Clare Daly: The idea that this is a win-win, mutually beneficial agreement is an absolute joke. It is clear that the European Union will gain vastly more than African nations from the economic partnership agreements and that it will do so at the expense of living standards of African people. The agreements are nothing more than a dressed-up, modern-day version of the colonialism in which many EU countries were involved in Africa.

In the past, African governments could impose tariffs on goods sold by European Union countries. The EPA allows Europe to sell products in west African countries without having to pay anything, which means African countries cannot compete. Meanwhile, Europe can import all of the great goods Africa has to offer without paying any duty. It can take African raw materials, turn them into other products and sell them back to Africa at a cheaper price. As a famous Ghanaian proverb goes, “It is the fool whose own tomatoes are sold to him.” That is the reality of this process.

The economic partnership agreements are based on indiscriminate trade liberalisation that refuses to take into account the special needs of a particular country’s economy. The World Trade Organization was supposed to provide for this. The European Union promised the WTO that it would not force poor countries to fully open their markets but produced this mechanism instead. Its approach has been reprehensible because the EPAs remove the limited protection available for local markets and will undoubtedly result in losses for manufacturing in African countries. Trade trends indicate that the growth in the market for manufactured products in Africa has been in other African countries. If west Africa is to move away from primary commodity dependency and become a manufacturing hub, the African market will be its best option. However, west African markets are at risk of being taken over by the European Union as a result of these agreements.

The EPAs infringe on the sovereignty of west African nations and are most definitely not in their economic interests. They will not be of any benefit to them, whereas the super-profits of the companies that are determined to exploit these countries will be boosted.

Deputy Maureen O’Sullivan: The Taoiseach agreed to hold a full debate on this matter, as did the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Minister of State, Deputy Sean Sherlock, when they appeared before the Joint Committee on Foreign Affairs and Trade. Despite this, Deputies have been given only 20 minutes to discuss economic partnership agreements which will affect millions of lives in the least developed countries. The EPAs also have significant implications for our policy on overseas development aid.

The economic partnership agreements have been presented as a progressive and positive development, yet a letter from west African farmers and a report in a policy paper from the confederation representing non-governmental organisations across Europe highlight that, rather than lifting people out of poverty, the EPAs will plunge them deeper into poverty, will have an

impact on local markets and will affect the long-term food security of the populations of the poorest countries.

If the purpose of the development aid programme is to eradicate hunger and reduce poverty, surely the appropriate approach would be to reduce the dependence of African people on Europe and support them in feeding themselves. No country should have to implement a trade agreement if enforcing the obligations provided for in the agreement will undermine its agricultural production. If Article 34 of the EPAs is vigorously implemented, the west African agrifood sector will be devastated.

The knowledge that these agreements will be passed makes it even more vital that we provide for active oversight as well as effective monitoring safeguards and sustainability impact assessments. Some of the African Ministers have criticised the lack of effectiveness of EPA safeguards.

We were informed that the economic partnership agreement with Colombia would ensure protection for farmers and workers' rights. Last week, the arrival of a heavy contingent of troops in a marginalised area of south-west Colombia resulted in the displacement of 80 families, the occupation of schools and community buildings and the death of one peasant farmer, with many more wounded. Three prominent human rights defenders were murdered the previous week. The trade agreement with Columbia did not protect the rights of workers and peasant farmers in that country. How can we ensure the same will not be the case in respect of the economic partnership agreements with African countries?

Our statements that we are committed to fair and ethical trade must translate into action. Ireland gives millions of euro in development aid and I agree with the goal of spending 0.7% of gross national income on development aid. How can we give aid with one hand while undermining with the other hand the ability of African countries to look after themselves and feed their populations? The EPAs do not recognise the realities in vulnerable regions such as west Africa. It has been argued that these agreements could also destroy the tax bases of African countries, leaving them more dependent on foreign aid.

It should be noted that in the previous Dáil, the President, former Deputy Michael D. Higgins, was the most vocal opponent of economic partnership agreements.

Acting Chairman (Deputy Derek Keating): That concludes the debate.

Deputy Seán Ó Fearghail: On a point of order, Deputies have raised important points to which one would expect a Government response, particularly in respect of the points made regarding Article 34 of the agreements.

Acting Chairman (Deputy Derek Keating): While I appreciate the Deputy's point, I am advised that the order has been agreed and cannot be changed at this stage.

Question put:

<i>The Dáil divided: Tá, 62; Níl, 20.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>

<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>
<i>Byrne, Eric.</i>	<i>Crowe, Seán.</i>
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>
<i>Cannon, Ciarán.</i>	<i>Fleming, Tom.</i>
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>
<i>Coffey, Paudie.</i>	<i>McDonald, Mary Lou.</i>
<i>Conaghan, Michael.</i>	<i>McGrath, Finian.</i>
<i>Connaughton, Paul J.</i>	<i>McGrath, Mattie.</i>
<i>Conway, Ciara.</i>	<i>McLellan, Sandra.</i>
<i>Coonan, Noel.</i>	<i>Murphy, Paul.</i>
<i>Cowen, Barry.</i>	<i>Naughten, Denis.</i>
<i>Creed, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Deenihan, Jimmy.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Deering, Pat.</i>	<i>O'Sullivan, Maureen.</i>
<i>Doherty, Regina.</i>	<i>Pringle, Thomas.</i>
<i>Dooley, Timmy.</i>	<i>Tóibín, Peadar.</i>
<i>Durkan, Bernard J.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Heydon, Martin.</i>	
<i>Keating, Derek.</i>	
<i>Keaveney, Colm.</i>	
<i>Kelleher, Billy.</i>	
<i>Kenny, Seán.</i>	
<i>Kirk, Seamus.</i>	
<i>Kyne, Seán.</i>	
<i>Lynch, Ciarán.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Michael.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	

<i>Nolan, Derek.</i>	
<i>Ó Feargháil, Seán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Ross, Shane.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Timmins, Billy.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Maureen O'Sullivan and Seán Crowe.

Question declared carried.

Economic Partnership Agreement: Motion

Minister of State at the Department of Foreign Affairs and Trade (Deputy Jimmy Deenihan): I move:

That Dáil Éireann approves the terms of the Economic Partnership Agreement between the West African States, the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA), of the one part, and the European Union and its Member States, of the other part, copies of which were laid before Dáil Éireann on 4th June, 2015."

Question put and agreed to.

Planning and Development (Urgent Social Housing Supply) Policy Directive 2015: Motion

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I move:

That Dáil Éireann approves the following Policy Directive in draft:

26 November 2015

Planning and Development (Urgent Social Housing Supply) Policy Directive 2015,
copies of which have been laid in draft form before Dáil Éireann on 29th October, 2015.

On behalf of the Minister for the Environment, Community and Local Government, Deputy Kelly, I welcome the opportunity to discuss the motion that Dáil Éireann approve this draft policy directive regarding urgent social housing supply. This was discussed at the Joint Committee on Environment, Culture and the Gaeltacht last Tuesday and relates specifically to the unprecedented and increasing number of homeless families that are presenting, in particular in the Dublin area, with resultant disruptive effects on family life and the health and well-being of children. To put this in context, of the 637 families currently homeless in the Dublin region, 401, comprising 534 adults and 843 children, are being accommodated in unsuitable arrangements in hotels. The Minister and I are concerned about this increasing phenomenon. Undoubtedly, that concern is shared by all Deputies.

2 o'clock

The new capacity being created by the various housing solutions currently being implemented is not yet sufficient to accommodate the numbers presenting. Therefore, there is an urgent need to accelerate the provision of housing to address the accommodation needs of homeless households, especially families. In this context, the Government has approved a comprehensive programme of measures, including the initial delivery of 500 modular housing units for the Dublin region, which will help to reduce the number of homeless families in hotels by providing more appropriate family living conditions. In the first instance, these units will provide emergency accommodation. The placement of households in these units will be on a temporary basis, but they will offer a greater level of stability than the alternative of hotel accommodation while options for long-term living are being secured.

It is intended to have the first 153 units delivered in the Dublin City Council area, with the city council expecting the delivery of an initial 22 units by December, approximately 131 units in the first quarter of 2016 through a fast-tracked procurement process and 350 units across the Dublin region in mid-2016. This fast delivery compares with a timeframe of up to two years to provide conventional social housing units.

In this light and with a view to supporting the use of the fastest planning process in order for the modular units to be in place as quickly as possible, the Minister indicated his intention to issue a policy directive under section 29 of the Planning and Development Act 2000 addressed to the four Dublin planning authorities. A draft directive has been prepared and, as required, laid before the Houses of the Oireachtas. The purpose of the draft policy directive is to remind those planning authorities of the statutory provisions of section 179 of the 2000 Act and the related Part 8 measures in the Planning and Development Regulations 2001, which set out the procedure for local authority own development, such as the provision of new housing developments.

In the context of discharging these functions and the requirement to provide urgent social housing to meet the needs of homeless families, the draft directive directs these planning authorities to utilise all powers available to them under section 179, as appropriate, for the purpose of finding solutions to the situation and accelerating the delivery of developments to address the urgent and increasing need for social housing accommodation in the Dublin region. Subject to Oireachtas approval, this directive will issue to the four Dublin planning authorities under section 29 of the 2000 Act and they will be bound to comply with it.

The legislative basis for a policy directive underpins and strengthens any policy direction

that the Minister may wish to issue. The issuing of a policy directive in the context of the delivery of social housing will underscore the importance of the expeditious delivery of this programme of modular housing, as approved by the Government. It is essential that the programme be implemented speedily. From a planning perspective, the draft policy directive is aimed at assisting by supporting the programme and the relevant planning authorities that are delivering it.

The recently announced Government package of housing measures, entitled “Stabilising Rents, Boosting Supply”, which is aimed at improving stability in the private rental sector and supporting increased housing supply, demonstrates that addressing the current problems in the housing market is a key Government priority. The programme for delivery of modular housing, supported by this policy directive, is just one element of the response to the housing issue. Along with the implementation of the Construction 2020 strategy, the social housing strategy and the housing package, it provides a comprehensive framework for ensuring that homes are provided for those who most need them. Accordingly, I trust that, following discussion, this important policy directive will be approved by the Oireachtas so that it can be issued to the relevant planning authorities.

Deputy Barry Cowen: This is amazing in the extreme, notwithstanding the fact that homes are immediately required by those to whom the Minister of State referred. As usual, he has been thrown the hospital pass. There are no cameras present, but if there were, I know who would be here. That said, what is proposed in this motion-----

Deputy Michael McNamara: We received a hospital pass from the previous Government.

Deputy Barry Cowen: -----is as clear as mud. I am led to believe that Deputy McNamara has a legal brain. He might be able to direct the House.

Deputy Michael McGrath: There was nothing but mumbo jumbo in the Minister of State’s speech.

Acting Chairman (Deputy Derek Keating): Deputies should direct their comments through the Chair.

Deputy Barry Cowen: What is the planning process? For 18 months, we have been calling for emergency legislation to give effect to procurement so that housing provision can be made to meet requirements. In September, it was announced that we would go down the road of modular homes. Three months later, and after my calling regularly for a programme of events or a planning process under which applications could be made in order to have these homes put in place, we are being told that the Government will advise local authorities of their responsibilities under section 179 of the 2000 Act and the related Part 8 provisions. The Part 8 that I remember from my time on a planning authority - I was a member of Offaly County Council for almost 20 years - required a local authority to go through a consultation process with the public and it was thereafter a reserved function of the council members to discuss and agree the provisions and services pertaining to the laying down of those homes. An environmental impact assessment would conclude the process. Will Dublin City Council and so on now be able to bypass planning procedure, including the practice of affording local residents any consultation or notice as to where the homes will be placed? Will it not have to produce any environmental impact reports or impact reports concerning waste water, sewerage and traffic infrastructure? Perhaps most worrying from a planning perspective, this directive precludes the council from

having to undertake any impact assessment as to whether the units are supported by local services in the community.

To add to the confusion, there is no definition of “temporary.” The units, if they are to cost €190,000 each, cannot be too temporary. Does “temporary” mean six months, six years or 16 years? The Minister of State said he plans to provide 500 of the units up to mid-2016. I do not know what process or planning procedures will apply regarding their installation. In the absence of a definition of “temporary,” I wonder whether the Government is bypassing Part 8. As Deputy McGrath asked the Tánaiste during the Order of Business, has the Attorney General sanctioned this process under the planning and development regulations? In the absence of a definition of “temporary,” the units, if they are to cost €190,000 a pop, could be in place for much longer than six months. They could be in place for 60 years. What planning process has been entertained or entered into in respect of which residents in the vicinity of the proposed units have a say regarding their impact on local services?

It is unbelievable that this whole motion is to be done and dusted in 20 minutes in this House of Parliament. That is the level of respect that the Government, including the Minister, and the Department and members of the Government parties are showing for the rest of the country, including the people who will be affected.

As I said at the outset, I have no issue whatsoever with the provision of the units. I have seen them and I believe they are appropriate and could accommodate people in the short term. They are better than hotels, as the Minister of State said himself. However, had the Government gone through the Part 8 process when it announced its plan, it would be through it by now and the units could be put in place with no issue. However, the Government has failed to do that. We are now told the temporary accommodation units cost €90,000 over and above units that are being sold around the country by Project Arrow. NAMA, through a job lot sale, is selling property worth €7 billion for €1 billion. We are told some 50% of the properties are residential units. They are completed and available and could house people on waiting lists, yet the Government has no interest in them and would rather pay €190,000 each for temporary units. We do not know how temporary they are. I have no recourse even to a response on this pivotal issue from the Minister in the Dáil, where Ministers have a responsibility to inform the rest of us so we can relay the information to those we represent. That is what is absolutely shocking.

Deputy Dessie Ellis: It is claimed the intent of the directive is to support the fast-tracking of the planning process in order for modular units to be put in place, yet the title of this motion is very misleading. The motion masquerades as something to do with the need to urgently increase the supply of social housing, but any fair and responsible definition of “social housing” would conclude that modular units for emergency accommodation for the homeless do not meet that definition. Modular housing comprises an ugly and messy emergency measure to provide a roof over the heads of families who have become homeless and who have to date depended on bed-and-breakfast accommodation and hotel rooms, which provide them with no access to cooking facilities or other badly needed amenities. A kitchen counter does not make a home.

If the Government wanted to increase the supply of social housing urgently, it should have fast-tracked planning for social housing five years ago. It could have taken all the money it spent on emergency accommodation over the past five years and put it into delivering social housing. Instead, it has waited and dragged its heels. It has directly hurt those in housing need and those most at risk of homelessness through cuts. It has done little else bar compiling plans and strategies to distract from its inaction, and it has kept the spin doctors at work.

It is particularly bizarre that in an area such as Ballymun, where rent supplement was banned by ministerial order, houses cannot be bought for social housing because of the social mix required on foot of the regeneration programme. The plan to spend €4.2 million on building 22 units at a cost of €191,000 each at a site in Ballymun that already has facilities in place, including roads, parks and underground services, is absolute madness when one can already buy such units in the area. We checked this and discovered there are units for sale valued at less than €120,000. These can be bought in other areas, such as Finglas and Ballyfermot, for €80,000 less than the price the Government is paying for modular housing. They are available and could be occupied almost immediately. In Hampton Wood, which is beside the site we are talking about in Ballymun, there are 30 units already available at a price that is competitive. A sum of €4.2 million would have bought them.

I welcome the acknowledgement that the new homeless families are coming from the private housing sector. Will the Government now accept the need to properly regulate the private rental market to protect against homelessness? Will it now accept that the private market has every interest in exploiting the crisis and no interest in solving it? Will it accept that its cuts to the rent supplement and other basic payments and supports exacerbated the homelessness crisis? Will it now accept the need for rent certainty and rent control? Sinn Féin recognises the need for emergency measures to provide urgently for people who are currently homeless. In the absence of preventive measures and social housing provision, the response is hopelessly inadequate. It is like treating a bullet wound with a Band-Aid, a very expensive one at that.

We are not opposed to emergency accommodation. We want it to be temporary, but it is no substitute for building or even buying houses. There is an emergency. Almost 5,000 people are homeless and there are 1,500 children in hotels and bed-and-breakfast accommodation. Around 80 new families are reporting homeless every month. The number of applicants on the housing waiting list has increased to almost 130,000. This is a crisis. We have failed to deliver on social housing. Some 200 units have been built in the past year. It is absolute madness. Most of the Government's housing policy is dependent on leasing arrangements, be it through the rent supplement, the rental accommodation scheme or the housing assistance payment. There is no building of social housing, however, and very little is planned despite the Government's plan worth €3.8 billion.

A large number of people have mortgage problems. One hundred and ten thousand mortgages are in trouble. Of these, 17,000 are in real trouble. Some 12,000 of these cases will be fought in the courts, and five thousand properties will be surrendered. What are we to do? Can we not get our hands on these properties? Can we not get our hands on the NAMA properties that are being sold off for reckless prices? We are not against temporary housing but believe there are solutions available that should be considered.

Deputy Catherine Murphy: I was at the committee meeting some days ago when this directive was debated. What new powers were being afforded to the local authorities that they did not have already? I cannot see where there are new powers. I cannot see what this directive achieves that could not have been achieved through a telephone call. Essentially, this is about blaming the local authorities for not building the houses that they were not given the money to build a year ago. It is a Carr Communications response and not a real one.

One of the main concerns is that the modular units are to have a life span of 60 years. They are not temporary and are to cost in the region of €190,000 per unit. The big problem is that the planning shortcuts could end up causing very major problems by ghettoising people. The units

are not being considered in the context of the kind of rigorous planning that would normally apply. I understand completely there is a crisis and that there must be a response to it. There are large amounts of vacant accommodation. For example, in Dublin city there is a vacancy rate of approximately 8%. Essentially, every time that is reduced by 1%, around 5,000 units are made available. It is one particular area where there are physical structures currently in place that could be part of the response.

The Minister of State needs to describe exactly how temporary these modular houses will be. How long is the maximum period for which a family could be living in one of these houses? They should not be called “temporary” unless there is a means of ensuring they are so. These houses could have doubled as student accommodation in the future; that would have been one way of dealing with the matter.

Deputy Richard Boyd Barrett: First of all, it is utterly outrageous that we have only a short time to discuss this emergency matter. It is absolutely disgraceful.

Second, this is yet another false dawn from the Minister, Deputy Alan Kelly, when it comes to social housing. It is a PR stunt and a misguided, madcap plan. The Minister of State is issuing a directive to tell councils something they already know. All he needed to do was phone them up, not that they even needed that to know the legislation that is there. The real issue is whether the Minister of State will give local authorities funds, resources and staff to produce the Part 8 schemes and build council houses directly.

By the way, we do not need to get rid of Part 8 public consultation in order to do that. Part 8 schemes are not the problem. The problem is the flipping tendering process, which is outsourced to the private sector, so that it takes six months or a year, where previously there were direct-build schemes whereby the council employed people directly to build council houses. We do not need to override proper planning in order to achieve that.

I have thought long and hard about modular housing, because anything that will make a difference is worth doing. I have come to the firm view, however, that this is a mad mistake. Today on *myhome.ie* there are 781 houses for sale in Dublin for less than €200,000. The Minister of State is proposing 500 temporary modular units, which are not houses, at €190,000 each. Should we buy 500 permanent, real existing houses that people could be in by Christmas, or spend the same amount of money on these crazy modular units, which effectively are Portakabins? That is a direct choice for the Government. We should spend that money on buying those houses that are for sale on *myhome.ie*. They are permanent houses that would be suitable for children, and it would provide the required social mix.

In addition, the Government should immediately grab hold of NAMA and open its books, because we want to see what it has. It is absolutely outrageous that NAMA is selling property at below market rates, which would be cheaper than these flipping modular houses and which could accommodate people not in three weeks or six months but immediately. They are physically there now. The Government could do that as an emergency measure. In addition, can we have the resources and funds for Part 8 schemes to deliver a minimum of 10,000 council houses per year? That is a medium-term matter, but it has to start now.

Question put:

The Dáil divided: Tá, 51; Níl, 33.

Dáil Éireann

<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Butler, Ray.</i>	<i>Broughan, Thomas P.</i>
<i>Buttimer, Jerry.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>
<i>Cannon, Ciarán.</i>	<i>Coppinger, Ruth.</i>
<i>Carey, Joe.</i>	<i>Cowen, Barry.</i>
<i>Coffey, Paudie.</i>	<i>Crowe, Seán.</i>
<i>Conaghan, Michael.</i>	<i>Dooley, Timmy.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Coonan, Noel.</i>	<i>Fleming, Tom.</i>
<i>Costello, Joe.</i>	<i>Healy, Seamus.</i>
<i>Creed, Michael.</i>	<i>Higgins, Joe.</i>
<i>Deasy, John.</i>	<i>Keaveney, Colm.</i>
<i>Deenihan, Jimmy.</i>	<i>Kelleher, Billy.</i>
<i>Deering, Pat.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Doherty, Regina.</i>	<i>McDonald, Mary Lou.</i>
<i>Dowds, Robert.</i>	<i>McGrath, Finian.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>
<i>Farrell, Alan.</i>	<i>McLellan, Sandra.</i>
<i>Feighan, Frank.</i>	<i>Mathews, Peter.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Catherine.</i>
<i>Hannigan, Dominic.</i>	<i>Murphy, Paul.</i>
<i>Harrington, Noel.</i>	<i>Naughten, Denis.</i>
<i>Harris, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Heydon, Martin.</i>	<i>Ó Fearghail, Seán.</i>
<i>Humphreys, Kevin.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Keating, Derek.</i>	<i>O'Brien, Jonathan.</i>
<i>Kenny, Seán.</i>	<i>Ross, Shane.</i>
<i>Kyne, Seán.</i>	<i>Shortall, Róisín.</i>
<i>Lynch, Ciarán.</i>	<i>Timmins, Billy.</i>
<i>McFadden, Gabrielle.</i>	<i>Tóibín, Peadar.</i>
<i>McGinley, Dinny.</i>	<i>Troy, Robert.</i>
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Mahony, John.</i>	

<i>O'Reilly, Joe.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Barry Cowen and Dessie Ellis.

Question declared carried.

Criminal Justice (Burglary of Dwellings) Bill 2015: Second Stage (Resumed)

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

An Leas-Cheann Comhairle: The next speaker is Deputy Michael McNamara.

(Interruptions).

An Leas-Cheann Comhairle: Can we please have order for Deputy McNamara? He is starting his contribution.

Deputy Michael McNamara: Thank you very much, a Leas-Cheann Comhairle, for the opportunity to speak on this Bill, which I greatly welcome. The effect burglaries are having throughout the State has been discussed in the media recently. There is a slight misconception that it is a problem unique to rural Ireland, but unfortunately it is not. Statistics would suggest that it affects urban Ireland just as much as rural Ireland, if not slightly more. However, it is a major problem.

People experience a sense of violation and invasion of privacy if their houses are burgled, and the sense of vulnerability which accompanies that is something this Government and previous Governments needed to tackle. I very much welcome that the Government has introduced a Bill which would give the Garda greater tools to tackle the blight that is rural burglary.

Since I was elected to the Dáil, I have attended many joint policing committee meetings in Clare County Council. Burglaries are discussed at all such meetings, as are other offences. From my attendance at such meetings I have learned from senior gardaí that there is a marked tendency, in particular in the commission of burglaries, for recidivism or repeat offending. That is borne out by the statistics. The explanatory memorandum of the Bill, which the Probation Service compiled, states that 49% of people who commit burglaries are repeat offenders. That figure is very high.

When discussing the issue recently in the context of a joint policing committee meeting with

senior gardaí in Clare, I was told that a spate of burglaries is often accompanied by the release of a person or gang from prison. Once gardaí have been informed that such people have been released from prison, they will watch them. There is almost an expectation that there will be an increase in the commission of burglaries in a particular area. That is very unfortunate, to say the least.

Until relatively recently there was very little that gardaí could do other than investigate burglaries in the same way as all other crimes. However, the recent commencement order signed by the Minister for Justice and Equality in respect of the DNA database is a very important tool for gardaí. The DNA database gives the Garda the power to take and maintain DNA samples of persons convicted of offences. Up to now gardaí were quite reluctant and reticent to do so because of the costs involved in taking DNA samples at crime scenes, except for the most serious crimes such as homicides. They will now be able to take DNA samples at burglary crime scenes and will have access to the database to investigate whether DNA samples found at the site of a burglary match those in the database. Given that the Probation Service has said that 49% of those who commit burglaries are repeat offenders, it is not unreasonable to suggest or expect that there will be an increase in DNA matches, something which will make the prosecution of burglaries easier. One would hope it would lead to an increase in the number of convictions for burglary.

There is anecdotal evidence that when there is a spate of burglaries in an area, gardaí get a conviction for one. Nevertheless, they might have a strong suspicion that the same gang was involved in other burglaries. They will now be in a position to take DNA samples from all crime scenes if they think it is likely they are there. Fingerprinting is one thing, but burglars would be far more likely to leave a DNA sample than a fingerprint at the scene of a crime.

The Bill empowers the Garda to object to bail. When a bail application is made by persons charged with a burglary, if a person has been convicted of at least two domestic burglaries committed in the period starting six months before and ending six months after the alleged commission of the offence for which he or she is seeking bail or the person has been charged with at least two domestic burglaries allegedly committed in the same period or the person has been convicted of at least one domestic burglary committed when charged with at least one other domestic burglary allegedly committed in the same period, the Garda will be in a position to object to bail. Obviously the constitutional rights of the accused are respected. Judges will be able to weigh that up against the matters the Garda will bring to their attention when a bail application is made.

I am very happy to see the progress being made with this Bill. As I said, it will further empower the Garda and act as a further deterrent to criminal gangs who up to now had been roaming rural Ireland with a degree of impunity. This Bill will have, if enacted, will at least curtail their prospect of getting bail. Furthermore, the commencement of the DNA database will increase the likelihood of their being apprehended for these crimes.

It has been said that the Garda has not had sufficient resources to tackle burglaries. This Bill, on top of other measures, such as an increase in the Garda fleet and the provision of new vehicles, will help. As I said at the outset of my contribution, mobile gangs operate within a considerable distance. On that basis, I congratulate the Minister on bringing the Bill forward and commend it to the House.

Deputy Robert Troy: I welcome the opportunity to speak to this important Bill. It is quite

obvious that we will support it. It is a much-needed Bill and something for which Fianna Fáil has called for a long time. We produced a similar Bill in recent months. Legislation alone will not tackle the serious difficulties facing Ireland, not just in rural areas. Rural Deputies speak about rural Ireland and urban Deputies about urban Ireland. We are here to represent our constituencies and highlight and articulate the causes of concern experienced in constituencies throughout the country.

The clear facts of the matter confirm one thing, namely, that policy decisions taken by the Government over recent years have led to a steady increase in the number of burglaries and related offences. In the first half of this year there was an 8.4% increase in burglaries and related offences. The simple fact of the matter is that people are terrified in their own homes.

On my way home from the Chamber recently, I called into a constituent to discuss a query which had nothing to do with crime. The man had two Alsations and a collie dog and I said no one would come in and interfere with him. He said they would not and that he sleeps soundly at night because he has the animals with him and lies beside a shotgun in his bed. That is what we have driven people to.

While the Bill is welcome, legislation alone will not deal with the issue. We have to ensure resources are put in place. The Government cannot abdicate its responsibility for the implications of its decision to close 139 Garda stations. It was a bad decision and one which should never have been taken. Areas in my constituency such as Ardagh, Ratoath, Casteltown-Kinneigh, Ballinalee and Newtowncashel have seen the Garda presence diminish because of the closure of Garda stations. This has led to an increased sense of vulnerability in these particular areas. When the decision was taken by the Government and the previous Minister, it was promised the decision would be reviewed at some time in the future. When will this decision be reviewed? If Garda stations were not an important presence in localities, why would we have them in any small community? If they are just a simple presence and just bricks and mortar why do we have them in any village or community - let us close them all and sell them off and see what money we would make? It would be the wrong decision. Why does one community or one village get to maintain a Garda station while another community or another village does not? The sense of presence of gardaí interacting on a daily basis with the local post office and community is no longer there with the removal of these facilities.

We have also seen a savage reduction in the number of personnel serving in the Garda. The Government likes to blame the previous Government for this, because of a decision taken in late 2010 to stop entrants to Templemore. The Government was in power for the full year in 2011, 2012 and 2013 but it did not make the decision to begin the recruitment process until the latter end of 2014. No one on the other side of the House made the decision to start the recruitment process, and because of four years of a lack of recruitment, one under the previous Government and three under the current Government, we have a radically depleted Garda force. I take this opportunity to put on record my admiration for the many people who do a fantastic job under particularly difficult circumstances.

In recent months and years I have been involved, as I am sure have been many Deputies across all political persuasions, in working with the Garda to see how we can support it in strengthening its presence in rural communities through the establishment of neighbourhood watch and the text alert system, which I heard previous speakers mention. Financial support for a more streamlined approach for the establishment of text alert systems should be examined. Some community groups do not have the money to erect signs to state there is a community text

alert system in the area, and I hope the Minister of State will bring this back to the Minister for Justice and Equality. It should be looked at.

One of the most recent meetings I attended was in Street, County Westmeath, on the border with County Longford. In the space of one week, six burglaries occurred in that area. With only 24 hours' notice, more than 80 people gathered in a small community hall because they were so worried about the future safety of their community. This is a fact and I am not making it up. It was reported in the local newspaper. What was most stark was that a member of An Garda Síochána was to be present on the night to address and listen to the concerns of the community, but at 7.55 p.m. that evening the person organising the meeting received a phone call from local gardaí to state they could not attend because they did not have the resources as they were called to something else. Because that parish is on the border, three different stations look after it. The manner in which the borders and districts are set out needs to be examined. Three different stations were looking after the community but nobody could go to the meeting. I rang Mullingar Garda station, but nobody was available from there to address a public meeting. This was not the fault of the Garda but the fault of the Government for not ensuring the Garda is adequately resourced. If it was not for the commitment of the local sergeant, who came in although he was off duty to address the people's concerns, nobody would have been there. When he got up and spoke, and highlighted how underresourced the Garda is with regard to personnel and equipment, it would have made the hair on the back of one's head stand.

In Edgeworthstown in County Longford one female Garda was called out to attend an aggravated burglary on her own. This should not be the case. That lady ran the risk of being assaulted or overpowered, or even having an accusation thrown against her. This comes from the lack of adequate personnel.

According to a report in a local newspaper, a gentleman asleep in the middle of the night was woken by a man in a black balaclava brandishing a large knife, with another man armed with a handgun. This was the start of a terrifying ordeal for the man, his wife and their three daughters aged two, six and eight. This is what is happening in rural Ireland. This week, the *Longford Leader* had a report about farm theft, and people breaking in and taking diesel and oil. Half of these incidents are not being reported. Mr. Eugene McGee, a notable journalist from County Longford, wrote in the *Irish Independent* that, "Longford has become a convenient base for many criminals, large and small, who may be feeling pressure from the law in the capital and make the easy sortie to our territory instead." They empty domestic fuel tanks and commit cattle rustling, as occurred in Kilbeggan where 800 head of cattle were stolen one night. They steal copper piping and remove fire places from empty houses. The most problematic of all is that they threaten old people in their own homes.

This is repeated time and again, and not only in rural parts of the constituency in Longford, Edgeworthstown, Street and Finnea as it is also happening in Mullingar. I visited an elderly couple, who would not like me describing them as elderly but they are in their 70s, who told me that one evening they heard noises in their house and they saw somebody going out the window. When I returned to the house a week later to see how they were I might as well have been going into Fort Knox. They had fitted locks on every internal door in the house. This is what is happening. As I said, people are absolutely terrified in their own homes.

While I welcome the legislation, legislation alone will not answer the problem. We need to look at how we will adequately resource our gardaí, who are being put to the pin of their collars at present. They need greater support. I suggest that although we are now recruiting people

into the Garda this will not keep pace with the number of people who are retiring and being promoted. Will the Government examine, as a temporary measure, allowing some gardaí who are coming to retirement age to stay on for a couple of years while we bridge the gap, because if we keep simply recruiting 500 gardaí a year we will not get back up to the strength of 14,000, which we need, because of the number of gardaí retiring and being promoted. This could be looked at in a short timeframe of three or five years while we get the numbers back up.

The new rostering process is not working. We have moved from a cycle of four shifts to a cycle of five shifts. In the past a quarter of gardaí worked at all times, but now only one fifth, or 20%, of gardaí work at all times.

Resources are again being spread further and it will lead to a lesser effect.

We also need to consider how people who have never worked a day in their lives can live very extravagant lifestyles, driving sports utility vehicles and going on holidays. Their only official means of income is social welfare. How can this be? It is quite obvious it is because these people are engaged in criminal behaviour, burglaries and theft. Maybe there is a case for bringing in the Criminal Assets Bureau to help eradicate the scourge of theft that has left such blight on our countryside and both rural and urban areas.

We also need to examine the number of people availing of free legal aid, as I have previously mentioned. I am not for one minute saying that we should cut this out and I do not advocate that. The question must be asked nevertheless. We know from statistics the high level of people who are repeat offenders. At what stage do we say “Stop” and no longer provide free legal aid for a person who repeatedly commits burglaries and related offences? We must look at the matter. It is not good enough that such people can break into a person’s home. A home is a person’s palace or castle and it is where people should feel a sense of security and be at ease. People do not feel that way in their homes now but we are helping people who have committed some of the burglaries to get off by providing free legal aid to them.

I use this opportunity to ask about the police authority that has been promised by this Government. I again put on record my admiration for the vast majority of those working in An Garda Síochána who are honourable, decent and hard-working people who have signed up to serve their country and are doing it in a very appropriate manner. Nevertheless, a number of people are not doing this, so there should be a level of authority to ensure we can deal with those who are not carrying out their duty properly. Only this week, it was reported that a colleague in this House would be charged with a criminal offence. From where did that information emanate? We cannot have cases like we had a number of weeks ago, when a former colleague of mine and former Member of this House was reported in a national newspaper as being under investigation even before he had the opportunity to go in, be questioned and give his side of the case. There is something morally wrong when this goes on in society today. The establishment of the police authority, advocated by the Government over the past number of years, is still awaited. We need to see it fairly quickly.

I welcome this legislation, which will help to deal with people who are caught. We know there is only a 10% detection rate of burglaries now, so with that in mind, we need to look at putting in adequate resources to ensure gardaí can be fully equipped to protect communities that they serve. Why are 50 of 60 electronic tagging devices unused? That should not be. My colleagues and previous speakers have spoken about the new road improvements in the past

number of years, which leave everybody and every place so accessible. It leaves easy targets for criminal gangs to move into from place to place. We need to consider erecting closed-circuit television cameras at the main junctions so we can keep a watchful eye on the people who like to prey on our communities.

I will finish by telling a story of an event in my village that shows the importance of having a rural Garda station. A couple were driving along, minding their own business one evening when somebody came up behind and forced them to pull to the side. In their naiveté, they believed it was an unmarked Garda car. The person in the other car asked them why the couple was driving so slowly and requested a driving licence or identification. In their honesty, they went to hand it over but when the man took his wallet from his pocket, it was whipped from his hands and the perpetrators returned to their car and sped away. That is an example of what is preying on vulnerable people in our communities. I am thankful we have a Garda station in our village as within two minutes, the local garda was dealing with the incident. It is important to have rural Garda stations open and active. I ask the Minister to ensure that the review promised at the time the stations were closed can take place immediately. I also hope she will take on board some of my suggestions.

Deputy Pat Breen: I welcome the opportunity to speak to the Bill. First, I compliment the Minister for Justice and Equality. Since assuming office, she has taken a number of initiatives to support the Garda and to strengthen the law to get tougher on criminals. The combination of policing reforms and legislative changes are testament to the determination of the Minister and this Government to tackle crime and protect our communities. We have a number of initiatives and the key objective for this Government has been to invest in more gardaí, which is happening, and put in more resources like vehicles, and that is also happening. We also want to strengthen the laws and get tougher on serious and repeat offenders.

I know the Minister is determined to ensure our policing strategies and resources are available to deal with the changes in criminal behaviour. This is important because in many ways, we are dealing with a different type of criminal today. We have criminal gangs that are highly mobile and are using our improved road infrastructure to target rural communities in hit-and-grab-type robberies. Some criminals charged with regard to cases in Clare recently have come from Dublin, as it takes approximately two and quarter hours to travel from Dublin to south-east Clare, so criminals can return to Dublin very quickly. Advancements in technology are generating an increase in cybercrime and the use of drugs continues to generate violence and criminal activity right across this country.

I have tremendous admiration for the Garda and the work it does in our communities. We have to invest in the services and in gardaí, giving them modern tools necessary to do their jobs. That is extremely important. I am speaking in particular about new technology, with the Garda Inspectorate report from 2014 recommending investment in technology and information technology. We had similar reports in 2007 and 2010, when Fianna Fáil was in government, but they were left unheeded. Not a single euro was put into IT and infrastructure at the time. Now we have put it into the capital plan. More than €600 million is being spent on that. It is very important to ensure the Garda has the necessary, modern equipment to deal with the modern criminal.

Ensuring we have a strong, visible Garda presence in communities is the most effective way of reducing crime. In that context, the lifting of the ban on new gardaí is a significant development. Now that we have a yearly stream of gardaí passing out of Templemore and

1,150 gardaí are being recruited, this will boost the numbers on our streets. I heard the previous speaker speak about the lack of gardaí. Who closed Templemore but Fianna Fáil in 2009? We have opened Templemore. The Fianna Fáil election manifesto refers to the recruitment of 500 gardaí. We are recruiting 600 next year. Again, I heard comments from Deputy Troy about the closure of Garda stations and many other Opposition Members are scaremongering about the impact of rural policing. It is far more effective to have gardaí freed up and more mobile, because criminals are using the motorways to carry out the smash-and-grab robberies, particularly in rural areas. Since 2012, €34 million has been invested in Garda vehicles. I remind our friends in opposition in Fianna Fáil that when they were in government in the three years from 2008 to 2010, they spent a miserly €4.8 million on vehicles. That speaks volumes. This year 640 new vehicles are coming on stream. That is very important. Many of those are high-speed cars - Volvos, BMWs, SUVs - and it is very important for gardaí to be equipped and to be in safe vehicles when they are pursuing criminals.

Let us be practical. One cannot have a garda at every corner of the street. The presence of a garda or Garda station is no guarantee that crimes will not be committed. We have a Garda station in Sixmilebridge in County Clare and there was a serious robbery the other night in the business of a colleague of mine where €30,000 or €40,000 was stolen. Some years ago, there was a murder in Tipperary and there was a Garda station there. The presence of a Garda station does not mean crimes will not be committed. Many of these rural Garda stations are manned for only a few hours and these criminals know the movements of the gardaí when the station is open. That is the reality.

Figures from the Garda Síochána analysis service indicate that 75% of burglaries are committed by 25% of burglars. That is an important statistic in its own right. It is frustrating for gardaí when they spend considerable time solving these crimes only to find when the perpetrators come before the courts that repeat offenders can still be granted bail, resulting in them being able to continue their crime spree while out on bail. That is a problem which is being dealt with now in the bail Bill and it is very important. The new bail Bill will improve the operation of the bail system. Courts will have to give reasons for bail decisions and the District Court will have the power to refuse bail where there is an appeal against a sentence of imprisonment. At the moment, the District Court cannot refuse bail when such an appeal is lodged. These changes are very important in dealing with the faults in the previous legislation. The provisions of the bail Bill coupled with the proposals contained in this Bill, the Criminal Justice (Burglary of Dwellings) Bill, provide real deterrents for repeat offenders. The District Court will now be able to impose consecutive jail sentences where a burglar is being sentenced for multiple offences. That sends a clear message that this Government and this Minister for Justice and Equality are serious on crime. The majority of burglaries are committed by the same offenders. The courts will also be able to refuse bail for offenders who have previous convictions for domestic burglary or who have two or more pending charges.

As I mentioned earlier, it is evident that criminal gangs are using speed and our improved road infrastructure to carry out smash and grab robberies in our rural communities. They also have local information on these cases. While recent CSO figures issued for the second quarter of 2015 show that there has been a drop in the number of burglaries and related offences, in my county we were hit with a spate of robberies during the year. In part of one week in August there was a series of burglaries throughout east Clare, in Cratloe, Sixmilebridge, Broadford, Mountshannon and Whitegate. There have been similar problems in large urban areas like Ennis and in west Clare. Just last week Sixmilebridge was targeted. A consignment of cigarettes

was delivered the day before. It is important to point out that they were delivered the day before. The shopkeeper had his Christmas stock in place. The burglars were well prepared. They cut the alarm and telephone and used cutting equipment to get in and out of the shop. The entire robbery was carried out in about 20 minutes and it was just a passing motorist who reported the incident to the Garda. These guys know what they are doing and we need to be ready for this type of criminality, which is now taking over in Ireland.

Operation Thor is a very important operation that was launched by the Commissioner recently. It is targeting these mobile burglars and it is making an impact. We have extra high-visibility patrols, checkpoints, high-powered vehicles - the regional response unit have Audi Q7s and BMW X5s - there is the high-profile crime prevention awareness campaign in place and there is enhanced support for victims of crime. The last is very important. Many victims of crime to whom I have spoken have suffered a lot afterwards, because the entering of a person's private home invades one's privacy and has an effect on people.

What is important is that 61,000 more man hours are now available for front-line gardaí. We also need to use new technologies to give access to critical information to gardaí at the front line. It is about gardaí working with communities. Any bit of information at all is important, because most of these guys have sussed out houses and businesses before they carry out the crime. It is very important that communities are aware of strange people around and report any incidents, numbers of cars and vans and so on in order that the Garda has that information when investigating a crime. The Minister has committed to investing €205 million in new systems and technology for the Garda, which is very welcome. This includes a new computer-aided dispatch system, mobile technology, investigations management systems and extending the roll-out of automated number plate recognition.

Like many other countries, we have become a tech-savvy nation. The digital revolution has seen mobile technology use soar, with 59% of the population using smartphones in 2014. People are spending twice as much time online compared with ten years ago. The availability of smartphones and tablets means that more are now accessing online information on the go and we should be using this technology in the battle against crime. That is why there is merit in looking at what police forces in other jurisdictions are doing as we try to improve police methods. The Metropolitan Police Service in the UK, for example, is providing 15,000 to 20,000 tablets to front-line officers after they successfully trialled 500 mini iPads across London. They have been using the devices to take electronic statements, embed images and get people to sign with a fingerprint, and they are able to load all of this information onto the system instantly. The benefit for the officers is that they spend less time on administration in their offices. Now that the Government is making significant investment in mobile technology, I would hope that this type of technology will be chosen in the future to allow gardaí to access vital information that is needed on the move.

The text alert initiative, which other Deputies have spoken about, is effective in the battle against crime. I would like to see this initiative extended to all areas in time. I believe that social media could be further utilised to support the Garda Síochána. I have occasionally seen social media being used in this way. People can warn their neighbours when they notice suspicious vehicles or anything else in their area.

Crime, as I said, increased as a result of the moratorium that was introduced by the previous Government. It did not increase due to the closure of Garda stations, because I have seen statistics for the western division, where 41 Garda stations were closed, which show that there was

actually an 8% reduction in crime. Crime has increased in urban areas. In my county of Clare, there was a reduction in crime of 20%. The Fianna Fáil Deputies who spoke here earlier on the Bill may remember the policy of zero tolerance which was introduced by a former Minister. Crime peaked when Fianna Fáil was in office in 2008. Then, when the moratorium came, and the closure of Templemore, it increased further.

We look at what this Government has done in this short period of time. For instance, the Garda air support unit was established by a Fine Gael Government. When the public finances were booming in the Celtic tiger period, not a single euro was invested in that unit. This Government has now invested €1.7 million to upgrade the surveillance equipment in the air support unit, and that includes night-time flying. The air support unit is extremely important in tackling crime. Being able to survey what is happening from the air and being mobile is what it is all about, and this is why we believe that equipping the Garda with more police cars, having them more mobile and out there on the beat, is the best way to deal with crime. This has been proven in other countries as well.

A previous speaker mentioned the policing authority, which constitutes an important reform. It is, I suppose, the core of our reform plans in this Government. Chaired by Ms Josephine Feehily, it is an important part of the reform of the Garda Síochána. I suppose it is the most far-reaching reform since the foundation of the State. It is a complete overhaul of the criminal justice system. While security remains the remit of the Minister, the policing authority has extensive functions. It will oversee the performance of the Garda Síochána in relation to policing matters. It will nominate persons for appointments to top positions. It will have an independent chairperson plus eight members, and they will have the power to speak to the Commissioner as well. Having that policing authority in place is something that we in this Government can be proud of.

There is a lot more I could say on this. It is so important that we commend the Minister on the work she has done in a short period of time. We talk about the bail laws and our prisons. As Deputies will be aware, there is not a problem with space in the prisons. Most of the prisons are operating at only 89% capacity at present. It is important, while the Judiciary is independent of us, that sentences fit the crimes that have been committed, as we saw recently in a high-profile case.

A lot has been done in a short period by this Government in transforming the Garda Síochána. We have reopened Templemore and brought new gardaí on board. We have provided the necessary resources to modernise the Garda Síochána. Having a criminal justice system that works is extremely important and having tough sanctions on criminals is important as well. It will not deter criminals but it certainly will bring down the level of criminality in this country. This is why it is important that we have this legislation. I support the bail legislation. I support this Bill. It is an important aspect of the effort to reduce the number of burglaries, particularly by targeting repeat offenders, as many Deputies mentioned today. As my time is just up, I commend the Bill to the House and I commend the Minister on the excellent work she has done in this short period of time.

Acting Chairman (Deputy Alan Farrell): The next speaker, with a 17-minute slot, is Deputy Joe O'Reilly, who I understand is sharing his time with Deputy Butler.

Deputy Joe O'Reilly: Yes. With the Acting Chairman's permission, I propose to share three minutes with my colleague Deputy Butler and two minutes with Deputy Tóibín, who has

assured me he wants to recognise the Government's achievements in the area of crime detection and prevention. Maybe the Acting Chairman would indicate when my time is up.

Acting Chairman (Deputy Alan Farrell): I will inform Deputy Butler when the time has expired.

Deputy Joe O'Reilly: I thank the Acting Chairman.

It merits saying at the outset that the question of bail and crime committed while on bail - the misuse of bail - has been in the ether, for want of a better term, or floating around for a considerable time and has been the subject of much debate and discussion among all of us interested in crime detection and prevention. For that reason, it is to the eternal credit of this reforming and progressive Minister, Deputy Fitzgerald, that she has taken the issue in hand and addressed the question in a practical way while maintaining natural justice, due process, etc.

Section 1 of the Bill states that if a person is charged with domestic burglary and has convictions for not less than two relevant offences, then the court must consider these convictions as evidence that the said person is likely to commit another burglary if he or she is released on bail. That is a reasonable contention and all empirical evidence would suggest the correctness of doing that.

According to figures from the CSO, of 5,489 people released on bail from Irish prisons, 60% reoffended in some way within three years. It is a sad statistic that raises a lot of questions, but it is a relevant and unavoidable one. Of this figure, 28% of subsequent offences were burglary. That is also pertinent. The majority of these reoffenders were aged 25 years or older - we are not talking about teenagers here. For offenders who went through a probation order or community service, the amount of recidivism was marginally less. That is to be recognised and welcomed.

Burglary can have a very profound psychological effect on victims. Apart from the physical loss of personal items which may occur, the feelings of intrusion, violation, insecurity and fear become overarching and are often long-lasting. Deputy Ray Butler mentioned it to me informally before the debate from his own perspective. These feelings are common among elderly victims, particularly those living in isolated rural areas. Even the fear of potential burglary is real and is a form of imprisonment. I welcome the fact that the legislation will allow courts to refuse bail to a suspect where there is clear evidence that there were previous convictions for domestic burglary. It is a very important, solid and welcome reform. While it has been talked about for a long time, getting it done is the important thing, and I am happy to be here to recognise it.

Section 2 amends the Criminal Justice (Theft and Fraud Offences) Act 2001 so that if a person is being sentenced for a domestic burglary, the sentence must run consecutively with any sentence of imprisonment imposed for prior domestic burglary offences, in certain circumstances. It is a very important reform which will increase the punitive dimension and, sadly, it has to happen. There must be consecutive sentencing. There must be clear evidence that burglary is not acceptable, does not work and results in a bad outcome for the burglar. Unfortunately, this element must be included. We would all wish for education and all the other initiatives to work. We are in favour of them and they merit debate in different circumstances. However, there must be clear disincentives and a clear system of punishment for repeat offenders. Bail must not be given in cases of repeat crimes and there must be consecutive sentences where a person has a

previous burglary conviction. Section 2 is to be welcomed.

Operation Fiacla, a nationwide operation to crack down on burglaries, led to 11,688 arrests and 6,711 people being charged last year. It is very important that it happened, and it is also important in the context of a debate in which certain Opposition Members have chosen to distort figures, play on people's fears and engage in pre-election political posturing about crime. The figures are indisputably accurate. Our new Garda burglary unit will use data analysis to target crime gangs, which are predominantly responsible for the majority of domestic burglaries. Operation Thor also deals with this.

In my constituency, Cavan-Monaghan, which is a Border constituency, there is a serious problem with crime gangs which operate across the Border. Thankfully, our local Garda division has an excellent relationship with the PSNI and they work together and share information and resources in order to combat these gangs. Since Operation Fiacla was introduced in 2012, burglary and related offences in the northern region have dropped from 679 to 556. While we do not want 556 burglaries to take place, it is a very significant decrease. Although our crime rates are nowhere near where they need to be, we are getting there. Gardaí in the region must receive the necessary support to combat these crimes. This is why I was pleased to hear recently that the Minister for Justice and Equality, Deputy Fitzgerald, had approved a new Garda regional headquarters for Bailieborough. It is very important and I welcome it. The current station is in a very bad state of repair. The building is old, unfit for purpose and unsuitable to provide the kind of response to crime gangs we need. This is why I am delighted there will be a new, state-of-the-art station, which the Minister has approved. The gardaí are working in third-class conditions. Bailieborough gardaí will have a new station, which will confirm Bailieborough as a regional headquarters. I am very happy that my colleague and good friend, the Minister of State, Deputy Simon Harris, is here today. He has confirmed that he is in the very final stages of acquiring a site for the Garda station. It is not a fiction, but a real thing which has received approval in the capital programme. I am very proud of it. It is the greatest signal my ministerial colleagues and I could send to the gardaí in our division that they are valued, that we want them to operate at a sophisticated, modern level, that we are concerned about crime and that they are being supported properly. It merits being mentioned in this important debate. Garda morale has suffered greatly. It is not germane to the debate to chronicle all the reasons, but the new regional headquarters will improve morale. We should take this opportunity to pay tribute to the individual men and women of the Garda Síochána, who fight crime very competently and sensitively on a daily basis.

I mentioned the new DNA database, which came into operation on 20 November 2015. It will be important to the Garda. The new database will be based in the Phoenix Park and will offer gardaí the most modern technology available in the fight against crime. This high-quality intelligence tool will be especially valuable in the fight against volume crime such as burglary and theft, and in the investigation of serious offences against the person. It will use our digital revolution to work with the gardaí. Garda figures show that 75% of burglaries are committed by 25% of burglars. There is a small pool of repeat offenders, and DNA analysis is very important in this context. The launch of the new database follows the recent publication of legislation to tackle repeat domestic burglars, which we are debating, and the launch of Operation Thor. Operation Thor is aimed at tackling burglars, organised crime gangs and prolific offenders as well as working with communities to prevent crime. Over €5 million is being committed to support this anti-burglary plan, and it is a very important initiative.

There is an issue with cross-Border crime. I am delighted that the new dye is working very

significantly to reduce diesel smuggling. Although the crime gangs have the scientific know-how to remove the dye, the expense of doing so is a disincentive. The Government is tough on crime and has been successful. Although there is much we want to achieve, this is a law and order Government and will remain so, which is what people want. People want personal security and to be safe in their homes, and they want no equivocation about it. I am happy with the 640 new Garda cars this year and the €34 million spent on vehicles since 2012.

While I accept the need for free legal aid, it is important that there be attachments, in the context of allowing people a living income so they can get on with their lives. When a person receives free legal aid, there should be an attachment on his or her wages, salary or social welfare over a long period of time to claw the money back. The money should be ring-fenced to deal with crime. Apart from the economic necessity to do this, it would be a further disincentive to committing crime. It should be done humanely, over time and within the context of allowing people a living income. It is important, and I have no embarrassment about saying it. While people are entitled to legal aid in order to ensure they receive due process, they are not entitled to be subsidised. We must be very vigilant on this, as well as monitoring the objective overall cost of free legal aid.

It is a pleasure to participate in the debate. My time is almost up.

Acting Chairman (Deputy Alan Farrell): It is a matter of seconds.

Deputy Finian McGrath: Injury time.

Deputy Joe O'Reilly: The Bill will achieve the long-talked-about reform of the bail laws and the consecutive sentencing that is required. It matches a raft of other initiatives that have been introduced by this reforming Minister, who is getting on with the business. Criminals are not welcome in this country. They will feel very unsafe in it shortly.

Deputy Ray Butler: I thank Deputy O'Reilly for sharing some of his time with me. I would like to explain why I welcome this Bill. In 2007, my house was robbed. We were all asleep upstairs. It was 1 April 2007. When we came down the stairs the following morning, my car was gone. Keys and other items were taken as well. Three months later, my car keys were found in a skip in Blanchardstown. I want to talk about the scars and the victims that are left behind after something like this happens. My son was old enough to understand what had happened. My girls are younger, so they did not understand at the time. My son would not go to sleep until I came home at night because he was scared. If he heard anything, he would jump up and look out the windows. The scars that are left behind after these robberies affect those involved and local communities.

There were many robberies in the Trim area in 2007, 2010, 2014 and 2015. I will speak in a minute about the need for modern technology. There were 54 gardaí in Trim when many of these robberies were taking place. In 2014, we had one of the most violent robberies ever seen on CCTV in the Trim area. A jewellery shop in Trim was robbed. I went up to see the owner of the shop. All the glass was broken, and the man had been beaten and his shoes had been taken off. This happened in the area where the broken glass was. The man's mouth and hands had been tied. He was unable to stand up on the broken glass to look for help. This involved a group of foreign national criminals who had come into this country. They bought cars two weeks beforehand. After they did the robbery, they burnt the car out at Boardsmill and skipped out of the country.

I welcome the provision of €5 million for new cars. We need CCTV cameras at all the major junctions. That will definitely help, as will the new tagging and bail laws. I am pleased that gardaí will be able to argue against someone getting bail. We need tougher laws when these criminals go into court. We need judges to take these crimes more seriously. I agree with the Deputy who wondered how people who have never worked a day in their lives can afford new sports utility vehicles, Transit vans and flashy cars. We need the Criminal Assets Bureau to go in and target such people. They have to be doing something to facilitate the lifestyles they have. We also need to look at border security. It is not good enough that just because one comes from an EU member state, one can flash one's EU passport to be allowed in and out of any European country. We saw what happened in France recently. I think we have to look at tighter border security in Europe. I welcome Bill. It is a start, but we have a long way to go.

Deputy Peadar Tóibín: Ba mhaith liom míle buíochas a ghabháil leis an Teachta O'Reilly as ucht an t-am seo a roinnt liom. I attended a Save our Community public meeting in Trim on Tuesday night. Some 500 people gathered to discuss the difficulties they were having with regard to crime. There was a palpable sense of fear right through the room. There have been many references to fear throughout this debate. Elderly people at the meeting were unwilling to mention where they live because they were afraid that the people who were at home that night would be in trouble. People spoke about being robbed on multiple occasions. People said that when they returned home to find someone robbing their houses, they were attacked. One individual said that a criminal who drove at his wife, was injured in the incident and was subsequently apprehended is now suing the family in question on foot of the injury he received. The perpetrator of this crime has indicated that he is suing the family because he was scarred from the injury he received while committing this crime.

There was a very strong sense at the meeting in Trim that the laws of the State are in favour of the criminals and against law-abiding citizens. A strong view was expressed that policing cutbacks have made an enormous difference. I was really proud to see that three gardaí got up and spoke at the meeting. They said they did not have the resources to deliver the service properly. The strength of the force has fallen from 15,000 to 13,000. The Garda Representative Association and the other representative groups will confirm that the current number of gardaí is below the threshold at which the Garda can do its job properly. The Cavan-Monaghan Garda division has lost 22% of its front-line gardaí. Some 100 gardaí are gone out of the system in that area.

I do not doubt that crime levels have increased. A great deal of crime is happening but not being reported. A report that was published some time ago suggested that up to 5,000 crimes are not being reported to the Garda because the victims of crime are worried that reporting those crimes will have an adverse effect on their insurance premiums and so on. A Government Deputy said a while ago that there was no correlation between Garda stations and crime levels. That must be nonsense. If there was no such correlation, we would not have put Garda stations there in the first instance. Around €500,000 was saved when 139 Garda stations were closed. That equates to approximately €4,000 per Garda station. I appeal to the Government to recognise that €4,000 per Garda station on an annual basis is a small saving by comparison with the cost to those who live in the local communities.

Minister of State at the Department of Finance (Deputy Simon Harris): As Deputies can see on the monitors, the Minister, Deputy Fitzgerald, is unavoidably detained in the Seanad, where she is dealing with another Bill. She has asked me to speak on her behalf as we close the debate on this Bill. I am very pleased to have an opportunity to participate in the debate. It is

clear that domestic burglary is of great concern to all Members of this House. I want to thank everyone who contributed to the debate on this Bill. Clearly, burglary is not just an attack on property. It is also an attack on the sense of peace and safety we deserve to enjoy in our homes.

The Government's response to crime in rural and urban areas, particularly burglaries, is focused on two key objectives: strengthening the law to get tougher on serious and repeat offenders, and investing in the capacity of An Garda Síochána to enforce that law effectively. The Minister's concern about burglaries last winter led her to commission a review earlier this year. This Bill is directly informed by the concerns identified by the Garda during that review. Her officials met directly with detectives operating in our communities to tackle burglary so that they could hear at first hand about the difficulties they face and identify the improvements in the law which are being delivered in this Bill.

The Garda has highlighted the particular challenges it faces in tackling repeat offenders who obtain bail despite having multiple convictions or facing multiple charges. Such offenders often commit many burglaries while on bail and then push to receive a sentence for as few offences as possible while having many more "taken into consideration". The Bill addresses both ends of this problem in a focused way. It carefully balances the constitutional right of accused people to liberty with the very important constitutionally guaranteed right to an inviolable dwelling. This legislation will ensure the multiple offences of domestic burglary or multiple pending charges, or a combination of both, will be considered as evidence that a person is likely to commit further domestic burglary. This will allow courts to deny bail to such prolific offenders in appropriate cases. I know this is welcomed by all Members.

On the sentencing side of the problem, the Bill will ensure that multiple offences committed within the same 12-month period cannot simply be taken into consideration or rolled up into a single concurrent sentence of imprisonment. If a court is minded to impose a sentence of imprisonment, it will be obliged to impose it consecutively to any sentence of imprisonment for domestic burglary committed within the same 12-month period. As Members will be aware, work is progressing separately on the drafting of the new bail Bill, which the Minister intends to introduce as a matter of priority. This Bill will strengthen the law to protect the public against crimes committed by people on bail.

The Minister is aware that legislation is just one part of the solution. It has been made clear by Deputies on all sides of the House that this Bill must be followed by action on the ground delivered by the men and women of An Garda Síochána. They guarantee the rule of law and they are the means by which the democratic will of the people is upheld. One might say that gardaí are the backbone of the nation. Garda Tony Golden was a member of An Garda Síochána who protected the vulnerable. He died honouring his oath to faithfully discharge his duties. He went beyond his oath and laid down his life in the service of his community. We are all humbled in the face of such a sacrifice. We can never repay the debt of gratitude owed to him or the 87 other members of the force who have died in the line of duty. We express our genuine sorrow, our deep sympathy and our heartfelt gratitude for their sacrifice, but it is incumbent on us as legislators and as a Government to go beyond mere words. We must do all we can to show all the members of the Garda Síochána that they have our wholehearted, practical support.

It is important that we equip gardaí to do their jobs. The Minister, Deputy Fitzgerald, recently announced the allocation of a further €5.3 million for the purchase of 260 vehicles by the end of the year. The investment comes on top of the almost €29 million this Government has invested since 2012 in renewing the Garda fleet to support front-line Garda responses. So

far this year 370 new vehicles have come on stream, including new specialised vehicles.

Investment in the Garda fleet will continue under the Government's capital plan 2016-2021, which provides a major investment in 21st century policing to prevent and tackle crime. An additional €46 million for new Garda vehicles will be allocated over the lifetime of the plan. This is in addition to the recent authorisation of €1.75 million to upgrade surveillance equipment on Garda aircraft. The capital plan contains an additional €205 million for Garda ICT systems and technology. This will bring the overall Garda ICT funding to €330 million over the lifetime of the capital plan.

In Athlone recently, the Minister for Justice and Equality and I announced details of An Garda Síochána's building and refurbishment programme 2016-2021. This comprehensive programme of investment includes over €60 million of Exchequer funding as part of the Government capital plan 2016-2021 as well as a major public private partnership project. On 13 November, the Minister, Deputy Fitzgerald, announced the commencement of DNA legislation and the launch of a new state-of-the-art DNA database system, based in Forensic Science Ireland in the Phoenix Park. The DNA database system became operational on Friday last. The DNA database represents a very significant development in assisting the Garda Síochána in the investigation of crime. This high-quality intelligence tool will be invaluable in the fight against volume crime, such as burglary and theft, and in the investigation of serious offences against the person. It is vital that our police force have all it requires, including modern technology, to protect the State and its citizens from crime. This new system will be an invaluable asset in this regard.

The most valuable resources within the Garda Síochána, however, are its members. We have seen almost 400 new recruits enter since September 2014, with another 150 due to enter in the coming months. In the recent budget the Minister secured an extra allocation to allow for the recruitment of 600 new gardaí next year.

A key part of An Garda Síochána's strategy in the fight against rural crime is to work in partnership with the community and key stakeholders directly and through community-based organisations such as the Irish Farmers' Association, Neighbourhood Watch and Muintir na Tíre. Part of this strategy under Operation Thor is to raise awareness in the community as to how people can work together to prevent crime. The funding being provided to support Community Alert and Crimestoppers is being doubled with a total allocation of €397,000 in 2016. As of October, the latest date for which figures are available, there have been 813 dedicated community gardaí working and engaging with communities, both urban and rural.

Operation Thor, a new multi-strand national anti-crime and anti-burglary operation, was recently launched by the Garda Commissioner. A further allocation of over €5 million has been committed to support Operation Thor, which entails a broad range of activities to tackle crime, particularly burglaries, in both urban and rural communities nationwide. These include additional high-visibility patrols in identified burglary hotspots, increased use of checkpoints to tackle the criminal gangs using the national road network, the use of new high-powered vehicles by the armed regional response units, efforts to disrupt the stolen goods market, programmes to help reduce re-offending by prolific offenders, a high-profile national crime prevention awareness campaign, targeted crime prevention advice for local communities and enhanced supports for victims.

Since Operation Thor commenced earlier this month, there has been a range of arrests and

persons charged as part of planned operations. These include arrests in Dublin, Dundalk, Cavan, Dunboyne, Mullingar and Birr, as well as a large-scale search of 12 locations in the Limerick area as part of a targeted operation against organised crime groups, in which drugs and firearms were also seized. The Minister expects to receive ongoing reports on the impact of Operation Thor throughout the country.

The Minister for Justice and Equality, Deputy Frances Fitzgerald, listened with concern to all the particular cases mentioned by colleagues. She and I sympathise with all victims of burglary and I believe that the victims would want us to go beyond expressions of horror at the crimes they have endured. In addition to resourcing the Garda Síochána to tackle offenders and strengthening the law, we are putting in place supports for victims. Any crime can have a devastating impact on a victim. There is the direct harm caused by the crime itself, but also the awful feeling of a loss of control and a sense of powerlessness. The general scheme of the Criminal Justice (Victims of Crime) Bill has been published and the Bill is now being drafted by the Office of the Attorney General. It will put the rights of victims of crime at the heart of the justice system for the first time. From their first contact with the Garda Síochána, victims will have a right to receive clear information on the criminal justice system, their role within it and the range of services and entitlements they may access. The Bill provides the right to receive written acknowledgement of the making of a complaint, as well as details on how further information can be obtained. Victims will be able to request information concerning the progress of the investigation and any court proceedings arising from it. Victims will have the right to an individual assessment of the measures necessary for their protection from further victimisation. The Garda Síochána, the Courts Service, the DPP, the Prison Service and the Garda Síochána Ombudsman Commission will all be obliged to train staff members on the needs of victims and to enable them to deal with victims in a respectful and professional manner.

I know Deputies will be aware of the widely reported case which saw the Circuit Court impose heavy sentences for a case of aggravated burglary in Tipperary in recent weeks. On behalf of the Minister, Deputy Fitzgerald, I wish to express our deep sympathy to the family who fell victim to such a terrible and traumatising crime. I hope that it is some comfort to them and to the whole community that the gardaí were equipped to chase, arrest and successfully prosecute such dangerous criminals. The case is also a clear demonstration that courts can and will impose heavy sentences in the appropriate circumstances.

Crime and policing has a lot more complexity to it than where a station is located. Contrary to what some people have said in this debate, recent crime statistics show no direct correlation between station closures and a rise in burglary. In fact, burglary has fallen in some divisions where stations were closed and in many rural areas in particular. The Minister understands the concern expressed at the closure of Garda stations. It can appear that resources are being withdrawn from an area when this happens. Nothing could be further from the truth. The closure of Garda stations was not about saving money; it was primarily done to enhance service delivery and efficiency. The rationalisation programme put in place by Garda management allows front-line gardaí to be managed and deployed with greater mobility and greater flexibility, particularly with regard to various targeted police operations. As a result, communities benefit from increased Garda visibility and increased patrolling hours which improves the policing service to the public.

The network of over 700 Garda stations inherited from the Royal Irish Constabulary and the Dublin Metropolitan Police reflected a 19th-century model that pre-dated the invention of the motor car. Can anyone seriously argue that a 19th-century policing model should be applied to

21st-century crime? The Garda strategy, which the Minister supports and has resourced, is to ensure a dynamic policing response that is enabled to tackle crime when and where it happens, and with the appropriate equipment. A garda cannot drive a desk to the scene of a crime to apprehend criminals, or move that desk to the other side of the county in response to changing crime patterns. However, a garda in a patrol car or a high-powered response vehicle can both engage with the local community and attend the scenes of crimes.

We must support a 21st-century model of policing. I have already outlined the major investment by the Government, already under way and planned for future years, in Garda vehicles, Garda ICT resources, Garda air support and, most important of all, in new Garda recruits, with 600 planned for next year and 150 by the end of this year.

In conclusion, I ask Members to support the Bill. As Members of this House, it is our duty to respond to the needs of the communities we represent and to address the problems they face with practical solutions. It is incumbent on us to support the Garda Síochána in its efforts to tackle the invasive crime of burglary. The Bill was developed having sought the advice of gardaí on the ground and in light of the actual challenges they face. It represents a targeted response to those who think they can repeatedly burgle the homes of innocent victims with impunity.

While short, it is a technically complex Bill which carefully balances constitutional rights to ensure the Garda and courts can respond fairly but effectively to the harm caused by prolific burglars. It is only part of the Government's overall response to crime and is being supported by investment in Garda resources - that is, the men and women of An Garda Síochána and equipment. In years to come, we will look back on this Bill as a very positive weapon in the fight against crime. I commend it to the House.

Question put and agreed to.

Criminal Justice (Burglary of Dwellings) Bill 2015: Referral to Select Committee

Minister of State at the Department of Finance (Deputy Simon Harris): I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to 82A(3)(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

Credit Guarantee (Amendment) Bill 2015: Second Stage (Resumed)

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

Deputy Peadar Tóibín: When we last discussed this Bill two weeks ago I was expressing my views on the methods of financing enterprise. There is a macro-problem with the banking market, which is concentrated in too few institutions. The two pillar banks which share approximately 85% of the banking market are effectively an oligopoly. In other words, they exert extremely powerful supplier power, while the buyers in the market, namely, small and medium-

sized enterprises and citizens, have extremely weak purchasing power. This market, which is a construct of Government policy, is at the heart of many of the problems in banking. Not only is it proving difficult to direct finance to enterprise, but there are problems with interest rates, mortgage arrears and legacy debt among small businesses. The way in which banks are treating rural branches and their approach to cash handling in small towns are also causing difficulties. Moreover, Bank of Ireland appears to be retreating from dealing with customers face to face. The Government's foremost task, therefore, is to fix these problems.

The Opposition has repeatedly raised the problem of funding for small business, yet even at the eleventh hour in the Government's term, access to credit remains a major problem. Research published recently by the Irish Small and Medium Enterprises Association, the quarterly Bank Watch survey, notes that the loan refusal rate has jumped from 33% to 45%. This means almost half of loan applications are being refused by the banks. Demand for bank credit by small and medium enterprises, at 41%, is still relatively static, and one fifth of all applications are still awaiting decisions. In general terms, the level of credit to small businesses has declined, because the banks are still in the process of deleveraging and many small businesses are still paying down debt. The effect of this is that a cohort of companies, many of which are indigenous businesses, are hamstrung by legacy debt and unable to function properly in the economy.

As the Minister of State is aware, the economy is extremely lopsided in the sense that we have few decent-sized indigenous businesses that are able to export. Of approximately 4,500 exporters in the State, 1,500 are foreign enterprises, meaning only 3,000 indigenous enterprises are exporting their goods. These figures do not compare well to other countries of similar size, such as Austria and Denmark. This structural problem in the enterprise sector can be attributed in part to the structural problems in the banks.

The credit guarantee scheme was designed to provide much-needed finance to job-creating small and medium enterprises that are struggling to obtain credit from banks. It was created to address market failure and the fact that we are revisiting the scheme is an admission that this market failure persists. The market is not providing credit to a sector that requires it.

The purpose of the scheme was to provide credit to viable businesses in two specific circumstances, namely, where a business has insufficient collateral or where it operates in a sector with which the banks are not familiar. In such circumstances, the State would provide a 75% guarantee against losses of qualifying loans. The scheme was intended to benefit 5,400 businesses and create 3,900 new jobs. Neither objective has been realised. Since 2012, approximately €20 million backed by the guarantee has been provided to only 156 businesses.

In his contribution the last time we debated the legislation, the Minister of State, Deputy Gerald Nash, spoke of sanctioned amounts, which are much different from drawn-down amounts. The regional distribution of drawn down amounts shows that the sums involved were paltry and illustrate just how weak this initiative has been. The most recent figures I have seen on the regional breakdown of drawn down amounts indicate that €9.9 million was drawn down in the east region, €2.7 million in the south-west region, €2.4 million in the south-east region, €1.86 million in the midlands, €1.2 million in the west, €800,000 in the north east, and €80,000 in the north west. The entire north west appears to have benefited from only a couple of loans, yet this scheme was designed to be the engine that would get funding back into small and medium enterprises.

When the legislation was introduced in 2012, I recall telling the Minister that the scheme had some merit and could solve some of the problems in the system. However, I also indicated that it was too complex, narrow and expensive and would prove unattractive to banks and customers. Business loans in this State are already more expensive than business loans elsewhere in Europe. Lending by the financial system to small businesses is uncompetitive in European terms. The credit guarantee scheme provided for the addition of a premium to already uncompetitive rates for loans to small and medium-sized businesses. Moreover, the scheme was to be operated through the pillar banks, which are, to some extent, withdrawing from the market and exercising undue supplier power. Another problem with the loan facility provided was that customers could not apply directly to the scheme, as applications had to be processed by the two banks in question.

In the period since the introduction of the credit guarantee scheme, Sinn Féin has repeatedly highlighted other opportunities for resolving the crisis small businesses are experiencing in accessing bank credit. I spent considerable time over the summer developing a model for a public banking system which could be used to direct credit to small businesses and citizens. This was not some radical red effort to remove private enterprise from the equation but one that was based on the network of local banks in Germany, known as Sparkassen, which are a major component of the German banking system. It would add a new dimension in terms of competitive behaviour among the banks and rebalance somewhat the relationship between the banking sector and those it is meant to serve. Our proposal envisaged the establishment of ten new regional banks, managed independently and supported by a centralised specialised unit that would provide auditing, risk management and procurement services to the network. The costs of these elements of banking would be reduced because they would be carried out centrally. Each bank would operate in a defined region, ensuring a balanced distribution of deposits and lending across the State and providing a greater incentive to invest in the sustainable development of a local banking region. In other words, it would focus money back into the regions because it would be ring-fenced. It would also ensure that the management, staff and expertise of the bank were oriented to the needs of the region. They would get to know the needs of the region and be better able to serve them. What is happening in the general banking system now is quite the opposite. There is a retreat from the regions by the banks.

On Tuesday, we had a finance committee meeting at which representatives of the credit union movement made a presentation. The disconnect between the problems faced by society and the possible solutions was startling. We have a crisis in the property market. Supply is glacial for a number of reasons, a big one being that the relevant enterprise does not have access to funds. We have a serious problem with moneylenders across the State who are preying on low-income families and we have a serious problem with lending to small businesses. On the other side of the equation, we have a credit union sector with €13 billion in assets, which could be used to resolve some of these problems. The sector feels under threat due to the way they are being treated by the Central Bank and Government. They are not being allowed to do more. In other words, there is a break on their evolution to meet the needs of society. There is no doubt that robust regulation is a must. However, the credit union sector should be able to play a full and fruitful role in the lives of the community and should not be pushed to the margins. This is part of the problem. We have a number of stakeholders and an opportunity for public banking. The Government should be oriented towards creating more perfect competition as opposed to an oligopoly within the banking system, but that need is going unanswered.

I ask the Minister of State to deal with the following questions. Does he seek to include

crowd-funding facilities within the definition of “lender”? Will all credit facilities be regulated fully by the Central Bank? There are problems with some of the credit facilities dealing with mortgage distress having dual regulation. While the operators in the State are being regulated, those that are located abroad are not subject to regulation. What will the balance of risk be between the State and commercial entities? What charge will be imposed on the new lending model? The original credit guarantee scheme had a role to play and we will not be found wanting in its reform to ensure that there is a significant beneficial effect. I do not want to be sitting here in two or three years having come back to the table with paltry results for the scheme which we must then try to reorient. Let us get it right now instead.

Deputy Finian McGrath: I welcome the Minister of State and his officials. I am grateful for the opportunity to speak on the Credit Guarantee (Amendment) Bill 2015. I warmly welcome the debate as it gives us all a chance to deal with the whole issue of finance and the urgent need to support our SMEs. By support, I mean sensible, practical support and new ideas and proposals to develop the sector, which is already making a huge contribution to Irish society and the economy. I agree strongly with my colleague Deputy Peadar Tóibín on his sensible proposal on a public banking system. It is used in other countries like Germany and it brings an extra dimension to the table. Public banking would be a very significant and positive development. It is something we should look at and listen to carefully. We regularly hear the Government say there are no ideas coming from the Opposition. If it listened carefully, it would hear lots of sensible ideas, some of which we have heard in today’s debate.

A commonly cited concern in recent years has centred on the lack of sufficient credit for enterprise. Business largely depends on enterprises with viable futures having access to finance. AIB and Bank of Ireland were committed to providing €12 billion in SME lending over the period April 2010 to April 2012. These two banks were required to sanction lending of at least €3 billion in 2011, €3.5 billion in 2012 and €4 billion in 2013 for new or increased credit facilities for SMEs. Formal lending sanctions were discontinued at the beginning of 2014 but the lending performance of the two pillar banks is monitored by the Credit Review Office on behalf of the Department of Finance. Lending figures for both banks show that at least €11 billion was sanctioned last year, of which 40% was new lending. That is the background to what is going on.

The big issue is the need for focus in developing new strategies and ideas as to how the State is going to support the SME sector. This is central to fostering economic growth and job creation. The Department of Finance has increased the number of economists by just one in four years despite an independent report which highlighted the need to double the number of economists in the Department from 39 to 78. I would like the Minister of State to provide the House with an update on that. There was a total failure to respond to market warnings before the economic collapse. We must ensure that we are prepared for this in future. One in ten of the Department’s civil servants is a qualified economist. I highlight this because we are talking about development, finance, guarantees and legislation like the Bill before the House and must ensure the stability of our banking system. We must ensure that our regulatory regime is effective. A further key issue is the sustainability of our public finances. Next year, economic growth rates will be between 4% and 5%, which I welcome. It is important to have a sustainable economy to ensure that resources can be distributed to the people, particularly in the weaker sections of society.

We must ensure that SMEs know what is on offer. I have been amazed at the lack of information out there. In my constituency of Dublin Bay North, which the Minister of State knows

is a beautiful place, we gave out in the region of 30,000 leaflets on starting up or expanding a business. We put a number of proposals on that leaflet and got a fantastic response. The biggest response from people on the ground was to say that a lot of people did not know about some of the facilities that are available. We organised a public meeting in the Marine Hotel in Sutton and Independent Senator Feargal Quinn was one of my guest speakers.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): I saw the posters.

Deputy Finian McGrath: I hope the Minister of State was impressed.

Deputy Gerald Nash: I was hoping the Deputy would invite me to address the meeting.

Deputy Finian McGrath: The Minister of State felt a bit left out. Next time, I will ask him to attend as a guest speaker.

Deputy Gerald Nash: I will bring another Minister of State, Deputy Aodhán Ó Ríordáin.

Deputy Finian McGrath: He would be delighted to address my followers. I apologise to the Chair. I am being heckled by the Minister of State. I also brought in Deirdre Smith, the director of the Northside Centre for the Unemployed, who put the unemployed point of view. I listened to the issues raised from the floor that night and many sensible points were made on small matters we could easily address. People emphasised the need for us all to work together and to develop strategies around customer relationships with small businesses. People said small businesses needed to connect with other small businesses in their communities. This social connection is very important in a small country like Ireland. A huge issue that was raised from the floor of the meeting related to local enterprise office grants, and there are also issues around small businesses not being paid on time. These are real problems. Access to finance was also raised as a significant issue. Many people felt excluded and some small business owners said they were being discriminated against. These are important issues. Attendees noted the need to develop an educational system which promotes independent thinking about job creation. This issue arose under the education heading. There are some progressive schools, but they seem to develop entrepreneurs and creative people with new ideas off their own bat. We need to roll that out nationally. These are the types of suggestion that were made on the floor at the public meeting.

Other sensible points were made, for example, the strong emphasis on the need for everyone to shop locally. Approaching the general election, it is important that the large parties not import printing materials. They must buy locally. If everyone spends €20 extra per week in small businesses, it will generate approximately 20,000 jobs. Deputies need to lead by example and practise what we preach, that is, buy locally and from Irish sources.

Deputy Tóibín mentioned the debate on credit unions and their contribution to society through small to medium-sized enterprises, SMEs. According to the debate over the past two days, there are 2.89 million members of the credit union movement and 342 credit unions are affiliated with the Irish League of Credit Unions, ILCU. I would love to see the Government legislating on the major issue in this regard, that of microcredit, which is lending small amounts to the most vulnerable who would otherwise be pushed into the hands of moneylenders.

Credit unions are interested in making significant amounts of money available to finance social housing from the €8 billion that is currently held in investments. I understand that this idea

is on the desk of the Minister, Deputy Kelly. They also want to get involved in lending to small and micro-businesses. It is important that we raise these issues. The movement has included relevant policies in its Six Strategic Steps policy document, which we should read carefully.

The Bill amends the legislation under which the Government's credit guarantee scheme was established in 2012 to address the specific market failures that prevent bank lending to economically viable businesses. It also extends the range of financial products and finance providers to which the scheme applies, seeks to rebalance risks between the State and finance providers and charges a premium for the scheme. These amendments are intended to improve uptake of the scheme among SMEs.

The element dealing with lending to commercially viable businesses is important. We must be sensible because we cannot make the mistakes of the past. People with sensible and viable businesses should be at the top of the pile, as they have the potential to develop and take on extra staff. If every SME took on one or two extra people, it would make a contribution benefiting the more than 200,000 people who are currently unemployed.

We have lost many skilled people in the past five or six years. We must draw them back to Ireland. Emigrants often return with new skills and ideas and radical and creative thinking. This factor should be taken on board.

Broadly speaking, a loan guarantee scheme is a facility whereby banks are able to lend to firms that are otherwise having difficulty qualifying for bank financing due to, for example, a lack of adequate collateral or a poor track record. The loan is guaranteed by the scheme and, in the case of default, the lender recovers its value. Given the proposed amendments, the net cost of supporting €150 million in guaranteed lending per annum will be approximately €18.376 million over the scheme's lifetime.

I welcome this legislation. We must be more creative in developing the SME sector, as it is often forgotten. We need a strong private sector that works closely with a strong and efficient public sector. We will always need a public sector, although there are some in government who do not necessarily share this philosophy. The ideal is to have a mixed, democratic and inclusive economy so that we can generate wealth and distribute it in a fair and balanced way. I hope the Minister of State takes on board some of my ideas.

Deputy Paul J. Connaughton: I thank the Acting Chairman for the opportunity to contribute on this Bill. Providing greater ease of access to credit for SMEs is at the core of this debate. The scheme, which was established three years ago, sought to augment rather than replace conventional access to credit and it is important that the Government continues to review the scheme's operation and makes amendments where necessary.

More than €31 million has been made available through the scheme to date, resulting in the creation of more than 860 jobs and the sustaining of 600 others. However, the scheme has never fully met expectations and a review in 2013 provided some likely explanations for that. Inadequacies highlighted by the review are the subject of this Bill.

A crucial change being brought about by the Bill is the inclusion of non-credit products, such as invoicing, financing, leasing and overdrafts. The scheme's key to success is the fact that the State guarantees 75% of loans while benefitting on a number of fronts from the resultant job creation. Banks must still be prudent, given the fact that only three quarters of a loan is guaranteed by the State, but the scheme allows them in certain situations to provide finance to small

and micro businesses that they would not otherwise consider. These are the businesses that will be the cornerstone of any revival in the country's finances. The credit guarantee scheme is just the type of commonsensical measure that is needed to kickstart job creation and ensure that entrepreneurs do not face needless obstacles as they seek to establish fledgling businesses.

Only approximately one quarter of SMEs anticipate that they will seek credit in the next six months, a figure that has remained relatively constant since late 2012. Meanwhile, the number of SMEs seeking credit has declined from 40% three years ago to 32% in the most up-to-date figures. Irish SMEs are more reluctant to borrow than their European counterparts, which is evidence of the depth to which the economy plummeted after the crash. Many SMEs that struggled to repay loans through the worst of the recession will remain shy of lending for many years yet and will only seek loans where investment or expansion will result in gains in the short to medium term. One element that may discourage SMEs from applying for funding is the high rejection rate for loans and overdrafts, which is consistently at more than 15% when the European average is closer to 9%.

The credit guarantee scheme has proven good value for money for the Irish people. The net cost per €100 million of lending is €1.8 million. When one sets this against the direct and indirect taxes collected, employment created and reduced social protection bill, the scheme's benefits become more readily apparent.

Some fledgling businesses will prove non-viable, but many will flourish and grow with proper support and have the potential to make a significant contribution to social and economic life. As a measure in the Action Plan for Jobs, the credit guarantee scheme has worked, but it has not fulfilled its potential. The measures contained in the Bill aim to ensure that the scheme can grow in the coming years and provide much needed money for investment in SMEs.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): On 5 November, I moved that the Credit Guarantee (Amendment) Bill 2015 be read a Second Time and I informed the House that I planned to table significant Committee Stage amendments thereto. I emphasise the Government's commitment to making a considerable change to the existing legislation, as was pointed out by the review, namely, strengthening and improving the guarantee in terms of risk spread, extending it to non-traditional, or non-bank, sources of finance and accommodating innovative new provisions. There needs to be a role for promotional financial institutions, for example, the Strategic Banking Corporation of Ireland, SBCI, to work with us on enhancing the provision of credit to SMEs. We also need to be able to provide counter-guarantees in such a way as to enable promotional financial institutions to unlock EU funding opportunities, for example, Competitiveness of Enterprises and Small to Medium-sized Enterprises, COSME, Horizon 2020 and the European Fund for Strategic Investment, EFSI.

I listened with interest to the remarks of Deputies Calleary, Tóibín, Finian McGrath and Connaughton and will attempt to address some of those issues now. We will elaborate further on them when we get the opportunity to go through the fine detail via the proposed Committee Stage amendments. The SBCI is now providing support to non-bank lenders and recently announced an initiative on leasing and hire purchase that will help SMEs. Committee Stage amendments are currently being finalised by my Department, working closely with the Attorney General's office, the Department of Finance and the SBCI. With regard to the statistics I outlined on 5 November, I have taken note of the requests of Deputies Calleary and Tóibín for drawdown figures. I draw their attention to the regular updates from the operator of the

schemes, Capita Asset Services, as published on the website of my Department.

Regarding new products and services, the credit guarantee schemes to follow the enactment of this legislation will collateralise and deal with new markets and products. On the issue of the cost of the scheme, it is important to note that the new and novel approaches being taken do not come cheap. They come at a price and reflect the risk involved. With regard to the return on investment associated with the original schemes, a good return was achieved in terms of job numbers. There were 1,085 new jobs and 618 jobs maintained and consequent social protection savings in many cases. There are increased tax returns to the Exchequer because people are at work.

The Central Bank recently published a paper on the use of personal guarantees in Irish SME lending since 2012, stating that the level of use has fallen. I shall certainly be looking at the evidence as well as other matters covered.

In regard to borrowers whose loans are sold, some progress has been made with new protections in the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015.

On the relaunch and promotion of the schemes, all relevant Ministers, Departments, the SBCI, banks and financial advisers will play an active role in promoting the new facilities available to SMEs. That will be the case right across the country because it is extremely important that we promote the opportunities provided for under the proposed new scheme.

On the legal issues relating to the Bill, credit guarantees and counter-guarantees comprise a very complex area. The drafting has been extremely technical, almost by definition, and there has been a team effort across all relevant Departments and agencies. Admittedly, there have been some difficulties and frustration associated with the implementation but there is an absolute need to get this right, for all the reasons pointed out by colleagues during this debate. There is a need for certainty in matters involving State guarantees, liability and cost and in order to ensure that such State liability has been tied down and is very clear. No country has introduced guarantees without extremely detailed examination and consultation. We need to take great care to ensure EU state aid rules are complied with.

We are talking about this today because of deficits and defects in the original scheme. We were very clear on that and have had the matter reviewed. We have both taken advice and listened. We are taking the necessary steps to ensure we have a robust scheme that works for the SME sector and where the market fails.

Deputy Tóibín referred to competition in the banking sector. We all know why there are only a small number of operators in the Irish banking system. That is exactly why we need diversity in terms of financial products available to SMEs and consumers. It is why the State is stepping in. We sought to improve on the original scheme to support new and innovative approaches and to try to drive an element of competition. This area is constantly under review.

On Deputy Tóibín's question on the definition of crowd funding, for example, there is no specific definition. However, the scope of the scheme is being extended to cover a broad range of providers. I hope we are clear on that.

Deputy Finian McGrath mentioned a number of issues concerning public awareness of opportunities for access to finance and finance for growth. I remind the Deputy, who, unfortunately, is no longer present, that there is significant information available on www.actionplanfor-

jobs.ie. I suggest that when he is doing his next leaflet drop or hosting his next public meeting, it might be useful if he provides that information to his constituents, who would be genuinely interested in gaining access to that type of material. The information is also available on the website of the Department of the Taoiseach.

Deputy Dara Calleary: There goes the Minister of State's invitation.

Deputy Gerald Nash: Indeed. I can whistle for that.

I remind Deputy Finian McGrath that the Microfinance Ireland operation is in place. The performance of that body is improving all the time. It presents a significant opportunity for small and medium enterprises at a micro level to gain access to finance at reasonable rates when they need it, where they need it and in a timely fashion. We have made some substantial changes to the Microfinance Ireland scheme to allow for greater access to microfinance and to allow the system to be more responsible and flexible in meeting the needs of micro-enterprises.

There is an established need for this legislative change. We all accept that. It is in line with best international practise, as identified by the OECD. Our SMEs need this approach. We are improving this and the system will work very favourably in the interest of the SME sector. It will compare very favourably with similar schemes in operation for some time in comparable states across the European Union. I commend the Bill and the proposed Committee Stage amendments to the House.

Question put and agreed to.

Credit Guarantee (Amendment) Bill 2015: Referral to Select Committee

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): I move:

That the Bill be referred to the Select Committee on Jobs, Enterprise and Innovation pursuant to Standing Orders 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Child Care (Amendment) Bill 2015 [Seanad]: Second Stage

Minister for Children and Youth Affairs (Deputy James Reilly): I move: "That the Bill be now read a Second Time."

I am pleased to have this opportunity to introduce the Child Care (Amendment) Bill 2015 to the House. I look forward to engaging in a constructive debate as the Bill proceeds through its various Stages.

This Bill proposes to amend the Child Care Act 1991, and the provisions contained within it have three distinct elements. The main body of provision relates to aftercare. However, it also includes technical amendments on foot of the commencement of the Child and Family Agency Act 2013, in addition to amendments to sections governing early-years services. With regard to

the latter, the Bill provides for amendments to the Child Care Act 1991 to enable the Child and Family Agency to visit premises where it is proposed that an early-years service be provided. It will allow inspectors access to an early-years facility before such a service has been registered with the agency to ensure it is fit for purpose.

With regard to aftercare, the Bill provides for an explicit requirement on Tusla, the Child and Family Agency, to prepare an aftercare plan for a specified cohort of children and young people as they transition from State care. As a result, national standardised and structured aftercare planning will become the norm. Although operationally the agency has been moving significantly in that direction, the Bill clarifies and copperfastens the requirement for an aftercare plan. It puts such planning on the same footing as other statutory obligations on the agency. It guarantees that the progress made to date will continue.

The term “aftercare” is used to describe the planning and support put in place to meet the needs of a young person who is leaving statutory care at 18 years of age. It aims to assist young people in making the transition to independent living. It is essential that all young people leaving care be provided with the type of transitional support their individual circumstances require. The most important requirements for young people leaving care include continuity of relationships and secure, suitable accommodation. Further education and employment or training are also important. Current aftercare provision incorporates advice, guidance and practical support. Other crucial elements of an aftercare service include advocating on behalf of young people to support their further development. This will assist them in becoming fulfilled adults in their community and, when necessary, linking them to targeted adult services. The aftercare planning process is a natural extension of the care planning process. It is a necessary step in supporting and enabling the transition to independent adulthood, a change which can be challenging for many young people.

Between 450 and 500 young people leave care annually upon turning 18 years of age. Overall, of approximately 6,400 children in State care, some 93% are in a foster care family placement. A sizeable number of young people remain living with their foster carers, either full-time or part-time, after they turn 18.

The Child and Family Agency supports these aftercare placements by way of an aftercare plan, in addition to a support worker and financial assistance.

Young people who do not have family support from a foster carer or family base are assisted in finding accommodation in supported lodgings, sheltered housing or independent accommodation. They are encouraged and supported financially in furthering their training and education. The Child and Family Agency has advised that, as of the end of March 2015, there were 1,720 young people aged between 18 and 22 years, inclusive, in receipt of an aftercare service. Of those, some 1,012 or 59% were in full-time education.

Under existing operational policy arrangements an aftercare plan is prepared, in partnership with the young person, to identify supports that the young person requires. Some of the supports identified in the plan will fall to be delivered by the Child and Family Agency. Some will be delivered by other Departments and agencies, for example, income support, health services, education and local authorities, in respect of accommodation.

The voluntary youth sector has an important role too in supporting young people while in and leaving care. It works with local statutory providers in creating a supportive network for

young people. By proactively including young people in their programmes and activities, further benefits for these young people may be gained.

One of the key objectives of the National Youth Strategy 2015-2020, which I recently launched, is to support young people at critical transition points in their lives. The strategy commits to promoting a stronger role for youth services in supporting young people as they transition from statutory support services.

The legislative provisions relating to aftercare are being strengthened in response to concerns that there was insufficient focus in this area and that such planning was not taking place on a properly structured and consistent basis. We all remember only too well some of the recent terrible tragedies that occurred to children or young adults leaving care. The approach adopted in this Bill is to impose a statutory duty on the Child and Family Agency to prepare an aftercare plan for an eligible child or eligible young person. Following a needs assessment, the agency will prepare a plan, in consultation with the young person, which identifies their need for after-care supports.

The Bill builds on the existing provisions of section 45 of the Child Care Act 1991 and provides for a statutory entitlement to an aftercare plan. I am keen to be clear on one point. The Bill does not, nor was it intended to, provide for any change in the statutory entitlement to services. The provision of services to which those leaving State care may be entitled is governed by the existing statutory and administrative criteria of the relevant schemes and programmes. As Deputies will be aware, all State bodies are obliged to have regard to the resources made available to them in the provision of such services.

In this regard, my Department has held meetings with other key Departments in respect of the supports those Departments offer to young people leaving State care. There has been widespread recognition that some young people leaving care carry a particular vulnerability during the transitional phase of their lives between childhood and adulthood.

Discussions are ongoing on how best to support these young people to transition to independent living and, I am glad to say, the response from our partner Departments has been positive.

As Deputies will recall, the heads of the Bill were considered by the Joint Oireachtas Committee on Health and Children last year. Representatives from my Department, the Children's Rights Alliance, Focus Ireland and Empowering People in Care, EPIC, attended the hearing. The Bill I am bringing forward today has benefitted from the recommendations in the committee's report and I thank all those involved.

The general outline of the aftercare provisions of the Bill allow for the preparation of an aftercare plan for an eligible child before he or she reaches the age of 18. It also provides for the preparation of an aftercare plan, on request, for an eligible adult aged 18, 19 or 20. In addition, a review of the operation of an aftercare plan where there has been a change in the adult's circumstances or additional needs have arisen, is incorporated into the Bill.

A key factor in achieving success is ensuring that assessment, preparation and planning for leaving care begins in the years prior to leaving care. This continues as part of the care planning process. This work is based on collaboration with the young person, his or her carers and partner agencies. The aim is to generate an aftercare plan that is specific to the individual young person's needs. The language used in such plans will be appropriate and suitable for the individual concerned.

I strongly believe that unless we have consultation and hear the voice of the young person concerned, these plans cannot be successful or supported in the required manner.

I will now outline the provisions of the Bill. Section 1 provides for the definitions required in this Bill, defining the principal Act as the Child Care Act 1991 and the Act of 2011 as the Child Care (Amendment) Act 2011.

Section 2 provides for additional definitions of those eligible for an aftercare plan. A child who has spent 12 months in the care of the State, with either the Child and Family Agency or the HSE, in the five years between the ages of 13 and 18 years, will be eligible for a statutory aftercare plan. An eligible adult means a person aged 18, 19 or 20 who has spent 12 months in the care of the State, between the ages of 13 and 18. Where a child or adult has been in care for any period of time between the ages of 13 and 18 and has also been accommodated under section 5 of the Child Care Act 1991, any periods of time spent in such accommodation, and that spent in care, can be combined to meet the relevant 12 month threshold.

Section 3 provides for the removal of a reference in section 23J of the Child Care Act 1991 that is no longer valid on foot of the new aftercare provisions.

Under section 4, the Child and Family Agency will be obliged to produce guidance on the assistance that may be provided in accordance with an aftercare plan where the eligible person to whom the plan relates has been the subject of an interim special care or special care order.

Section 5 provides that the agency shall prepare an aftercare plan for the eligible cohorts of children and adults. It details the assistance that may be provided, once such a person has reached 18 years of age. The core age range for such support is 18 to 21. In the case of education, the agency may continue to provide assistance until the completion of the course in which the young persons are engaged or until the end of the academic year in which they reach the age of 23, whichever is the earlier. This section incorporates elements of the current section 45 of the Child Care Act 1991 and provides that implementation is subject to resources.

Section 6 provides that an assessment of need will be carried out in order to identify the supports and services appropriate to an aftercare plan. It also identifies the domains to be considered in any such assessment.

Section 7 provides for an aftercare plan for an eligible child and sets out what an aftercare plan will contain. For a child who is in the care of the agency, following an assessment of need, the agency shall prepare an aftercare plan setting out the assistance required to meet the needs identified in the assessment. An aftercare plan will be prepared at least six months in advance of the child attaining the age of 18 years, or within three months of that child having become an eligible child, whichever is the later. An eligible child no longer in the care of the agency, or a person acting on that child's behalf - a parent, guardian or person acting *in loco parentis* - may request an aftercare plan from the agency. Upon receipt of such a request and following an assessment of need, the agency shall prepare an aftercare plan setting out the assistance required. In such cases, an aftercare plan will be prepared within three months of receiving a request, or at least six months before the child turns 18, whichever is the later.

The child or young person will have a central role in the development of the aftercare plan. This is very important and appropriate.

In preparing an aftercare plan, the agency shall also consult with all relevant bodies playing

a role in the provision of services and supports required. As part of this process, the agency must have regard to resources available to it in implementing an aftercare plan.

Where the agency cannot ascertain the views of the eligible child, an aftercare plan shall still be prepared. The agency shall consult with specific people, mainly those *in loco parentis*, in preparing an aftercare plan. However, this will not take place in circumstances where it is not in the best interest of the child to do so.

Section 8 provides that the agency shall prepare an aftercare plan for an eligible adult where none had been previously prepared. It sets out what an aftercare plan will contain. The agency shall, following a request from an eligible adult, or a person authorised by that adult, carry out an assessment of need. It must then prepare an aftercare plan setting out the assistance required to meet the needs identified in the assessment. The aftercare plan for an eligible adult will be prepared within three months of a request for such a plan.

In preparing an aftercare plan, the agency shall consult with all relevant bodies playing a role in the provision of services and supports required for that aftercare plan. The agency must also have regard to resources available to implement the aftercare plan. The agency may consult with all people who, in the view of the agency, would be of assistance in preparing an aftercare plan for the eligible adult. Such consultation can only take place with the consent of the adult concerned.

For the avoidance of doubt, where the agency is providing assistance to a person under the original section 45 of the 1991 Act, it will continue to do so. In addition, if the person satisfies the eligibility criteria for an eligible adult, he or she may make a request for an aftercare plan. In all cases, for an eligible child in care, an eligible child no longer in care or an eligible adult, in preparing an aftercare plan the assistance identified will comprise supports and services that may be provided directly by the agency. This is in addition to assistance in accessing other supports and services for which the person may be eligible.

Section 9 provides that the agency shall conduct a review of the operation of an aftercare plan on request by a young person or someone acting on his or her behalf under certain conditions. If there has been a significant change in the circumstances of the young person, a review will be conducted. If the assistance being provided under the aftercare plan does not meet the need identified or if additional support requirements for the young person have arisen, a review will be conducted. Such reviews are to be conducted within three months of receipt of a request. In conducting any reviews the agency will have regard to those service providers of relevance and consult accordingly. The agency may also, with the consent of the young person, consult with individuals whom it considers may be of assistance in reviewing the plan. Aftercare plans may be updated following a review. Any such updating shall have due regard to the resources available to the agency to implement the updated plan.

As I mentioned earlier, this Bill also includes provisions relating to early years services. The amendments in this regard are set out under sections 10 to 12, inclusive. Regulation of early years services is provided for under Part VII of the Child Care Act 1991. In particular, this part of the Act introduced new powers for the Early Years Inspectorate regarding registering providers of early years services, removing providers from the register or attaching conditions to a registration.

As Deputies are aware, revised preschool regulations are currently being finalised. In the

meantime, I am taking the opportunity with this Bill to give early years inspectors the power to visit preschool services premises before they open. This will allow inspectors to advise the provider on layout and generally check that the premises are suitable for running the service. While it is likely that providers would welcome such a visit, currently there is no compulsory provision for it in legislation and the inspector would have to rely on the consent of the provider. I am satisfied that the provisions proposed will form an additional safeguard to ensure that preschool premises are fit for purpose and will support the care and education of the young children in the service. The provisions will also facilitate preschool providers in understanding what is required of them in terms of the provision of appropriate facilities.

Section 10 will allow the Child and Family Agency to refuse to register a proposed provider who refuses permission to an authorised person to enter premises for a pre-registration visit. Section 11 will allow the agency to inspect premises where it is proposed to carry out an early years service to ascertain if the premises complies with the Act. Section 12 will permit an authorised person to visit premises where it is proposed to carry on an early years service to ascertain if the premises complies with the Act.

Sections 13 to 15, inclusive, provide for several amendments of a technical nature to a number of Acts amended as a result of the Child and Family Agency Act 2013. Section 13 and Part 1 of Schedule 1 provide for technical amendments to the Child Care Act 1991. Section 14 and Part 2 of Schedule 1 provide for technical amendments to other Acts. Section 15 and Schedule 2 provide for a small number of repeals.

This Bill underpins and builds upon significant initiatives and reforms in recent years. They have been developed with the goal of improving aftercare services to deliver better outcomes for young people when they leave the care of the State.

A key focus of the Child and Family Agency service reform and improvement is the continued enhancement of leaving and aftercare services. This began with the development of a national leaving and aftercare services policy in 2011 in co-operation with the key stakeholders, including the voluntary sector agencies representing children in care and services involved in aftercare provision. There have been significant improvements in the delivery of aftercare services since the introduction of that policy. In implementing the policy, the agency has prioritised the development of dedicated aftercare services in each area. It has standardised a range of financial packages and introduced inter-agency aftercare steering committees at local level. A further development includes the provision of information on aftercare services. The Child and Family Agency continues to review its current policy to reflect legislative changes. In doing so, it will continue to work in partnership with those representing the views of children in care and those who provide such care and ancillary services.

In examining our care and social services, all too often we focus on the negative, a deficit reporting model, as it were. Although in many cases based on fact, it is this form of negative outlook which is transmitted for public consumption. However, it is fair to say that progress is being made in the provision of aftercare services. I offer one example of good practice. Recently, the Health Information and Quality Authority, HIQA, found that aftercare service provided to young people in the Galway-Roscommon area to be excellent. In its inspection report on the foster care service in that area, HIQA found that the outcomes for children leaving care were excellent, with some remaining with foster carers and others placed in supported lodgings. Every young adult in aftercare had an aftercare worker and a written aftercare plan that was of good quality. Almost all of those in aftercare were attending third level education or training

of some kind.

I know Deputies will agree that this is the standard to which we aspire for all young people leaving the care of the State. It is tangible proof that the changes made to date are progressing as we would wish. I remind the House that, one decade ago, the delivery of aftercare services was unstructured and inconsistent. We have made significant progress in the interim. This Bill builds on that success.

Overall, the Bill attempts to take account of the need for a degree of nuance in planning for leaving care for young people at a time that is appropriate and sensitive to the young person's particular needs. The intention is to ensure that these preparations take place in good time to allow a young person to participate in the preparations, a critical factor. It aims to ensure that the young person can prepare himself or herself for changes that may occur. Moreover, it aims to ensure that the necessary supports can be identified and, subject to availability, be put in place.

I thank Deputies for their support and engagement with the Bill. I look forward to our debate. I commend the Bill to the House.

Deputy Robert Troy: I welcome the opportunity to speak on this Bill, which Fianna Fáil welcomes. It is an overdue step in the right direction and towards the ultimate goal of full legal entitlement to aftercare services for all young people leaving State care and foster care.

This legislation has been drafted in response to long-held concerns, including concerns over insufficient policy direction, focus and co-ordination of aftercare services as well as an absence of structured and consistent service planning for young people leaving State care.

The question we have to ask is whether this Bill achieves these objectives. I welcome and support the main goal of the Bill which is to introduce a statutory duty on Tusla to provide an aftercare plan for young people leaving care. It is essential that this statutory obligation to provide these young people with an aftercare plan being placed on Tusla should be regarded as simply a first step. There is a risk that the Department may use this legislation as a ruse to distract from the wider issue of adequate service planning for aftercare. It is my belief and that of care organisations such as Empowering People in Care that this Bill does not go far enough in obliging Tusla to put forward a full service framework and the necessary resources for aftercare. It is unfortunate that on Committee Stage in the Seanad the Government ruled Fianna Fáil amendments to the Bill out of order.

The Bill may not oblige the organisation to put in place fully resourced aftercare plans which are tailored to the individual needs of all vulnerable young people leaving State and foster care. I will address these issues in my contribution.

Many amendments to the Bill are required. I hope the Minister will engage with Opposition parties and outside groups which advocate for children in care and aftercare in order to facilitate an open discussion on the amendments required to strengthen and improve the Bill. I sincerely hope he will not take a bullish approach and rule amendments out of order for technical reasons, as he appears to have done in the Seanad.

We have a number of concerns about the eventual implementation of the legislation. As I said, the Bill gives Tusla an opt-out clause based on resources. Providing aftercare plans and services to young people leaving care is essential to safeguarding vulnerable individuals who lack the traditional supports young adults fall back on. Research by Empowering Young People

in Care, EPIC, and others has shown that young care leavers are more likely to leave State care with poor coping mechanisms, poor education, poor life skills and a lack of support and friendships, leaving them more at risk of feeling isolated, suffering from mental health problems, engaging in risky behaviour, self-harm or suicide and becoming parents at a young age.

I was struck by what the Minister said about listening to people who have gone through the care system. A cross-party group on mental health recently held a presentation in the audiovisual room. During the course of the presentation, a woman who went through the care system and who now works with EPIC gave her personal experience for the benefit of legislators. She highlighted the deficiencies within the service and outlined how these could be addressed. In that context, I acknowledge that the Minister has accepted that he will engage with and listen to those who have gone through these services and know best what the issues are - they know far more about them than the Minister and I.

Between 400 and 500 young people leave care annually when they reach the age of 18. In 2014, 1,698 young people aged between 18 and 23 years were in aftercare. Some 946 were in full-time education. However, the most vulnerable group of children are those leaving residential care or short-term foster care placements. Children who come into care in their mid to late teens may not have developed the relationships with staff or aftercare workers that help them to achieve good outcomes.

While the Bill obliges Tusla to provide an aftercare plan for young people leaving care, section 8 gives the agency an opt-out clause. The section states that Tusla may limit the supports available to young people in aftercare due to a lack of resources and that the agency must also have regard to resources available to it in implementing an aftercare plan. It is a worryingly vague opt-out clause and seriously undermines all of the other provisions in the Bill, including the Tusla's statutory obligation to provide an individually tailored aftercare plan to all young people leaving care.

As the Minister well knows, Tusla has many statutory obligations which it is currently failing to meet either because of the lack of resources available to it or because of policy co-ordination and service management deficiencies. For example, it currently has a statutory obligation to investigate all child protection and abuse claims in a timely manner. On 2 November, however, the new Ombudsman for Children, Dr. Niall Muldoon, revealed some deficiencies in the protection and care system administered by Tusla. In his audit, he found Tusla managed to deal with just one fifth of all reports of child abuse in a timely manner, despite the fact that it had a statutory obligation to do so. By any measure, this is a gross systems failure on the part of the Minister and the management of Tusla. The latter was set up for the purposes of strengthening the child protection systems that existed under the HSE but we know it is failing in a massive way to immediately investigate child abuse claims. The new agency's failure to protect vulnerable young people is widespread across its service remit, with the ombudsman also making the appalling disclosure that children with mental health issues are still being accommodated in adult psychiatric wards. Dr. Muldoon found that many children in distressing situation are simply being put on suicide watch and not being given the care, compassion and specialist treatment they require due to bed shortages.

I fear that we cannot simply rely on Tusla to provide adequately resourced after care plans. By giving Tusla the "as resources allow" opt-out clause, there is a risk that the Bill will not oblige the organisation to put in place fully resourced aftercare plans which are tailored to the individual needs of all vulnerable young people leaving care. We have concerns about whether

Tusla will be able to implement this legislation. Will Tusla's budget enable it to undertake its new aftercare remit? As I said, we have concerns that this Bill will be used as a ruse for the Minister and the Department to avoid putting adequate resources in place for aftercare services. Giving Tusla a statutory remit is not the same as putting in place a fully resourced system of aftercare services and supports for all young people leaving care. It cannot be denied that from its inception Tusla has been grossly underfunded as a service organisation. While the additional funding for Tusla in budget 2016 is to be welcomed, it is a relatively small increase and is required in order that services might just stand still. The additional allocation will not be enough for significant service improvements but we are introducing legislation to put on a statutory basis the need for an aftercare plan. The Minister has dramatically underfunded Tusla since its formation. Last year, Tusla was at least €18 million short of meeting day-to-day expenditure for the provision of social worker services alone. Other community programmes that receive their budgets from Tusla - including family resource centres, school completion programmes, domestic violence community groups and rape crisis groups, such as SAFE, and the Rape Crisis Centre - were the subject of savage cuts in 2014 and 2015. It also remains to be seen whether this relatively small increase for a very underfunded organization will be enough to rectify service gaps in social and child welfare services, as well as providing funding for community programmes, such as family resource centres and school completion programmes, that are on their knees as a result of the annual 5% reduction in their budgets since 2012.

HSE and Tusla funding for domestic violence services has been cut by 17% since 2012, while funding for the Commission for the Support of Victims of Crimes domestic court accompaniment service has been reduced by 26% since 2012. Support agency funding for counselling services has also been reduced by 47% since 2011. Funding required to support these services is tiny compared to the protection and solace they offer to women and children in impossibly difficult situations.

The debate on this Bill allows us to discuss a related issue, namely, who has statutory responsibility for young people and children who are homeless. Tusla does not currently have a statutory duty to provide all children in emergency accommodation with an in-reach plan, which ensures their practical access to education, recreation, health and social services.

The Bill represents an opportunity to oblige the agency to put in place such in-reach plans to co-ordinate services for families living in emergency homeless accommodation and to reduce the risk that a period of homelessness would have a long-term damaging effect on a child's upbringing and development.

It is unclear at present which organisation has responsibility for the 1,600 children in families who live in emergency homeless accommodation. It is shocking that Tusla does not have a statutory remit to co-ordinate care and in-reach plans for these children. The Government's dismal record on housing provision is creating a cohort of children growing up without a fixed abode. In 2013, a total of 20 families were becoming homeless in Dublin every month. In recent months this has more than tripled, with more than 60 families becoming homeless every month. At present there are ten homeless families with children for every 100,000 people in Ireland. By comparison, there are only three homeless families for every 100,000 people in England.

It is shocking that Tusla does not bear any special statutory responsibility for putting in place in-reach plans to promote normal development and reduce the risk to the welfare of children in emergency homeless accommodation. Such care plans are essential in this extraordinary pe-

riod of these children's lives to ensure they have co-ordinated access to social and educational services and to enable them to lead as close to normal a life as possible.

The Minister's response to a parliamentary question I submitted recently effectively denies his Department has any responsibility to children who are homeless unless they are first reported to child welfare and protection workers. I was always led to believe by the Minister and his predecessor that the Department of Children and Youth Affairs and the new agency, Tusla, were not simply going to be about reacting to problems but they were to be proactive and intervene before a problem manifests and gets so complicated it needs much more support. The Minister's reply to the parliamentary question on the issue stated:

Policy responsibility for homelessness, insofar as it extends to my Department, relates to children under 18 and any child welfare and protection concerns that may arise in the context of the Child Care Act 1991. Young people who are homeless, either singly or as part of a family unit, and not falling within this category, are the responsibility of the Department of the Environment, Community and Local Government, and local authorities ... With regard to putting in place special care plans for children experiencing homelessness, homelessness as part of a family group is not, in and of itself, a basis for seeking to receive a child into care.

As this response makes clear, Tusla has no special statutory responsibility to put in place care plans for children to safeguard development and reduce risks to their welfare arising from their family's period of homelessness. The experience of homelessness and constant disruption is having a profound effect on these children's development, such as on their ability to access their school or GP, their contact with relatives or friends or simply being able to eat a meal in a regular environment.

Tusla should be taking a lead front-line role in safeguarding and promoting the welfare of children. The Bill is an opportunity to put in place a legal obligation on the agency to provide in-reach plans for co-ordinating and integrating all social services for these vulnerable homeless families and managing and reducing the risk that a period of homelessness would have a long-term damaging effect on a child's upbringing and development.

I want to raise a question about early years services. The Bill includes provisions on early years services in sections 10 to 12, inclusive. The Minister stated that as Deputies are aware, revised preschool regulations are being finalised. What is the hold-up with publishing these regulations? They were promised by the Minister's predecessor following the "Prime Time" exposé, "A Breach of Trust". The regulations were promised as part of the quality improvement agenda almost two and a half years ago, but we have yet to see them published. In his reply, will the Minister tell us what is the delay?

Deputy Sandra McLellan: I thank the Minister for bringing forward the Bill which is very welcome and is certainly a step in the right direction. My party will support it. The history of the State in dealing with our most vulnerable children has been questionable to say the least, and the Bill will go some way towards ensuring our children's best interests are at heart and that they are valued citizens. The Bill is overdue, but I am glad to see it coming before the House before the termination of the Government.

Aftercare programmes play an integral part in the care system in Ireland. They are a vital part of young people's lives on their exit from care. They set out an important foundation to

enable them to cope with the difficult time when leaving care and, in some cases, embarking on a life of their own with their own independence and responsibilities. This can be a difficult task for young people, especially at the age of 18. It is a lot to expect from young people, some of whom have lived very unstable and fractured lives, to assimilate into society and conform to social norms without the aid of those who have their best interests at heart.

The proposed legislation puts these programmes on a statutory footing as well as obliging those at management levels to give these programmes the due consideration and attention they require for the benefit of young people leaving care. Since its inception, Tusla has not been able to meet fully the potential of these programmes, which no doubt has had a negative impact on the lives of young people who have left care in recent years. I am aware of some cases where a small number of these young people have ended up homeless due to the lack of supports available to them on the back of leaving care. I agree with the Minister that the aftercare service provided to young people in Galway and Roscommon is the level to which we need to aspire and which we need to achieve when these young children leave State care. The implementation of these aftercare programmes will give children a sound foundation to go forward and live a life of fulfilment or at least have an equal opportunity to do so.

Real-life situations and practical considerations have been legislated for in this Bill, and this is very positive. I am glad to see this acknowledged. Young people do not just develop into fully functional adults on their 18th birthday. In the event of a young person's reluctance to engage in an aftercare programme, it is welcome that he or she may be afforded the opportunity to re-engage with it at a later date when he or she feels fit rather than being cast to one side and forgotten about. I hope the Bill will limit the isolation of those experiences for young people leaving care, and will be as inclusive and accessible as possible. However, I am of the opinion that amendments can be made to strengthen the legislation significantly.

There are many holes and shortfalls indicative of a get-out clause on the part of both the Department and Tusla. I have concerns surrounding the use of language contained in certain elements of the Bill. The amendments I will table will further strengthen the Bill by making those at the helm more accountable and will ensure the best interests of our young people are not overlooked. They will give those who fall through the cracks, when it is not the fault of the young people, a formal pathway for recourse in the event that their best interests have been neglected. We will be proposing these measures in an attempt to establish some sort of tri-partied relationship between the child, Tusla and the Department of Children and Youth Affairs. This would put an onus on all parties involved to engage to the best of their abilities. We will also be presenting proposals to extend some of the age ranges within the document in order to make aftercare services more encompassing of all those who may be in need of the support. In this regard, this Bill does not go far enough.

Barnardos commented on this Bill recently and the comments are worth noting. It stated:

While the publication of the Child Care (Amendment) Bill 2015 is a step forward in terms of providing a statutory entitlement to an aftercare plan for the majority of care leavers, it is disappointing key recommendations outlined by the joint Oireachtas committee report were not taken on board. Also, there is a real concern the absence of resources (personnel and financial), together with the breadth of supports required to comprehensively meet the aftercare needs of young people, will seriously affect implementation of these aftercare plans.

My summation of those comments would be that the experts in this area and advocacy groups who know the issues inside out are in agreement with me in stating that this Bill, although welcome, does not go far enough. We will not be opposing this Bill and we will be happy to see it implemented as soon as possible, as it is a major step forward. I hope recommendations proposed on Committee Stage will not fall on deaf ears and will be properly considered.

To conclude, children leaving care are possibly some of the most vulnerable children in our State, and in many cases they are leaving care on the back of some very traumatic experiences. These children deserve the opportunities and access to enable them to live both happy and productive lives. They are the future generations of our nation and should be treated equally, being cherished and nurtured in a way that allows them to realise their full potential.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak to this new legislation, the Child Care (Amendment) Bill 2015. I broadly welcome the debate, although not the Bill itself, as it does not go far enough. The bottom line is that it does not give a statutory right to the implementation of the aftercare plan. After all the talk, experience and damage done to young and vulnerable people, we need to be able to guarantee a proper aftercare service. These young people are at risk and need our total support. There can be no ifs or buts and it is the bottom line.

Before getting to the detail of the legislation, my view is that there should never be cuts to services for children and young adults, whether they are services for children with a disability or other vulnerable youths. This should always be a red line for all politicians, and not just those from the Government or leading Opposition parties. This Government must focus on the issue and get on with the job. There is no point in having a children's referendum and speaking about children's rights if we do not provide proper services to facilitate those rights.

The Bill does not introduce a statutory obligation to implement the aftercare plan or provide aftercare services. It contains a new explicit duty to have regard to the resources available to Tusla to implement the plan when making it. Organisations like Barnardos have commented on the legislation. Barnardos stated that "the Bill only guarantees a plan, not its implementation, which is a crucial difference, given the breadth of supports that care leavers require, such as accommodation, financial and practical life skills, health and education". Barnardos is very concerned that Tusla and other agencies identified in the young person's care plan are inappropriately resourced in meeting this additional demand. It is an important aspect of the legislation on which we should focus.

We are discussing children and dealing with young adults and their aftercare but we should also reflect on what is going on in the real world. There are currently 6,364 children in care and many of those have been allocated a social worker. Of those, 90% have a written care plan. Again, people ask the question of whether that comes through on the ground. Every year, between 450 and 500 young adults leave the care of the State and they must have an aftercare plan. Is that the reality on the ground? At the end of March 2015, a total of 1,783 young people of all ages were in receipt of aftercare support. Of those, 1,338 were aged between 18 and 20 and in full-time education or in receipt of aftercare support. We must be very careful in considering the figures as they relate to young and vulnerable people. Tusla has advised that 90% of young adults receiving aftercare service are in some form of stable accommodation, including the 45% who remain living with their former foster families.

This is an opportunity to commend and thank the magnificent work done by our foster fami-

lies. When we speak about children in care, the wonderful work of foster families might be forgotten about all of a sudden. The vast majority of foster families do an excellent job in bringing stability to the lives of young, vulnerable adults and children when they are in crisis. Many of these youths and children come from crisis homes and are very severely damaged. Nothing is as difficult in life as being in a family position where the child is not loved or wanted, or where there are major problems like drug and alcohol abuse or sheer neglect. Imagine somebody who is four, five or six in that position when we think of the care that most children get from families in this State. I use this opportunity to commend the foster families, as they do a magnificent job. Of those in aftercare, 45% remain living with their foster families.

I have direct experience of this as my late mother and father were involved with foster care for many years. The joy that this brought to many young people was unbelievable. It is important to acknowledge these foster families, which do the State a great service. We should look after them, nurture them and develop them. Often, such families stop young adults and vulnerable people who are severely damaged and hurt from ending up with addictions or in Mountjoy. It is a reality, so these people must be protected.

I have heard much discussion about social workers. We need social workers as they form an important cog in developing services, although it is not the only element we need. Some people in this House seem to think that if a social worker is allocated to a youth, the job is done. The key element is a stable, happy and secure environment for the young person in question. This goes back to the idea of the foster families, which have the strength and ability to provide that. We need to resource and support them; we must also regulate them while providing that support. These young people and children need stability and if one speaks to them, they would say they need a bit of love, care and stability. With that, much work can be done in preventing other problems later in life. It is not trendy to say that in some elements of the Government but we must stand up for children and children's rights. We need to develop services before youths end up in aftercare. In fairness to the Minister, although we have our differences at times, I know he thinks about this and focuses on it in his portfolio.

I recently attended a meeting in Coolock when the issue of early intervention arose. There should be a commitment to such early intervention because if we offer key quality supports and programmes during the important phases of childhood, the results can be absolutely outstanding. I know many groups have come to the Minister and at the meeting I told them it was important to prove that such an approach works. There are wonderful people involved with the Northside Partnership like Mr. Noel Kelly who do a great job. Such people deal with facts rather than fairy tale economics or services. They want to provide services to prevent problems and early intervention is key.

We need to invest in childhood futures. The current spend on universal services in early intervention and delayed intervention should be realigned so resources go from crisis intervention to prevention and early intervention. We need to get this message out to broader society. We need to deliver on the national policy framework for children and young people. The framework makes a number of important commitments to prevention and early intervention relating to child poverty, early years education, parents' supports, upskilling of professionals and rebalancing of resources. The whole Government needs to work together to deliver on these commitments. We also need to ensure that the support used works. The people on the ground have the research to prove prevention and early intervention improve the lives of children. We need to use this information and to build on it. We also need to ensure the best interests of our children are central to all Government and service decisions. Children were the most affected

by the recession in Ireland. Now is the time to invest in them and to make building blocks of Ireland's recovery. The hard-nosed economic argument is that if we do this we will save, in that we could get in there and prevent these children ending up in worse situations, whether in prison or in violent or conflict situations, as we have seen even in recent days.

On placing a child in care, under the Child Care Act 1991 the Child and Family Agency has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. In some cases parents are unable to cope due to illness or other problems, and they may agree to their children being taken into care. This is known as voluntary care. At present the majority of children in care are in voluntary care. That is something many people do not realise. Under the 1991 Act there are a number of procedures the agency can use when dealing with children who are at risk or who are in need of care. It may apply to the courts for a number of different orders which give the courts a range of powers including decisions about the kind of care needed and access to the children for parents and other relatives. These orders include emergency care orders, care orders, special care orders and supervision orders. These orders involve the child being taken into care. Children in the care of the State live in residential care and foster care. That is another important thing. They may also live in hostels or high support facilities. Children in residential care are largely placed in open residential centres run by either the Child and Family Agency, Tusla, or private and voluntary providers in communities across the country. That is what is happening on the ground. I emphasise the need for early intervention, because we need to get out there and support these children.

Research has shown that poor outcomes for children in care, including homelessness, addiction and in some cases death, are typically associated with young people who have, among other things, received little preparation for leaving care - that is something we need to focus on; been given little or no aftercare support; left care in an unplanned way; and had not been adequately consulted about arrangements for moving on from care. They are the issues. If the Government does not focus on those issues, we will end up with homelessness, addiction and, in some cases, death and horrific situations. The bottom line is that we have to focus on these issues when we are coming up with sensible solutions. Barnardos also comments:

...for some of those who have been raised in the State care system their journey can be characterised by multiple placements leading to subsequent feelings of low self-esteem, uncertainty and unpreparedness... They have to leave the care system once they turn 18 and are less likely to have a strong network of support. As a result, there is a necessity on the State, as the corporate parent, to prepare a young person for life after care, providing a range of supports including: financial, housing [and so on].

Multiple placements, it says, lead to “feelings of low self-esteem, uncertainty and unpreparedness”. They are the three key terms.

This is also an opportunity to commend the work that is going on, particularly in our DEIS schools, our very disadvantaged schools. People often forget this. There are excellent programmes there that deal with issues, particularly in junior and senior infants. If one gets in early, one can deal with the problem of low self-esteem and work with those very young children. It could prevent them going down the road later in life of having a dysfunctional life or experiencing addiction problems. Hurt and damaged children can end up in very violent situations. We see it every single day in our courts. We see the horrific consequences of what has happened to their lives. If a child is abused or is in a very negative or violent situation, do not expect that child to be normal. Do not expect that child to go into class and have his homework

done. That is the reality on the ground. Early intervention is key.

Digging further into the legislation, section 6 of the Bill inserts a new section 45A into the principal Act which deals with the assessment of need to be carried out prior to the provision or not of an aftercare plan. The new section provides that Tusla must carry out an assessment of the needs of an eligible child or adult and these assessments must be recorded in writing. I welcome that. Section 45A(3) states that this assessment must include, but is not limited to, the needs of the person in relation to education, financing and budgeting matters, training and employment, health and well-being, personal and social development, accommodation and family support. Section 6 is a strong section and I support it.

Section 7 inserts a new section 45B into the principal Act which deals with an aftercare plan for an eligible child who can be in Tusla's care or not. There is an explicit obligation on Tusla to have due regard to its resources to implement the plan when drawing up an aftercare plan. Section 45B(4) states that Tusla may, rather than must, provide care to an eligible child or adult. There is no statutory obligation on Tusla to provide aftercare services. That is my little complaint in respect of this issue.

The issue of aftercare for young adults has been highlighted by a number of groups. There has been no comprehensive cost-benefit analysis of aftercare services and there is evidence that providing these services has long-term socioeconomic benefits, such as reduced homelessness, welfare dependency and criminality. The bottom line is, as many people believe, that if we get into a situation where we can deal with this and get in early, we can reduce homelessness, welfare dependency and criminality. In fact, it is an economic argument. Even if one has a heart of stone, it makes sense from a money point of view. Focus Ireland, for example, has stated that, "Provision of aftercare makes sound economic sense as this type of structured support and accommodation has been shown to help prevent people from becoming homeless and also getting sucked into difficulties, including addiction and crime". Again, that means less spending later on if we deal with this issue. That is sound economic sense, outside the question of the rights of the child. Just imagine if we could make a dent in preventing addiction or criminal problems. How many people would be alive today if we dealt with these issues? That is very important.

However, the Bill only guarantees a plan, not its implementation, which is a crucial difference. Given the breadth of supports that care-leavers require, such as accommodation, financial, practical life skills, health and education, I am very concerned that Tusla and other agencies identified in the young person's care plan are inappropriately resourced to meet this additional demand. That is also a valid point. The absence of resources is the deal breaker on how successful this legislation will be and yet the long-term consequences of not supporting these vulnerable young people during this transition phase can be fatal, as we know from previous experiences. The facts stand up to serious analysis. Another point made very strongly by Barnardos, which I support, is that placing aftercare on a statutory basis would strengthen the political commitment to these children, ringfence funding for these services and ensure better outcomes for them, their families and wider society. That is where we need to come on board and put on the pressure. In broader political society, we need to support this kind of policy, which I am sure the Minister has to push every day of his life. Prior to the publication of the Bill, the Minister announced that funding of over €676 million would be provided in 2016. This seems to be an increase of €38 million, and I welcome that. Some of the funding will be used to hire additional social workers, and I welcome that as well.

We must avoid inconsistency in the provision of aftercare services. There are some brilliant

examples of good practice. There are some brilliant examples of foster families that would be a lesson to everybody in life.

There are many good support services in place at present, but there are gaps in the system and we need to focus on these gaps. As for the provision of aftercare services in Ireland, there are parts of it that are patchy, inconsistent and inadequate, and this leaves vulnerable young people exposed to the risks of which I spoke earlier, whether it be drug or alcohol addiction, prostitution or imprisonment.

It is important when we are planning for the future that children and vulnerable adults are at the centre of these plans. It might not necessarily be politically popular, but we need to ensure that these services and supports are put in place. Not only is it the right thing to do, and not only does it create a society that is built on social justice and equality, but it also builds a society that is sustainable and safe, which is something we need to focus on as well. If one ever meets children who are hurt or angry or come from very dysfunctional families - I met many of them in my previous day job - one can see the hurt in their eyes, and many years later, if one visits the prisons, looks into the cells and meets some of the prisoners, one will see the same hurt and anger in their eyes. My point is that if we get in early and provide support services, then, when they leave the aftercare services, we have to keep a close eye on them. As I stated earlier, there are more than 6,000 young people in care in Ireland at present. The anchor for this is the important provision of stable, committed and professional supports, but also the provision of a warm and happy home, as provided by many foster families.

Minister for Children and Youth Affairs (Deputy James Reilly): I will respond, if I can, to Deputy Troy first. I have to say, I have no idea where Deputy Troy got the figure of €80 million.

Deputy Robert Troy: Which figure of €80 million?

Deputy James Reilly: Deputy Troy made a statement a few minutes ago during the course of his speech that Tusla was €80 million short, and I do not know where that comes from because there is no validation for it whatsoever.

Deputy Robert Troy: Was it not short last year?

Deputy James Reilly: Last year it got an increase of €20 million.

Deputy Robert Troy: Last year the budget was short.

Deputy James Reilly: For next year, they are getting an increase of €38 million, plus €20 million to deal with any legacy issues around legal and other matters. The Deputy could make it up as he goes along, I suppose.

Deputy Robert Troy: There was a deficit. If there was not a deficit, the Minister would not have to give an increase.

Deputy James Reilly: The Deputy also-----

Deputy Robert Troy: The Minister should acknowledge that there was a deficit last year.

An Leas-Cheann Comhairle: Let the Minister reply. The Deputy can get more detail on Committee Stage.

Deputy James Reilly: Deputy Troy is obviously reading the same speech that his colleague in the Seanad read. On behalf of Senator Leyden, Senator Paschal Mooney, a gentleman, made a point about comparing the figures in this country with the figures in the United Kingdom - clearly, two very different countries. As I said to him, the United Kingdom is in a far better financial position than we have been over the past number of years because it did not have the benefit of a Fianna Fáil Government for 14 years, and to ignore that is to ignore why we had to ask the Irish people to make the sacrifices that they made.

Deputy Robert Troy: The real shame is to ignore the fact there are 1,600 children homeless in the State.

Deputy James Reilly: The truth is not fragile; it will not break. Deputy Troy cannot shout it down.

On some of the other issues, the Government does not rule out amendments, as Deputy Troy says. This is done on the basis of the rules governing the Houses and the call is made by the relevant clerk.

A number of Deputies mentioned Empowering People in Care, EPIC. I met Ms Jennifer Gargan and those who work in EPIC and they do fantastic work. What singularly impressed me is the number of young people who, having been in care, are still involved with EPIC and still helping and advising those who are in care now. On the floor of this House, I thank them for their tremendous generosity and the courage they show, and also their tremendous intelligence around how to communicate with younger people, including the excellent book they produced about children going into care. Not only is it useful for the child, but the sub-message underneath it is good advice for the carer and the foster family in terms of what matters to children.

Deputy Troy mentioned the reach of the agency. I do not agree with him. We do not need a plan to duplicate the work of other State organisations. A statutory obligation on the agency to deliver that would be a duplication of resources. Homelessness among families is a problem, and we meet regularly at the social policy committee of the Cabinet to address this issue. Homelessness is clearly the remit of the Department of the Environment, Community and Local Government, and that obligation is under law and very clear. The Deputy talked about the agency being responsible for the implementation of the aftercare plan. It must deliver, he says, on social welfare, education, housing, etc. Clearly, this is also a duplication of role, function, remit and budget. It would not make sense even if we had unlimited resources, which clearly we do not. Core plans are for children in the care of the State and they are not for those who may be homeless and otherwise in a stable family setting. We must have regard to the role and function of the agency under its establishing Act. As such, under the Act of 2013, the agency is responsible for allocating its budget, and to cut across this would not be in accordance with the Act because it would not have regard to its resources.

Deputy Troy also mentioned the Early Years programme and the regulations. These are under discussion with the Office of the Parliamentary Counsel. There have been a number of issues which required detailed discussion with that office in order to move them forward, including one matter that I am providing for in this Bill - that is, inspections before these premises can open.

The Bill is to provide for consistency and aftercare planning and to address the gaps referred to by Deputy Finian McGrath. Deputy McGrath also talked about multiple placements. While

multiple placements are in some cases an unfortunate reality, by international standards the number of children in care who have multiple placements in fact compares very favourably. I would be very concerned about an issue that was raised by the children in EPIC. One of the big issues from their point of view was lack of continuity, even in relation to social workers. We will strive to avoid that. It is difficult to build a relationship with somebody. It is difficult to build trust. When such trust is established, it is difficult, if there is a change of personnel, for the young person.

I wanted to address Deputy Finian McGrath's concerns around early intervention. Of course we firmly believe in early intervention. I have always believed in it. As a doctor, I have seen how early intervention can change lives. Clearly, the moneys that we have made available now to extend the Early Childhood Care and Education, ECCE, scheme will be most helpful in this regard. The bottom line here has been, and it is now proven, that those who gain the most from that programme are, in fact, the children who come from disadvantaged backgrounds. It gives them the chance to level the playing field. They go to school with better reading skills and so on. Later in life, as has been shown in other countries that have achieved higher retention rates in education, achieving a higher educational attainment makes one more employable, gives one a better standard of living and helps young people to come out of poverty.

On the issue of the budget, Deputy Finian McGrath is quite correct. We have increased the budget now to €676 million, which is an increase of €38 million. Within that budget, I had asked for an audit of unallocated social workers for children at risk. When I received it, I requested a business plan to address it. Tusla has produced a three-year business plan and priced the funding it needs over those three years, and we have met in full its ask for the issue for next year.

Some will say three years is too long. This problem has been with us for decades and it is sensible and pragmatic to take an orderly approach that will be successful. I do not want to remind the Deputy of what I have said to him about this problem. Ireland has a very poor record on children historically, and we know the terrible tragedies that occurred when children left care. They seemed to disappear over the cliff, with disastrous consequences for them. They need ongoing support, and the Bill is aimed at identifying what those supports should be for each individual in consultation with each individual.

Deputy Robert Troy: With a knocked out clause.

Deputy James Reilly: The Deputy is aware that every Department has a budget allocated to it according to the resources available to the country. This is, and has always been, the reality. For the Deputy to try to pretend that somehow we can have unlimited resources in one area and disregard all other areas is neither pragmatic nor credible.

I thank Deputy McLellan for her support for the Bill. She also raised some issues. The theme of isolation has come up and my officials and I are aware of it. We are discussing it with EPIC and will work towards addressing it. My Department funds a number of programmes focusing on prevention and early intervention, including the Preparing for Life project mentioned. Research emerging from these programmes will inform future policy and development.

The Bill is another step in the right direction and will achieve better outcomes for young people. A critical change which has occurred during recent years is the insistence on the involvement of young people in planning services for them. I commend the Department of Chil-

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dren and Youth Affairs on being a world first with its children and young people's participation hub, ensuring the voice of young people is heard. My job at Cabinet as Minister for Children and Youth Affairs is both to ensure my colleagues, when they are developing policy that can impact on children and young people, are aware of this participation hub and to ensure young people's voices are heard. I commend the Bill to the House. I thank the Deputies for their observations and look forward to taking it to Committee Stage.

Question put and agreed to.

An Leas-Cheann Comhairle: When is it proposed to take Committee Stage?

Deputy James Reilly: Next Thursday.

Committee Stage ordered for Thursday, 3 December 2015.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Financial Emergency Measures in the Public Interest Bill 2015, without amendment.

Topical Issue Debate

Mental Health Services Provision

Deputy Dan Neville: This relates to the provision of a child and adolescent bed unit in Limerick, as recommended in A Vision for Change, the report of the expert group on mental health, in 2006. Recommendation 10.9 of the report states, "Urgent attention should be given to the completion of the planned four 20-bed units in Cork, Limerick, Galway and Dublin, and multidisciplinary teams should be provided for these units". Since then, the HSE, in its wisdom, has decided that no such unit should be built in Limerick. Why is this the situation? A Vision for Change was very meticulous and detailed in its investigation of all the needs of the mental health services and it made this suggestion.

There is an urgent need in the city. Psychiatrists, psychotherapists and general mental health services staff have expressed concern about the unsuitability of minors sharing inpatient psychiatric care with adults. It is seen as potentially detrimental to the recovery of children and adolescents. All mental health professionals regard having children, some under ten years of age, in the same ward as adults as being very unsuitable and detrimental to their recovery. Children are very vulnerable when they go into a hospital unit and this is especially true if they are suffering from a severe mental health difficulty, which is the case for children being admitted to inpatient mental health services. Adult mental health patients of all ages have certain difficulties and may be incapacitated in many ways, and while their behaviour can be upsetting for adults, it can be frightening for children.

Children in Limerick and the mid-west who are in need of inpatient psychiatric treatment must move to Cork, Galway or Dublin. One of the key issues in the recovery of children from any condition, especially mental health conditions, is the presence of their parents. They need

their parents to visit them, to feel the support of their parents and to feel comfortable with their parents. If a child from the mid-west is placed in Dublin, Cork or Galway, it is extremely difficult for the families. Some families can afford to visit their children only occasionally, which is very detrimental to the children. Why has the recommended provision of inpatient mental health services been withdrawn? The HSE has failed to meet the code of practice on the admission of children drawn up by the Mental Health Commission under the Mental Health Act 2001.

The code of practice specified that from July 2009, no child under the age of 16 years should be admitted to an adult inpatient unit, that the same should apply from December 2010 to any child under 17 years and from 2011 to any child under the age of 18 years. However, last year, 89 children were admitted to adult psychiatric services, in contravention of the code of practice.

A Vision for Change recommended that the agreed proposal to supply additional 20-bed units in the major hospital centres I have mentioned, including Limerick, should be completed as a matter of urgency. This provision would result in 100 inpatient beds for children and adolescents nationally. The provision should be evaluated after five years to assess how it is meeting the needs of the population. Inpatient facilities should provide large, spacious rooms for activities and possibly even classroom facilities in order that children can continue their school curriculum work during their stays. Only 58 inpatient beds have been provided. There was to be a review after five years, in 2011. Was there a review? If so, what was the outcome? If not, why was there no review?

As I have just stated, unfortunately the HSE is not meeting the targets outlined in A Vision for Change. There are reports of admissions of minors, including children under the age of ten, to adult institutions. These children are in serious need of inpatient care. Of course we do not want children and adolescents to go to inpatient units, but some of them need the treatment offered at such facilities. The current situation is totally unsatisfactory. Why is the mid-west being discriminated against? This is not something we are demanding as a proposal. Experts from many areas of the psychiatric services have deemed it to be an absolute necessity and said that urgent attention should be paid to the completion of the planned four-bed units, including the units in Limerick that we are now informed will not be finished. Why will they not be completed? Can the Minister of State guarantee that the implementation of the carefully thought-out proposal in relation to Limerick and the mid-west will be reconsidered?

Minister of State at the Department of Health (Deputy Aodhán Ó Ríordáin): I thank the Deputy for raising this important issue for discussion today. Nationally, inpatient child and adolescent bed capacity has increased from 12 beds in 2007 to 58 beds at present, with 26 beds in Dublin, 12 beds in Cork and 20 beds in Galway. This represents an almost fivefold increase over eight years. I am pleased to announce that a new purpose-built 22-bed child and adolescent inpatient unit located on the grounds of Cherry Orchard Hospital has been completed and will be opened next week by my colleague, the Minister of State, Deputy Kathleen Lynch. The existing 14 beds in the current temporary facility will transfer across to the new facility. This means that there will be an additional eight child and adolescent mental health beds in the country and that the total number of beds will increase to 66. Those who provide child and adolescent mental health services in the mid-west region, which covers Limerick, Clare and north Tipperary, have access as required to a modern state-of-the-art inpatient child and adolescent mental health facility in Galway. Requests for admissions to this facility are made by the local child and adolescent mental health teams in the mid-west to their counterparts in Galway. All applications are appropriately considered and prioritised.

The HSE is committed to the appropriate provision of child and adolescent mental health service inpatient beds for children. From time to time, a young person may have a very short admission to an adult facility pending the availability of a bed in a child and adolescent unit. These placements are generally for very short periods. Progress in this area is underscored by the fact that such admissions have declined from 247 in 2008 to 89 last year. It is important to stress that the HSE's intention is to aim for appropriate placements and to reduce to the greatest extent possible the need for and dependency on inpatient beds. Modern-day multidisciplinary interventions for children are much more appropriate to non-inpatient admissions and to supporting children in their own family settings.

In the mid-west region, a consultant-led child and adolescent mental health service is provided by multidisciplinary teams across Limerick, Clare and north Tipperary. This service operates an emergency service for critical cases of same-day referral. In addition, an out-of-hours on-call service is provided through the emergency department of the University Hospital Limerick. This is not replicated in all parts of the country. The child and adolescent mental health service based in Limerick is scheduled to move to a new outpatient and clinical premises shortly, subject to the completion of some final details in respect of the property involved. Plans are being advanced to explore the possibility of providing the equivalent of a day hospital-type service. This will further enhance the capacity of the services within the region. The Deputy will appreciate the priority shown by this Government to modernise mental health policy and services in line with A Vision for Change. He will also be aware that significant new resources have been allocated for mental health since 2012.

Deputy Dan Neville: The case I made for the provision of inpatient psychiatric beds for children and adolescents has not been answered. I clearly asked why the recommendation in A Vision for Change that 20-bed units should be provided by 2011 has not been adopted. It was stated in A Vision for Change that the number of psychiatric beds urgently needed to be increased to 100 by 2011. That has not happened. As the Minister of State said, we now have 58 such beds. That falls far short of the 100 beds that should have been provided by 2011 in line with the recommendation in A Vision for Change. Maybe the Minister of State will inquire for me whether a national review of psychiatric inpatient beds took place in 2011, as firmly recommended in A Vision for Change. If such a review took place, what was the result of it? I remind the House that it was recommended in A Vision for Change that by 2011, no child or adolescent should be admitted to an inpatient bed. The Minister of State is correct when he says there has been a considerable improvement. It is a shame to have to say, four years after the recommendation that no child anywhere in the country should be admitted to an adult inpatient bed should have been implemented, that there were 89 such admissions last year. I appreciate that there have been improvements in outpatient services and in other areas, but they are not the subject of this Topical Issue debate. I am asking about the provision of a 20-bed inpatient psychiatric unit for children and adolescents in Limerick to serve the mid-west region. That is the point I am making in this debate. I have not yet received a reply. Why did the development of such a unit not take place? Why was it scrapped?

Deputy Aodhán Ó Ríordáin: The Deputy makes a solid case. He has acknowledged the movements and the improvements that have been made in this area, as borne out by the statistics I provided to him in my initial reply. I do not have an answer at the moment to the very direct question he has asked. I will ensure the Department makes direct contact with him and supplies him in writing with the information he has sought in the question he has asked this evening.

Deputy Dan Neville: I thank the Minister of State for his commitment.

Waste Management Regulations

Deputy Robert Troy: I welcome the opportunity to speak about this important issue again. I have raised it previously in recent months. Despite my repeated efforts to clear up this matter by means of written parliamentary questions, some serious questions still remain unanswered. Since I last highlighted this issue on the floor of the Dáil, both of the representative bodies that had been engaged in the negotiations with the Department have pulled out of those negotiations.

At the outset, I want to clear up some of the misinformation that is out there. It has been suggested that this proposal has been made on foot of an EU directive. That is simply not true because it is the Minister for the Environment, Community and Local Government's own idea. The Minister, Deputy Kelly, and some of his Cabinet colleagues, along with officials from the Department, have said that illegal dumping has reached epidemic proportions, but the Environmental Protection Agency has said that the figures are negligible. In 2013, the CSO said that 96% of tyres sold in this country could be accounted for.

Nobody condones the illegal dumping of tyres, just as nobody condones anything that would go against the environment. The representative bodies will acknowledge that the existing scheme needs improvement. I suggest that this seems to stem from a lack of enforcement of the current legislation. There is no sanction in place for non-compliance.

Under the new self-compliance scheme, tyre wholesalers and retailers are required to dispose of waste tyres. The current cost of that, approximately €1, is not being passed on to the consumer. Under the new full producer responsibility initiative scheme, the Repak and WEEE group will be appointed to act as monopoly collectors and recyclers for the entire tyre industry across the board. This will cost in the region of €3 per car, a trebling of the cost, and up to €15 per truck or €20 for an agrityre. The proposed scheme will fuel evasion and there will be a surge in black market activity. It will send all buyers of truck and tractor tyres across the Border to Northern Ireland and the UK where they can save themselves in the region of €100 for a single set of new tyres. It will give external sellers a huge unfair advantage over domestic sellers.

I will ask a couple of direct questions. The Minister, Deputy Kelly, claims he is formalising an existing charge with a new tyre levy but would he agree that the existing waste tyre disposal charge is only 80 cent plus VAT, as confirmed by Repak in a presentation to members of the Fine Gael parliamentary party? The Minister continuously refers to tyre stockpiles across the country but, according to the EPA figures, the five largest stockpiles since 2007 were on the sites of licensed waste collectors. Will he acknowledge that fact?

The entire tyre industry has withdrawn from this process. Does this not tell the Minister and his Department that the proposed scheme is seriously flawed? Is it not time to bring the dealers and their representative bodies back for meaningful talks? Will the Minister acknowledge the figures produced by the independent tyre wholesalers and retailers association that as many as 1,000 jobs could be lost across the country if he insists on bulldozing through the flawed scheme?

Would the Minister agree that the process of appointing Repak to administer this scheme was flawed as it did not go out to public tender, as it should have? Is he aware that senior fig-

ures have recently been appointed to Repak who had previously been involved in negotiations representing part of the tyre industry?

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Deputy for raising this important matter, which I am taking on behalf of the Minister, Deputy Alan Kelly. We have a serious problem with waste tyres in Ireland and elements within the tyre industry will not face up to that problem. They do not accept producer responsibility and they do not accept the polluter pays principle. Prior to the adoption of the current 2007 tyre regulations, my Department made it very clear that this was the last opportunity for the tyre industry to embrace environmental compliance and take responsibility for the waste it produces. The industry was informed that if the required improvement did not happen, the system introduced under the 2007 regulations would be reviewed and if necessary replaced by a full producer responsibility initiative, PRI, model.

The required improvement did not happen. A report on tyres and waste tyres published by my Department in November 2013 found a non-compliance rate with the tyre regulations of 46%, a lack of consistent and accurate data on tyres, the system was not tracking data flows well and between 25% and 50% of waste tyres were not accounted for, with many illegally dumped. In summary, this system, which has resulted in between 15 million and 30 million tyres being dumped illegally around our country, is failing to provide a proper waste management system for tyres and cannot be allowed to continue.

Following extensive discussions with the tyre industry, through the establishment of a tyres working group, the Minister, Deputy Kelly, announced the decision to establish a full PRI scheme for tyres and waste tyres on 30 January last. The new scheme will be operated by Repak, which has a wealth of experience, systems, knowledge and leadership in the area of environmental compliance, allied to a successful track record in target achievement. It is highly unlikely that any other organisation could offer the same range of benefits that Repak offers and be operational in the space of time that is required. Working alongside Repak will be the WEEE Register Society, which has a similarly successful track record in the area of registration and reporting of producers. Since the decision earlier this year, significant progress has been made in discussions with the tyre industry. However, we have had to overcome an ongoing campaign of misinformation from some quarters, the main purpose of which appears to be to confuse the sector regarding the impact of these new structures.

There is nothing unusual about the designation of a single compliance scheme for a particular waste stream. Indeed, the PRI review examined this aspect and concluded that it was unlikely that licensing more producer responsibility organisations with a national remit would lead to better outcomes in terms of cost. For example, we have only one organisation operating the producer responsibility scheme for farm plastics in Ireland, IFFPG, and Repak is the only compliance scheme for packaging waste. Prior to the establishment of Repak ELT on 1 November, there was only one tyre compliance scheme in Ireland, just as there is only one tyre compliance scheme in the majority of EU member states. The suggestion that some sinister new monopoly is being established does not stand up to scrutiny. What is happening is we are trying to maximise efficiency by utilising expertise that exists in Ireland while learning from successful examples from other member states, an approach which we are confident will deliver, in an economically efficient way, the significant improvement in environmental outcomes required.

Deputy Robert Troy: There is still a lot of misinformation out there. The Minister of State

said the non-compliance rate with tyre regulations was 46% but while 46% of economic operators may not have registered, financially they equate to less than 5% of the total tyre activity in the market. The Minister also said a large proportion of waste tyres were stockpiled. The EPA confirmed that the five largest stockpiles since 2007 were on sites of licensed waste collectors, not dumped in ditches around the place, which no one would condone. The Minister of State did not address the appointment process for Repak to administer this scheme. Why was this scheme never put out to tender? Why will this new scheme ultimately cost us consumers over €3 per tyre when the existing scheme, as acknowledged by Repak in its presentation to the Minister of State's parliamentary party, was doing it for 80 cent plus VAT?

This new scheme came in at the beginning of November. How many people have signed up to it, if it is going so well? The Minister of State said there was a lack of information and statistics on non-compliance but I have received correspondence from the chair of Tracs, who outlines the number of collections and other information from 2009 to 2014. People will acknowledge the need for greater compliance but the reason there was not greater compliance was the failure to sanction. Who will provide the additional funding to already cash-strapped local authorities to police the new regulations, considering Repak has no enforcement responsibilities, just like the previous collectors?

Deputy Paudie Coffey: One thing on which we will agree is that there is a lot of misinformation but I have put on the record statistics published by my Department as far back as 2013. One of those is quite startling, which is that between 25% and 50% of tyres are unaccounted for. They are not being disposed off by licensed waste collectors or in landfills. They are unaccounted for, which means they have been illegally dumped, transported elsewhere or burned. It is as simple as that.

It is important to have environmental compliance, without which we will expose the State and taxpayers to fines and penalties which can be costly in environmental terms and to the Exchequer. We cannot postpone further the introduction of producer responsibility for waste tyres. We must act and we urgently need a robust, comprehensive system of management for waste tyres. The tyre industry is being asked to do nothing more than what all other sectors have done in terms of managing the waste from products they place on the market.

The full producer responsibility initiative, PRI, for tyres and waste tyres will be operated by Repak. Work has commenced on drafting new tyre regulations and we anticipate that the new structures will be in place by the middle of next year. We are confident that the new arrangements will enjoy the full support of all members of the European Tyre and Rubber Manufacturers Association, which accounts for approximately 50% of the Irish tyre market. In addition, there has been strong uptake of membership of the Repak end-of-life tyres, ELT, scheme, including from members of the ITIA and ITWRA.

I reiterate that environmental compliance is important and we are asking the tyre sector to step up to the mark in terms of managing waste in the sector and the way in which it is tracked and accounted for because tyres are going missing. Between 25% and 50% of tyres are unaccounted for and being either dumped or burned, which is not good for the environment.

Harbours and Piers Maintenance

Deputy Thomas P. Broughan: Howth is one of the most beloved and visited seaside towns in Dublin and Ireland and one of the country's six national working fishery harbours. It is also the premier fishery port on the east coast with a synchro lift and repair yard. Tourism to Howth port and peninsula has increased greatly, with as many as 2,000 visitors per day and as many as 750,000 visitors per annum. Howth is an historical area, which was recognised as a trading port in the medieval era and was the port of Dublin in the early 19th century. It has many great working fishery and marine leisure traditions and is also famed for delicious white fish, when in quota, and Dublin Bay prawns caught off this picturesque part of Dublin Bay. The peninsula also has had a special amenity area for two decades and is part of the new Dublin Bay UNESCO biosphere reserve, which I proposed.

In recent weeks, I have been contacted by members of the Howth Harbour Users Action Group who are very concerned about the build-up of silt in the harbour and the damaging effect this is having on all aspects of this important harbour. Howth Harbour has not been dredged for decades. I understand it was last dredged in 1981 or 1982 and I do not recall a dredging programme in the harbour in many years representing the area. The action group reports that this neglect has led to almost 6 ft. of silt building up in the harbour and an operational crisis for all the fishing and leisure craft which use it.

In reply to a recent question, the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, referred to the fishery harbour and coastal infrastructure development programme 2011 to 2014 and noted that a sum of €4.2 million that was invested in maintenance, development and upgrading works at the Howth fishery harbour. Funding of €1.79 million was approved for maintaining and developing the harbour centre this year. I understand the funding this year was allocated to continue work on upgrading the electrical system, provision of a small craft pontoon and traffic management works. While this investment is very welcome, it is also critical that the harbour does not become unworkable as a result of the build-up of silt.

The Howth Harbour Users Action Group, led by Mr. Sean Doran and made up of representatives of the yacht club, the boat and sailing clubs, a large trawling company and local businesses, states that the lack of action on dredging is threatening the future of Howth Harbour. The build-up of silt is affecting fishing fleets entering the harbour as they are fearful of being run aground at low tide. As a result, they must lie off the port. The group reports that even medium-sized fishing trawlers cannot enter the harbour at low tide because the draught is so shallow and that groundings of vessels are much more commonplace than previously. The successful Dublin Bay ferry has also been badly affected since the build-up of silt makes it virtually impossible to adhere to published timetables. Marine tourism and leisure use at the harbour is also seriously disrupted by the large build-up of silt. The action group states that this also compromises the safety of harbour users from the boat and yacht clubs. The group is fearful that a serious accident could result if the port is not dredged soon.

It appears from the budget allocation to the Department for 2016 that funding is available to carry out a dredging programme. Budget 2015 provided for the first increase in funding in the marine area since 2009. Almost €18 million was spent on fishery harbours development last year, with €14.9 million specifically allocated to the six fishery centres. Last month, in a reply to a parliamentary question, the Minister informed me that €150,000 had been provided for site investigation works to investigate the material to be dredged in any future dredging project.

Has this money been spent and has the study been carried out and completed? Will the information gathered be necessary for a dumping at sea licence? If the report on the investigative works is available, what is the timeframe for proceeding with the dredging project?

It is incomprehensible that a dredging programme has not been carried out in Howth for nearly 40 years. The Minister of State, Deputy Aodhán Ó Riordáin, is not directly responsible for the matter I raise. It is disappointing that the Minister is not present to respond. I understand this problem was raised when the Minister's father was the Minister with responsibility for the marine in the mid-1990s and nothing has been done since.

Deputy Aodhán Ó Riordáin: I thank Deputy Broughan for raising this issue. The Department of Agriculture, Food and the Marine is responsible under statute for the six designated fishery harbour centres which are located at Howth, Dunmore East, Castletownbere, Dingle, Rossaveel and Killybegs. All six fishery centres are, first and foremost, working fishery harbours which provide essential services and facilities to the fishing industry around the coastline. Each fishery harbour centre has unique features which facilitate a broad range of other diverse activities which are important from both an economic and social perspective. The Department is conscious of the importance of both fishing and non-fishing activities at the harbours. This involves day-to-day operational support by harbour staff and management and development and repair of infrastructure, subject to available financial resources.

I am pleased to advise the House that, notwithstanding the prevailing economic environment in which we operate, in excess of €4.2 million has been invested in maintenance, development and upgrading works at Howth as part of the Department's fishery harbour and coastal infrastructure development programme between 2011 and 2014. The Minister also approved funding of €1.79 million for the maintenance and development of Howth fishery harbour centre in 2015. Major works for 2015 include the continued upgrading of the electrical system, provision of a small craft pontoon and traffic management works.

Siltation in Howth harbour is recognised as an issue and is being kept under review. It has been discussed with various stakeholders, and officials from the Department attended the Howth Harbour Users Forum on 29 January 2015 and used the occasion to have a number of tangential meetings with users, at which the issue of dredging was discussed. A further meeting with the Howth Yacht Club was held on 17 July at which the question of dredging was again the main item of discussion.

As part of the 2015 fishery harbour centre development programme, the Minister sanctioned €150,000 to carry out site investigation works in Howth for the west pier pontoon and middle pier upgrade. The site investigation contractor commenced work on site in early November and the work is expected to be substantially complete by the end of the year. It is anticipated that the report on the site investigation will be issued in early 2016. This report will include information on the nature of the material to be dredged and the extent of contaminated material within the dredge footprint. This information is required to prepare a dumping at sea licence application which will be necessary for the commencement of any dredging project in future. It will also provide the basis for an informed estimate of the cost of dredging the harbour at Howth. As with all other developments in the six fishery harbour centres, a dredging project at Howth fishery harbour centre will be considered under future capital programmes on the basis of available Exchequer funding and competing priorities. The suite of projects for inclusion in the 2016 programme is being considered and the Minister will make an announcement on these in due course.

Deputy Thomas P. Broughan: I thank the Minister of State for his response, which provides information that I have received previously. As I stated, the expenditure of €4.2 million was between 2011 and 2014, as was the allocation of €1.7 million which was supposed to have been spent this year. The additional funding since 2011 was critical to preparing and commencing this urgently needed programme of dredging. The Minister referred to a €150,000 preparatory report which will hopefully be ready in the next month or so. I will certainly welcome that. I hope it will be published widely and that we will then know exactly what has to be done. In his reply, the Minister of State said there was no information on costings except that the cost will be substantial. We know the cost will be significant, and I hope the Department begins to work on the costings immediately on receipt of the scoping report on how the dredging project can be carried out and its likely timeframe. The Howth Harbour action group accepts that the planning and licensing process takes time, but it could push the dredging project way out to 2017, 2018 or 2019. Obviously, that is not going to be good for any of the leisure users or the working fishery users of the harbour. I notice that in the 2016 budget expenditure report, the Minister has €200 million set aside each year for capital projects in 2016, 2017 and 2018. It would have been handy to have him here to discuss this. While in overall global terms it might be small, a significant sum of perhaps €2 million or €3 million should be set aside to facilitate proceeding with the project as a matter of urgency.

When I tabled a recent parliamentary question to the Minister, Deputy Simon Coveney, he could not give me figures on the employment statistics relating to the private and State organisations operating out of the harbour centre. Hopefully that information will become available now, along with information on all aspects of the economy of the centre. Mr. Doran's enterprise alone supports approximately 100 jobs. The bottom line is that marine safety is the core value for all seafarers and their support workers onshore, including the Minister of State and me. The great inconvenience and danger posed to fishing and leisure craft must end and we must proceed with a dredging programme as quickly as possible. Hopefully, the Government might be able to include the dredging project for Howth as part of the good news in the pre-budget announcements before the its term of office ends.

Deputy Aodhán Ó Ríordáin: It is an important issue and I agree with many of the points the Deputy has made. On the publication of the report early next year, local Deputies and interested parties may be in a position to meet with the Minister. I will do my best to facilitate that, as it would be the best way to proceed. I will ask the Minister about the capital allocation and see if he can move the issue forward. Howth Harbour is a wonderful amenity, and the issues the Deputy raised are extremely important. We must be in a position to act on them and proceed in an appropriate manner once the report is available. It should be published, available and transparent and we should be able to act on it as soon as it is there. Deputy Broughan and I can facilitate a meeting with the Minister to ensure that we can act on it.

Domestic Violence Refuges Provision

Deputy Joan Collins: Cuan Álainn women's shelter is a secondary housing centre for women and children escaping from domestic violence. It gives women and children up to six months to live in safety and assists them in moving to permanent housing. It was set up by Respond! three and a half years ago when it saw a need for the service through its work as a housing agency. The service has been used by 71 women and families, 68 of whom have found new homes since. At the beginning of October, seven women and 16 children were in the centre.

Over the last year, Respond! has approached Tusla for funding as it does not have the money to keep the service going. The service is very important. I note the experience of a mother of three from County Meath, who I will call Louise, although that is not her real name. Louise left a 19-year abusive relationship in February of last year. She says:

He used to fight with me a lot, grab me and punch me, elbow me and kick me. He called me names and put me down.

She says she stayed with him because she wanted the children to have a family. After a beating in February, she called the Garda Síochána and left with her children to stay first with her sister and then at a refuge in Meath. She then moved to a refuge in Dublin, but after two months her time there was up. She then got a place in Cuan Álainn. She says she realised when she got there that she had been depressed for years, and the centre got her psychiatric help at Pieta House. She says:

I am not in a state yet to be on my own. If this place was not here, I would have had to have gone back to him.

The important point she makes is that she had to go into emergency accommodation or she would have lost her children due to homelessness.

When I asked the Minister a question on this subject on 22 September, he said he would meet Respond!, look at all avenues and services and see if something could be done. He said it was a very important service. The Minister has been busy doing public events about ending violence against women while we have been waiting for a decision. A meeting took place between the Minister and Respond! on 2 November, which is three and a half weeks ago. I started submitting Topical Issue Matters on 5 November and have done so every day since then because I knew we would have to move on this quickly and wanted to hear the Minister's response. Unfortunately, I have heard that the staff have been told that they have notice to quit on 15 January 2016, and everybody is being moved out of the centre at the moment. I think there is one family and one single woman in the centre. I would like to hear from the Minister why he has come to a decision not to fund this vital service. It has been mentioned to him before that we should be opening more of these services because of the important role they have played in assisting women and children in leaving emergency accommodation and going to a safe place before moving on to permanent housing. The Minister has said himself that it is an important place and service for these families.

If the Minister says the centre is going to be closed, I will be very disappointed. Has the Minister even negotiated with Respond! about that body paying wages while Tusla and the Government pays to keep the service open? It is particularly important to keep the service open given the current level of homelessness and the number of children in emergency accommodation in hotels and hostels.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank Deputy Joan Collins for raising this issue again, and I welcome the opportunity to clarify the position in relation to the funding of domestic violence services by Tusla, the child and family agency. I was approached by Respond! following previous unsuccessful approaches to South Dublin County Council for funding to allow it to continue with its existing services at Cuan Álainn. I facilitated a meeting with Respond! on 3 November, at its request, to get a first-hand account of the nature of the service it provides and the reasons behind the decision by Respond! to close

the current service at Cuan Álainn, and to get a better understanding of previous interactions between Respond! and State bodies in relation to the facility. Respond! advised that it is not in a position to continue funding the centre. The Cuan Álainn centre does not operate as a front-line emergency domestic violence service. In the main, it provides second-stage residential accommodation for persons whose emergency needs have been met. Respond! informed me that it is not accepting any new referrals to the facility. At the time of the meeting there were five families in residence at the Cuan Álainn centre. Permanent accommodation has been secured for two of the families and the remaining three families residing at the centre need to be housed. I have been reassured by the commitment of Respond! to secure alternative accommodation for these families.

In discharging its statutory responsibility, Tusla funds emergency refuge services for adults and children fleeing domestic violence as well as providing a range of ongoing community supports. Tusla will continue to provide such supports in the future. Tusla has informed me that a range of domestic violence supports are available in the Dublin south central and Dublin south west areas. In addition to the specialist domestic violence services and supports provided in the Dublin south west area, Tusla funds several other organisations in the Tallaght area to provide ongoing family support services to families with a range of complex needs, including domestic violence. The families residing at the Cuan Álainn centre have pressing housing needs which the local housing authorities are best placed to address. At our meeting, Respond! outlined how it decided to build the facility on foot of its own needs analysis, which determined that, although the area did not need another domestic violence refuge, there was a need for move-on accommodation for those using emergency refuges.

In general, Cuan Álainn provides transitional housing for survivors of domestic violence after their emergency needs have been met. The majority of referrals to Cuan Álainn are from existing domestic violence refuges already funded by Tusla. Each of the families at the Cuan Álainn centre has housing needs, which are best provided through mainstream housing supports. As the Deputy will know, there are different supports for these needs, including via local authorities or, if appropriate, income supports from the Department of Social Protection.

I advised Respond! that I would contact the Minister for the Environment, Community and Local Government, Deputy Kelly, to establish what could be done to assist the families involved, particularly in light of the pressing housing needs of the families residing at the Cuan Álainn centre. I have done that and have asked him to consider what can be done to assist the families involved and to ensure that there is further engagement by the relevant local authorities with Respond! regarding the future of the service.

Since the meeting on 3 November, I have received further correspondence from Respond! indicating that it plans to repurpose the Cuan Álainn facility should it cease providing its current service. Tusla will continue to support these and all families affected by domestic violence by providing appropriate community supports.

Deputy Joan Collins: I am disappointed with the Minister's response. Those who work in the service with whom I have spoken were disappointed to be given notice to clear out the accommodation by 14 January. Where will Tusla continue providing such supports? I do not know what planet the Minister is living on to say that the families residing at the Cuan Álainn centre have "pressing housing needs" that local authorities are best placed to address. We have a housing crisis. Families are going into emergency accommodation at this very moment. The Minister's response was unbelievable.

The key role played by Cuan Álainn should have been recognised. Indeed, more centres should have been provided in other areas so that families coming from emergency accommodation could have been assessed. Such accommodation can be difficult as the families have young children and many of them are coming from violent backgrounds. They were able to go to Cuan Álainn, which supported them and provided psychiatric services. Pieta House provided supports and linked people with local authorities to try to get them housed. The referrals are coming from the HSE, the Garda and emergency services. Unlike what the Minister has claimed, it is not a midway service. It is important.

I am disappointed. I have tabled questions for Question Time with the Minister next week. I will try to find out more information and revert to him then. The centre only needs €300,000 to keep going. More centres should be put in place instead of services being withdrawn.

Deputy James Reilly: At our meeting, Respond! assured us that it would be committed to securing alternative accommodation for these families. The Deputy asked where Tusla would offer supports. It has supports available in Dublin South-Central and Dublin South-West. Many of these are community based and it has been confirmed to me that it will continue to provide those services and support victims of domestic violence.

The Dáil adjourned at 6.45 p.m. until 10 a.m. on Friday, 27 November 2015.