



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 18 Bealtaine 2016

Wednesday, 18 May 2016

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Leaders' Questions

An Ceann Comhairle: Before beginning Leaders' Questions, I remind Members we are acting under Standing Orders and we are required to apply a fairly strict time limit to the questions. I would ask for the co-operation of all Members. I call Deputy Micheál Martin.

Deputy Micheál Martin: Since yesterday, the controversy surrounding the O'Higgins report involving the leaked transcripts has escalated, particularly given the leaks of a different nature, one to "Six One" news, a separate leak of transcripts to the "Prime Time" programme and extensive leaks in the *Irish Examiner* again this morning. These are all fairly damaging in terms of their revelations, albeit perhaps crying out for a broader context.

The bottom line is the transcripts are now there for all to see. We cannot live in some sort of make believe world where they are not there because they are not officially there. The reality is they are in the public domain and they make for stark reading. It is stated that the instructions were at all times to challenge the motivation and credibility of Sergeant McCabe in regard to the corruption and malpractice allegations. The judge questions this, asking whether it was:

...because he was motivated by malice or some such motive and that impinges on his integrity. If those are your instructions from the commissioner, so be it.

To which the senior counsel replies:

So be it. That is the position, Judge ... I mean this isn't something that I am pulling out of the sky, Judge, and I mean I can only act on instructions.

The key point I made to the Tánaiste yesterday was that this needs to be comprehensively and transparently addressed; it cannot be left as it is. I accept it is entirely unsatisfactory we are where we are now but we are where we are. It may be uncomfortable for people but there are some stark realities emanating from this. As I said yesterday, it goes to the core of how whistleblowers and people who have made assertions and allegations in good faith are treated. The Guerin report was very strong on this aspect of the case in quoting all the previous people who were in charge of Bailieborough station for over a decade, and all speak very highly around the integrity and credibility of Sergeant Maurice McCabe.

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An Ceann Comhairle: A question, please.

Deputy Micheál Martin: I asked the Tánaiste yesterday whether she had spoken to the Commissioner or not, and she did not give a clear reply. I think Deputy Adams asked the same question. Can she confirm whether she actually had a meeting with the Garda Commissioner in regard to this entire issue, with a view to bringing about a mechanism to resolve it in a transparent manner? Has she had such a meeting or will she indicate to the House that she intends to have such a meeting?

Up to now it has been said that a section of the Act precluded by law any discussion on legal instructions and legal submissions. That appeared to change yesterday in so far as the Tánaiste identified it, not so much as a question of law, but as a question of legal privilege and the waiving of same. That clarity needs to be made absolute. It is my view that if it is an issue of the waiving of legal privilege, that is an issue or mechanism that may allow for some way to resolve this fully and wholly. I did it myself as a Minister in one case where allegations were flying around in regard to the haemophiliac tribunal. Much to the chagrin of many people, I waived legal privilege on that occasion to show there was no conspiracy on behalf of anybody to do anything.

An Ceann Comhairle: Your time is up. Will you conclude, please?

Deputy Micheál Martin: Sometimes, where there are exceptional situations, what might not normally be considered has to be considered in the interests of getting to the bottom of this and getting the issue resolved.

An Ceann Comhairle: Thank you. I call the Tánaiste to reply.

Deputy Micheál Martin: Finally, if I may, can the Tánaiste clarify, in the case of the meeting in Mullingar in 2008 which Maurice McCabe recorded - and if he had not recorded it, God knows where he would be, as I said yesterday - are there any issues emanating from that and has there been any investigation into how all of that came about? It seems to have led to the rather hostile and adversarial manner in which the senior counsel representing An Garda Síochána and the Commissioner approached the commission.

The Tánaiste Frances Fitzgerald: I thank the Deputy. The first thing I would like to do is put on the record of this House what the commission said about Sergeant McCabe. It stated:

Some people, wrongly and unfairly, cast aspersions on Sergeant McCabe's motives; others were ambivalent about them. Sergeant McCabe acted out of genuine and legitimate concerns, and the commission unreservedly accepts his bona fides. Sergeant McCabe has shown courage, and performed a genuine public service at considerable personal cost. For this he is due the gratitude, not only of the general public, but also of An Garda Síochána. While some of his complaints have not been upheld by this commission, Sergeant McCabe is a man of integrity, whom the public can trust in the exercise of his duties. Assistant Commissioner Byrne told the commission that, "Sergeant McCabe is regarded as a highly efficient sergeant, competent". This assessment is shared by the commission.

It is important for us to recall that in the context of the discussion here today. I want to remind the House of what the Garda Commissioner said when she was speaking about Sergeant McCabe and the commission. She said she accepted fully what was said in the commission investigation about him. That is the first point I want to make. We should be clear that the

Commissioner absolutely accepts the findings of the investigation in regard to that, and is acting on the findings and the recommendations.

I did meet with the Garda Commissioner the day before yesterday. I was discussing a number of issues with her in regard to the inner city and gangland issues and the recommendations in the O'Higgins report. I understood at that point she had not yet issued the statement but she made some of the points that were subsequently in her statement in regard to her accepting the report and accepting Sergeant McCabe's bona fides, and that she never suggested malice was the motivation. I will obviously have ongoing discussions with her. I have no doubt she will seek to clarify as much as possible the points raised by Deputy Micheál Martin in her own interventions.

There are a number of places where those interventions will be made. I want to remind the House in the first instance that we now have in place, with the will of this House, an independent Policing Authority with an oversight role in regard to policing. I have forwarded the report to the Policing Authority and it has indicated publicly that it will be addressing and discussing the O'Higgins report with the Garda Commissioner. I think that is a very appropriate forum. One of the points that was made again and again in this House was that we should have a body with an oversight role. We will have a discussion in the House next week and the justice committee has also indicated it will take this forward.

Deputy Martin raised questions in several other areas, including the question of discipline in regard to the Mullingar incident. This was one point I discussed with the Commissioner when I met her and, of course, whether An Garda Síochána would look at the commission's report with a view to seeing whether there were implications for discipline. The Commissioner informed me that the Garda would be looking at it from this perspective and with this lens and that it would be followed through by it. That is the answer to the Deputy's question on the particular incident.

The other point the Deputy made was on evidence and waiving a legal right. I am advised by the Attorney General that in making a distinction between briefing a legal team and the evidence it can be quite difficult to separate the two and that common sense would dictate that this is the case. Clearly, if the Commissioner saw fit to make a further comment and she was in a legal position to do so, it would be helpful in answering some of the points made by the Deputy. I have no doubt that within the legal constraints she will say as much as possible when she is questioned in the future on these issues.

Deputy Micheál Martin: There is enormous controversy about this issue, regardless of whether we or the Minister like it. I put it to her that there must be some significant intervention to deal with it comprehensively and transparently. Is it her intention to meet the chairperson of the Policing Authority to put it to the authority that it is important, in terms of accountability and transforming culture, that people with important points, allegations and assertions to make to improve performance ultimately will be protected? This is extraordinary when we read the transcripts as they are presented. I acknowledge that we may not be getting the full picture, but nonetheless they make fairly stark reading in terms of the attitude demonstrated. There was a suggestion yesterday that this was inquisitorial, but it is clear from the transcripts that in the initial phase it was adversarial in that there was almost an all-out, right through, attack on the credibility and motivation of Sergeant Maurice McCabe, the person making the allegation. It is important to note that we have moved from a position where the legal instructions and legal submissions were absolutely not to be discussed to one where now it is a matter of waiving legal

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privilege, which is a separate issue as regards being part of the Act. It should not have taken this long to have the matter cleared up and clarified. Will the Minister seek a meeting with the chairperson of the Policing Authority to have a comprehensive discussion with a view to working out a mechanism to deal comprehensively with this matter?

The Tánaiste Frances Fitzgerald: To answer the Deputy's question, we did authorise, develop and establish this new mechanism for accountability with the Policing Authority. It is an independent body, a point made by many Members of the House when we went through the legislation on it. It would not be right for me to try to prescribe the work of the authority, but I take the point made by the Deputy. I have already said I will refer the report to it. I have no difficulty with having a meeting. I am due to have a meeting with its chairperson and no doubt the fact that the report is being referred to her will form part of the discussion. I stress that the authority is an independent body. The Deputy recognises this. It gets on with its work, but it has indicated that it will discuss the report. I believe it is the right forum in which to do so. Having established an independent body we should allow it to get on with its work.

The Deputy is quoting and commenting extensively on what are, in fact, illegal transcripts. I take the point that they are in the public domain, but we still do not know their context in terms of where they came in the commission evidence, what preceded them and what followed them. In many ways, the publication of such illegal transcripts robs the Garda Commissioner of an opportunity to defend her good name and we must make the point that 94 other witnesses also gave evidence. Yesterday I made the point that protecting the integrity of the commission process was very important because in the future we want people to have confidence in commissions of investigation, the fact that they brief their legal teams and that their issues will be dealt with in a confidential way. The commission held its hearings in private and guaranteed confidentiality, but it now looks like we are rerunning part of the investigation. We are losing sight of the very broad questions in the commission of investigation which need analysis and follow-up. We must ensure they are acted on and that criminal investigations which will take place in the future will be of the standard the commission has stated they will need to be.

Deputy Gerry Adams: As we all know, the responsibility of the Opposition is to hold the Government to account. The Minister for Justice and Equality has a responsibility to hold the Garda Commissioner to account and is answerable to the Dáil. Sinn Féin wanted the Policing Authority to have more powers. It should be able to hold the Commissioner to account and no one Minister should have this responsibility. If the Minister checks the record, she will see that the Government blocked this; therefore, holding the Commissioner to account is her responsibility and she must be able to account to the Dáil. A series of allegations have been made about how Sergeant Maurice McCabe was treated after he had raised concerns about investigations of serious crimes in the Cavan and Monaghan division. In particular, it has emerged that two senior officers, apparently, claimed that Sergeant McCabe had admitted to them he was motivated by malice. This allegation was also, apparently, made by a senior counsel acting for the Commissioner. I will put to the Minister the exact same questions I put to her yesterday. Answers to these questions are the very minimum the Dáil, citizens of the State, serving members of An Garda Síochána and, in particular, victims of these serious crimes deserve. There is no legal barrier to the Minister answering them. In fact, she is obliged to do so. It is very straightforward. Yesterday, she met the Commissioner in the north inner city, where last night I attended the community vigil. Did she speak to the Commissioner about these issues? Has she asked what instructions she gave to her legal team about Sergeant McCabe? Has she asked whether two officers claimed that he had admitted to them that he had acted with malice? We

are entitled to answers to these questions. Whatever the Minister might want to say about the detail and the context, we, as Teachtaí Dála, are obliged to hold her to account. She is obliged to answer these very straightforward questions.

The Tánaiste (Deputy Frances Fitzgerald): I have already made it very clear that we will have a number of opportunities to have further and detailed discussions on the commission of investigation. There is the independent Policing Authority. I reject the Deputy's assertion about the powers of that body. It has an oversight role in relation to An Garda Síochána which I have no doubt it will fulfil very well. It has already held one public meeting and will have others. It can make an independent decision on how it should handle the report. There is much talk about the politicisation of policing. We have an independent body which can discuss this issue. It has the authority and we should allow it to get on with its work. We will also have a further detailed debate in the House on the commission's report.

Yesterday I outlined the legal position in commenting on particular transcripts. I have had a conversation with the Garda Commissioner about the recommendations made in the report. I have had a discussion about how they need to be implemented. She has informed me about the attitude and the wish of An Garda Síochána to deal effectively and properly with Garda whistleblowers and that it is implementing in full the legislation on protected disclosures. As I stated, with regard to the details of the transcripts, I do not think it would be appropriate for me to respond on partial transcripts, but it is important for me to have a conversation with the Commissioner and ongoing discussions with An Garda Síochána on the implementation of the report and the many issues addressed in it which need to be dealt with. I make the point that the report concerns the period 2007 to 2008. These complaints were first brought to the then Minister for Justice, Equality and Law Reform in 2009, who at that point appropriately referred them back to the then Commissioner. Many of the issues that are dealt with in that report have now begun to be implemented already by An Garda Síochána-----

Deputy Mick Barry: Answer the question.

The Tánaiste (Deputy Frances Fitzgerald): -----and that is what we should be debating here and what needs discussion. We have a relatively new Commissioner who was recruited by open competition and who is dealing with many complex criminal justice issues every day of the week, including the gangland crime that has erupted in recent times, and we should give her our support to continue the important work that she is doing.

Deputy Mick Barry: The Tánaiste should answer the question.

An Ceann Comhairle: Deputy Barry, please.

Deputy Caoimhghín Ó Caoláin: That is not the issue. This is terrible.

Deputy Gerry Adams: Sinn Féin argued for an independent Garda authority, for which the previous Government, of which the Tánaiste was a member, ridiculed us. We argued for it to be established along the lines of the Patten Commission. It was only when the series of scandals erupted that she eventually and reluctantly opted for the model she now has. I wish the commission well but I return to my original questions. How do we sort this out? How does a member of the Opposition get this Government to answer an entirely valid question? I did not ask the Tánaiste to deal with the transcripts. I did not ask her to deal with the detail of this. I simply asked her, as the line Minister, to ask the Garda Commissioner to tell her what instructions she gave to her legal team about Sergeant McCabe and whether two officers had claimed

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that he admitted to them that he acted with malice. That is very straightforward. There is no legal barrier whatsoever to the Commissioner answering these questions.

This Government - at least the last Government - made this mistake many times, namely, a marked refusal to treat the Dáil with the respect that it deserves, and on numerous occasions information was withheld. We have to tune into RTE and read the newspapers to find out what is happening, and the issues we are dealing with here-----

An Ceann Comhairle: Could the Deputy conclude now, please?

Deputy Gerry Adams: Yes. Ní bheidh mé ró-fhada, a Cheann Comhairle. The issues we are dealing with here, as the Tánaiste knows, are not trivial, they go to the core of confidence in our policing and justice systems, and all of us have a duty to build confidence in these systems.

This is also about the Tánaiste's solemn responsibilities as part of the Government. She says she is prohibited from answering my questions. That is nonsense. I implore her, as a matter of urgency, to go from this Chamber, speak to the Commissioner, ask these questions and report back to the Dáil without further delay.

The Tánaiste (Deputy Frances Fitzgerald): I am very aware of my duties to this House. Let me remind Deputy Adams and this House that the reason we have a commission of investigation is that a range of allegations, statements, etc., were made about a range of issues because of what I would call the pioneering work that Sergeant McCabe did. Let us also remind ourselves, however, that a commission of investigation has interviewed all 94 of those witnesses, operated under statute, brought in witnesses, cross-examined them and brought in legal teams. Some of the allegations that were made two years ago have been found to be not correct-----

A Deputy: Very few.

The Tánaiste (Deputy Frances Fitzgerald): It is therefore very important that we do not try to reinvent the wheel regarding some of the issues that were dealt with very thoroughly by the commission of investigation. As I have said, it found what it found regarding Sergeant McCabe, which I put into the record this morning. It found, for example, that there was no evidence of corruption against the former Commissioner or the five senior gardaí. It is important for us to consider the commission of investigation, read it and see that certain statements that were made by a number of people at that time were found not to be correct. We must therefore be careful not to do the same thing again based on-----

Deputy Gerry Adams: I am not asking the Tánaiste to do that.

The Tánaiste (Deputy Frances Fitzgerald): Let me make the point-----

Deputy Pearse Doherty: The Tánaiste is doing the exact same thing again: she is not answering the question.

An Ceann Comhairle: Please, Deputy Doherty.

The Tánaiste (Deputy Frances Fitzgerald): Let me make the point that the same thing can be done by people who make allegations as well. We have had a commission of investigation for two years now led by Mr. Justice Kevin O'Higgins, and a thorough and thoughtful report. It behoves us all to consider the report in its entirety, and I will have-----

An Ceann Comhairle: Could the Tánaiste conclude, please?

Deputy Mary Lou McDonald: It behoves the Tánaiste to answer the question. Where is Dáil reform now?

The Tánaiste (Deputy Frances Fitzgerald): I will have ongoing discussions-----

Deputy Caoimhghín Ó Caoláin: Would the Ceann Comhairle ask the Tánaiste to answer the question?

An Ceann Comhairle: The Deputy is very well aware that that power does not rest with the Ceann Comhairle.

Deputy Caoimhghín Ó Caoláin: It certainly does. All he has to do is to make the request.

The Tánaiste (Deputy Frances Fitzgerald): I will have ongoing conversations with the Commissioner, and if it is feasible and legal for the Commissioner to put further information in the public arena, I have no doubt that she will do that.

Deputy Gerry Adams: We want the Minister to do it.

Deputy Joan Burton: Those of us with a long enough memory of previous occasions in this House will recall an occasion when someone who is sitting where the Tánaiste is sitting now was found to have had a sheet of paper in his hand when he was under some pressure while answering questions. It was found to have read, "If pursued on this matter, keep repeating exactly the above".

Deputy Gerry Adams: Is that a confession?

Deputy Joan Burton: First-----

(Interruptions).

Deputy Joan Burton: We know Deputy Adams never confesses to anything.

An Ceann Comhairle: Order, please. Deputy Burton has the floor. Deputy Burton, please, without interruption.

Deputy Joan Burton: He has an aversion to ever talking with, let us say, total honesty about all sorts of things in his life.

Deputy Mary Lou McDonald: Deputy Burton is a paragon of honesty.

Deputy Joan Burton: I welcome the fact that the Tánaiste acknowledges that the independent policing authority can examine the matter. She seemed to be uncertain about that when questions arose previously. The independent policing authority has both a right and a duty to examine the matter, and I am glad that the Tánaiste acknowledges that should happen because it is appropriate.

What we want to know, however, and I think what the public wants to know, is what the Tánaiste's plan is regarding, as she said, a very complex and a very wide-ranging report. The Garda Commissioner has a duty to report to her, and the House wants to know about matters which have now gone into the public domain. We had a discussion about section 11 of the Act. We were not talking about section 11 of the Act. We were essentially talking about the legal

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strategies which the legal representatives for the Commissioner undertook. We want to explore that and get answers to some of the material and some of the facts, suggestions or claims surrounding these legal strategies that have now gone into the public domain-----

An Ceann Comhairle: Could Deputy Burton conclude, please?

Deputy Joan Burton: Is the Tánaiste prepared to give us that information and explain what happened regarding the legal strategy being pursued on behalf of the Commissioner that is not subject to privilege? It is now in the public domain through the media. Can she explain that to us and explain what her reaction has been to that, whether she has taken that up with the Commissioner and whether she has satisfied herself in identifying and having had explained to her what exactly this legal strategy was?

The Tánaiste (Deputy Frances Fitzgerald): Let me make a number of points regarding the Deputy's question. The Garda Commissioner is as entitled to confidentiality in her dealings with her lawyers as is any citizen, litigant or participant at a trial, tribunal or commission of investigation. That is the first point I would make. I said yesterday that it is-----

A Deputy: The Tánaiste is in trouble if she is relying on that.

The Tánaiste (Deputy Frances Fitzgerald): It is going down a dangerous path to suggest that instructions be put in the public domain. Deputies around the House would understand that. If we were to ask that the instructions that Maurice McCabe gave to his senior counsel or those that various gardaí gave or that any Deputy appearing before a commission gave should be put in the public arena-----

Deputy Michael Creed: Hear, hear.

The Tánaiste (Deputy Frances Fitzgerald): -----how would Deputies feel if that were the situation?

Deputy Gerry Adams: We never asked the Minister that.

The Tánaiste (Deputy Frances Fitzgerald): That is a question-----

11 o'clock

Deputy Michael Creed: Would Deputy Adams publish the legal advice that he gave to his solicitor?

An Ceann Comhairle: Please.

Deputy Gerry Adams: The Deputy never asked that.

Deputy Michael Creed: Would Deputy Adams publish all the legal advice?

Deputy Gerry Adams: The Deputy should let the Minister answer.

The Tánaiste (Deputy Frances Fitzgerald): I want to make the point - it is worth the House reflecting on this - that when one is giving instructions or having discussions with lawyers, a litigant will say various things in regard to those instructions. They are within the privilege of that relationship and that discussion. That is clearly understood. It is a basic tenet of justice.

I stated also that it is imprudent and a dangerous precedent for such discussions to be thrown

into the public domain as it will affect the reputations of persons - I already made the point about reputation - as they have no comeback and the person who made allegations in giving instructions would have no comeback either. We have to reflect carefully on what is being asked here. The ability of persons to engage with a commission of investigation could be seriously compromised. One should think about what is being asked. What we are asking of the Commissioner in regard to this commission of investigation is that the private briefings that one has with lawyers or solicitors should be put into the public domain.

It is illegal for me, for example, to have access to those transcripts. I do not have access to them - neither does Deputy Micheál Martin or Deputy Burton. Deputy Burton does not know the context of them. That is important.

Deputy Micheál Martin: We do.

The Tánaiste (Deputy Frances Fitzgerald): Perhaps Deputy Micheál Martin does.

Deputy Micheál Martin: No, I do not. It is just that, as an ol' Corkonian, I can read the *Irish Examiner*.

The Tánaiste (Deputy Frances Fitzgerald): I want to make this point-----

A Deputy: My Daddy.

Deputy Micheál Martin: He is looking askance at me.

The Tánaiste (Deputy Frances Fitzgerald): -----that it must be borne in mind at all times that the judge reached his conclusions and published-----

Deputy Patrick O'Donovan: Deputy Micheál Martin will get a vote for that anyway.

The Tánaiste (Deputy Frances Fitzgerald): He published his report having heard all of the evidence. The strategy the Deputy suggests runs the risk of circumventing the Commissions of Investigation Act 2004. As I have said, I have no knowledge of the transcripts, whether they are selective or not, and whether they present a true, fair and reasonable account of what happened at the commission of investigation proceedings.

I would repeat that what is certainly the case is they are not reflected in the final report and what Deputies are asking me to do is to second guess the commission of investigation.

An Ceann Comhairle: All right.

The Tánaiste (Deputy Frances Fitzgerald): I cannot do that because there was a full hearing over a long period where all of the evidence was heard-----

Deputy Mick Wallace: The Minister should call the Commissioner to account.

The Tánaiste (Deputy Frances Fitzgerald): -----but having said what I have said in regard to those issues, of course the Commissioner will want to clarify as much as she can, as I will based on the information I have at any given point, to reassure the House that whistleblowers are now dealt with properly. The former Minister for Public Expenditure and Reform, Deputy Howlin, brought forward the Protected Disclosures Act 2014 which now means that, instead of being dealt with within An Garda Síochána, a whistleblower has access to an independent investigation if he or she has complaints. I have discussed-----

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An Ceann Comhairle: I thank the Tánaiste.

The Tánaiste (Deputy Frances Fitzgerald): I will conclude by saying this. I have discussed with the Garda Commissioner how whistleblowers are dealt with in An Garda Síochána now. I have repeatedly discussed that with her and I have been reassured that the legislation is being fully implemented and that there are a range of appropriate supports. At another time I can put on record the supports that were made available to Sergeant McCabe during the period when he was a whistleblower in An Garda Síochána.

Deputy Joan Burton: I want to be helpful to the Tánaiste and Minister for Justice and Equality because I want to help the public. We all are clear that we want an efficient, professional modernised police force that can apprehend criminals who are doing a great deal of damage in this State. Part of this investigation was about serious matters that happened regarding crimes committed and which were part of the subject of the investigation.

I repeat what I want to know now. It is a simple request. What is the Tánaiste's plan to give the House information which, as has been stated earlier, whether one likes it or not, is now in the public domain relating to the questions asked and put, apparently, as far as we know, according to accurate records, by the lawyers?

Let me stress that no one here has suggested that any of the limitations put on witnesses by section 11 about information being published is in any way being questioned. We are talking about the legal strategies and about the fact that the suggestion and the claims have been made that a legal strategy was being undertaken which would seek to undermine matters regarding credibility and even integrity.

An Ceann Comhairle: I thank Deputy Burton. Will the Deputy conclude?

Deputy Joan Burton: We have seen today, for instance, that the word "malice" was not, in fact, used by the Garda authorities. The suggestion in what is in the media today is that the word may have been used by the judge himself as part of some discussion or adversarial process in the questioning.

An Ceann Comhairle: I thank Deputy Burton.

Deputy Joan Burton: What I want to ask the Tánaiste is, will she explain, and has she spoken to the Commissioner about, the legal strategy-stratagems that were undertaken, and will she share that or give us an indication of that in this House because the end objective is shared by everybody? We want to reform the Garda.

An Ceann Comhairle: Can Deputy Burton conclude?

Deputy Joan Burton: Can the Tánaiste answer the question?

An Ceann Comhairle: The Tánaiste to conclude.

The Tánaiste (Deputy Frances Fitzgerald): Of course I will share as far as possible what I can in regard to the question Deputy Burton has asked, but let me make this point. Deputy Burton is incorrect to say that full information is in the public domain. It is not in the public domain. There is some information, based on illegal action. The Deputy is asking me to comment on what has been an illegal act that has produced these partial transcripts. The only person who has the full knowledge of all that was presented in terms of evidence at the commission of

investigation is Mr. Justice O'Higgins.

I intend to take the report of the commission with its many recommendations. I intend to ensure the continuation of all of the measures in the programme of reform which the previous Government started. These include the new policing authority, the protected disclosures, the strengthening of GSOC and the increased resources to An Garda Síochána so that it can deal more effectively with the issues raised in the report. In addition there is the ICT investment of €200 million and the improvements to the PULSE system, and any other points made in the report which will lead to the kind of policing service that Deputy Burton says citizens want to see. I agree with Deputy Burton that it should be the key goal of all of us in this House to have a policing service we can be proud of. Clearly, there are deficiencies identified in the report. It is sad and disheartening to see how victims were dealt with. We have a new victims directive. We have legislation coming forward. That is where the focus needs to be.

With regard to the questions about the current controversy about transcripts, of course I will put the maximum information that I can access on the floor of this House and when we have the discussion here next week.

Order of Business

The Tánaiste (Deputy Frances Fitzgerald): It is proposed to take No. 8, statements on the Irish language, and No. 2, Adoption (Amendment) Bill 2016 - Second Stage (Resumed).

It is proposed, notwithstanding anything in Standing Orders, that the proceedings in relation to No. 8 shall, if not previously concluded, be brought to a conclusion after three hours and the following arrangements shall apply: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin, Labour, AAA-PBP, Independents4Change, Social Democrats, the Green Party or a Member nominated in their stead, and a non-party Deputy, shall not exceed ten minutes in each case, and such Members may share their time; the statement of each other Member called upon shall not exceed ten minutes in each case, and such Members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

Private Members' business shall be No. 3, Central Bank (Variable Rate Mortgages) Bill 2016 – Second Stage (Resumed), to conclude at 8.30 p.m. tonight, if not previously concluded.

An Ceann Comhairle: There is one proposal only to put to the House today. Is the proposal for dealing with No. 8 agreed to? Agreed. On the Order of Business, I call Deputy Micheál Martin.

Deputy Micheál Martin: There is one procedural matter. I would point out to the Tánaiste that on Thursday last an e-mail was sent to the Whips requesting nominations for the position of Leas-Cheann Comhairle and that they were to be submitted by the close of business on Friday last. Parties were invited to send in their nominations. It was said that this had to be done so that a motion would be put to the House tomorrow, 19 May. On Monday, we learned that the Government Whips contacted the Office of the Clerk of the Dáil to advise that the motion would not now come before the House on 19 May, even though three nominations were submitted before the deadline on Friday last. Will the Tánaiste clarify what has occasioned the change of mind? There was a big rush on Thursday to get the names in before Friday. That happened.

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Some parties submitted names. Then on Monday, unbeknownst to anybody, there was a communication to the Ceann Comhairle's office to the effect that the vote would not be taken this week. It is surprising. I would appreciate it if the Tánaiste gave some rationale as to why it is the Government's intention not to hold the vote tomorrow.

Deputy Gerry Adams: It appears that the Government missed the deadline and failed to submit a nomination for the position of Leas-Cheann Comhairle, if that was its intention, although who am I to know? We are due an explanation. In the new dispensation heralded by the converts in the new Government we are being told we cannot hold the election for the position of Leas-Cheann Comhairle when it was designated to be held.

Deputy Michael Healy-Rae: On this issue-----

An Ceann Comhairle: I am afraid only party leaders may speak.

Deputy Micheál Martin: He is a leader.

Deputy Patrick O'Donovan: He is Deputy Mattie McGrath's leader.

Deputy Brendan Griffin: I heard there was to be a coup.

An Ceann Comhairle: Deputy Michael Healy-Rae has to be very brief.

Deputy Michael Healy-Rae: This is very serious. There was a deadline and it has passed. I cannot see why the Government should think it can change the rules during the game. One cannot do so. It is not proper and not the right behaviour. It is a bad start for the Government if it thinks it can twist a deadline to suit some other issue. It is wrong.

Deputy Micheál Martin: We have received a report from the HSE on the numbers of operations and procedures that have been cancelled or postponed in public and voluntary hospitals to date in 2016. Deputy Billy Kelleher tabled those questions. It is striking that there have been more than 5,500 cancellations of operations in the first six months of the year. It is illustrative of the runaway train waiting lists in public and voluntary hospitals have become during the past two years. It points to the urgency required on the part of the Government to establish and ring-fence substantial funding for the National Treatment Purchase Fund to reduce waiting lists and times for operations and avoid cancellations. Although the former Minister was setting his face against the initiative, it is very important that an urgent intervention be made to stop the runaway train that is waiting lists and times. It is part of the programme for Government.

There was also a commitment in the programme for Government to increase the funding for home care packages and home helps every year. Although it was included in the last programme for Government, we all know that they were cut. We must be careful about what a programme for Government states, given that they can be fictional at times. There is concern among constituents that a cap has been put on the number of home helps. Will the Tánaiste bring clarity to the issue for me? Is she aware if there is a cap on home help hours or home care packages? Will she ask the Minister for Health, Deputy Simon Harris, to come back to us on the issue? It flies in the face of a commitment in the programme for Government to increase the funding for home care packages and home helps.

The Protected Disclosures Act provides that public bodies such as Departments, local authorities and certain other publicly funded bodies are obliged to establish and maintain procedures for the making of protected disclosures by workers who are or were employed by them

and for dealing with such disclosures. Public bodies must provide their employees with written information on these procedures. They must also publish an annual report setting out the numbers of protected disclosures made to them and the action taken. Will the Tánaiste outline whether her Department or An Garda Síochána have published their annual reports and, if not, when she expects to receive them?

The Tánaiste Frances Fitzgerald: The Chief Whip has informed me that the election of Leas-Cheann Comhairle was never on the Order Paper for this week and that the timeline has been extended.

Deputy Robert Troy: There will hardly be any new nomination, will there?

The Tánaiste Frances Fitzgerald: Deputy Micheál Martin raised the issue of waiting lists. In the programme for Government there is a very strong commitment to making a sustained effort to improve waiting times for patients, with a particular focus on those who have been waiting the longest. The Deputy mentioned the National Treatment Purchase Fund, in which he has a particular interest. There is a commitment to deliver €50 million in 2017 to address waiting lists. The Department is also engaging with the National Treatment Purchase Fund and the HSE in planning a dedicated waiting list initiative which will be rolled out this year. It will be of some benefit to those who have been waiting the longest and will be targeted. Over 60% of patients on waiting lists wait less than six months for their required care, while 94% wait less than the maximum waiting time of 15 months.

Deputy Micheál Martin: That is an invented time. I do not accept it.

The Tánaiste Frances Fitzgerald: That is of no consolation to the individual who needs a particular operation. Having improved waiting times for scheduled or planned care for patients is a priority. Action was taken by the former Minister, Deputy Leo Varadkar, to deal with the matter. Among the initiatives taken by him were the provision of an extra €51 million in 2015 to reduce maximum waiting times. It was an important initiative. The end of 2015 result showed a 95% improvement in inpatient and day case waiting lists and an improvement of 93% in outpatient waiting lists. The extra money invested has helped to improve and reduce waiting times and it is important that we recognise this progress. We are committed to dealing with the issue and, as resources become available, they will be invested to reduce waiting times.

The Deputy asked about home care packages. Although there was a cap for a period, funding was increased in recent years as resources allowed and the economy recovered. We all recognise the major importance of developing investment and being able to provide for further investment in home care packages. I hope the decision the HSE took yesterday to reduce the cost of prescription medicines will release some resources that can be invested in services such as home care packages.

Deputy Gerry Adams: I may have missed it, but did the Tánaiste respond on the issue of the election of the Leas-Cheann Comhairle?

An Ceann Comhairle: Yes.

Deputy Gerry Adams: Gabh mo leithscéal.

Deputy Róisín Shortall: She did not explain why.

Deputy Micheál Martin: I asked the Tánaiste for an explanation as to why the notice went

out on Thursday and why it was withdrawn.

Deputy Michael Healy-Rae: Was it to allow for another nominee? What is the purpose?

Deputy Gerry Adams: I would like the Tánaiste to answer at least one question today. I have questions on the health information and patient safety Bill, the replacement for the mobility allowance scheme and the motorised transport grants and the Immigration, Residence and Protection Bill. The health information and patient safety Bill was part of what the previous Government claimed to be the cornerstone of a new health system. The delayed HSE report for February revealed that 2,700 patients aged over 75 years had spent longer than 24 hours on trolleys. Yesterday there were 321 patients on trolleys, with the number in Our Lady of Lourdes Hospital in my constituency among the highest. The Irish Nurses and Midwives Organisation, INMO, reported that in March 9,381 patients were on trolleys, an increase on the figure for last year and double the figure for March 2008. The health information and patient safety Bill has faced significant delays. When will it be published?

On the issue of the mobility allowance scheme and the motorised transport grants, in February 2013, the Government scrapped them and since then I have been on my feet constantly asking when the alternative will be put forward. We must remember these were scrapped on the back of a recommendation from the Ombudsman for the scope of these schemes to be widened but rather than widen them, the Government got rid of them. The Minister of State at the Department of Health at the time, Kathleen Lynch, acknowledged it was because it would cost too much. Almost four years later, the new programme for Government is again promising new legislation for a new mobility scheme to assist those with a disability to meet their mobility costs. It failed to do it during the previous term, so when will this legislation be published?

The immigration and residency reform Bill is also promised in the programme for Government. It commits to implementing the recommendations of the McMahon report on direct provision. That was in the draft programme but it was removed from the actual programme. That is a very serious decision. The McMahon report made 173 recommendations. Mr. Justice McMahon described the refusal to allow asylum seekers the right to access the labour market as absolutely heartbreaking and immoral. He also urged an amnesty for those who have been in this country for more than five years. I visited the direct provision centre in Mosney several times. Some children have spent their entire lives in what is a slightly tarted up version of Long Kesh, and whatever about the benevolent attitude of the management and so on, it is not right or fair that families should be detained there for so long. Will the Tánaiste consider a once-off amnesty? Will she reinstate the commitment to the McMahon report in the programme for Government, and when will she publish the immigration and residency reform Bill?

An Ceann Comhairle: I call the Tánaiste. She might clarify the Leas-Cheann Comhairle issue.

The Tánaiste Frances Fitzgerald: I understand it was not discussed at the Whips meeting. It was never on the Order Paper and the Chief Whip asked for an extension.

Deputy Gerry Adams: Why?

The Tánaiste Frances Fitzgerald: She asked for an extension. It was not on the Order Paper and it was not discussed at the Whips meeting.

Deputy Michael Healy-Rae: Could more people be nominated now?

An Ceann Comhairle: Deputy, please desist.

Deputy Michael Healy-Rae: The Minister has to answer that.

The Tánaiste Frances Fitzgerald: It was never on the Order Paper, so the Chief Whip has asked for an extension and she will discuss it.

Deputy Michael Healy-Rae: What part of a deadline does the Government not understand?

Deputy Michael Creed: Does the Deputy want to put forward his name?

The Tánaiste Frances Fitzgerald: It was never on the Order Paper, so it is entirely appropriate for her to ask for an extension if she so sought it.

Deputy Micheál Martin: Everybody was told the nominations had to be in by 5 p.m. last Friday.

The Tánaiste Frances Fitzgerald: The health information and safety legislation is being drafted. I made the point yesterday that given that the Government is only in place for a short period, there will be discussions between each Department and each Minister with the Taoiseach in the coming week to discuss the priority legislation and that will then be shared and discussed in the House. The priorities from each of the Departments and the legislation we hope to get through in this Dáil term will be published. I am informed the legislation raised by the Deputy is being drafted at present.

On the mobility scheme, work is being done in the Department of Health on a new scheme and that will also require legislation. I can confirm there is no change in the Government policy in implementing the recommendations of the McMahon report. Many of the recommendations have already been implemented. There has been an acceleration in the pace of decision-making with respect to those who have been in direct provision for more than five years. The numbers have gone down substantially. A decision was taken by the previous Government to increase the money made available for children and for access to third level education. Those were some of the serious recommendations in the report. Work is ongoing on implementing the recommendations and I intend to soon again meet members of the working party to review progress. I held a number of meetings with them during the course of last year to discuss the implementation of the recommendations. The change the Deputy described between the draft programme and the programme is not significant. We remain committed to what we said at the time regarding the implementation of those recommendations.

On the residency Bill, the Deputy will recall that the protection legislation was passed by this House last year. It was decided to separate it from the larger immigration and residency Bill. Given of the scale of that Bill, it had not been implemented by successive Ministers down the years and we decided it was important to bring forward the protection legislation. That was brought separately to this House and passed but work is ongoing on the broader Bill.

An Ceann Comhairle: I call Deputy Burton.

Deputy Joan Burton: The Taoiseach attended the Kennedy centre in Washington yesterday for the opening of Ireland 100, a major festival of the Irish Arts, which I believe will be enormously successful but while he was quite properly attending those celebrations, it is a little incongruous that at home there is widespread concern in the arts committee at the downgrading and lack of commitment in the programme for Government to the critical role of the arts

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and culture in modern Ireland. We have a new Department which is called the Department of Regional Development, Rural Affairs, Arts and the Gaeltacht. The commitments in the programme for Government to the arts are very vague and it has very few costings. Will the Government provide for a debate on the important role of arts and culture both at home and abroad and on what the programme for Government means in terms of funding for the arts in Ireland? It is our calling card when we go abroad and it is tremendously important for us at home as well. When the appointments of Ministers of State are announced, which I believe will happen by the weekend, will there be a dedicated Minister of State for the arts to underlie the significance and importance of the sector?

My second question about the programme for Government is a simple one. Who is the Minister for the environment? I note from reading the programme for Government that we have a Department of Housing, Planning and Local Government and a Department of Communications and Climate Change but we no longer seem to have a Minister who deals with the environment. That particular job seems to have gone AWOL from the programme for Government.

Deputy Robert Troy: The last one was AWOL.

Deputy Joan Burton: It is critical in terms of how we live our lives in this country that there should be a Minister for the environment. Can the Tánaiste tell us who is the Minister for the environment? Could the word “environment” be reinstated in the title of the Department? Would that require legislation? It is absolutely important that we are clear on this. It is very good to have a Minister for Housing, Planning and Local Government but we actually need a Minister for the environment.

The Tánaiste Frances Fitzgerald: On the Deputy’s question about the arts, I want to reiterate the central role of the arts and the fact the Government remains fully committed to supporting the arts, culture and heritage sectors. I agree entirely with what she has to say about the contribution of the arts to our economy and to our international reputation. The reconfiguration of the Department of the arts and the wider responsibility in regard to rural affairs does not represent in any way a downgrading of the arts, and I want to be very clear about that. The programme for Government contains a number of commitments to the arts, including a specific commitment to progressively increase funding for the arts, including for the Arts Council and the Irish Film Board, as the economy grows. As the Deputy is well aware, the outgoing Government was very committed to the arts and made a number of very significant capital investments in the arts, including an investment of €30 million at the National Gallery, an €8 million expansion project at the National Archives and a €10 million renovation project, which has been long awaited, will get under way at the National Library. It should be noted that the investment in the National Gallery was given at a time when the public finances were still in a very fragile state. Funding for the Arts Council, the Irish Film Board and the national cultural institutions has been increased over the last two years. It is worth noting that the investment in the arts has continued and increased as the economy has improved. A great deal of work has been done on drafting the first ever national cultural policy, Culture 2025, which the Minister, Deputy Heather Humphreys, hopes to publish shortly. It will be a boost to the arts community in that there will be a very well laid out arts strategy following a great deal of consultation. Importantly, there will also be a new investment programme for regional arts centres which will amount to €18 million over the next six years. That will make a significant contribution to the provision of arts in the community at local and regional level.

On the Deputy’s question on Ministers of State, that is a decision for the Taoiseach which I

understand will be made later this week. I have no doubt the priority the Government gives to the arts will be reflected in those appointments.

On the Deputy's question on the environment, the areas of climate change, air quality, the EPA and waste management are now the responsibility of the Minister for Communications, Energy and Natural Resources, Deputy Denis Naughten, while the other areas of housing, planning and so on remain with the Minister for the Environment, Community and Local Government, Deputy Simon Coveney.

Deputy Joan Burton: Where is the Minister for the Environment, Community and Local Government?

Deputy Richard Boyd Barrett: A very significant and alarming event took place yesterday in County Antrim where the oil extraction company Infrastrata began test drilling on land owned, interestingly enough, by Northern Ireland Water. Three reservoirs have already been closed down. While Northern Ireland Water and the company claim there is no danger to the water, they have had to close three reservoirs. They started the test drilling without planning, without environmental assessment and without any consultation. While it is a different jurisdiction, this has very significant consequences for down here. It opens the door to and sets a precedent for test drilling which is part of the process of commencing actual hydraulic fracking. It involves drilling into the ground using chemicals in a way that can damage the water table. Friends of the Earth and our own public representative recently elected in Belfast have been up campaigning about this. There is great concern about it. It has serious implications.

My question to the Tánaiste is on the moratorium, which is in essence an informal arrangement, and any intention of the Government. There is nothing to stop oil companies test drilling in this way and, if one likes, commencing the process of hydraulic fracking. Given the commitment of the Government and Members on all sides of the House to deal with the imminent possibility of runaway climate change, there is no place whatsoever anywhere on this island for hydraulic fracking. That message must be sent out and enshrined in legislation. I brought before the House just before the dissolution of the last Dáil a Bill which was written by Friends of the Earth and An Taisce looking for a complete ban and prohibition on hydraulic fracking. The issue of fracking is not mentioned at all in the legislative programme. Is there any intention on the part of the Government to move towards a decision to ban fracking? When will we see the EPA report on fracking, which I believe has already been discredited on foot of the way it was conducted, and discuss it here? Most importantly, are we going to have legislation or is the Government willing to take the Bill I introduced in the last Dáil on board to allow us to discuss legislation here? If we are serious about tackling climate change, I hope there will be agreement around the House on the urgent necessity on foot of what is happening in the North to send out a clear signal that hydraulic fracking is not acceptable.

The Tánaiste (Deputy Frances Fitzgerald): This is obviously something that has happened in a different jurisdiction and it does not set a precedent for us here. Certainly, our position on fracking was made clear by the last Government and that remains the case. I understand there are no plans for legislation right now. The Minister has not yet received the EPA report the Deputy mentioned and there are many environmental considerations which will have to be discussed. There are no plans to change the current situation on licences for fracking.

Deputy Richard Boyd Barrett: It is an urgent matter.

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Deputy Michael Healy-Rae: On a point of order, this is very serious.

An Ceann Comhairle: The Deputy cannot raise a point of order on the Order of Business.

Deputy Michael Healy-Rae: We already asked the Tánaiste a question and the answer was completely inadequate. A deadline was set regarding the position of Leas-Cheann Comhairle. As such, how does the Government Chief Whip justify extending it? We must be very clear about this. The Ceann Comhairle was elected in a different way and we all welcomed that the Members of the House had a say individually in that regard. Now, we have a situation where a deadline of last Friday was set with regard to the submission of nominations for the position of Leas-Cheann Comhairle. How can the Government Chief Whip justify extending that? What is the purpose? I have a clear question. Is it to allow further nominations to be submitted? Did the Government submit a nomination? Is it to facilitate Fine Gael that the time is being extended because it missed the deadline and wants to submit a nominee? That is totally wrong. This is not a good way to start politics. We all came into this in good faith and this is gerrymandering of the worst type. If a farmer in Kerry is late putting in an application for something, a deadline cannot be extended. The Government's answer when it misses the boat is to extend the deadline and push it out to facilitate itself. If I see the Government putting in a nominee, that will be a dirty start to its work. If it is going to do that, it is disgraceful and the people of Ireland will look very badly upon it. I take this very seriously. What the Government is doing is wrong. The other leaders who spoke today were not strong enough with the Government on this issue because what it is doing is a disgrace and people will not like the Government for it.

The Tánaiste (Deputy Frances Fitzgerald): Deadlines are discussed at the Whip's office frequently and changed and adapted for a variety of reasons. This was never on the Order Paper and was not discussed at the Whips' meeting. The Chief Whip asked for an extension and it was granted by the Ceann Comhairle. That is the sequence of events, I understand.

(Interruptions).

The Tánaiste (Deputy Frances Fitzgerald): Is it not?

Deputy Michael Healy-Rae: That is not true.

An Ceann Comhairle: Please resume your seat Deputy Healy-Rae and we will clarify that.

Deputy Michael Healy-Rae: That is taking the Ceann Comhairle's integrity into doubt and I will not let that happen here.

An Ceann Comhairle: We will clarify the matter.

Deputy Michael Healy-Rae: I am defending you, a Cheann Comhairle.

An Ceann Comhairle: Well thank you very much, but I will defend myself.

Deputy Michael Healy-Rae: I know you are able to defend yourself, but I will be shoulder to shoulder with you.

An Ceann Comhairle: Thank you.

Deputy Michael Healy-Rae: This is a disgrace.

An Ceann Comhairle: Will you please resume your seat?

Deputy Michael Healy-Rae: Take that back, Tánaiste.

An Ceann Comhairle: Will you please resume your seat? I make it absolutely clear that I had no discussions with anybody about the extension of the time; no discussions whatsoever with anybody.

The Tánaiste (Deputy Frances Fitzgerald): My apologies, a Cheann Comhairle. I was led to understand that your office - perhaps it was not personal - had been contacted and the extension was agreed. That is the understanding of the Whip. If that is not accurate, I withdraw it.

An Ceann Comhairle: Let us seek after the meeting here to get absolute clarity.

The Tánaiste (Deputy Frances Fitzgerald): Absolutely. I am sure the House would appreciate that.

An Ceann Comhairle: You are mistaken in both respects, I put it to you.

The Tánaiste (Deputy Frances Fitzgerald): Yes.

Deputy Michael Healy-Rae: The point-----

An Ceann Comhairle: No, we need to move on.

Deputy Michael Healy-Rae: To be fair, this is an important point.

An Ceann Comhairle: Yes, but we must move on.

Deputy Michael Healy-Rae: With the Ceann Comhairle's indulgence-----

An Ceann Comhairle: No, I am not-----

Deputy Michael Healy-Rae: I must make this point.

Deputy Michael Creed: The Ceann Comhairle is not indulgent.

Deputy Michael Healy-Rae: Let the record state that the Government did not put forward a nominee for the position. That is a fact.

Deputy Michael Creed: Yet.

Deputy Michael Healy-Rae: The Government missed the deadline and is extending it now to put forward a nominee. Let the public know that this is why it is doing this.

An Ceann Comhairle: Deputy, please.

Deputy Michael Healy-Rae: The Chief Whip failed to make the deadline, so the Government's answer is that there is no problem and that it will extend the deadline to facilitate itself. That is a disgrace and I hope that everyone in Ireland sees it for what it is.

An Ceann Comhairle: If I may make it clear, the election of a Leas-Cheann Comhairle is a piece of business to be done in Government time. It is not a matter for the Ceann Comhairle to decide when or how it is transacted.

Deputy Mattie McGrath: That is no good.

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An Ceann Comhairle: It is a matter for the Government to order the business, not the Ceann Comhairle or anyone else. Does the Tánaiste wish to say anything else?

The Tánaiste Frances Fitzgerald: Obviously, I would correct what I said in relation to the Ceann Comhairle's office. That was my understanding. This was never on the Order Paper and was not discussed by the Whips. I think that the points that are being made are not actually relevant-----

Deputy Mattie McGrath: They are relevant.

The Tánaiste Frances Fitzgerald: -----because it had not been discussed or put on the Order Paper.

Deputy Mattie McGrath: The deadline went by.

An Teanga Gaeilge: Statements

Minister for Finance (Deputy Michael Noonan): Fáiltím roimh an deis Iabhairt faoin nGaeilge sa Dáil. Tá sé tráthúil go bhfuil an deis seo againn, tráth a bhfuil Rialtas nua ag dul i mbun oibre agus clár Rialtais cuimsitheach le cur i bhfeidhm. Tá spriocanna sonracha leagtha síos sa chlár sin maidir le forfheidhmiú na Straitéise 20 Bliain don Ghaeilge, cruthú fostaíochta sa Ghaeltacht trí Údarás na Gaeltachta, páistí a spreagadh chun freastal ar réamhscoileanna lán-Ghaeilge nó na naíonraí sa Ghaeltacht, aitheantas a thabhairt don tábhacht a bhaineann leis an nGaeilge mar theanga oibre iomlán in institiúidí an Aontais Eorpaigh, céimeanna cuí a thógáil chun deireadh a chur leis an maolú agus infheistíocht sa Ghaeilge a mhéadú.

Tá sé tráthúil freisin an díospóireacht seo a bheith againn agus comóradh Éirí Amach na Cásca 1916 fós faoi lánseol. Cuireann sé an-áthas orm mar sin go bhfuil áit lárnach ag an nGaeilge mar a bhaineann sí le hÉire 2016, an clár comóradh céad bliain. Faoi An Teanga Bheo – snáithe Gaeilge an chláir chomórtha tá clár ilghnéitheach imeachtaí agus tionscnaimh curtha le chéile chun an Ghaeilge a cheiliúradh mar ghné bhríomhar agus lárnach dár bhféiniúlacht, dár n-oidhreacht, dár stair agus dár gcultúr. Mar chuid den chlár, tá clár digitithe, acmhainní foghlama ar líne, léachtaí, díospóireachtaí, seimineáir, imeachtaí ealaíne agus comhpháirtíocht leis na meáin chumarsáide.

Is ar bhonn páirtnéireachta atá An Teanga Bheo tógtha - comhpháirtíocht idir an Roinn Ealaíon, Oidhreacht agus Gaeltachta, atá i mbun comhordaithe air, agus na heagraíochtaí éagsúla atá rannpháirteach ann, idir eagraíochtaí Stáit, eagraíochtaí Gaeilge agus Gaeltachta, institiúidí tríú leibhéal agus grúpaí pobail.

Mar a dúirt mé, tá forfheidhmiú na Straitéise 20 Bliain don Ghaeilge áirithe go sonrach mar sprioc i gclár an Rialtais rannpháirtíoch nua. Aithnímid a thábhachtaí agus atá an Ghaeilge mar chuid shainiúil dár n-oidhreacht agus dár gcultúr. Chuige sin, tá an Rialtas tiomanta do chur i bhfeidhm na Straitéise chun go dtiocfaidh méadú ar líon na ndaoine a úsáideann an Ghaeilge sa saol laethúil agus go mbeidh áit níos feiceálaí ag an teanga i sochaí an lae inniu.

Bhí an Straitéis 20 Bliain don Ghaeilge cúig bliana ar an bhfód ag deireadh na bliana an-uraidh. Sa chomhthéacs sin, d'eagraigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta díospóireacht oscailte ar pholasaithe na straitéise. Ba í an aidhm a bhí leis an díospóireacht oscailte ná breathnú siar ar an méid atá déanta faoin straitéis le cúig bliana anuas agus breathnú chun

tosaigh ar na tosaíochtaí faoin straitéis don tréimhse chúig bliana atá romhainn. Ag eascairt as an bpróiseas comhairliúcháin a bhí ar bun mar chuid den díospóireacht oscailte, táthar ag súil na príomhthosaíochtaí straitéiseacha don tréimhse cúig bliana ó 2016 ar aghaidh a aithint agus a fhoilsiú. Ní miste dom a mheabhú chomh maith gur fhoilsigh na Ranna Rialtais go léir tuarascáil faoin méid atá bainte amach faoin straitéis le cúig bliana anuas i mí na Nollag 2015. Níl aon dabht ann ach go léiríonn na tuarascálacha sin go bhfuil dúshraith mhaith leagtha síos ar féidir tógáil air don tréimhse chúig bliana atá romhainn. Tá cur i bhfeidhm an phróisis pleanála teanga faoi Acht na Gaeltachta 2012 i gcroílár chur i bhfeidhm na Straitéise 20 Bliain don Ghaeilge. Trí phleananna teanga a ullmhú agus a fheidhmiú ar leibhéal an phobail, tabharfar an deis faoin bpróiseas do gach pobal sa Ghaeltacht, bailte seirbhíse Gaeltachta agus líonraí Gaeilge a bheith ag an roth stiúrtha mar a bhaineann sé le cur chun cinn na Gaeilge ar leibhéal an phobail fud fad na Gaeltachta.

Tá dul chun cinn suntasach déanta maidir le cur i bhfeidhm an phróisis go dtí seo. Tá allúntas €400,000 curtha ar fáil i mbliana do Údarás na Gaeltachta chun cabhrú leis na heagraíochtaí atá roghnaithe sna limistéir pleanála teanga Ghaeltachta lena gcuid pleananna teanga a ullmhú. Is ionann sin agus ardú 100% thar an allúntas a bhí curtha ar fáil anuraidh nó in 2014, go deimhin.

As an 26 limistéar pleanála teanga Gaeltachta atá aitheanta faoin Acht, tá tús curtha le hullmhú pleananna teanga in 18 díobh agus é i gceist go ndéanfaidh an t-údarás dul chun cinn suntasach maidir le tús a chur leis an bpróiseas san ocht limistéar pleanála eile idir seo agus deireadh na bliana. Tá eagrán uasdátaithe de na treoirilinte pleanála teanga, a d'fhoilsigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta i dtús báire in 2014, curtha ar fáil. San eagrán nua seo, tugtar cur síos ar an gcóras faisnéise geografáil, atá forbartha agus curtha ar fáil ag an Roinn Ealaíon, Oidhreacht agus Gaeltachta le gairid, mar áis bhreise tacaíochta do na heagraíochtaí atá agus a bheidh i mbun pleananna a ullmhú agus a chur i bhfeidhm faoin bpróiseas. Ina theannta sin ar fad beidh an t-údarás agus Foras na Gaeilge, de réir mar a bhaineann sé leo, ag dul i mbun oibre ar an talamh go luath chun tús a chur leis an bpróiseas mar a bhaineann sé leis na bailte seirbhíse Gaeltachta. Chun tabhairt faoi seo ar bhonn céimneach, tá sé i gceist go ndíreofar i dtús báire ar Leitir Ceanainn, Daingean Uí Chúis agus cathair na Gaillimhe. Lena chois sin, tá tús curtha ag Foras na Gaeilge leis an bpróiseas mar a bhaineann sé le líonraí Gaeilge, is é sin ceantair a bhfuil bunmhais chriticiúil bainte amach acu maidir le tacaíocht pobail agus Stáit don Ghaeilge. Bunaíodh scéim na bhfoghlaimoirí Gaeilge le teaghlaigh sa Ghaeltacht a mhealladh chun lóistín a chur ar fáil d'fhoghlaimoirí le go mbeadh na foghlaimoirí ag cur fúthu le teaghlaigh Gaeltachta a labhraíonn Gaeilge mar theanga teaghlaigh agus go mbeadh deis ag na foghlaimoirí dul i dtaithe ar bhlas agus ar líofacht nádúrtha na teanga. Tá an chosúlacht ar an scéal go bhfuil an scéim seo chomh láidir inniu agus a bhí sí riamh. Is eiseamláir den turasóireacht chultúrtha iad na coláistí Gaeilge mar chuireann siad le saol sóisialta agus eacnamaíoch na Gaeltachta ar bhealach a thugann ardú stádais don Ghaeilge mar acmhainn luachmhar ar leith. Tá breis agus 600 teaghlach Gaeltachta cláraithe faoin scéim seo anois.

Tá sé mar bhunaidhm ag na coláistí Gaeilge cur le cumas labhartha Gaeilge na bhfoghlaimoirí ar bhealach spraoiúil, taobh amuigh agus taobh istigh den seomra ranga, ag díriú ar na scileanna go léir - labhairt, cluastuiscint, scríobh agus léamhthuiscint - a mhúineadh. Treisiúnn na coláistí na scileanna teanga trí ghrá nó suim sa teanga a spreagadh sna daltaí. Tugtar deis an teanga a chleachtadh i gcomhthéacs ina bhfuil na daltaí ag baint sult as imeachtaí na siamsaíochta. Leagtar béim mhór chomh maith ar chothú na féinmhuiníne. Is léir ón tuarascáil, Tionchar na gColáistí Gaeilge ar an teanga agus ar phobal na Gaeltachta, a réitigh ionad na

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dteangacha in Ollscoil na hÉireann, Má Nuad don Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta, go bhfuil obair den scoth á déanamh ag na coláistí, obair atá ar ardchaighdeán a spreagann daoine óga le filleadh ar an nGaeltacht. Rinne 21,509 foghlaimoirí freastal ar choláistí sa Ghaeltacht in 2014 ar chostas €3.445 milliún don Roinn Ealaíon, Oidhreacht agus Gaeltachta

An Ceann Comhairle: Is oth liom cur isteach ort ach tá an t-am istigh anois. Feicim go bhfuil i bhfad níos mó le rá ag an Aire ach faoi mar atá an gnó ordaithe, níl ar fáil ach deich nóiméad do ghach duine.

Deputy Michael Noonan: Is féidir é a chur-----

An Ceann Comhairle: Is féidir an méid eile a bhí le rá ag an Aire a chur ar an taifead.

Deputy Thomas Byrne: Sin deireadh seafóideach le ráiteas seafóideach sa Dáil ar maidin. Bhí a fhios ag daoine go raibh deich nóiméad againn. B'shin ceann de na ráitis is faide a chualamar riamh sa Dáil agus níl mórán de léite ar chor ar bith. Measaim gur féidir an dearcadh atá ag an Rialtas i leith na Gaeilge a bhaint amach ón tslí atá sé ag riaradh na díospóireachta seo. Níl Aire Gaeltachta anseo gur féidir labhairt ar son an Rialtais. Tá Aire Gaeltachta againn, ar ndóigh, ach níl sí anseo. Níl sí ar fáil.

Tá a fhios againn go ndearna an t-iarAire Stáit, an Teachta Joe McHugh, an-iarracht Gaeilge a fhoghlaim. Bhí mise ag agóid, in éineacht le mo chomhghleacaithe, nuair a cheapadh é, ach níl aon dabht ach gur fhoghlaim sé a lán Gaeilge agus é ina Aire Stáit. Níl an tAire, an Teachta Heather Humphreys, anseo. An ndearna sise iarracht aon dul chun cinn a dhéanamh lena cuid Gaeilge féin? Níl sí anseo, cé gurb í an tAire le freagracht maidir leis an ábhar seo. Tá díomá ormsa maidir leis sin agus measaim, i gcead don Aire Airgeadais, go bhfuil a lán gnóthaí eile le déanamh aige maidir le stiúradh na tíre seo, stiúradh an chórais airgeadais agus an Roinn Airgeadais. Sin é dearcadh Fhine Gael maidir leis an nGaeilge. Is dearcadh seafóideach é nach ligeann don teanga dul chun cinn a dhéanamh agus a rinne an-damáiste don teanga agus do lucht labhartha na Gaeilge i rith a thréimhse sa Rialtas. Caithfear stop a chur leis seo agus caithfear níos mó measa a bheith ag an Rialtas ar an nGaeilge, níos mó úsáide a bhaint aisti agus níos mó iarrachta a dhéanamh dul chun cinn a dhéanamh maidir leis an nGaeilge.

Cuireann Fianna Fáil an-tábhacht ar an nGaeilge ó thús na Poblachta seo agus ó Éirí Amach na Cásca, mar a luaigh an tAire. Bhí an Ghaeilge mar phríomhthréith den sórt tíre a bhí á h-iarraidh ó na poblachtánaigh ansin agus ó na saoránaigh anois. Tháinig sé sin ó na daoine a thosaigh an Stát seo. Tá an Ghaeilge in áit an-dainséarach agus an-bhaolach faoi láthair. Níl aon dabht faoi sin. Feictear go bhfuil an Ghaeltacht i dtrioblóid ar fud na tíre. Tá ag éirí go maith le Gaelscoileanna agus tá a lán daoine ag teacht amach astu siúd le Gaeilge, ach mura ndéanann an Rialtas iarracht dul chun cinn a dhéanamh agus cabhrú le daoine Gaeilge a úsáid sa Ghaeltacht agus í a úsáid nuair atá siad ag iarraidh an teanga a labhairt, rachfaidh stádas na Gaeilge i ndonas go tapaigh arís.

Tá gealltanais san aontas a rinneamar le Fine Gael chun infheistíocht sa teanga a ardú. Cheapamar gurb é an rud is tábhachtaí ná go gceapfar Aire Gaeilge agus Gaeltachta. I ndáiríre, níl Aire ann faoi láthair. Bhí Aire Gaeltachta, oidhreacht agus cultúir againn agus anois tá Aire againn atá freagrach as cúrsaí tuaithe agus as gach uile rud - as an nGaeltacht, as cúrsaí ealaíon agus as cúrsaí oidhreacht. Is sórt downgrading é don Roinn sin agus don Aireacht sin. Níl sé sin ceart. Arís feicim dearcadh an Rialtais maidir leis an nGaeilge sa chaoi gur riar sé na Ranna

sin.

Maidir leis an dul chun cinn atá á dhéanamh ag an bhfochoiste atá ag athrú cúrsaí Dála agus an tslí ina ndéanann muid ár gcuid oibre - tá cruinniú ar siúl ag 12.15 p.m. maidir leis sin - tá sé aontaithe ag an bhfochoiste sin go mbeadh coiste na Gaeilge ann sa Dáil seo. Beidh sé sin an-tábhachtach ar fad. Measaim go dtabharfaidh sé sin deis dúinn dul chun cinn a dhéanamh maidir leis an nGaeilge sa Dáil seo ach go háirithe - is féidir linn a lán rudaí a dhéanamh sa Dáil seo ach caithfidh tionchar a bheith againn ar fud na tíre. Má thaispeánann muidne meas ar an nGaeilge sa Dáil seo, scaipfear an meas sin ar fud na tíre agus b'fhéidir gur féidir linn dearcadh difriúil a bheith againn sa tír maidir leis an nGaeilge. Caithfidh a bheith mar eiseamláir sa Dáil seo den chaoi gur féidir linn an Ghaeilge a chur chun cinn.

Maidir le cúrsaí Dála agus cúrsaí Rialtais, caithfear níos mó airgid agus níos mó infheistíochta a chur isteach i bhForas na Gaeilge agus in Údarás na Gaeltachta. Táimid ag iarraidh €3 milliún sa bhreis a infheistiú i gcur i bhfeidhm straitéis na Gaeilge agus €3 milliún eile a infheistiú i gcaiteachas reatha do na tionscnaimh atá ag Údarás na Gaeltachta. Tá sé sin an-tábhachtach. Déanann Údarás na Gaeltachta - más féidir leis agus má tá na hacmhainní aige - an-jab ag cur fostaíocht ar fáil i gceantair Ghaeltachta ach freisin caithfidh mé a rá go bhfuil gnóthaí ag teacht isteach i gceantair Ghaeltachta atá ag fáil tacaíochta ón údarás agus uaireanta níl Gaeilge ar fáil sa mhonarcha. Tá sampla i gceist agam ach nílím chun é a lua ar thaifead na Dála. Muna bhfuil na monarchana sin nó na gnóthaí sin ag scaipeadh na Gaeilge iad féin trí bheith ag úsáid na Gaeilge agus a bheith soiléir go bhfuil siad sa Ghaeltacht agus gur gnó atá cabhartha ag Údarás na Gaeltachta atá ann, déanfaidh sé sin damáiste don Ghaeilge freisin.

Táimid i bhFianna Fáil ag tabhairt lántacaíochta d'Oifig an Choimisinéara Teanga. Caithfidh neamhspleáchas an choimisinéara a chosaint.

12 o'clock

Ba mhaith linn reachtaíocht a chur tríd an Dáil seo chun Acht na dTeangacha Oifigiúla 2003 a láidriú ionas go mbeidh éifeachtacht níos fearr ag reachtaíocht teanga na tíre seo.

Tá sé an-tábhachtach ar fad go leanann an Ghaeilge ar aghaidh mar chroílár an teastais shóisearaigh agus na hardteistiméireachta. Tá sé sin mar bhunphrionsabal ag ár bpáirtí maidir leis an oideachas agus an Ghaeilge. Bhí an tuiscint sin faoi bhagairt roimhe seo, ach measaim nach bhfuil an dainséar sin ann faoi láthair. Ag an am céanna, ba cheart dúinn a chinntiú ní hamháin go bhfuil Gaeilge ag daoine, i ndáiríre, nuair a thagann siad amach as an gcóras oideachais, ach freisin go bhfuil deiseanna acu an Ghaeilge atá acu a labhairt agus fostaíocht nó tuilleadh oideachais a fháil trí mhéan na Gaeilge.

Tá mé an-bhródúil a rá go raibh mé páirteach i mbunú Gaelscoil an Bhradáin Feasa i mBaile Uí Mhornaín. Tá an scoil seo i mo cheantar féin i gContae na Mí. Mar aon leis sin, tá meánscoil i mBaile Brigín ag freastal anois ar an gceantar uilig - deisceart Chontae Lú, oirthear Chontae na Mí agus tuaisceart Chontae Átha Cliath. Tá sé an-tábhachtach go bhfuil a leithéid de scoileanna ann leis an nGaeilge a chur chun cinn lasmuigh den Ghaeltacht.

Táimid ag iarraidh an teanga a chur chun cinn ag leibhéal an Aontais Eorpaigh freisin. Tá an Ghaeilge mar theanga oifigiúil agus mar theanga oibre san Aontas Eorpach, ach níl sórt cothromas ag an nGaeilge leis na teangacha eile. Caithfear athruithe a dhéanamh maidir leis sin. I ndáiríre, caithfear dearcadh an Rialtais maidir leis an ábhar seo a athrú. Is féidir leis an Rialtas na hathruithe seo a thiomáint.

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Is féidir linn a lán rudaí éagsúla a dhéanamh i dtaobh na Gaeilge. Léigh mé leabhar faoi theangacha uilig na hEorpa le déanaí. Tugadh le tuiscint sa leabhar sin go mb'fhéidir go bhfuil Gaeltacht na hÉireann ag fáil báis faoi láthair, agus Gaelscoileanna na hÉireann ag dul chun cinn ag an am céanna. Nílím ag rá go bhfuil an ráiteas sin fíor, ach tá píosa beag firinne ar a laghad ag baint leis. Cé go bhfuil áthas orm go pearsanta go bhfuil Gaeilge líofa ag mo pháistí - níl duine amháin acu ach cúig bliana d'aois - agus ag a lán páistí eile atá ag freastal ar Ghaelscoileanna ar fud na tíre, tuigim go bhfuil dáinséar ann go bhfuil an Ghaeilge dúchasach a thagann ón teach imithe i laige. Tá a lán oibre le déanamh ag an Rialtas ionas go mbeidh a mhalairt de threocht i gceist.

Tá mé ag impí ar an Rialtas a dearcadh maidir leis an nGaeilge a athrú agus Aire a bhfuil Gaeilge aige nó aici a chur in oifig. Ba cheart go dtiocfadh a leithéid de Aire isteach anseo chun éisteacht lenár ndíospóireachtaí. Ba cheart go mbeadh níos mó measa ag an Rialtas ar ár dteanga seo. Is féidir cúpla focal a rá anseo is ansiúd, mar shampla le linn chomóradh na bliana 1916, ach i ndáiríre caithfidimid an teanga seo a choimeád. Ba cheart dúinn go léir meas a léiriú don Ghaeilge, go háirithe sa Dáil. Ba chóir dúinn an Ghaeilge a úsáid taobh amuigh de na díospóireachtaí a tharlaíonn anseo maidir leis an teanga, mar shampla i rith Sheachtain na Gaeilge. Caithfear an Ghaeilge a úsáid ag uaireanta eile. Nuair a bhí mé i mo Sheanadóir, bhí díospóireachtaí againn i nGaeilge ó am go ham nuair a bhí Aire nó Aire Stáit líofa ar fáil. Is cuimhin liom díospóireacht a bhí againn maidir le costais séarachais agus cigireacht séarachais. Bhí mé féin agus mo chomhghleacaí, an Seanadóir Brian Ó Domhnaill, chomh maith leis an Seanadóir Ó Clochartaigh agus Seanadóir nó dhó ó Fhine Gael, in ann díospóireacht a bheith againn trí mheán na Gaeilge ós rud é go raibh an Teachta O'Dowd, a bhí mar Aire Stáit ag an am, sa Seanad le haghaidh Céim an Choiste. Ba cheart go mbeadh níos mó díospóireachtaí mar sin againn. Tá daoine fostaithe anseo chun aistriúcháin a dhéanamh. Tá a fhios agam go mbeidís lánsásta an jab sin a dhéanamh. Muna féidir linn é sin a dhéanamh, beidh sórt tokenism againn. Caithfidimid dul níos faide ná sin.

Tá brón orm a rá go mbeidh mé ag fágáil an Tí chun freastal a dhéanamh ar an bhfochoiste ar Dáil reform.

Deputy Peadar Tóibín: Ba mhaith liom mo chuid ama a roinnt le mo chomhghleacaithe, na Teachtaí Adams agus Ó Snodaigh.

Acting Chairman (Deputy Robert Troy): Is that agreed? Agreed.

Deputy Peadar Tóibín: Ar an gcéad dul síos, ba mhaith liom mo fhíor-díomá a chur in iúl i dtaobh eolais a fuair mé inniu. Tuigim nach bhfuil dualgais na Roinne nua - an Roinn Forbartha Réigiúnaí, Gnóthaí Tuaithe, Ealaíon agus Gaeltachta - socraithe go fóill. Tar éis dúinn 70 lá a chaitheamh ag fanacht ar Rialtas, is léir go gcaithfidimid fanacht le haghaidh ocht seachtaine eile chun sonraí na hábhair agus na dualgais a bheidh i gceist sa Roinn nua a fháil amach. Tuigim freisin nach mbeidh foireann iomlán na Roinne curtha i bhfeidhm ar feadh ocht seachtaine eile, rud a chiallaíonn nach mbeidh an Roinn seo iomlán eagraithe roimh bhriseadh na Dála le haghaidh an tsamhraidh. Mar sin, ní bheidh an Roinn in ann feidhmiú i gceart go dtí mí Mheán Fómhair seo chugainn, ní bheidh coiste na Roinne in ann feidhmiú i gceart go dtí mí Mheán Fómhair seo chugainn agus ní bheimid, mar Theachtaí Dála, in ann ceisteanna parlaiminte a chur chuig an Roinn go dtí mí Mheán Fómhair seo chugainn. Tá aon rud a bhaineann le forbairt réigiúnach, le gnóthaí tuaithe, leis na healaíona agus leis an nGaeltacht curtha ar ceal le haghaidh ocht seachtaine, ar a laghad, gan trácht ar an mbriseadh le haghaidh an tsamhraidh. Ciallaíonn sé sin nach mbeimid in ann oibriú leis an Roinn seo go dtí sé mhí tar éis an oll-

toghchán. Tá sé sin dochreidte.

Is masla é don Ghaeilge nach bhfuil an tAire, an Teachta Heather Humphreys, i láthair. Nuair a bhí mé ag caint léi inné faoin díospóireacht seo, dúirt mé go raibh mé ag tnúth lena feiceáil anseo. Nuair a ainmníodh an Teachta McHugh mar Aire Stáit sa Rialtas deireanach, dúirt an tAire, an Teachta Heather Humphreys, go raibh sí chun an Ghaeilge a fhoghlaim ach, de réir dealraimh, níl an teanga foghlamtha aici fós. Taispeánann sé sin an méid tábhacht a thugann an tAire agus an Rialtas don Ghaeilge. Seolann sé teachtaireacht ollmhór do mhuintir na Gaeltachta. Má breathnaímid ar an ainm atá ar an Roinn anois - an Roinn Forbartha Réigiúnaí, Gnóthaí Tuaithe, Ealaíon agus Gaeltachta - is léir dúinn go bhfuil an Ghaeltacht curtha ag deireadh an liosta.

Deputy Michael Noonan: Tá níos mó Gaeilge anseo ná mar atá-----

Deputy Peadar Tóibín: Caithfidh mé a rá gur linn uilig an Ghaeilge. Saibhríonn an Ghaeilge muid. Is teanga ársa í ár dteanga dúchais. Gach bliain, tagann na mílte daoine amach as scoileanna na tíre seo agus Gaeilge ag an móramh acu. Má dhéanann siad iarracht dul i dteagmháil leis an Stát agus má roghnaíonn siad an líne Gaeilge, ní bhíonn duine ar bith ar fáil chun seirbhís trí mheán na Gaeilge a thabhairt dóibh. Is cuma cén seirbhís Stáit atá i gceist. Má chuireann siad glooch ar an CSO maidir leis an census, mar shampla, nó má chuireann daoine le suim acu san airgeadas glooch ar an Central Bank, téann siad ó dhuine go duine gan teagmháil a dhéanamh le h-éinne atá in ann freastal orthu as Gaeilge. Níl an t-airgead curtha isteach. Tá an Rialtas ag caint faoi airgead a chur isteach, ach tá sé ag baint acmhainní ón earnáil seo. Tá níos mó ciorruithe déanta ar an nGaeilge agus ar an nGaeltacht ag Fianna Fail agus Fine Gael le deich mbliana anuas ná mar atá déanta ar aon earnáil eile. Is mór an trua é nach bhfuil níos mó ama agam, ach caithfidh mé an méid ama atá fágtha agam a roinnt le mo chomhghleacaithe.

Deputy Gerry Adams: Caithfidh mé a rá ar dtús go n-aontaím leis na Teachtaí Byrne and Tóibín a bhí ag tabhairt amach faoin Aire, an Teachta Heather Humphreys, atá as láthair anseo gan leithscéal ar bith. I mbuiséad Shinn Féin anuraidh, chuireamar roinnt moltaí chun tosaigh ar chostas €10 milliún ar an iomlán a mbeadh tionchar dearfach acu ar an nGaeilge. I measc na mbeartas seo, bhí méadú €5 mhilliún do chistíocht chaipitil Údarás na Gaeltachta agus méadú €750,000 ar an gcistíocht do scéimeanna pobail agus creidmheas cánach do thuismitheoirí a bhfuil a gcuid páistí ag freastal ar chúrsaí Gaeltachta. Cuireadh an infheistíocht seo chun tosaigh mar gheall ar na ciorruithe dona a rinne an Rialtas le blianta beaga anuas. Tá na ciorruithe mar chuid de dhearcadh náireach an Rialtais i leith na Gaeilge. Thug siad €1 mhilliún sa bhreis don straitéis 20 bliain, ach bhain siad an méid céanna ó chiste Údarás na Gaeltachta. Tá i bhfad níos fearr ná seo ag dul do lucht labhartha na Gaeilge. Ba cheart an Ghaeilge a chosaint mar chuid lárnach dár gcultúr. Sa Tuaisceart, tá scéim líofachta ag dul ó neart go neart faoi stiúir an Aire, Carál Ní Chuilín. Anois, tá níos mó ná 15,000 duine ag glacadh páirte sa scéim. Tá beartas eile ar siúl ag an Feidhmeannas maidir le dul chun cinn na teanga, mar shampla, airgead a chur ar fáil do pháistí ó theaghlaigh bochta freastal ar chúrsaí sa Ghaeltacht.

D'fhoilsigh Sinn Féin dréacht Acht na Gaeilge agus táimid tiomanta dá thabhairt isteach, cé go bhfuil na hAontachtóirí ina choinne. Caithfidh Rialtas an Stáit seo tacú le seo agus sin ceist mhór don Aire.

Níl ach ceithre líne sa chlár Rialtais i leith na Gaeilge. Ní maith go leor sin. Caithfidh an Rialtas a chuid dualgas a chomhlíonadh.

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Deputy Aengus Ó Snodaigh: Gach uile bliain ó toghadh mé, lorg mé díospóireacht nó sraith díospóireachtaí maidir leis an Ghaeilge agus an Ghaeltacht. Ní ar bhonn seasamh suas anseo agus labhairt faoin nGaeilge a bhí i gceist. Ar dtús, b'iarracht é breis Gaeilge a bheith le cloisint istigh anseo, ach chomh maith le sin b'iarracht é díriú isteach ar cheist na Gaeilge agus ar cheist na polaitíochta i nGaeilge, mar le tamall ró-fhada níl an pholaitíocht á plé as Gaeilge sa Dáil. Bhí Gaeilge agus an Ghaeltacht á bplé, ach b'shin an méid. Le roinnt blianta anuas, tá athrú tagtha ar sin, ach ní athrú suntasach go leor é.

Arís i mbliana, lorg mé go mbeadh díospóireacht agus sraith de nithe eile as Gaeilge anseo le linn Sheachtain na Gaeilge, ach ní raibh muid anseo mar bhíomar ag stocaireacht. I ndiaidh sin, bhíomar ag féachaint ar conas is féidir linn déileáil leis an toradh nua. Sin an fáth go bhfuil mé le roinnt seachtain anuas ag lorg go mbeadh, ar a laghad, díospóireacht nó plé ar cheist na Gaeilge istigh anseo. Bhí díomá orm nuair a chuireadh sin ar athló cúpla uair. Mar sin, tá áthas orm an deis a ghlacadh agus a thapú labhairt as Gaeilge.

Cosúil leis an Teachta Thomas Byrne, caithfidh mé freastal anois ar an choiste a bhaineann le h-athchóiriú na Dála. Mar a luaigh an Teachta Byrne, tá an coiste sin ag plé le coiste don Ghaeilge a bhunú anseo don chéad uair le tamall fada. Bheadh an coiste sin ag déileáil le ceisteanna na Gaeilge agus, tá súil agam, ar chonas is féidir linn an deis atá againn mar pholaiteoirí cuidiú leis an Ghaeilge a thárrtháil agus a athréimiú sa tír, rud nár luadh le tamall anuas.

An rud is mó sa dréacht tuairisc ón gcoiste athchóirithe go dtí seo maidir leis an nGaeilge ná go mbeadh an coiste don Ghaeilge ann. Chomh maith le sin, mar a dúradh liom breis is cúig bliana ó shin, tá sé ar intinn go mbeadh gach uile meamram míniúcháin do reachtaíocht don Dáil seo foilsithe go comhuaineach as Gaeilge. Níor tharla sin go fóill, ach tá moladh dó sin sa dréacht nua. Rud níos measa ón ár dtaobh agus maidir lenár ndualgais mar pholaiteoirí agus reachtóirí ná go mbeidh an tAontas Eorpach chun tosaigh ar an Dáil seo sa bhliain 2022, mar beidh siadsan ag foilsíú reachtaíochta dhátheangach go comhuaineach ach beidh muidne fós ag foilsíú reachtaíochta as Béarla agus ansin á aistriú go Gaeilge, muna thapaíonn muid an deis atá romhainn. Tá seans againn sin a athrú sa chúig bliana atá le teacht. Tá neart rudaí eile gur chóir dúinn a dhéanamh agus dá mbeadh cúpla uair a chloig agam, d'fhéadfainn déileáil leo.

Ba mhaith liom déileáil go gasta le ceist na gaelscolaíochta. Níor luadh an ghaelscolaíocht sa mhéid a dúirt an tAire, an Teachta Noonan, níos luaithe nuair a léigh sé dhá leathanach go leith as sé leathanach. Léigh mise an sé leathanach ach fós níor luadh an ghaelscolaíocht sa ráiteas. Fós, tá an Roinn Oideachais agus Scileanna ag loic ar pháistí atá ag iarraidh freastal ar Ghaelscoileanna agus ar thuismitheoirí atá ag iarraidh a bpáistí a thógaint trí Ghaeilge. Níl an Roinn fós ag comhlíonadh na n-éileamh atá ann do Ghaelscoileanna ná níl sé sásta éileamh a chothú. Ní gá ach scoil amáin a lua. Tá an Roinn ag cur constaice i gcoinne Coláiste Locha Ghile i gContae Shligigh atá ag iarraidh teacht ar an bhfód i mí Mhéan Fómhair. Ba chóir don Roinn a bheith ag tabhairt tús áite don Ghaeilge in ionad a bheith ag déanamh tromaíochta uirthi de shíor.

Deputy Sean Sherlock: Gabhaim buíochas as an deis labhartha anseo inniu. Níl mo chuid Gaeilge ró-mhaith, ach táim ag cleachtadh. I mBunreacht na hÉireann aithnítear an Ghaeilge mór ár dteanga phríomha sa Stát. Samhlaítear dúinn go bhfuil dualgas mór ar gach Rialtas acmhainní a chur ar fáil agus tionscnaimh a chur in áit chun an teanga a chosaint agus í a fhorbairt go hiomlán.

The Labour Party recognises the central place of the Irish language in our heritage, our his-

tory and as a rich resource for daily life. The Constitution explicitly recognises Irish as the first language of the State and it is our view that this places certain responsibilities on all governments to vigorously support the protection and development of the language.

I want to take a slightly different tack today. I speak through the medium of English. I feel strongly that Irish is often presented in a binary fashion, typified by those who have the language and those who do not. The last census recorded more than 160 languages being spoken in this country and we have a multiplicity of nationalities here now. I believe that in the globalised society we live in, we must recognise the attempts by those who are seeking to encourage bilingualism and multilingualism within this island. It is not about one language being better than another but about using languages efficiently. It is also about seeking to encourage greater awareness of the critical importance of language learning, not only in terms of increasing employment possibilities and meeting industry needs, but also its broader value in the spheres of education, the arts and in the context of supporting social cohesion and intercultural understanding.

In that context, Irish has a significant role to play in terms of encouraging multilingualism and bilingualism. A group called One Voice for Languages focuses on the importance of all languages, including Irish, being valued in a real sense and beyond the tokenism that often inculcates debate in this House and elsewhere. This group focuses on three basic statements.

Mar a chreidimid: Tá teangacha luachmhar, riachtanach agus spreagúil. What we believe: Languages are essential, valuable and exciting.

A bhfuil uainn: Ceisteanna teanga a ardú ag an leibhéal is airde rialtais agus a chur ar a shúile do phobal uile na tíre. What we want: Language issues to be raised at the highest levels of government and to be brought to the consciousness of the country as a whole.

Mar a dhéanfaimid: Gníomhú mar ghlór cumhachtach agus mar shlógadh dóibh siúd go léir ar spéis leo ceisteanna teanga. What we will do: Act as a rallying point and a powerful voice for all interested in language issues.

Globalisation has changed our experience of language diversity. There are now few places in the world in which multiple languages are not present and in which people do not make use of repertoires that draw on several different languages. As a former Minister with responsibility for research and innovation, I have found there is ample research evidence regarding the numerous benefits of language learning. For example, in the Irish context research has demonstrated that bilingualism in Irish and English enhances mathematics performance and that the Irish language lends itself to the better understanding of mathematical concepts. There have been repeated statements from high-level industry leaders, employment specialists, advisory bodies and experienced linguists on the deficit in appropriate language skills and the important role the learning of other languages, of which Irish is one, can play in the improvement of literacy levels. An appreciation needs to be fostered, at Government level and among the wider public, on the significant cognitive, social, developmental, cultural and linguistic enhancement that can be attained through the learning of Irish or other additional languages. We need to improve the teaching and learning of science, mathematics and engineering and research shows that where students are educated through the medium of Irish, and where they live in bilingual communities, their learning outcomes are a lot better. We should focus more on those opportunities. I speak for thousands of people throughout this country when I say I do not know if I will ever be fluent but I would love to be able to conduct my everyday business in a bilingual way. Perhaps

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we need to focus more on the opportunities therein.

I am glad I live in an area where, over the past five years, there has been an explosion in the number of places in Gaelscoileanna and there are two Gaelscoileanna under construction in my constituency, in Mainistir Fhear Maí and Mainistir na Corann. We are very proud of that and we want to ensure that there is a continuum between what students learn at primary level and what they learn at post-primary level. We need to do more to encourage people in communities like Mallow, Fermoy and Middleton, where we have these Gaelscoileanna, to use the language in their everyday transactions on the street or through interactions with Government agencies.

We need to widen the debate and recognise that there are over 160 languages spoken in this country. We need to ensure we target resources in a way that ensures that more people speak the language or, at least, are inculcated with the language during everyday usage, and this is a big challenge. We are all wedded to the 20-year strategy and if we witness economic growth we need to ensure the resources are made available so that the plan bears fruit.

Every time there is a debate on the Irish language somebody gets up and says somebody has such an amount of proficiency and somebody else does not. Let us get away from that binary, hackneyed debate and broaden it out so that we can get more people actually speaking Irish. Let us encourage people to speak the language more and if we broaden the debate we can also encourage the use of bilingualism in everyday life. That is a very reasonable proposition.

Acting Chairman (Deputy Robert Troy): Glaoim ar an Teachta Bríd Smith agus an Teachta Paul Murphy.

Deputy Bríd Smith: Níl an Teachta Paul Murphy anseo ach tá mise anseo.

Acting Chairman (Deputy Robert Troy): Tá deich nóiméad agaibh.

Deputy Bríd Smith: Níl ach cúig nóiméad uaimse. Faoi láthair, is féidir linn Billí a phlé trí Ghaeilge san Eoraip ach ní féidir an rud céanna a dhéanamh sa Teach seo, agus is shame on this House é sin. Tá an Ghaeilge ag dul i laghad ó am an Ghorta Mhóir, ach i gceantair Ghaeltachta tá an dul i laghad ag tarlú go han-sciobtha ar fad. Tá specific fadhbanna ag ceantair Ghaeltachta agus ag na ceantair cois farraige. Is fadhbanna iad seo ar nós fadhbanna le hiasachtaí agus fadhbanna feirmeoireachta agus eisimirce. Tá ganntanas ann maidir le seirbhísí ar nós broadband, taisteal poiblí, seirbhísí sláinte agus tithe altranais. Tá ganntanas fostaíochta chomh maith ann tríd an Ghaeltacht. Tá níos mó acmhainní ag teastáil sna ceantair seo, go háirithe sa Ghaeltacht. Ba chóir dúinn ceannaireacht láidir a thaispeáint sa Teach seo maidir leis an teanga. Ba chóir Aire Gaeltachta a bheith againn agus ba chóir dúinn guth láidir a thabhairt don teanga.

Tá coiste Oireachtais don teanga ag teastáil uainn. Caithfimid an 20 year strategy a chur i bhfeidhm go díreach anois agus infheistíocht a chur leis. Faoi láthair, tá an fhreagracht ar Údarás na Gaeltachta ach cuireann an t-údarás an fhreagracht ar an gceantar. Údarás na Gaeltachta hands the responsibility to the local community and the passing of the parcel goes on and on with no accountability in this House. Ba chóir go mbeadh gach seirbhís rialta le fáil sa dá theanga. Faoi láthair, níl sé sin ag tarlú. Mar shampla, tá aithne agamsa ar dhaoine nach raibh in ann foirmeacha i nGaeilge a fháil ó Oifig na bPasanna. Ar ócáidí, níl foirmeacha i nGaeilge le fáil i stáisiúin an Gharda Síochána chomh maith. Is iad seo rudaí bunúsacha. Ach ní hamháin go bhfuil na foirmeacha tábhachtach, tá sé tábhachtach gur féidir an dá teanga a chur tríd an tír.

Bilingualism is good for us. It is good for one's brain, one's children and the community.

As the previous speaker stated, we need to do everything we can to encourage bilingualism. Deir roinnt daoine nach féidir le roinnt páistí bochta déileáil leis an nGaeilge chomh maith leis na fadhbanna eile atá acu. Is masla mór é seo do na daoine seo. Perhaps that explains why, for example, in my community in Ballyfermot, we do not have a Gaelscoil or any facilities for education in the Irish language. There is a big demand for Irish language education in Ballyfermot, but people have to go to Inchicore, Clondalkin or as far away as Lucan to access Irish language services. Tá áthas orm a rá go mbeidh an chéad naíonra - sin crèche le Gaeilge - ag oscailt an bhliain seo chugainn agus tá sé sin down to the local community and Comhairle Cathrach Bhaile Átha Cliath.

Tá timpeall 2 milliún duine sa tír seo atá cuid Gaeilge acu, agus sin uimhir láidir. Caithfidimid commitment a dhéanamh le linn an Rialtais seo maidir leis an nGaeilge. Is féidir linn tosú anois sa Teach seo le gach páirtí agus grúpa ag tabhairt spokesperson don teanga. This would encourage everyone to use Irish more frequently. Ba chóir dúinn brú a chur maidir leis an teanga sa Teach seo. Caithfidimid Aire a fháil, coiste don teanga a chur *in situ*, agus infheistíocht de timpeall €18 milliún ar a laghad a bheith againn chomh maith le Minister oideachais ag plé leis an nGaeilge sna scoileanna. Tá sé sin an-tábhachtach.

Deputy Paul Murphy: Austerity is the biggest danger to the Irish language and Gaeltacht communities. The cuts made to pay off the banking debts have hit Irish language programmes and job creation initiatives in Gaeltacht communities. The regressive changes to public sector employment and job numbers has impacted on the provision of public services and on the ability of the public sector to provide services through Irish. We have seen a massive rise in emigration from Ireland through the austerity years with young people moving abroad to seek employment. The Central Statistics Office estimates that the net emigration figure from 2008 to 2014 is 141,000, 81,000 of whom are those under 24 years of age. Rural areas have been particularly hit hard by youth migration as young people move to towns and cities for employment and education opportunities and Gaeltacht communities like similar communities have been hit hard by these measures. This has been the case for decades.

Given the impact that this has not only on rural communities but on the Irish language, one would have thought that the Government would intervene to provide some employment and a future for young people but, unfortunately, the opposite is the case. Instead, young people have been hit with cuts to jobseeker's allowance payments and pushed into so-called labour activation schemes, such as JobBridge, Gateway and so on. In Gaeltacht communities, organisations in receipt of State funding such as Foras na Gaeilge and Údarás na Gaeltachta have been hit with severe cuts.

Budget cuts show that the establishment parties are hypocritical on the issue of the Irish language. They speak of the respect they have for it. They speak about how vital it is for the culture of the country. There is no shortage of that talk but at the same time, the same politicians make savage cuts to the budget of Irish language organisations and projects relating to the language. Foras na Gaeilge funds Irish language organisations and projects throughout the country. It has seen its budget cut from more than €20 million in 2017 to just over €15 million in 2015. When inflation is taken into account that is a 39% cut since 2001. This means there is a *de facto* embargo on new and existing projects. The capital budget of Údarás na Gaeltachta has been cut from €22 million in 2007 to an incredible €6 million in 2013, a 73% cut in the budget when employment is falling in Gaeltacht communities while at the same time the budgets for the IDA and Enterprise Ireland were increased in that period.

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Why is it that the Fine Gael-Labour Party and Fianna Fáil-Green Party Governments implemented this policy of cutting funds for the development of employment in Gaeltacht communities when expanding the funding outside the Gaeltacht? It is no wonder that those communities have formed the view that they are being consciously neglected by the establishment parties.

Conradh na Gaeilge with the support of 77 organisations has published a very important document, Investment in the Irish Language and in the Gaeltacht from 2016 onwards, which outlines well researched proposals for increases in funding. It is seeking an additional €18 million in funding for Údarás na Gaeltachta and Foras na Gaeilge which would result in an estimated 1,175 new jobs, €5 million less than the 2008 funding. The Anti-Austerity Alliance fully supports that demand. Not only should the budget cuts be reversed in their entirety but we should fight to expand the funding greatly. Conradh na Gaeilge outlines that even a partial reversal of the cuts could mean an expansion in Irish language community schemes where language plans in the Gaeltacht could be implemented, local groups all over the State can work on expanding the use and knowledge of the language where Irish speaking families would get the support they need in using the language and where Gaeltacht schools would get language assistance.

There have been tremendous protests on the right to use the Irish language. The Dearth le Fearg protest in 2014, in which I participated, had 10,000 people on the streets in Dublin. The cuts in the public sector in recent years have dramatically reduced the number of civil and public servants and impacted on the talent pool of our public sector workers. Many of those now retiring or taking early retirement are the staff who have the language skills to deal with the public through Irish. Answers we received from Ministers show that on average 4.5% of staff have sufficient Irish to deal with people. Some Departments have very low figures, such as the Department of Public Expenditure and Reform, with 0.8%, and the Department of Jobs, Enterprise and Innovation with 0.5%. Many people who wish to engage with the State through Irish have the continual problem of being able to get forms in Irish or speak to people in the language they want to speak in, even when they call the designated Irish language telephone line. Irish speakers say they face a constant battle to conduct simple interactions with the State, such as getting a passport form. There is widespread support for the availability of public services through Irish for those who want them as illustrated in a number of public opinion polls.

The programme for Government generally outlines that it supports extra funding for the language. However, there are no commitments in the programme for Government about what level of funding will be advanced. There is a need for an active campaign by Gaeltacht communities and Irish language speakers to secure the funding they need and to secure their language rights. Capitalism is a system which ravages linguistic diversity all over the planet. The rule of profit is what comes first and the language rights of minorities come second. To secure rights we must fight for them and take on the wider agenda of cutting public services, cutting employment and cutting services to communities, such as our Gaeltacht communities and Irish speaking community.

Deputy Catherine Connolly: Ní nach ionadh go bhfuil inmharthanacht na Gaeilge i mbaol. Tá muid sa Dáil agus níl Aire sinsearach le Gaeilge anseo ná baol uirthi í a fhoghlaim. Níl Aire sóisearach ach an oiread agus tá óráid againn ón Aire Airgeadais agus is masla é i ndáiríre do lucht na Gaeilge na sé leathanach seo. Níl iarracht ar bith déanta anailís a dhéanamh ar stádas na Gaeilge nó straitéis na Gaeilge. Ní fiú tráithnín é bheith ag liú straitéis na Gaeilge gan acmhainn chúil a chur ar fáil. Níl aon trácht ar sin chor ar bith. Níl aon iarracht an straitéis a chur i gcomhthéacs. Eascraíonn an straitéis sin díreach as an Bhunreacht agus an stádas faoi leith atá

ag an nGaeilge sa Bhunreacht. Eascraíonn an document agus an cháipéis seo as na 13 cuspóir a leagadh síos siar in 2006. Anois 2016. Ar ndóigh, foilsíodh an straitéis seo in 2010 agus níl anailís ar bith déanta in óráid an Aire Airgeadais maidir leis an straitéis sin nó cad tá ag teastáil. Aontaím le rud amháin atá scríofa ag an Aire sna sé leathanach atá aige agus sin mar fhocal scoir. Deir sé, “tá todhchaí na teanga ag brath go príomha ar an phobal.” Cinnte tá, ach tá ról ag an Rialtas agus tiocfaidh mé ar ais go dtí an ról sin.

Is linne go léir an Ghaeilge agus níl amhras ar bith ach go bhfuil dualgas orainn go léir í a úsáid agus í a chur chun cinn. Ar ndóigh, áfach, tá deacrachtaí éagsúla ag dul leis an ndualgas seo ag brath ar chumas Ghaeilge an duine. Do dhuine amháin, is éacht é “Dia duit” nó “Slán” nó “Go raibh maith agat” a rá. Ach do dhuine eile, le sealbhú níos fearr ar an nGaeilge, tá dualgas níos tromchúisí ag dul leis an gcumas sin. Ní mór don chainteoir sin chuile sheans a thapú an Ghaeilge a úsáid agus seirbhísí trí Ghaeilge a éileamh ón Stát.

Chomh maith lenár ndualgais agus ár n-iarrachtaí aonair, áfach, tá freagracht faoi leith ar aon Rialtas, agus go háirithe an Rialtas seo, ár dteanga dhúchas a chur chun cinn i bhfianaise, ar an gcéad dul síos, cé chomh báúil agus atá pobal na tíre don teanga. Mar shampla, tá sé soiléir ó shuirbhé a rinneadh le déanaí go dtacaíonn breis agus 93% den daonra le hathbheochan nó caomhnú na Gaeilge. Ar an dara dul síos, tá an méid Teachtaí Dála nua-tofa - faraor nach bhfuil siad sa Seomra faoi láthair - agus, de réir mar a thuigim, móramh na Dála atá taobh thiar den Ghaeilge. Ar an tríú dul síos, agus níos tabhachtaí fós, tá an taighde uilig a chuireann in iúl go bhfuil géarchéim ann maidir le hinmharthanacht na Gaeilge mar theanga phobail agus mar theanga theaghlaigh sa Ghaeltacht. Tá sé thar a bheith soiléir nach bhfuil an dara rogha ag aon Rialtas, ach go háirithe an Rialtas seo, má tá sé i ndáiríre faoin Ghaeilge a choinneáil mar theanga bheo, bhríomhar agus mar theanga chumarsáide, ach beart a dhéanamh go práinneach.

Sa chomhthéacs seo, níl drogall ar bith orm mo thacaíocht a thabhairt don chás le haghaidh maoinithe bhreise a chur ar fáil maidir le hinfheistíocht sa Ghaeilge agus sa Ghaeltacht agus brú a chur agus a choinneáil ar an Rialtas seo é a dhéanamh. Níl ach €18 milliún - sin an méid - á lorg ag na heagraíochtaí a tháinig le chéile ar son na cúise. Is iad sin Foras na Gaeilge, eagraíocht a fheidhmíonn ar fud an oileáin, agus Údaras na Gaeltachta. I bhfianaise na ndeathorthaí agus na mbuntáistí a bheadh ann ó thaobh an gheilleagair de, ó thaobh na bpost nua a bheadh i gceist, agus de bharr go bhfuil an figiúr seo €5 milliún níos lú ná an buiséad €45 milliún a bhí ann in 2008, bheadh sé náireach amach is amach gan an t-airgead seo a chur ar fáil dóibh. Go deimhin, tá cás iontach soiléir déanta amach acu agus ní mór don Aire agus don Aire sóisearach, cuma cé hé nó hí - ar ndóigh, tá sé níos rúnda ná an tríú rún Fatima cé hí nó cé hé - an cháipéis seo a léamh agus an t-airgead seo a chur ar fáil.

Go sonrach, luann an cháipéis deich gcúis le tacú leis an éileamh do mhaoiniú breise don Ghaeilge agus don Ghaeltacht. Tá mé chun an deich gcúis sin a léamh amach. Tá tacaíocht an-laidir don Ghaeilge i measc an phobail i gcoitinne. Tá sé sin ráite ag a lán cainteoirí inniu. Ní mór deiseanna an teanga a úsáid a chur ar fáil don phobal. Tá an pobal ar aon intinn gur chóir tacaíocht bhreise a chur ar fáil.

Tá an leibhéal maoinithe atá á lorg acu €5 milliún níos ísle ná an maoiniú a cuireadh ar fáil in 2008. Is ionann an maoiniú breise atá á lorg acu ó Dheas agus níos lú ná 1% den airgead breise a cheadaigh an Rialtas i gcáinainneis 2016. Is ionann an maoiniú breise atá á lorg acu ó Thuaidh agus 0.43% den airgead breise geallta mar chuid de Chomhaontú Stormont in 2015. Nuair a laghdaíodh buiséid an fhorais agus an údaráis, cuireadh cúramaí breise ar an dá eagraíochta ag an am céanna agus níos lú airgid acu na cúramaí sin a chomhlíonadh. Is é seo

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an chéad chomhiarratas riamh ó na húdaráis agus ón bpobal. Cuireann sé sin in iúl cé chomh tábhachtach is atá sé an t-airgead seo a thabhairt do na eagraíochtaí. Tá géarchéim i gceist.

Chruthófar breis is 1,160 post leis an maoiniú atá á lorg. Is mór an trua nach bhfuil an tAire Airgeadais fós sa Seomra chun é sin a chloisteáil. Is mór an trua nach bhfuil sé anseo chun an cháipéis seo a fheiceáil dar teideal “Buntáistí geilleagracha na Gaeilge a fheictear i gCathair na Gaillimhe agus i nGaeltacht na Gaillimhe”. Tá a fhios ag an iar-Aire Stáit, an Teachta Joe McHugh, go bhfuil €136 milliún i gceist - is é sin a luach - do chathair na Gaillimhe agus don chontae.

Tá tosaíocht á lorg ag na heagraíochtaí don Ghaeilge, go háirithe sa bhliain seo agus muid i mbun ceiliúradh 1916. Ba chóir aitheantas a thabhairt don ról ar leith a bhí ag an nGaeilge i gcuid mhaith de na heachtraí a tharla 100 bliain ó shin. Chomh maith le sin, deirtear linn go mbeidh comóradh speisialta ann in 2018 chun tús athbheochan na Gaeilge a chomóradh. Ba chóir, mar sin, na scéimeanna agus na tionscadail a bheartaítear sa cháipéis seo a chur i bhfeidhm in 2016 le cinntiú go dtabharfar spreagadh ar leith don Ghaeilge faoin mbliain 2018 ag an leibhéal áitiúil go mór mór. Agus mé ag caint faoi spreagadh, ní mór don Dáil seo an Ghaeilge a úsáid chun spreagadh a thabhairt do na daoine atá timpeall na tíre ag éisteacht linn agus ag déanamh a ndíchill le beagán Gaeilge í a úsáid. Tá dualgas orainne eiseamláir a thabhairt dóibh agus a rá leo go bhfuil an Ghaeilge tábhachtach.

Tá gá le ceannaireacht ag an mbord Rialtais má táimid i ndáiríre faoin dteanga. Tá gá le hAire sinsearach le Gaeilge agus tá gá le Aire sóisearach don Ghaeilge agus Gaeilge aige nó aici. Gan dabht, beidh tábhacht faoi leith ag baint leis an gcomhchoiste Dála ó thaobh na Gaeilge de. Mar a dúirt mé cheana, ní fiú tráithnín an Straitéis 20 Bliain don Ghaeilge gan acmhainní cuí a chur ar fáil. Má táimid i ndáiríre faoin nGaeilge, caithfidh beart a dhéanamh. Ní féidir leanúint ar aghaidh le hAire sinsearach gan Ghaeilge agus gan Aire sóisearach. Mar a duirt mé, tá sé cosúil leis an tréimhín Fatima cé hé nó cé hí. Tá sé thar am beart a dhéanamh le cur in iúl do mhuintir na tíre go bhfuilimid i ndáiríre faoin dteanga.

Deputy Catherine Murphy: I am one of those people who went through the education system when Irish was compulsory and I passed examinations. However, I cannot speak Irish and can just about follow a conversation in it. I have a few words of Irish, but that is the extent of it. However, I have a commitment to the Irish language which, as I have said previously in the House, I show by the fact that my children attended an all-Irish school in the days when the Gaelscoileanna movement was almost frontier territory. There was very unsatisfactory accommodation available and the movement was in the early stages of development. I have a commitment and a desire to see the language revived and people like me need to be catered for. There are actually a lot of people who would put themselves in that category.

One item is absent from this Chamber and I do not know if anyone has it in front of him or her. Most of those who have spoken spoke in Irish. There is a translator in the booth translating, yet none of us has earphones. That is a very obvious shortcoming. Increasingly, we hear people speak in Irish, which is fine as long as those who do not speak the language have the means to understand what they are saying, certainly if it is a long speech.

I turn to the revival of the language. I have seen at first hand the phenomenal revival of the language within my constituency which is outside a Gaeltacht area. There are six or seven primary schools, as well as a second level school in Lucan which was developed on a regional basis for north Kildare. It has been so successful that it is oversubscribed, with the result that

now there is nowhere for students in north Kildare to go. They are being asked to go somewhere which is less satisfactory. Total immersion is very different from the likes of a sruth or an aonad, which does not seem to be understood. It appears that one has to re-establish a demand in an area for an Irish school, even though there has been such a demand since the 1980s. The school in Lucan would not have been developed if there been no demand in north Kildare and west Dublin. There are 6th class pupils from six or seven feeder schools in north Kildare and areas such as Edenderry and Dunboyne. When my children went to Gaelscoil Uí Dhálaigh in Leixlip, we fought every inch of the way to have the school established. The accommodation was what other people had finished with. Essentially, there was no big demand for revival and it had to be fought for.

I am seeing the exact same thing happen in the provision of Gaelscoileanna at second level. There is a need for co-ordination between the Departments involved. To be honest, I am not at all happy that we have this miscellaneous Department of Regional Development, Rural Affairs, Arts and the Gaeltacht. With a lot of portfolios, it lacks focus. The Irish language is within a context which is our culture. The aspects of arts and heritage are being dumbed down. I am not at all surprised there is a big resistance to that, as we speak. The Irish language exists within that culture and that culture needs to be nurtured. It is very interesting that the Taoiseach was at an event yesterday in America, where there is a greater appreciation of our culture, by the look of it, than we ourselves might have. I believe that needs to be revisited as a matter of urgency.

The Gaeltacht needs special attention. These are very special areas and it is not just a question of the language on its own. We must consider the needs of people living in those areas in a complete way, because this goes from language to commerce to culture and to every particular element of life. However, any big revival is going to come from outside the Gaeltacht areas. There needs to be a degree of co-ordination so there is not a resistance, where there is a proven demand, to giving expression to that demand, for example, through the Department of Education and Skills.

There is a very exercised community in my constituency, one I am very happy to lend support because I believe it is being very badly treated in terms of the development of and commitment to a second level school, given the school in west Dublin is oversubscribed. Some of these primary schools have existed since the 1980s and 1990s; they are established schools, with some being two-stream schools and one a three-stream school. They are incredibly well appreciated and it is understood there is an educational value in bilingualism, in that it is possible for people to become multilingual much more easily if they are bilingual in the first place. People often ask about the economic advantage of learning Irish whereas we do not dismiss the economic advantage of learning many other languages. If Irish is a benefit to our learning of other languages, given the prospect of multilingualism, we have to see it in those terms.

There can sometimes be a bit of elitism among people who almost believe that if others do not speak Irish, they are not the real thing. We have to cut that out. If there is to be a revival we have to provide opportunities for people to speak Irish, even if it is in less than perfect patterns. This includes providing opportunities outside the classroom environment because while people might learn Irish in the classroom, if they do not have the opportunity to speak it outside that environment, they will lose the language. We have to look in a more nuanced way at how we provide for this.

There needs to be a strong connection with the Department of Education and Skills in co-ordinating the development of the language. If this stops at second level, we are hardly going

to achieve what we all want to see achieved.

There are other issues in regard to the whole area of the culture within which the language exists. For example, many of us watched the excellent programme that RTE broadcast at the time of the commemorations, which was greatly appreciated. At the same time, the playlists of Irish music contain less and less of what people really appreciated when they saw it in a programme because these things are always developed on the basis of commercial value. I believe we need to look at this in its totality because if people appreciate the context, they will appreciate the language. Those aspects need to be considered if we are to have a more complete revival.

Deputy Catherine Martin: De réir saineolaithe idirnáisiúnta, tá an Ghaeilge sa Ghaeltacht ag cúlu go tapaídh mar theanga laethúil an phobail. Go bunúsach, tá todhchaí na Gaeltachta i mbaol. Cad is Gaeltacht ann? An áit fisiciúil nó meon aigne í? Nó an bhfuil an dá rud fite fuaite lena chéile? Caithfear an cheist a chur ar gach Teachta Dála: cad é a bhfuil ar bun agat i do Dháilcheantar féin chun cás na teanga a chothú? Braitheann pobal na Gaeilge orainn uilig ceannaireacht a léiriú i dtaobh cearta agus seirbhísí teanga a chur chun cinn. Mo náire sinn mar Theachtaí Dála má thréigimid aisling na Gaeltachta.

Is seoid náisiúnta luachmhar chultúrtha í an Ghaeltacht agus tá dualgas orainn uilig í a chosaint do na glúine a thiochfaidh inár ndiaidh. Ní mór dúinn cuimhneamh gurb é an difríocht idir Gaeilge phobail na Gaeltachta agus an Ghaeilge lasmuigh den Ghaeltacht ná gur slabhra neamhbhriste lenár sinsir Cheilteacha í teanga phobail na Gaeltachta. Síneann fréamhacha na teanga siar i bhfad roimh ré na Normannach, roimh ionsaí na Lochlannach, roimh ré na Críostaíochta agus fiú siar go dtí ré na miotaseolaíochta. Ach dealraítear go bhfuil meath le brath sa Ghaeltacht de dheasca easpa seirbhísí Gaeilge, easpa tacaíochta an Stáit agus bagairt an Bhéarla chuile áit. Is ceist phráinneach í an meath seo. Is é seo am an ghátair do chainteoirí dúchais.

De réir fhigiúirí dhaonáireaimh 2011, cé go ndeireann 41.4% go bhfuil siad ina gcainteoirí Gaeilge, ní úsáideann ach 1.8% de dhaoine an Ghaeilge ar bhonn laethúil. Is é sin 77,185 duine. Faraor, níl ach duine as triúr dóibh siúd ina gcónaí sa Ghaeltacht. Is maith is eol dúinn go bhfuil athrú aeráide mar bhagairt ar an timpeallacht agus go bhfuil an timpeallacht i mbaol. Mar an gcéanna, dearbhaíonn an Comhaontas Glas go bhfuil todhchaí na Gaeltachta i mbaol. Tá géarghá le haghaidh plan éigeandála tarrthála gan a thuilleadh moille.

Obair in aisce a bheidh sa Stráitéis 20 Bliain don Ghaeilge gan infheistíocht chuimsitheach i seirbhísí tacaíochta do theaghlaigh agus seirbhísí don óige. Caithfear tús áite a thabhairt do na ceantair Ghaeltachta ina bhfuil an lámh in uachtar ag an teanga mar theanga an phobail. Is riachtanas é ó thaobh saibhreas na teanga canúintí nádúrtha traidisiúnta na Gaeltachta a chaomhnú don todhchaí, maraon leis an gcaighdeán oifigiúil. Is riachtanas é ard-caighdeán Gaeilge a bheith ag ábhar oidí agus múinteoirí ó thaobh sealbhú teanga. Ach, i roinnt ceantair faoi láthair, tá saibhreas na Gaeilge á chailliúint mar thoradh ar thionchar an Bhéarla agus easpa seirbhísí tacaíochta Gaeilge.

Is údar imní é nach bhfuil Roinn Rialtais freagrach as tithíocht sa Ghaeltacht, rud a chinnteoidh cosaint na teanga. Caithfear dul i ngleic le cúrsaí tithíochta agus tacú leis na teaghlaigh atá ag déanamh a seacht ndícheall ár dteanga agus ár n-oidhreacht a chaomhnú agus a chothú. Tá frustrachas ar phobal na Gaeltachta. Tá dualgas orainne, mar pholaiteoirí i nDáil Éireann, cluas éisteachta a thabhairt do lucht na Gaeltachta iad féin agus dá gcuid éilimh ar mhaithe le stádas na Gaeilge a neartú.

Ba chóir don Rialtas a chinntiú go mbunófar an lár-ionad náisiúnta don oideachas i mBaile Bhuirne atá geallta le fada an lá. Ba chóir cúramaí Údarás na Gaeltachta a leathnú ón tionsclú go dtí cúramaí sóisialta, cultúrtha agus teanga. Is féidir linn foghlaim ó thaithí mhuintir na Breataine Bige agus muintir na hAlban agus bonn reachtúil a bheith againn maidir le cur i bhfeidhim straitéis náisiúnta, Gaeltachta agus áitiúla.

1 o'clock

Má táimid dáiríre faoi Acht na dTeangacha Oifigiúla, caithfear cearta Gaeilge a neartú seachas iad a mhaolú agus a laghdú. Molann an Comhaontas Glas go mbunófar aonad na Gaeilge i Roinn an Taoisigh chun a chinntiú go gcuirfear an tAcht seo i bhfeidhm i ngach eagraíocht Stáit agus i ngach Roinn.

In ainneoin meath na Gaeltachta, is cosúil go bhfuil fás agus forbairt ag teacht ar líon na nGaelscoileanna ó cheann ceann na tíre. Tá 305 bunscoil ar an oileán seo againne: 126 sa Ghaeltacht, 144 lasmuigh den Ghaeltacht agus 35 sna Sé Chontae. Ag eascairt as an dearcadh dearfach seo, caithfear géarchéim na Gaeltachta a phlé agus réiteach a fháil ar na dúshláin. Is fúinne atá sé mar pholaiteoirí tacaíocht a thabhairt don chainteoir ó dhúchais nach bhfuil sa mhóramh a thuilleadh agus sealbhú na teanga a chinntiú. Dar le hÁine Ní Neachtain, comhbhunaitheoir Tuismitheoirí na Gaeltachta, “In áit an foghlaimeoir a bheith báite i measc na gcainteoirí dúchais mar a bhíodh is é a mhalairt atá ag tarlú sa Ghaeltacht sa lá atá inniu ann”. Is fúinne uilig atá sé sa Teach seo brú a chur ar Airí tearmainn teanga a chothú do theaghlaigh Gaeltachta agus maoiniú a thabhairt dóibh ionas go mbeidh rath ar shealbhú teanga dá bpáistí agus don fhoghlaimeoir sa mhórchuid feasta.

Creideann an Comhaontas Glas go mba chóir cumhacht bhreise a thabhairt don Choimisiún Teanga le cinntiú gur Gaeilge chruinn cheart a bheidh ar chomharthaí poiblí agus comharthaí bóthair, ní hamháin sa Ghaeltacht ach ar fud na tíre. Maidir leis na meáin chumarsáide, tá éacht déanta ag Raidió na Gaeltachta, RTE agus ag TG4 le 20 bliain anuas, maraon le craoltóirí príobháideacha feasta. Tá ardmholadh tuillte ag na craoltóirí uilig as na sárchláracha a rinneadh don chomórath 1916. Molaim TG4 as an duais IFTA a bhronnadh ar an gclár “An Klondike”. Mar pháirtí uile-oileánda, molaimid BBC Tuaisceart Éireann feasta agus táthar ag súil le breis cláracha Gaeilge uathu amach anseo. Ní féidir a shéanadh ach go spreagann craoltóirí, filí, lucht léinn agus coláistí samhraidh fis don todhchaí agus níl aon dabht faoi ach go mairfidh an teanga.

Ní mhairfidh saol na Gaeltachta má leanaimid ag tabhairt an chluais bhodhair ar na deacrachtaí áfach. Is acmhainn leochaileach leonta í an Ghaeltacht ar ghá í a chosaint agus a chur ar aghaidh go slán do na glúine atá le teacht. Thuig Lady Augusta Gregory tábhacht an bhéaloidis agus canúint Chonamara go maith agus bhí tionchar nach mór ag an miotaseolaíocht seo ar an réabhlóid chultúrtha 100 bliain ó shin. Mar an gcéanna, 100 bliain ó shin, thuig lucht léinn na hEorpa, ar nós Kuno Meyer agus Carl Marstrander, an tseoid uasal ársa a raibh ar an dé deiridh sna Blascaoid maraon le Robin Flower, George Thomson agus E.M. Forster. Muna ndéanaimid beart de réir ár mbriathar sa Teach seo, agus má ligimid ár maidí le sruth maidir le tábhacht na Gaeltachta, beimid uilig ciontach as slad a dhéanamh ar anam agus ar chuise an náisiúin seo.

I bhfocail an Phiarsaigh;

Mór mo ghlóir:

18 May 2016

Mé do rug Cú Chulainn cróga.

Mór mo náir:

Mo chlann féin a dhíol a máthair.

Mar fhocail scoir, tá todhchaí na Gaeltachta faoi chlóca dubh. Suan ná séan, ní bhfaighidh sí choíche, gan tacaíocht an Stáit seo, láithreach bonn.

Acting Chairman (Deputy Robert Troy): Tá cúig nóiméad an duine ag an Teachta Seán Kyne agus an Teachta Fergus O'Dowd.

Deputy Seán Kyne: Tá mé ag roinnt mo chuid ama leis an Teachta O'Dowd. Cuirim fáilte roimh an seans ráiteas a dhéanamh maidir leis an nGaeilge. Cuirim fáilte roimh an Aire, an Teachta Heather Humphreys, agus roimh an iar-Aire Stáit, an Teachta Joe McHugh. Gabhaim buíochas leis an Teachta McHugh as an obair a rinne sé sa Roinn ón am a ainmníodh mar Aire Stáit é agus seans go mbeidh sé ar ais sa phost sin i gceann seachtaine.

Bhí laghdú maoinithe do chuile Roinn ar feadh tamaill mar gheall ar dhrochstádas eacnamaíoch na tíre, mar atá ar eolas ag chuile dhuine. Anois tá sé in am níos mó airgid a chur ar fáil do Roinn na Gaeltachta chun an Ghaeilge a chur chun cinn. Is maith an rud é go bhfuil sé scríofa sa chláir Rialtais go mbeidh an Rialtas á dhéanamh sin. Mar a dúirt urlabhraithe eile anseo, tá sé ráite ag Conradh na Gaeilge, ag na grúpaí ón nGaeltacht agus ag na grúpaí atá ag freastal ar an nGaeilge agus ar an nGaeltacht go dteastaíonn sé sin uainn. Tá ról tábhachtach ag Údarás na Gaeltachta poist a chruthú sa Ghaeltacht. Teastaíonn níos mó airgid leis sin a dhéanamh. Is féidir leis an údarás tacú agus cuidiú le riachtanais ghnó. Tá foireann ag an údarás atá taithí aici ar bheith ag déileáil le daoine agus ar chomhairle a thabhairt do dhaoine gnó. Tá gnóthaí bunaithe ag na céadta sa Ghaeltacht le cabhair ó Údarás na Gaeltachta in a lán earnálacha, cosúil le turasóireacht, na healaíona, fiontar na n-oileán, seirbhísí trádála idirnáisiúnta agus próiseáil bia. Cruthaíodh 533 post sa Ghaeltacht i ngnóthaí atá comhpháirteach leis an údarás. Is toradh maith é sin agus tá plans acu níos mó post a chruthú. Tá plans acu tacú le comhlachtaí chun níos mó post a chruthú. Cuireadh €1 milliún sa bhreis ar fáil i mbuiséad 2016. Cuirim fáilte roimh an airgead sin ach teastaíonn níos mó airgid.

Tá ról freisin ag an údarás mar gheall ar Acht na Gaeltachta 2012 ó thaobh na limistéir pleanála teanga. Tá eagraíochtaí roghnaithe ag an údarás chun na pleananna teanga a ullmhú sa Ghaeltacht. Tá ról tábhachtach ag an údarás maidir leis an teanga a chur chun cinn mar theanga pobal na Gaeltachta agus teastaíonn níos mó airgid uaidh agus ó na heagraíochtaí eile chun níos mó a dhéanamh chun an teanga a chur chun cinn. Tá príomhról ag an Roinn Oideachais agus Scileanna ó thaobh na teanga de. D'fhoilsigh an Roinn Oideachais, in éineacht le Roinn na Gaeltachta, moltaí maidir le polasaí oideachais Ghaeltachta in 2015. Fuair an Roinn aighneachtaí ar na polasaithe sin ó thuismitheoirí, ó mhúinteoirí agus ó bhoird bhainistíochta. Tá sé in am na polasaithe sin a chur i bhfeidhm. Tá ceist ann freisin maidir leis na scoileanna beaga ar na hoileáin. Teastaíonn polasaí difriúil ó na hoileáin as seo amach.

Bíonn níos mó brú ar mhúinteoirí sna scoileanna Gaeltachta nuair a bhíonn orthu freastal ar pháistí a bhfuil Gaeilge líofa acu agus ar pháistí eile atá ag foghlaim na teanga sna ranganna céanna. Tá sé scríofa freisin sa chláir Rialtais go gcaithfidimid an straitéis 20 bliain a chur i bhfeidhm. Chuireamar tús leis an obair sin agus tá sí ag dul ar aghaidh faoi láthair ach b'fhéidir go dteastaíonn plean gníomhaíochta don Ghaeilge, cosúil leis an bplean a d'oibrigh go maith sa Roinn Post, Fiontar agus Nuálaíochta, sa chaoi go mbeidh a fhios ag chuile Roinn céard atá

ag teastáil, go mbeidh daoine ann i ngach Roinn atá freagrach as cur chun cinn na teanga agus go mbeidh spriocdháta le chuile cuspóir a chur i bhfeidhm. Sin a theastaíonn uainn. Nuair a bheidh spriocdháta ann nó nuair a bheidh daoine ann sa tseirbhís phoiblí a bhfuil orthu rud éigin a dhéanamh agus cuspóirí a chur i bhfeidhm, beidh siad in ann é sin a dhéanamh agus beidh an Taoiseach agus na hAirí ag cur brú orthu é a dhéanamh. Sin a tharla sa Roinn Post, Fiontar agus Nuálaíochta ó thaobh an phlean gníomhaíochta atá acu ansin.

Maidir leis an Acht don teanga, tá na plans sin ag dul ar aghaidh agus tá sé de dhualgas ar gach ceantar fanacht laistigh den Ghaeltacht. Ní ar an Rialtas atá an dualgas sin ach ar an bpobal. Tá an t-údarás ag cabhrú leis na heagraíochtaí atá ag iarraidh na bpleananna sin a chur i bhfeidhm. Tá mé ag críochnú leis seo. Ó thaobh earcaíochta sa tseirbhís phoiblí de, tá sé ráite go minic agam go mb'fhearr liom cuóta níos airde mar go bhfuil sé sin ag teastáil chun an difríocht atá ag teastáil a dhéanamh, sa chaoi go mbeidh níos mó daoine le Gaeilge sa tseirbhís phoiblí chun freastal ar an bpobal.

Deputy Fergus O'Dowd: Ba mhaith liom a rá i dtosach gur díospóireacht an-mhaith í seo. Molaim an méid daoine atá ag caint as Gaeilge, nó atá ag iarraidh níos mó Gaeilge a bheith acu. I mo thuairim, is í sin an bhunchloch. Ba cheart go mbeadh mórtas againn toisc go bhfuil iar-Aire Stáit na Gaeltachta, an Teachta McHugh, ag foghlaim na Gaeilge. Cén fáth nach mbeadh meas againn ar a leithéid d'iarracht? Ní raibh mórán Gaeilge aige sular bhfuair sé an post sin, ach anois bíonn sé ag caint Gaeilge gach lá. Tá difríocht idir daoine áirithe, ar nós an Teachta McHugh, agus daoine eile nach bhfuil spiorad na hathbheochana mar bhunchloch acu. Bíonn daoine sa dara ghrúpa ag féachaint síos ar dhaoine atá ag déanamh a ndíchill an Ghaeilge a labhairt agus ag tabhairt amach fúthu.

Measaim go bhfuil spiorad na hathbheochana ag feabhsú sa tír seo. Nílím sásta in aon chor leis an méid atá ráite ag daoine ar an taobh eile den Teach seo. Tuigim go bhfuil sé ag teacht óna gcroíthe freisin. Nuair a bhí an arts festival ar siúl i nDroichead Átha le déanaí, chonaic mé go raibh slua tuismitheoirí agus páistí ag feitheamh. Nuair a d'iarr mé, "what are all these people waiting for?", dúradh liom go raibh siad ag féachaint i dtreo duine a bhí istigh i mbosca sa chúinne. Níl a fhios agam an t-ainm ceart atá air - Manchán, b'fhéidir. He is a well-known Irish speaker ar an teilifís. Bhí Foclóir Uí Dhuinnín aige. Tá a fhios ag na Teachtaí atá i láthair cén foclóir atá i gceist. Bhí sé ag tabhairt focal do na páistí. He was giving the young people words from the Irish language, which is thousands of years old, and asking them to hold in their hearts those words and the language as a whole. Nuair a d'fhág na daoine sin an áit, bhí spiorad na hathbheochana ina measc. Tá i bhfad níos mó daoine i mo dhúthaigh féin ag labhairt Gaeilge, ag léamh Gaeilge agus ag éisteacht leis an nGaeilge. I mo thuairim, tá seans againn sa Pharlaimint seo níos mó a dhéanamh ar son na Gaeilge.

Molaim go mór an jab iontach atá déanta ag na Gaelscoileanna. Bhí fear i mo chlinic le déanaí in éineacht lena mhac óg. D'iarr mé ar an mbuachaill, "what school are you going to?", agus dúirt sé liom go bhfuil sé ag freastal ar scoil lán-Ghaeilge, Gaelscoil an Bhradáin Feasa. Bhí níos mó Gaeilge ag an bpáiste óg sin - deich mbliana d'aois - ná mar a chuala mé le tamall fada, fiú amháin ó pháistí sa Ghaeltacht. Tá rudaí ag athrú. Tá an Ghaeilge ag fás, ach go háirithe.

Molaim an obair atá déanta ag TG4 agus Raidió na Gaeltachta. Measaim go bhfuil seans iontach againn i mbliana, agus comóradh 100 bliain Éirí Amach an Cásca ar siúl, bunchloch na Gaeilge a mhúscailt arís i measc na ngnáthdhaoine. Nuair a léimid na leabhair staire a bhaineann le 1916 - tá Pádraig Mac Piarais luaite cheana féin sa díospóireacht seo - is léir dúinn go raibh

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an-mheas ag gach éinne a bhí páirteach in imeachtaí na bliana sin ar an spiorad náisiúnta agus an spiorad Gaelach. Bhíodar le chéile. B'fhéidir nach raibh toradh ró-mhaith ar sin, i ndáiríre, ós rud é nár thógadar mórán de na Protastúnaigh leo. Tá sé soiléir go bhfuil an Ghaeilge mar bhunchloch an náisiúnachais agus mar bhunchloch na tíre seo. Caithfidimid díriú ar sin.

Caithfidimid díriú freisin ar Chonradh na Gaeilge, grúpa a rinne an-jab ar fad sna blianta sin. Tá ceist agam do Chonradh na Gaeilge agus do gach éinne eile atá páirteach i ngluaiseacht na Gaeilge. Nílím ag rá nach bhfuil spiorad acu - is léir go bhfuil - ach is dóigh liom gur chóir go mbeidís níos mó os comhair na ngnáthdhaoine. Dá mbeadh feachtais ar siúl acu, bheadh níos mó daoine ag faire ar na feachtais sin agus ag bualadh leis na rannpháirtithe. What I am saying really is that the Irish language movement has done a fantastic job. I would like to see more bolscaireacht and more “in your face” action. The biggest protest we had here for a long time related to an Ghaeilge éigeantach. Tharla sé nuair a bhí an Taoiseach, an Teachta Enda Kenny, mar Cheannaire an Fhreasúra. Bhí na céadta scoláire ag siúl trasna an bhóthair gach seachtain. Bhí na daoine óga seo ag iarraidh an Ghaeilge a chur chun cinn. Ní fheicim anois iad ar chor ar bith. Caithfidimid síceolaíocht níos fearr a bheith againn. Tá sé fíor go gcaithfidh feachtas bríomhar a bheith ann. Tá easpa gníomhaíochais ann, i mo thuairim. Tá sé in am dúinn féachaint ar sin arís.

Is eol dom go maith gur cheart dúinn díriú ar cheist mhaith na Gaeltachta. Ní féidir liom é sin a dhéanamh inniu mar nach bhfuil ach cúig shoicind fágtha agam. Bíodh misneach againn. Mol an óige agus tiocfaidh sí, agus beidh an Ghaeilge á labhairt ag daoine óga. Molaim Aire na Gaeltachta freisin.

Deputy Pat The Cope Gallagher: Cuirim fáilte roimh an díospóireacht seo faoin Ghaeilge, faoin Ghaeltacht agus faoi chúrsaí na Gaeilge. Déanaim comhghairdeas leis an Aire, an Teachta Humphreys, a bhfuil na cúraimí seo uirthi. Tá súil agam nach fada go dtí go mbeidh Aire Stáit aici a bheidh ag plé leis an nGaeltacht agus leis an nGaeltacht amháin. Dúirt muidne sa manifestó a bhí againn go mbeadh Aire sinsearach ag plé leis an nGaeltacht dá mbeimid sa Rialtas. Níor tharla sé sin. Má chuirtear Aire sóisearach i mbun cúrsaí Gaeltachta, molfaidh mé go mór a leithéid de cheapachán. Ba cheart go mbeadh cead ag an Aire Stáit sin freastal ar chruinnithe Rialtais, go háirithe nuair atá rud ar bith a bhaineann leis an nGaeltacht nó leis an nGaeilge á mheas. Tréaslaím leis an Aire sóisearach a bhí sa Rialtas deireanach, an Teachta McHugh. Rinne sé sár-iarracht ag an am sin an Ghaeilge a fhoghlaim. Molaim gur cheart don Aire a bhfuil na cúraimí sinsearach uirthi an rud céanna a dhéanamh. Ba cheart go mbeadh “delegated powers” ag an Aire sóisearach atá le hainmniú ag deireadh na seachtaine nó ag tús na seachtaine seo chugainn.

Caithfidh mé an Rialtas a cháineadh ós rud é nach bhfuil aon Ghaeilge sa chlár Rialtais atá foilsithe acu. Tá alt amháin sa chlár fá dtaobh den Ghaeilge. Labhraíonn sé go ginearálta faoin Ghaeltacht. Tá súil agam go mbeimid ag díriú ar na spriocanna atá ag an Rialtas agus an Aire agus a bheidh ag an Aire Stáit. Déanann clár an Rialtais tagairt don straitéis 20 bliain agus an fócas a bheidh ar jabanna. Ní dóigh liom gur féidir jabanna a chruthú gan i bhfad níos mó airgid a sholáthar d'Údarás na Gaeltachta. Má tá áiteanna Gaeltachta ag dul i gcoimhlint le háiteanna eile ar fud na tíre, caithfear tús áite a thabhairt don Ghaeltacht. Dá bhrí sin, ba cheart deontais níos mó a chur ar fáil chun comhlachtaí Éireannacha - comhlachtaí áitiúla, nó “indigenous” - agus comhlachtaí a thagann ó thíortha thar lear a mhealladh go dtí na Gaeltachtaí éagsúla. Ar ndóigh, bhéinn claonta i bhfabhar mo chontae féin agus Gaeltacht Dhún na nGall. Tá sé i gceist freisin i gclár an Rialtais níos mó béime a chur ar naíonraí agus fáiltim roimhe sin. Deirtear freisin go ndéanfar infheistíocht níos mó sa teanga. Caithfidh mé an Rialtas a cháineadh ós rud

é nach bhfuil ach líne amháin sa chlár a bhaineann le hinfheistíocht sa réimse seo.

Glacaimid go léir leis gur seoid luachmhar as cuimse í ár dteanga náisiúnta. Ní dóigh liom go raibh an Roinn ná an Rialtas a bhí ann roimhe seo dáiríre faoin Ghaeltacht. Bhí cúraimí na Gaeltachta orm idir 1989 agus 1994. Ag an am sin, bhí muidne ag díriú isteach ar na deontais fá choinne na bóithre áise. Níl pingin rua ar fáil anois fá choinne na bóithre áise. Níl airgead mór i gceist. Ba cheart go dtabharfar ar ais arís na deontais do na bóithre áise, cosúil leis na scéimeanna LIS a bhí ann roimhe seo. Rinneadh an-obair maidir leis na bóithre straitéiseacha sna Gaeltachtaí nuair a bhí an Teachta Ó Cuív mar Aire na Gaeltachta. Níl pingin rua ar fáil anois fá choinne athnuachan baile. Caithfear airgead a chur ar fáil arís fá choinne athnuachan baile. Is fiú amharc ar na céanna freisin. Ta mé ag smaoineamh ar Ché an Rannaigh ar Oileán Árann Mhór agus go leor céanna eile i nGaeltacht Dhún na nGall. De réir na bhfíricí, tá €600,000 ar fáil do na céanna achan uile bhliain. Ní dóigh liom go bhfuil an oiread sin airgid á chur ar fáil. Tá sé i gceist agam ceist a chur síos faoin mhéid airgid a cuireadh ar fáil anuraidh. Ar chuireadh €600,000 ar fáil, nó a leath de sin ar fáil? B'fhéidir go bhfuil an t-airgead sin ag dul áit éigin eile.

Thar na mblianta, bhí caighdeán na dtithe sa Ghaeltacht ar chomhchéim le tithe ar bith eile sa tír. Cuidíodh go mór leis sin na deontais a bhí Roinn na Gaeltachta ag cur ar fáil. Níl na deontais sin ar fáil anois agus ba cheart go ndéanfar athbhreithniú ar sin agus deontais a chur ar fáil do dhaoine atá sa Ghaeltacht, do dhaoine atá ag labhairt Gaeilge agus do dhaoine atá ag iarraidh ar a bpáistí an Ghaeilge a labhairt. Nuair a bhí na deontais sin ar fáil, bhí orthu na téarmaí sin a chomhlíonadh. Ní miste liomsa faoi na téarmaí sin, ach caithfear an t-airgead a chur ar fáil do na daoine sin.

Cé go bhfuil soláthar airgid ar fáil fá choinne áiseanna pobail, níl go leor ansin. Níl ann ach soláthar airgid iontach beag. Caithfear níos mó airgid a chur ar fáil thar na blianta atá romhainn. Tá an-éileamh air agus, má amharcann muid ar na hionaid phobail trí na Gaeltachtaí, tá a fhios againn go bhfuair na coistí sin airgead ón Stát. Ach níos tábhachtaí ná sin, chuaigh na daoine sin amach ag bailiú airgid agus ag cur go leor airgid isteach sna hionaid phobail sin. Nuair a chuir an tAire Airgeadais tús leis an díospóireacht seo, labhair sé faoi na mná tí agus a dtábhacht. Ó mo thaobh de, ceapaim féin go bhfuil na mná tí mar pháirt lárnach do na coláistí samhraidh. Caithfidh muid déanamh cinnte de go gcuirfimid níos mó airgid ar fáil do na mná tí a bhfuil ag déanamh an oiread sin chun an Ghaeilge agus an Ghaeltacht a chur chun cinn.

Caithfidh smaoineamh gurb é an Ghaeltacht tobar na Gaeilge. Tá a fhios againn chomh maith nach bhfuil deireadh leis an Ghaeltacht ná leis an Ghaeilge taobh istigh de theorainn na Gaeltachta. Caithfear ardmholadh a thabhairt do na comhlachtaí ar nós Conradh na Gaeilge atá ag déanamh an oiread sin chun an Ghaeilge a chur chun cinn. Dá bhrí sin, ba cheart a lua anseo na spriocanna atá ag Conradh na Gaeilge. Ina measc, ceann amháin acu san ná níos mó infheistíochta a dhéanamh i bpobal na Gaeilge. Tá pobal Gaeilge sa chathair seo, i mBéal Feirste agus i go leor áiteanna eile sa tír. B'fhéidir go bhfuil níos mó daoine ag caint Gaeilge anseo i mBaile Átha Cliath ná mar atá i go leor de na Gaeltachtaí beaga. Bhí Conradh na Gaeilge ag iarraidh go gceapfar Aire sinsearach. Níor tharla sé sin. Mar a dúirt mé, ba cheart go mbeidh delegated responsibilities ag an Aire sóisearach. De réir na ráflaí atá ag dul thart, deirtear liom go mbeidh comhchoiste ag plé leis an Ghaeilge agus leis an Ghaeltacht agus é sin amháin. Is dócha go mbeidh a fhios againn amárach nó an tseachtain seo chugainn. Má tharlaíonn sé sin, chuirfinn fáilte roimhe.

Ó thaobh fostaíochta de, dúirt an tAire go bhfuil sé mar sprioc ag Údarás na Gaeltachta níos

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mó fostaíochta a chruthú ach, mar a dúirt mé, ní féidir an fhostaíocht sin a chruthú gan níos mó airgid i bhfoirm deontas. Cuirim fáilte roimh an bhfógra ón údarás cúpla mí ó shin fá dtaobh de na 125 post atá le cruthú ar Pháirc Ghnó Ghaoth Dóbhair agus tá súil agam go dtosófar ar sin go luath. Caithfidh mé comhlacht eile i mo bhaile dhúchais féin a lua. Sin Randox atá ag plé le cúrsaí sláinte. Tá clú agus cáil ag an chomhlacht sin, ní hamháin sa tír seo ach tríd an domhan go léir. Fuair an comhlacht sin tacaíocht ó Údarás na Gaeltachta agus tá súil agam, thar na blianta atá amach romhainn nuair a bheidh an méid fostaíochta ag dul ón 120 duine atá ann i láthair na huaire go dtí níos mó na 500 duine, go mbeidh Údarás na Gaeltachta sásta tacú leis an chomhlacht.

Leis na focail sin, caithfidimid fanacht go dtí go bhfeicimid polasaí an Aire agus an Aire Stáit. Mar a dúirt mé, níl anseo ach leath-leathanach nó alt amháin nó dhá cheann fá dtaobh den Ghaeilge agus den Ghaeltacht. Chuir sé sin díomá orm, ach tabharfaidh muid deis don Rialtas sna seachtainí agus míonna atá amach romhainn. Tá súil agam go mbeidh an Rialtas dáiríre faoin Ghaeilge agus faoin Ghaeltacht. Guím ádh mór ar an Teach.

Acting Chairman (Deputy Robert Troy): The next speakers are na Teachtaí Ó Caoláin, Doherty and Ellis. There is five minutes until the sos, when I will be asking them to move the suspension of the Dáil.

Deputy Caoimhghín Ó Caoláin: Leanfaidh mé ar aghaidh mar sin. Táim sásta an deis seo a fháil chun labhairt ar an nGaeilge cé go bhfuil fíor-dhíoma orm gur ghlac sé an méid seo ama an seans seo a fháil. Tá Sinn Féin tiomanta an Ghaeilge a thabhairt ar ais mar theanga labhartha in Éirinn agus a hardréim a athbhunú i sochaí iltheangach. Athnaíonn muid gur seoid í ár dteanga agus ár gcultúr Gaelach agus caithfear í a chaomhnú. Tá dul chun cinn déanta ó thaobh bunú naíonraí, Gaelscoileanna agus Gaelcholáistí ar fud fad na tíre, ó Thuaidh agus ó Theas. I mo chontae féin - chontae an Aire freisin - tá an Gaeloideachas ag dul ó neart go neart. Tá trí Ghaelscoileanna agus Gaelcholáiste den chéad scoth againn anois. Níos lú na 30 bliain ó shin ní raibh scoil ar bith trí mheán na Gaeilge againn. Is iontach an rud é an t-am atá inniu ann. Ach tá níos mó le déanamh. San am atá amach romhainn, ba chóir níos mó béime a chur ar oideachas lán-Ghaelach i ngach scoil sa tír. Tacaíonn Sinn Féin le tumoideachas ag gach leibhéal sa chóras oideachais, go háirithe an luath-tumoideachas.

Ba mhaith liom díriú ar chúrsaí teanga ó Thuaidh. Tá an Gaeloideachas faoi mhór-éileamh agus Gaeilge flúirseach ag an-chuid daoine sna Sé Chontae, ach fós tá cearta daonna lucht labhartha na Gaeilge sa Tuaisceart á ndiúlú. Le linn Chomhaontaithe Chill Rimhinn, dhaingníomar tiomantas d'Acht na Gaeilge a thabhairt isteach chun cosaint a dhéanamh ar chearta Gaeilgeoirí sna Sé Chontae. Tá sé seo fós le déanamh. D'oibrigh, agus táim cinnte go n-oibreoidh arís, mo chomhghleacaí sa Tuaisceart, Carál Ní Chuilín, go dian ar an cheist seo. I mí an Mhárta 2016, áfach, vótáil na hAontachtaithe i gcoinne Acht na Gaeilge san Fheidhmeanas. Tá an dualgas ar Rialtas na hÉireann agus ar Rialtas na Breataine a chinntiú go dtabhfar an tiomantas seo chun críche. Caithfear tacaíocht a thabhairt don fheachtas sin láithreach agus cothrom na Féinne a bhaint amach do phobal na Gaeilge ó Thuaidh.

Deputy Pearse Doherty: Níl mórán ama agam so díreoidh mé ar chúpla pointe. Ar dtús báire, tá go leor ráite fá dtaobh den fhadhb atá againn agus sin nach bhfuil Aire sinsearach ansin. Sin fadhb mhíllteanach mhór. Ba chóir go mbeadh Aire sinsearach freagrach as an nGaeilge agus as an nGaeltacht ag leibhéal Rialtais agus go mbeadh éilimh na gceantar sin agus éilimh i nGaeilge á chloinsteáil ag na hAíre eile. Níl sin ann agus is scannal é sin. Ní miste go bhfuil Aire Stáit againn agus gur éirigh leis an Ghaeilge a fhoghlaim agus feabhas a chur ar an

nGaeilge a bhí aige le linn an phróisis sin.

Is féidir linn labhairt fá dtaobh den tábhacht leis an nGaeilge agus leis an nGaeltacht agus an stair atá ag baint leis an méid a bhí ráite ag Pádraig Mac Piarais is a leithéid mar sin, ach tuigimid uilig sin. Deir achan duine sa Pharlaimint seo - achan duine atá tofa - ar a laghad go bhfuil siad báuil leis an Ghaeilge. Ar a laghad, deir siad go bhfuil siad ag iarraidh athbheochan na Gaeilge a fheiceáil. So is é an rud a chaithfimid a díriú air ná cad é atá muid chun a dhéanamh fá dtaobh di sin.

Caithfimid amharc ar chuid de na fíricí. An fhíric is tábhachtaí a chaithfidh an Rialtas éisteacht léi agus déileáil léi ná go bhfuil an tromlach de na Teachtaí Dála a fuair tofa san toghchán deireanach i mí Feabhra ag tabhairt tacaíochta d'éileamh Chonradh na Gaeilge agus an líon mór eagraíochtaí Gaeltachta amuigh ansin agus gur thug 55% de na Teachtaí Dála atá tofa sa Dáil seo geallúint do na ghrúpaí sin agus do Chonradh na Gaeilge go gcuirfidh muid i bhfeidhm na moltaí a chuir muid ár n-ainm leo. Lena chois sin, tá Aire sinsearach ag bord an Rialtais a thug an geallúint sin agus is dócha go mbeidh, ar a laghad, Aire sóisearach - Aire Stáit - fosta.

An rud a iarraim ar an Aire agus í ag éisteacht go cúramach liom inniu ná ba chóir di, ar a laghad, nuair atá na ráitis seo thart, seasamh suas agus a rá go gcuirfidh an Rialtas i bhfeidhm na moltaí a chuir muid ár n-ainm leo. Ciallaíonn sé sin, agus cuirfidh mé deireadh leis ag an pointe seo, €18 milliún sa bhreis a chaitheamh an bhliain seo againn. Sin €18 milliún as €800 milliún atá muid ag ghlacadh caitheamh sa cháináisnéis sin. Sin tús maith agus, mar a deirtear sa seanfhocal, tús maith leath na hoibre. Fágfaidh mé ansin é.

Sitting suspended at 1 p.m. and resumed at 2.30 p.m.

Ceisteanna - Questions

Priority Questions

Financial Services Regulation

1. **Deputy Michael McGrath** asked the Minister for Finance to extend the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 to the owners of credit and to ensure that non-bank lenders and vulture funds are fully regulated in a manner that adequately protects mortgage holders, tenants and small and medium enterprises from unfair practices by entities with a short-term investment horizon; and if he will make a statement on the matter. [10761/16]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 deliberately did not include owners of credit within its remit. However, relevant borrowers, whose loans are sold to third parties, maintain the same regulatory protections they had prior to the sale, including under the various statutory codes, such as the consumer protection code, code of conduct on mortgage arrears, code of conduct for business lending to small and medium enterprises and the minimum competency code, issued by the Central Bank of Ireland and the Central Bank (Supervision and

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Enforcement) Act 2013, section 48, lending to small and medium sized enterprises regulations 2015, which comes into operation on 1 July 2016.

I introduced amendments on Committee Stage in the Dáil to ensure owners could not do anything which a regulated firm could not do. Those amendments ensure that a regulated credit servicing firm cannot do something, or fail to do something, which would be a prescribed contravention if performed, or not performed, by a retail credit firm. They also prevent the owner of credit from instructing a regulated credit firm to perform such an action.

Contravention of these provisions could lead to a fine not exceeding €250,000 or imprisonment for a term not exceeding five years, or both. Therefore the borrower is protected because the owner cannot give an instruction that would breach the rules. Also, the instruction cannot be implemented by the regulated credit servicer, over whom the Central Bank has oversight as a regulated entity. If the owner does not appoint a regulated credit servicing firm to service the credit or the owner wants to undertake some of the functions of credit servicing, then the owner himself or herself must be authorised and regulated.

Given that the owner is prevented from asking the credit servicing firm to do things which would be prohibited and the regulated credit servicing firm cannot perform the action in any case, it is not clear what additional benefit would accrue by imposing the regulatory requirements on the owner.

Additional information not given on the floor of the House

It is clear that the additional regulatory requirements would put additional costs on owners and could inhibit people from taking over ownership of loans or reduce the price that they are willing to pay for them. The legislation deliberately regulated the interface with the borrower. The sale of a loan from one entity to another does not change the terms of the contract or the borrower's rights and obligations under the original contract.

The programme for Government provided that, "We will provide greater protection for mortgage holders and tenants and SMEs whose loans have been transferred to non-regulated entities, vulture funds". This is a year one action in the programme. The detailed nature of exactly the greater protections to be provided to mortgage holders, tenants and SMEs whose loans have been transferred to non-regulated entities will be decided after further consideration of the issues. The nature of proposed changes will decide who in the Government will take the lead responsibility for the implementation of these protections. I do not consider that extending the scope of the credit servicing legislation to owners is the way to go.

Deputy Michael McGrath: I thank the Minister for his reply. The agreement which Fianna Fáil entered into with Fine Gael and the programme for Government Fine Gael has agreed with the Independents refers to the issue of providing greater protection for borrowers, including SMEs, mortgage holders and tenants who occupy properties, regarding loans that have been sold to unregulated entities or vulture funds. This is the key issue on which I want to focus. The 2015 legislation is not complete, in that the owner of the loan does not require to be regulated whereas the credit servicing firm and the intermediary does require to be regulated. The definition in the Act excludes, for example, the determination of the overall strategy for the management and administration of a portfolio of credit agreements. It is clear that potential consequences arise from the fact that the vulture fund or unregulated entity is outside the ambit of Central Bank regulation and protections and, in our view, this piece of legislation must be

amended to take account fully of the issue.

Deputy Michael Noonan: When we were drafting the Bill, as the Deputy is aware, the legislation deliberately regulated the interface with the borrower. If the owner acts as his or her own agent, he or she is caught in the legislation. If the owner instructs the regulator to do anything contrary to law, penalties are applied. Since our last conversation some weeks ago, I have gone over it again and I cannot see the gap in the legislation which the Deputy has indicated exists. In the interests of the new procedures in the Dáil, I will ask my officials to talk to the Deputy and, if he can identify the gap, I am not averse to an amendment if it is required.

Deputy Michael McGrath: My central point is that the owner of the loan not being regulated exposes the borrower to potential risk in that all the important decisions around the restructuring and calling in of the loan and the initiating of enforcement proceedings are taken by the owner of the loan, which is typically a non-regulated entity or vulture fund. This is the case for tens of thousands of mortgages and SME loans which have been sold by way of portfolios. While the intermediary firm, the contact point the borrower has - in the case of residential loans it is typically Pepper, for example - is regulated, it is not making the final decisions and calling the shots. This exposes the borrower to potential risk. The Free Legal Advice Centres, FLAC, highlighted this very clearly in its submission on the legislation when it was passed. I will engage with the Minister's officials. There is an issue. The programme for Government commits to asking the central Bank and Oireachtas Committee on Housing and Homelessness to examine the legislation. I would welcome that.

Deputy Michael Noonan: The counter argument is that if the owner acts as his or her own agent, he or she is caught by the legislation. Given that the owner is hands off in terms of the interface with the borrower, he or she cannot act as the Deputy suggests he or she may. If the owner crosses the line and begins to act as the Deputy says he or she may act, he or she is caught by the legislation. If the Deputy is willing to talk to my officials, and if he can convince them it is necessary, I am willing to use an appropriate vehicle to amend the legislation along the lines he suggests.

Code of Conduct on Mortgage Arrears

2. **Deputy Pearse Doherty** asked the Minister for Finance further to the statement in the programme for Government regarding the intention to “work with the Central Bank to amend the code of conduct on mortgage arrears to include an obligation on providers of mortgage credit to provide a range of sustainable arrears solutions, this code of conduct will be put on a statutory basis”, what these sustainable arrears solutions will consist of and when he envisages the obligation for sustainable arrears solutions will be put on a statutory footing. [10760/16]

Minister for Finance (Deputy Michael Noonan): The Central Bank's code of conduct on mortgage arrears, CCMA, provides a strong consumer protection framework to ensure that each borrower who is experiencing genuine difficulty in meeting the repayments on a mortgage secured on a primary home is treated in a timely, transparent and fair manner by lenders. The CCMA recognises that it is in the interests of borrowers and lenders to address financial difficulties as speedily, effectively and sympathetically as circumstances allow.

The CCMA applies to all regulated mortgage lenders operating in the State when dealing with borrowers facing, or in, arrears on a mortgage which is secured on a primary residence.

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Furthermore, the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 provides for the regulation of credit servicing firms and, accordingly, the CCMA also applies to such firms which are servicing primary home mortgages held by non-regulated entities. An addendum to the CCMA was published during 2015 to reflect this fact.

The CCMA was issued by the Central Bank pursuant to the provisions of section 117 of the Central Bank Act 1989 and regulated entities are required to comply with the provisions of the code as a matter of law. The CCMA is, therefore, issued under statute and, as stated by the Supreme Court, it forms part of the law. The Central Bank has the power to administer sanctions for a contravention of this code under Part IIIC of the Central Bank Act 1942.

As recognised by the programme for Government it is important to keep the provisions of the code, and the wider statutory framework for the protection of consumers of financial services, under review to ensure they remain appropriate to the evolving position of the mortgage market. As the Deputy is aware, the code has already been reviewed and updated over time and the Government will continue to liaise and work with the Central Bank to ensure that the code of conduct on mortgage arrears, CCMA, continues to be monitored and further updated as necessary in a way that is fair to the legitimate interests of debtors and creditors and, taking account also of appropriate wider public policy considerations, that sustainable solutions will be available to address genuine mortgage difficulty.

Additional information not given on the floor of the House

In addition it is worth noting that my Department has been working with the key Government Departments and agencies to develop co-ordinated communications on mortgage arrears to make distressed borrowers aware of agencies which can offer help.

Deputy Pearse Doherty: We definitely need political reform because the first minute and 50 seconds of the time allowed for this reply was spent by the Minister on not answering the question. Can we get to the details of this in the minute that I have available? David Hall, who has done sterling work on behalf of those in mortgage arrears and who was involved in the programme for Government negotiations, has spoken on national radio about this issue. It seems some positive elements are emerging from his work there. He mentioned on the Sean O'Rourke show the commitment in the programme for Government that the Government would work with the Central Bank to amend the code of conduct on mortgage arrears to include an obligation on providers of mortgage credit to provide a range of sustainable arrears solutions, and that is what appeared in the programme for Government. He went on to say that this means that all customers in arrears will be offered a split mortgage or a mortgage to rent. Can the Minister confirm that David Hall's interpretation of the outcome of those negotiations is that all those in mortgage arrears will be offered those two options which is a split mortgage and a mortgage to rent? If that is the case, it is a step in the right direction. We have been calling for a long time for all options to be offered to those who needed the solutions being offered by the State.

Also, when will the code of conduct on mortgage arrears be put on a statutory footing? The Minister will remember that this was an argument I put to him. It was contained in my Land and Conveyancing Law Reform (Amendment) Bill and the Minister gave me ample reasons as to why it should not happen. Can he advise when it will be on a statutory footing? Will the two solutions I mentioned be part of this and, if so, when is it expected they will be introduced?

Deputy Michael Noonan: The code of conduct, as it exists, is on a statutory basis. What

we are talking about now is proposed amendments to the code of conduct. My commitment is that any amendment would naturally be covered by statute as well, so there would be a statutory basis to it. The code of conduct has been reviewed already and I am willing to review it again to make it mandatory on lenders to provide the more effective of the range of options that are now in the system to their borrowers. The two the Deputy mentioned are two that are likely to have a strong uptake but again I am prepared to take the Deputy's advice on that. The two he mentioned are not exclusive. If there are others, they may be included. I am commencing discussions with the Central Bank to see what way this will be formatted. I assume that when the new finance committee is put in place I will put any draft that we come up with before the Deputy for his consideration and suggestions at that time.

Deputy Pearse Doherty: I welcome the idea that these two proposals would be put on a statutory basis and that lenders would have to offer them. It is David Hall's understanding that those were the two proposals agreed as part of the programme for Government talks. Can the Minister confirm that, at a minimum, these two proposals will be offered to all distressed borrowers? Can he also inform us of the advice he got from the Attorney General on this issue? He made a big play about the unconstitutionality of capping standard variable interest rates and how would that be addressed when property rights would be altered to ensure that lenders had to offer these products? Crucially, the Minister will know that different financial institutions offer different ranges or versions for split mortgages. Has he got a particular split mortgage in mind, one on which, for example, an interest rate would not be charged on the part element of it, so to speak? Are those final details worked out and, crucially, can the Minister outline a pathway as to how this will be introduced and implemented, together with a timeframe, to give borrowers an idea about this as they will be holding off because this is coming down the line? Can he indicate when this will be implemented?

Deputy Michael Noonan: I can confirm that in conversations around the time of the negotiation of the programme for Government there was an agreement that we would continue to have the code of conduct on a statutory basis and that it would be extended to cover certain options that borrowers are not statutorily bound to offer. The two the Deputy mentioned certainly were the principal ones that came up in conversation but there may be others as well. There is not a draft: it was an acceptance of an issue in principle and now that we have the programme for Government agreed and published we are commencing to work with the Central Bank to format this. I have had no discussion with the Attorney General about this because, as the Deputy is aware, the Central Bank has very strong powers. It was it that promulgated the code of conduct in the first instance and I do not see a constitutional difficulty arising.

An Ceann Comhairle: Question No. 3 cannot be taken as Deputy Burton is not in the Chamber, therefore, we will move on to Question No. 4.

Question No. 3 replied to with Written Answers.

Flood Risk Insurance Cover Provision

4. **Deputy Michael McGrath** asked the Minister for Finance his progress in ensuring flood insurance cover is available to households in areas where remedial works have been carried out by the Office of Public Works; and if he will make a statement on the matter. [10516/16]

Deputy Michael Noonan: The flooding crisis earlier this year has raised issues in relation

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to insurance and flooding and I am aware of the difficulties that the absence or withdrawal of flood insurance cover can cause to homeowners. One of my primary concerns in the area of insurance is that homeowners have access to insurance to cover unforeseen losses, including flooding.

However, the provision of insurance cover and the price at which it is offered is a commercial matter for insurance companies and is based on an assessment of the risks they are willing to accept and adequate provisioning to meet those risks. In my role as Minister for Finance, I have responsibility for the development of the legal framework governing financial regulation. Neither I nor the Central Bank of Ireland can interfere in the provision or pricing of insurance products or have the power to direct insurance companies to provide flood cover to specific individuals or businesses.

Government policy on flooding is focused on the development of a sustainable, planned and risk-based approach to dealing with flooding problems, with a view to addressing the increased availability of flood insurance.

To achieve this aim the OPW is carrying out assessments of 300 areas under the catchment flood risk assessment and management, CFRAM, programme and each area will have a flood risk management plan, FRMP, by the end of 2016. Decisions on future investment in relation to flood risk management will be informed by the FRMPs.

This strategy is complemented by a memorandum of understanding between the OPW and Insurance Ireland which provides for the transfer by the OPW of data in relation to completed flood defence schemes to the insurance industry.

In addition, my officials are undertaking research on alternative options with the potential to ensure greater availability of flood insurance. This will be in the form of a comparative analysis of the different approaches to flood insurance in other countries. This will then feed into a report to Government from the interdepartmental flood policy co-ordination group which is expected to be completed before the summer.

Deputy Michael McGrath: The focus of my question relates to areas where the OPW has completed flood relief schemes at great cost to the taxpayer and where insurance companies have refused to reinstate flood cover, both for homes and businesses. I know the Government met with the insurance companies in January. I understand there is an interdepartmental group due to report this month. The Minister might confirm if that is expected to happen in May. The key issue that will have to be resolved is the view that the insurance industry is taking with regard to demountable defences. We are about to spend hundreds of millions of euro as a country rolling out flood relief schemes around the country over the next number of years, which involve demountable defences that are commonly used across Europe that meet the required standard under the European Commission but which are not recognised by the insurance industry as being of the same standard as permanent fixed defences. That issue will have to be resolved. I hope the Minister can give an update to the House on that.

Deputy Michael Noonan: I think that once flood defences are put in at taxpayers' expense and they are seen to be effective, insurance cover should follow immediately. The note I have says the insurance industry claims demountable defences and floodgates do not meet the desired one-in-100-years standard. It has highlighted that the construction of demountable defences will not increase flood coverage in these areas but rather minimise any further reduction

in coverage. The OPW has advised that there is no European Union standard for flood defence systems and that the OPW has developed the effective national standard. All OPW major schemes are now built to protect against the one-in-100 fluvial event and, where applicable, the one-in-200-years tidal flood event with additional allowances being made for climate change. The OPW has also advised that while it looks critically at every design solution to minimise the use of demountable systems, virtually every scheme in a town will have some type of access point for safety reasons, maintenance, recreation or amenity. This access will usually involve a gate. This is the situation with any flood defence scheme in any country. Demountable defences are now an internationally accepted and established measure for providing flood protection as part of publicly funded flood relief schemes.

Deputy Michael McGrath: This issue will have to be resolved because we are going to be spending hundreds of millions of euro on flood relief schemes over the next number of years which will include demountable defences. Demountable defences have proven to be successful in the towns across Ireland where they have been employed, yet they are not recognised by the insurance industry as being of the same standard as permanent defences. While there is merit in implementing flood defence schemes and protecting towns from flooding, the value of that is diminished if households and businesses in those towns are unable to access flood insurance. What we need from the Minister is a commitment that if the industry continues to dig its heels in on the issue, the Government is prepared to act. The Minister will find support across the House if he is prepared to take action to deal with this issue. As far as I can see, there is a stand off. I have seen what the insurance industry is saying about demountables, but the net effect is that homes and businesses will remain without flood cover even where we have spent huge sums of money to implement schemes which actually work.

Deputy Michael Noonan: I thank the Deputy for his promised support. In my view, the attitude of the insurance industry to the provision of insurance where demountable defences have been put in place is now bordering on the ridiculous and cannot be allowed to continue. Demountable defences are an internationally accepted and established measure for providing flood protection as part of publicly funded flood relief schemes. They form a critical part of the Bradley and Shrewsbury schemes on the River Severn in the UK and are used in the Netherlands, France, Germany and the USA. In Austria, demountable defences successfully provided protection to at least 14 cities and towns during the extreme floods along the Danube and Elbe rivers in 2013. Demountable schemes there were up to 3 km in length and up to 4.6 m in height. As such, I do not understand the position of insurance companies in Ireland when the international experience shows that demountable defences are very effective and meet the one-in-100 river protection criteria and one-in-200 tidal protection criteria.

Ireland Strategic Investment Fund Investments

5. **Deputy Michael McGrath** asked the Minister for Finance the level of draw-down of loans to developers for residential housing related projects from the fund for house building established in 2015 by the Ireland Strategic Investment Fund; his views on the operation of this fund; and if he will make a statement on the matter. [10763/16]

Deputy Michael Noonan: I presume the Deputy is referring to Activate Capital, Activate, which is a non-bank financing platform established by the Ireland Strategic Investment Fund, ISIF, and the global investment group KKR to invest on a commercial basis in residential de-

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velopment projects in Ireland to help address the current supply shortages in the main urban centres. Activate is focused exclusively on lending for Irish residential projects and will target, in particular, new residential development in Dublin, the greater Dublin area, Cork, Limerick and Galway which have been identified as the areas of greatest demand. Activate is a €500 million fund, which is financed through a €325 million loan note provided from ISIF and a €175 million loan note provided from KKR. The €500 million fund represents the peak funding outlay at any one time. As borrowings are repaid, additional lending capacity over and above the original €500 million will be created.

Activate will provide up to 90% of project funding and will provide funding for both the acquisition of land and to bring projects through the planning process. The Activate base lending rate is approximately 10% and, as would be expected for projects of this nature, there is participation in equity upside if projects are successful so that the fund shares in any gains alongside the project promoter. The pricing for Activate facilities reflects the provision of up to 90% of overall development cost and the fact that it is, in effect, taking a combination of debt and equity risk. Activate also offers the advantages of deliverability and speed of execution. The Activate model is capable of substantially quicker credit turnaround times than current average timeframes in the market on foot of the requirement, typically, for project promoters to deal with more than one lender and sometimes multiple lenders. It is estimated that Activate will, in this way, be capable of financing the construction of over 11,000 new homes in Ireland.

Activate has been operationally up and running since January 2016 and in that time has created a significant pipeline of investments. Activate recently announced the completion of three transactions that will deliver approximately 800 new residential units in the Dublin area.

Additional information not given on the floor of the House

Activate has stated that a number of other transactions are progressing. In terms of disclosing the commercial detail around the draw-down or pricing of loans, this is commercially sensitive information and therefore not appropriate for release.

Deputy Michael McGrath: Most Members of the House will agree that the single most important issue facing the country is the housing crisis. It has many facets, but one essential ingredient in resolving the crisis is the boosting of supply, including private supply. One of the barriers to increased housing supply by the private sector is access to finance. I welcomed the fund last year notwithstanding that it had real limitations and I welcome the fact that it has announced its first three projects. It has been very slow to come on stream and the uptake has not been great so far to say the least. Hopefully, it will move on from here.

At a time when the State can borrow ten-year money at less than 1% and given that finance is a key barrier to private housing supply coming on stream at the volume required, there must be a more ambitious way to tackle the issue. We need to get a new funding model in place so that construction projects can proceed. The traditional banks are now giving 60% to 70% of the cost of a development by way of a loan and developers and builders are having to access the remainder at very high cost from funds. The Minister knows that himself. The fund that is there, welcome as it is, is extremely limited, narrow in focus and not ambitious enough. I ask the Minister to look at it again, hopefully to redesign it and make it more ambitious.

Deputy Michael Noonan: I thank the Deputy. The fund is only up and running since 1 January 2016 and as such is only five months in operation. Already, it has funded 800 new homes

with a potential to fund 11,000. There is a roll-over effect as money is repaid and can be lent again. One can argue about the interest rate, but equity is always dearer than normal lending. The banks do perhaps 65% after which money gets dearer for the equity piece. However, the interest rate is being suppressed by arrangements whereby the investor can share in the upside as well as the promoter or building developer. I see it as only one option. The new housing committee is considering all aspects of the supply shortage in housing and is also looking at new financial models. The NTMA is doing some work on possible new models also. I will keep the Deputy informed if those come to fruition.

Deputy Michael McGrath: I welcome the fact that the NTMA is looking at the option of new funding models. That work is badly needed. We are all well aware of the mistakes made in the banking system overextending itself to the construction industry up to 2007 or 2008 and nobody is advocating a repeat of that history. However, we now have the opposite problem that access to finance is a huge issue. If we are going to bring private housing supply to the level we need it to be at, we must tackle this issue. I welcome the suppressing of the interest rate under the Activate Capital fund albeit it is still high. However, that is only part of the overall funding mix for any particular development.

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We need a new and more ambitious model. People looking in on us will point out that the State can avail of historically low interest rates on its borrowings. Given the fact this is the most important issue facing us, more can be done. I would support any initiative that helps to provide credit for viable and credit-worthy projects.

Deputy Michael Noonan: The new Minister for housing is dealing with these issues with all expedition. As the Deputy rightly stated, the model for building houses is broken. Many of the small builders in the supply stream went bust and have not returned to the business since the economy's recovery. The finance model is also gone. As such, we must find new ways. As can be seen in Dublin, most current construction involves a developer as an organiser, with subcontractors carrying out the work. Units of subcontractors are coming on stream when their input is required. There has been a major shake-up but the industry is getting there and a number of good, sound builders are back in business. Some of the larger builders are also involved, for example, Cairn Homes and Hines in Cherrywood, where there are 4,800 units. They have a different financing model, as they can raise money on the markets quite cheaply.

Other Questions

Banks Recapitalisation

6. **Deputy Pearse Doherty** asked the Minister for Finance if he will indicate the source and detail of the recommendation that the Government no longer seek the direct recapitalisation of banks (details supplied) through the European Stability Mechanism, ESM, fund; and when he will make this information available to the public, given his confirmation of this course of action. [10543/16]

Deputy Michael Noonan: I thank the Deputy for his question. As I have stated previously,

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I see no benefit in making an application for retrospective use of the ESM's direct recapitalisation instrument, DRI. During the period between June 2012, when the agreement was reached regarding retrospective recapitalisation, and December 2014, when the DRI tool became operational, the Irish economy recovered significantly and the options available to the State to recover its money invested in the banks expanded. This remains the case, with investors now willing to support Irish banks, the institutions having begun to repay capital to the State and the market value of our investments having improved accordingly.

The terms and conditions attaching to the use of the DRI are onerous, as it is designed to be used almost as a last resort after the creditor waterfall has been applied and other options have been exhausted. Moreover, the mechanics behind a potential retrospective application of the instrument, if such a decision could be agreed, would likely be equally if not more onerous and would not be in the best interests of the State at this time.

As the Deputy will be aware, the operational framework of the DRI includes stringent conditionality and any application would need to be unanimous among the other 18 ESM governors. Achieving such an outcome for a deal that valued our investments at a level significantly above what we might achieve in the market is unlikely, particularly given the strength of our economic recovery since 2012 and the other concessions won by Ireland in recent years.

The disposal of our bank assets is a process that will likely take place over a number of years and the best avenue to do this is through the financial markets. I have said before that my interest is in recovering the maximum amount of money for the Irish taxpayer from these assets over time but current market conditions are not conducive to achieving this objective. Fortunately, given that our public finances are once again on the right path, we are not under pressure to dispose of these assets in the short term.

Deputy Pearse Doherty: On 6 April, the Minister stated in the House in response to me that while he did not believe that pursuing the matter was in our best interests "at this time", ultimately, "it will be an assessment as to which route - ESM or the markets - represents the best value which will determine these decisions." The Minister went to Brussels, spoke to the media and said that this was off the agenda for AIB and Bank of Ireland. He has just repeated that. While he stated "I have said before", he left out the crucial words "at this time". He is now saying that it is no longer on the agenda. Many of us suspected that it was never on the agenda or had not been on the Minister's agenda for a long time. He was trying to take the Irish people with him knowing full well that he was not going to make an application.

This is too serious an issue to be left at that. We are discussing a large amount of money that we pumped into AIB and Bank of Ireland. The Minister went to extreme lengths to get Angela Merkel out to tell the Irish people how special we were. He talked about the game changer that was getting the words "retrospective recapitalisation" written into the articles.

What reports, evaluations and types of consideration have gone into making the decision that we will no longer apply for retrospective recapitalisation? The Minister claims that achieving it or getting it at above what the market could offer might be difficult but what work has he done to find out what his counterparts on the ESM board would consider offering were we to apply for retrospective recapitalisation? This is a significant amount of money for the State and the matter should be considered thoroughly. What considerations, reports and evaluations have been made and what work has the Minister done with his counterparts to arrive at his assessment?

Deputy Michael Noonan: It was clear when the possibility was raised in the first instance and subsequently that any retroactive recapitalisation of the banks would require an exchange of shares in Irish banks for any money given through the ESM. One need not do much study to know that the potential for acquiring a great deal of capital through the sale of bank shares on the markets is now a more valuable option than going through a reluctant ESM, which requires unanimity among governors - in other words, finance Ministers - across the eurozone.

As to the evaluation, I spoke formally with the people involved in the ESM and asked about the potential. They pointed out that an application could be made but that it would require unanimous assent. Given my soundings over the year, I do not believe that we would have got virtually any support. Circumstances have changed dramatically and we are now the fastest growing economy of the 28 in the EU. We are certainly the fastest growing in the eurozone and are projected by the Commission to be the fastest growing again next year. We have the better option of going to the market when the time is right to recover the money that the taxpayer invested in the banks.

Within the Department, in particular given the preparations for an IPO of AIB, much evaluation work has been done. That advice is available to me.

Deputy Pearse Doherty: When the Government scrambled back from Brussels and went on our national airwaves to tell people about the game changer and the seismic shift, I appeared on the same radio station a little later. I said that the Government was holding the ball in its hands and was facing an open goal and that all it needed to do was put the ball in the back of the net but it has screwed that up royally. While we always knew that there was a need for unanimity and that the shares would be transferred, what was not known and is still not known is the value that would be attributed to the shares by the ESM. As we exited the recession and the economy picked up, it was always going to be more difficult to achieve that. For a long time, an application for an ESM recapitalisation of all of the banks - nothing in the Minister's statement claims that it must just be for the pillar banks - could have been made.

The House has major debates about selling shares in our airlines that are valued at a fraction of the assets that we hold in AIB and yet a Minister is deciding without any scrutiny that an option that is available to the State as we speak - it may not be achievable, but it is available - is off the table. The assets are worth in the region of €40 billion. This is not an acceptable way to do politics. The matter should be referred to a committee so that all of the options might be discussed-----

An Ceann Comhairle: I thank the Deputy.

Deputy Pearse Doherty: -----instead of the Minister going to Brussels with the notion that this should be off the agenda. If we want new politics, let us discuss the issue instead of relying on the likes of Rothschild and Goldman Sachs, some of whose advice to the Minister on what we should do with the banks is given *pro bono* and some of whose advice is not. Let parliamentarians decide with all of the information. The Minister has continued to make the wrong decision for a number of years. It is the Irish people that he has crucified with this debt. We should have been released from it a number of years ago but he has screwed up the situation.

An Ceann Comhairle: I thank the Deputy but will he allow the Minister to respond, please? The Minister to conclude.

Deputy Michael Noonan: There are some matters that are for the competence of an in-

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dividual Minister, such as the Minister for Finance, and there are other matters that are for the competence of the Government. It is the job of the Parliament to hold Governments accountable, but the Parliament usually does not exercise executive functions along the lines the Deputy has suggested and I have not seen anything in the new reform programme for this Dáil that indicates that the Parliament is going to exercise an executive function. The Deputy is wrong in his analysis of what happened. We kept the matter under review and the banks are now functioning well. They are almost back to normality. They are quite profitable and valuable, but I have no intention of selling the shares until I am convinced we will get best value for the taxpayer. However, there is value in the banks and it is a question of when and how we will realise it. What I have indicated so far as a matter of policy is that the first step will be an IPO of 25% of AIB, but market conditions are not right. If we were to do it in the last quarter of this year, we would need to take steps now that the market might see as irrevocable. Therefore, it will be the first half of next year before an opportunity arises.

NAMA Social Housing Provision

7. **Deputy Michael McGrath** asked the Minister for Finance if the National Asset Management Agency is on track to deliver on its commitment to provide 20,000 housing units; if it plans to revise the proportion which will be delivered as social housing; and if he will make a statement on the matter. [10515/16]

Deputy Michael Noonan: As the Deputy will be aware, the NAMA chairman and CEO appeared at the Oireachtas Committee on Housing and Homelessness on Thursday, 12 May. NAMA provided a presentation for the committee which outlined, among other useful information, the progress on its residential funding programme. The presentation is available on the Oireachtas and NAMA websites. Specifically, NAMA's key residential delivery figures are as follows: 2,768 units have been completed since early 2014; I am advised that, of the 20,000 units NAMA plans to fund by 2020, subject to commercial viability, 2,500 have been scheduled for delivery in the period from October 2015, when the target was announced, to the end of 2016 - intensive planning and other preparatory work under way will result in a significant increase in the number of completed units in 2017 and later years; at present, 3,096 units are under construction; planning permission has been granted for a further 5,176 units, while a planning application has been lodged for a further 5,066 units; and planning applications are expected to be lodged within the next year for an additional 6,627 units.

Therefore, it is clear that NAMA has a strong residential development pipeline of sites securing its loans. It has an active strategy for every acre of land under its control and I expect the agency to continue to progress towards its publicly stated target of delivering 20,000 units by the end of 2020 through working with key stakeholders to advance such sites through the planning and development phases. I note that the NAMA chairman stated at the Committee on Housing and Homelessness that the plan to deliver 20,000 new units was ambitious and challenging, but NAMA will carry it out in a manner consistent with its mandate. It is clear that the progress highlighted to date and the viable pipeline for future delivery justify NAMA's confidence in this regard.

Deputy Eugene Murphy: I thank the Minister for Finance for his comprehensive reply to the question tabled by Deputy Michael McGrath. I have been asked by the Deputy to ask the Minister whether he plans to revise the proportion that will be delivered as social housing.

As the Minister knows from the debate last night and all the debates taking place, many more people will find themselves in trouble with mortgages. Therefore, there will be a greater need for social housing throughout the country. It would be appropriate, as a consequence, to revise upwards the proportion delivered as social housing. Is it the intention of the Minister to do so considering the current crisis and the crisis we will face in the future? All the indications are that more evictions will, unfortunately, take place in the coming year. That is something we all need to avoid.

Deputy Michael Noonan: I thank the Deputy for his supplementary question. It is not a matter for NAMA to determine the proportion of social housing that will be provided. The allocation of social housing units per development is prescribed by Part V of the Planning and Development Act at 10% of on-site units. As the Deputy will be aware, NAMA's commitment to funding residential development is not one to build or fund social housing units. In line with NAMA's mandate, under section 10 of the NAMA Act, it is an intention to fund the delivery of private residential units on lands securing NAMA debtor loans on a commercial basis in order to maximise NAMA's recovery on these loans. NAMA borrowers developing these sites will, of course, fulfil their Part V obligations to deliver 10% of residential units in the form of on-site social housing units. Given that the ultimate intention is to deliver 20,000 units, the corresponding 2,000 social units will be significant. These matters are being reviewed by the Committee on Housing and Homelessness. If it recommends a higher quota for private developments, a percentage higher than 10%, it will then be a matter for the Minister for Housing, Planning and Local Government who is responsible for housing to change the Planning and Development Act, including Part V. If he does, NAMA will comply.

Deputy Eugene Murphy: That is welcome, but I believe we genuinely need to increase the percentage. I accept that we must await the recommendations of the housing committee but, judging by what we know will happen, it is extremely important that the proportion of social housing be increased. That is why Deputy Michael McGrath asked me to ask the Minister whether it was the intention of NAMA to increase it.

Deputy Michael Noonan: It is not the intention to increase it because NAMA does not have discretion to do so. It is involved in the promotion of private housing developments. It is committed to providing 20,000 units and will comply with Part V of the Planning and Development Act in order that 2,000 of the 20,000 units will be social units. If the law changes, it will comply with the new percentage, whether it increases or decreases.

Motor Insurance

8. **Deputy Thomas Byrne** asked the Minister for Finance when he will complete his review of the insurance sector; the process for implementing measures to reduce motor insurance inflation; and if he will make a statement on the matter. [10517/16]

Deputy Michael Noonan: We are all aware of the rising cost of insurance, particularly motor insurance, and will recall that the House allocated three hours to debate the matter on 20 April. I have noted the widespread concern across the House about insurance costs and noted the Dáil statements made on that day. The ability of the Government to influence insurance practices and pricing is limited as insurance companies are required under European law to price in accordance with risk. Neither I, as Minister for Finance, nor the Central Bank of Ireland has the power to direct insurance companies on the pricing or provision of insurance

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products. However, that does not preclude the Government from introducing measures that may in the longer term lead to a better claims environment that would facilitate a reduction in claim costs.

The cost of insurance is a complex issue involving a number of parties, including Departments, State bodies and private sector organisations. My Department's review of policy in the insurance sector is being undertaken in consultation with the Central Bank of Ireland and other Departments and agencies and external stakeholders. The objective of the review is to recommend measures to improve the functioning and regulation of the insurance sector. The first phase of the review deals with the motor insurance compensation framework and this work is nearing completion. The next phase will deal directly with the issue of insurance costs and include an examination of the factors which contribute to the current rise in insurance premiums. The availability of relevant and timely data for the insurance sector to facilitate an in-depth analysis of the issues is also a matter to be addressed as the current lack of data presents difficulties from a policy analysis and development perspective.

The review of policy in the insurance sector will continue in the coming months and is expected to be completed by the end of the year. The final report will be presented to the Government in due course.

Deputy Michael McGrath: As the Minister rightly said, there is shared concern right across the House about the escalation in motor insurance premium costs. The official statistics from the CSO show increases of 34% in the past 12 months. Premiums are up by a whopping 60% since January 2014. I accept that the Government does not control motor insurance premiums. As the Minister knows, I have advocated for the reinstatement of the Motor Insurance Advisory Board which was very successful, but as outlined in his response, he has opted instead for a Department-led review. When the motor insurance element is completed - he signalled that he expects it to be completed shortly - could it lead to policy initiatives or will he wait for the entire review to be completed? As the Minister indicated, the review is likely to be completed towards the end of the year.

Deputy Michael Noonan: I will need to take advice on the issues the Deputy raises from the appropriate officials. I will contact him directly regarding the plans in that regard.

Deputy Michael McGrath: This issue cannot wait until the end of the year. Many factors are involved in the dramatic escalation in motor insurance premiums, including court awards, the need for a review of the Personal Injuries Assessment Board, legal costs, false and exaggerated claims, regulatory oversight and the lack of transparency regarding the profits earned by insurance companies. All these issues must be examined. While the industry has a role to play in this regard and must have its voice heard, the voice of consumers also needs to be heard. Deputies hear day in and day out about dramatic increases in motor insurance premiums. These increases are occurring across the board but younger drivers and the owners of older vehicles in particular are being hammered by increases in insurance premiums.

The current rate of increase is not sustainable as it will act as a drag on the economy and impact on the business community. We need to get to the bottom of the factors driving the increases and then tackle them. I encourage the Minister to arrange a further debate in the House as soon as motor insurance aspect of the review has been completed. I hope some degree of consensus would then be reached on the steps required to arrest the increase in premiums and hopefully reduce them.

Deputy Michael Noonan: I will discuss the Deputy's views with the officials involved in carrying out the review. I am not disposed to holding back any information and if there is useful information available, I will communicate it to Deputies.

Social and Affordable Housing Funding

9. **Deputy Thomas Pringle** asked the Minister for Finance the status of his engagement with the Central Bank in relation to the Irish League of Credit Unions' social housing proposal; and if he will make a statement on the matter. [10198/16]

Deputy Michael Noonan: The Department of the Environment, Community and Local Government is the Department primarily responsible for the formulation and implementation of policy and the preparation of legislation on housing.

My Department has received a number of different proposals from the Credit Union Development Association, CUDA, and Irish League of Credit Unions, ILCU. Proposals from both representative bodies on the funding of social housing are at various stages of development. In respect of the ILCU proposal, I have been informed that the Department of the Environment, Community and Local Government met representatives of the Irish League of Credit Unions in December 2015 to discuss its proposal to fund social housing developments. There have been a number of follow-up meetings between officials from my Department and the Department of Environment, Community and Local Government to consider any potential regulatory or legislative implications of credit unions becoming involved in social housing funding. In addition, a meeting was held between the Central Bank and the Departments of Environment, Community and Local Government and Finance on 21 April 2016 to provide information of a technical nature on social housing funding arrangements. This was done with a view to assisting the Central Bank in understanding how these arrangements operate, as it is the body which deals with issues arising from proposals put forward for credit union investment in social housing.

Two alternative models of funding were proposed by the Irish League of Credit Unions in respect of social housing and it was determined that the second of the two models would be best placed to achieve the objective of providing a mechanism for investment in social housing without negatively impacting on the general Government balance and keeping the funding off balance sheet. It was agreed that ILCU would progress the preferred model, with both Departments indicating their availability should any assistance be required regarding technical advice or further information. Officials from my Department also met representatives of CUDA on 8 April 2016 to assist in progressing its proposal on social housing.

The Registrar of Credit Unions at the Central Bank is the independent regulator of credit unions. Any decision regarding credit unions providing such funding would ultimately require regulatory approval prior to implementation.

Deputy Thomas Pringle: The Minister indicated the Department favoured the second of two models proposed by the Irish League of Credit Unions. I did not catch the details of this model but perhaps the Minister will expand a little on it.

The Registrar of Credit Unions is responsible for the regulation of credit unions. The issue, however, is whether the Government views the proposals from the credit unions as a desirable policy direction, as this would significantly influence the level of engagement by the Registrar

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of Credit Unions with the credit union sector in advancing the proposal. Is the onus for developing a vehicle for funding the delivery of social housing on the credit union sector or would it work in partnership with the Departments of Finance and Environment, Community and Local Government to develop its proposed model?

Deputy Michael Noonan: I do not have a note on the alternative models. I will communicate directly with the Deputy by letter if that is acceptable.

Deputy Thomas Pringle: I also asked about the direction of Government policy and its engagement on this matter and whether the onus will be on the credit unions to devise the logistics of the proposed model or whether this would be done in partnership with the two relevant Departments. I asked these questions because partnership will be key to having the Registrar of Credit Unions determine whether regulation is required to allow the proposal to proceed.

Deputy Michael Noonan: I would like to see a wider role for the credit union movement and there is certainly some potential for it to take a greater role in the housing area. While credit unions have significant funds on hand, we should remember that these funds are their members' savings. The regulator in the Central Bank would be averse to the credit union movement putting these savings at risk and would clearly assess any proposal from credit unions to fund housing against the potential risk to savings. This does not mean the proposal would have to be ruled out. Other lenders can manage risk and credit unions would have to do likewise.

I am actively encouraging the proposal and my officials have held meetings with representatives of the credit union movement and Central Bank of Ireland. The onus is now on the two credit union representative organisations to produce proposals. These will then be assessed and my Department will co-operate with them in every way. However, the final call will be made by the Central Bank because the supervisor of credit unions is located in the Central Bank.

Deputy Thomas Pringle: The Minister indicated that the onus is on the Irish League of Credit Unions to develop its model and make proposals on how it would operate. Is this the most desirable approach to this process? If the Department considers credit union involvement in social housing desirable, why should the onus be placed on the Irish League of Credit Unions to develop the model and the logistics for implementing it? Surely this could be done in partnership with those who have expertise in this area, for example, the Central Bank or Department of Finance.

Deputy Michael Noonan: We will assist the credit unions in any way we can, as will the Department of the Environment, Community and Local Government. However, as the holders of the money, the credit unions must take the lead role, although we will certainly assist them in that regard.

NAMA Portfolio

10. **Deputy Mattie McGrath** asked the Minister for Finance his views on the use of compulsory purchase orders to acquire housing stock from the National Asset Management Agency to alleviate the social housing crisis; and if he will make a statement on the matter. [10199/16]

Deputy Michael Noonan: As the Deputy is aware, the National Asset Management Agency does not own or sell properties. NAMA acquired loans and the properties that secure these loans

are owned by the agency's debtors. NAMA's legal relationship with these debtors is much the same as a bank's relationship with its mortgage holders where the bank holds a claim against the house as security for the mortgage. On 12 May 2016, NAMA's chairman advised the Committee on Housing and Homelessness that almost all of the 6,000 residential units owned by NAMA debtors are occupied by tenants. I assume the Deputy's question does not refer to the use of compulsory purchase orders, CPOs, for tenanted units, as such action would displace existing tenants. NAMA related residential units which are vacant are available for sale in the market by NAMA's debtors and receivers at market value.

Compulsory purchase orders allow a relevant statutory body to acquire an asset at market value from an otherwise unwilling seller. CPO powers are not necessary in the case of NAMA related residential units as such units are being sold willingly at market value and are, therefore, available to be purchased by local authorities or housing bodies. CPOs allow a relevant statutory body to acquire an asset at market value from an otherwise unwilling seller. CPO powers are not necessary in the case of NAMA-related residential units, as such units are being sold willingly at market value and so are available to be purchased by local authorities or housing bodies.

Separately, NAMA has made a significant contribution towards social housing supply through its policy of providing first option to State bodies on the purchase of property. NAMA offered 6,637 residential units, the totality of NAMA's vacant housing stock at the time, to local authorities for social housing. Local authorities confirmed demand for 2,540 of these units, of which 2,042 have been provided for social housing at a cost to NAMA of more than €250 million. NAMA has no role in determining which of these units are taken up for social housing. That is a matter for the local authorities and housing bodies. I also understand that NAMA is currently re-examining its remaining portfolio to identify if any additional units may be available to offer to local authorities.

Deputy Mattie McGrath: I certainly do not support taking houses from tenants but I want to discuss a particular issue. Edmund Honohan attended the Oireachtas Committee on Housing and Homelessness and what he said was very interesting. We all know how compulsory purchase orders have been used in the case of developing roads and other infrastructure but he put forward an imaginative suggestion that they could be used in the case of NAMA and of vulture funds. He suggested that where houses, with tenants or otherwise, are being sold from under the feet of people, the State should be able to come in and purchase those houses rather than have to add these people to the housing lists and go through the system of rehousing them. It should intervene at the time of the crisis.

We had a presentation on this crisis today in the AV room. The crisis is huge, is escalating and we cannot hide from it. Hundreds of repossession cases per day are lined up for the courts. Legislation in other jurisdictions, in America in particular, ensures the vulture funds and others must take the good with the bad. Interventions are made and properties are bought back from them, despite the fact they bought them at rock down prices in order to make a killing. These other jurisdictions buy these properties back under this kind of legislation. If people are living in them, they can continue as tenants and if not, the properties are provided to people who are homeless.

Deputy Michael Noonan: The difficulty is that if an investment fund buys an apartment block, for example, it is buying an apartment block which is almost fully tenanted because the value lies in the fact the tenants are paying rent. If they were to help in resolving the housing

crisis, they would need to be buying vacant properties. They do not look for vacant possession because of, as we can see, the adverse implications of that.

If there was a supply of vacant housing, local authorities should certainly apply that for social housing. However, the supply of vacant and available property is limited. NAMA has some vacant and available supply and offered that to local authorities. Sometimes local authorities do not have money, so NAMA has a kind of special purpose vehicle that leases property to a local authority on a 20-year basis. I believe it is leasing approximately 1,600 houses on that basis currently and there may be further potential in this regard. The CPO route acquires property at market value from an unwilling vendor. NAMA is not an unwilling vendor but wants to sell what it has at market value.

Deputy Mattie McGrath: I mentioned the issue of vacant properties in my question and we would like those types of properties to be taken in hand. We need some kind of imaginative examination of the situation to give some indication to people being made homeless that the Government is doing something to find a solution. We want some indication vulture funds are not just being allowed to come in and sweep up these properties. Our nearest neighbour across the pond has proposed legislation in this regard now. Are we just going to wring our hands and accuse people like Deputy Michael McGrath who introduced this type of Bill last night of scaremongering while doing nothing ourselves? We cannot sit idly by any longer. This crisis is going to overwhelm us because action has been put off time after time. Deputy Noonan is as well aware as I am of the situation and that repossession cases are lining up for the courts. There is significant angst, anxiety, sickness and trauma. Indeed, it seems like terrorism from the institutions of State for people in this situation. Surely we can use CPOs or some other imaginative legislation to try to secure properties, especially from vulture funds which are not buying them at market value but trying to make a killing on them, whether vacant or otherwise.

We must think outside the box here. The Oireachtas Committee on Housing and Homelessness is discussing the problem and other groups are also trying to address the problem. What good will that do if the Oireachtas does not legislate imaginatively to create a new solution?

Deputy Michael Noonan: I did not accuse Deputy Michael McGrath of scaremongering but he may have mentioned that I was scaremongering.

Deputy Mattie McGrath: The Minister did last night. I was here.

Deputy Michael Noonan: I think Deputy Mattie McGrath has reversed the dialogue. I have great respect for Deputy Michael McGrath and did not do that.

This is the first week the new Government is functioning. A special housing committee, chaired by Deputy John Curran, was set up in response to the emergency. I appeared before the committee and it seems to be that it is doing constructive work and moving quickly through its agenda. At the same time, Deputy Simon Coveney has been given special responsibility as Minister to resolve the housing crisis. He is moving as quickly as possible on that and one of the first Cabinet sub-committees to have been set up is the Cabinet Sub-Committee on Housing and Homelessness. This committee has met already and will meet again this coming Friday. There is a lot happening. Nobody has a monopoly on ideas to solve this problem. I do not contradict what Deputy McGrath has said but his ideas should be fed through the housing committee for analysis.

11. **Deputy Mary Lou McDonald** asked the Minister for Finance the cost of the commitment to phase out of the universal social charge; and the level of economic risk he attributes to this policy. [10544/16]

Deputy Michael Noonan: A fair, efficient and competitive income tax system is essential for economic growth and job creation. I have long said that the burden of the income tax system in Ireland is too high, that it is acting as a disincentive for work and investment in Ireland and that I would seek to reduce it as soon as it was prudent to do so.

In the programme for a partnership Government, there is a commitment to ask the Oireachtas to continue to phase out the USC as part of a wider medium-term income tax reform plan that keeps the tax base broad, reduces excessive tax rates for middle income earners and limits the benefits for high earners. Reductions will be introduced on a fair basis with an emphasis on low and middle income earners.

As outlined in the programme for a partnership Government, the reductions in personal tax rates, such as the phasing out of the USC, needed to reward work and support enterprise and employment will be funded largely through: extra revenues from not indexing personal tax credits and bands; the removal of PAYE tax credit for high earners and other measures to ensure the tax system remains fair and progressive; higher excise duties on cigarettes and increased enforcement and sanctions on the illegal importation and sale of cigarettes; increased enforcement and sanctions on fuel laundering; a new tax on sugar sweetened drinks; and improving tax compliance.

The medium-term income tax reform plan is to be published for consultation with the Oireachtas committee on finance in July or August and will be put to the Oireachtas for consideration and approval in October. The plan is being developed over the next number of weeks and, as such, the expected cost is not yet finalised. The Revenue Commissioners have published a ready reckoner on their website, which provides estimates of costings for various tax changes. For example, the full year cost of abolishing the 1% USC rate is €237 million, while the full year cost of reducing the 5.5% USC rate to 4.5% is €348 million.

Additional information not given on the floor of the House

The income tax reform plan will aim to support job creation and reward work which is a key driver of growth and prosperity in the economy. In developing the plan, available resources will be a key consideration along with safeguarding the economic stability of the public finances and the wider economy.

Deputy Pearse Doherty: This issue was debated quite a bit during the general election campaign and while there is variance in the programme for Government, it seems the Government is still committed to abolishing or phasing out the USC instead of looking at the issue of tax credits. The Minister is aware from parliamentary questions we have put to him over quite a period now that we have been examining the issue of tax credits while leaving the USC in place.

I believe abolishing the USC is a reckless proposal. We will have opportunities to debate this issue during the Finance Bill and throughout the period leading to the budget. Fine Gael says we can afford to abolish it but we cannot afford it. There is ample evidence across the State to show we cannot afford it. While Fianna Fáil presents the Fine Gael plan as reckless and its

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plan as great, the idea of taking €3 billion a year out of the tax net through its plan is equally reckless. The Fine Gael plan is just a bit worse. We cannot afford this.

It is actually quite funny to listen to both parties talk about how we need to invent special vehicles so we can spend more money on social housing. We need to spend more money on social housing but we cannot because we agreed to the fiscal compact, which limits the amount of money we have to spend. However, if one takes €4 billion per year out of the tax net it is further reduced. What is the level of economic risk analysis with regard to this policy proposal in the programme for Government?

Deputy Michael Noonan: Deputy Doherty and I will have to agree to differ on this. It is not the first time we have debated it. It was debated last year and was debated right through the general election. Deputy Michael McGrath's and the Fianna Fáil position is not too far away from the Fine Gael position. He pitched middle-income people as earning less than €80,000 and Fine Gael defined it as less than €70,000. The Labour Party position is not very different either. The three traditional parties, if you will forgive me for calling them that, are in and around the same space.

Deputy Pearse Doherty: Conservative.

Deputy Michael Noonan: Sinn Féin is the most conservative party in the House.

Deputy Dessie Ellis: Will you stop.

Deputy Michael Noonan: Sinn Féin is not a left-wing party at all. It is a conservative nationalist party.

An Ceann Comhairle: Can I ask the Minister to resist the temptation to talk about party make-up and stick to the question?

Deputy Michael Noonan: I will not be provoked and will resist the temptation. The best thing I can commit to is ensuring there is a full debate. The Spring Economic Statement will become a summer statement and it should be ready by June. There will be a full debate in the House. I am providing all the text papers to the finance committee so that there will be a full debate on taxation at that point, in advance of the budget.

Deputy Pearse Doherty: It is a bit of craic to discuss the question of which party is more conservative than the other, and the marriage between Fianna Fáil and Fine Gael can be part of that banter but this is deeply serious. I sat on the banking inquiry and we saw the graphs. The Fianna Fáil-PD Government of the time cut income tax, the most stable tax available, and it was replaced by other taxes. The USC will bring in €4.6 billion in 2020 and a full debate is nonsense without a full analysis of the costings, etc. The idea of coming in year after year and tinkering with the charge so that it goes after five years is wrong. This is a policy decision that needs proper economic assessment in terms of the risk to this economy.

I believe what Fine Gael and Fianna Fáil are proposing is reckless. If we have learned anything from the last catastrophe this State faced it is that one does not reduce taxes to this level. It may be affordable today because we have a boost in corporation tax and other taxes but it is not affordable in the long term. Every penny we take out of the USC is a penny we are not investing in health or social housing. I ask the Minister to commit to a proper economic analysis of the risks of this policy rather than just a debate in this Chamber.

Deputy Michael Noonan: The fallacy in the Deputy's argument is in the fact that the Government is not committing to reduce the tax take - it is committing to reduce tax rates. We will collect more taxes and the projections for taxes for the next years show that each year the tax take will increase. Within the envelope of additional taxes it is quite affordable to remove an emergency tax-----

Deputy Pearse Doherty: That is what happened in the years Charlie McCreevy was Minister. Taxes went up.

Deputy Michael Noonan: We can afford to remove a tax introduced at a time of great emergency. Anybody carrying out an economic analysis will agree that personal tax rates in Ireland are too high and are having an adverse effect on economic growth and activity.

Deputy Pearse Doherty: What is the growth rate this year?

Deputy Michael Noonan: The economy is buoyant and we have very strong growth rates.

Deputy Pearse Doherty: The USC is still there.

Deputy Michael Noonan: The projected tax take is increasing. For the past two years we have reduced the incidence of USC and that has relieved the burden, especially on low-paid and middle income people.

Cross-Border Co-operation

12. **Deputy Brendan Smith** asked the Minister for Finance his proposals to implement additional measures to deal with cross-Border criminality such as the smuggling of diesel and tobacco products and other illicit trade; and if he will make a statement on the matter. [10136/16]

Deputy Michael Noonan: Combating cross-Border smuggling is a high priority for Revenue. Mineral oil and tobacco smuggling are crimes that require both national and international responses.

I am advised by Revenue that it works closely with law enforcement partners both at home and abroad to disrupt and deter smuggling activities. Revenue co-operates extensively with, *inter alia*, An Garda Síochána in acting against illicit trades. The relevant authorities in the State also work closely with their counterparts in Northern Ireland through cross-Border enforcement groups to target the organised crime groups that are responsible for a large proportion of these forms of criminality. There is close co-operation with other international law enforcement agencies, in particular HM Revenue and Customs in the UK.

As has been reiterated in the programme for a partnership Government, the work to tackle cross-jurisdictional organised crime will be supported and reinforced by the establishment, in the framework of A Fresh Start, the Stormont agreement and implementation plan, of the joint agency task force, which includes Revenue. In this context the development of strategic and tactical plans has been agreed by all key stakeholders to further support effective action against cross-Border excise fraud. This interagency national and international co-operation is complemented by Revenue's use of intelligence gathering, its profiling of suspects and effective intervention programmes to counter the threat posed by criminal activities such as fuel and tobacco fraud.

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Over the past number of years Revenue has implemented a number of strategies against both fuel fraud and the illegal tobacco trade, underpinned by an extensive and effective legislative framework to maximise its impact on the illegal operations referred to in the Deputy's question. I am satisfied that the current legislative framework provides an effective basis for action by Revenue against fuel and tobacco offences, and I am assured by Revenue that action against such activities will continue to be a key focus of its work.

Deputy Brendan Smith: In this House over the years, I have consistently raised the need to implement the most severe measures possible to deal with illicit trade which, as the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, will know, is a particular problem for the Ulster counties on both sides of the Border. A year ago, I introduced legislation in this House calling for the establishment of a cross-Border multitask agency to deal with this illicit trade. I recognise and welcome the fact that some of the measures proposed in the Fresh Start agreement follow some of what we proposed. In view of the ongoing illicit trade and loss of revenue to our State, however, can the Minister now give further consideration to the establishment of a single cross-Border agency encompassing representatives of the Department of Finance, Customs and Excise, An Garda Síochána and the Environmental Protection Agency with their counterparts in the appropriate statutory authorities north of the Border? Not alone does the illegal trade in fuel, tobacco products and other products cause loss of revenue to the State and huge damage to legitimate businesses, particularly small businesses, there is also a threat to our environment with the dumping of sludge and material arising from the washing of diesel. It will cause damage to the reputation of our farming industry as well, and the authenticity and provenance of our food production can be threatened by this dumping of sludge and other raw materials. I hope the Minister will give further consideration to the establishment of a cross-Border agency to ensure we stamp out the illicit trade which is doing so much damage to so many people and to society.

An Ceann Comhairle: I ask the Minister to respond in writing to the Deputy because the time allocated for Questions has elapsed.

Written Answers follow Adjournment.

Adjournment Debate Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 23(3) and the name of the Member in each case: (1) Deputy David Cullinane - to ask the Minister for Health to outline why University Hospital Waterford spent over €20 million on agency staff from 2011 to 2015; if he recognises that this is a consequence of underfunding of our acute hospital network; and to outline what plans he has to increase staff capacity in our public hospitals; (2) Deputy Louise O'Reilly - the need for the Minister for Health to immediately publish the capacity review of the HSE National Ambulance Service; (3) Deputy Thomas P. Broughan - the urgent need for the Minister for Health to provide full local day services for young school leavers on the autistic spectrum in Dublin Bay North and Fingal; (4) Deputy Thomas Byrne - the need for the Minister for Education to explain the current position with the securing of a site for St. Peter's Church of Ireland primary school in Dunboyne, which has been waiting for a permanent home for many, many years and is one of very few schools to be established under Church of Ireland patronage since the foundation of the State; (5) Deputies Seamus Healy, Mattie McGrath and Jackie Cahill - the urgent

need to secure a replacement industry following the closure of Suir Pharma Ireland, Clonmel, County Tipperary, and to ask the Minister to make a statement on the matter; the significance of the closure of Suir Pharma Ireland Limited in Clonmel County Tipperary with the loss of over 120 jobs; and the efforts the Minister for Jobs, Enterprise and Innovation can make or is making to protect the interests of the workers who have been affected; and the need for the Minister for Jobs, Enterprise and Innovation to discuss maintaining jobs at Suir Pharma pharmaceutical manufacturing facility in Clonmel, County Tipperary; (6) Deputies Pat Breen and Joe Carey - the Roche Clarecastle announcement that negotiations for the transfer of the Clarecastle facility to a global pharma company have ended without agreement; the implications that this will have for the future of the plant and its workforce and the need for all necessary steps to be taken to attract new investment; if the Minister for Jobs, Enterprise and Innovation will respond to the company's statement; and the need to protect employment at the Roche Ireland plant in Clarecastle, County Clare; (7) Deputy Eoin Ó Broin - the closure of Brú Aimsir homeless hostel in Dublin and the loss of 100 emergency beds from the Dublin emergency accommodation system at a time when up to 100 people are sleeping rough in the city; (8) Deputy Jim Daly - the need for the Minister for Health to immediately make available funding to service the 1,670 elderly people waitlisted for home help care; (9) Deputy Anne Rabbitte - the urgent need for the HSE to expedite the appointment of a paediatric diabetic specialist at University Hospital Galway; (10) Deputies Clare Daly and Mick Wallace - to discuss the ongoing refugee crisis, in particular unaccompanied minors and what Ireland can do; and to discuss the refugee crisis in Europe and in particular, the situation regarding unaccompanied minors; (11) Deputy Lisa Chambers - the need for the Minister for Health to outline what action will be taken to improve conditions in the emergency department in Mayo University Hospital; (12) Deputy Robert Troy - the need for the Minister for Health to address concerns expressed by the National Ambulance Service capacity review about the possibility of achieving the Health Information and Quality Authority prescribed target of dealing with 80% of life-threatening and potentially life-threatening calls within eight minutes; (13) Deputy Pat Buckley - to discuss the effect of funding cuts to mental health services; (14) Deputy James Lawless - the need for the Minister for Transport, Tourism and Sport to address concerns about the absence of plans to progress with the DART underground project in the greater Dublin area transport strategy; (15) Deputy Dessie Ellis - to discuss the continued rise in residential rents; (16) Deputy Brian Stanley - the urgent need for a new school to accommodate St. Francis special school on the site that has been provided by the parish at Borris Road, Portlaoise; and (17) Deputy Mick Barry - the introduction of charges for the collection of green bins.

The matters raised by Deputies Eoin Ó Broin, Lisa Chambers, Jim Daly and James Lawless have been selected for discussion.

An Teanga Gaeilge: Statements (Resumed)

An Ceann Comhairle: Tá ceithre nóiméad ag Deputy Ellis.

Deputy Dessie Ellis: Fáiltím roimh an deis Gaeilge a úsáid agus ráiteas a dhéanamh in ár dteanga. Tá Sinn Féin ag lorg athbhunú na Gaeilge mar theanga bheo i ngach gné den saol. Táimid ag tacú leis na príomheagraíochta sna haidhmeanna atá acu an Ghaeilge a chur chun cinn, ní hamháin sna Gaeltachtaí ach sa tír ina hiomlán. Rinne an t-iar-Rialtas sna Sé Chontae is Fiche an-damáiste leis an ngearradh siar do na heagraíochtaí Gaeilge, go háirithe san oideachas. Má táimid dáiríre faoin nGaeilge, ba mhaith le Sinn Féin Aire sinsearach a fheiceáil ina suí nó

ina shuí ag bord an Rialtais, ar chomhchéim le gach Aire eile, ar son ár bpobal agus ár gcearta.

I mo cheantar féin, Baile Átha Cliath Thiar-Thuidh, tá athbheochan mhór ar siúl i dtaca lenár dteanga agus lenár gcultúr. Tá sé le feiceáil sa mhéid Gaelscoileanna atá i mo cheantar agus san éileamh atá ann dóibh. Tá Gaelscoil Uí Earcáin i bhFionnghlas, Scoil Chaitríona i nDroim Chonrach, Gaelscoil Bhaile Munna agus Scoil an tSeachtar Laoch i mBaile Munna. Níl spás ar bith iontu agus tá liostaí fada feithimh acu. Ba mhaith linn ceathrú Gaeilge a fheiceáil i ngach baile sa tír, go háirithe i mBaile Munna, in aice le Cumann Báire Setanta agus Scoil an tSeachtar Laoch. Tá seanscoil fholamh ann agus talamh poiblí timpeall uirthi. Bheadh sé suimúil ceathrú a fheiceáil a bhíonn ag obair agus ag reachtáil gach rud trí Ghaeilge. Is mór an trua é nach bhfuil Teach Laighean ag taispeáint na slí agus ag déanamh níos mó gnó trí Ghaeilge. Tá seanscoil anois comhchoiste oideachais a chur ar siúl agus Acht láidir na Gaeilge a reachtú. Tá straitéis 20 bliain ann agus tá maoinithe sa bhreis de dhíth. De réir suirbhé i ndiaidh suirbhé, tá toil na ndaoine i bhfabhar tacaíocht a thabhairt don Ghaeilge. Tá sé suas dúinn mar pholaiteoirí aon rud is féidir linn a dhéanamh chun an Ghaeilge a chur cinn. Mar a dúirt Pádraig Mac Piarais blianta ó shin, “Tír gan teanga, tír gan anam”.

Deputy Carol Nolan: Gabhaim buíochas leis an gCathaoirleach as ucht an deis labhairt faoin nGaeilge. De réir taighde a rinneadh chun polasaí don oideachas sa Ghaeltacht a chur le chéile, tá níos lú ná 1,000 cainteoirí dúchasacha sna bunscoileanna i gceantair Ghaeltachta. Tá níos lú ná 10% de dhéagóirí idir 15 bliana d’aois agus 18 mbliana d’aois ag baint úsáide as an nGaeilge ina saol laethúil. Tá laghdú ann maidir le húsáid na Gaeilge mar mheán teagaisc sna scoileanna Gaeltachta, ach is féidir leis na scoileanna seo ról fíorthábhachtach a ghlacadh chun an Ghaeilge a chur chun cinn.

Mhol an Rialtas deireanach polasaí maidir le hoideachas trí mheán na Gaeilge a chur chun cinn sna scoileanna Gaeltachta. Cuireadh fáilte roimh na hiarrachtaí a rinne na Ranna go léir ó thaobh polasaí a fhorbairt. Anuraidh, bhí sé ar intinn ag an Rialtas an polasaí oideachais Ghaeltachta a fhoilsiú ag deireadh na bliana. Níor tharla sé sin agus anois táimid den tuairim nach bhfoilseofar go dtí deireadh na bliana seo é. Cuirtear fáilte roimh gach uile iarracht a dhéanann an Rialtas polasaí oideachais a bhunú ach tá fíordhíomá ar mhuintir na Gaeltachta agus airimid go léir mar Theachtaí Dála i Sinn Féin nach bhfuil sé seo ag tarla sách tapaídh agus go bhfuil baol ann maidir le foilsiú an pholasaí seo. Tá súil agam go gcuirfear béim mhór ar an bpolasaí úd seo agus go ndéanfaidh an Rialtas seo gach uile iarracht an polasaí don oideachas sa Ghaeltacht a fhoilsiú agus é a chur i bhfeidhm chomh luath agus is féidir.

Tá gluaiseachtaí ar nós Conradh na Gaeilge ag déanamh an-obair ó thaobh na Gaeilge de agus tá siad go hiontach ó thaobh an teanga a chur chun cinn ach tá dualgas mór orainn go léir mar Theachtaí Dála ár dteanga a chur chun cinn freisin agus gach uile iarracht a dhéanamh ár dteanga dhúchasach a chosaint agus í a chosaint ar fud na tíre agus sna Gaeltachtaí go háirithe mar is cuid luachmhar den chultúr agus den oidhreacht í ár dteanga Ghaelach. Mar a dúirt Pádraig Mac Piarais, “Tír gan teanga, tír gan anam”. Tá sé suas dúinn anois gach uile rud a dhéanamh chun ár dteanga a chosaint.

Deputy Maureen O’Sullivan: Ceapaim go bhfuil sé dearfach go bhfuil an t-ábhar seo, cúrsaí Gaeilge, á phlé againn inniu i dtosach an Rialtais seo. Is mór an trua é agus is cúis náire é go bhfuil Béarla á labhairt againn inniu agus go mbíonn gnó na Dála ag leanúint ar aghaidh trí Bhéarla in ionad Gaeilge. Is cúis náire í cinnte nach bhfuil Gaeilge á labhairt againn beagnach 90 bliain tar éis tosach an Stáit.

We know the historical reasons we speak English, namely, the effect of the Famine, the effect of migration when so many Irish speakers died or left, the education system under Britain which undermined Irish, the growing perception that speaking Irish would not enhance one's job prospects and that English was the language of progress. When we think of the Easter Rising and the War of Independence, the leaders and the members spoke Irish and had a great love of Irish and yet Irish is not the language of the majority of the population. Government after Government since the foundation of the State has failed to encourage and spread the use of the language.

Is í an fadhb atá againn anois ná nach bhfuil aon fheabhas tagtha ar an ábhar seo agus anois ní labhraíonn ach mionlach sa tír seo an Ghaeilge. Roimh an nGorta Mór bhí Gaeilge mar chéad teanga ag beagnach 7 milliún duine. Anois labhraíonn níos lú ná 20,000 Gaeilge gach lá.

If we are to bring about an improvement in the use of the Irish language, we must start young. Ceapaim go mba chóir go mbeadh gach bunscoil mar Ghaelscoil i gcomhair ceithre nó cúig bliana ar a laghad. Ansin bheadh gach dalta scoile in ann labhairt as Gaeilge.

Another language could be introduced for the final two to three years at primary school because we know that children are like sponges at that stage. The common denominator with all languages is that language has to be taught to be spoken. Under the present system, children will learn Irish for eight years in primary school, three to six years in second level and will still leave the education system unable to conduct a conversation in Irish and, even more disappointing, many not liking Irish and having no pride in Irish as being part of our cultural identity. Cinnte tá jab sármhaith á dhéanamh ag na Gaeilscoileanna, go háirithe na cinn atá lasmuigh den Ghaeltacht. Rud eile dearfach: tá a fhios againn go bhfuil suim ag tuismitheoirí go mbeadh níos mó Gaelscoileanna againn. We have to look at the way Irish is taught in our schools. Ba cheart go mbeidh na ranganna beomhar agus praiticiúil. The emphasis has to be on spoken Irish. There has to be a conversation with the Minister for Education and Skills on this issue, otherwise why bother teaching Irish. I say that as somebody who loves Irish. Unless we are going to take it seriously, we should throw our hat at it at this stage. I believe it is more beneficial to have the majority with a love of the language and able to speak it rather than have a few being super competent in Irish with the majority being left with a distaste for the language.

In December 2010, we had the publication of the 20-year strategy for the Irish language. What has been achieved in the first five years? It is strong on rhetoric and aspirations but very weak on implementation and action. I accept there were specific structures for the setting up a number of committees. Unless there is implementation, committees are merely talking shops. It speaks volumes, unfortunately, that in the last Government, the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, could not conduct business regarding the Gaeltacht in the Irish language. I acknowledge the efforts made by the Minister of State, Deputy Joe McHugh, to make up for that shortfall. One has to ask how serious an issue it is that the Minister whose first language is not Irish has responsibility for the Gaeltacht.

Yesterday I attended a presentation from Conradh na Gaeilge, chaired by Deputy Peadar Tóibín, in the AV room. It highlighted various positive signs from a number of surveys which indicated that at least 2 million people have some level of Irish, that 61% agree with additional support for the language and that 70% agree on the need for services through Irish to be in place for those who want those services. As we are trying to provide services in their own language for our new communities, there is a responsibility on us to provide those services in Irish for those who want them. Other points that emerged from the surveys included bilingual labelling

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and that the names of Government agencies and semi-State bodies should be in Irish. To bring all of this about requires leadership, commitment, compassion and investment. After that, it requires monitoring of the implementation of the strategy.

4 o'clock

I understand this issue is competing with a wide range of issues at Cabinet level but this has gone on far too long if we are serious about spreading Irish as a spoken language throughout the country and not confining it to Gaeltacht areas. I am struck by the widespread illiteracy rates in Cuba before the revolution. However, when the revolutionaries took over, there was a massive campaign to address this and there is now a literacy museum in Havana. Hundreds of volunteer teachers travelled throughout Cuba and within a few years, there was an amazing change with phenomenal improvement. I wonder if we could have a similar system in Ireland. We have an example with our neighbours in Wales. When travelling in Wales, one is more likely to hear Welsh being spoken even though it is a minority UK language. Their education system has adopted the approach of the language as part of their culture identity. There is a Welsh language commissioner who examines legislation with regard to implications for the language.

The surveys we heard about yesterday showed that more than six in ten respondents agree there are not many opportunities for young people to use their Irish outside the formal education system. The question must be asked as to how a change can be brought about to address that. I believe that young people have to be involved and that their practical solutions listened to. We know that we are not going to have a senior Minister for the Irish language, as had been sought, but I hope we will see an Oireachtas committee for the Irish language, the Gaeltacht and the islands. These three areas are under threat, not quite of extinction but under severe pressure, with regard to viability and sustainability. The committee has to take on the monitoring of the implementation of the strategy to ensure services through Irish are protected and to look at legislation to protect the language. It is vital that the Minister for Education and Skills supports educational measures with regard to the Irish language.

Bhí an t-ádh orm nuair a bhíos ag freastal ar an mheánscoil go raibh múinteoirí Gaeilge agam a spreag ionam, agus i mo chairde, grá don teanga. Is teanga álainn í an Ghaeilge – an litríocht, an fhilíocht agus an ceol. Ba mhaith liom aitheantas a thabhairt don obair iontach atá á déanamh ag TG4, Raidió na Gaeltachta agus Raidió na Life i mBaile Átha Cliath agus na cláir trí Ghaeilge ar na stáisiúin eile. Ceapaim nach bhfuil sé ró-dhéanach an teanga a shábháil ach tá easpa deifre ann leis an obair seo. Braitheann sé ar an tiomantas don Ghaeilge agus ar infheistíocht sa Ghaeilge.

Acting Chairman (Deputy John Lahart): Ba mhaith liom buíochas a ghabháil leis an Teachta. I call on Deputy Brendan Griffin who will share time with Deputy John Paul Phelan.

Deputy Brendan Griffin: Táim fíorbhuíoch as ucht an seans labhairt ar an ábhar seo. Mar Theachta atá ag foghlaim na teanga fós, bhí an-díomá orm anseo inniu roimh lón ag éisteacht leis an snobbery teangach a bhí ann. Bhí an-díoma orm agus níl aon áit don snobbery sin a bhí ar siúl.

Tá a lán dul chun cinn déanta againn mar thír leis an teanga ach tá dáinséir ann freisin agus caithfidimid níos mó a dhéanamh as seo amach sa toadhcháil chun an teanga a shábháil agus a fhorbairt. Tá sé soiléir go bhfuil gach duine anseo ag déanamh a ndíchill agus caithfidimid níos mó a dhéanamh mar thír agus mar Rialtas chun an teanga a chur chun cinn.

Ar an gcéad dul síos, ba mhaith a rá go bhfuil an-dul chun cinn pearsanta déanta ag an Aire Stáit, an Teachta Joe McHugh leis an teanga agus go bhfuil sé inspioráideach do a lán daoine timpeall na tíre atá ag iarraidh an teanga a fhoghlaim nó atá ag iarraidh an teanga a fhoghlaim arís. Is rud an-tábhachtach é sin agus deirim maith thú leis an Aire Stáit. Rinne sé iarracht an-mhór agus, mar a dúirt mé, tá sé inspioráideach do a lán daoine.

Níl ach cúpla nóiméad agam anseo, mar sin ba mhaith liom cúpla smaoinemh beag a chur os comhair an Aire. Rud amháin ná twinnings, nó ceangailte oifigiúla idir áiteanna sa Ghaeltacht agus áiteanna taobh amuigh den Ghaeltacht ina bhfuil an pobal ag iarraidh an Ghaeilge a úsáid. Chomh maith le sin, d'fhéadfadh an Rialtas stádas síol-Ghaeltacht, nó seed Gaeltacht, a bhronnadh ar áiteanna atá ag déanamh iarrachta mhór an teanga a chur chun cinn don chéad uair. B'fhéidir go mbeadh seans ag an Aire na smaointe sin a fhorbairt. Is smaointe beaga iad ach b'fhéidir go bhfuil spás ann rud éigin a dhéanamh fúthú.

Mar Theachta ó Dháilcheantar Gaeltachta, Corca Dhuibhne, i mo thuairimse is é an rud is tábhachtaí don teanga sa Ghaeltacht ná poist a chruthú agus a choimeád. Caithfimid níos mó a dhéanamh, go háirithe maidir leis an infreastruchtúr sa Ghaeltacht. I gCorca Dhuibhne faoi láthair, tá áthas mór orm go bhfuil tógáil an bhóthair nua N86 idir Trá Lí agus an Daingean ag tosú go luath. Beidh an fhorbairt sin an-tábhachtach don leithinis go léir. Tabharfaidh an bóthar sin seansanna níos fearr dúinn na tionscail go léir a fhorbairt agus postanna a chruthú agus a choimeád ar an leithinis. Táim an-sásta go bhfuil Fine Gael agus an Rialtas ag cur airgid mhóir isteach sa bhóthar sin.

Ar an taobh eile den scéal, caithfimid níos mó a dhéanamh le broadband. Tá easpa broadband mór in a lán áiteanna, go háirithe i gceantair Ghaeltachta, agus caithfimid níos mó a dhéanamh ar an ábhar sin chun ár seansanna a fheabhsú le poist a chruthú agus a choimeád. Chomh maith le sin, caithfimid níos mó a dhéanamh le thresholds sna scoileanna beaga sa Ghaeltacht. Tá stádas agus thresholds speisialta tuillte go maith acu. Mar a dúirt an Teachta Seán Kyne ar maidin, tá níos mó oibre acu agus tá níos mó cabhrach de dhíth ón Rialtas. Tá seans againn anois é sin a dhéanamh. Chaith mé cuid mhór de mo chéad théarma anseo ag obair ar isolated statuses do scoileanna beaga. Caithfimid stádas speisialta thabhairt ar ais do scoileanna Gaeltachta freisin. Caithfimid an teanga a choimeád beo sa bhunscoil agus sa mheánscoil freisin.

Tá an tionscal turasóireachta an-tábhachtach do na ceantair Ghaeltachta sa tír seo. Tá product nua againn anois i Slí an Atlantaigh Fhiáin. Tá seans iontach againn mar thír é sin a fhorbairt, sa gheimhreadh ach go háirithe. Chomh maith le sin, beidh seans againn poist a choimeád tríd an bhliain go léir sna ceantair Ghaeltachta. Le sin, ní bhíonn na daoine óga ag fágáil na ceantair Gaeltachta. Tá seans ann níos mó a dhéanamh chun an teanga a choimeád beo.

Bhí a lán daoine anseo inniu ag tabhairt amach agus ag gearán faoin Rialtas, faoin Aire, faoin easpa airgid nó faoi pholasaithe éagsúla. Bhí seans iontach ag daoine sa Dáil seo a bheith i Rialtas agus rud tábhachtach a dhéanamh ar na hábhair seo. Chuaigh a lán daoine ar an mbóthar buí, an bóthar simplí, an bóthar chun vótaí a choimeád ach chun faic a dhéanamh ag deireadh an lae. Is mór an trua é.

Deputy John Paul Phelan: It is probably one of the greatest regrets of my life that I do not have any spoken Irish which is why I decided to take part in this debate. There is a phrase with which every child from Kilkenny is familiar and it is probably the most Irish that any of them have, which is, tá áthas ormsa an corn seo a ghlacadh ar son fhoireann Chill Chainnigh. I believe that every child in Kilkenny probably knows that phrase. Like them, I too went to

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school for 14 years and while it might be debatable and some people would raise serious objections, I do not think I was a particularly bad student in school. It is amazing that after 14 years of education and 14 years of learning Irish I, and the vast majority of students who have gone through our education system, came out of it without the ability to speak our language. That is a shocking indictment of the way Irish is taught. I say this as someone who used to be a teacher in a previous life, albeit a maths teacher. I can understand Irish. If somebody is speaking who is not from Donegal, I can understand it very clearly, with significant apologies to the Minister of State, Deputy McHugh. I have nothing against Donegal people, it is just that their variation of Irish is more difficult to understand - their variation of English is more difficult to understand as well.

We need to have a serious examination of how so many students can come through an education system which works very well for most other subjects and yet, after 14 years, they cannot speak the language. There are many Irish words that come into the English language in my part of the world, and one of them is “meas”. There is no meas placed on Irish in the education system, perhaps because parents and families do not see it as a valuable part of the development of their child and the ability of their child to have a career in the future. However, it is a significant cultural issue, and I say that as someone who can read the language and understand others speaking it, but who cannot converse in it, although I would dearly love to be able to do so. I do not think I would have the patience of Deputy McHugh to go back at this stage to re-learn Irish and I commend him on doing that. However, I believe we have to examine our education system to ensure children who go through it are at least fluent in conversational Irish when they leave school.

I have heard various suggestions, including that there should be two different Irish subjects on the curriculum, one more conversational in nature and one more theoretical. That might be one solution, although I do not pretend to have particular solutions to this subject, which has been discussed at length in this House and in other places over the years. It is worth pointing out that one of the great successes in our education system has been the Gaelscoileanna movement. My first cousin, who is also from County Kilkenny, is principal of a Gaelscoil. He learned Irish and can speak it and teach it, and I believe the fact he went to a Gaelscoil was key for him. We need to resource that movement, particularly into second level, which it has already expanded into but where it will expand further in the future. Most importantly, the new Minister for Education and Skills, Deputy Bruton, with whom I have not had this discussion yet but will do so shortly, needs to examine the whole methodology of teaching our national language if it is to survive into the future, which I sincerely hope it does.

Deputy Fiona O’Loughlin: Cuirim fáilte mhór roimh an díospóireacht seo inniu. Céad bliain tar éis Éirí Amach na Cásca, tá sé de dhualgas orainn níos mó a dhéanamh chun an Ghaeilge a chur chun cinn.

Our national language is an immeasurable cultural treasure. A century on from the foundation of our Republic, the need to revitalise the effort to secure and develop the use of the Irish language is particularly important. Tá brón orm that the outgoing Government lacked any real commitment to our language or the protection of language rights. Fine Gael and the Labour Party continually downgraded the status of the Irish language. The successful roll-out of an ambitious strategy for the Irish language requires ongoing leadership and funding. Tá sé an-thábhachtach that such leadership is provided by the new Government. Fianna Fáil made sure that the confidence and supply agreement with Fine Gael contained a commitment to increase investment in the Irish language.

Cloisimid go minic na focail ó Phádraig Mac Piarais: “Tír gan teanga, tír gan anam.” Is dóigh liom gur cheart dúinn smaoinemh ar na focail sin. Ba cheart dúinn féachaint conas forbairt a dhéanamh ar an nGaeilge chun a chinntiú go mbeimid ábalta an Ghaeilge a chur chun cinn.

Teastaíonn uaim cúpla pointe a dhéanamh, ag tosú le scoileanna. We should consider providing learning opportunities to parents to refresh their Irish and help their children. Tá sé fiorthábhachtach deiseanna foghlama a thabhairt do thuismitheoirí. Perhaps this should be extended to all adults who would like to refresh their Irish. We should have a campaign this year to promote learning Irish, which should be done by providing more activities as Gaeilge as children often learn Irish in school but do not speak it outside school hours. There are many good people, like Br. Michael Broderick in my own town of Newbridge, who facilitate weekly conversational Irish gatherings to encourage adults to learn Irish in a friendly environment. We definitely need more of that.

We also need to further promote the Gnó trí Ghaeilge scheme. Where it is most obvious that Irish can be spoken, we need to move to a situation in our towns and cities, as well as in Gaeltacht areas, in which people can undertake their daily business in Irish if they so wish.

As a graduate of many Irish colleges when I was younger, and having enjoyed a hugely positive, sociable and enjoyable cultural experience, I believe the coláistí samhraidh have a huge role to play in putting the fun back into the learning of an Ghaeilge. However, as many of those who run the colleges will say, there is a huge amount of red tape for parents who host the students. We need more focus on providing and facilitating these courses, and not only in Gaeltacht areas because there could also be more of a role for Gaelscoileanna across the country.

Ba mhaith liom cúpla focal a rá mar gheall ar Ghaeilge san Eoraip. Since 2007 Irish has been an official language of the EU, with this having been negotiated by a Fianna Fáil Government. As a former member of the Committee of the Regions, I am extremely proud of the fact Irish can be spoken, not only in European Parliament plenary sessions, but also in Committee of the Regions plenary sessions. This possibility has been used by Irish members at every plenary session. The importance cannot be underestimated of providing an opportunity for Irish elected members to speak their language in a European setting.

The derogation for the language in the EU is soon coming to an end and I was delighted to see, in the past few weeks, a call for 62 Irish translators and 13 Irish linguistic assistants to add to the 50-plus positions already created since 2007. In total, this will have provided over 180 opportunities for Irish speakers in Brussels. What is also interesting in this context is that the amount of Irish being spoken in social circles in Brussels has drastically increased over the past few years, and perhaps there are some lessons for us at home in that regard. Through the power of Facebook and social media, I take great pride in watching my two little nieces in Shanghai absorbing themselves in Irish culture, dance and song, and taking huge pride in their Irish identity abroad.

TG4 was a game changer in Irish language development, with many companies developing programming as Gaeilge. The reality is that in many of our smaller towns and communities, particularly in Gaeltacht areas, Irish will not survive unless there is job creation in those areas. While Údarás na Gaeltachta is active, its budget has been drastically cut over recent years. There needs to be a focus on providing small-scale jobs, not only in tourism, in Gaeltacht areas and across rural communities the length and breadth of the country.

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What are the key priorities for Fianna Fáil? We believe a senior Minister should be appointed with primary responsibility for Gaeltacht and Irish language affairs as well as the establishment of a full Oireachtas committee with responsibility for Gaeltacht and Irish language affairs. We propose an additional allocation of annual funding dedicated to the continued implementation of the Irish language strategy and further current expenditure for projects under Údarás na Gaeltachta. We are also committed to supporting the office of An Coimisinéir Teanga, protecting its independence, and introducing legislation to strengthen the Official Languages Act and make language legislation more effective.

Fianna Fáil believes we must ensure Irish remains at the heart of our junior certificate and leaving certificate curriculum. In addition, we are also committed to examining the possibility of introducing a second Irish language option for the leaving certificate and junior certificate to cater specifically for the needs of native Irish speakers and other fluent speakers, and to ensure Gaeltacht schools have the freedom and resources to teach Irish to the native speaker in a manner that is appropriate and effective.

Fianna Fáil strongly supports the implementation of the 20-year strategy for the Irish language, which we brought forward while in government. We also put in place the Official Languages Act, which gave a statutory basis for the first time to the rights in respect of the language enshrined in the Constitution.

According to the 2011 census, 41% of the population can speak Irish, which includes 83,526 people who reside in my own county of Kildare. It is interesting to note that 1.8% of the population speaks Irish on a daily basis outside the education system. That accounts for 1,185 people in County Kildare. The statistics also show that 18.7% of the population speak Irish daily, weekly or less regularly. They should be supported and promoted and more opportunities should be given to them. We should remember the words: “Tír gan teanga, tír gan anam.” Tá súil agam go mbeidh anam agus teanga sa Rialtas sa toadhcháí.

Deputy Donnchadh Ó Laoghaire: Tá mé chun a bheith beagáinín contráilte anseo. Bhí roinnt Teachtaí ag tabhairt amach níos luaithe go raibh an tAire, an Teachta Mhic Unfraidh, as láthair. Tá sí anseo anois, ach feicim nach bhfuil aon státseirbhísigh nó aon duine ón Roinn anseo. De ghnáth i ndíospóireachtaí, bíonn daoine ón Roinn ann le nótaí a thógáil i dtaobh pholasaithe na Roinne agus an saghas sin ruda. Is ábhar díomá é nuair atá Teachtaí Dála ag tabhairt tuairimí-----

Deputy Joe McHugh: Tá siad ag éisteacht.

Deputy Donnchadh Ó Laoghaire: Ceart go leor. Tá mé sásta é sin a chloisteáil, ach de ghnáth bíonn siad anseo.

Is minic a chuirtear an cheist ar Ghaeilgeoirí: “Cad é staid na teanga faoi láthair agus cé chomh láidir agus sláintiúil is a bhfuil sí?” Ní héasca an cheist sin a fhreagairt. Tá gnéithe fíor-dhearfacha ann faoin Ghaeilge agus go leor ábhar inní ann freisin. Gach seans, nuair a bheidh foirmeacha an daonáirimh bailithe, go bhfeicfear go bhfuil borradh tagtha arís ar líon na ndaoine a bhfuil Gaeilge acu, mar a bhí le feiceáil sa daonáireamh deireanach, le breis is milliún duine a dúirt go raibh roinnt Gaeilge acu. Tá ábhar eile dóchais ann chomh maith. Is léir go bhfuil éileamh ollmhór ann don ghaelscolaíocht.

Ní hamháin sin, ach tá glúin nua de ghníomhaithe óga atá dochreidthe paiseanta faoin teanga agus atá ag croílár go leor imeachtaí agus ócáidí den scoth. Tá an ghluaiseacht seo - más

oiriúnach an téarma é sin - feiceálach go háirithe sa chathair seo. Go pointe áirithe, d'fhéadfá a rá gur toradh é ar fhorbairt na nGaelscoileanna agus Gaelcholáistí le glúin no dhó anois, ach sílim go bhfuil níos mó ná sin ag baint leis. Mar shampla, chonaic mé gur bhuaigh Na Gaeil Óga gradam an Ard-Mhéara le deánaí. Déanaim mo chomhghairdeas leo. Is iontach an scéal é an dul chun cinn atá déanta acu in achar gairid bliana. Feicim níos mó oícheanta ceoil, scéalaíochta, filíochta agus grinn á n-eagrú agus ceol nua-aimseartha á chumadh trí Ghaeilge. Rinne Conradh na Gaeilge iarracht féile cheoil a eagrú an samhradh seo dírithe ar na mílte daoine óga a thógáil le chéile. Cé nár éirigh leis i mbliana, tá súil agam go gcuideoidh an tAire agus an Roinn le cinntiú go n-éireoidh leis na hiarrachtaí sin sa todhchaí.

Tá na daoine óga seo mar cheann de na hábhair dóchais is mó a bhaineann leis an teanga. Tá siad fuinniúil, cruthaitheach agus díograiseach. Ach ní féidir a shéanadh ach an oiread go bhfuil go leor ábhar inní ann chomh maith, ach go háirithe i dtaobh na teanga mar theanga an phobail sa Ghaeltacht. Ní féidir neamhniú a dhéanamh de thuairiscí agus firicí a léiríonn go bhfuil sí i mbaol i ndáiríre, agus staitisticí an staidéir chuimsithigh theangeolaíoch, agus a leithéad sin, le feiceáil.

Ní chiallaíonn na gnéithe dearfacha de staid an teanga gur chóir beag a dhéanamh de na fadhbanna agus na cúiseanna inní; ná a mhalairt ach an oiread. Is léir go bhfuil go leor daoine sa tír le Gaeilge ar mhaith leo an deis a thapú a chuid Gaeilge a úsáid, ach nach bhfuil na deiseanna acu. Caithfidimid tacú le na heagraíochta, le maoiniú i measc rudaí eile, atá ag eagrú a leithéid de imeachtaí. Tá go leor infheistíochta ag teastáil ón nGaeltacht freisin ó thaobh phleanáil teanga, bonneagar pobail agus cuidiú leis na comharchumainn. Ní mór dúinn a bheith airdealach go bhfuil gá le forbairt pobail agus le planáil teanga chun an Ghaeilge a chur chun cinn sa Ghaeltacht, agus nach mar an gcéanna iad. Tá gá tacú leis an dá rud: an fhorbairt pobail agus an planáil teanga. Ní chóir go mbeadh an t-ualach sin ag titim ar na daoine céanna i gcónaí.

Cuidím le héilimh phobal na Gaeilge, atá ag lorg €18 milliún breise sa bhliain don Ghaeilge agus don Ghaeltacht ó 2016 amach. I measc na n-éileamh, tá éileamh ann go mbeadh Aire sinsireach Gaeilge agus Gaeltachta sa Rialtas. Laghdaíodh an maoiniú do Fhoras na Gaeilge agus do Údarás na Gaeltachta ó €45 milliún in 2008 go €22 milliún in 2015, in ainneoin gur dúradh go raibh deireadh leis an déine le linn an cúpla buiséad deireanach. Sa bhuiséad is déanaí ach go háirithe, bhí ciorraithe ann arís do bhuiséad an Fhorais. Bhí sé sin mar laghdú carnach de 12% thar trí bliana.

Ag an am céanna bhí eagraíochtaí cosúla, faoin Roinn céanna, tar éis meadú a fháil ar a gcuid maoinithe. Mar iarchomhalta boird den fhoras, chonaic mé an tionchar a bhí ag na ciorruithe seo thar na blianta ar chumas an fhorais a chuid aidhmeanna a bhaint amach agus cláir a rith. Chuir na ciorruithe buiséid srian dochreidthe ar ár gcumas an scéim phobail Gaeilge a leathnú. Ba scéim tábhachtach í a raibh tionchar an-suntasach aici ar phobal a bhí ag iarraidh an Ghaolainn a chur chun cinn, sa Tuaisceart agus sa Deisceart. Chuir siad srian orainn é sin a leathnú mar ba mhian linn, cé go raibh an scéim fhíorluachmhar. Bhí ar an bhforas laghdú a dhéanamh ar an mbuiséad do beagnach gach clár, in ainneoin an éilimh mhóir a bhí ann do go leor de na cláir sin agus in ainneoin na n-iarratas a bhí faighte againn maidir le féilte, pobail Gaeilge, scríbhneoirí Gaolainne, filí, iriseoirí, cumainn agus eagraíochtaí Gaeilge, agus eile. Caithfear deireadh a chur leis an slad a rinneadh ar mhaoiniú na n-eagraíochtaí Gaolainne agus Gaeltachta agus méadú suntasach a dhéanamh ar an mhaoiniú. Tá ciall eacnamaíoch leis seo freisin: de réir an chonartha, d'fhéadfá thart ar 1,160 post a chruthú leis an mhaoiniú breise de €18 milliún. Tá súil agam go mbeidh an Rialtas seo, agus an Dáil seo, níos fearr ó thaobh na Gaeilge agus na Gaeltachta de, ná mar a bhí an Rialtas deireanach.

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Ní hé go bhfuil raidhse ama againn: tá sé bliana den straitéis 20 bliain caite cheana féin, agus is ar éigin go bhfuil pioc de curtha i bhfeidhm, agus is beag ama gur thug an staidéar cuimsitheach don Ghaolainn mar theanga pobail sa Ghaeltacht. Tá dualgas fiorthábhachtach orainn go léir dul i ngleic leis an dushlán atá os ár gcomhair, agus táim ag súil le mo chuidse a dhéanamh. Guím gach rath ar an Aire, an Teachta Mhic Unfraidh, agus ar an iar-Aire Stáit, an Teachta McHugh, má tá sé chun leanúint ar aghaidh sa phost, nó ar phé duine a bheas ina Aire nó ina hAire.

Mar a dúirt mé ag an dtosach, tá ábhar dóchais ann, ach tá go leor ábhar inní ann freisin agus is dóigh liom go ndearnadh faillí le cúpla bliain anuas. Bhí ciorruithe suntasacha ann. Chonaic mé féin san fhoras é agus chonaic go leor daoine eile freisin an tionchar a bhí ag na ciorruithe sin. Caithfear deireadh a chur leis na ciorruithe sin agus caithfear a thuilleadh maoinithe a chur isteach ins an nGaolainn agus ins an nGaeltacht agus ins na pobail atá ag iarraidh an teanga a chur chun cinn.

Deputy Joe McHugh: Ar dtús ba mhaith liom m'aitheantas a thabhairt do na heagraíochtaí ar an talamh, na heagraíochtaí a bhíonn ag déanamh na hoibre tábhachtaí ar son na teanga agus chun í a chur chun cinn, go háirithe na dreamanna deonacha sna ceantair Ghaeltachta agus lasmuigh den Ghaeltacht fosta, chomh maith leis na heagraíochtaí Stáit - Údarás na Gaeltachta, Muintearas agus Foras na Gaeilge, mar shampla. Tá dualgas mór agus freagracht mhór ar Fhoras na Gaeilge maidir le cúrsaí Thuaidh-Theas agus ba mhaith liom m'aitheantas a thabhairt do na daoine go léir atá ag obair in Údarás na Gaeltachta.

Bhí Teachta amháin ag tabhairt amach níos luaithe maidir le laghdú sa líon post sa Ghaeltacht ach bhí méadú ann sa bhliain a chuaigh thart. Fuair 500 duine poist i gceantair Ghaeltachta. Cruthaíodh 125 post breise i mo chontae féin cúpla seachtain ó shin, i nGaoth Dobhair - i gceantair iargúlta, i gceantair i dtuaisceart Éireann, i dTír Chonaill. Tá deáscéal ag leanúint ar aghaidh agus ba mhaith liom mo bhuíochas agus m'aitheantas a thabhairt do gach duine a bhíonn ag obair go dian dícheallach sna dreamanna éagsúla, macasamhail le hÚdarás na Gaeltachta agus le Muintearas fosta. Tá Muintearas ag obair go dian sna bunscoileanna i gceantair Ghaeltachta maidir le scéim na gcúntóirí teanga agus níor chuala mé aon rud fá dtaobh de na cúntóirí teanga inniu. Tá cuid mhór oibre déanta. Tá daoine nádúrtha atá ábalta Gaeilge a labhairt istigh sna scoileanna, gan chéim agus gan scileanna ón ollscoil, ach tá siad ábalta Gaeilge a labhairt agus comhrá a dhéanamh. Tá a gcroí san áit cheart.

Ba mhaith liom aitheantas a thabhairt do na daoine sa dream Muintearas agus a macasamhail. Tá ról mór ag Conradh na Gaeilge, mar shampla. Is cinnte go mbíonn siad ag labhairt fá dtaobh de acmhainní. Bhí géarchéim i gceist sna blianta atá imithe thart. Cad chuige? Bhí géarchéim ann i ndiaidh an tréimhse ina raibh Fianna Fáil freagrach as an tír seo. Bhí an tír bocht agus de bharr sin, laghdaíodh buiséad caipitil Údarás na Gaeltachta ó níos mó na €20 milliún sa bhliain 2007 go dtí €6 mhilliún cúpla bliain ó shin. Is é sin an fáth. Níl sé i gceist agam bheith i mbun díospóireachta pholaitiúil maidir leis an teanga inniu. Tá sé de dhualgas orainn uilig an obair seo a dhéanamh. Ní hiad Fianna Fáil, Sinn Féin, na Neamhspleáigh, Fine Gael ná an Rialtas amháin atá freagrach as an teanga. Tá achan duine sa tír seo freagrach as an teanga. Tá na daoine gan Ghaeilge nach bhfuil ábalta an teanga a labhairt freagrach as an teanga fosta. Tá cuid mhór oibre ag dul ar aghaidh. Tá fuinneamh mór i measc an phobail. Tá rudaí dearfacha ag dul ar aghaidh sna ceantracha Gaeltachta, taobh amuigh den Ghaeltacht, sna Sé Chontae agus go hidirnáisiúnta. Tá cuid mhór daoine i mBostún, i Chicago, i Londain agus san Astráil ag amharc go dearfach ar an teanga.

Ba cheart dom aitheantas a thabhairt don Aire sinsearach, an Teachta Humphreys, mar gheall ar an gcomóradh atá a dhéanamh i mbliana. Tá cuid mhór oibre déanta sna bunscoileanna, ina measc na bunscoileanna taobh amuigh den Ghaeltacht. Tá obair ó chroí á déanamh maidir le stair agus oidhreacht na tíre seo agus an teanga fosta. Tá sé de dhualgas ar gach éinne sa Teach seo - Teachtaí gan Ghaeilge agus Teachtaí atá ábalta an Ghaeilge a labhairt - an obair seo a dhéanamh. Is é sin an fáth go bhfuilimid anseo inniu. Níl sé ar intinn agam páirt a ghlacadh in aon díospóireacht pholaitiúil ar an gceist seo. Tá an teanga san áit ina bhfuil sí faoi láthair mar thoradh ar na díospóireachtaí den chineál sin a bhí againn le blianta fada.

Is mian liom aitheantas a thabhairt dóibh siúd atá ag obair sna coláistí samhraidh, ina measc Coláiste na Mumhan i gceantar an Teachta Ó Muineacháin, Coláiste Lurgan i gContae na Gailimhe agus Oideas Gael i nGleann Cholm Cille i mo chontae féin. Is dea-scéal é go bhfuil daoine ón Phacastáin, ó Mheiriceá, ó Londain agus as Albain ag freastal ar Ghleann Cholm Cille chun an Ghaeilge a fhoghlaim. Cén fáth nach bhfuil achan duine sa tír seo ag foghlaim nó ag athfhoghlaim na Gaeilge? Tá barraíocht dul chun cinn á dhéanamh. Tá mé dóchasach maidir leis na hacmhainní atá ar fáil agus leis an obair atá á dhéanamh ag dreamanna éagsúla, ar nós Gael-Linn agus Conradh na Gaeilge, chun cúrsaí a chur ar fáil agus tacaíocht a thabhairt dóibh siúd atá suim acu i bhfoghlaim nó athfhoghlaim na Gaeilge. Tá sé thar a bheith tábhachtach aitheantas a thabhairt dóibh siúd atá ag obair sa chomhthéacs seo. Tá cuid mhór oibre déanta i gColáiste na bhFiann i gContae na Mí, mar shampla.

Ba mhaith liom labhairt faoin dul chun cinn atá á dhéanamh i gceantracha taobh amuigh den Ghaeltacht. Thug mé cuairt ar Chluain Dolcáin, mar shampla, anuraidh. Bhí mé i gContae Luimnigh, i gContae an Chláir agus i gContae Loch Garman anuraidh fosta. Tá cuid mhór oibre ag dul ar aghaidh sna Gaelscoileanna agus na scoileanna nach bhfuil an stádas sin acu. Tá obair thábhachtach á déanamh sa mheánscoil i nGuaire, i gContae Loch Garman, mar shampla.

Ba chóir dom na daoine atá ag obair go dian sa Rialtas a lua chomh maith. Bhí caidreamh agus comhluadar mór agam le mo chuid oifigeach i Roinn na Gaeltachta nuair a bhí mé in oifig mar Aire Stáit na Gaeltachta. Ní gá aon cheist a chur i dtaobh tiomantas, díograis agus solúbthacht na ndaoine uilig sa Roinn maidir leis an teanga. Nuair a tháinig mé isteach sa Roinn bliain go leith ó shin, ní raibh mé ábalta an Ghaeilge a labhairt. Bhí na hoifigigh iontach solúbtha agus thug siad cabhair mhór dom. Tá sé iontach tábhachtach go bhfuil suim ag daoine gan Gaeilge sa tír seo agus sa Tuaisceart, san Astráil agus timpeall an domhain sa teanga.

Tá na coláistí samhraidh agus na mná tí iontach tábhachtach fosta maidir leis an teanga a chur chun tosaigh agus a choinneáil beo. Dá mbeadh airgead breise ann, bheadh sé tábhachtach tacaíocht a chur chuig na mná tí amach anseo. Tuigim go bhfuil airgead de dhíth ionas go mbeidh Údarás na Gaeltachta in ann post a chruthú. B'fhéidir go mbeidh €300 milliún breise ar fáil i gelár an Rialtais fá choinne Fiontraíocht Éireann agus Údarás na Gaeltachta. Tá acmhainní breise ann. Tá sé sin tábhachtach fosta.

Ba mhaith liom labhairt faoi pholasaithe eile. Ag deireadh na bliana seo caite, thosaigh mé an t-athbhreithniú ar an straitéis 20 bliain. B'fhéidir go mbeidh tuarascáil déanta faoi sin laistigh d'am gairid. Bhí comhairliúchán cuimsitheach i mbunscoileanna na Gaeltachta maidir leis an tumoideachas sna ceantracha sin, agus go háirithe an tacaíocht gur chóir dúinn tabhairt do pháistí sa chéad dhá bhliain sna bunscoileanna sin.

Mar fhocal scoir, níl aon cheist faoin tiomantas sa tír seo maidir leis an teanga, an cultúr nó an oidhreacht. Níl an fhreagracht ar aon ghrúpa, dream, páirtí nó Rialtas amháin. Tá ról mór

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againn uilig agus tá dualgas mór orainn uilig sa tír seo maidir leis an teanga a chur chun cinn. Aontaím leis an bpointe a rinne Teachta amháin maidir leis an dualgas atá orainn. Tá daoine áirithe a bhíonn ag seasamh suas agus ag tabhairt amach go comhsheasmhach le linn díospóireachtaí sa Teach seo, ach ní hé sin an bealach is fearr. Is é an bealach is fearr ná an dualgas mór atá orainn an teanga a choinneáil beo a chomhlíonadh. Tá obair thábhachtach de dhíth sa tír seo agus sa Teach seo chun an ceangal fite fuaite idir an teanga, an stair, an cultúr agus an dúchas a chaomhnú.

Deputy Aindrias Moynihan: Fáiltím roimh an deis seo cúrsaí Gaeilge a phlé sa Dáil inniu. Brathaim go bhfuil sé an-tráthúil, go háirithe anois nuair atá an Rialtas nua ag dul i mbun a chuid gnó. Brathaim go bhfuil atmaisféar an-bháúil ann do chúrsaí Gaeilge timpeall na tíre, ní hamháin i measc daoine sna scoileanna ach freisin lasmuigh den scoil. Tá an-éileamh i gcónaí i measc tuismitheoirí ar na Gaelscoileanna. Beidh breis is 100 duine ag dul isteach i naíonáin bheaga sa Ghaelscoil i mBaile an Chollaigh i mo Dháilcheantar féin i mbliana. Tá spás diúltaithe don mhéid céanna arís toisc nach bhfuil dóthain spáis sa scoil. Léiríonn sé sin an t-éileamh láidir atá i mbruachbhailte chathair Chorcaí. Fillfidh mé ar Bhaile an Chollaigh i gceann nóiméad. Tá sé soiléir go bhfuil atmaisféar báúil ann i measc an phobail. Nuair a déanadh staidéar Millward Brown, tuairiscíodh go raibh dhá thrian de dhaoine den tuairim gur chóir go mbeadh seirbhísí do mhuintir na Gaeltachta ar fáil trí mheán na Gaeilge. Ní haon ionadh é.

Nuair a rinne Fianna Fáil iarracht Rialtas a chur chun tosaigh cúpla seachtain ó shin, bhí an Ghaeilge go mór chun tosaigh inár n-aighe. Tá áthas orm go bhfuil gealltanas ann sa chomhaontú le Fine Gael go mbeidh airgead breise ar fáil i gcomhair cúrsaí Gaeilge. Bhí an Ghaeilge i gcónaí lárnach i gcúrsaí Fhianna Fáil. Nuair a rabhamar sa Rialtas cheana, chuireamar an straitéis 20 bliain chun cinn agus táimid fós meáite chun é sin a chur i bhfeidhm. Ag an am sin, bhí conspóid ag baint leis an sprioc go n-ardófaí an líon daoine a bhíonn ag labhairt na Gaeilge go laethúil ó 83,000 go dtí 250,000. Tá sé cinnte go bhfuil dúshlán ansin i gcónaí, ach caithfear spriocanna a leagadh síos agus tabhairt fúthu. In 2003 thugamar isteach Acht na dTeangacha Oifigiúla a chur ar bhonn reachtaíochta den chéad uair ceart teanga atá sa Bhunreacht. Tá sé an-tábhachtach ról láidir an choimisinéara teanga a chothú chun go mbeadh sé ábalta cúrsaí maidir le hAcht na dTeangacha Oifigiúla a chur i gcrích.

Braithim, mar sin féin, nach raibh an fuinneamh nó an dea-thoil chéanna ag an Rialtas deiridh. B'fhéidir neamhshuim nó drochmheas a bhí ann. Tá eisceachtaí agus tá suim, meas agus fuinneamh an Aire shóisearaigh soiléir. Is iontach é sin agus caithfí aitheantas a thabhairt dó, ach is amhlaidh go gcaithfí Aire sinsearach a bheith ag bord an Rialtais ag cur cúrsaí Gaolúinne chun cinn. Tá sé an-tábhachtach go mbeadh an tAire sinsearach ann chun cúrsaí straitéis an 20 bliain a chur i bhfeidhm agus chun ceannaireacht a léiriú ag bord an Rialtais. Tá sé tábhachtach go mbeadh áit a bheadh comhfhreagras an Rialtais ar fad agus go mbeadh an Rialtas ábalta é a tharraingt le chéile ag bord an Rialtais agus infheistíocht agus maoiniú a tharraingt ó na hAíre eile agus é a chur ina luí orthu cé chomh tábhachtach is a bheadh sé cúrsaí Gaolúinne a bhrú trí agus a thabhairt chun cinn ina Rannóga féin.

Do bhí buairt i gcónaí leis an Rialtas deireanach. Mar shampla, bhí easpa suime ann agus rudaí diúltacha á ndéanamh acu cosúil leis an deireadh leis an deich bpunt agus na scoláireachtaí gur lean é. D'fhéadfaí é a úsáid beagnach mar phíosa slat tomhais sa Ghaeltacht cé chomh láidir a bhí nó nach raibh sé agus, gan dabht, níor aontaigh gach éinne go raibh an deich bpunt go maith mar shlat tomhais. Ach tá sé sin imithe anois agus níl aon rud ina áit.

Cuireadh deireadh le toghchán Údarás na Gaeltachta agus ba mhór an chailliúint é sin mar

bhris sé an nasc idir phobal na Gaeltachta agus an údarás, agus is beag ar shábháladh in aon chor ansan ó thaobh airgid ann. Maidir leis an gcóras a cuireadh ina áit, tá contaetha níos lú ar nós an Mhí, Port Láirge agus Corcaigh le suíocháin ar bhord an údaráis agus iad á roinnt eatarthu. Agus duine ag féachaint ar sin, fágann sé go bhfuil contaetha gan aon duine ar bhord an údaráis ar feadh tréimhse ceithre bliana beagnach. Tá an baol ann agus tá gach cosúlacht go dtarlódh sé sin ó thaobh Corcaí agus amach anseo ó thaobh Phort Láirge agus na Mí.

Gan dabht, do laghdaíodh maoiniú an údaráis ag an am céanna go raibh dualgais bhreise á chur chun cinn ar an údarás ó thaobh pleanáil teanga agus ag am cúlú eacnamaíochta nuair a bheadh breis fostaíochta ag teastáil. Braithim go bhfuil sé an-tábhachtach dá fhéadfadh an Aire agus ionadaithe an údaráis suí síos le chéile agus go mbeadh deis ag an Aire an obair tréan atá an údarás á déanamh a fheiceáil agus go mbeadh deis ag an údarás é a chur i bhfeidhm uirthi cé chomh tábhachtach is atá sé breis airgid a chur ar fáil chuig an údarás. Molaim don Aire bualadh le hionadaithe an údaráis más féidir in aon chor. Cabhródh sé go mór.

Cabhair mhaith a bheadh ann, más féidir é a chur i bhfeidhm le comhchoiste Dála, dá d'fhéadfaí cúrsaí Gaoluinne a chur chun cinn anseo sa Dáil nó san Oireachtas go forleathan agus i measc an Rialtais. Thaispeánfadh sé ceannaireacht. Tá deis iontach againn ansan.

Do luadh maoiniú arís agus arís eile anseo inniu agus tá an figiúr den €18 milliún breise luaite. Táim cinnte faoin tslí go cuirfeadh sé os cionn 1,000 post breise chun cinn agus chomh maith go dtabharfadh sé borradh eacnamaíochta ó thaobh cúrsaí Gaoluinne.

Ní theastaíonn uaim an iomad am a chaitheamh le hairgead. Teastaíonn uaim díriú ar an chéad rud eile agus is é sin cúrsaí oideachais. Tá ról an-lárnach ag an gcóras oideachais agus ag an Aire Oideachais agus Scileanna agus iad ag obair le chéile leis an Aire Gaeltachta. Sna ceantair Ghaeltachta, má thógfaimid i dtosach na scoileanna beaga tuaithe go háirithe, áit a bheadh an daonra ag ísliú agus ag ardú agus go mbeadh baol i gcónaí ann go gcaillfí múinteoir, cuireadh sé sin brú ar aon bhunscoil timpeall na tíre. Ach, sna ceantair Ghaeltachta, tá freagracht nó pribhléid breise ag scoileanna Gaeltachta. Caithfidh an tAire suí síos agus féachaint ar an gcóimheas daltaí ó thaobh na scoileanna Gaeltachta. Más féidir le scoil a thaispeáint go bheidh an daonra ag teacht thar nais suas arís i gceann bliana nó dhó, ba chóir go mbeidís ábalta an múinteoir a choimeád. Cabhródh sé go mór le scoileanna beaga tuaithe Gaeltachta. Táim ag smaoineamh, mar shampla, ar scoil i mo cheantar féin i mBéal Átha an Ghaorthaidh lena gcabhródh sé go mór, agus tá go leor eile timpeall na tíre.

Do luadh cheana féin an Ghaelscoil i mBaile an Chollaigh, áit a bhfuil 100 duine ag teacht isteach i rang na naíonáin bheaga agus, leis an éileamh ollmhór atá ann, a bhfuil an líon céanna daoine nach bhfuil spás ar fáil dóibh. Tá sé soiléir go bhfuil an-ghá le múinteoirí breise agus scoileanna breise chun cabhrú ó thaobh Gaelscolaíochta de. Tá scoil nua i ndán do Bhaile an Chollaigh in 2017. Tá sé soiléir go bhfuil éileamh ann. Tá na figiúirí ann. Mar sin, molaim don Aire chun dul i bplé leis an Aire Oideachais agus Scileanna agus, más féidir, Gaelscoil eile a chur ar fáil do mhuintir Bhaile an Chollaigh atá ag taispeáint go bhfuil an éileamh ann. Tá na figiúirí ann cheana féin.

Anuas ar sin chomh maith, tá ábhar práinneach ann do Ghaelscoil Bhaile an Chollaigh i gcomhair mí Mheán Fómhair. De réir an staffing schedule atá ann, tá an daonra acu i gcomhair múinteoir breise ach níl an tAire Oideachais agus Scileanna ag ceadú mhúinteoir breise don scoil. Sin in ainneoin go bhfuil an daonra acu de réir an staffing schedule. Molaim don Aire Oideachais agus Scileanna agus don Aire Gaeltachta suí síos le chéile agus an múinteoir breise

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a thabhairt agus a cheadú don Ghaelscoil i mBaile an Chollaigh chun go mbeadh an scoil ábalta freastal ar na scoláirí agus ar an éileamh ollmhór atá ann, agus tá sé soiléir ós na figiúirí go bhfuil sé ann.

Mar fhocal scoir, tá sé an-tábhachtach go mbeadh an t-atmaisféar báúil ní hamháin timpeall na tíre ach laistigh den Rialtas agus go gcuirfí na hacmhainní atá ag teastáil ar fáil do na húdaráis éagsúla chun dul i mbun a ngnó.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): Ba mhaith liom mo bhuíochas a chur in iúl do gach aon Teachta a ghlac páirt sa díospóireacht seo inniu.

While there were some positive proposals and constructive statements, it is disappointing that some Deputies did not use their time to be constructive, rather they spent their time giving out and offered little by way of solutions and fresh thinking on the promotion of the Irish language. Deputy Brendan Griffin offered a good suggestion that towns in Gaeltacht areas twin with towns outside them. That is certainly a good idea that is worth progressing.

Deputy Aindrias Moynihan had some interesting things to say about the school in Ballinacollig. Perhaps he might pass on the details to me and I will be happy to pass them on to the Minister for Education and Skills, Deputy Richard Bruton.

I want to remind some Opposition Deputies of the reason funding for the Gaeltacht was cut. It was due to the economic crisis in which the last Fianna Fáil-led Government landed the country. Also, funding was not cut only in the Gaeltacht; it was cut across the budgets of all Departments.

I want to set the record straight. It was during the term of the previous Government that the derogation for the Irish language in the European Union was granted.

Níl mórán Gaeilge agam ach ba mhaith liom léargas a thabhairt ar chuid de na beartais a bheidh i gceist ag an Rialtas seo chun tacú le caomhnú na teanga. Deputies will be aware that the programme for a partnership Government recognises that the Irish language is of crucial importance to our heritage and culture and includes a number of specific comments to preserve and support the language. By systematically implementing the 20-year strategy for the Irish language, the new Government will help increase the number of people using Irish in their daily lives and ensure Irish becomes a more visible language in today's society both as a spoken language and in areas such as signage and literature.

Much debate has centred around the lack of funding. Deputies will be pleased to know the programme for Government also contains a focus on job creation in the Gaeltacht through Údarás na Gaeltachta, which will share a €300 million jobs fund with Enterprise Ireland.

The Government also wants to encourage the attendance by children in Irish preschools, naíonraí, in Gaeltacht areas. We recognise the importance of the status of Irish as a full working language of the European Union institutions and work towards ending the derogation. The derogation has been lifted and a recruitment process will begin shortly. We plan to increase investment in the Irish language as the public finances allow.

Like other Deputies, I studied Irish and sat exams in school but, like so many people who learned Irish in school, my competency in the language has faded over the years because I did not have cause to use it. I have made efforts to improve my Irish during the past two years and

I plan to redouble these efforts in the years ahead. I acknowledge the huge amount of work done by my colleague, Deputy Joe McHugh, his role as Minister of State with responsibility for the Gaeltacht. He had full delegated responsibility for the Gaeltacht and the Irish language during his term of office and he confounded his critics by throwing himself wholeheartedly into the language. He is a fantastic example of how it is possible to reconnect with the language. His experience will have encouraged others to be brave enough to speak the cúpla focal again. People who lecture others about not having fluent Irish and not being able to speak the language put people off speaking Irish and, sometimes, do more damage to the language. I acknowledge the passion for the language held by so many Members of the House.

Earlier, Deputy Catherine Murphy said there was much more interest in our culture in the United States than there was here. I refute this comment. There has been a major revival and interest in our culture, heritage and history, which was highlighted and reflected in the 2016 commemorations. A major revival in and hunger for our culture has been at the heart of the commemorations. We need only look at the schools flag programme, Proclamation day and how our young people reconnected their flag in their history. I acknowledge the co-operation of many organisations in the commemoration. I particularly thank the teachers of Ireland who helped our young people connect with our heritage and culture.

We must all work together in the best interests of the language and explore new ways to support and expand the use of Irish so it permeates through our lives and all parts of our daily activities. Even if we use only a few words of Irish, we should think about Irish, and we must encourage more of that. Gabhaim buíochas arís leis na Teachtaí uile a labhair ar an ábhar seo.

Adoption (Amendment) Bill 2016: Second Stage (Resumed)

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

Deputy Josepha Madigan: I thank the Ceann Comhairle for giving me the opportunity to speak to this important Bill. The Adoption (Amendment) Bill 2016 updates the law on adoption in a progressive manner in Ireland. We face a daunting task as legislators in this regard. We are trying to provide a legislative framework that will ensure the best outcomes and fairness for all children adopted in Ireland. The vast majority of children who are adopted in Ireland come from abroad.

As Deputies, we have to be reminded of our responsibilities to legislate correctly for this most vulnerable group in society, our children. A child without a parent who can care for him or her is especially in need of care and love. Such children need legislation and an Adoption Authority that responds to their needs and is in step with a society that is constantly changing. Youth holds the promise of the future. With all the energy and challenges of childhood and adolescence, it is a vital time that leaves its mark on us all. Children who are to be adopted in Ireland require adoptive parents who will love them and who can care for them. Where they are of an age where they can express themselves, the requirement that their views be considered and that all decisions be made in their best interests is of paramount consideration.

As a family lawyer, I have seen great changes in the law on adoption and welcome the Bill as a responsible and progressive updating of adoption law in Ireland, as required by the will of the people who passed the children’s rights referendum in 2012 and the marriage equality referendum in 2015. It was in the reforming era of the 1960s that the legal concept of the best

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interests of the child became the cornerstone of family law in Ireland with the passing of the Guardianship of Infants Act 1964. This Act has been significantly amended by the Children and Family Relationships Act 2015, which recognised that children had a right to be heard when of an appropriate age. The Act also accepted that children are raised in all sorts of circumstances, primarily by married parents but also by relations, step-parents, civil partners and parents who are straight and gay. In a similar vein, this Bill updates the law on adoption to give children of an appropriate age, a voice in the proceedings and to respond to ever-changing more complex family situations.

The UN Convention on the Rights of the Child, which Ireland ratified in 1992, acknowledges the family as the fundamental unit of society. It stresses the role of parents as primary care givers with responsibility for the upbringing of their children and obliges governments to support parents in fulfilling their roles. In addition, the convention provided that children's views must be considered in all matters affecting them.

Ireland has signed up to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Adoption Act 2010 strengthened the regulatory framework governing adoption to ensure the best interests of children are protected in the adoption process. Ireland permits international adoptions only with countries which have signed the Hague convention on intercountry adoption or with which Ireland has a bilateral adoption agreement. This protects the best interests of the children involved.

The 31st amendment of the Constitution on the rights of children obligates this House to legislate to allow a child the opportunity to be adopted where the parents have met a high threshold of failure towards the child, where it is in the best interests of the child and where all other options have been explored and failed. I am very relieved that section 23 of the Bill provides a robust provision whereby, after three years, a child can be adopted where the parents have failed in their duty towards the child to such an extent that the safety or welfare of the child is likely to be prejudicially affected, where there is no reasonable prospect that the parents will be able to care for the child and where this failure constitutes abandonment.

The proposed Bill is strict, as it should be, in considering what limited circumstances permit a child to be adopted when abandoned and where the parent cannot provide care. This is in step with our policy, which is aimed at doing everything that is reasonable and in the best interests of the child, to keep a child with his or her parents. However, I have seen some clear cases in which children in care have been abandoned and where the parents do not have a capacity to parent. Many of these children remain in care all their lives when adoption should also be an option. This Bill makes it increasingly possible that such children could be adopted either by relatives or foster parents.

For children in care who have been abandoned and where there is no parental capacity to parent, adoption would be a more secure and emotionally rewarding experience than remaining in foster care all their lives. For these children, adoption should be a real alternative. I believe passionately that these options need to be examined by foster parents who wish to adopt.

5 o'clock

Article 42A of the Constitution commits the Oireachtas to introduce legislation that allows parents, either married or unmarried, to voluntarily place their child for adoption and to consent to the adoption of their child. The Bill also provides that where the child is of an appropriate

age their own particular views are considered and taken into account.

The Bill will also allow civil partners and cohabiting couples to adopt. It contains a new provision for cohabiting couples who have been cohabiting for a continuous period of three years to jointly adopt. Under section 18, the Bill further allows a step-parent who has a home with the child's parent for a continuous period of two years or, in exceptional circumstances, less than two years to adopt the child of their partner. The Bill allows for a change to step-parent adoption by removing the requirement for the other parent to adopt their own child, making this option more feasible and more realistic.

The Bill will allow civil partners to adopt. Married couples, which include same-sex couples, can adopt. I welcome the support of Barnardos and its guardian *ad litem* service for this Bill. Those guardians *ad litem*, who represent the voice and best wishes of the child in child care proceedings, have years of experience dealing with children in care. Barnardos described this Bill as another crucial piece of legislation prioritising children, and I welcome that. I also welcome the support of Children's Right Alliance for it.

Our current law prohibits married parents from placing a child for adoption and this has left many children in long-term foster care who could have been adopted but whose parents were married. The Bill removes that outdated provision. It provides for adoption where the parents, married or unmarried, have abandoned the child and have failed for a continuous period for three years in their duty to that child.

It is correct to broaden eligibility for adoption which the Bill proposes. Our adoption law would then be updated to best international practice regarding the UN Convention on the Rights of the Child and the Hague Convention on inter-country adoption. The Bill updates the law on adoption, taking into consideration the already expressed wishes of the Irish people in two referenda and that in itself is a unique situation where the Parliament is responding to an issue where every citizen was given a voice. As a practitioner of family law, a mother and a citizen, I very much welcome the Bill.

Deputy Jim Daly: Fáiltím roimh an deis labhartha ar an ábhar tábhachtach seo sa lá atá inniu ann. I welcome the opportunity to speak to this important legislation that has been finally and thankfully brought before the House. It is the first legislation to be brought before the House in the Thirty-second Dáil, which is fitting. One of the first jobs done in the Thirty-first Dáil was to provide for the putting of the referendum of children's rights before the people. There were a number of delays that were beyond people's control and legal challenges to the outcome of that referendum, which delayed this legislation coming to the House. I welcome its introduction to the House on behalf of those people who do not have voice in here, those people who will be impacted most by it.

I congratulate the Minister on her appointment to this important portfolio of children and youth affairs. It was interesting and welcome that the previous Government in its wisdom, led by the Taoiseach, promoted this portfolio to a senior Department and to a senior ministry. That development was long overdue. Any society can be judged by how we care for people such as children. It was a sad reflection that it took until that day for that to happen. Perhaps we were blinded by some of the silliness of the economics in the Celtic tiger years but, thankfully, common sense has prevailed and this responsibility has been elevated to a senior ministry. I am delighted for the Minister, Deputy Katherine Zappone, and congratulate her on her appointment. I wish her every good will in this very important endeavour for the years ahead. It is a

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top priority. I always promote option politics where we as Members of a House or members of the party identify our top priority. The care of children and how we deal with them and face the challenges and issues presenting is the top priority for this society at this time, and this being the first legislation before the new Dáil is very telling in that regard.

I have been asked, on occasion, what was my proudest achievement during the past five years of the previous Dáil and without missing a heartbeat I can state, without fear or favour, that my single greatest and proudest achievement was the role I got to play in the passing of the referendum on children's rights and in convincing people to support it. I do not believe there was a radio station in the country on which that I did not end up debating this matter. It was a personal privilege and honour to be in a position to do that and to get the referendum result over the line. I remember some critics, people like Kathy Sinnott and John Waters, trying to put across the image that the referendum would result in the big bad State prowling around in the dead of night taking children from the family home and putting them into an awful place, that of State care, and conjuring up frightening images of the State care that they alleged could do so much damage to these children. Thankfully, today, when we talk about children in the care of the State we are speaking, for the most part, about children who are living with ordinary families throughout the country who have decided, for whatever reason, to share their home with children who cannot be in their own home. I happen to be one of those fortunate and privileged people who get to share my family home with children who, for whatever reason, cannot live in their own home or stay with their own birth mother or father. That is an honour in itself. It is also an incredible education. One of the bigger challenges during the referendum campaign was to explain to people that State care means children in the care of ordinary families who are delighted and honoured to share their home with children who are not so fortunate as to be born in their own home.

I recall a well known and high profile television presenter who said that this referendum would only impact on a tiny number of children and asking what was the importance of it. That completely missed the point because those 5,000 or 6,000 children in this State who cannot live in their own homes are the most special, the most vulnerable and the most important children in the State. There is an obligation, an onus and moral responsibility on all of us to rise to that challenge and ensure we do everything for those people who do not have the good fortune the vast majority have, which is to be cared for and loved in our own home.

Some 73 years ago Abraham Maslow identified a hierarchy of needs in his paper entitled, *A Theory of Human Motivation*. He identified the top need as the physiological need for food and water, the second need as one's personal safety and to be in an environment where one is safe and secure and the third need, which is particularly relevant in childhood, as being the need to belong, or as he called it "belongingness". It is a powerful driver in all of us and we probably do not take enough time to stop and think about it because we all have the good fortune of being reared in our own families and having that sense of identity, having our surname which gives us a connection to it and which, as we grow, extends beyond our family to our community and the clubs to which we belong. It is a powerful driver for children to have such an identity and that sense of belonging.

Children who come into the care of the State and cannot be with their own birth mother and father, for whatever reasons, end up dealing with that challenge of the need and desire to belong. Prior to the passing of the referendum the reality was that those 5,000 or 6,000 children who were in the care of the State, in foster care living with foster families, could not have been adopted by those families until they reached the age of 18 because it had to be proved beyond

a reasonable doubt that up until the age of 18 they had been abandoned by their own parents. The only real possibility of that was letting them arrive at the age of 18. For the first 18 years of their lives they were denied a sense of belonging, which we all take for granted, being part of a family unit and sharing in the love, joy, challenges and drama that goes with being part and parcel of one's siblings and family. It was vital for those children that this referendum got over the line. Children in the care of the State, many of whom have come to families from maternity wards, are reared and grow up with the family but they cannot be fully part of that family in that they cannot share the family surname. When they go to school they have a different surname from their siblings but they want to be part of the family and to have that identity but the State denied them that. Therefore, it was crucial that we got the referendum over the line. We are now discussing the legislative implications of the referendum and, finally, giving effect to it so that children can be adopted by these families and achieve the sense of belonging they seek to satisfy that all-powerful third sense identified by Maslow 73 years ago.

I listened with interest to much of the debate yesterday. Many of the specifics of the Bill have been well addressed in the Chamber and I do not intend to go through it piece by piece or repeat many of the points made. I noted the tone of the debate yesterday and the caring contributions from all sides of the House. There was a unity of purpose there and everybody acknowledged that this was a good news story and a positive development for our society. We are all as one in seeing that develop and grow. Certain other issues were referred to such as the challenges for tracing, which the former Tánaiste, Deputy Joan Burton, mentioned yesterday. She said she would like to see an amendment on that added to the Bill, which is a very worthy proposal. We should give tracing much more consideration. It is difficult to balance the rights of the parent who wants to remain anonymous, give up a child and have no more to do with him or her and the rights of the child to know who he or she is. It goes back to that driving sense, which is the third strongest, of belonging, identity and knowing who one is. That is a challenge the Minister is going to lead and I look forward to assisting and playing my part in that in any way I can.

I always preach solution-led politics. We can all identify the problems and criticise and complain but coming up with solutions is the really challenging bit. The onus is on all of us in that regard. If we are to identify a new type of politics in the House, I promote that politics where we all put our heads together. None of us on any side of the House has a monopoly on wisdom but we all have a story to tell, an experience to share and knowledge to bring to the topic. Society has a need - we have to lead on it and drive the change - to look at the reasons children are coming into the care of the State. There has been an increase of almost 25% in the number of children who have come into the care of the State since 2007. The figures are probably close to 7,000 at this stage. It may not be a bad thing that the numbers are increasing. There is a variety of reasons the numbers are increasing and not all of them are negative. There are issues and challenges there to do with poverty, deprivation, education, health and well-being as well as a variety of cultural and other challenges in this day and age. People are realising they do not have the wherewithal to raise the children they have brought into the world. While they might have the physical capacity to do it, they do not have the wherewithal afterwards. As parents, we all understand the challenge involved in rearing children and the responsibility that goes with it. We must have a more sincere debate on those reasons. There is a great deal more awareness today. To be fair to school authorities, communities, relations and family members, a great deal of what went on in homes before was hidden behind closed doors and people did not talk about it. People are now more willing to embrace the challenges and recognise where people are failing as parents and being more proactive about getting involved. That may be one

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of the reasons for the increase in numbers of children in care.

I am conscious of the time available. One other issue I want to debate and flag with the Minister today involves post-adoption services. While we very much welcome the ability of parents to adopt and foster children and while the Bill addresses longing and belonging, it does not address a lot of other issues. A big problem for people who have been able to adopt children has been the lack of post-adoption services in Ireland, in particular outside the greater Dublin area. If one lives in the greater Dublin area, one has access to a range of services through the wonderful work Barnardos does. If one lives outside the greater Dublin area, however, there really are no services. If one looks at England, one sees Family Futures, a powerful organisation doing wonderful work dealing with children who experienced early trauma in their lives. As those children hit their adolescent and teen years, it becomes very difficult to deal with the challenges that arise. Adoptive and foster parents and those of all hues need to get support for themselves and, more importantly, the children. The range of post-adoption supports is really lacking here however. Those intervention services constitute one of the most pressing issues which requires to be addressed at this point in time. We all know the argument about investing today and reaping tomorrow. Directing our focus, energy and minds towards that and addressing those issues today can lead to savings, not only economic, but of heartbreak, and benefits in terms of quality of life and all that goes with it, including for society. It is not easy to wake up one day and realise that one is not in one's own home and that the person one thought was one's Dad for however long is not one's Dad and that one's Mum is not one's Mum. There are also issues that come up from one's childhood and trauma. It is an area I look forward to discussing further with the Minister. I again wish her well in her term of office.

Deputy James Lawless: This is not my first time speaking in the House but it is my first time to speak on a Bill and it is an honour to do so. I begin by congratulating the Minister on her appointment. I am not sure if she is aware that she is a constituency neighbour of mine as the steps of Killinarden run up to the hills of Killeel as Kildare North and Dublin South-West border each other. As such, I extend my best wishes to her on her appointment and wish her continued success in the role.

In terms of the matter before us, Fianna Fáil as an opposition party will freely oppose the Government on issues when merited but equally, as a constructive party and mindful of the minority Government framework which can only work when all sides play their part, agree on areas of common ground. Accordingly, we will be constructive and supportive of issues and legislation arising when we feel it is in interest of the common good to do so. Thankfully, family law and the rights and well-being of children are issues which cross party political lines and in which all of us in this House have a common purpose, wishing to see progress for the greater public good.

The subject matter of the Bill is a matter of sensitivity to many people, not least those who have been involved in adoptions previously or currently but also the many children who have been denied that possibility. Some of them currently languish in a legal half life in foster care, institutions or other arrangements in which they enjoy no legitimate expectation of being adopted in the foreseeable future. It seems hard to believe with the welcome focus in recent years on the area that adoption in this country was at one time barely subject to any regulation. The enactment of the Adoption Act 1952 was the first measure to put in place a legal framework for adoptions in Ireland. Prior to that adoption was on a custom and practice basis, privately arranged and subject, I am sure, to many anomalies. More recently, Fianna Fáil when last in office put in place the Adoption Act 2010 and initiated the process leading to the children's

referendum in 2012. I remember that referendum well because I campaigned in it. Many of the provisions being enacted in the Bill stem from that referendum, which was passed by the Irish people, and indeed are mandated by it. All parties in the House supported the referendum and a positive campaign ensued. The wording of the constitutional amendment was formulated following an extensive and constructive all-party consultation leading to the design of the new Article 42A.

This being a complex and technical area it has taken a little time to bring provisions before the House. While many of the amendments in the Bill are technical and miscellaneous in their nature, there are some important provisions which will have a major impact on the fabric of many lives. My experience in campaigning for the referendum, as well as from many meetings and interactions as a public representative, makes me aware that there are aspects of this that people fear. People fear constitutional change at the best of times but as family law is a sensitive area, there are some schools of thought, misperception and concerns about what may arise. Family law is always a sensitive matter and must be dealt with accordingly. In some quarters, there is a concern that a move to strengthen rights of a child may in some way diminish rights of the parent or the family. This does not have to be so and, in fact, the correct balance has been struck in Irish law to date.

I want to address two provisions of the Bill in some detail. These are section 12 which revises section 23 of the principal Act and section 23, which updates section 54 of the principal Act. These sections deal principally with the adoption of a child born within the marital family and the difficult issue of involuntary adoption where the parents have not consented, typically on foot of abandonment or a failure of care within the family, be it marital or otherwise. There is a presumption in law that the child's best interests are served within its natural family but the presumption is rebuttable. The presumption has been recognised both by the Supreme Court and by the European Court of Human Rights. In 1994 in *Keegan v. Ireland*, the European Court of Human Rights noted that the family unit need not be confined to the marital relationship to enjoy protection but that a *de facto* family existed and enjoyed protection as well as rights, regardless of its marital status.

As an aside, the facts of that case were traumatic. It involved a father who saw his child being sent for adoption by the mother of the child and who was at the time powerless in law to do anything about it. The couple had met in England and had been residing there, but the mother later moved back to Ireland where she gave her child up for adoption. The father followed her here but was unable to intervene, not having a right to be heard on the matter. While the law has advanced and such a scenario would not recur, as the father's rights are now recognised, there is still much work to be done regarding father's rights. I hope that the Dáil can consider this matter on other occasions.

A landmark Supreme Court ruling in adoption law is what is known as the Baby Ann case, or *N & anor v. Health Service Executive & ors*, in 2006. The facts of this case were traumatic for the parties involved. A young couple met at university, had a child together, gave the child up for adoption and within 18 months became regretful of that decision and sought to reverse it. They had married in the meantime, meaning that their marital family enjoyed constitutional protection at the time. A difficult train of events followed. Some of the judgments in the case are worth quoting, in particular that of Mr. Justice Hardiman, who is no longer with us. As it was a lengthy judgment, I will read a short extract. He summarised succinctly the balance that the Constitution and Irish law had attempted to strike between the rights of the family, the rights of the child and the best interests of all. He stated:

There are certain misapprehensions on which repeated and unchallenged public airings have conferred undeserved currency. One of these relates to the position of children in the Constitution. It would be quite untrue to say that the Constitution puts the rights of parents first and those of children second. It fully acknowledges the “natural and imprescriptible rights” and the human dignity, of children, but equally recognises the inescapable fact that a young child cannot exercise his or her own rights. The Constitution does not prefer parents to children. The preference the Constitution gives is this: it prefers parents to third parties, official or private, priest or social worker, as the enablers and guardians of the child’s rights. This preference has its limitations: parents cannot, for example, ignore the responsibility of educating their child. More fundamentally, the Constitution provides for the wholly exceptional situation where, for physical or moral reasons, parents fail in their duty towards their child. Then, indeed, the State must intervene and endeavour to supply the place of the parents, always with due regard to the rights of the child.

It is an excellent judgment that not only applies to the facts of that case, but also to the locus of family law and the constitutional position. It was a pre-referendum judgment, but it still applies, perhaps even more so.

It is against this context that section 12 of the Bill must be set and any concern raised about the marital family and the adoptions from within that are enabled in the Bill must be considered. These protections continue, but in parallel the Bill addresses the limbo in which children may linger for years with no hope or expectation of being adopted or moved to a situation in which care, love and affection can be put upon them. That the Bill advances and begins to enable this aspect is to be welcomed.

It is also noteworthy that, in the Supreme Court’s decision, Mrs. Justice McGuinness, who was perhaps less of Mr. Justice Hardiman’s view, stated that, even were she minded not to reach the decision of her colleagues, she would have had no option but to do so because it was impossible at the time, even if she felt it was the right thing to do or there was a need to do so, to place the child up for adoption, being the child of marital parents. As such, it is recognised that there are scenarios in which the natural family is not the safe, correct or appropriate environment for the child to remain within. In those circumstances, the State must intervene to prevent the limbo of children remaining in institutions for many years and give them better lives, obstacles that adoption enables them to tackle.

The constitutional amendment requires the Legislature to revisit and approve this scenario and that a “failure in duty must be provided for in law”. Section 23 inserts a new test into the legislation that will need to be robust, multifaceted and likely more amenable to judicial exercise. The Children’s Rights Alliance has stated that the current “threshold of complete and permanent parental failure is set so high that in practice it is unachievable”. This creates a situation in which children lie in limbo for many years because judges simply refuse to decide that the threshold has been met. We cannot legislate for judicial discretion. We as legislators can enable legislation, but we cannot second-guess the Judiciary. The new test that replaces the threshold is more robust and multi-stranded and should lend weight to better decision making.

The Bill meets the parameters, addresses the concerns raised and progresses the situation. An important point that has received less commentary is that a child over the age of seven years can now be adopted. There are many children between the ages of seven and 18 years who require intervention. The provision enabling such adoptions is much needed and welcome.

The Bill contains a number of other miscellaneous, but important, provisions, but I do not propose to discuss those now, as I wanted to focus on the ones that I raised. I commend the Bill and welcome its progress. I thank the Minister for her observations.

Deputy Shane Cassells: I join others in congratulating the Minister on her appointment. I have a great interest in the work of her Department, in particular relating to child care, and I look forward to working with her constructively on the resources needed by early childhood years service providers and to seeing their agenda and that of parents progressed during the lifetime of this Dáil.

I listened to the Minister's remarks on the Bill yesterday. She referred to how basic human rights issues went to the core of who she was as a person. She wore her heart on her sleeve yesterday, for which she is to be admired. I also listened to Deputy Joan Burton's remarks on this matter, in particular about the failure of the Bill to address problems with adoption information and tracing.

I wish to quote some lines:

It was great to see this year, Ireland celebrating its past with her people's search for connection to it, stronger than ever. Indeed, the month of March 2016 saw the online release of thousands of Irish Catholic Parish records for public access and genealogy websites gifting a month's free access to users. The interest in identity remains a booming business yet the significance of it can be felt very deeply within people's lives.

These lines came from a lady in London who wrote to me on behalf of her aunt who is now in her 80s and comes from Castlepollard in my constituency of Meath West. She was born at the Castlepollard mother and baby home in the 1930s and was separated from her mother, whom she never saw again, at birth. Following a lifetime of complicit silence, she asked her niece six months ago to find something out about her biological family. She made a request for information and tracing via Tusla, but it is inundated with requests and the task of processing retrospective and current cases is a major undertaking for its staff. The lady and her aunt have received minimal information to date. As the lady said, time is against them after eight decades. They need action.

With regard to the wider aspects of the Bill, it brings greater clarity to adoption legislation and removes a number of outdated legal anomalies, in particular that of adoptions by step-parents. It facilitates married parents in placing their children up for adoption on a voluntary basis where both parents consent to the making of the adoption order. I agree with the Minister's assertion that the legislation provides for significant improvements in the rights of children and that she is focused on putting the best interests of the child at the centre of any discussion regarding adoption.

In that regard, I will touch on a matter that our spokesperson, Deputy Robert Troy, raised yesterday and that can be emotive for people, namely, the provision that gives greater legislative clarity to adoption proceedings in the case of parental failure. Parental failure happens. It is an unpleasant fact, one that people often do not like to admit or discuss. Some important sections of our society do not even acknowledge that it exists. The mantra that a child is always best served by being with his or her biological parents is not accurate. I have seen scenarios in which nothing could have been further from the truth. The provision in the amended section allowing the High Court to authorise the adoption authorities to make an adoption order on

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behalf of applicants, for example, foster parents or relatives, if the court is satisfied that such an authorisation is in the best interests of the child, and that the child's parents have failed in their duty towards him or her, is a positive one. It provides a welcome clarity and puts the rights of the child to the fore, not the defence of parents whose main act was one of love making rather than of providing the love, care and support needed for a happy and stable childhood. In tandem, there is a real need to consider the resources for those who provide support systems for children in care and support for children's services generally. Having listened to the Minister's words yesterday, I hope and have a great sense that she will champion that cause and demand and seek more resources for children.

The most substantive provision in the Bill is obviously to give legislative effect to the new article, Article 42A, on the rights of the child. That provision is to be made in law to enable the views of children who are the subject of child care, custody or adoption proceedings to be ascertained. Most important, that the court is to give them due weight is very welcome.

I commend the Bill for addressing so many legal anomalies. It is positive to see the rights of children being progressed in this Dáil.

Deputy Catherine Byrne: I congratulate Deputy Katherine Zappone on her appointment as Minister for Children and Youth Affairs. I listened with great interest to her opening remarks and welcome the opportunity to speak to the Adoption (Amendment) Bill 2016. The Bill is extremely complex and sensitive but for many adoptive parents and children who are adopted, it provides clarity on their legal rights.

Every one of us has heard stories about children being taken from their birth mothers without consent. This sad practice has been highlighted in many documentaries and films during the years. I am thankful that this practice has ceased, but, sadly, there are still many adults, some of whom I know from my community, who have never been able to reunite with their birth mothers. In the long run we should do as much as we can to help them.

The reaction to the Adoption (Amendment) Bill 2016 has been positive. Following its publication, two major children's charities - Barnardos and the Children's Rights Alliance - issued press releases welcoming it. Barnardos described it as "another crucial piece of legislation prioritising children". We all agree with this. The Bill was long awaited, yet it is now before us and I hope it will be passed soon. Both charities particularly welcomed the amendment on married parents and adoption. Under current law, married parents are prohibited from placing a child for adoption. This has created obstacles for many children whose parents are married but who are living in long-term foster or institutional care. The Bill removes this ban. It will ensure a child's best wishes are central to each and every adoption case. That is important because we sometimes forget children do have a voice. The Bill is very clear in establishing that they will have a voice.

With the introduction of the Bill, a parent will continue to be the parent and the step-parent will be an adoptive parent. This will remove the requirement for parents to adopt their own child. This is a most welcome amendment addressing a bizarre set of circumstances that has been allowed to continue.

The Bill will allow civil partners and cohabitants the opportunity to adopt if they so wish. This is one aspect of the Bill that I most welcome. I really believe it is a step in the right direction. In my humble opinion, when one can give a child love, care and protection, one should be

able to do so if one is a cohabitee or civil partner.

Another principal provision in the Bill includes allowing for a change of criteria under which the High Court can make an adoption order without parental consent in the case of parental failure. Many have spoken about parents who are just not able to rear their children. It is most essential that the provision in this regard be included in the Bill. It will allow us to act where parents are not able to really look after their children and where there is parental failure.

A family support model underpins the child protection and welfare system favoured in Ireland. A family, by definition, should meet a child's emotional, intellectual, social, cultural and material needs. Where families, for whatever reason, cannot meet these needs, they are encouraged to seek help from the many support services available. Many such services are doing a wonderful job in communities and with families throughout the country. I commend them for the work they do.

Early interventions and long-term preventive action are recommended as the best ways to promote children's welfare and protection. However, the interests and well-being of the child are of most importance. I spent a lot of time working with young children in voluntary organisations, youth clubs and community groups and was always aware when a child was in difficulty, or from a background in which the parents just might not have been able to manage. I was always inspired by the people who came to their assistance, be they from a voluntary or State agency. They still continue to do a great job in this regard.

Better Outcomes, Brighter Futures: the National Policy Framework for Children & Young People is the principal policy document for shaping the formation and delivery of State services for children across Departments. There are a number of goals identified in the framework, some of which are relevant to the Adoption (Amendment) Bill. First, the framework aims to assist and support parents in raising their families, fulfilling their role as primary carers, helping to achieve the best possible outcomes for their children and overcoming challenges or difficulties they may encounter. It makes specific reference to the role of the State in supporting children and young people in care.

Another goal is to listen to and involve children. The document recognises the importance of children. It gives due weight to their opinions and concerns. In the past, this was not the case. Many a time when children did speak out, whether in school or an institution, we did not listen. This is an opportunity to do so.

What we now need to do is to enact the Bill as soon as possible to give birth parents, adoptive parents and especially children a real opportunity to get on with their lives, such that children can continue to live in a family environment where there is love and care and emotional help when needed. I thank the Minister for introducing the Bill which I hope we will be able to enact as soon as possible.

Deputy Bernard J. Durkan: I congratulate the Minister on her appointment and wish her well and many long and happy years in her Department. Hers is an important role that has been well underlined in society in recent years.

The shortcomings in legislation to protect children have been blatantly obvious for many years. Therefore, this is crucial legislation. It follows in the wake of the amendment to the Constitution that provided for it. It is something on which the Minister can put her stamp in the years ahead. She has an opportunity, in particular, to set down the protection children need and

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recognise their position in society. She also has an opportunity to recognise the need to ensure that in years to come those who look back will be able to say legislation was put in place and that a Minister took control in continuation of the work carried out by her predecessor. The legislation will be of tremendous benefit to society.

One can only but be impressed by the comments of my colleagues to which I listened today and last evening. We must put ourselves in the position of a child to fully appreciate and recognise the extent to which a child is governed by events around him or her and over which he or she has little or no control. It is entirely appropriate that the State be in a position to guarantee the rights of the child.

Like my colleague, we were all subject to a certain amount of criticism and suspicion in the run-up to the referendum, at which time it was inferred that the intention was to extract children from their natural parents and the family home against the will of the parents and so on. Of course, that was not the intention of the referendum, nor is it the intention of the legislation. If one studies the world in which children reside, one notes that they are governed by what happens around them, what they see around them and what they see as affecting them in their own little way. Their lives are shaped by their formative years and the way they are treated, in addition to their feeling of being part of, cared for and loved in a family unit and of belonging to it. In other words, they require security and rely on those around them. However, in some cases, such security is not available to them.

I would always be reluctant to remove a child from its natural parents, particularly its mother, because separation causes serious trauma to both mother and child. Deputies will have watched various television programmes featuring cases involving children who traced their birth parents or *vice versa* after many years of separation. In many cases, the mother and child have spent years wondering how the other has traversed through life and whether he or she has been successful. We must recognise that the bond between mother and child persists throughout life by ensuring the legislation pays due regard to this sensitive parental bond, or perhaps I should say “maternal bond”.

We have all dealt with difficult cases involving families. Some involve a tug of love over a child and children will become vulnerable as a result of marital breakdown. Acrimonious separation cases in the courts may result in children becoming the subject matter of major legal battles. In the first instance, I feel sorry for the children affected, as we all should, but I also feel sorry for the parents who may or may not feel genuine sorrow. The problem may have escalated to such an extent that neither parent is willing to give way to the other. In such cases, concerns about the child or the life he or she will lead following the separation become secondary to the battle taking place in the courts, with various experts called to give their opinion.

In the final analysis, we must come down to the level of the child and ask what he or she wants. The Bill makes provision to do precisely that, which is good. In some circumstances, it may be difficult to identify precisely what the child wants. For example, in a tug of love case, the child may be influenced by one or other party to such an extent that he or she is confused and cannot reach a decision. We must be mindful of this.

As previous speakers noted, addiction can result in neglect, whether wilful or as a result of an inability to cope, leading to children becoming vulnerable. Some observers will argue that children are better off in their natural environment with their parents. On the other hand, we must ask whether it is in the best interests of a child to remain in such an environment. To what

extent will a child be psychologically damaged by being allowed or forced to remain in a setting in which it believes it is not wanted or loved and does not feel a sense of belonging? It is vital for small children that they have a sense that they are secure, safe and belong. Children do not know the ways of the world and are in a learning curve. What they see happening around them informs their later lives and they adopt the attitudes that are displayed towards them in their formative years. We must take account of all the nuances in a child's life in these sensitive and important years. Irrespective of the reasons a child finds itself subjected to neglect, abuse or deprivation - the circumstances are beyond the child's control and may be the result of a parent's addiction problems or because they are poor and find themselves unable to cope by virtue of their poverty - society has a responsibility to act. However, the State must intervene in a positive and supportive manner, in the first instance taking care to ensure it does not interfere unnecessarily or in a provocative or challenging manner. It must intervene in a supportive manner that is in the interests of the child and takes account of the particular circumstances of the case.

All Deputies will have encountered cases involving a poor, unfortunate child who is in a difficult position which may worsen. In the past 30 years, we have had ample evidence of cases involving deliberate and sustained abuse of children with no action taken to address the matter. While we are quick to point out that the perpetrators were horrible people, which is true, we must also recognise that society at the time was not as caring as it should have been. I hope that when people look back on this period, they will conclude that society was caring, assumed responsibility and intervened in a supportive manner that reflected the interests of vulnerable children and did so with a view to ensuring the children concerned were able to grow up in a less challenging environment to make a normal contribution to society. If we fail to adopt this approach, the circumstances I have described will be revisited on society and we will have further recriminations as people ask why such cases were permitted to take place. Let us not forget the many things that happened here in the not too distant past over many years. We now ask why and how they happened but the simple reason was that no one did anything about them. Many people were aware of various abuses and there were plenty of avenues available to challenge and address them but people did not act.

How does an adolescent who has experienced abuse feel? In countless instances of abuse, deprivation and hostility, it has been suggested the child was at fault. This may be an astonishing conclusion to reach but it is the way society operated at the time. We still have a tendency to look away and pretend that certain things are not happening, society has evolved and this type of abuse no longer occurs. That is a dangerous position to be in.

Last night, in a moving speech, Deputy Joan Burton referred to the rights of adopted persons to know about their past and to be able to relate to their natural parents and inquire into and obtain information on the circumstances surrounding how they came to be adopted. In a modern, transparent society, we must make provision to vindicate these rights. I am aware that separate legislation has been introduced to address this issue. I hope it can be implemented with this legislation in the shortest possible timeframe.

I believe this legislation is hugely important and that it will make a major contribution towards stabilising society in the future. It will give us an opportunity to recognise the children of the nation, as referred to in the Constitution. We have a responsibility towards them and must accept and deal with that responsibility in their best interests.

I do not have time nor is it appropriate to go through the various sections of the Bill now, but I hope it satisfactorily addresses the issues that have been prominent in recent years and that

the protection it proposes to give children will be manifest in time to come.

Deputy Fiona O'Loughlin: I congratulate the Minister, Deputy Katherine Zappone, on her appointment and wish her well in the task that lies ahead.

The Bill deals with the sensitive and difficult issues of adoption proceedings, adoption orders and adoption eligibility, but we all agree that the paramount concern must be the best interests of the child. Every child has an inalienable and now, constitutionally, enshrined right to be assured his or her best interests will always be the fundamental and sole concern in adoption cases. Furthermore, children's own wishes, desires and views on their best interest should be valued and, as far as possible, have a significant bearing on any court decision made.

One of the main tenets of the Constitution is that we must cherish children. Few matters can be of such importance to a child's welfare and well-being as those of custody, guardianship and adoption. It is a sign of how much our society has developed that we recognise in the Constitution and legislation giving effect to constitutional provisions that in fundamental matters of importance children have a right to form a view, have it heard and given due weight in cases that affect them.

The Bill brings clarity to adoption legislation and removes many outdated legal anomalies. In particular, it removes the condition that married parents may not voluntarily place their child for adoption and that a step-parent cannot adopt his or her partner's child without the requirement being met that the biological parent has to apply to adopt his or her own child. The Bill also contains provisions giving legislative effect to the Family and Children Relationships Bill which provides for the adoption of a child by non-married couples, including civil partners and cohabiting couples.

The make-up of Irish family life has changed enormously and the Bill recognises these changes and allows for a wealth of diversity in Irish families. Census 2011 indicated that Irish families were increasingly diverse and that an increasing percentage of children were living in family types other than those headed by married parents. This change in the make-up of family life has occurred in every county in Ireland. Census data from 2011 showed that there were over 7,000 lone-parent households in County Kildare. The data also display 3,000 cohabiting couples with 11,114 children. The number of children living in households headed by cohabiting couples increased by 41% between 2006 and 2011. The Central Statistics Office's vital statistics data also indicate that in 2011 some 25,190 children were born outside marriage or civil partnerships. This number continues to increase year on year.

Fianna Fáil welcomes and fully supports this long overdue adoption legislation which gives legislative effect to the constitutional change which requires that the views of the child be heard and given due weight in adoption cases. Many children in long-term foster care have for many years held a strong desire to be adopted by their foster families, but they could not be adopted owing to the archaic provisions contained in adoption legislation which was more relevant to the 19th century than 21st century Ireland. Many thousands of children - close to 2,000 per year - have gone through the care system in the interim owing to this decision and have lost the benefit of being part of a family in the eyes of the law. One can only imagine the potentially harmful consequences this has had on their sense of belonging and home, their identity and rights to succession and inheritance. Up to 2,000 children could become eligible for adoption as a result of the change proposed in the legislation. However, the level of resources in place in the adoption system can only support a handful of children in progressing through the system

on an annual basis. It is worrying that there is no resourcing plan in place to accompany this legislation. Unless resources are put in place in the adoption system, I worry that backlogs will impose another painful delay on the families involved and prevent children in foster care from progressing swiftly through the adoption process. If we consider the current long delays in the family courts, it is deeply worrying to think how they will be severely exacerbated by possibly thousands of new adoption cases. The absence of an aspiration on the part of the Government to establish new family courts is worrying. Without some reform in this area, there is little hope of alleviating the long delays in family law cases.

Another concern expressed relates to children's rights to information and to trace. It is strange that in Parts 2 and 3 of the recently commenced Children and Family Relationship Act 2015 there are explicit rights to access information and identity tracing for children conceived through donor-assisted human reproduction, yet adopted children are still waiting for a Bill to be published to provide a similar right in the context of adoption. This is lamentable, given all of the public attention this issue has received in the past few years and the tragic stories that have been uncovered. We must ensure in practice that children's views are heard and their best interests ascertained during adoption proceedings.

Currently, married couples cannot place their child for adoption. The Bill provides that married parents may place a child for adoption on a voluntary basis, where both parents place him or her for adoption and consent to the making of the adoption order. As Geoffrey Shannon, the Government's special rapporteur on child protection, said during the children's rights referendum, removing this archaic ban will help to stop children from drifting rudderless in the child protection system and allow many children in long-term foster care to be adopted. He said the amendment would give all children equal rights, no matter the status of their parents. Allowing for the adoption of marital children will end the legal limbo in which a significant number of children find themselves and which more would face in the future if this provision was to remain unchanged. It is important to stress that this will not in any way lead to more children entering the care system. Instead, it will lead to the right children entering the care system, which is what matters most.

The Bill provides for a change in the criteria under which the High Court may, in a case involving parental failure, make an order authorising, without parental consent, the adoption of a child who has been in the custody of and had a home with applicants such as foster parents or relatives for a period of at least 18 months. This amendment is not about removing children from their families and placing them in care. It is about ensuring those children in the care system will no longer be left to drift and will be given a second chance. The revised criteria are that the child must be in the custody of and have had a home with the applicants for a continuous period of not less than 18 months, that the High Court shall be satisfied that the parents of the child have failed in their duty towards him or her for a period of 36 months and that there is no reasonable prospect that they will be able to care for him or her in a manner that will not prejudicially affect his or her safety or welfare.

In recent months I have met families living in south Kildare where the children are caught up in complicated legal proceedings. These children have already had to endure very tough times and are still in a legal limbo, where after each court appearance they may be moved to a different address. I had the privilege to hear in depth about two cases where children had been fostered and with their foster families for a number of years. In both cases there is a desire on the part of the foster parents to adopt the children and on the part of the children to be legally part of the family.

6 o'clock

It is fabulous to see the love and opportunities these children are now experiencing after the turbulent early years they have had to endure. The Bill will allow adoptions such as these to take place and ensure a brighter future for these children.

Most significantly, the Bill provides that the best interests of the child are the paramount consideration in any application or proceedings under the Adoption Act 2010 and that the views of the child shall be ascertained by the Adoption Authority of Ireland or the court, as the case may be, and given due weight having regard to the age and maturity of the child. Surely this is what we strive for in every aspect of life and every piece of legislation before this House. The best interests of all children lie in ensuring every citizen is assured of safe, affordable housing and receives the best education, irrespective of his or her background. It is a fundamental duty of an elected representative to ensure that we always act in the best interests of all citizens and, in particular, invest in the future of generations to come.

The Bill provides for the adoption of a child by his or her step-parent without the requirement for the birth parent to adopt his or her own child. Previously, if a step-parent wanted to adopt, both the child's birth parent and step-parent had to apply to adopt. The birth parent became an adopting parent, but it is good that, under the Bill, the birth parent will continue to be the child's parent and the step-parent will be the adoptive parent. The Coalition for Mother and Baby Home Survivors, CMABS, referred to this anomalous law as ridiculous and woefully outdated. The Bill corrects this anomaly, introducing an amendment whereby the birth parent will continue to be the child's parent and the step-parent will be the adoptive parent.

Many elements of the Bill bring greater clarity to adoption legislation. It provides security for children and strengthens families. It strengthens our laws which have been out of step to deal with the realities of modern life. These changes which clear the way for non-married couples and civil partners to adopt jointly are long overdue and welcome. I fully support and commend the Bill, especially in alleviating the legal limbo in which families and children in long-term foster care have found themselves for too long.

Deputy Lisa Chambers: First, I congratulate the Minister, Deputy Katherine Zappone, on her appointment and wish her well in this portfolio. She has many years of experience dealing with it in her own work and I have no doubt that she will bring her experience to bear in her work in this term.

I welcome the content, the intent and consequence of the Bill. It is progressive and ambitious legislation which pushes the boundaries of our very traditional society. It met with quite a lot of resistance, particularly coming up to the referendum and even since. Adoption, particularly in the past, has left many families reeling because of what they have been through. It has scarred individuals and some might see it as a black mark on our society because of the way we have handled it to date. There has been a failure on the part of the State to adequately take into account the views of the child and put him or her at the centre of any adoption, as should always be the case.

The Bill recognises the changing nature of Irish society and family life. It shows respect for the varying family arrangements that are now common throughout Ireland and recognises that not every family is headed up by a heterosexual couple. It moves us towards a more modern adoption service, one which focuses, first and foremost, on the child. This is exceptionally

positive and long overdue.

The UN Convention on the Rights of the Child which Ireland ratified in 1992 acknowledges the family as the fundamental unit of society. It stresses the role of parents as primary care givers with responsibility for the upbringing of their children and obliges governments to support them in fulfilling their roles. While there is an obligation on the State to support parents in fulfilling their role while parenting their child or children, there is also a responsibility on parents to look after their children, rear them properly and look after their well-being. It is a two-way street and the obligation does not rest solely on the State. It is a very privileged position to be a parent and with that privilege comes great responsibility.

The main principles of the convention are that the best interests of the child must be the primary consideration in all actions concerning him or her and that the child's views must be considered in all matters affecting him or her. This can bring difficulties in how we ascertain the child's views, particularly where there may be communication difficulties and taking into account the age of the child and his or her maturity. Furthermore, every child is unique and special. That challenges us to vindicate the rights of the child, but these are challenges we must meet and face head on.

Contrary to the views of certain groups, this legislation is not an attack on families. It continues to recognise the role of the family, but it puts before all else the well-being of the child and ensures children are given an opportunity to be heard and listened to in matters affecting them. There are conflicting rights and a balance needs to be struck. There are the rights of parents and the family unit and these rights are enshrined in the Constitution, but there are also the rights of the child. I have experience of working in the family courts and there is often a very difficult balance to be struck. This places a lot of responsibility on the shoulders of judges and members of the legal profession, guardians *ad litem*, parents and the counsel involved in these cases to ensure the family unit is not unnecessarily upset while we vindicate the rights of the child and ensure he or she is heard.

There are dissenting views on this legislation and it is important to recognise the concerns of those who do not support it. However, I ask them to recognise the many years of research on this issue that has led us to this point, as well as the legislative changes that have taken place before this, namely, in the UN Convention on the Rights of the Child and the Thirty-first Amendment of the Constitution Act 2012 which was passed following the children's rights referendum in November 2012 and allowed for the insertion of a new Article 42A into the Constitution. This article provides for the rights and protection of all children but specifically the rights and protection of children at risk who are in need of child protection services and-or involved in adoption proceedings. The intention of the amendment was to deal with children in need in difficult situations and at risk. It is difficult to balance the very important role the family unit plays in Irish society with a recognition of the many hundreds and thousands of children at risk who are in need of protection services and may at some point need adoption services. Without this legislation, the adoption services are not fit for purpose.

It is important to note also that Barnardos and the Children's Rights Alliance have welcomed the Bill. These organisations are at the forefront of child protection and deal on a daily basis with children and families in difficult situations. It is important that they are on board with this legislation. They were involved in the consultation process and welcome the contents of the Bill. Barnardos described it as another crucial piece of legislation in prioritising children. That is the key and goes to the very heart of why we are making these legislative changes; we

are putting children's needs at the heart of adoption. That must always be our priority.

The provisions of the Bill broaden eligibility for adoption to all children. For example, children who have been reared by foster parents by reason of the failure of their own parents to look after them will be eligible for adoption in more circumstances than at present and the Bill will allow for the voluntary placement for adoption of any child, including a child whose parents are married. This is probably the key part of the legislation because many children are caught up in the protection services or living in foster care for a long time but whose parents, while married, may never be in a position to take them back into their care. There is now the possibility for a child to continue with the family who are fostering him or her and to have a fresh start in life. Children were left in limbo to the point where they were in long-term foster care and, no matter how unlikely it was that they would ever return to their biological parents, they could never be considered for adoption, even where it was in their best interests. This clearly was an anomaly in our law and did not reflect the best interests of the child or allow common sense to prevail.

I welcome the section of the Bill which deals with civil partners and cohabitees. It is very positive and reflects the diverse nature of the country and the different types of family who can provide very good care for children. It reflects the different living arrangements, wherein parents may or may not be married, heterosexual or straight, cohabiting or otherwise. Whatever the scenario, that should not be the basis on which a person is judged fit to take care of a child. This allows far more scope for these couples to come forward whatever their circumstances when they believe they can offer a good home to a child.

The new Bill will allow civil partners and cohabitees the opportunity to adopt, should they so wish, giving legislative effect to the Children and Family Relationships Act. This is an extremely positive step forward in our laws in this area, recognising the diverse nature of family life in Ireland and the many good couples who can provide a good home for a child.

One of the key areas that still needs to be addressed is improving the efficiency and cost of the adoption process. Any person who has been through the process of adopting a child will say it quite arduous, draining, emotionally stressful and costly. These are areas in which we can make changes to make it easier to come through the process. Obviously, there will be proper checks and balances and proper scrutiny of those who come forward. However, it should not be cumbersome and costly for couples to come through the process.

We must ensure there is proper guidance in assessing parental failure and what exactly this means. In the assessment of any such term - I am going on my own experience - my interpretation of parental failure could be very different from that of the person sitting beside me. That is the difficulty in the interpretation of such a term. It can be quite objective. As it is an objective interpretation, guidance is required to provide a workable definition of parental failure and on how it might work in practice. I appreciate that this may require review at a later stage when we see how it operates in practice, but to arrive at a situation where one can say for definite that there is parental failure in a particular case, the threshold should not be so high as to preclude anybody from ever reaching it. That is an important factor. I understand the concerns raised by individuals and groups that one could arbitrarily decide that there is parental failure and remove a child, whereas another individual might say the threshold had not been reached. Clarity in that regard is crucial for the operation of the legislation.

The guardian *ad litem* system needs to be reformed. My experience of it is that it can be unnecessarily costly for those involved. We can look at making it more efficient and still maintain

a good service and ensure a child is properly represented. Obviously, the guardian *ad litem* is the representative of the child in a court scenario, but it is important that taxpayers' money is not wasted. The system must be properly run and streamlined to make it better.

We must ensure proper guidelines are in place for how we go about gaining the child's views on a particular issue. This is something I have seen, although not quite in this sensitive scenario, but, for example, if I was to work on a case where there might have been an injury to a child and he or she was asked to come forward to describe to the judge that injury or its effect on him or her, it could be very stressful for him or her and often there is a requirement to go into the judge's chambers in order that the judge can have a confidential conversation with the child. There is a need for guidance in that regard because not every child will have the confidence to articulate his or her views in a way that will assist the judge to the level at which he or she needs to be assisted. We need to work on how we can gather the views of a child who may also have communication difficulties. He or she may have the mental capacity to form his or her own views, but he or she may not have the capacity to articulate these views in the necessary manner. This will be a difficult issue for us to get to grips with to form the guidelines that are necessary, but it is one on which we need to focus. It will come to bear quite soon in certain cases and the guidelines required will be very important.

In this legislation, all of the guidelines and the Dáil debates it is important not to lose sight of the fact that at the centre of this issue are real children and real families who are going through the system. It is easy to comment as an observer, as somebody who is not going through the process and experiencing the stress involved, but at the heart of everything we do we should always remember that there are real people involved.

The legislation is sensible. It is much needed and common sense seems to have prevailed. I, therefore, welcome it. It is both progressive and ambitious. It was difficult at times to progress it, but I am delighted that so many stakeholders are on board with it. Clearly, a very good consultation process was entered into. In performing her duties in this role I ask the Minister to take on board a couple of the issues I have outlined, on which I would like to see further work done. I assure her of my full support and will be happy to give any assistance I can in that regard. I welcome the Bill. I am delighted to have been given the opportunity to speak to it as it is important legislation. In years to come we will look back at this point and see that we made a very good change in our adoption legislation, a change that will positively affect children.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank Deputies for their support for the Adoption (Amendment) Bill 2016 and their constructive, often passionate, contributions to the debate yesterday and today. I also thank them for their expressed willingness to work in a constructive fashion with me, as I lead the legislative and policy agenda for children and young people. In doing so I am aware that they come with a great diversity of identities and experience on which they draw as they contribute to the law-making process. Some of the Deputies who spoke were adopted; many of them are champions of children; some have been psychologists or lawyers or worked at the coalface with children and families who have not had the same opportunities as the majority of us have had owing to social and economic backgrounds, health, including mental health, challenges, or other varied circumstances. It is that diversity of experience that will enable us to work together to create the best law for children.

As I said yesterday, the Bill will have real and significant consequences for children. While the number of adoptions taking place is lower than in previous years - I have heard some Depu-

ties refer to the potential for a significant increase in the light of this legislation - each single adoption is a hugely significant event in the life of the child concerned and, of course, that of his or her parents or guardians.

It is timely that the Bill is before the House. It will be another important critical ingredient placed on the Statute Book under the canopy of the UN Convention on the Rights of the Child, as Deputy Jan O'Sullivan and others correctly mentioned, to give legal effect to the children's rights referendum. As I said yesterday, this will send a message to future generations that the protection and welfare of children are among the highest values of our society. Deputy Catherine Connolly, among her very helpful and constructive remarks, referred to that part of my speech as rhetoric - lovely rhetoric. Yes, it was. I believe in using rhetoric in the best sense of the political, philosophic meaning of the term. I know from my human rights and social change work that there is a place for rhetoric in the fight for significant social and economic change because it can touch our hearts and spirits on the very long journey towards a fair and equal society that supports children, families and communities in cherishing all children equally. Rhetoric can lift our hope, sharpen our vision and set a context for us in dealing with the historical contradictions that form the context for our debates in this Chamber. It is true that the rhetoric in this and others places can be very different from what is happening on the ground. I know some of that ground, too, not all of it but some of it in my work over many years. Therefore, I welcome and will continue to embrace heartily Deputies' references to what is happening on the ground as we make law together.

Before I talk about particular issues dealt with in the Bill, let me comment on two additional items which were referred to in Deputies' speeches. The first refers to the wider ground and the arena in which the Bill has emerged. I acknowledge the very insightful, logical and helpful contribution made by Deputy Richard Boyd Barrett, particularly, although not only, his remarks about section 23 of the Bill which provides for revised criteria under which the High Court will authorise the making of an adoption order without parental consent. The Deputy asked what would happen if the State was responsible for creating the conditions wherein parents ended up neglecting their children and the State was party to the process that had led to parental failure? That is a brilliant question. The Deputy also referred to the increase in homelessness and, in particular, how many children found themselves in emergency accommodation owing to the State's failure to deal with the housing and homelessness crisis. Perhaps that might be one of the conditions. Two responses occurred to me immediately. First, I am deeply concerned about the increase in homelessness among children and commit that its reduction is and will continue to be a priority of mine for as long as I hold this ministry. It was one of the reasons one of my first visits as Minister was to the Focus Point centre in Tallaght where this issue was at the core of our discussions and its contributions to solutions to this problem. Second, let us think about whether amendments to the Bill are required or possible in the light of this much wider concern and whether safeguards are required.

The second item referred to by several Deputies was the concern about a section within the programme for Government that linked child benefit with data systems to monitor school attendance. Deputies, rightly, raised concerns about this measure and I share their concerns. The Ministers, Deputies Leo Varadkar and Richard Bruton, and I have, subsequent to requesting the views of our various Departments, discussed the matter and I confirm that we will most certainly not pursue any stick approach. Reducing income supports for families is not an effective means to support them in their efforts to keep their children in school. We will, however, ask our Departments to review the best way to ensure the collection and linking of data in order that

children's attendance and participation in school will be supported by the State.

I turn now to other matters relating to the Bill specifically, as well as to matters raised by Deputies, including possible amendments and the issue of information and tracing. I am aware of the work done by the last Government on this issue. As Deputies will be aware, in July 2015 it referred the heads and general scheme of the Adoption (Information and Tracing) Bill to the Oireachtas Joint Committee on Health and Children for pre-legislative scrutiny and that committee produced its report in November. The report was considered by my Department and a number of amendments to the heads and general scheme of the Bill were approved by my predecessor, former Deputy James Reilly. On that basis the last Government approved the drafting of the Adoption (Information and Tracing) Bill in December. The drafting of the Bill is under way and I can assure the House of my commitment to progressing the Bill and having it published as soon as possible this year. It is one of my priorities. The Bill will provide, for the first time, a statutory entitlement to identity information for adopted persons and for structured and regulated access to information and tracing services. It will provide that an adopted person aged 18 years or over who was adopted prior to commencement of the Bill will be provided with the information required to apply for his or her birth certificate, subject to certain conditions. It will also provide that those who were the subject of incorrect birth registrations - imagine what that must be like for the persons concerned - and those who were in long-term informal care arrangements may avail of an information and tracing service.

Some Deputies asked how adopted persons accessed their records today. There is a concern in that the adoption and information and tracing services are currently provided by Tusla, the Adoption Authority of Ireland or an accredited agency, depending on who holds the records. An improvement plan has been introduced to address the significant and unacceptable waiting times and the waiting lists and waiting times are reducing as a result, although not fast enough, I am sure, for those participating in the process. Furthermore, a system of prioritisation has been introduced that ensures the assessment focuses on those in greater need such as applicants who are over 70 years of age or those who have a serious medical illness. Deputy Joan Burton indicated in her comments yesterday the possibility of bringing forward an amendment to the Bill to incorporate attention to information and tracing and the concerns about the right of an adopted child to his or her identity. I would be very interested in exploring that potential and discussing the possibilities in that regard.

There is widespread recognition and acceptance by stakeholder interests, including my Department, that the *guardian ad litem* service arrangements need to be significantly reformed. My Department is working to address the significant shortcomings in the existing arrangements, with a view to making them fit for purpose and having a nationally organised, high quality and sustainable service in place. To inform the development of the policy proposals, my Department recently consulted many stakeholders on key areas of reform. Consultation is integral to our getting the law right and correct. My Department is examining significant policy issues and possible legal issues arising from the consultation process and working to resolve them. I can assure Deputies that consultation in this regard is not just about them telling us what they think and then us doing whatever we want to do. It is listened to deeply and the possibilities arising from it are considered, particularly in the examination of the legal possibilities. My Department is working towards the preparation of a general scheme of a Bill to radically reform the provisions for the appointment of guardians *ad litem* under the Child Care Act 1991 and at the earliest possible date.

I note the concerns raised by Deputies about section 23 of the Bill which provides for an

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amendment to section 54 of the Adoption Act 2010. In Ireland the vast majority of children live in loving, caring families and never require the assistance of the State's child protection and welfare services. However, some families may need help and support in parenting their children. The range of responses of the State to support and protect a child is vast and incorporates much of what Tusla is engaged in. In the more serious cases children may be received into care, either at the request of the parent or by a court order, removed from the family and cared for by people other than their parents. In this scenario, all options for the care of children are considered, including supervision orders, care orders, guardianship and adoption. As Deputies are aware, currently the High Court may authorise the Adoption Authority of Ireland to make an adoption order and dispense with the consent of any person whose consent is necessary to the making of the adoption order where it is satisfied on certain criteria which include the likelihood that parental failure will continue without interruption until the child attains the age of 18 years. The proposed amendment in section 23 of the Bill will not change the belief that, where possible, the best place for children is with their families. However, the Bill now provides that the High Court can dispense with consent only where it is satisfied that the parental failure has been for a continuous period of not less than three years preceding the time of making the application; that the parents have, unfortunately and for whatever reasons, failed in their duty to the extent that the welfare of the child is prejudicially affected; that there is no reasonable prospect that the parents will be able to care for the child and that the failure constitutes abandonment - this is a strong and difficult word to hear but it is the reality in some cases; that adoption is a proportionate measure; and that the child has been in the custody of and has had a home with the applicants for a continuous period of not less than 18 months. The revised criteria will provide that adoption is an option for more children who are currently in long-term foster care, once the criteria set out in section 23 are met. This option may represent a second chance for those children of a stable and secure family life.

Many Deputies referred in many ways to the question of resources, whether within the adoption process itself or with regard to the care process or the work that is now undertaken by Tusla. I am happy to say that, in 2016, the allocation to Tusla has been increased by some €38 million over last year's provision to address the immediate priorities identified by Tusla for its attention in 2016. This will bring the agency's current funding to €662.4 million and there will be a total capital provision of €13.5 million. That increased provision for Tusla in 2016 strengthens its overall base funding position to ensure the agency has the capacity to respond to both areas of unmet need and anticipated demand during 2016.

I thank all Deputies who were present for the debate today and yesterday and who welcome and support the Bill. I believe the debate has been very insightful and constructive. I look forward to further debate on Committee Stage. If Deputies or parties wish to raise, bring forward or discuss amendments they may propose prior to that time, I will be delighted to discuss them and my door is open to them. I commend the Bill to the House.

Question put and agreed to.

Sitting suspended at 6.30 p.m. and resumed at 7 p.m.

7 o'clock

Central Bank (Variable Rate Mortgages) Bill 2016: Second Stage (Resumed) [Private Members]

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

Debate resumed on amendment No. 1:

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

“the Bill be read a second time this day six months to allow for scrutiny by an appropriate Select Committee to examine and address the following issues:

a) There are major constitutional issues which fall to be considered in relation to interference in vested property rights, the retrospective application of the proposals and the absence of an appeal mechanism.

b) Under the EU Treaties there is an obligation to seek an advisory opinion from the European Central Bank where domestic legislation is proposed which affects the workings of the Central Bank. This has not taken place. A failure to consult the European Central Bank is an infringement of Decision 98/415/EC and could lead to infringement proceedings against Ireland.

c) The Central Bank has not sought the proposed powers to regulate variable rate mortgages. The Central Bank is independent and the Bill provides only that it “may” issue directions in respect of interest rates. The Central Bank cannot be required to exercise the proposed powers. The Bill requires the Central Bank to assess whether market failure exists in the Principal Dwelling House mortgage market but assessment of competition issues comes within the remit of the Competition and Consumer Protection Commission.

d) Competition and the provision of choice for consumers is the best way to achieve a sustainable long term solution to the issue of high mortgage repayments and the proposed Bill is likely to restrict or limit competition in the mortgage market. Following meetings with the banks last year and ongoing pressure, the banks have made a number of reductions to their mortgage offers and some welcome competition is coming into the market.

e) Regulation of interest rates in the manner proposed in the Bill could have unintended consequences on the availability and cost of credit which would lead to consumer detriment in the longer term.

- (Minister for Finance).

Deputy Richard Boyd Barrett: I welcome the Bill tabled by Fianna Fáil in so far as it attempts to address the issue of profiteering by the banks at the expense of mortgage holders with variable interest rates. This is a positive move. It is equally positive to try to introduce measures whereby the State, the Government and the Central Bank would intervene where the market has failed or is failing. The market is failing and there is profiteering going on so I

welcome this.

Much of the media commentary about the Bill has missed the important point, which relates to the issue of the new politics. Much of the media narrative is that what is significant is that the Government may be defeated this evening. This is very interesting media stuff, but it has nothing to do with the Bill. Whether the Government wins, loses or presses amendments - and I will discuss the amendment shortly - is not actually the issue. The issue is what is in the Bill. I appeal to the media to embrace a little of the new politics and recognise that we are starting to move towards discussions of substantial policy as against the back and forward and the Punch and Judy show of political parties. In that context, this is a positively motivated Bill which tries to do something to address the profiteering and market failure in the area of mortgage interest rates.

I do not accept the Government's amendment that we should examine the Bill but send it back to the pre-legislative stage. If the Government thinks a little more time is required to consider the provisions of the Bill, it should allow it to proceed to Committee Stage and leave a sufficient gap after Second Stage to allow for further consideration. It is the old politics to try to bat it backwards. The Government should pull back from this. This needs to be given serious consideration and we need an in-depth debate on Committee Stage.

Having said that, we would like to see the Bill pass Second Stage. There is a similarity between the method running through the Bill from Fianna Fáil and the Government's opposition to it. The Government is essentially stating that the problem with the Bill is that it would interfere with the market, that we need the market to determine interest rates and that competition is the way forward. Interestingly, this is what the Bill says to a large extent. On substantial policy grounds, while I agree with a number of things Deputy Michael McGrath is trying to do, in terms of empowering the Central Bank to intervene with banks which are profiteering and charging excessive interest rates in respect of the cost of their own borrowing on the international markets, I totally disagree with the Bill in so far as, in essence, it is trying to establish a perfect market and speaks about the Central Bank trying to enforce a perfect market, with the assumption that competition between the banks will address this issue. It will not. There is a serious danger; if we think back to the pre-crisis period it was precisely competition between the privately owned banks for profit that caused the bubble and crash that followed. While I am in favour of the Central Bank having the power to intervene, I do not believe this is the basis on which it should intervene to create a perfect market.

What we need is public banking. We need a banking system that runs on a national level in the same way the credit unions operate. They are not run for profit and their purpose is to lend money to people for things they need and not to extort from them through the charging of interest. We should have social objectives for the banking system as a whole and the Central Bank should allow this. In fact, the Central Bank is blocking the further expansion and development of credit unions and I can only conclude this is because it wants to protect private banks. The Bill should pass Second Stage and the Government should not block it, but it needs a hell of a lot more discussion and I do not agree with everything in it.

Deputy Catherine Murphy: I support the principle of this legislation. There is a particular financial limit in it, so we are considering modest family homes in the main. Over the last five years, one of the big frustrations has been the very much hands-off approach when it comes to the individual mortgagee. There has been a real feeling of unfairness that the decisions made have been made in favour of the banks at the expense of some of their customers. There is a

different rate for people who are lucky enough to be on tracker mortgages. However, there is a real feeling of unfairness about the variable interest rate, which very often threatens the affordability of accommodation and pushes families needlessly into mortgage debt.

From that point of view, we very much welcome that this Bill opens up a dialogue. One of the things that causes me concern is that we talk about the ECB and how the ECB will not permit something. It is quite extraordinary how the ECB can facilitate, and has facilitated, measures that have imposed a major burden on this State while it stands over or wields a big stick over individual mortgage holders, who are struggling, even though its lending rates are very low. That is unacceptable.

There is a very human cost to people being constantly in debt and constantly struggling and we are even starting to see very often health implications for people who are under stress all of the time. This Bill in part attempts to remedy this human dimension. I see absolutely no reason a Bill such as this one cannot pass Second Stage and go to Committee Stage in order that it can be fleshed out and certain provisions can be changed, if they need to be changed.

It also concerns me that we constantly trot out the Constitution when it comes to the little people. If one reads the article in the Constitution on property rights, one sees there is no such thing as absolute rights. Property rights are very well defined in Article 43. It uses the words “common good” and “social justice”, so the property rights are essentially tempered by other rights. Very often, however, when it comes to the little people, property rights are taken as absolute rights and there is an onus on us on some occasions to challenge this. Lawyers disagree all of the time but if one does not question them or push them to the point where that is a consideration, one is taking it as a given that certain rights are absolute and I for one do not accept that premise.

For these reasons, we are happy to support this Bill. It needs to go to Committee Stage. There are provisions in it that need further consideration but I see no reason it cannot proceed to Committee Stage and get the kind of scrutiny at that level that the parliamentary structure allows for.

Deputy Paul Murphy: The starting point here is the accepted fact that the holders of standard variable rate mortgages are being exploited and ripped off and are paying approximately 2% over the European average rate for their mortgages. That represents an extra €330 per month for a person on a €200,000 mortgage. That is a huge burden and hardship for low and middle income households and is having a significant deflationary effect on the economy. For this reason, the Anti-Austerity Alliance will vote in favour of the Bill because we support any attempt to curb the profiteering of the banks and to relieve the massive burden on the shoulders of low and middle income workers.

The response of the Government, in particular the Minister, Deputy Noonan, must be noted. Are we getting a glimpse of new politics here? The numbers are such that the Opposition can get Bills passed but will that be subjected to a mini operation fear every time we are about to do so? The clear implication of a relationship of causation between the publication of the Bill and the drop of 10% in bank shares is, to quote Deputy Michael McGrath, clearly ridiculous. It was a ridiculous contribution on the part of Deputy Noonan and it is not the way politics should work. There is no basis in fact to link the events in that way.

I repeat the point which Deputy Boyd Barrett made that the fundamental problem eco-

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nomically and ideologically with the Fianna Fáil approach, as represented in its Bill, is that it does not represent a change from the political approach that has led us to where we are, to the banking crisis, and which has informed the approach of this Government and previous Governments. This is summed up in the approach of the Bill when it states that the problem is market failure and that we only need to sort out the market and get a perfectly functioning market. The market is the failure. That is the problem. The problem is that we have a privately owned banking system operating to maximise profit and a so-called independent central bank, in this case a European Central Bank, which is completely unaccountable to any democratic body and which functions in the interest of the market, that is, in the interests of the profiteering of the banks. Unless we deal fundamentally with that problem, we will not deal with the fundamental problems of people dealing with the banks and getting ripped off, for example, on variable mortgages. The banks are increasing their profit margins on variable mortgages to cover the losses on other loan books, such as tracker loans and buy-to-lets. That is what profit-maximising companies will do.

The Government has consistently stated it does not intervene in the day-to-day decisions of the banks and that it is a matter for the management of the banks in question. That is a pathetic attempt to wash its hands of any responsibility for this rip-off. The Government and all those who support this private capitalist market system are responsible. They have set up the banks with the mandate to maximise profit which is exactly what they are doing. That is the problem with Fianna Fáil's Bill: it accepts the logic that the banks must be run for profit, as opposed to the idea of a public banking system set up as a public utility under democratic control.

If the Government were serious, it would introduce legislation and amend regulations to instruct the banks not to act solely to maximise profits at the cost of ordinary mortgage holders. It would act to have the banking system run democratically as a public utility in the interests of the majority and act to implement write-downs and rate reductions for ordinary mortgage holders. It would also instruct the banks to cease implementing evictions and court proceedings against mortgage holders in financial difficulty. Instead of moving in that direction, the Government is intent on the full privatisation of our banks, which will be yet another historic robbery. The rip-off on variable rates is one example of how the Government is deliberately fattening up the banks for privatisation. Another is changes to the tax rules, which mean that AIB will get a tax write-off of €3.24 billion, Bank of Ireland of more than €1.5 billion and PTSB of approximately €500 million in terms of their being able to write off losses that were the State's and the public's losses and then getting the benefit of that on their balance sheets.

To really tackle the mortgage rip-off, we need a completely different model of banking. We also need an end to the provision of housing on the basis of the market. The AAA will vote in favour of this Bill. However, we need to see more substantial change. We need measures such as the write-down of mortgage debt to reflect the true value of the home, rent controls and a massive plan of public investment which would see the construction of social and affordable homes. It is only through breaking with the capitalist market that we can provide for the housing needs of all and prevent these sorts of rip-offs.

Deputy Sean Sherlock: In the spirit of this new dispensation and new politics, the Labour Party intends to support the passage of this Bill to Committee Stage.

Deputy Robert Troy: What a pity it did not do so when it was in government.

Deputy Sean Sherlock: We believe the Oireachtas, through its committees, has the req-

uisite capacity to interrogate the three flaws, as articulated by the Minister, Deputy Noonan, namely the constitutionality of the Bill, the need to consult the ECB before the intended Bill could be enacted and the statements by the Governor of the Central Bank that it does not wish to regulate interest rates. If it is the will of the House that this Bill be considered under pre-legislative scrutiny, then so be it. However, we see no reason that is necessary. Notwithstanding the consumer protection regulation Consumer Protection (Regulation of Credit Servicing Firms) Act 2015, which ensures access to the Office of the Financial Services Ombudsman and ensures the protection of the code of conduct on mortgage arrears, there is still a number of borrowers who signed up for variable interest rates at the top of the market who feel a legitimate grievance and feel left behind. Section 5 of the Bill, which deals with the issuance of a direction by the Central Bank to a specific lender or lenders, deserves further scrutiny. The issue of contract law looms large over the section but we believe that this is something that can be examined further at the next Stage of the Bill.

We recognise that banks have to make a profit but there is a fine line between making a profit and profiteering. A person in my constituency of Cork East took out a mortgage in 2009 with Permanent TSB. Since 2009, that person has been paid interest, in one specific period, at rates of up to 6.5%. The borrower estimates that over the lifetime of the mortgage he could end up paying an additional €100,000 in interest payments alone and what grieves that person is the fact that mortgage products that are offered now on a similar property of similar value are significantly cheaper. He recognises that he signed a contract, and he recognises that banks must make a profit but with some justification he feels that having to pay up to €100,000 more than his neighbour for the same amount of money borrowed, albeit from a different bank, is unfair.

On Committee Stage my party intends to examine more closely the issue of marginal interest. The question of profitability versus profiteering could be addressed, for instance, through the capping of variable interest rates such that, for instance, if the ECB sets a rate at 2.5%, a margin could be determined, for instance, two percentage points in excess of that, which would allow for a degree of profitability and competition without profiteering in that banks could compete within the two percentage points margin. We want to explore that at a further Stage or at least have a proper discussion in a collegiate way around that. I accept it is interventionist within the market but my party considers it is worthy of further examination.

We have some questions on section 2, on the assessments. It is difficult to understand how the Central Bank, subject to the 11 “factors” outlined in the assessment in the Bill, could reasonably conclude that a market failure exists. Section 4(2) states that ““market failure” shall mean a situation in which market conditions are such that a lender is, or lenders are, charging a variable interest rate or variable interest rates for principal dwelling house mortgage loans which are higher than the Central Bank considers can be reasonably and objectively justified by reference to the factors set out in section 3.” The question is, how can the Central Bank, even when the 11 factors are taken into account in section 3, reasonably intervene to make a direction in an individual or collective case if those individuals have, in the first instance, signed a contract with a mortgage provider, and the question then arises, does the law of contract supersede the enactment of this Bill or does this Bill give powers to the Central Bank that may be subservient to the law of contract. My party has an open mind in terms of exploring those questions at the next Stage and while we may differ from Deputy Paul Murphy in regard to the recognition that banks must make a profit, we have to distinguish between making a profit and profiteering.

In the spirit of the new paradigm, in this current enlightenment period, which I hope will last, we will explore the Bill further. We believe that there is not necessarily a need for pre-leg-

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islative scrutiny because we all have the wherewithal within this House to be able to interrogate the Bill further and if we need to bring in experts to address any of the issues or the questions that may be outstanding then in the spirit of the new dispensation in which we find ourselves we should take a pragmatic view on this Bill and allow it to proceed to the next Stage and discuss these matters further.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputies Lawless, Troy, O'Rourke, Darragh O'Brien, Scanlon and Thomas Byrne. They are sharing 30 minutes and have five minutes each.

Deputy James Lawless: I welcome the opportunity to speak in favour of this Fianna Fáil Private Members' Bill.

All present in the Chamber today are aware that a mortgage is the biggest single outgoing facing any family. There are at least 300,000 households in this jurisdiction operating under standard variable rate mortgages, including my own. Tens of thousands of variable rate mortgage customers are currently paying exorbitant rates, which we all know and hear about daily in our constituencies, on the airwaves and in our clinics. We know them to be substantially in excess of the banks' costs for the same funds.

We, in this country, have benefitted least from the current low-interest regime which prevails in Europe. For a typical €200,000 mortgage, a standard variable rate customer will pay approximately €6,000 a year more in interest than a borrower on a tracker mortgage. Any hard-off family around the country would be far better with this extra money at its disposal. It would mean more money to spend in the local economy to pay their bills, their car loans, their school costs, their educational costs and their household bills, and more money in general placed back into the local economy and environment, which would be a far better placed home for it than super-normal profits in the banks. The plights of these families should be as important to us all as the determination rightly to make our banks more profitable again but we have to get our priorities, and the balance, right. We all understand the need for the banks to recover, particularly now most of them are in public ownership, but it cannot be at the expense of hardworking homeowners squeezed on punitive and unjustifiable interest rates. The banks must begin to bear social responsibility.

I welcome the recent announcement of a reduction by AIB, to 3.4%, in its standard variable lending rate. However, other banks have been less forthcoming. For instance, Bank of Ireland made no reductions at all in its standard variable rate and yet announced last year a rise of 30% in pre-tax profits, with profits in 2015 of €1.2 billion. This is an astronomical profit for a bank that has passed no return or leeway on to the hard-pressed consumers, taxpayers and constituents. The Permanent TSB highest rate for consumers in negative equity or whose mortgage is equal to 91% or more of the value of their home, is 4.3% - a reduction, it is acknowledged, although a bare one, of 20 basis points.

It is my firm belief that the rates being charged are not justified based upon the banks' cost of borrowing. The extent of this problem can be seen from the fact that the standard variable rate for residential mortgages by the State-owned Permanent TSB and AIB, as well as other banks in this jurisdiction, is two percentage points higher than the equivalent mortgage rates in other eurozone countries. Banks operating both in the Republic of Ireland and in Northern Ireland also apply the two percentage points differential. If one lives in Newry or in Belfast, there is a differential of two percentage points in one's rates depending on which side of the Border one

lives on - for the same bank, for the same funds, for the same cost of borrowing and from the same European Central Bank underpinning the whole amount.

I also query, in such a market with a two percentage points differential between the rest of the eurozone and the Republic of Ireland, why we have not seen more licence applications, more entrants to the market and more competition emerging. I ask the Central Bank to consider these questions, why these licences are not coming through, why these applications are not being made and what it is about our competitive landscape that makes us averse to it.

I utterly refute the banks' claim that losses on tracker mortgages are an excuse to rip off SVR customers. It is no more justifiable for SVR customers to make good these losses than it is for development or commercial loans or any other part of the loan book. While it is acknowledged that tracker mortgages pose a challenge to the banks, it must be tackled as part of the overall review of banking debt. Our legislation would deal with this in a fair and equitable manner. It would provide a fair balance between the need for State-owned banks to make a profit and the rights of families who are paying mortgages. It is prudent and efficient for the Central Bank to be given responsibility for monitoring the level of competition and ensuring fair rates are charged. There must be a fair balance between the banks and the hard-pressed customers.

Deputy Robert Troy: I welcome the opportunity to contribute to this important debate on an issue on which my colleague, Deputy Michael McGrath, has led the charge for the past two years. Sinn Féin has come on board most recently. The *Irish Independent* has given the matter prominence during recent months and it is a significant issue, as the Minister acknowledged on "Morning Ireland" this morning. Hundreds of thousands of families across Ireland are being ripped off every day of the week.

I am surprised at the attitude the new Government is taking to the proposals before the House. Last night the Minister for Finance, Deputy Michael Noonan, displayed arrogance when he said a very meaningful suggestion, in legislation that would tackle the issue facing hundreds of thousands of families, had been the cause of a 10% drop in bank share prices. It was ludicrous. The Government is stating our Bill is unconstitutional. It is coincidental that it is now unconstitutional, given that the Government did not cite unconstitutionality as a reason in voting it down in April 2015. At the time it did not have to mention the unconstitutionality of the Bill because it had such a large, sweeping majority that it was able to ram through any proposed legislation brought before the House. However, I am not surprised, given that during the past five years Fine Gael has been the champion of the banks to the detriment of ordinary working people, but I am surprised that the new coalition partners are not trying to make it see sense. I would have thought the Independent Deputies who support the Government would tell it to wake up and realise it was decimated in the most recent general election. Fine Gael and the Labour Party together lost more than 50 seats because they had failed ordinary, decent, hard-working people. If Fine Gael proceeds to push its amendment this evening, it will, once again, demonstrate that it is not interested in supporting ordinary, decent, hard-working people. It has allowed vulture funds to sweep in, take properties from people and sell them for much less than their loan values.

The mortgage to rent scheme was introduced to support families who ran the risk of losing their properties. In February I asked how many people had availed of the scheme. Of the 3,500 people who had applied for the scheme, 150 had been approved. This is despite the fact that the Government stated the scheme was under review and that it would make whatever modifications were necessary to support families at risk of losing their homes. It has not done it during

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the past five years and all indications suggest it is not prepared to take the necessary actions to support struggling families.

This debate is about variable interest rates. I will focus on the 300,000 variable interest rate customers whom the Government is letting down, despite its promise in the programme for Government to make every effort to take whatever action is necessary to support them. That is not happening. Every passing month it is crippling working families. I welcome the road to Damascus conversion of the Labour Party. Had it taken the same stance it is taking tonight in February or March 2015, it would have saved hundreds of thousands of customers thousands of euro.

In the spirit of our constructive proposals that would help families, I ask the Government to withdraw its amendment. The Independent Alliance focus in the Government should ensure it will withdraw its amendment and let the Bill proceed to Committee Stage. Although we are not saying it would answer all issues, it warrants further discussion. We did not pull this out of the hat in 24 hours but have worked on it for more than 24 months. It makes sense. I appeal to the Government to withdraw its amendment and let the Bill move to the next Stage.

Deputy Frank O'Rourke: I commend Deputy Michael McGrath for tabling the motion and thank him for the considerable amount of work he has carried out on behalf of beleaguered variable rate mortgage holders. Fianna Fáil has been trying since July 2015 to take the banks to task on the subject of rip-off variable rate mortgages and I welcome the opportunity to contribute to this long-overdue debate.

More than 300,000 households hold SVR mortgages and, collectively, owe €40 billion. While the recent reduction by some banks of their rates is to be welcomed, the interest rate on some variable rate mortgages still stands at approximately 4.5%. This means that a customer on an existing variable rate mortgage over 20 years is paying approximately €1,500 per year more than in the offer available to new customers and €6,000 more per year than a customer with a tracker mortgage for the same amount.

For all that the banks have been advertising in promoting the switching of mortgages, the reality is not so simple. With extensive legal fees and loopholes attached to such transfers, the banks are very vocal in their offer of cash back or assistance with legal fees in their bid to attract new customers. However, they are doing nothing to help existing mortgage holders to make a switch. There is a clear case for the Central Bank to introduce a statutory code of conduct on mortgage switching, similar to the code in place for switching a current account from one financial institution to another which has proved successful. A statutory mortgage code that would clearly set out the obligations of a financial institution and protect the rights of the mortgage holder is urgently required.

The banks' refusal to budge on variable rates to offer reduced fixed rates to existing customers is another inadequate response that is not sustainable for the large number of customers involved. Locking customers into what is only a marginally reduced rate for periods of between two and five years means that these customers have been excluded from potential rate reductions or availing of lower rates from new entrants to the market. Additionally, it has a significant impact on homeowners who are trying to sell, given that they would not have to incur penalties to break from fixed terms. It is unfair to expect customers, already squeezed by excessive variable rates, to accept that fixed-term rates are the solution.

In most instances, the monthly mortgage repayment is the most significant financial outgoing of a homeowner, whether a family, a couple or an individual. In most cases, homeowners have been left to look on in frustration and distress as they see their mortgage rates unchanged while rates have fallen generally. Mortgage arrears are at a distressingly high level and a devastating human toll has been taken on hard-pressed families and individuals. Excessive variable mortgage rates are linked with record levels of mortgage arrears. A 2012 Central Bank report concluded that high variable rates continued to exert upward pressures on arrears. Banks' engagement with those in mortgage arrears has been piecemeal at most and the solutions offered are inadequate.

Variable rate mortgage customers are now on interest rates that are three times those being paid by tracker mortgage borrowers. While we recognise that tracker mortgage borrowers represent a significant drain on the banks' loan books, it is not an acceptable reason to rip off standard variable rate customers.

The Bill before the House is designed to give the Central Bank new powers that would have the effect of reducing monthly repayments for many of the 300,000 standard variable rate customers and it will also give comfort to the 46,000 who have loans in the hands of non-bank lenders. This Bill is a necessary response to the complete failure by many lenders to pass on the lower interest rates set by the European Central Bank. While increased competition in the mortgage market, which seems to be the solution on offer by the Minister for Finance, is to be welcomed, it is again a wholly inadequate response.

I welcome the measures outlined in the Bill and many of the home owners I have been speaking to in my constituency of Kildare North are anxious to see tangible and viable solutions to the problem of exorbitant mortgage repayments. People have suffered enough at the hands of the banks. We have an opportunity to make a difference to thousands of hard-pressed mortgage holders. I urge, therefore, that the Bill be passed to Committee Stage with a view to all Stages being completed and the legislation being put in place as soon as possible.

Deputy Darragh O'Brien: This Bill presents an opportunity for Government Deputies and Ministers to redeem themselves. The track record of the previous Government with respect to mortgage holders has been nothing short of abysmal. One of the first things the Minister, Deputy Noonan, did in the previous Government was to rip up the previous code of conduct on mortgage arrears and water it down in favour of the banks. That happened and that is a matter of record. That Government then moved on to set aside the Dunne judgment, which gave some protection to people in family homes by stopping banks repossessing those family homes. That Government then brought in the Land and Conveyancing Law Reform Act 2013. We said to the Minister's former colleague, the former Minister for Justice and Equality, Alan Shatter, at the time that it would lead to thousands of civil bills and thousands of home repossessions, as it has done and is doing. In that watering down of people's rights, that Government became a cheerleader for, and a supporter of, the banks and it put their interests above those interests of the people it was supposed to represent.

When we look further down the track at the State-controlled mortgages, the IBRC mortgages, the Minister, Deputy Noonan, in the previous Fine Gael and Labour Party Government, permitted the sale of those mortgages - a mortgage book of 49,000 mortgages - to vulture funds. He would not publish the discount at which the mortgages in that mortgage book were sold for nor would he offer the same deal to the mortgage holders. Furthermore, even with the Minister's watered down code of conduct on mortgage arrears, those vulture funds are not covered

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under the statutory regulations, an aspect which is also part of the Bill my colleague, Deputy Michael McGrath, has produced.

The Government has a moral obligation to let this Bill pass Second Stage and go to Committee Stage. As previous colleagues said, when this legislation was introduced previously and when a motion was introduced in March 2015, issues regarding the illegality or unconstitutionality of such measures were not raised. The Minister, Deputy Noonan, introduced a red herring yesterday when he said that bank shares have dropped 10% because of the introduction of this legislation.

I would remind the Minister that we in a previous Government had to take very tough decisions to save the banks and the financial system but, coupled with that, we brought in very strong and robust protections for mortgage holders. The Minister, during the term of the previous Government, watered them down and left the people victims of the banks. The Minister for Children and Youth Affairs, Deputy Zappone, whom I congratulate on her appointment, during the previous Seanad in which I also served, supported the Family Home Protection Bill that we, as a party, put forward to afford home owners the protection they needed and deserved. This legislation would go some way to redeeming the previous Government's record on mortgages.

My colleagues have outlined the cost. Taking the example of the constituency in which I live, I bought a three-bedroom standard family terrace house in my constituency in 2006 for which I paid €580,000. That was not above and beyond the price for that type of house at the time. I was one of the fortunate ones who had a tracker mortgage. Many neighbours in my estate paid the same amount for their houses and they have their mortgages with Bank of Ireland and other lenders, which charge average variable rates of 4.5%, resulting in their repayments being hundreds of euro more than mine. That is not something any Government, Dáil or Parliament should stand over.

The Minister, Deputy Noonan, should ask himself whether he is a Minister for the people or for the banks. His track record during the past five years and during the short term this Government has been in office has proven again that he is a Minister for the banks. There is no reason the Government should have tabled an amendment to the motion for the Second Reading of this Bill. It should withdraw it, allow the Bill go to Committee Stage and refine and improve it, if needs be. People need to see action in this regard. The only action they have seen in the past four to five years has been that taken to reduce their rights as home owners.

AIB, in reducing its rates four times in the past 18 months, has seen a reduction in the number of mortgage arrears and an increase in its profits. Bank of Ireland stands over a 4.5% average variable rate, while AIB has a 3.4% rate, resulting in hundreds of euro in the difference in repayments. The banks are offering fixed rate mortgages of up to 6% and 7% for people to move out of variable rate contracts. It is ludicrous and ridiculous. The Minister needs to take a stick to the banks; it is all they understand. This legislation is a start in terms of fairness for the 300,000 plus people and families, many of whom purchased their houses between 2004 and 2007. I am not sure whether the Minister, Deputy Noonan, has a mortgage, although he probably does not have one after his tenure in this House. That may be the reason he does not understand the issues facing normal working families in this country. He has a chance now to accept this Bill and to allow it go through to Committee Stage. We can work on it together to improve the lot of mortgage holders who are paying hundreds of euro above the odds every single month.

Deputy Eamon Scanlon: I am delighted to have this opportunity to speak on this Bill. The Central Bank has consistently failed to do anything about exorbitant interest rates. The issue affects at least 300,000 mortgage holders on variable rates and these families have benefitted least from the current low interest rate environment in Europe. Collectively, as my colleague said, they owe €40 billion. A 1% cut in mortgage rates would give an average boost of more than €1,300 per annum to these families.

Since Fianna Fáil put standard variable rate mortgages on the agenda in March 2015, the banks have sought to swindle customers with minor changes to rates, most recently with a number of banks announcing a reduction in fixed rates, but reducing fixed rates is simply not good enough for the vast majority of customers. Banks are engaged in a policy of making certain offers available only to new customers. For example, Bank of Ireland will not allow an existing customer to fix his or her rate for a period of less than two years. This leaves customers in a position where they most likely will not benefit future rate reductions or lower rates. An existing Permanent TSB customer wishing to fix his or her mortgage for two years would pay 7.25% or 8.75% for a five-year fixed rate. By contrast, a new customer can fix his or her rate for between 3.7% and 4% for two years or 3.95% for five years. This legislation would require banks to treat new and existing customers equally. It is very important that should happen. Until recently, the Central Bank was producing figures on mortgage rates that understated the extent of the rip off.

With each passing month families are paying sky high interest rates. While the announcement earlier this month of a reduction by AIB to 3.4% for both new and existing customers is welcome, other banks were less forthcoming. The main focus of their response has been to change their fixed rate offering, which we know provides no comfort for most customers. AIB's latest rate reduction will benefit approximately 76,000 mortgage holders and would result in an annual saving of €320 for owner occupiers with a €200,000 mortgage over 25 years.

Variable rates here are twice what they are across the eurozone. The Central Bank has consistently put the interests the banks ahead of those of customers on the variable rate issue. High variable mortgage rates are evidence that the banks regard variable rate customers as easy prey to make up for losses suffered. We all know about the suffering of the people of this country when the Government of the day had to invest billions of euro in the banks. Who was paying it? The answer is the hard-working, decent, honest-to-goodness people who had to pay, through their taxes, to support the banks. It is time for a little bit of help from the banks for the people who are desperately trying to hang on to their homes.

The 2012 Central Bank report concluded that a risk with higher variable rates is that they may be counterproductive and continue to exert upward pressure on arrears. There are 92,000 family home mortgages in arrears and 50,000 of them are more than a year behind in repayments, with accumulated arrears amounting to €2.3 billion. While the number of households in short-term arrears has fallen, the trend in long-term arrears has been steadily worsening. That is because of the restrictions of the banks and their enforcement of penalties on people who have difficulty paying. They are the ordinary decent people of this country who are struggling to hang onto their houses but who, despite their best efforts, are falling into arrears. As a result, extra charges and penalties are being imposed on them. The Bill will provide for sustainable solutions to these mortgage arrears for those facing repossession as a result of high variable interest rates.

The Minister argues that the Bill is unconstitutional, but this case was not made when it was

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previously voted down in the Dáil. The legislation Fianna Fáil proposes is balanced and in the best interests of the general public. The Central Bank would be given responsibility for monitoring the level of competition in the mortgage market and the fairness of the rates charged. For example, in respect of those mortgage holders whose loans are sold to vulture funds, there would be a system of sanctions for banks which fail to comply with a direction order from the Central Bank. The Minister for Finance met the banks last summer to address the need for a reduction in standard variable rates and the deadline has long since passed for overcharging lenders to reduce those rates. This is why a legislative framework is needed.

Deputy Thomas Byrne: I am delighted to speak on the Bill and I commend my colleague, Deputy Michael McGrath, for his consistency and doggedness in bringing it forward. Not only is he reintroducing the legislation we brought forward last year - at which time it was voted down - he is also fulfilling the promise of the Minister who said that if the banks did not act, he would do so. As the Minister has failed to act, it is incumbent on us to do so and to stand up for those with mortgages. We stand up for home owners and say to the banks “Enough is enough”.

With European interest rates at record lows, those on tracker mortgages have an historic and probably once-off opportunity during this period to deleverage and reduce their balances. Some people are in a position to afford to pay a little bit extra off the principal to prepare them for later on in the mortgage when interest rates may be higher. Those on variable interest rates which the banks can impose at will have no such opportunity and no such comfort that they may be doing something right for the future. What is happening in many cases is that they are being driven further into arrears because of high interest rates. That is wrong and it is damaging the economy. If interest rates can be reduced, by whatever means and whether through competition or the threat of action, it can only benefit the economy.

Many issues have been raised in respect of this matter. My colleagues have already dealt with the constitutional ones. The Minister for Children and Youth Affairs, Deputy Katherine Zappone, will remember from her time in the Seanad that every time the Government wanted legislation not to pass, constitutional reasons, usually of the vaguest type, were put forward. Yesterday, it was unprecedentedly the case that the Minister for Finance quoted the authority of an investment bank for a constitutional interpretation of legislation. It was extraordinary and unprecedented. Today, we have Davy Stockbrokers, which is well respected in its field, giving us all sorts of reasons the Bill should not be put forward. Davy is straight up and tells one its conflicts of interest. It acts as stockbroker to Bank of Ireland and Permanent TSB. There is no hiding it and the company is honest about it. However, we in Dáil Éireann have a duty to the general public and to society as a whole. While we certainly have a duty to the banks and the economy, we have a duty first and foremost to the people of Ireland. People with variable rate mortgages are being punished for what was, in many instances, the toss of a coin. The vast majority of people with mortgages may have started out on short-term fixed rate mortgages for a year or two and many, including me, would not have looked at the implications beyond two years. Some would have been given a tracker rate on the expiry of the fixed rate while others would have been given a variable rate. In many cases, it was simply the toss of a coin or random selection and people did not put too much thought into it. It is unfair that one section of society and one group of home owners are subsidising the banks.

Lest anyone thinks that this is rushed legislation or that we need to delay it, I note that the Bill was already before the House during the last Dáil. I worked with Deputy Michael McGrath on this and other mortgage issues. The Minister, Deputy Zappone, will remember some of those issues were brought before the last Seanad. Working out a model of how to do this with-

out having the Minister for Finance in the position Ministers for Finance were in historically to adjust a rate, was very difficult. It was difficult to work out a model which would protect the competitiveness of the banking market and protect home owners. Deputy Michael McGrath has been working on this for at least four years and it has been difficult. What we have come up with is the idea that if the Central Bank deems there to have been a market failure and that there is no competition in the market or barriers to entry are interfering with its competitive potential, it must act. It is the Central Bank that will make the assessment and not any politician who will tell it to act. The Central Bank will make its own study as to whether there is a market failure and then it will act. Already, the legislation has had the effect in some quarters of pushing AIB in the right direction. It is necessary to push Bank of Ireland and others in the right direction. If there is competition in the market, this legislation will not apply. However, this is a failed and non-functioning market and no one wants to know about it except the ones who are ripping off the people and will continue to do so unless the Bill is passed.

Deputy Alan Farrell: I thank Deputy Michael McGrath for introducing the Bill again. When this idea was first floated three to four years ago, Irish banks were simply not in a position to reduce rates, whether instructed to do so or otherwise. Ultimately, the Irish banks were holding billions of euro of Irish taxpayers' money in their portfolios and unless they made a profit, they would have been unable to repay that. It is essential that we recognise that it is not four years ago any more and that our economy has changed drastically. We are now at a point where the only bank which remains largely in State ownership can, I hope, be deleveraged back into the private market over the next year or two. That is something I am happy to see. We have already seen another financial institution formerly in the 100% shareholding of the State not only return the money we invested in it but actually return a mild profit to the taxpayer. If all of the independent financial analysts are to be believed, it will be the case in the short term that the Irish taxpayer will start to see more tranches of its investment refunded.

I started out by thanking Deputy Michael McGrath for the Bill and that was sincere. It is not four or five years ago and we are in a different position. Having served as a member of the Joint Committee on Justice, Defence and Equality for the past five years, I note that we engaged in an unprecedented number of consultations with expert groups from a variety of fields under the chairmanship of Deputy David Stanton on a range of Bills which have been enacted and quite a number of others which are available for the new Dáil and Government to take up. If those Bills are taken up, they will be passed because of the work done by the committee in question which included members of the party opposite, including Deputy Niall Collins.

8 o'clock

The reports that emanated from that committee, which engaged heavily in pre-legislative scrutiny, informed the relevant Department, be it the Department of Justice and Equality or Defence, on the nature of the changes required to the heads or drafts of Bills that were laid before it.

I accept that Fianna Fáil has made its decision and will run with it. That is Fianna Fáil's prerogative. However, and taking the politics out of it, pre-legislative scrutiny is an essential component of making good legislation. With the greatest will in the world, Deputy Michael McGrath would not have had access to the Department of Finance and its expertise. Nor would he have had access to the legal advice available to the prior Government and the Department responsible for the Bill. Therefore, I encourage Fianna Fáil to take the opportunity to run with the Bill and lay it before the relevant committee in order to ensure that the relevant stakehold-

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ers - I do not just mean the banks, but everyone - appear at the committee and give evidence so the legislation might be improved.

Questions have been raised about the Bill's constitutionality. I am not an expert in constitutional law. However, I am aware of the constitutional issues with impeding property rights and I am privy to the retrospective application of legislation on those rights. That the Bill does not contain an appeal mechanism would raise issues in respect of property rights. There is a question in law to be asked of this legislation.

I wish to raise an issue that has been mentioned often in the course of this debate.

Acting Chairman (Deputy Bernard J. Durkan): I should have mentioned that the remainder of this time slot is being shared by Deputies McEntee and Fitzpatrick and the Minister for Social Protection, Deputy Varadkar.

Deputy Alan Farrell: I will try to be as quick as I can. The introduction of competition into the financial sector is clearly good as it gives people choices but it has been painfully slow. In all but one instance, those who have entered the market are not high street lenders. That is a major problem. Individuals' mortgages have been bought by international firms that are commonly referred to as vulture funds. Although they are answerable to business and conduct rules and the financial regulation of the mortgage market, they are not high street retailers and are not encouraging new business. They are simply trying to make as much profit as possible. Not for a moment do I believe that this is the best solution that is available to a mortgage holder in distress.

The *Irish Independent* ran a headline, "Reprieve in store for mortgage holders as FF snubs Noonan's plea", which was a painfully simplistic analysis of the Bill. It creates false hope among the 300,000 mortgage holders who are suffering - I include myself in that statement - under high variable interest rates.

I accept Deputy Michael McGrath's motivations. We all want to do something about high interest rates and to take a stick to the banks for not passing on ECB cuts because they are not doing it fast enough. The Bill aims to target that. I encourage Fianna Fáil, the Minister and others to negotiate a position whereby the Bill can be given the sort of pre-legislative scrutiny that is required if it is to be the best possible legislation with the best desired outcome for mortgage holders.

Deputy Helen McEntee: There is probably a consensus in the House that the banks played a significant role in the collapse of the Irish economy and subsequent problems with which we are still trying to deal. Mortgage distress and arrears comprise a major problem. There may be a view, one that might not be shared by everyone in the Chamber, to the effect that it was a deeply cynical and political culture that allowed and encouraged the kind of banking behaviour that left this country where it was. We are all anxious that, as a political system, we provide comfort, hope and, most of all, solutions to the families and individuals who were the victims of the boom and bust.

To touch on my colleagues' sentiments, while I believe in the spirit of the Bill, it is not the answer in its current format. The Bill attempts to force variable rates down closer to the European average. We all want to see that happen, but it is a quick fix and a populist option. Just because something is popular does not make it the best option for the customer in the long run. Rates are falling, albeit not as quickly as we would like. That declining trend needs to continue

and we need to resist the quick fix option while continuing to encourage competition, which Deputy Farrell, now the Acting Chairman, rightly stated was moving slowly. Competition between banks through greater choice is the best way forward and will force rates down if we can accelerate it.

The Minister, Deputy Noonan, has outlined the concern that the legislation may be unconstitutional. As Deputy Thomas Byrne pointed out, many commentators, be it for their own interests or otherwise, are claiming that the Bill's measures would eliminate the prospect of new entrants into the market, stymie competition and not serve customers in the long run. Coupled with the Central Bank's statement that it will not use the powers conferred upon it by the legislation if passed, where does that leave us? It is something of a political row at the moment, but once the bun fight is over, might we take the Bill to the committee and return to our commonly held principle, that is, to ensure people find a solution to their problems, not just in the short term, but also in the long term, and tease out the challenges? Above all, consultation, collaboration and engagement with the Central Bank are a much better option and bring about better legislation.

I will be brief, as I do not have much time. Yesterday, the Minister, Deputy Noonan, was described at a committee by an unelected witness who was invited to appear before it to discuss mortgage issues as a lover of vulture funds. I am appalled by that remark about a man who provided calm, reassuring and statesmanlike leadership while dragging this country out of the mess in which we found ourselves. The committee and the House should record their disregard for the remark made by that individual.

Acting Chairman (Deputy Alan Farrell): Before calling Deputy Fitzpatrick, I presume he is sharing time equally with the Minister, Deputy Varadkar.

Deputy Peter Fitzpatrick: Yes. I welcome the opportunity to participate in this debate. I wish to put on record my full support for any sustainable measure that, if introduced, would result in a reduction in monthly mortgage repayments for any person on a variable rate mortgage. While there are some elements in the Bill that I support, overall it will not achieve what we all want, that is, variable mortgage interest rates that are on a par with our European counterparts.

As highlighted by the Minister, there are possible constitutional issues with the Bill, including the interference in vested property rights, the absence of an appeal process and the retrospective application of the proposal. As everyone knows, the agreed programme for Government committed to pre-legislative scrutiny all new Bills. With this in mind, I cannot understand what issues the Opposition has with the Bill undergoing that scrutiny.

Another important aspect that must be addressed is that the independence of the Central Bank must be respected at all times. The Governor of the Central Bank has publicly stated that he is not seeking the powers proposed in the Bill. Under the Bill, the Central Bank may only issue directions and therefore cannot be forced to take action. As such, the Central Bank does not want the powers proposed in the Bill and is not going to be forced to use them. Surely everyone can see that this can only lead to difficulties and will be of no benefit to the people whom we are trying to help. What are needed are real and practical solutions that will work now and in the future. We need more competition in the mortgage sector. By its nature, competition will reduce interest rates, since new providers entering the market will want their share of it.

In my constituency of Louth, I have often dealt with banks on behalf of constituents who

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found themselves in difficulty with their mortgage repayments. To be fair, I have managed to reach a satisfactory outcome for the customers in their dealings with the various banks almost every time.

Getting back to the Bill, a much better proposal would be to introduce a simplified way of switching mortgage providers. If the Bill is introduced, I fear that new providers will be discouraged from entering the Irish market. In the long term, this will not be good for those people on variable rate mortgages. We must not, however, fall into the trap of introducing weak legislation that in the short term might save money but in the long term will cost even more. We have seen what happened in the past with the boom-and-bust policies. The people of Ireland have paid and are still paying a very high price for the boom-and-bust policies of the last Fianna Fáil Government.

I agree fully with the amendments proposed by the Minister, Deputy Noonan, and urge the Opposition to reconsider their Bill to take into account these amendments. The best solution is to introduce a more simplified and cost-effective switching procedure which will allow people to switch mortgage providers more efficiently. This will result in more innovative mortgage solutions by the providers, better competition between the providers, and ultimately a better long-term outcome for mortgage holders.

Minister for Social Protection (Deputy Leo Varadkar): I am thankful for the opportunity to speak on this very important issue, which is of great importance to the Government. It is also of great importance to my constituents, many of whom have mortgages at a standard variable interest rate. On a rough calculation, if there are 300,000 people with standard variable interest rates, there are probably between 9,000 and 10,000 in the constituency of Dublin West.

I congratulate the newly appointed members of the Fianna Fáil Front Bench, some of whom are present, including Deputies Barry Cowen, Jim O'Callaghan and Thomas Byrne.

This considerable issue affects my peer group in particular, but by no means exclusively. I refer to people in their 30s and early 40s who bought property at a time when it was very expensive. Deputy Darragh O'Brien spoke of being in this position himself. I am very conscious of being one of the lucky ones with a tracker mortgage, the interest rate relating to which is now approximately 1.1%. Others in my peer group, including friends and family who bought at the same time at a standard variable rate, pay at a much higher interest rate. Research shows that interest rates in Ireland are pretty much at the European median, but the difficulty is caused by the fact that some are on tracker mortgages and are therefore benefiting, while others are on standard variable rates and are therefore losing out. There is an injustice and unfairness in this that we can all recognise and identify.

I acknowledge the bona fides and interest of Fianna Fáil in this issue, and Deputy Michael McGrath in particular. He has focused on it for a number of months, or even years. Even just focusing on it has helped to exert downward pressure on rates. It is important to acknowledge that.

There have been many actions by the Government, and by the Minister for Finance, Deputy Michael Noonan, in particular. They include meetings with the lenders in May 2015 and again in September 2015. Figures from the Central Bank of Ireland, issued on 13 May this year, indicate that variable rates went down quite significantly in the period gone by. Just last week, AIB reduced its rates by 0.25%. Of course, privately owned and foreign-owned banks have been

less forthcoming in reducing rates.

There is a problem, and we all agree on that. It has an impact on my Department. We still have roughly 3,000 people in the closed mortgage interest relief scheme. People on rent supplement are obviously affected by rent costs, and there is also a significant impact on household budgets.

The question we have to ask, as politicians seeking solutions, is whether the solution is more regulation, more competition or some combination of the two. My view is that the best solution is more competition. This entails new lenders in the market, or new banks willing to come to Ireland to lend and facilitate people in transferring mortgages. The question we must ask ourselves is whether this Bill would help or hinder in encouraging greater competition and bringing more banks and lenders into the market. There is a risk that it could be a hindrance.

Any time we debate a new law in this Chamber, we must always be aware that we are actually debating two laws, the law before us and the law of unintended consequences. In this case, there are potential unintended consequences. As others have mentioned, there are questions about the constitutionality of the legislation and how it might affect property rights. There is a potential impact on existing contracts and the very bad precedent that could be set by passing legislation that interferes with existing contracts.

Deputy Thomas Byrne: The minimum wage.

Deputy Leo Varadkar: There is, for example, the failure to consult the European Central Bank, which is required under Article 127 of the Treaty on the Functioning of the European Union, and policy risks have been outlined by previous speakers. There is a possibility that the legislation could increase the cost of funds, thus making fewer mortgages available, particularly to people who want to buy for the first time. It may actually increase rates for others. There is a possibility that, even if the legislation is not passed, it might deter new banks and potential competition from coming into the market, as they would be uncertain as to what the Legislature might do. Anybody developing a business plan — most Members have probably produced one at some stage — would probably, even today, write this Bill down as a risk, resulting in uncertainty about whether they would enter the market and offer a more attractive mortgage rate than is currently being offered. That is exactly why this is the kind of Bill that should be subject to pre-legislative scrutiny. That is what is envisaged in the programme for Government and in the Dáil reforms that have been agreed tentatively by the various parties across this House. It is through pre-legislative scrutiny that we can actually tease out these issues. Once the office is set up, we can get the advice of the Parliamentary Legal Adviser on questions of contract law constitutionality and so on.

Since I have been a Member of this House, there has been a lot of talk about the new politics, but the talk is over now because of the circumstances in which we find ourselves and the result of the election. Whether we like it or not, we will all have to accept and embrace a new form of politics, simply because the Government is now a minority in this House and the Opposition combined holds the majority. For a new politics to work and for a minority Government to work, no matter who leads it, a different type of Government will be required. It will also require a different type of Opposition. It requires a Government that will respect the Dáil and not treat it as a rubber stamp, control it and bypass it but, rather, engage with it. It also requires an Opposition that respects the Dáil. That means not putting forward legislation to gain publicity or to highlight an issue because the Opposition no longer has the protection of knowing

that a Bill might be referred to committee and buried there. There is a serious risk that, in this new Dáil, bad Bills could actually become bad laws, with negative consequences for citizens. That is something we should guard against. That is why it is very important that any Private Members' Bill be subject to legal advice and legislative scrutiny before it comes to the House. Bills should be fit for Second Stage and Committee Stage before they are brought to plenary session in this House. That is an important change that needs to happen in the next few weeks.

Deputy Jim O'Callaghan: I commend Deputy Michael McGrath on his introduction of this Bill and thank him for allocating some of his time to me in order to speak this evening. In the brief time I have, I want to address three issues that were identified by the Minister and Government spokespersons during the course of the debate today and last night. The first issue I wish to deal with is the statement made by the Minister for Finance yesterday that, as a result of the publication of Deputy Michael McGrath's Bill, there was a 10% drop in the share values of Irish banks in our Stock Exchange. That was an unfair criticism, and may have been an inaccurate one. I decided, therefore, to ascertain when Deputy McGrath actually published his Bill. It was on 12 May 2016. I decided to determine the condition of share prices in the Irish banks in the week prior to that and I noticed they were in decline then. In fact, on 6 May, Irish bank shares had declined by over 3%. I looked for a market assessment as to the cause of this decline, and I looked no further than *The Irish Times*, which reported that bank shares were "lower in ... trading in Dublin as investors digested the draft programme for government", which was a surprise to me in light of what the Minister said last night.

I acknowledge that it is difficult at times to isolate the reasons a share will rise or fall in value, but it is an unfair criticism to say Deputy Michael McGrath's Bill has resulted in a decline of 10% in the value of Irish bank shares. It would be even more frightening, however, if what the Minister said were, in fact, true. It would reveal the extent to which Irish banks are making huge profits off the backs of people on variable mortgage interest rates. It would show that 10% of the share value of the Irish banks declined because of a proposed change to the variable mortgage interest rate through legislation in this House. It is important that all Deputies realise that the House should not be concerned about the impact of legislation on share prices. It is not the function of the Oireachtas to have an interest in the share value of companies listed on the Irish Stock Exchange, irrespective of whether the State is a shareholder in the entities in question. The primary function of this House must be to introduce legislation that is in the interests of citizens, rather than the specific shareholders of any publicly listed company.

The issue is what can be done with the 300,000 people who are on variable interest rates and find themselves in an appalling position. The argument from the Government appears to be that they should wait until such time as the banks indicate they have accumulated sufficient profits from such people to reduce their variable interest rates. We know this will not happen. The whole purpose of having a legislative body is to be able to regulate and change the behaviour of individuals and corporations when we believe their actions are detrimentally affecting other citizens.

The Minister and other Government Deputies frequently stated there were constitutional issues with the Bill. I note that neither the Minister nor any of the other Deputies in question stated the Attorney General had advised them expressly that the Bill was unconstitutional. Instead, it was stated that commentators had raised concerns about the constitutionality of the Bill. The House cannot be guided by the concerns expressed by commentators. More specifically, the Government cannot be guided in terms of its legal advice by such commentators. The Attorney General is the constitutional officer who is required to give advice to the Government

on legal matters such as the constitutionality of Bills. It is instructive that the Government has not at any stage stated that the Attorney General has advised that the Bill is unconstitutional.

I propose also to deal with another issue raised by the Minister and Government Deputies, namely, that the Central Bank is not seeking the power provided for in the Bill. I remind the Government that it is not for the Central Bank to decide what powers it is or is not given. It is a function of the House to decide what powers the Central Bank should have. We can decide to give it mandatory or discretionary powers, but it is up to us to decide what powers it has and should exercise. It is not tenable for the House to state that statutory bodies should be able to control what powers they have. Such powers are not their responsibility and it is for the Dáil to make such decisions.

If the publication of this Bill has had an impact on banks, presumably the availability of a power to intervene will similarly have an impact on the banks that have dug their heels in. I note banks have reduced their interest rates and I hope the progress of this Bill through both Houses will allow them to reduce those rates even further.

Deputy James Browne: I welcome the opportunity to speak on the Fianna Fáil Party Bill which aims to reduce standard variable rates on mortgages. The Bill provides an opportunity to give protection to consumer interests, something which has been very much lacking. I commend Deputy Michael McGrath on introducing this intelligent, thought-out and people-centred Bill and, in particular, his tenacity in driving it forward and refusing to give up.

More than 300,000 households and up to 500,000 people will benefit from this legislation if it results in a reduction in standard variable mortgage rates. These are people who are overpaying for their mortgages, the single largest outlay for families. Householders earn an income, pay taxes on it and bring it home to sustain their families. However, they are being ripped off by banks through the interest rates being charged and this practice has been allowed to continue.

The purpose of the Bill is to achieve fairness for families. The same banks that were saved by taxpayers continue to profit off the backs of struggling and working families. They are charging up to six times the cost of funds for their standard variable rates. When people fall into arrears the rates are increased through levies, resulting in the mortgage holder falling further and further behind on their payments. The banks have had time to take action in the interests of consumers but have shown no concern, interest or inclination to do so. The time is up and the House has a duty to step in.

The Oireachtas is meant to act as a buffer and protect citizens against powerful interests. Instead, too often, the Deputies opposite have become sales representatives who seek to justify and explain to people the reasons they have to suck it up.

If passed, this Bill will hang a sword of Damocles over the heads of banks that fail to fulfil their duty to act in the interests of their customers. In particular, it will put a brake on vulture funds which, with house prices increasing, have a perverse incentive to increase interest rates and force defaults in order that they can sell properties and profit from their sale. A quick buck is their aim.

The Government has sought to deny that there is a problem, delay action and discredit the Bill by raising vague constitutional issues and engaging in scaremongering. The Central Bank has stated it does not want the powers provided for in the Bill. It is not for the Central Bank to make such a statement. It has a role in protecting consumer interests.

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The Bill is necessary because the market is failing and working families are paying for this failure. It is time the House started to represent the interests of citizens again. I hope this Fianna Fáil Bill aimed at reducing variable mortgage interest rates will start a process of changing the mentality in the House such that it begins again to serve the interests of citizens.

Deputy Michael McGrath: I thank every Deputy who contributed to the useful and constructive debate in the House over the past two nights. I acknowledge again the presence in the Gallery of members of the fair mortgage rates campaign group which has been lobbying and campaigning on this issue for some time.

Deputy Jim O’Callaghan raised a number of the issues arising from the Minister’s speech last night, which I had intended to address. The Minister and other Government Deputies referred to an alleged constitutional question surrounding the Bill. It is most bizarre, given that when we had a full Second Stage debate on an identical Bill last July, not a single reference was made to a possibility of it being unconstitutional. It is instructive that the words “Attorney General” have not even been uttered in the context of references to the constitutionality of the Bill. I take that as meaning something and that this issue was raised for whatever purposes at this stage.

I have a great deal of respect for the Minister. However, his statement last night that the “day Deputy Michael McGrath republished his Bill, Irish bank shares went down by 10% across the line” drew a clear inference that there was a direct correlation between my party promoting this Bill and Irish bank share prices. When Niall O’Connor, a journalist with the *Irish Independent*, asked the Department to provide evidence to back up this statement, he was provided with a spreadsheet showing the movement of bank shares, not over one day but over 11 days. Two banks in particular were cited, namely, Bank of Ireland, where the share price movement of 2% took place over 11 days, and Permanent TSB which experienced an 11% fall in its share price, albeit not on the day the Bill was published but on the day it issued a trading statement providing an update setting out the serious challenges the bank is facing, none of which relates to the publication of the Bill before us. While I respect the Minister, his statement was below the belt, uncalled for and inaccurate.

The Minister for Social Protection, Deputy Leo Varadkar, made some generous comments but also stated that the Opposition should not publish Bills to gain publicity or highlight an issue. That is not what we are doing. We wish to legislate in a responsible manner and we will not be in any way irresponsible in this Dáil. If the Bill passes Second Stage tonight, which I sincerely hope will be the case, it will receive detailed and line by line scrutiny on Committee Stage. All Deputies should work together to make this legislation as good as it possibly can be.

I will engage with the Central Bank and having spoken to Central Bank officials, I am aware of its views. I have agreed to meet and engage further with officials and I will also engage with the banks. However, I will also continue to engage with ordinary mortgage holders, as I do every day, who are stuck paying unsustainable and unjustifiable standard variable interest rates.

While the Bill is not perfect, it has been constructed with the genuine intention of seeking to apply downward pressure on standard variable mortgage rates. It is a matter for the House to take a view on the Government amendment which would defer the passage of this Bill on Second Stage for a further six-month period. That would be six further months that mortgage holders in this country would have to pay mortgage rates that are simply indefensible. I genuinely wish this Bill was not necessary, but the banks have brought this on themselves through their actions. If they do not want this House to legislate on interest rates or to provide extra

powers to the Central Bank, they know what needs to be done. That is the bottom line in regard to this debate.

There has been some progress and the Minister has contributed to that through his meetings with the banks. He has also issued what could be regarded as veiled or direct threats to banks around the actions he is prepared to take in the event of there being insufficient progress. However, we cannot ignore the reality. We cannot ignore the discrimination that continues against existing customers *vis-à-vis* the offers being offered to new customers. That is not a sustainable position.

From my perspective, the Minister should embrace this Bill. He should use it as leverage to bring about further downward pressure on interest rates, because they are unjustifiable. Even today, despite the progress through the announcement by some banks of rate reductions, a bank in this State 14% of which we own, is charging a standard variable rate that provides for a margin of 460% above its cost of funds. That is economically unjustifiable and indefensible. There may well come a time again when standard variable rates of 4% or 5% are justifiable. If the ECB increases its rates or market conditions change, the reality will change. However, my point has always been that standard variable rates should move in line with market conditions. Market conditions for banks have never been better in terms of an ECB base rate of zero, paying little or nothing to depositors and savers and availing of historically low interest rates on the interbank and wholesale markets.

This is not about a political victory. I take no pleasure in the possibility of the Government losing a vote. If there is a vote tonight, it is not about that. We need strong banks, healthy competition, new entrants and credit unions to be given more resources and greater capacity to extend mortgages. This Bill is about acting for the common good and securing a fair deal for mortgage holders. I commend the Bill to the House and hope it passes on to Committee Stage where it can receive the detailed scrutiny it deserves. I hope also that over the course of the next few months, we will see much more progress on interest rates.

Minister for Finance(Deputy Michael Noonan): I am not pressing the amendment.

Amendment, by leave, withdrawn.

Question put and agreed to.

Adjournment Debate

Homeless Accommodation Provision

Deputy Eoin Ó Broin: Brú Aimsir is an emergency hostel in the city of Dublin with 101 beds. It opened in October of last year on a temporary basis and is run by Crosscare, the homeless service provider. It provides emergency accommodation on a night-by-night basis and works to place people in more secure emergency accommodation and in permanent housing.

Brú Aimsir has proved incredibly successful, and since it opened, more than 200 people have been successfully moved on to better quality and better supported emergency accommodation, and in a number of cases to permanent housing. The lease between Dublin City Council

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and the Digital Hub was temporary and the hostel was due to close in April of this year. It is important to emphasise that this is a publicly owned premises, ultimately under the auspices of the Department of Communications, Energy and Natural Resources. I understand that the Digital Hub would like to sell this premises as there is no immediate alternative use for it.

Unfortunately, since Brú Aimsir opened, the homeless crisis throughout the State and here in Dublin city has worsened. The Dublin Region Homeless Executive did a rough sleeper count on 24 April and on that particular night found 102 people sleeping rough in the city, a 10% increase on the previous count. On the same night, an additional 70 people were in the Merchant's Quay night café and all emergency beds in the city that night were occupied, including those in Brú Aimsir. Since the end of April, Brú Aimsir is being wound down. It was first restricted to 80 beds, and since 9 May, the freefone service which places people in Brú Aimsir has been instructed not to make any more placements. This means Brú Aimsir is essentially reduced to 43 beds a night.

At the same time, the average number of people turned away from emergency accommodation by the central placement service on any given night is between 50 and 60 people. These are people who ring up in search of day-to-day or night-to-night emergency accommodation, but they are told there is no accommodation for them. I have spoken to a number of people who work in the homeless sector in the city today and they tell us there has been an increase in the number of people sleeping rough as a direct result of the reduction in the number of beds in Brú Aimsir. Even if Brú Aimsir were operating at full capacity, the city would need more emergency beds.

Does the Minister believe it is acceptable for Brú Aimsir to close if the result is more people being forced to sleep rough in the city? Has the Minister raised this matter directly with his counterpart, the Minister for Communications, Energy and Natural Resources, Deputy Denis Naughten, who has responsibility for the facility in terms of the ownership of the premises? Has he raised it with Dublin City Council, with the Dublin Region Homeless Executive or with Brú Aimsir itself? If the Minister has not done any of this, he needs to pick up the phone to the Minister, Deputy Naughten, and seek his direct intervention with the board of the Digital Hub to ensure this facility is not closed, as is currently planned, at the end of this month.

I also respectfully suggest that the Minister should talk directly to the city manager, Owen Keegan. Not only is he the city manager, he is also on the board of the Digital Hub and has a key role to play in this regard. There is a simple message all of the players on this issue need to hear, which is that the 100 beds that will effectively be removed from the Dublin emergency accommodation system if Brú Aimsir is closed should not be lost to the system. We need more, not fewer, beds. Nobody should be sleeping rough in Dublin when tonight there are 60 vacant beds in Brú Aimsir.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): The Deputy will receive a copy of the official response, but I will begin by answering some of his questions directly. I have been speaking to a number of people who are sleeping rough in Dublin who are looking for hostel accommodation and Brú Aimsir is a popular choice. It is seen as safe and as of one of the higher standard hostels available for people looking for sheltered accommodation who otherwise would be forced to sleep rough.

I do not have direct responsibility for the allocation of beds in Dublin. The Deputy knows how that system works and does not need me to tell him. I have a policy responsibility and I

have spoken to Dublin City Council and to Owen Keegan about this issue, as has my Secretary General in the past couple of days. The chief executive of Dublin City Council has written to the board, or the management, of the Digital Hub agency to see whether we can extend the availability of Brú Aimsir as a facility for sheltered accommodation. It is important, however, to understand what had happened and how Brú Aimsir came into the system. It was a winter response to rough sleeping and, because it was so successful, it became a very popular choice. There have been attempts to wind down facilities, as would be normal after a winter period, and to move people out of sheltered accommodation after the winter months. The latest count of the numbers rough sleeping was 102, a much reduced figure on last year but still a very significant figure. Given those numbers, and the fact that there is another hostel being taken out of operation, a Focus Ireland hostel which is being forced out of operation for other reasons, my judgment is that if we were to take Brú Aimsir out of hostel accommodation it would result in people being forced to sleep on the streets who otherwise would not be there. I have asked the chief executive of Dublin City Council to try to ensure it can stay open. My understanding is that he has written to seek an extension of the lease for 12 months as well as to seek to make it operate at full capacity, which is 100 people as opposed to the 40 it has been facilitating in recent weeks during the attempt to wind it down.

The Deputy is not the only person who has raised this matter with me. Most important, the clients of Brú Aimsir have raised it directly with me. We had a regrettable incident last week, which I hope will not happen again or in other hostels that are part of an agreed wind-down. There were protests and staff were intimidated by protestors and that is not what we want. It has not contributed to this decision and in some ways it has made it more difficult.

I cannot confirm Brú Aimsir will be available for another 12 months yet but I can confirm that the request has gone in. I will speak to the Minister for Communications, Energy and Natural Resources, Deputy Denis Naughten, about it to ensure we do what we can to extend the facility for 12 months. In that period of time there will be a very significant effort from me and from Government to make a big impact on rough sleeping in Dublin. It is not acceptable that we have the numbers we have forced to sleep on the street. There are very complex reasons for people finding themselves on the street, such as addiction, mental health, family breakdown and other things and it is not simply a lack of availability of housing. I am determined to make a positive impact in this area. While we do that, keeping this hostel open will make a positive contribution towards the emergency response that is needed. Hopefully we will be successful in securing the extension of the lease.

Hospital Services

Deputy Lisa Chambers: My adjournment issue relates to Mayo University Hospital and the consistent overcrowding at its emergency department. It was only a number of weeks ago that the emergency department issued a public statement to the wider community surrounding Castlebar and County Mayo for people not to present unless it was absolutely necessary, because they were so overwhelmed with demand. It is a crazy situation for an emergency department to ask people not to attend. It is a recurring situation and is an issue I have been highlighting for many years in my community. I know staff who work in the hospital and on that day trolleys overflowed into the café beside the emergency department. That is how bad it was. It is getting to the stage when staff morale is at an all-time low. People are afraid to go into the emergency department. No patient should be left on a trolley for a considerable period

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but some elderly and extremely ill people are being left on trolleys for very long times. It is an issue that needs to be addressed forthwith.

The accident and emergency unit in Roscommon was closed a number of years ago and that has led to an increase in demand at Mayo University Hospital. It is not the only reason but it is a contributing factor. Patients are also presenting from Galway because, believe it or not, the hospital situation in Galway is actually worse. People are hedging their bets and presenting at Mayo University Hospital hoping that they will be seen more quickly.

We have an ageing population, which is the case throughout the country but is especially the case in the west, and this is leading to increased admissions too. Another very serious issue relating to this problem is that hospitals are now finding themselves under increased scrutiny, particularly by the Irish Nurses and Midwives Organisation, INMO, which runs the trolley watch service. This scrutiny puts increasing pressure on staff and hospital management to keep the figures as low as possible. It is my belief that there are patients being moved at night to the medical assessment unit and the day services unit, which are vacant at night because they operate for day procedures. Those patients are being moved from the corridors into those units to give the appearance of fewer trolleys in the corridors. It is my understanding that they are brought back during the day so that day services operations can resume. Those patients are not picked up by trolley watch as being there from the previous day and are counted as new figures. This is information the Minister can get if he so wishes.

This is not in any way a criticism of hospital management or the staff. They are under such severe pressure from the public and are doing everything they can to make the hospital work as well as possible but they cannot cope with the demand. Capacity is the key issue, a lack of beds and staff to man those beds, as well as a lack of step-down facilities for patients who do not need to take up hospital beds and could be moved on somewhere else.

There is also an issue regarding rheumatology services at Mayo University Hospital. A full service was promised to the hospital but there was a row-back on that promise. The consultant was actually appointed to Leitrim and the intention is that the consultant will service Mayo University Hospital on a visiting basis, with what will be 11 hours' service per week for the entire county. Rheumatology affects many thousands of people so 11 hours per week, while welcome as it is an increase on zero, is not close to being enough to look after the patients with such conditions. These conditions are quite debilitating and the people affected require disability payments but they are being asked to travel large distances to Merlin Park in Galway or Manorhamilton in Leitrim for services.

Mobility is an issue and finances are an issue in terms of getting around. Many patients cannot drive themselves to an appointment and rely on friends and family members to transport them to services that have a huge impact on their daily lives, so it is crucial that these patients are provided with services in the local community and I ask the Minister to review the 11 hours being provided to Mayo University Hospital with a view to increasing that service. I am sure there are huge demands on resources but, with a county the geographic size of Mayo and the number of patients with that illness, a full-time service is required.

Minister for Health (Deputy Simon Harris): I thank Deputy Chambers for the opportunity to address the House on this important issue and for bringing these matters to my attention. I am very conscious of the impact that long wait times in emergency departments can have on patients and their families. Emergency department overcrowding is not just a problem for

emergency departments to resolve. There has to be a system-wide health response and the programme for a partnership Government recognises this, as does Deputy Chambers. Emergency department attendances have been significantly higher this year. The HSE has reported an average increase of 6.4% compared with the same period last year. This indicates the pressures that our hospital services are experiencing. Pressure on emergency departments has been rising as the population is growing and ageing and investment was constrained during the recessionary period. However, the 2015 and 2016 budgets have seen increases in the health budget, investments in capital expansion and the implementation of measures designed to tackle overcrowding in emergency departments, though, clearly, there is much more to do.

In June 2015, additional funding of €18 million was made available to the HSE under the winter additional capacity initiative to facilitate the opening of new hospital beds and the reopening of previously closed beds. With these beds, emergency department performance has remained steady, despite a sustained increase in patient attendances.

The performance of Mayo University Hospital emergency department has been improving in 2016. Despite a 12% increase in attendances in quarter one of 2016, fewer patients have waited on trolleys at the hospital compared to 2015. I take seriously the point Deputy Chambers has brought to my attention about trolleys and concerns about people being moved. I will ask the hospital group chief executive to respond directly to that point.

With regard to measures to tackle emergency department pressures, the programme for Government has committed to progressing a new emergency department facility for University Hospital Galway which will reduce pressure on emergency departments across the Saolta group, including at Mayo University Hospital. A review of bed capacity in our health service, coupled with the review of the hours of service of medical assessment units, are key commitments in the programme that are intended to alleviate emergency department overcrowding. We must look at alternative options to emergency departments and examine whether medical assessment units and an extension of the opening hours of such units can assist. That is an issue I will prioritise. The review of bed capacity will be evidence-based and will inform decisions made regarding the bed complement of all our hospitals, including Mayo University Hospital.

In our first year of this Government, we will carry out a full review of the hours of service of medical assessment and similar units, with a view to extending their hours where justified by patient usage. Maximising the potential of these units, including the unit at Mayo hospital, will help alleviate emergency department pressures due to the growing demand for emergency care.

In January 2016, the primary care centre in Castlebar commenced participation in the primary care ultrasound project, which will increase access to diagnostic facilities in the Mayo region. These programme commitments will all contribute to reducing patient waiting times in our emergency departments.

As the Deputy will be aware, an emergency department task force implementation group has been set up. This group is co-chaired by the INMO and the director general of the HSE. The group continues to meet on a regular basis. I will meet the group by the end of this month to consider the actions it intends to take, bringing in all the relevant stakeholders to tackle issues in emergency departments and ensure co-ordination across acute hospitals and primary and social care to address emergency department overcrowding. I look forward to meeting the task force shortly.

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Following on from this debate and the important issues Deputy Chambers has raised, I intend to send a transcript of this debate to the hospital group chief executive and ask for a direct response to Deputy Chambers and to me on the important matters she has raised. I will ask to have the issue of the rheumatology service examined and I will report back directly to the Deputy.

Home Help Service Provision

Deputy Jim Daly: I thank the Acting Chairman for the opportunity to raise the issue of home help. By way of illustration, I present the Minister with a case that is on my desk since early December 2015. Margaret is just out of hospital following major open heart surgery. She has had a number of strokes and has a tumour on the brain. She cannot work the nebuliser she needs to ease her asthma. Her husband, Pat, who has had two strokes, has cancer and many open wounds which need dressing three times a week. The only person who cares for this couple is Margaret's sister, who is 74 years of age.

I made representations to the HSE for home help hours for this couple in early December. I received a letter on 29 January stating that the request had been assessed by a professional who agreed that the couple required home help and recommended one hour five days a week. However, at the end of the letter I was advised that due to a lack of resources the couple would be wait-listed, which is the new buzzword for any application for home help, until resources became available. I heard back from the HSE on 21 April to say they had finally been allocated the home help. From 3 December 2015, when I got involved, until the end of April, the couple got home help of one hour, five days a week. This raises the question of why home help is not a service that is available seven days a week in the first instance. In pursuing some research recently, I asked the HSE the number of people not only in west Cork but in the whole country who are currently wait-listed for home help. I understand that 1,700 people are wait-listed for home help at this point. I also asked the HSE what it would cost to allocate the home help hours needed for these 1,700 people, and it informed me on 11 May that it would cost approximately €10 million to eliminate the current waiting list for home help hours. The sum of €10 million in the context of the overall budget of the HSE is the equivalent of having €14,000 in my hand and somebody asking me for €10 out of that €14,000. For those who are mathematically minded, 0.07% of the budget would eliminate the current waiting list.

The people we represent are very frustrated by this anomaly in the system. People who pay their taxes, go about their daily lives and do their work are frustrated that the HSE is cutting corners in home help, given that it would take people out of hospital, keep other people out of hospital, and relieve many problems associated with the build-up of patients in acute emergency departments and the trolley crisis. Yet this €10 million, which is a paltry sum in the greater scheme of things, is the budget that the HSE has targeted for reduction. It should not be a budget exercise; it should be demand-led. I hope the HSE management and the Minister will understand this and go forward in this knowledge.

In the previous Dáil, the Ministers, whether by design or choice, became Ministers for hospitals. I ask the Minister to take on ministering for primary and social care and home help issues. I would go so far as to say that the hospitals are working perfectly well. I am very proud of our hospitals in Ireland and the way they work. Anybody who is lucky to get into a hospital will say they get a great service. However, I understand from medical managers that

about 50% of people in hospitals should not be there. They are taking up acute hospital beds. A little-known but important statistic is that in Cork University Hospital, 3% of medical patients occupy around 30% of the bed days. In other words, over a third of the entire hospital capacity is being taken up by 3% of patients, many of whom do not need to be there. The number of patients in hospital for more than 30 days is quite staggering. Some 50% of the capacity of St. Vincent's Hospital in Dublin is taken up by people who are there more than 30 days. It is important to address and eliminate this pressure point in hospitals. The hospitals work well for the people who get in. We need to free up capacity. We must start by having a Minister who will focus on primary care and home help and encourage people to stay at home by giving them this facility. I ask the Minister, for God's sake, to please ensure that home help is available seven days a week. The elderly, the vulnerable and the sick, about whom we all care deeply, are not sick and vulnerable five days a week; they are in need of care seven days a week. I hope the Minister will get that point across to the HSE and ask for the €10 million to address this anomaly, which would free up much capacity and eliminate many of the knock-on effects of overcrowding in the emergency departments.

Deputy Simon Harris: I thank the Deputy Daly for raising this important issue and for giving me the opportunity to respond to some of the points he has raised in regard to the importance of home help provision in our community. I begin by agreeing with the point he makes that the role of the Minister for Health is not just to be a Minister for acute hospitals but to be a Minister who examines the continuum of care from primary care to acute care to social care, because one leads to the other. The worst thing that can happen in the HSE and the Department of Health is the creation of a silo mentality, or an attitude in which it is one part of the health service versus the other, because, as the Deputy has outlined very articulately, one leads to another.

Older people have consistently said to all of us in the House and to many others that they want to stay in their own homes and communities for as long as possible. The Government is committed to facilitating this. Home care services are key to achieving this and the strengthening of home care services is an absolute objective to which this new Government is committed. The HSE provides significant levels of home support and will spend in the region of €324 million this year on these services.

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The HSE's national service plan for 2016 provides for a target of 10.4 million home help hours to support approximately 47,800 people. It also provides for 15,450 home care packages and 130 intensive home care packages for clients with complex needs. A further 60 clients with dementia will be supported with co-funding from The Atlantic Philanthropies under the national dementia strategy. The service levels of 2015 are being maintained this year. I make this point because I have heard misleading comments, not from the Deputy but from others, on home help cuts. Service levels are being maintained this year and there has been no reduction in the resources available for home supports in 2016 compared to 2015. However, prudent management of available resources is needed as demand for services increases. The HSE is working to apply available resources to target most effectively those with the greatest need and to provide the best possible contribution to the service as a whole. Services are being stretched by demands from more people and for more hours at times outside core hours in the evenings and at weekends, as outlined by the Deputy, all of which cost more. Decisions on resource allocations are made and reviewed by front-line staff who are familiar with a client's individual needs and circumstances. All relevant factors are carefully balanced in order that as many people as possible can viably stay at home and enjoy the best possible quality of life. Those

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who cannot be provided with a service immediately are risk-assessed and placed on a waiting list for resources as they become available. The latest information available to me is that the current waiting time is between two and four weeks.

Notwithstanding the significant improvements in the overall economic position that we have seen in recent years, pressures continue to apply across the health service. There is no doubt that home care services need more resources than are available. For this reason the programme for Government commits to increasing funding for home help and home care packages, year on year, in the coming period. This is a commitment I wish to fulfil in ensuring additional resources for home help and home care packages in the next budget. In the meantime, I assure the Deputy that I am maintaining close liaison with the HSE on home care services and the implications for them. This is an issue which will continue to receive attention from me.

Public Transport Initiatives

Deputy James Lawless: Before I get into the substantive matter, I congratulate the Minister for Transport, Tourism and Sport, Deputy Shane Ross, on his appointment. I was a constituent of his in his previous role as a Trinity Senator when he did us proud. I wish him well.

I commute from Kildare and represent commuters from north Kildare and wider commuter belt constituencies. It was with concern, shock and dismay that I greeted the recent announcement of the greater Dublin area 30 year transport strategy. I appreciate that the Minister was not in his new position at the time and cannot be blamed for the details of the plan. However, the Government must accept responsibility for its announcement and the programme was not debated in the Dáil. I acknowledge that there was a hiatus at the time, but this is a substantial transport investment programme to be implemented over 30 years. Of greatest concern is that it appears to contain little reference to what previously would have been considered the linchpin of the entire strategy - the interconnector tunnel. This is the missing link in the greater Dublin area transport system and the nation's transport system because it would be our circle line, the line that would connect the north, west, south and east. It would connect Pearse, Connolly and Heuston railway stations. For several years there was much ado about the two Luas lines not connecting. However, far less has been said about the two central railway lines into the city not connecting and which have been operated for over a century. This is of major concern.

The transport strategy, as published, contains within the 60-page document one clause in parentheses referencing the possibility of a tunnel. There is a map included in the appendix. If one traces carefully enough with a magnifying glass, one can make out what may or may not be a tunnel. I am seriously concerned about whether the tunnel has been scrapped, dropped from the plan or whether it is still included. Being such a central piece of the strategy, the question must be asked why it has not been included.

I shall put into context the need for the tunnel to connect the two railway lines. Commuters using the Kildare lines - I use them on an almost daily basis - as well as commuters from further south and the south west, from Portlaoise, Kilkenny and Waterford, and the large volume of commuter traffic from Newbridge, Sallins, Naas, Celbridge and Hazelhatch and on all the lines and stations in between must disembark at Heuston Station. They must then travel onwards on foot to connect with the Luas. The Luas has been a welcome development, but it is still another mode of transport. Commuters must then travel on the Luas line in the direction of Connolly Station and get off and walk or cycle to make their onward journeys via other modes

of transport. At the very least, commuters must use three connections to get to wherever they want to go. The majority wish to travel to the city centre or to the southside of the city which is where most employment centres are located. For anybody travelling across country, in making national or regional journeys, the problem, again, especially for elderly people and those with luggage, etc., is that they must make criss-cross journeys using the train and the Luas.

The tunnel was previously the linchpin of the Transport 21 strategy. Some €40 million was spent on research and feasibility studies, all of which confirmed that this would be a worthwhile project. The cost-benefit return would very significant, despite the large cost of the project. This was without factoring in the capital and economic stimulus during construction. The ratio was 4.23:1, or to keep it simple 4:1, using the traditional cost-benefit analysis. It is amazing to see an infrastructural project of such importance to the capital city, the greater Dublin area and commuters on the Kildare and other lines, apparently, being dropped from the plan.

Perhaps I am pre-empting the Minister's response, but I am aware that the Phoenix Park tunnel is to be opened later this year. It is a welcome development but by no means is it a substitute for the interconnector DART underground service. The Phoenix Park tunnel will connect the Kildare line with Connolly Station and possibly Pearse Station, but it will not fill the gap in terms of the provision of a circle line. Most other capital cities in Europe and around the world, in countries apparently less developed than Ireland, have such a circle line. It is a normal part of public transport infrastructure. I seriously impress on the Minister the need to re-evaluate this project. If it is not contained within the transport plan - it is not apparent from the document that it is - I ask him to please include it. It is a critical project, not just within the commuter belt but for the nation as a whole. It would probably be the most important public infrastructural project in the next decade, if not the next century. I prevail on the Minister to reconsider it and place it at the centre of public transport planning in the next Dáil term.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Lawless for his kind words and I wish to reciprocate them. I hope he has a long and happy period in this House. As he has been a constituent of mine, I would also say that, while I have never been a constituent of his, most of my family came from Kildare and there are many constituents left there who may or may not be able to do him a favour in the future. I am not sure I can do a great deal for him today, but I can certainly give him a reply to the question he has put.

The new programme for Government includes a commitment to invest €3.6 billion across the lifetime of the capital plan for the period 2016 to 2022 in order to enable a number of major transport projects to proceed and to fund additional capacity to meet existing and future commuter needs. The capital plan provides for the commencement of a multi-phase DART expansion programme, as recommended under the, National Transport Authority's recently published Transport Strategy for the Greater Dublin Area. The wider DART expansion programme, which incorporates the DART underground project, is envisaged under the NTA's greater Dublin area strategy. The programme will see the DART system expanded to Drogheda on the northern line, Celbridge-Hazelhatch on the Kildare line and Maynooth on the Sligo line. The DART underground project, as currently designed, will not proceed. Instead, it will be redesigned to provide for a more cost-effective tunnel, which is the nub of the matter raised by the Deputy.

The NTA, the statutory remit of which covers the planning of public transport in the greater Dublin area, was requested in 2014 to review the DART underground project in conjunction with the preparation of the transport strategy for the greater Dublin area. In July 2015, and based on the outcome of the updated business case, the NTA recommended that the project,

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which remains a key element of integrated transport for the greater Dublin area, be redesigned to provide a lower-cost technical solution, while retaining the required rail connectivity. A project of such magnitude - in the order of €3 billion - has to be designed and delivered in a way that ensures value for money for the taxpayer. The overall DART expansion programme has been assessed by the NTA as a positive project from an economic perspective and its advice is that the programme is essential for efficient transport in the greater Dublin area and nationally.

The programme has a key role to play in delivering an efficient transport system and key elements of the overall DART expansion programme will be progressed under the capital plan. However, it has been identified that it is possible to redesign the tunnel part of the project to substantially reduce the capital cost involved. The NTA's recommendations that the tunnel element can be delivered at a reduced cost to the taxpayer cannot be ignored. I can confirm that funding has been allocated in the new capital plan to progress redesign and planning for the revised project.

The Deputy will also be interested to learn that the Government's capital plan specifically provides for enhanced rail connectivity to the city centre for commuters on the Kildare rail line by upgrading the Phoenix Park tunnel line for passenger services. The project, which is funded by my Department through the NTA, will see commuters on the Kildare to Dublin Heuston line have the option of direct trains to Connolly, Tara Street, Pearse and Grand Canal Dock stations. Services on the Kildare commuter line will be a mix of Kildare to Dublin Heuston and Kildare to Grand Canal Dock services, offering new connections to commuters. These services will commence in quarter 4 of 2016.

The capital plan provides for investment in transport infrastructure to reduce congestion and cater for future demand. The DART underground remains a key element of the integrated transport strategy but I am anxious to ensure that the most economically advantageous and affordable solution can be identified for the benefit of the taxpayer. In the meantime, other elements of the DART expansion programme will proceed under the current capital plan.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 19 May 2016.