



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 12 Iúil 2016*

*Tuesday, 12 July 2016*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** At the weekend, *The Sunday Business Post*, in particular, reported leaks from the recommendations of the trauma steering group that was established by the then Minister for Health, Deputy Varadkar, last year. It essentially identified nine accident and emergency departments that are under threat of being downgraded, being open for shorter periods or closure of some kind and the removal of trauma facilities from them. Obviously, this has caused concern across the country, including in Cavan, Naas, at Portiuncula Hospital in Ballinasloe, Mullingar, at St. Luke's in Kilkenny, Clonmel, at Mercy Hospital in Cork and Portlaoise. At all emergency departments across the country there is incredible overcrowding. Even today, more than 400 people are on trolleys. There was a time when the rows were about whether there would be an emergency department in a county. Based on this report, there will be regions without emergency departments if this trend continues. In the east, there is the potential for nothing in between Waterford and Dublin, with Kilkenny and Wexford taken out. In the midlands, there will be nothing between Tullamore and Tallaght in Dublin. The problem is that emergency departments in Dublin simply cannot cope and are bursting at the seams. In Cork, there have been closures in the South Infirmery, Mallow and Bantry down through the years.

The point I am making is that there has been significant reconfiguration already. Some medics will say that politicians will oppose this and oppose that. There needs to be a re-evaluation of all of this, and of the trend, because by the time we are finished everybody will be going to Dublin for an emergency facility or a department. While there must be professional medical input, there must also be balance, common sense and an evaluation of what has happened already because there is incredible overcrowding. Last year, I visited Galway University Hospital, where there is an appalling vista. As it has just two cubicles for paediatric patients, it is completely incapable of dealing with what it has already been asked to deal with as part of the reconfiguration along the western seaboard, with the hospital in Letterkenny in Donegal having to shift people down to Galway University Hospital, which simply cannot cope. The major refurbishment it requires is not even in the capital programme that runs up to 2021. It cannot possibly cope.

**An Ceann Comhairle:** A question, Deputy, please.

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**Deputy Micheál Martin:** I put it to the Tánaiste that the bottom line is that there needs to be a fundamental rethink of where we are going. Common sense and a bit of balance need to be brought into this equation in terms of best outcomes because best outcomes also mean morbidity and fatality because of overcrowding itself. Doctors have estimated that people are dying because of overcrowding in our emergency hospitals. Will the Tánaiste confirm when the steering group report will be published? Will she confirm that the leaks are accurate? I refer to what has been revealed so far. Will she confirm that the accident and emergency departments in question will not be downgraded or affected?

**The Tánaiste:** It is important to reassure people that the work which is under way to develop a national trauma policy is about getting the best outcomes for a particular small category of patients who sustain traumatic injuries. The Minister has not yet received that report. It is probable that he will not get it until towards the end of the year. There is no question of closing accident and emergency departments.

I will respond to the broader points made by the Deputy. Attendances in our health service have increased by 6%. For example, the number of elective procedures done this year has increased by 13,500 when compared with last year. The Government has just invested €500 million, or 90% of available resources, in our health services to deal with the pressures outlined by the Deputy. There is no question of focusing emergency care in Dublin. Clearly, we are establishing the hospital groups to ensure appropriate care is provided throughout the country. As the Deputy knows, there are very large demands on our health services. That is why an additional €500 million has been invested this year. Some €15 million has been allocated to the National Treatment Purchase Fund to deal with those who have been on the waiting lists for the longest period of time. All of those initiatives are targeted at dealing with and improving our waiting lists and making sure people get these services. The throughput in our health services is up. Attendances are up 6%.

The Government is responding to the high demand that exists by investing further and making sure we have the appropriate services around the country. The hospital groups have been given responsibility for developing local services. I repeat that there is no intention to close down accident and emergency departments. That is not the Minister's intention. This is about trauma care. It is a question of how to get those who suffer traumatic injuries in road accidents to the best centre in the appropriate place. The Royal College of Surgeons has been working on that and has made a recommendation. The Minister has agreed that this area should be examined to give the very best care to people who have suffered traumatic injuries.

**Deputy Micheál Martin:** I asked about the emergency departments, rather than the waiting lists. I asked about the waiting lists last week and they have got far worse since then.

**Deputy Simon Harris:** Not since last week.

**Deputy Micheál Martin:** Some of the waiting times are very poor. The Tánaiste has said that accident and emergency departments might not be closed down but I believe it is possible that there could be a dramatic change in the nature of what happens in them. The point I am making to the Tánaiste is that there has been no re-evaluation of the trend, or the model that is being driven incessantly by the medics. There has been no evaluation of what has actually happened. That is my point. The tertiary centres cannot cope. When will someone cop on to the huge problems that have arisen since we centralised everything? I have been in the key tertiary models. There is no way they can cope with report after report without a proper overarching

model being put in place. It needs intervention. I expect that the Minister is well briefed on this. He is nodding his head. I know he has not got the report formally but he will have been briefed on this by his officials.

**Deputy Simon Harris:** I have not been.

**Deputy Micheál Martin:** The Minister should brief himself on it.

**Deputy Brendan Howlin:** Of course the Minister has been briefed.

**Deputy Micheál Martin:** Tomorrow morning he will be told what is in the pipeline. That is what happens normally. The bottom line is that somebody here must push back. Tallaght hospital will not be able to take everything; the hospital in Galway cannot cope with what it has to deal with, not to mind close down another facility, while Cork University Hospital cannot take any more, given the numbers who are attending. There is now talk of having one for the entire county and city. It is just not doable.

Does the Tánaiste accept the need for new thinking, to balance what medical personnel are bringing to the table with other studies and analyses of what has happened so far? Let us take the example of what is happening in Limerick and Ennis. Politicians went along with it-----

**An Ceann Comhairle:** I am sorry, but the Deputy's time is up.

**Deputy Micheál Martin:** -----but the experience of the acute hospital in Limerick has been very difficult and challenging for all concerned.

**The Tánaiste:** The Deputy is a former Minister for Health and knows that we must examine how trauma patients can best be dealt with. That is what the study is about. It is important not to raise unnecessary anxiety. I have outlined the position in emergency departments. It is not about closing them or diminishing services. Currently, there are no plans to close or remove trauma services from hospitals. However, it is extremely important to examine this very small percentage of patients, obtain the report and discuss in a rational way the best way to deal with people suffering from a particular type of trauma and where is the best place to bring a person with, for example, a head injury after a car accident. It might not be the nearest emergency department but a specialist trauma centre.

**Deputy Micheál Martin:** I know that.

**The Tánaiste:** That is what we are talking about; that is what the Deputy raised. He then proceeded to talk about the possible closure of other departments, which is not on the agenda, as I have repeatedly said. What is on the agenda is a discussion about the best care to be provided. The report has not yet been received by the Minister. When it is, it will be considered.

**Deputy Louise O'Reilly:** On the same matter raised by Deputy Micheál Martin, it is incredible that members of the Government have managed to avoid much of the commentary on and discussion about the report of the trauma steering group. I will outline what it contains. In short, it proposes the redirecting of trauma patients to the supposed centres of excellence. However, we have seen all of this previously, with the scaling back of services in Nenagh, Ennis and the mid-west, the reduction in services in Roscommon and Tipperary and the concentration of services in Clonmel, Our Lady of Lourdes Hospital in the north east, St. Vincent's University Hospital and the Mid-Western Regional Hospital in Limerick. We do not need a commission report to know that these measures have utterly failed. The recommendations made in the

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report pertain to both serious and moderate trauma cases. That is the difference. Previously, patients with serious trauma injuries were sent to so-called centres of excellence, but now they will receive both serious and moderate trauma cases. This will mean that the scale of downgrading will be even greater and it will put pressure on hospitals that are already at breaking point. It means that many more people will be affected and that there will be more overcrowding and chaos in already over-worked emergency departments.

I was a member of the accident and emergency forum for many years and have seen at first hand the impact reports such as this have. The Tánaiste has made the point that it is important not to cause panic. However, that is exactly what will happen. People driving past their local hospitals tonight on their way home from work will wonder if their hospital will survive the Government's term of office. That is what is on their minds. The Minister says he has not seen the report and claims not to have been briefed on it. That is utterly incredible. There were senior members of the Department of Health involved in the production of the report and it is incredible that they would not have seen fit to provide a briefing.

**An Ceann Comhairle:** A question please, Deputy.

**Deputy Louise O'Reilly:** There is an all-party committee on the future of health care. There is substantial evidence that the report will be material to the work of that committee. Will the Tánaiste ensure every report that is vital to the business of that committee will be laid before it? Otherwise, what will happen is that it will report and immediately afterwards another report will issue. Given that we are reading about this in the press, we do not know how many reports will inform the work of this vital committee.

**An Ceann Comhairle:** Thank you.

**Deputy Louise O'Reilly:** Every party here bought into the establishment of the committee and we are hopeful it will be able to conduct its business. However, we cannot work in a vacuum and it is unfair to expect that we will. Will the Tánaiste insist that any and all available reports, including those in draft form, are laid before the committee?

**The Tánaiste:** The first point I have to repeat is that there is no completed report at this point. The Minister has not received a report, so the Deputy is operating on the basis of a report in regard to the committee's work, which is not finished. Of course, it will go to the all-party committee on health for discussion when it is available. The Minister has been very keen to show that he wants to work comprehensively with the committee and this is clearly a report that will go there. It is a joint initiative from the Department of Health and the HSE. As I have already said to Deputy Martin, it has been developed in recognition of the fact we do not have a co-ordinated trauma network structure in Ireland. This is about doing the best for patients-----

**Deputy Micheál Martin:** We do have a major trauma network.

**Deputy Simon Harris:** There is only the RCSI.

**Deputy Micheál Martin:** There is Beaumont and Cork, as the Minister knows.

**An Ceann Comhairle:** One speaker, please.

**The Tánaiste:** We do not have a national policy in regard to trauma and the management of patients who suffer in this way. This is about giving excellent care to people who find themselves in these circumstances. The report is examining how best to do that.

The implementation of the hospital groups provides an opportunity for hospitals to work together to develop an optimal configuration of trauma services. There is no need for people going past their hospital emergency department tonight to have the kind of concern the Deputy is outlining-----

**Deputy Louise O'Reilly:** There is.

**The Tánaiste:** -----unless by statements in here that raise anxiety unnecessarily.

**Deputy Micheál Martin:** That is unfair. This is in the public domain.

**The Tánaiste:** The work is ongoing and it will be received. I would also put on the record of the House that the current fragmented arrangements for dealing with trauma in hospitals in Ireland have long been a point of discussion, and trauma services are one of those service areas that require a national policy direction. That is what is being worked on at present. To say anything else, or to say that emergency departments are now under threat because we are discussing how best to deal with patients who suffer traumatic injuries, is incorrect.

**Deputy Louise O'Reilly:** It is correct to say that people are concerned. While I respect what the Tánaiste has said, it might be that she and her colleagues have given over their weekend to speculating about internal party matters. Perhaps if she had been talking to people who are concerned about this, she would know that the concerns that are being raised are not raised in order to frighten people unnecessarily but because they are being raised directly with us. People know the record of this Government. They know it will lead with cuts, they know that it will cut first and ask questions later, and they are concerned.

I asked the Tánaiste to give a commitment that any and all information, be it in draft form or otherwise, be given to the committee, of which I and others in the Chamber are members, so we might have all of the information in order to make up our minds and issue our own reports. She has not given that commitment and I want to press her on that. Can I have her assurance that any and all available information, be it in draft form or otherwise, will be given to the committee?

**The Tánaiste:** There is no draft report that is at present available to the Department. What I can give the Deputy a reassurance about, of course, is that once the report is available, the Minister will make it available to the health committee. It should rightly form part of the discussions at the health committee. In the meantime, as I said, there is no threat to emergency departments. In fact, what the Government is doing is investing in the health service, with 90% of the resources that were available going into the health services to deal with the ever-increasing demands on the services. Recently, €500 million was allocated to deal with the issues we are concerned with here.

The purpose of this report is to ensure we do the best for patients who suffer traumatic injuries and make sure they go to the right place, where they will get the best health care. It is not about closing or changing the arrangements in regard to emergency departments.

### **Visit of Californian State Assembly Delegation**

**An Ceann Comhairle:** Before we proceed, I wish to welcome on my own behalf and on behalf of Members of Dáil Éireann a delegation of the Irish Caucus of the California State As-

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sembly. A céad míle fáilte to Assembly Members Mr. Bill Brough, Mr. Rudy Salas, Mr. Patrick O'Donnell, Mr. Kevin McCarty, Ms Susan Eggman, Mr. Kevin Mullin, Ms Cristina Garcia, Mr. Mike Gipson, Mr. Don Wagner and Mr. Bill Dodd. They are accompanied in the Distinguished Visitors Gallery by Mr. Finbar Hill, Honorary Consul General of Ireland.

### **Leaders' Questions (Resumed)**

**Deputy Brendan Howlin:** If the Tánaiste had intended to give reassurance to people regarding accident and emergency departments, she has singularly failed to do so. A very simple sentence is required, that no accident and emergency department will be in any way adversely affected by anything that arises from the report. That is what is needed.

I want to raise another matter, if I can. The HSE funds 1,900 voluntary agencies to a value of approximately €3.1 billion per year. A total of 44 of these agencies, which account for annual expenditure of €2.5 billion, are funded under section 38 of the Health Act. The remaining approximately 1,800 are part funded under section 39 of the same Act. The governance context in which the HSE engages with section 39 agencies is different from what applies in the case of section 38 agencies. For example, the employees of section 39 agencies are not public servants, are not members of the public sector pension scheme and, unlike those in section 38 agencies, are not directly bound by Department of Health consolidated payscales.

In 2009, the HSE developed a national standard governance framework for non-statutory sectors. In 2010, under this framework, service arrangements were introduced between the HSE and section 38 agencies. In 2013, the HSE sought to enhance the governance arrangements in place for these agencies and to strengthen the direct relationship between the HSE and the board of each agency. Part of this enhanced governance was the introduction of annual compliance process and annual meetings between the HSE and chairs of all section 38 agencies.

Will the Tánaiste confirm that all section 38 agencies are in full compliance with the HSE requirements regarding board and corporate governance? Will she confirm that all agencies adhere now to Department of Health payscales in all circumstances? Will she confirm that the chairs and directors of all section 38 agencies have signed the compliance statement, as is now required? Will she confirm that all of the overpayments to individuals employed in these agencies which have been notified to the Department of Health have now ceased? Will she confirm the Government is satisfied with the oversight arrangements that are now in place to monitor what is State expenditure of €3.8 billion?

**The Tánaiste:** Reviews of all section 38 providers are being conducted by external consultants. These are under way by the Department of Health at present. The purpose of these reviews is to establish the standard of governance in place in these organisations and to confirm independently the very points raised by the Deputy, that governance practice and procedures accord with those set out in the respective annual compliance statements. The reviews involve an examination of key governance processes and documents, including obtaining confirmation that internal financial controls and written financial procedures are in place in these organisations. Six of these reviews are under way and their outcomes will inform the HSE's relationship with the agencies concerned and any further enhancements needed in the overall governance framework.

The HSE provides funding in return for services to 40 agencies under section 38 and to a

much wider group under the other section the Deputy raised, which is section 39. The value of these relationships in terms of the money given by the Government is in the hundreds of millions. The history has been that, to begin with, they were rather informal arrangements, but we have now moved to a point where they are far more formalised and, as the Deputy said, quite a number of changes in governance have been made. The Minister for Public Expenditure and Reform spoke earlier this morning about the payments made to the CEOs of section 39 bodies and the need to examine them to see if they were in line with the FEMPI legislation. Regarding the agencies about which the Deputy has spoken, the Minister is following up as we speak.

**Deputy Brendan Howlin:** This matter has been teed up for some time, but the Tánaiste has not been able to answer my direct questions. Am I to understand neither she nor the Minister for Health can confirm that all of the agencies the Government funds are adhering to the Department of Health pay scales or that everybody employed in the agencies is being paid in accordance with the pay norms set down by the Department of Public Expenditure and Reform? Second, will she confirm that overpayments already formally notified to the Department of Health have ceased?

**The Tánaiste:** On the Deputy's first question about compliance, I am informed that the annual compliance statements have been signed by the agencies. The Department is providing another layer to examine, with external consultants, the area once again. Further work is being done to review the position again. As I said to the Deputy about what he described as overpayments, the Minister for Public Expenditure and Reform has spoken about this issue today and said his Department is examining it right now. I understood from what he said earlier today that that was the position. He is following up the matter. It raises very serious concerns about the compliance of certain organisations with the standards laid down by the Government regarding payments to people who are delivering services paid for by the taxpayer.

**Deputy Mick Barry:** The Government Whip went on radio on Saturday and sang a song. It was a fitting way to round off what had been a most musical week in Dáil Éireann. Did not half of the Cabinet spend the week accusing the poor Minister for Transport, Tourism and Sport, Deputy Shane Ross, of not showing sufficient "R-E-S-P-E-C-T" for the views of the Attorney General? The stage trapdoor opened and as Joe O'Toole went hurtling down, he could still be heard singing, "A spoonful of sugar helps the medicine go down."

**Deputy Brendan Howlin:** Hilarious.

**Deputy Mick Barry:** As for the Taoiseach, like Sinatra, he did it his way and now the end is near and, if Deputy Brendan Griffin has his way, he soon will face the final curtain.

My question to the Tánaiste today concerns water charges. I start with a confession-----

*(Interruptions).*

**Deputy Mick Barry:** Now, now.

**An Ceann Comhairle:** May we have a little order, please?

**Deputy Mick Barry:** I have to confess that, as one of the founder members of the national boycott campaign, I never expected to see a 73% non-payment rate. The anti-poll tax campaign which, by the way, ended the political career of the Iron Lady, Maggie Thatcher, never achieved a 73% non-payment rate or anything like it. If one was to find a fitting historical comparison,

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one might need to flick through the pages of maritime history. On 14-15 April 1912 the unsinkable *Titanic* crashed into an iceberg in the icy waters of the north Atlantic, just as the Government's good ship water charges has crashed into the iceberg of mass non-payment. The history books record what happened when *Titanic* reached tipping point two hours and 40 minutes later. Her rate of sinking increased suddenly as her forward deck tipped under the water and the sea poured in through open hatches and grates. I suggest that 73% non-payment is not far off a tipping point.

Is the Government seriously going to try to use European Commission threats to save a sinking ship? Is it seriously going to try to use a rigged commission to save a sinking ship? Or, is the Government going to recognise reality and give this hated charge a decent burial?

**Deputy Michael Healy-Rae:** An A+.

**Deputy Simon Harris:** For poetry.

**Frances Fitzgerald:** I thought the Deputy was going to break into song during his introduction.

**Deputy Paul Murphy:** Turn behind you.

**Frances Fitzgerald:** Report Stage of the Water Services (Amendment) Bill is scheduled in the House later this evening. As the Deputy knows, it proposes to suspend domestic water charges from 1 July to 31 March next year. During this period, no Irish Water customers will receive bills for domestic water charges. The Government has charted a way forward. Charges are being suspended for nine months, during which time we will have a discussion on the future funding of domestic public water and wastewater services. The expert commission, under Kevin Duffy, will get on with its work and make recommendations on how we fund domestic water services. The work is commencing and should take approximately five months.

A special Oireachtas committee will examine the findings and recommendations, which will take approximately three months. The Oireachtas will consider it and vote on the recommendations. The process has been laid out and agreed, and the Government intends to follow it. In the discussions here, we have seen the outline and detail of the path forward. We believe it is the right route in order to discuss how the infrastructure, which is so necessary, will be funded. This key discussion must take place and we will continue the discussions in the format I have outlined.

**Deputy Mick Barry:** Does the Tánaiste seriously believe the Irish people will not believe the water commission is rigged? Joe O'Toole let the cat out of the bag. The cat ran across the floor of the Dáil and everybody has seen it. The song the Tánaiste might like the members of the water commission to sing is "Silence is Golden".

**Deputy Micheál Martin:** "Bridge Over Troubled Water".

**Deputy Mick Barry:** However, although the members of the commission are not talking to the press, the Tánaiste cannot bury their past statements. Xavier Leflaive of the OECD is on the commission. He once said, "Water pricing can be used to signal scarcity and to create incentives for efficient water use in all sectors". At another stage, he said, "It is well acknowledged that metering is the best [system]. It's fair and efficient". Is the Tánaiste prepared to come clean and admit the commission is just a sham?

**Frances Fitzgerald:** The commission is an expert body that has been brought together to consider the evidence, receive submissions and examine the legal framework nationally and internationally, which we need to do. The commission has been asked to do this work and make recommendations. It is an expert body. I do not accept what the Deputy said about it. It will examine all the evidence and bring it together, examine potential funding structures and the legal frameworks, which are very important, at European and national level, and make recommendations. The group of experts will, no doubt, consider all the evidence and come up with recommendations. The report of the commission will come before the House, after being to a Dáil committee for further discussion on the way forward. We must have a discussion on the funding of the significant investment needed to deal with the problems which have not been dealt with to date when many local authorities were dealing with it in a very inconsistent way. Already, Irish Water has made improvements to the infrastructure around the country.

### **Business of Dáil**

**An Ceann Comhairle:** The Chief Whip has a business proposal to put to us.

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** It is proposed, No. 1, notwithstanding the provisions of Standing Order 72, that the division claimed on Second Stage of the Misuse of Drugs (Amendment) Bill 2016 on Thursday, 7 July, and any division that may be demanded on the referral to the committee of the same Bill shall be taken immediately after Topical Issues today; and No. 2, that Private Members' business, which shall be the motion re: regulation of charities, shall be taken this evening on the conclusion of the Water Services (Amendment) Bill 2016 for two hours.

**Deputy Louise O'Reilly:** We object to the vote being taken today. We are only two or three weeks into a new system of voting, with votes due to take place on a Thursday, and we should stick with the system and not bend the rules so soon, those same rules having just been formed.

**An Ceann Comhairle:** It might be useful if an explanation was given.

**Deputy Brendan Howlin:** Yes.

**Deputy Jonathan O'Brien:** The Committee Stage was scheduled before the Second Stage could be passed.

**An Ceann Comhairle:** Could we hear the explanation, Deputy, please?

**Deputy Sean Sherlock:** In the key of G.

**An Ceann Comhairle:** There is logic in this.

**Deputy Regina Doherty:** The explanation is that we would like, and I think we have agreed this at the business committee, to pass the legislation that is on the books for the next couple of weeks. The Misuse of Drugs (Amendment) Bill is one of those Bills. We hope to be able to take Committee Stage of that Bill on Thursday. We cannot have a vote on a Bill on a Thursday morning and have Committee Stage on the Thursday afternoon.

**Deputy Micheál Martin:** Absolutely. It is common sense.

**Deputy Regina Doherty:** With the acceptance and the forbearance of the House, I would

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like to have the vote on the Second Stage today.

**Deputy Micheál Martin:** We should do that by agreement. It is common sense. Otherwise, legislation cannot pass-----

**Deputy Simon Harris:** Correct, and we need it.

**Deputy Micheál Martin:** -----and the Misuse of Drugs (Amendment) Bill is particularly important in regard to crime.

**An Ceann Comhairle:** Thank you, Deputy Martin. Does anyone else wish to speak on this matter?

**Deputy Brendan Howlin:** We agree.

**Deputy Ruth Coppinger:** I wish to speak on a later matter in today's business.

**An Ceann Comhairle:** We are dealing with this matter.

**Deputy Brendan Howlin:** It is agreed.

**An Ceann Comhairle:** Is it agreed? Can we agree it?

**Deputy Paul Murphy:** No, it is not agreed.

**An Ceann Comhairle:** It is not agreed.

**Deputy Brendan Howlin:** Why is it not agreed?

**Deputy Paul Murphy:** We are against it because it criminalises people. It is not going to deal with the problem.

**Deputy Brendan Howlin:** Then deal with the Bill.

Question, "That the proposals in respect of today's business be agreed to", put and declared carried.

### **Order of Business**

**An Ceann Comhairle:** I call on the rapporteur for the business committee, Deputy Brendan Ryan-----

**Deputy Ruth Coppinger:** Sorry-----

**An Ceann Comhairle:** I am now calling Deputy Brendan Ryan to announce the Order of Business for the week.

**Deputy Brendan Ryan:** Today's business shall be a motion on Standing Order changes re: establishment of a petitions committee, allocation of Ombudsman functions to sectoral committees and technical Standing Order amendment re: Chair of the working group of committee Chairs, without debate.

Government business shall be No. 13, Water Services (Amendment) Bill 2016, Order for

Report, Report and Final Stages, and the Private Members' business shall be No. 73, a motion re: regulation of charities by the Social Democrats-Green Party group.

Tomorrow, Government business shall be No. 13, Water Services (Amendment) Bill 2016, Order for Report, Report and Final Stages, resumed, if not previously concluded; No. 14, Paternity Leave and Benefit Bill 2016, Order for Report, Report and Final Stages, and No. 12a, motion re: citizens' assembly. Private Members' business shall be No. 23, the Au Pair Placement Bill 2016 by Fianna Fáil.

Thursday's Government business shall be No. 14, Paternity Leave and Benefit Bill 2016, Order for Report, Report and Final Stages, resumed, if not previously concluded; No. 12a, a motion re: citizens' assembly, and No. 6, Electoral (Amendment)(No. 2) Bill 2016, Order for Second Stage, Second and Remaining Stages. No. 16, the report of the Committee on Housing and Homelessness will resume in the evening slot.

Friday's Government business shall be No. 17, Committee and Remaining Stages of the Commission of Investigation (Irish Bank Resolution Corporation) Bill 2016, and No. 1, Proceeds of Crime (Amendment) Bill 2016 [Seanad] Second Stage.

In relation to today's business there are two proposals:

(1) No. 12, the motion re: Standing Order changes shall be taken without debate and any division demanded on the motion will be taken immediately; and

(2) There shall be no oral Questions to the Taoiseach today so oral Questions to the Minister for Health will take place immediately after the Order of Business.

In relation to tomorrow's business, there are two proposals. It is proposed that:

(1) No. 23, the Au Pair Placement Bill 2016, shall be brought to a conclusion (if not previously concluded) after two hours;

(2) No. 12a, motion re: citizens' assembly, shall conclude within 45 minutes, if not previously concluded, and the Minister and the main spokespersons will have five minutes each, there will be a five minute response from the Minister or Minister of State and all Members may share time. Any division demanded shall be taken immediately.

In relation to Thursday's business, there are five proposals. It is proposed that:

(1) the Dáil shall sit late and adjourn after the resumed debate on No. 16, report of the Committee on Housing and Homelessness;

(2) No. 14, Paternity Leave and Benefit Bill 2016, if not previously concluded, shall be taken immediately after voting time;

(3) No. 12a, motion re citizens assembly, shall be taken immediately after No. 14, Paternity Leave and Benefit Bill 2016, if not previously concluded, or, if it has previously concluded, immediately after voting time;

(4) Second Stage of No. 6, Electoral (Amendment)(No. 2) Bill 2015, shall be taken immediately after the conclusion of No. 12a, motion re citizens assembly, or, after voting time, if the debate on the motion has previously concluded, to conclude within two hours, if not previously concluded, with the Minister or the Minister of State and the main spokespersons

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having ten minutes each, all other Members having five minutes and a five-minute response from the Minister or the Minister of State and all Members being able to share time; Committee and Remaining Stages to be brought to a conclusion within one hour by one question which shall be put from the Chair which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government; and

(5) Question Time shall take place at 5.30 p.m. or at the conclusion of No. 6, Electoral (Amendment) (No. 2) Bill 2015, whichever is earlier.

In relation to Friday's business, there are 3 proposals. It is proposed that:

(1) the Dáil shall sit at 10.30 a.m. and adjourn not later than 7 p.m.;

(2) Committee and Remaining Stages of No. 17, Commission of Investigations (IBRC) Bill 2016 shall be taken; and

(3) Second Stage of No. 1, Proceeds of Crime (Amendment) Bill 2016, shall be taken immediately after the conclusion of No. 17, Commission of Investigations (IBRC) Bill 2016, with the Minister or the Minister of State and the main spokespersons having 15 minutes each, all other Members having ten minutes and a ten-minute response from the Minister or the Minister of State and all Members being able to share time. Any division demanded shall be taken immediately.

**An Ceann Comhairle:** There are four proposals to be put to the House. Are the proposals for the taking of Tuesday's business which are to be decided *en bloc* agreed to? Agreed. Are the proposals for the taking of business of Wednesday agreed to? Agreed. Are the proposals for the taking of business on Thursday agreed to?

**Deputy Ruth Coppinger:** No. No. 12a, motion re citizens assembly, deals with a very important issue. Only 45 minutes has been allocated to discuss this new initiative to deliberate on the eight amendment and also, it seems, three other items, but it is not clear whether they will be discussed at the same time, in other words, simultaneously, or one after the other. The allocation of time with five minutes per group to discuss such an important issue is completely outrageous. I ask the Tánaiste, in particular, to agree to extend the time allocated to debate this matter.

**An Ceann Comhairle:** On a point of information, that is not a matter for the Tánaiste as the proposal has already been agreed to by the Business Committee.

**Deputy Ruth Coppinger:** It was not agreed to as opposition was voiced to it at the meeting.

**An Ceann Comhairle:** Yes, of course, it was.

**Deputy Ruth Coppinger:** May I make my point?

**An Ceann Comhairle:** Yes.

**Deputy Ruth Coppinger:** Opposition was voiced at the meeting and I am bringing the matter to the Dáil because we were ignored at the meeting, as it seems we were in a minority. I am asking the House - I will put it to a vote - to extend the time allocated to debate this topic.

**An Ceann Comhairle:** Excuse me, but the Deputy is wrong. It is fundamentally wrong for

her to say anyone was ignored at the Business Committee; no one is ever ignored.

**Deputy Ruth Coppinger:** Okay. Are we in a position, for example, to bring forward amendments to the motion? Very important amendments need to be made to it. For example, it is not clear whether voters in local elections, non-citizens, will be included in the citizens assembly. It is also not clear whether any account will be taken of issues being discussed? For example, if the issue is the eight amendment, will there be any weighting on the basis of gender, or if the issue is a matter which concerns the elderly, will the membership comprise members of the elderly population? This initiative represents a complete outsourcing of decisions on key issues that should be made in the Dáil. This is a farce. If the House does not agree to extend the debating time, it will be clear that it is just a ruse to get the Government off the hook about taking a decision on the eighth amendment and to delay it further down the road.

**An Ceann Comhairle:** The Deputy has made her point.

**Deputy Ruth Coppinger:** I am asking for much more time. We want to put down amendments and to have time to hear them. Will they be heard?

**An Ceann Comhairle:** Does the Tánaiste want to make any brief response?

**The Tánaiste:** This is an issue for the Business Committee.

**An Ceann Comhairle:** Yes.

**The Tánaiste:** It was discussed at the Business Committee. Legislation has to go through in regard to selecting the citizens who will be part of the assembly. It follows the methodology for the selection of citizens for the first convention that was held. That is the primary purpose of the discussion on Thursday. I am in the Ceann Comhairle's hands as to further time if the House decides to have it.

**Deputy Ruth Coppinger:** It does not look like the Water Services (Amendment) Bill will take up all of the allotted time because all the amendments have been ruled out of order bar one. Dealing with the technicalities of the electoral commission may not take up that time either. I ask that we extend the actual motion time to allow amendments to be put and debated.

**An Ceann Comhairle:** That will have to be considered by the committee.

**Deputy Ruth Coppinger:** This could come up tomorrow night.

**Deputy Micheál Martin:** That is a matter for the Business Committee.

**An Ceann Comhairle:** It can be considered by the Business Committee.

**Deputy Ruth Coppinger:** When will it be considered? The committee will not meet until Thursday, but this could come up tomorrow night.

**An Ceann Comhairle:** We can consider it before Thursday. I will have to put the question because we cannot be going over and over this.

**Deputy Ruth Coppinger:** I am going to put it to a vote then.

**An Ceann Comhairle:** Can those in favour of the proposal-----

**The Tánaiste:** If the Ceann Comhairle is saying the Business Committee can meet to dis-

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cuss this and if there is time available in the Dáil for further discussion where other legislation takes less time, I am sure there would be no disagreement about extending the time to have a fuller discussion of the motion if the time is too short.

**Deputy Micheál Martin:** It has to be the Business Committee that decides it.

**The Tánaiste:** The Business Committee decides, yes.

**An Ceann Comhairle:** The Business Committee can review this tomorrow, but I cannot tell the Deputy what the outcome of the review will be. We will review it tomorrow, however.

**Deputy Brendan Howlin:** The point, surely-----

**Deputy Simon Harris:** Here is Brendan to save the day for us.

**Deputy Brendan Howlin:** There is a fair point to be made about time. If there is time available, let us consider that. However, we are supposed to do this in a collective way.

**Deputy Micheál Martin:** Yes.

**Deputy Brendan Howlin:** Surely, the point is that if we call a vote now, that will decide the matter and pre-empt any possibility of additional time.

**The Tánaiste:** Absolutely.

**Deputy Micheál Martin:** That is impeccable logic from Deputy Howlin.

**Deputy Ruth Coppinger:** I will leave it up to the good judgment of the Business Committee to recognise that a lot of people are watching this.

**An Ceann Comhairle:** We do not need a speech on it now.

**Deputy Ruth Coppinger:** The Ceann Comhairle has told us this is the only show in town. Give us time.

**An Ceann Comhairle:** Is the proposal for Thursday agreed to? Agreed. Is the proposal for Friday's sitting agreed to?

**Deputy Micheál Martin:** Out of mischief I ask if, perhaps, the Tánaiste could confirm that calm has broken out on the western front. If not, I ask mischievously, given that Friday's activity is Government business and things are getting hectic in the last two weeks, if the Business Committee has come to any conclusion as to when the summer recess is to come upon us. It may be an important catalyst to bring calm among all concerned. In particular, it could be very important in terms of bringing calm to the trenches.

**An Ceann Comhairle:** We will bring the Deputy's concerns to the committee. Is the proposal for Friday's sitting agreed to? Agreed to. I call Deputy Micheál Martin on the Order of Business for one question on one piece of promised legislation.

**Deputy Micheál Martin:** Only one?

**Deputy Brendan Howlin:** Yes, for one minute.

**Deputy Micheál Martin:** According to responses to freedom of information requests which

Deputy Barry Cowen submitted to each local authority, there are still 2,751 vacant units in local authority ownership nationally. It seems incomprehensible given the fact that so many families are still in hotels with their children and that there is so much homelessness nationally that there could be 2,751 vacant units. Has the sense of urgency or emergency not seized people so that they might ensure this would not be the case? There are 600 vacant units in Cork alone between the city and the county. There are 372 vacant housing units in Dublin City Council, where there are lots of families.

**Deputy Brendan Howlin:** That begs its own question.

**Deputy Micheál Martin:** The programme for Government is very strong. It is clear that the housing and homelessness issue is one of its centrepieces. Can the Tánaiste indicate to me when the strategy is going to be announced? Can she give me a timeline in that regard? Can she refer this to the Minister to ensure that the vacant unit issue is to the fore? A disastrous decision was taken to cut the refurbishment funding available to local authorities in the last 12 months. That should not have happened. We now have the results.

**The Tánaiste:** As the Deputy knows, the Department has placed a high priority on supporting local authorities in returning vacant units to productive use. Between 2014 and 2015, some 5,000 units were made available to those on the social housing list through funding provided under the refitting programme, which is financed by the Exchequer and the European Regional Development Fund, ERDF. Between 2014 and 2015, funding of more than €60 million was made available. There is a high priority on returning units to use and giving funding to local authorities to do that. That prioritisation will continue. The Minister will announce the programme in the next week or so.

**Deputy Louise O'Reilly:** Last year, the Minister, Deputy Varadkar, announced a major package of patient safety reforms, including plans to simplify the complaints procedure, enhance the powers of the Ombudsman and the Health Information and Quality Authority, HIQA, and introduce a tranche of patient safety legislation. A part of that package was the patient safety (licensing of healthcare facilities) Bill, which is to provide for a mandatory system of licensing for public and private health care facilities. The legislative programme states that the heads of the Bill are expected at the end of the year.

Patient and resident safety should be at the heart of the health service. While progress is being made in some respects, there have been high-profile closures and incidents recently. This week and next, the Health (Amendment) Bill will be before the Houses to deal with the extension of the timeframe for HIQA inspections, but when will we see more action on patient safety, particularly in light of what happened at autism centres recently?

**The Tánaiste:** The last heads on that legislation were agreed in November. Pre-legislative scrutiny will take place in the autumn.

**Deputy Brendan Howlin:** Extraordinarily, yesterday marked six months since the House last enacted a Bill. I cannot think of any other occasion in our history when there was such a hiatus in enacting legislation.

I wish to ask the Tánaiste about legislation within her own purview. In April, the High Court declared the part of the law that allowed courts to reactivate suspended sentences unconstitutional. Every day, courts across the country find people getting off suspended sentences that, before now, would have been activated. Lawyers are bringing cases on a daily basis.

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Is the Tánaiste aware of the number of people who have benefitted from this decision to date? More importantly, when will we see a solution, be it through appeal of the process or amending legislation?

**The Tánaiste:** Another part of that legislation is being used successfully to defend cases.

**Deputy Brendan Howlin:** How many?

**The Tánaiste:** There have been some cases, but very few. Only in a tiny proportion has anyone got the benefit of the judgment, as another part of the legislation is being used successfully in court to defend cases. We have been examining the legislation. It is close to finalisation and will be introduced in the autumn. In the meantime, an appropriate element of legislation is being used to avoid the situation that the Deputy describes.

**Deputy Paul Murphy:** The Cassells report was published yesterday. The Government secretly hoped that it would resolve the question or provide a basis for a resolution to that question by recommending the Government's preferred option of student loans. Despite spin to the contrary, the report did not recommend that of the three options. That option would have saddled students with debt, discouraging working class participation in third level education even further.

What is the Government's proposed timeline for dealing with this question? If a space opens up, this is an opportunity for the student movement in particular to put pressure on all of the political parties and demand a commitment from them all - not one like the written commitment signed by Ruairí Quinn - to free fees and to properly funded third level education.

**The Tánaiste:** As the Deputy is aware, there is a funding challenge at third level that needs to be addressed. We now have the very comprehensive report produced under the chairmanship of Mr. Peter Cassells. It outlines a number of funding options and has been referred to the education committee. It is work such that will occur in the first instance. Following this, the Minister will consider the options and make a decision, as he said. Clearly, the precise time-frame depends on how long it will take the committee to carry out its examination. The matter is urgent, as the Minister said.

**Deputy Danny Healy-Rae:** I wish to raise with the Tánaiste and especially the Minister for Health the provision of orthodontic services for young schoolchildren in County Kerry. It has become apparent that there is a four to five-year waiting list. This is not on, especially for young girls and boys who are embarrassed to go out and meet their friends. They may not even have teeth when they finally receive orthodontic treatment. It is not fair. How will the Minister address this problem which has been ongoing for a long time? It is not acceptable that young girls and boys in County Kerry must wait for four or five years for orthodontic treatment.

**An Ceann Comhairle:** Is this a commitment in the programme for Government?

**Deputy Danny Healy-Rae:** It is included under the heading of health. I want an honest response.

**The Tánaiste:** As the Deputy knows, approximately 12,000 staff left the health service during the very difficult economic period we experienced. Some 6,000 staff have now been recruited back into the service. Services are improving and waiting times should diminish with the additional resources that have been put in place, including the figure of €500 million. I will

ask the Minister to respond directly to the Deputy on the issue he has raised.

**Deputy Josepha Madigan:** Will the mediation Bill be subject to pre-legislative scrutiny any time soon? I firmly believe litigation should be the last port of call and that all disputants should try mediation. The Bill will place a statutory obligation on barristers to advise on mediation. I would like it to be considered in the House as soon as possible.

**The Tánaiste:** I agree with the Deputy's points on mediation. A family mediation Bill is being worked on and I certainly hope we will be in a position to have it proceed to pre-legislative scrutiny stage in the autumn. Great progress has been made on the Bill and the staff of the Office of the Attorney General have been working on it. I hope we will be in a position to publish it very soon.

**Deputy John Brassil:** In the programme for Government commitments were given on certain capital infrastructural projects. In particular, a commitment was given prior to the general election to build the Macroom bypass. Deputy Brendan Griffin put up a big poster on that road-----

**Deputy Margaret Murphy O'Mahony:** Supporting the Taoiseach.

**Deputy John Brassil:** -----welcoming the announcement that the bypass was to be built under the 2017-21 programme. In yesterday's presentation to Cork County Council an official from Transport Infrastructure Ireland informed the meeting that the project would not go ahead until 2022, at the earliest. I want the Tánaiste to comment on this. I hope the official was not in a position to break a Government promise made in the first few days of this Dáil. I cannot stress enough the importance of this project to the people of counties Kerry and Cork. I hope it will go ahead in the timeframe originally promised.

**The Tánaiste:** I note the Deputy's concern about the project. There is to be a mid-term review of the capital programme next year. In the meantime, I will ask the Minister for Transport, Tourism and Sport to liaise directly with the Deputy.

*3 o'clock*

**Deputy Michael Healy-Rae:** The programme for Government states that, as part of a review, the Government will launch a pilot scheme to reopen six Garda stations, both urban and rural, to determine possible positive impacts that such openings would have on criminal activity, with special emphasis on burglaries, theft and public order. This review was to be initiated within two months. Is it under way and, if so, when will it be completed and its findings published?

**The Tánaiste:** That is an operational matter for the Garda Commissioner who is considering the issue. Some weeks ago, the Cabinet discussed some of the criteria that could apply following the commitment given in this regard in the programme for Government. The process agreed in the programme for Government has been initiated and is being considered by the Garda Commissioner. It is an operational matter for the Commissioner at this point.

**Deputy Jack Chambers:** I seek an update on the Road Traffic Bill 2016 published earlier this year, which relates to randomised roadside drug testing. Will the Tánaiste provide a timeline for the Bill's progress through the House.

**The Tánaiste:** I understand the Bill in question is being discussed on Second Stage and it

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will probably be the autumn before the debate resumes.

**Deputy Bernard J. Durkan:** What is the status of the Garda Síochána (compensation for malicious injuries) Bill, which has been on the list for a considerable period? Is it intended that the Bill will be the subject of pre-legislative scrutiny? Is the Bill likely to come before the House before the end of this session or in the next session and when is it likely to be passed into law?

**The Tánaiste:** Legal advice on the Bill in question is being considered. I do not have an exact timeframe for the legislation as it will depend on the analysis of the legal advice. It will not be taken in this term, however.

**Deputy Declan Breathnach:** Much concern has been expressed about a possible loss of funding, particularly in the Border region, as a result of Britain's decision to leave the European Union. The programme for partnership Government features a commitment on the Narrow Water bridge project. The Government has undertaken to work with the Northern Ireland Executive and undertake a review of the project. Will the Tánaiste confirm that the review will proceed, notwithstanding Brexit, and all parties, North and South, will commit to securing the necessary funding for the project?

**The Tánaiste:** I confirm that we stand by the commitments made in the Fresh Start agreement. The Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, will shortly meet his counterpart in the North to hold further discussions on this matter. The various projects were also discussed at the North-South Minister Council meeting held a few days ago. The Government stands by the commitments made in the Fresh Start agreement.

**Deputy Eugene Murphy:** The matter I raise relates to the programme for Government and the health system. Last week, a family in my constituency received a telephone call at 4.30 a.m. asking that they remove from a hospital a 98 year old lady who had suffered an attack and been admitted to hospital the previous day. It is appalling that such circumstances continue in the health system. Will the Government ensure that no family receives a telephone call at 4.30 a.m. asking that they remove a family member from hospital? As bad as this experience was for the family, it is even worse for the patient. This appalling practice should be outlawed and eliminated. It is a case of trying to improve bed management figures and it is not good enough. I hope this issue, which has been raised previously by other Deputies, will be addressed and will no longer occur. While I do not propose to name the hospital involved, I will provide the Tánaiste with details of the case.

**The Tánaiste:** The details of the case outlined by the Deputy are extraordinary. It is certainly outside normal hospital practice to telephone a family and ask them to take a 98 year old woman home from hospital. If the Deputy provides details of the case to the Minister for Health, he will certainly follow up on the matter and give it his personal attention.

### **Standing Orders: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** I move:

(1) That, in accordance with the recommendation of the sub-Committee on Dáil Reform under Standing Order 107(1)(a), the Standing Orders of Dáil Éireann relative to Public

Business be amended as follows:

(a) by the insertion in Standing Order 84 of the following subparagraph after paragraph (2)(c):

‘(ad) that it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 111A.’;

(b) by the insertion in Standing Order 84A of the following paragraph after paragraph (7):

‘(8) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—

(a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

(b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.’;

(c) in Standing Order 108, paragraph (1), by the deletion of all words from ‘The Chair’ down to and including ‘Standing Order 93(2).’ and the substitution of the following:

‘The Chair of the Working Group of Committee Chairmen shall be chosen from the party in Government or the group (as defined in Standing Order 143) which has been allocated the most Chairman posts under the d’Hondt system, pursuant to Standing Order 93(2).’;

and

(d) by the adoption of the following additional Standing Orders of Dáil Éireann relative to Public Business:

#### **Joint Committee on Public Petitions**

‘111A. (1) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a Standing Committee, which shall be joined with a similar Committee of Seanad Éireann, to form the Joint Committee on Public Petitions, to consider—

(a) public petitions addressed to the Houses of the Oireachtas which shall stand referred to the Committee in accordance with Standing Orders 111B to 111E, inclusive;

(b) such other matters as may be referred to the Committee by the Houses of the Oireachtas; and

(c) any other related matters.

(2) The Standing Committee shall consist of seven members of Dáil Éireann. The

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quorum of the Joint Committee shall be four, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be a member of Dáil Éireann.

(3) The Joint Committee shall have the following powers:

(a) the powers defined in Standing Order 85, other than paragraphs (2A), (4A), (4B), (6A) and (6B) thereof; and

(b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 84A for further consideration and report back to the Committee.

(4) The provisions of Standing Order 95, other than paragraph (1) thereof, shall apply to the Joint Committee.

(5) The Joint Committee may engage with the Committee on Petitions of the European Parliament including in relation to the European Citizens' Initiative.

(6) It shall be an instruction to the Joint Committee that it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts in the exercise of its functions under Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993.

(7) The Joint Committee shall prepare an annual work programme and an annual report as outlined in Standing Order 89, which shall be laid before both Houses of the Oireachtas.

111B. (1) A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest in relation to their legislative powers or an issue of public policy.

(2) A petition may be lodged by an individual person, a body corporate or an unincorporated association of persons.

(3) A petition shall clearly indicate—

(a) the name of the petitioner;

(b) an address of the petitioner to which all communications concerning the petition should be sent; and

(c) the name and address of any person supporting the petition.

(4) All petitions addressed to the Houses of the Oireachtas shall stand referred to the Joint Committee on Public Petitions (referred to in this Standing Order and Standing Orders 111C, D and E as "the Committee").

(5) The Committee shall, from time to time, determine—

(a) the proper form of petitions;

(b) the manner in which petitions are to be lodged with the Houses; and

(c) such other matters in relation to the consideration of petitions as the Committee considers appropriate and which are not otherwise provided for in these Standing Orders.

111C. (1) A petition is admissible unless it—

(a) requests the Dáil to do anything other than the Dáil has power to do;

(b) does not comply with Standing Orders or is otherwise not in proper form;

(c) is *sub judice* within the meaning of Standing Order 59;

(d) contains the name or names of individuals;

(e) contains language which is offensive or in the nature of being defamatory;

(f) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil and which was closed by agreement of the Committee;

(g) is frivolous, vexatious or otherwise constitutes an abuse of the petitions system; and

(h) requires the Committee to consider an individual complaint which has been the subject of a decision by an Ombudsman, or by a regulatory public body or a body established for the purpose of redress.

(2) In relation to admissible petitions, where a petition deals with—

(a) local or regional matters; or

(b) matters which are more appropriate to a regulatory public body or a body established for the purpose of redress;

the Committee shall establish that all available avenues of appeal or redress have been utilised by the petitioner prior to the Committee considering the matter.

(3) The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

111D. (1) If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

(2) Without prejudice to the generality of paragraph (1), the Committee may—

(a) refer the petition to an Ombudsman or a regulatory public body or a body established for the purpose of redress;

(b) refer the petition to any other Committee as it considers appropriate, with a request for further consideration and report back to the Committee; and

(c) report to the Dáil with recommendations, including a request that the report be debated by the Dáil.

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(3) The Committee shall notify the petitioner of any action taken under paragraph (2).

111E. (1) The Committee may close a petition at any time.

(2) Where the Committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.’.

(2) That the Order of the Dáil of 16th June, 2016 appointing Select Committees be amended by the insertion of the following paragraph and additional schedule:

‘(9) The Select Committees set out in the second Schedule hereto shall perform the functions set out in paragraph (8) of Standing Order 84A.’.

#### **‘SCHEDULE 2**

| <i>(1) Committee</i>   | <i>(2) Ombudsman</i>  |
|--|---|
| <i>Select Committee on Children and Youth Affairs</i>                            | <i>- Ombudsman for Children</i>   |
| <i>Select Committee on Finance, Public Expenditure and Reform, and Taoiseach</i> | <i>- Ombudsman for Public Service· Financial Services Ombudsman· Pensions Ombudsman</i> |
| <i>Select Committee on Foreign Affairs and Trade, and Defence</i>                | <i>- Ombudsman for the Defence Forces</i>   |
| <i>Select Committee on Justice and Equality</i>                                  | <i>- Garda Síochána Ombudsman Commission</i>  |

’.”

Question put and agreed to.

### **Ceisteanna - Questions**

#### **Priority Questions**

#### **Charitable and Voluntary Organisations**

1. **Deputy James Browne** asked the Minister for Health if, in view of recent events, he has plans to review arrangements for the funding and auditing of section 38 agencies; and if he will make a statement on the matter. [21103/16]

**Deputy James Browne:** In view of recent events, does the Minister for Health have plans to review the arrangements for the funding and auditing of section 38 agencies? Will he make a statement on the matter?

**Minister for Health(Deputy Simon Harris):** I thank Deputy Browne for this important and timely question in light of a number of public concerns that have been raised in respect of

organisations funded by the Health Service Executive.

I wish to inform the Deputy and the House, as the Tánaiste did some moments ago, that a review of all section 38 providers is being conducted by external consultants. This review is now under way. The purpose of these reviews is to build on some of the measures previously put in place in recent years, to establish the standard of governance in place in these organisations and to confirm independently that the governance practices and procedures accord with those set out in their respective annual compliance statements of those agencies. These reviews will involve an examination of key governance processes and documents, including obtaining confirmation that internal financial controls and formal written financial procedures are in place in these organisations. Six of these reviews are currently under way. The outcomes of these reviews will inform the HSE's relationship with the agency concerned and any further enhancement that might be required in respect of the HSE's overall governance framework.

The HSE is funding approximately 40 agencies under section 38 of the Health Act as well as providing funding for or grant-aiding to a far wider group of what we know as section 39 agencies. The size of the 40 agencies delivering services ranges significantly from the Daughters of Charity, with an annual budget of a little over €2 million, to St. James's Hospital, with a budget of almost €357 million. Section 38 agencies have played an important role in the development of our health and social care services. Some agencies delivering services under section 38 arrangements are among the best we have in terms of the quality of care provided and the systems of governance employed. However, there is an absolute requirement for all agencies to review their governance processes continually to ensure these are sufficiently robust. In recent years, the HSE has taken significant steps to enhance its system for performance oversight of section 38 agencies. However, I believe these additional measures, involving an external review and independent oversight, are essential and welcome.

**Deputy James Browne:** The Minister will be aware of the recent outrage over top-ups to executive salaries at St. John of God's. This revelation coincides with news of cutbacks in the services of St. John of God's. The HSE maintains it does not consider the St. John of God's organisation to be compliant with public pay policy in light of recent disclosures about the remuneration of senior staff. Furthermore, I understand from newspaper reports that talks are under way which may see a number of senior personnel in the National Maternity Hospital being permitted to retain higher salaries. How does the Minister reconcile these reports with those concerning St. John of God's? Can the Minister identify which, if any, section 38 organisations are believed to be not complying with Government pay policy? Is the Minister satisfied with the level of policing of pay policy in section 38 organisations in the wake of the top-up scandals? Is the Minister satisfied that all Government requirements are being met by section 38 organisations?

**Deputy Simon Harris:** I too am very concerned by what I am seeing in St. John of God's. That is why an investigation is now under way by the HSE in respect of those payments. I have been clear, the HSE has been clear and, today, the Minister for Public Expenditure and Reform has been clear in stating that if any payments have been made above and beyond the allowable level of payments, then those payments must be returned. We cannot have a situation whereby some people working in St. John of God's are earning salaries lower than that of the chief executive and are subject to the FEMPI Act while people at the very top are earning large salaries and are not subject to it. That is not fair and is not in accordance with the rules. That investigation is ongoing.

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It is not just about whether I can guarantee or I can be assured, it is about whether we have the structures in place to have a degree of certainty. I am not satisfied that we just have an internal HSE review as I want to bring in the external layer. I want independent external consultants to examine all section 38 bodies to ensure they are not just signing on the dotted line to indicate that they are in compliance, but that they are actually in compliance. That body of learning will inform whether we need to take more steps beyond what we are doing.

**Deputy James Browne:** I welcome that there will be an investigation into the matter and I welcome the confirmation that if there have been any overpayments they will have to be returned. There is a level of disquiet over whether other payments have been made. People will be disconcerted that this specific question cannot be answered. I welcome the announcement of the review, which should be carried out as quickly as possible with any recommendations implemented as quickly as possible so we can ensure that no such overpayments will recur.

**Deputy Simon Harris:** I agree with the Deputy. I sat on the Committee of Public Accounts when we discussed this issue back, I think, in 2013. I, like most people on both sides of the House, was repulsed by the carry-on. A number of measures have been implemented in terms of the charity regulator and with new structures in the HSE, but clearly more needs to be done. I do not want and I know no Member of this House wants to see that voluntary sector damaged by bad practice. Some of the best examples of high governance are present in the section 38 bodies. Some of the best examples of care are present in the section 38 bodies. However, any bad behaviour or wrongdoing needs to be weeded out as quickly as possible. I will act on any recommendations. As I said already, six of the 40 reviews are under way. Every section 38 body will be subject to this external review. That is about 40 agencies, which I think is appropriate. It can give all of us reassurance and most importantly it can give the service users, who are often vulnerable people who depend on these services the level of reassurance they deserve.

### Home Help Service Data

2. **Deputy Louise O'Reilly** asked the Minister for Health the number of banked and paid for hours that home-help workers are due; the breakdown of these by region; the number of hours that have been cut from persons in the same areas for the period 2014 to 2016 to date; the number of home-help hours projected for 2016 and the percentage of these that have been delivered to date; and if he will make a statement on the matter. [21095/16]

**Deputy Louise O'Reilly:** This question relates to home-help services. I had the privilege and pleasure of representing home helps during the negotiations for the contract to which the question relates. The purpose of the contract was to ensure they would have stability of hours with a certain degree of flexibility built in. According to reports in the media, from which, disappointingly, we are getting a lot of information about the health service, these hours have now been banked and remain unused. The purpose of the question is to investigate what is going on there.

**Minister of State at the Department of Health (Deputy Helen McEntee):** I thank the Deputy for her question. As she rightly pointed out, she was part of a process that took place in April 2014. Following the Labour Court recommendations, the HSE implemented the new contracts for HSE home-help staff with the agreement of SIPTU.

At the end of April 2016, 33% of the target of 10.4 million home-help hours set in the HSE's

national service plan had been delivered.

The HSE and SIPTU agreed a revised contract for those providing home help to be operational from April 2014 under the auspices of the Labour Court. This provides that the relevant employees are paid in full for their contracted hours. However, where the hours they actually work drop below this, usually because of the changing needs of those in receipt of the service, the difference in hours, as the Deputy rightly pointed out, is banked on the understanding it will be worked at a later stage.

This concept of banked hours is subject to quarterly review to ensure that excessive banked hours do not build up. That normally comes into play when there are more than 100 hours. Of the 6,900 part-time workers providing home help in January 2016, 67 workers, mainly in Cork and Kerry, had banked 100 hours or more. In these cases, steps are taken to reduce the build-up, including by working relief for other home-help workers. Contracted hours can be reduced for various reasons, including the preference of individual workers, availability of transport and the need for particular skills. As reductions in contract hours for individual home helps are not collated nationally, unfortunately, I will not be able to give the Deputy some of the figures she has requested.

The HSE will continue to work to apply available resources to most effectively target those with the greatest need and to provide the best possible contribution to the system as a whole. Home-support services are provided on the basis of assessed health-care need and regularly reviewed. Services are being stretched by demands from more people, and for more hours at times outside of core hours, in the evenings and at weekends, all of which cost more. I am happy to say that the Government has been able to respond to this by providing an extra €40 million for home care in 2016. Not only will this ensure that the home-support services provided in 2015 are maintained but it will also ensure they are increased.

**Deputy Louise O'Reilly:** That was a comprehensive answer to a question I did not ask the Minister of State. I asked for specific details about the number of banked hours. She told me of about 67 people in the Cork and Kerry region who had banked 100 hours or more. How many hours are banked in the system?

I do not think any Deputy in the House would dispute Sinn Féin's position on the matter. We are contacted on a daily basis by people who are very concerned because an elderly relative, a young sick relative or a relative confined to home for any reason is having home-help hours cut. The HSE is cutting the hours to the vulnerable and those who need it the most while at the same time banking the hours of people who want to work. It is also effectively cutting back on those hours. I have asked a fairly simple question and I would appreciate if the Minister of State could answer it directly.

**Deputy Helen McEntee:** As I mentioned to the Deputy, the information is available locally but has not been collated nationally. That is something the HSE has not done and it believes it would not be possible to allocate the resources to collate those data.

There are a number of reasons for reducing home-help hours. Sometimes it is down to the individual carer for various reasons. In other cases it is due to shortage of funding. We have increased the funding by €40 million for this year, which means that the new base for next year will be €371 million, up from €331 million. As we increase the funding going into home help and home-care packages, that slack will be available for the home-care workers to take up.

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Unfortunately, I do not have the data the Deputy has requested. It is not accessible to the HSE at the moment, but it is available locally. If the Deputy has any specific local case, she could bring that to me and I could get the information on it.

**Deputy Louise O'Reilly:** Specifically, every local figure is required. I have brought that to the Minister of State now and perhaps she could come back to me with the answer.

Some people are put to the pin of their collar now because their home-help services are being cut. The only reviews that happen are reviews with a view to downgrading services. The evidence of people who attend my clinics and those held by my colleagues supports that. The Minister of State has not provided any evidence to dispute it.

Does the Minister of State accept there is a crisis with home-help funding and home-help hours? While the HSE is busy banking hours, some people desperately need those hours, which should be provided. The Department should issue an instruction to the HSE to use all available hours, especially those hours that have been paid for.

**Deputy Helen McEntee:** Every hour that is available will be used up. All funding that has been allocated for home help and home-care packages will be used up. The 2016 national service plan provides for 10.4 million home-help hours. Home-care packages are measured separately but we need to move towards measuring them in the same way.

On the question of home-care packages, we will be moving from 15,450 people to approximately 21,000 people because of the additional funding that has been provided this year. If we start next year from a higher base and continue to increase it, as we have promised in our programme for partnership Government, then those figures will increase further. It is a major priority for me and is a priority for the Department. We will continue to increase the funding and increase the support services. That will also help the workers.

### **Services for People with Disabilities**

3. **Deputy Margaret Murphy O'Mahony** asked the Minister for Health when the task force for the implementation of personalised budgets for persons with disabilities will be established; and if he will make a statement on the matter. [21104/16]

**Deputy Margaret Murphy O'Mahony:** I thank the Minister of State, Deputy Finian McGrath, for his co-operation on my portfolio so far. As I said previously, I look forward to working further with him. When will the task force for the implementation of personalised budgets be established? I ask him to make a statement on the matter.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy Margaret Murphy O'Mahony for her comments. I will work with all Opposition Members in improving services for people with physical and intellectual disabilities.

The establishment of a task force on personalised budgets is a key element of the commitment in the programme for Government to give people with disabilities greater control, independence and choice. Personalised budgets transfer control back to the individual and give him or her the freedom to source the services and supports which best meet his or her needs. While the concept of personalised budgets is not limited to health and personal social services, my view is that the task force should concentrate on personalised budgets for services for people

with disabilities funded by the HSE in the first instance. Some work has commenced on scoping how to introduce individualised budgets in health-funded disability services as part of the Transforming Lives reform programme. The task force will build on this work.

I am committed to setting up the task force as soon as possible. I am in the process of finalising my plans in that regard. I intend to inform the Government of my decision on who will chair the task force by the end of this month. I also intend to outline to the Government on that occasion my plans for the appointment of members of the task force and the development of terms of reference, objectives, scope and key deliverables. With the support of the Government, I will then proceed to appoint members and arrange for the first meeting as soon as practicable. Some of the groundwork in this regard has commenced. I have set myself clear targets. I have said this is one of the projects I want to be set up and to be up and running within 100 days of taking office. I think we have been in office for approximately 67 days. We are on target to get the project up and running. I will come back later with more details in this respect.

**Deputy Margaret Murphy O'Mahony:** I thank the Minister of State for his reply. I am still looking for an exact date for the establishment of the task force. We were told in the programme for Government that the Government would “establish a Taskforce within 3 months”. That will bring us into August. I wonder whether it will be possible for the task force to be set up when the House is in recess. I know that the Minister of State has very good intentions, but it is not good enough for him to say this will be done “as soon as possible”. People need an exact date.

**Deputy Finian McGrath:** Yes.

**Deputy Margaret Murphy O'Mahony:** Will the Minister of State tell us whether the committee will cross the Departments of Health, Social Protection and Justice and Equality? The Minister of State mentioned the terms of reference, which will be very important.

**Deputy Finian McGrath:** I have decided to appoint a chairperson and have a person in mind. I will announce that person's name in a matter of days. The Government will be informed of my plans for the appointment of the chairperson and the composition of the task force by 26 July next. That is the date I have set for myself. The Deputy is right when she says we cannot let this go into August. I am working on a memorandum for Government to be presented at the last Cabinet meeting before the summer recess. On that occasion, I will outline to the Government my plans for the membership and the secretariat of the task force and for the development of terms of reference. This will be followed as soon as practicable by the appointment of the members of the task force and the making of arrangements for its first meeting. The direct answer to the Deputy is that 26 July is my short-term target. I want to have the task force up and running by the end of the month.

**Deputy Margaret Murphy O'Mahony:** I thank the Minister of State for giving me a definite date. I will watch every move to make sure this happens.

**Deputy Finian McGrath:** I know that the Deputy will do so.

**Deputy Margaret Murphy O'Mahony:** It has been reported that the Minister of State has said a “seismic shift” is needed in how disability services are provided and funded. Will he confirm that is what he said? What did he mean by it? I presume the one-size-fits-all approach is not going to work anymore. A great deal of money is being allocated to service providers. I suggest it be given to individuals and community-based projects. I ask the Minister of State to

comment on this.

**Deputy Finian McGrath:** I can confirm that there will be a seismic shift as we reform the services provided for people with disabilities. I am pushing forward a strong reform agenda. The key issue for me is that the entire plan for disability services will be centred on the person with the disability, regardless of whether he or she has an intellectual or a physical disability. I want to change the mindset in Irish society in respecting citizens of the State. Over 600,000 people either have a disability or are in the same family as a person with a disability. As members of society, the people concerned pay their taxes, just like everybody else, and have to be guaranteed services.

On the issue of individualised budgets, I will engage with civic society to build an evidence base, gather data, research international experience and identify available options. I emphasise that parents and families will have a choice in this regard. We will not force any parent to accept an individualised plan. Some parents might have different ideas. The key point for us is to invest in and reform services and ensure money is spent on services. In recent weeks we have seen other instances in which public moneys have been wasted.

### **Charitable and Voluntary Organisations**

4. **Deputy Alan Kelly** asked the Minister for Health to provide an up-to-date list of section 38 entities which receive funding from the HSE and the amount of funding each organisation received from 2013 to 2015, inclusive; if he will publish all HSE audits of section 38 organisations; and if he will consider a policy of seeking to ensure a representative of the HSE serves on the board of each of these entities on at least a pro tem basis to ensure transparency and public confidence in the spending of public money. [21096/16]

**Deputy Alan Kelly:** I have just left my office after reading some very concerning documentation related to the HSE and a section 39 organisation that will be discussed on Friday at the Committee of Public Accounts, of which I am Vice Chairman. There is a crisis in the transparency of funding organisations under sections 38 and 39. I listened to the Minister's response to Deputy John Browne and the Tánaiste's response to my party leader earlier. To be honest, they did not fill me with confidence on these issues. I ask the Minister to publish the audits of all section 38 organisations in a spirit of transparency. Will he consider *pro tem* putting a representative of the HSE on the board of each of the organisations, or asking the organisations to do so, to ensure public confidence in the spending of money?

**Deputy Simon Harris:** I congratulate the Deputy on his election as Vice Chairman of the Committee of Public Accounts. I have previously served on that fine body and know that the Deputy will have an interesting day on Friday. I have read the same documentation he has read on a certain organisation. It is very disturbing and disgusting in parts.

I have received a breakdown of the funding received by the 40 section 38 agencies from the HSE. I will supply this information to the Deputy in tabular format. It would not be possible to read all of it the House. The total funding for these agencies was €2.735 billion in 2013, €2.747 billion in 2014 and €2.883 billion in 2015. As I said to Deputy John Browne, the annual grants provided for these agencies range from €2.05 million in the case of the Daughters of Charity to €356.87 million in the case of St. James's Hospital.

Under its establishing legislation, the HSE is responsible for financial and performance oversight of agencies funded under sections 38 and 39 of the Health Act 2004. The HSE has a formal national governance framework within which such funding relationships are managed. As part of this governance framework, the HSE requires all grant-aided non-statutory agencies to submit their annual audited accounts to it. Furthermore, as part of its annual audit plans, the internal audit division of the HSE conducts audits of a number of agencies each year. Several audits are in progress. The documentation the Deputy was reading before he came into the Chamber, which has been referred to in the media, was the subject of an internal HSE audit. Such audits generally focus on the systems of internal controls operated by the funded agencies and compliance with the HSE service level agreement.

In addition, a number of internal audits have been conducted of the HSE's own management processes and controls in the funding and monitoring of services provided by the non-statutory agencies. When these internal audit reports are fully concluded, they are sent to the Comptroller and Auditor General and routinely issued under freedom of information legislation. I want to look at publishing all of them, as the Deputy has called on me to do. However, I do not want to bring about an inadvertent delay in finalising an audit as a result of requiring it to be published automatically. I want to work with the Deputy and his colleagues to try to get this done. As I outlined to Deputy John Browne and as the Tánaiste outlined, it is not good enough merely to have an internal look at this matter. We also need to have an external look at it in order that we can ascertain how many lessons have been learned and how many recommendations have been made. That is why we have brought in external consultants.

**Deputy Alan Kelly:** I thank the Minister for his reply and look forward to the provision of the documentation. I remind him that I asked a considerable number of questions as part of the Estimates process. A number of weeks have passed and I have yet to receive any response. I hope this question will be answered within the timeline suggested by the Minister.

The supervision of the agencies in question is a source of significant public concern. The Minister has not answered the question I asked. The public is rightly concerned about this issue. Everybody in the House is aware of the level of public concern. If an organisation such as Console can get away with what it got away with, even though it was receiving such a volume of funding, we must look at the incredible volume of funding being received by many other organisations. They do fantastic work but we must ensure there is public confidence. I am happy that, as the Minister says, the audits will be published as quickly as possible but what about *pro tem*? The Minister said earlier in response to a question that he wished to ensure that there are established practices of governance. That does not fill me with confidence that the current practices in place work. Can we ensure somebody is put on the boards of these 40 organisations *pro tem* or have some type of relationship to ensure public confidence?

**Deputy Simon Harris:** While I am endeavouring to fill the Deputy with confidence, we must be careful not to fill Irish people with a lack of confidence in some of the best service providers we have in this country in the delivery of health care. Some of the section 38 organisations, in fact many of them, are operating to the highest governance standards-----

**Deputy Alan Kelly:** Agreed.

**Deputy Simon Harris:** -----and are delivering vital health services which, frankly, were never delivered by the State. If they were not there, God knows in what type of situation vulnerable people in this country would have found themselves. What we must do is weed out the

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bad apples. We must find the people who are not living within the rules. That is the reason we have an annual compliance statement. What is particularly upsetting and disturbing is that people in some cases are signing on the dotted line to say they are in compliance and that they are living within the pay structures, when they simply are not. That is the purpose of the external review and the internal audit. It is the reason for sending the internal audits to the Comptroller and Auditor General.

On the question about *pro tem*, I have examined this and I do not believe it works. The reason is that when I was a member of the Committee of Public Accounts, we had representatives of the Dublin Docklands Development Authority, DDDA, appear before the committee to discuss that debacle. The Department of the Environment, Community and Local Government had a representative on the board of the DDDA. The committee also had representatives of the Red Cross appear before it. The Department of Defence had a representative on the board of the Red Cross. The issue is that roles and responsibilities got extraordinarily confused. I believe there are inadvertent consequences. Who is the person responsible to - the board or the HSE? I prefer to beef up these controls first.

## Hospital Groups

5. **Deputy Jack Chambers** asked the Minister for Health the criteria for appointment to senior hospital management positions and for board appointments in each of the hospital groups; and if he will make a statement on the matter. [21105/16]

**Deputy Jack Chambers:** My question is about the criteria for appointment to senior hospital management positions and for board appointments in each of the hospital groups. What is the process? Are all of the senior executive positions within the groups publicly advertised, with interviews? Are all board appointments in the hospital groups publicly advertised?

**Deputy Simon Harris:** As I have stated previously, I intend to continue to implement hospital groups structures but on an administrative basis. The reason is that I asked the House to establish an Oireachtas all-party committee to develop a single long-term vision for health care over a ten year period. It is important that those discussions are progressed before I give further consideration to the issue of establishing hospital groups on a legislative basis. It would be disingenuous to move ahead with that while the committee is doing its work.

With regard to senior hospital management positions, the HSE has developed eligibility criteria for senior management posts at hospital group and individual HSE hospital level. The criteria reflect the particular experience, knowledge and qualifications required for specific posts and public sector recruitment policies apply to the filling of such posts.

Regarding the hospital group board appointments, chairs are in place for all hospital groups and board members were appointed to three out of seven hospital groups - Saolta university health care group, UL hospitals group and the children's hospital group.

The terms of office of the Saolta university health care group and the UL hospitals group boards are due to expire shortly. Given the scale of the change process involved in implementing hospital groups, the hospital group boards must be populated with individuals with the expertise and competencies necessary to deliver on the strategic and change management agenda.

My Department will shortly advertise, through the Public Appointments Service process, for nominees to all of the hospital group boards, excluding the children's hospital group, and I expect to be in a position to populate all of those boards fully in the autumn, around the end of September. All of those board appointments will be carried out through the Public Appointments Service. It is important to do it that way for transparency. There is benefit in populating the boards, even on an administrative basis. There is a body of work to be done in terms of strategic planning for the hospital groups and the areas that could benefit from it. I intend to populate the boards and to use the Public Appointments Service to do it.

**Deputy Jack Chambers:** I asked the Minister about the process for appointments. He outlined eligibility criteria but he did not outline a transparent process. We are seeing a complete replication of the same management that was previously in hospitals in senior executive and chief executive management positions in the hospital groups. I will offer some examples. One CEO of a group was previously a CEO of a main hospital. They then became an executive of the HSE after which they became the chief executive officer of the group. Another was a director of nursing at a large hospital. They became the acting CEO of a hospital, then became the *de facto* CEO of the hospital and is now the CEO of the hospital group. Another person was deputy CEO of a hospital who then became CEO of another hospital. Guess what, a Cheann Comhairle? They are now the CEO of a hospital group. Where is the transparency around the appointments to these hospital groups? It is a very important process of reform. Apart from mentioning eligibility criteria, the Minister has not outlined how this Government or the previous Government delivered a transparent process of recruitment for the management of the hospital groups. The Minister must clarify the matter.

**Deputy Simon Harris:** I am accountable to the House for the decisions I have made during my time as Minister for Health. That is what I was endeavouring to do in my initial response to the question, by outlining my philosophy and principal objective in how I intend to populate the hospital group boards which are not currently populated. I assure the House that nobody will sit on a hospital group board or be appointed by me to such a board who has not come through the public appointments system. That is important.

However, the Deputy raises a valid point relating to the appointment of senior hospital positions. The Deputy is probably aware of the history of this. There was a Government decision on 14 May 2013 on the reorganisation of public hospitals into hospital groups. Sanction of that was conveyed to the HSE in July 2013. There was an urgent request from the HSE in August 2014 to reassign senior managers from within the health service to the hospital group CEO posts. That was done on the grounds of exceptional circumstances and with the agreement of the Department of Public Expenditure and Reform. It was also done on the basis that these proposals would not result in any additional senior posts within the health service, considering the financial situation of the country. The Department also agreed that the individuals would be assigned to these posts for a period of up to 24 months in the first instance, so this issue will arise again and it will be up to me to develop policy for how we wish to move forward.

**Deputy Jack Chambers:** The Minister mentioned exceptional circumstances but the issue is that the same chief executives have become chief executives of the groups. Their positions in the hospitals must be filled so a hospital senior executive manager has to move from another place. We are seeing a *de facto* locum system for managers in our health service. It is a managerial merry-go-round. It is a cosy cartel, with insiders in senior executive hospital positions rotating around. If we ran our hospitals in the same way as the managers are moving around, we would be in complete chaos. It is the equivalent of consultants or senior clinicians rotating

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around the different hospitals every year, so they cannot implement change management. We have a system of managers changing but no strategic change within our health service. I urge the Minister to investigate the rotation of managers within senior executive positions in the health service. It is not transparent, despite the exceptional circumstances. I do not accept the point about the eligibility criteria. I urge the Minister to deal with this matter soon.

**Deputy Simon Harris:** I take the Deputy's point but I reiterate my point that these appointments were made for a 24-month period. We did not have a scenario whereby people were sanctioned for the rest of their career. These appointments were made initially for 24 months, considering what the then Government decided was the particular and extraordinary circumstance of trying to get these hospital groups up and running. There is a serious issue in the Irish health service, however, in terms of ensuring we can attract and retain the appropriate level of management and clinician we want. I would appreciate it if the all-party committee on the ten year plan would examine that. I am meeting hospital managers and hospital group CEOs at present and I am looking into the whites of their eyes and saying, "I need you to live within your budget" or "I need you to do this on patient safety". I need to know that we have the calibre of people that is required and I do not mean this in any disrespectful way to the people currently doing their jobs. However, the Deputy will be aware that there was difficulty in managing to find people to apply for the posts and certainly in finding anybody to agree to take up the posts. These were the circumstances in which these individuals stepped up to the plate. They are doing their best and, in many cases, are doing a good job. It is for a 24-month period, after which it will be reviewed.

### **Topical Issue Matters**

**An Ceann Comhairle:** Before proceeding to Other Questions, I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy David Cullinane - insulin pump therapy services available to patients with a type 1 diabetes, the number of vacant endocrinologist posts, the average waiting time to see an endocrinologist or diabetes consultant and the number of cardiac patients who are also diabetics at Waterford University Hospital; (2) Deputy John Brassil - immediate review to increase the limit under the rent allowance scheme announced for County Kerry; (3) Deputy Seán Barrett - future development of Dún Laoghaire harbour and the recently developed plans of the Dún Laoghaire Harbour Company; (4) Deputy Declan Breathnach - dispute between eFlow and the Celtic Roads Group regarding the operation of eFlow barriers on the M1 near Drogheda, County Louth, the M7 and M8 south of Portlaoise, County Laois, and the N25 in County Waterford and its impact on daily users; (5) Deputy Hildegard Naughton - recent capital projects at University Hospital Galway, County Galway, and the need for new facilities on a greenfield site; (6) Deputy John Brady - ongoing homeless situation outside the offices of Bray Municipal District in County Wicklow; (7) Deputies Mattie McGrath, Niamh Smyth, Mick Barry, James Browne, Peter Burke, Jackie Cahill, Sean Fleming, Seamus Healy, James Lawless, John McGuinness, Jonathan O'Brien, Louise O'Reilly, Anne Rabbitte, Brendan Smith and Robert Troy - future of accident and emergency departments, given reports concerning service cuts to trauma centres; (8) Deputy Alan Farrell - need to refocus Government's efforts on cutting child care costs to support families; (9) Deputies Martin Kenny and Martin Ferris - lack of formal approval by the Marine Survey Office for the National Maritime College of Ireland course in sea survival, boat handling and firefighting skills; (10) Deputy Frank O'Rourke - projected increase in funding for home care packages; (11) Deputy Mary Butler -

disbandment of autism spectrum disorder team in County Waterford; (12) Deputy John Lahart - prioritising the needs of clients of the suicide charity Console with due regard to the protection of individual client confidentiality; (13) Deputy Margaret Murphy O'Mahony - taking in charge of three residential centres for persons with autism spectrum disorders by the Health Service Executive; (14) Deputy Richard Boyd Barrett - the implications of the Italian banking crisis for Ireland; (15) Deputies Bríd Smith and Ruth Coppinger - funding of third level education and the report by the expert group on the future funding of higher education; (16) Deputy Mick Wallace - closure of Sarshill House in Kilmore, County Wexford, which provided residential care to persons with autism spectrum disorders; (17) Deputy Gino Kenny - revelations regarding pay and pensions top-ups for senior management in St. John of God services; (18) Deputy Paul Murphy - industrial dispute at Waterford Airport; (19) Deputy Dessie Ellis - progress of discussions with the Greyhound company on the change of price plan and customers staying on the current plan; (20) Deputy Kevin O'Keeffe - reversal of the decision to close wards in St. Patrick's community hospital in Fermoy, County Cork; (21) Deputy Caoimhghín Ó Caoláin - transfer of commercial and business property water charges accounts from local authorities to Irish Water; (22) Deputy Clare Daly - need for diplomatic efforts to secure the release of Ms Chelsea Manning whose mental health is being impacted as a result of her incarceration; (23) Deputy Eoin Ó Broin - imminent closure of the Boot Road dental clinic in Clondalkin, Dublin 22, and the provision of funding to ensure that the service remains open; and (24) Deputy Charlie McConalogue - decline in beef prices.

The matters raised by Deputies Frank O'Rourke, Hildegard Naughton, Gino Kenny and Seán Barrett have been selected for discussion.

## **Ceisteanna - Questions (Resumed)**

### **Other Questions**

#### **Hospital Waiting Lists**

6. **Deputy Aindrias Moynihan** asked the Minister for Health his plans to reduce gynaecology waiting times in Cork University Hospital. [20992/16]

**Deputy Aindrias Moynihan:** People in Cork are enduring the longest and slowest waiting list for gynaecological services at Cork University Maternity Hospital and this needs to be dealt with. Currently there are 3,858 people on the outpatient list, which is double the size of the list anywhere else in the country. Some 1,213 are waiting over a year and of those 371 are waiting for over a year and a half, which is almost as high as every other list combined. There is clearly a Cork problem that needs to be dealt with in the interests of these women.

**Minister for Health(Deputy Simon Harris):** I thank the Deputy for raising this important matter. I understand from data provided by the National Treatment Purchase Fund, NTPF, that at the end of June 2016 some 3,859 patients were waiting for gynaecology outpatient appointments and 458 were waiting for inpatient or day case gynaecology procedures at Cork University Hospital. While these figures represent a welcome reduction on figures at the end of June

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2015, there is a need to address the issue of waiting lists in a much more focused manner.

The Deputy will appreciate that ensuring timely access to health services is a key challenge and concerted efforts are and will continue to be made to improve the current situation. My Department is engaging with the HSE in regard to the development of an action plan for each hospital in order to address waiting times. Individual hospitals will be required to develop process improvement plans which will focus on improving chronological scheduling, validating waiting lists and ensuring that existing capacity is optimised and maximised, although I am not sure it always is, to be frank. The action plan will be implemented over the remainder of 2016. Within the HSE, a scheduled care governance group has been established to co-ordinate key initiatives in order to reduce waiting times and the number of patients awaiting treatment.

Given it is an issue his party feels strongly about, I draw the attention of the Deputy to A Programme for a Partnership Government, which commits to a minimum of €15 million in funding for the NTPF in 2017 to address waiting lists for those waiting longest, as part of a continued investment of a minimum of €50 million per year to reduce waiting times. My Department is currently engaging with the NTPF and the HSE to deliver on the programme's waiting list commitments. In fact, I met with the CEO and chairman of the NTPF in the last two to three weeks to put them on notice that they are very much being reactivated. I told them they should expect to receive a minimum of €15 million in budget 2017 in order to get on and do what they were doing - a very good job of in terms of clearing waiting lists - and I asked their views in addition to the views of the HSE and the Department of Health in regard to how best to maximise the €50 million that will become available for waiting list initiatives. I will look into the specific issues raised by the Deputy.

**Deputy Aindrias Moynihan:** While these people are waiting on this massive list, it is seriously impacting their quality of life and is very distressing. The Minister referred to the NTPF, for which €15 million will be put in place in 2017. This is 2016. Since the beginning of the year, the number of people in Cork who are waiting over a year and a half for surgery has grown from zero to 39. By the time the NTPF has come into place, that number will have grown again and perhaps even doubled.

Has the Minister considered appointing additional consultants, given none has been appointed in the south-south west hospital group since this hospital was established seven years ago? In fact, in spite of the fact that 28 posts are advertised in the remainder of the country, the place with the largest waiting list and the most distressed women is left with no additional consultants. Has the Minister considered the possibility of using the under-used theatres that are available, given four were built and only one is being used for gynaecological services, while another is vacant? This needs to be dealt with in the interests of these highly distressed people, their families and those around them.

**Deputy Simon Harris:** I thank the Deputy and take his point. It is cold comfort to people on waiting lists today to hear that the waiting list for this very procedure has fallen significantly in that hospital, given 4,622 people were waiting for this outpatient procedure in Cork University Hospital in June of last year and this is now down to 3,859. The figure is still much too high but it is a reduction, and I acknowledge the work being done by the hospital in that regard.

What people do not want from the Minister for Health is tea and sympathy; what they want from me is action. I have taken action and, in particular, I have taken four actions in regard to waiting lists. First, I have secured an additional €500 million for the health service, the over-

whelming bulk of which will go to our acute hospitals, which will enable hospital managers in hospitals such as Cork University Hospital to do what they are well paid to do, which is to get on and manage and to do some of the things the Deputy is asking that they do. Second, I have put in place a small endoscopy initiative this year with the remaining funds available to the NTPF, which is something we can do now. Third, I have put the NTPF on notice that it is going to receive a minimum of €15 million in the budget in October. Fourth, we have a commitment in the programme for Government for at least €50 million for dedicated waiting list initiatives. I agree we have to tackle this but I must be realistic in terms of what can be done.

**Deputy Aindrias Moynihan:** I thank the Minister for the outline of the actions he is taking. In the meantime, there needs to be a clear path for these highly distressed people who are languishing on waiting lists for far too long. What the Minister has outlined is helpful. However, is there some way of advancing the NTPF so that people will be able to enjoy the benefit of it this year and get off the waiting list?

With regard to consultants, unlike every other part of the country, the south and south-west, where the largest and most distressed group of people is located, does not seem to be getting anything and nothing is coming down the track. Will the Minister make appointments to relieve the pressure? The unused theatre should be available to relieve distress. There are people on waiting lists throughout the county and this is impacting their quality of life. For example, there have been delayed diagnosis of cancers due to the wait, which is seriously impacting quality of life.

**Deputy Simon Harris:** I take very seriously the points made by the Deputy. It is very serious for people awaiting these procedures and people are waiting too long. This is why we need a concerted effort to tackle waiting lists and why all of us in this House need to work together in the Estimates process to make sure we adequately resource our health service and the NTPF, as well as our hospitals, to address these issues.

I will specifically raise with the hospital group CEO the issue the Deputy raises in regard to the unused theatres and the consultant posts, and I will pass on his comments in that regard. I reiterate that I have asked every single hospital to put in place an action plan for waiting lists. I have asked what they are going to do in their individual hospital between now and the end of this year to get on top of waiting lists. We cannot have a situation where the Oireachtas last Thursday voted through an additional €500 million for the health service yet we see waiting lists continuing to rise. We need to make sure that when the money leaves the gates of Dáil Éireann, it is spent absolutely in the interests of patients and on some of the other very important issues the Deputy has highlighted.

### **Hospital Waiting Lists**

7. **Deputy Michael Moynihan** asked the Minister for Health the reason for the substantial increase between December 2015 and May 2016 in the number of outpatients waiting more than a year for a consultation in Cork University Hospital. [20984/16]

**Deputy Michael Moynihan:** I raise the question of the substantial increase in the number of outpatients awaiting a consultation in Cork University Hospital. Is the Minister aware of the explosion in waiting times for outpatients and what plans will he outline in that regard? I want to tease through what can be done to try to reduce those figures.

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**Deputy Simon Harris:** I thank the Deputy for introducing the question. I have been made aware by him that the number of patients waiting over a year for an outpatient appointment in Cork University Hospital has increased since the end of last year. However, these increases must be seen in the context of the overall increased demand for care and increased overall activity and productivity in our health system. In fact, it was brought to my attention only today that 13,500 more elective surgeries have been carried out in the Irish health system this year than was the case last year, so we are seeing increased demand, increased activity and more procedures. Nonetheless, it is a key challenge for us to ensure timely access to health services and I am assured by the hospital group that those patients whose clinical needs are most urgent are prioritised.

The Deputy will be aware that improving waiting times for scheduled care is a priority for the HSE, my Department and, indeed, for the whole of Government, as I outlined to the Deputy's colleague. A Programme for a Partnership Government recognises the need for a sustained commitment to improving waiting times, with a particular focus on those waiting longest. To that end, it commits to €15 million in funding for the NTPF for an initiative targeted at those waiting longest as part of a continued investment of €50 million per year to reduce waiting lists.

I believe the policy of effectively deactivating the NTPF was a mistake. We are beginning to see the consequences of this in terms of not having a ready made vehicle that can intervene in some of the particularly difficult situations highlighted by Deputy Moynihan. This is why we need to get it back up and running and the Deputy's party and my party agree on this.

The HSE has established a scheduled care governance group to co-ordinate key initiatives to reduce waiting times and the number of patients awaiting treatment. The Department is engaging with the HSE on the development of an action plan, asking each hospital what more it can do to address waiting times, to be rolled out over the remainder of 2016. I am conscious of the fact that for the first time in years the director general of the HSE has stated he has enough funding to deliver the service plan in front of him. Hospitals will be instructed to develop and implement process improvement plans, focusing on improving chronological scheduling, clerical and administrative validation of waiting lists and the optimisation of existing capacity. I expect this targeted approach, as well as the additional funding we now have available, will be of help to CUH in addressing the current backlogs.

**Deputy Michael Moynihan:** The Minister is aware that last week serious life-saving surgery had to be cancelled as a result of the bed crisis at CUH. Everything is backed up. First consultations are backed up as are second consultations and when it comes to surgery, this is also backed up or stopped. Not only is this at Cork University Hospital but it is throughout the Cork region. In many instances, the waiting times for initial consultations have exploded. The Minister spoke about the head of the HSE stating there is enough funding. What is the Minister's thinking on getting to grips with the waiting lists for initial consultations? When a letter goes from a GP to a consultant seeking an appointment for whatever trauma or illness the patient has, what is the Department's direct plan of approach in conjunction with the HSE to ensure the patient is dealt with in a timely fashion?

**Deputy Simon Harris:** I thank Deputy Moynihan who made me aware of the very difficult and serious case of somebody's surgery, which I have had investigated. The very honest answer to the question is that we have a health system which lost 12,000 staff during the years of economic recession in the country and we have put back 6,000 of 12,000 staff but we need not pat ourselves on the back because we need at least another 6,000 to get us back to where we

were before the financial collapse. Continued investment in our public health service to ensure there is adequate capacity in terms of staffing numbers, consultant posts, as Deputy Moynihan's colleague mentioned, and front-line staff is absolutely the answer. This is in regard to the specific question about ensuring someone receives an initial consultation. If the person needs a procedure after this initial consultation, how do we make sure this can be done as quickly as possible? I do not think now should be the time for ideological debate. It needs to be a time for pragmatism. If we have a vehicle like the NTPF, which can assist and work alongside public hospitals, it can move along the backlog. I am absolutely committed to continuing to increase the number of front-line staff. This is why we are seeing some delays because we still need more front-line staff in our hospitals.

**Deputy Michael Moynihan:** The initial consultation is the subject of the question and any necessary follow-up treatment or surgery is as a consequence of this. Targets were set for waiting times by previous Ministers for Health. Are these targets somewhere in the clouds? Are they real or imaginary targets? Is the Minister for Health setting higher targets to try to clear the list? The initial answer to the question was about the seriousness of the referrals but many seriously ill people are awaiting referrals and initial consultations. The Minister should not be under any illusion that the most serious cases are getting to the front at the start because this is not the case.

**Deputy Simon Harris:** According to NTPF data, 60% of patients wait for less than six months for the required outpatient appointment or inpatient day case procedure. At present, 91% of patients wait less than the maximum waiting time of 15 months for inpatient or day case procedures and 92% wait less than 15 months for outpatient appointments. We need to continue to do better but we need to not tie ourselves up in knots about targets. We need to recognise that particular hospitals have particular backlogs and examine what interventions can take place there on the ground with proper management. This is the idea of the action plan.

There is another piece to this, which is whether some of these procedures can take place outside of hospitals. An initiative we are carrying out is to ensure minor operations can be carried out by GPs in the primary care setting. At present, 24 GPs are participating in a programme which will see 10,000 minor operations redirected out of hospitals and back into primary care settings. Above and beyond this, there is also a diagnostic service, particularly with regard to ultrasounds, which is provided by GPs at ten sites nationally. There is a commitment in the programme for Government to support people in purchasing more diagnostic equipment to keep people out of hospitals and outpatient units in the first place and back in primary care.

### **Mental Health Services Provision**

8. **Deputy Mick Wallace** asked the Minister for Health his proposals to end the practice of admitting children to adult mental health units and cope in an age-appropriate way with the rise in the number of children and young persons receiving acute inpatient mental health care; and if he will make a statement on the matter. [20611/16]

**Deputy Mick Wallace:** According to Mental Health Reform, 75% of mental health difficulties arise before the age of 25 and almost one in three young people has, at some time, experienced mental health difficulties but there are only 12 acute mental health inpatient beds for children in the south of the country. These are in Eist Linn in Cork. A young person who happens to experience a mental health crisis in Wexford may have to travel 200 km and might

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not even get a bed. Does the Government intend to do anything about this?

**Minister of State at the Department of Health (Deputy Helen McEntee):** I thank the Deputy for raising this issue. He is right that many mental health problems arise at a very young age, sometimes a younger age than people like to speak about or even admit. Inappropriate admissions is a very sensitive issue. The reduction in the number of children admitted to adult psychiatric units continues to be a priority for the HSE's mental health services and it is a priority for me. It is something that has been raised on a weekly and daily basis.

Last week, I met the HSE specifically to review progress on this issue and to see what further improvements can be made in this regard. I will be progressing this with the HSE over the coming months, particularly in the context of opening additional child and adolescent mental health beds and enhancing community-based care for young people across the regions while additional mental health staffing comes onstream. I also intend to improve, where possible, the multidisciplinary approach at local level to ensure that existing best practice is standardised nationally. Bearing this in mind, the Deputy will have to see we have made significant improvements in recent years. In 2008, we had 247 admissions to adult units and this declined to 89. While we saw a small increase last year, we are starting to see it move in the right direction.

If we look at the figures, where a child has been admitted to an adult psychiatric unit or an inpatient unit, the length of stay has been kept to an absolute minimum. The child is generally 17 to 18 years of age and while I am not saying this is okay or appropriate, we need to continue to put a variation of measures in place to see these figures reduce. Our target is 95% and I would like it reach 100%.

**Deputy Mick Wallace:** I am sure the Minister of State is aware that under A Vision for Change, the idea was to introduce community mental health teams to reduce the need for acute inpatient mental health care. As the head of the Psychiatric Nurses Association of Ireland, Mr. Des Kavanagh, recently stated, community-based mental health services remain a mere aspiration. Surely the Government must target this area much more. While we are complaining about the lack of facilities for inpatient mental health care, we all agree that unless the State is prepared to invest in community care and start actively working towards it now, we will not address the problems. I come from the county with the highest suicide rate in the country. This is directly linked to the fact we have more than 20% unemployment and more than 30% youth unemployment. Sadly, we do not have the necessary facilities for people at community care level or for inpatient care. For want of a better word, Wexford is a deprived county and problems in deprived areas, such as County Wexford, must be specifically addressed.

**Deputy Helen McEntee:** I agree with the Deputy that we are nowhere near where we need to be. As he rightly pointed out, we have four acute inpatient child and adult mental health services, CAMHS, units in Dublin, Cork and Galway. We have additional resources and facilities, which means we have 69 CAMHS teams.

*4 o'clock*

While I admit they are not all full, we need to get to a position where the teams are full and we have an adequate number of staff. If one looks at the figures it will be seen that the overall demand for CAMHS is rising. In January 2,325 people were seeking the service while in May 2,612 were seeking it. While those figures have increased, if one looks at the number of children admitted to the HSE adult inpatient units, in April there were 12 but that figure has now

decreased to six. In that regard, we are moving in the right direction, but a lot of work needs to be done. Specifically, A Vision for Change is being reviewed. A tender has gone out to carry out that review, which I hope will happen by the end of the year. That vision has not changed. We need to start moving towards a more community-based model.

With regard to the Connecting for Life document, which specifically deals with suicide, there is a youth pathfinder project team which is dedicated to implementing the youth element of that. We need to tackle the youth element of suicide and the problems arising at a younger age because if one tackles them at an earlier age, they are less likely to become problematic later.

**Deputy Mick Wallace:** I accept that there have been some improvements in certain areas. I note a statistic that in 2011, 31% of child admissions were to adult units, compared to 28% in 2015, so that is to be welcomed. Sadly, however, there continue to be a huge challenge in the area. I do not expect the Government to be able to solve everything overnight. In Wexford, for example, there are a lot of different groups involved in dealing with the challenges of mental health issues, many of which are charities. We have heard a lot of talk about charities in the last couple of weeks, but the HSE is outsourcing a lot of work to charities that it should be doing itself. We are trying to co-ordinate a range of groups and charities involved in mental health issues in Wexford at the moment. One group involved is in the Campile area. Two girls working in a pharmacy in Campile highlighted to me that they are shocked at the number of young people coming into the pharmacy and accessing prescribed drugs to deal with mental health issues. It has grown dramatically. The State has to play a stronger role. The idea of the HSE outsourcing some of this to charities is not working very well. There has to be a hands-on and more active approach on the part of the State.

**Acting Chairman (Deputy Eugene Murphy):** I will allow Deputy Kelly to make a short intervention before I come back to the Minister of State, if that is okay.

**Deputy Helen McEntee:** Yes.

**Deputy Alan Kelly:** The admission of young people to adult facilities is a scandal. In fairness, funding is now ring-fenced for mental health arising from action taken by the Minister of State's predecessor. The figures are also being addressed. The Minister of State is doing her best and any support she needs she will certainly get from our side of the House because community intervention is necessary. However, I ask her to provide the House with the complete figures for the number of people accessing adult facilities, including where and by what region. Some one in five teens report moderate to severe depression in his or her final two years of being a teenager. A very good programme called the Jigsaw proposal was rolled out by Headstrong. I ask the Minister of State to support it and to advise the House about the roll-out of this proposal and its timelines. I understand a number of different areas are interested in it. Will she support their endeavours?

**Deputy Helen McEntee:** Regarding the figures, in 2015 there were a total of 356 child and adolescent mental health admissions, of which 73% were to age-appropriate units and 27% were to adult units. In May 2016, the most recent figures available, 97.2 of the bed days used were in child and adolescent inpatient units, which is an improvement of 95.4% on April. Our target is 95%. We are steadying out at the moment. I admit that any kind of inappropriate admission is not acceptable, which is why we need to continue to work on increasing our beds and staffing and to make sure that we have community-based care so that children do not need

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to go into acute services. In that regard, as I have already mentioned in the Chamber, the youth mental health task force, which I will announce next week, will tie in the voluntary, private, public and all the different sectors together to work together. I would very much like to get to the stage where we do not need charities to provide these services. We will have succeeded if we get to that stage, but we are a long way from there, so we need to work together. That is exactly what the youth mental health task force will aim to do.

**Acting Chairman (Deputy Eugene Murphy):** Deputy Buckley, one very quick comment-----

**Deputy Alan Kelly:** What about Jigsaw? I apologise, but my question was not answered-----

**Acting Chairman (Deputy Eugene Murphy):** I let the Deputy contribute. I want to let-----

**Deputy Helen McEntee:** A number of new Jigsaw programmes are coming down the line. It is not possible for every area and not every area wants or needs one. I was in Carlow only last week, which has an excellent service but it is not necessarily needed. If an area would like the service those concerned need to work on that themselves. If they do not, then there are other services.

**Deputy Pat Buckley:** I want to put on the record of the House that I agree predominantly with Deputies Kelly and Wallace. Unfortunately, at one stage, my own town was known as the suicide capital of the world, so Deputy Wallace and I know where we are coming from. A Vision for Change is ten years old. Recently the PNA and the RCSI have said that A Vision for Change is still perfect. I could make the relevant points that have mostly been made already, but there is a growing fear out there within communities that the Government intends to scrap A Vision for Change and will seek to enter into a more privatised model using its own failure to implement reforms as an excuse. The people to whom I have spoken have said that this would be totally unacceptable. I wish to put on the record that we need to implement the plan. Let us not talk about reviews any more. I ask the Minister of State to implement the basic elements of A Vision for Change, such as the 24-7 crisis intervention and the five-day week changing to seven-day week intervention houses. At the moment there is not one crisis house in any community in this country.

**Deputy Helen McEntee:** The fundamentals of A Vision for Change have not changed and will not change. The review has to make sure that we do not just focus on mental illness; we need to focus on health and well-being and move more towards the community setting. The review is taking place and the tender has gone out. We hope that once the tender is approved and the review is finalised at the end of the year, in tandem with that, we will still be implementing A Vision for Change. As I said, the document and the fundamentals have not changed, but we need to start moving towards a more preventative model, instead of the reliance on institutions. I believe we are doing this. I take on board what the Deputy says.

### **Hospital Waiting Lists**

9. **Deputy John Brassil** asked the Minister for Health his plans to address the waiting times for cataract surgery in County Kerry. [20963/16]

**Deputy John Brassil:** I raise this topic because I was recently contacted by my local GP

about an 84 year old man needing a cataract operation to continue caring for his wife, who has Alzheimer's disease. He needs the operation done to retain his driving licence. He is on a waiting list. It is endless and a continuous problem. Many other GPs have contacted me about this issue. It would take four years to clear the current waiting list. The services were transferred from Cork University Hospital to the South Infirmery, and the waiting lists have gone from bad to worse. I ask that the Minister address this issue, which has a huge impact on the people in County Kerry.

**Deputy Simon Harris:** I thank Deputy Brassil for raising this important matter with me. He has brought it to my attention personally as well. As I have said to some of the Deputy's colleagues, a key challenge for the health services is to continue to ensure timely access to them while at the same time recognising that there is a constant increased demand on them. In that regard, I have been assured that the HSE seeks to ensure that those whose clinical needs are most urgent are prioritised accordingly, while the needs of others are assessed in terms of those waiting the longest. Therefore, in the case referred to by the Deputy of an 84 year old gentleman, people should be able to look at that situation locally and clinically and see the importance of that procedure.

Improved waiting times for planned or scheduled care for all patients is a key priority for the HSE, my Department and the Government, and I will not repeat what I have said to some of the Deputy's colleagues already regarding our plans to reactivate the NTPF and to put additional resources into dedicated waiting list initiatives, involving a minimum of €50 million in the budget due to be delivered in October. Only this week my officials have been meeting with the NTPF and the HSE to draw up terms of reference to make sure that we are ready to roll out the programme as quickly as possible, once budget 2017 has been implemented.

On the Deputy's query regarding the position in County Kerry, while 155 patients with addresses in County Kerry are awaiting cataract procedures, the waiting list has decreased by 20% in the past 12 months. I am also informed that the South-South West Hospitals Group is developing a single ophthalmology service operating on two sites, to which the Deputy alluded, at University Hospital Waterford and the South Infirmery Victoria University Hospital, Cork. To particularly try to assist patients from County Kerry, the group is also exploring the introduction of an imaging system to enhance and streamline ophthalmology services for patients seen in County Kerry. I will ask the relevant officials to investigate the specific case if the Deputy will provide me with the details. Although there has been a reduction in the waiting list of approximately 20%, I accept that there is much more to be done.

**Deputy John Brassil:** I thank the Minister and will bring the case to his attention, given that it urgently needs attention. I will give him some figures, given that he likes to deal with facts. In 2015, 680 patients were seen in the South Infirmery Victoria University Hospital, of whom 98 were from County Kerry and 582 from County Cork. While I do not want to get into a turf war, the figures speak for themselves. While 14.4% of the patients were from County Kerry, 85.4%, or six times that number, were from County Cork. The population of County Kerry is 145,000, compared to 519,000, or three times that number, in County Cork. Given that the size of the ageing population in County Kerry is greater, the need should also be greater. However, we are only seeking parity, but something is not adding up. People from County Cork are being seen quicker. The facts and figures speak for themselves. I ask the Minister to investigate the matter.

**Deputy Simon Harris:** The Deputy will understand if I do not get into a turf war either.

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His leader probably would not appreciate my becoming involved in a Cork v. Kerry spat. The Deputy's point is very serious about ensuring equity of access to the health service. The idea of the hospital group structure is not to look at the local hospital or county but to take a geographically wider view. This is why the South-South West Hospitals Group has been established. It is considering an additional imaging system which could be put in place to enhance and streamline ophthalmology services for the people of County Kerry. There could be some benefit to it. There has been a significant reduction in the waiting list in counties Cork and Kerry being grouped together. I want to see a further reduction in waiting lists, which is why I intend to roll out a number of new waiting list initiatives shortly.

**Deputy John Brassil:** We are trying to improve services. The service has moved from one hospital to another. Perhaps it might be worth examining whether the reconfiguration of services has resulted in a reduction in waiting times. If it has not, it should. We must hold a department to account. I am sure there was much lobbying to have it provided in one facility. It is now in place and we need to get it working. Is the NTPF for inpatients only or does it also apply to outpatients? If it does not, perhaps we might have this discipline included in it.

**Deputy Simon Harris:** I will do as the Deputy has asked and have the change in waiting times examined. I have had a very open conversation with the NTPF. Its terms of reference are broad. It exists to carry out specific tasks as are assigned to it by the Minister for Health of the day. I have asked that we have a conversation about other areas where it considers it could make a difference. The optimal position which we want to reach is one where the public health service meet the demands of public patients. However, I also acknowledge that the Deputy and a number of his colleagues on both sides of the House constantly raise the fact that there are a number of acute cases where patients have been waiting extraordinarily long times for procedures. Although they are often relatively basic procedures, they could make a major difference to their lives. If the NTPF is a useful and pragmatic way to address this issue, I am very open to it. I will have the issue examined.

**Acting Chairman (Deputy Eugene Murphy):** A number of questions have been tabled in the names of Members who are not present. I remind Members that, unless they have designated somebody to take a question, I cannot take it and must pass over it.

## Health Services

10. **Deputy Maureen O'Sullivan** asked the Minister for Health his views on whether proper protocols were followed in a case (details supplied); and his and the Health Service Executive's plans to amend guidelines and best practice standards to ensure persons at risk are dealt with promptly. [20612/16]

**Deputy Maureen O'Sullivan:** There are two aspects to my question, one of which relates to a particular individual. Because of what happened to the individual, the question is whether there is a need to amend the guidelines and best practice standards in order to ensure what happened to this individual will not happen to somebody else and that cases such as this which involve people at very high risk are dealt with more efficiently and promptly.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** While it is the policy of the Health Service Executive not to comment on individual cases, I can confirm that the circumstances surrounding the case referred to by the Deputy are being examined by

the HSE. On the specific issues raised by the Deputy, I am advised by the HSE that quality and patient safety are the responsibility of all staff and core to service provision across primary care services, including addiction services. The HSE addiction service is working towards implementation of the HIQA National Standards for Safer Better Healthcare which provide for a strategic approach to improving safety, quality and reliability in national health services.

Services providing opioid substitution treatment operate from relevant clinical management guidelines and protocols, including the UK National Institute for Health and Care Excellence guidelines on methadone and buprenorphine for the management of opioid dependence, the relevant Irish College of General Practitioners guidelines and the national drugs rehabilitation framework. In line with these guidelines, the ongoing treatment of an individual involves regular assessment of risk and appropriate responses to any identified risk.

Arising from recommendations made in the introduction of the opioid treatment protocol of 2010, a clinical guideline for opiate substitution treatment has been drafted by a HSE-led committee which includes clinical expertise. These are the first national guidelines that specifically relate to opiate substitution treatment in HSE clinics and primary care settings. The guidelines are under consideration by the quality improvement division of the HSE and expected to be finalised shortly.

A national hospital discharge protocol for homelessness has been approved. The aim of the protocol is to ensure clear procedures are in place between health services, local authority homeless action teams and the voluntary sector. It is important that all discharges from acute and mental health care services of persons experiencing homelessness or at risk of homelessness be planned in order that the necessary accommodation and supports will be in place prior to discharge.

**Deputy Maureen O’Sullivan:** I thank the Minister. I have been trying to pursue the case for 18 months and obtain information. The answer I kept getting was that the services did not know where the person in question was. There is no doubt that the person was on a significant downward spiral and that her life was at major risk. However, she was attending various services, sometimes with extremely chaotic behaviour, for which I allow. She was in the care of the HSE from when she was aged under 18 years. Her two children were also in the care of the HSE. Given that she was registered as homeless, there were default addresses for her. She was attending a methadone clinic, a needle exchange clinic and her family doctor in Dublin 8. She was a regular patient at St. James’s Hospital and James Connolly Memorial Hospital in Blanchardstown. She was in contact with her solicitor and although her solicitor was in touch with the HSE, it did not contact the solicitor to try to find out exactly where she was. Although nothing will bring her back, there must be reassurance that all measures were taken that could have averted her death. While there will always be questions of “what if” and “if only”, her family needs to know that they have been covered and it needs the information.

**Deputy Catherine Byrne:** As stated, this is being examined by the HSE. I understand the Deputy’s frustration because I read some of the other notes on the case. Deputy O’Sullivan is right in that the person in question was receiving services in different centres throughout the city. Unfortunately, my reading of it is that she fell off the radar. There are certain circumstances surrounding this case that need to be examined. I hope the Deputy will be find it acceptable if I tell her that I will pursue it again with the HSE to try to get a further sense of the issues and of what exactly happened to this person. It is a very sad case.

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**Deputy Maureen O’Sullivan:** I thank the Minister of State and note that I had a call from the HSE on this matter. It is important that we learn from this case. The lesson is about joined-up thinking. There has to be cohesion between HSE addiction services, The Drug Treatment Centre Board, primary care and homeless services, the family, and, if involved, the solicitor, particularly if it is a person who is at high risk and everyone knows it.

There probably is a need for a centralised database because people can go from one primary care area to another. There should be a record of where exactly they are to avoid confusion between the various areas. I accept this person was chaotic and moved about considerably. However, I believe - as I know the Minister of State does too - there is a possibility of recovery in every person who is in addiction. All the policies, plans and strategies sound great on paper but it is only when they are applied to a particular person that we see if they are working, can they work and where we need to go.

### **Home Help Service**

11. **Deputy Robert Troy** asked the Minister for Health his proposals to increase the number of hours under the home help scheme and the number of home care packages in counties Longford and Westmeath. [20977/16]

**Acting Chairman (Deputy Eugene Murphy):** Deputy Troy has 30 seconds to introduce the question.

**Deputy Robert Troy:** I think we will all agree that the best place for our elderly and people with a disability is in their homes. I have a grave concern about the provision and availability of home help hours. Will the Minister outline in detail the number of home help hours that are available in counties Longford and Westmeath?

**Deputy Helen McEntee:** I thank the Deputy for his question and agree that we would all live longer, healthier and happier lives if we live in and are part of our communities. The HSE provides a range of community based services aimed at ensuring older people receive safe, timely and appropriate care and treatment at the lowest level of complexity and as close to home as possible.

Home support services in Longford and Westmeath, similar to the experience elsewhere throughout the country, are being stretched by demands from people for more hours at times outside of core hours, in the evenings and at weekends, which all cost more. Thankfully, the Government has been able to respond to this demand by providing an extra €40 million for home care in 2016. The targets for 2016 are being reviewed in light of these additional resources.

There is no doubt that home care needs more resources than are currently available. For this reason, the programme for Government commits to increasing funding for home care packages and home help year-on-year in the coming period. There is always more that can be done in these crucial areas but it represents a step in the right direction. I am happy that we have been able to respond to the problems that have arisen this year.

On the two counties mentioned, all I can say at the moment, having only voted through the Estimates last week and the additional €40 million in funding, is that the HSE is engaging with

the local community healthcare organisations, CHOs, to see how this support can be provided. The additional support should be distributed where it is needed.

**Deputy Robert Troy:** I do not know how the Minister of State can be happy to say she has responded to this issue. The hours in Longford-Westmeath have been cut. If someone who had ten hours passes away today, only 25% of those hours are reallocated. I can give the House three examples in my constituency. The first is of a gentleman who is wheelchair bound and whose wife, his primary carer, died of cancer three months ago. He has been approved additional home help hours to keep him out of a home, yet no additional home help hours became available.

The second is of a woman in her late 80s who was discharged out of St. Vincent's Hospital in Athlone and who has to be lifted in and out of bed in a hoist. She has only two sons. Where is the dignity in a woman in her 80s having to be cared for by her two sons? She has been approved home help hours but she has received none. She is facing the real possibility of having to go into a nursing home.

The third example is that of a gentleman in County Longford. This man is being fed through a percutaneous endoscopic gastrostomy, PEG, is confined to a wheelchair and is doubly incontinent. His sister took retirement to provide him with full-time care. He spent eight weeks in hospital. He has been approved home help hours but he has only received ten of the 20 hours approved. His sister was made swear an affidavit that she would take him out if he was taken in for two weeks' respite. The woman is at breaking point. She cannot take him home.

I do not know how the Minister of State can say she is happy that she has been able to respond.

**Deputy Helen McEntee:** We all recognise that there are serious problems in the system. When I say that I am happy, I mean that I am happy we have been able to allocate an additional €40 million in funding, which will help in the different cases mentioned by the Deputy. Unfortunately, we all know of similar cases within our constituencies. They are brought to my attention daily. As I pointed out, the Estimates were only voted on last week and it will take a number of weeks for this to make its way through the system. However, with that additional funding, the service plan for this year will be able to target 10.4 million home help hours, which will support 47,800 people. It is estimated that approximately 21,000 people will now benefit from the initial figure of 15,450 home care packages. It also means that we can increase our base for next year. While our base for home care help and packages was €331 million, it will increase to €371 million. We have given a commitment in the programme for a partnership Government to increase it year-on-year, so that figure will only get bigger. I am not happy with the current situation, but this is a step in the right direction and we need to continue moving in that direction.

**Deputy Robert Troy:** Things are not getting better, they are getting worse. If additional hours are being made available and additional money is available, why is it that only 25% of existing hours which have been in place for the past six, 12 and 18 months are being reallocated? How is it fair that only 25% of existing hours are being reallocated? How is that equitable? How will it keep as many people in their own homes, which is something we want? If they are not supported, these people will end up in long-term nursing home care. This will cost more money in the long run.

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It makes economic sense and good social sense to keep people in their homes. The Minister of State said that €40 million has become available. When will we see the benefits of it? When will the people of Longford-Westmeath to whom I referred get their home help hours? Saying we have made money available is no good, it does not wash for the people who need the hours now.

**Acting Chairman (Deputy Eugene Murphy):** I will allow Deputy Alan Kelly to make one very quick comment, because two other Deputies are waiting to ask their questions. I ask him to keep it brief and will then go back to the Minister of State for a final contribution.

**Deputy Alan Kelly:** Deputy Troy is right. I welcome the €40 million, but there is a gap period and we are not seeing this funding on the ground. HSE officials tell me that when it is distributed it will only bring the hours back up to a certain level, which is only a drop in the ocean. That is what the Minister of State's officials are saying. I am telling her the truth.

I know of a lady in Newport who has dementia and a terminal illness. She is to get ten hours. It is an incredible scenario. I had to fight to get it increased from five hours to ten. My real point is that this is financially the most solid thing the Government could do. It costs €7,000 if a person is kept, bed blocking, in a hospital. It costs on average €1,500 to have someone in a nursing home versus €500 for the cost of a reasonable amount of home help. This is socially the right thing to do, but financially it is also the right thing to do. I ask the Minister of State to please go back and get adequate funding for this service.

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State has 30 seconds, but we need to move on.

**Deputy Helen McEntee:** I fully agree with the Deputies. We know that in the first quarter of last year there was a significant increase in requests for home help and home support. To ensure that number did not drop this year, funding was allocated which meant significant additional funding had to be allocated. This is the €40 million to which I have referred. I believe this will not just level out the same funding from last year but will see an increase. I am not saying it is enough. The Minister has made it very clear that he has spoken to the different hospital groups to make sure they stay within their budgets. The more they stay within their budgets, the more it allows us to put more money into the home help service and home care packages, which will see a change in where the funding is being allocated and that will result in a saving all around.

**Acting Chairman (Deputy Eugene Murphy):** I will take Question No. 13 before Question No. 12, with the agreement of the two Members who tabled those questions. Deputy Barry has 30 seconds to introduce his question.

### **Health Services Provision**

13. **Deputy Mick Barry** asked the Minister for Health his views on the continuing depth of involvement of religious organisations in providing State-funded health care, on the separation of church and State, and if he will make a statement on the matter. [21000/16]

**Deputy Mick Barry:** Does that mean that Deputy Connolly will get an opportunity to speak after me?

**Acting Chairman (Deputy Eugene Murphy):** Yes. There will be time for her question if we adhere rigidly to the time allocated.

**Deputy Mick Barry:** I will do that and I appreciate this. My question is to ask the Minister for Health for his views on the continuing depth of involvement of religious organisations in providing State-funded health care, on the separation of church and State and if he will make a statement on the matter.

**Deputy Simon Harris:** I thank Deputy Barry for his question. Voluntary and non-statutory service providers, including religious orders, have a long history of providing health and personal social services in Ireland and of receiving State funding to provide such services. I would like to acknowledge the significant contribution of all such providers to the delivery of these essential services. I remarked earlier in this House that were it not for some of those voluntary service providers, one wonders how many of our people would have been cared for throughout the years in this country in terms of disability services, mental health services and other services.

The HSE, however, has a statutory responsibility - one cannot delegate that - for the management and delivery of health and personal social services. As well as providing services directly, the HSE enters into service agreements or arrangements with service providers to provide such services on its behalf. As Minister for Health, my priority is ensuring that all of the resources available to the HSE are used in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the Irish public. To that end, the HSE has a formal national governance framework which governs grant funding to all service providers under sections 38 and 39 of the Health Act 2004. This framework seeks to make sure that governance systems are sufficiently robust and effective to ensure that both the HSE and the grant-funded agencies, be they religious orders, irrespective of denomination, or other voluntary or non-statutory service providers, meet their respective obligations. The most critical issue for me, regardless of whether the service provider is a religious organisation, is whether the service is being provided for which we the taxpayer, through our health service, are paying.

I do not have an ideological position on the involvement of religious organisations in the delivery of health care. I believe there is scope for diversity in the range of service providers delivering health care - that has always been the way in this country - but that service must be delivered and, let me clear on this, in line with Government health policy, legislation and the responsibilities attaching to the use of public funding. Once an organisation is complying with our health policy, the Government's policy, the legislation passed by this House and the responsibilities attaching to the use of the public money, the matter of whether the service provider is a religious or non-religious organisation is not something that keeps me awake at night.

**Deputy Mick Barry:** The Minister is right in saying there is a long history of provision of health care by such service providers but we are now in the 21st century. The Minister said the key issue is the whether the service is being provided, so let us get down to the nitty-gritty on that. I refer to an article in *The Sunday Business Post* of 9 May. The headline stated: "Catholic ethos restricting St. Vincent's Hospital from procedures." The article stated that doctors working at St. Vincent's Healthcare Group in Dublin are being restricted from carrying out procedures that are contrary to Catholic ethos. It stated that gynaecologists and urologists said they were not allowed to perform procedures such as vasectomies and tubal ligations for patients who want to permanently prevent pregnancy. It further stated that the doctors contradicted assurances given by management which had insisted there were no restrictions stopping

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its doctors from performing these procedures. Doctors at the Mater Misericordiae University Hospital in Dublin city centre said they faced the same restrictions. It also states that the Mater hospital and St. Vincent's hospital receive €450 million in State funding between them each year. Mr. John Thornhill, the President of the Irish Society of Urology said vasectomies were "not allowed in hospitals in the public sector with a Catholic ethos". Would the Minister care to comment on that?

**Deputy Simon Harris:** As I said very clearly already, my responsibility as Minister for Health is to make sure that we are delivering the services that the Irish public require in terms of their health and well-being. My responsibility is to ensure that the funding this House approves for me to expend on the health service is disbursed by the HSE, either spent by it or disbursed to voluntary organisations, and that we get value for money and get the services that we pay for and require.

I set health policy on behalf of the Government; nobody else and no religious order sets health policy. Therefore, I feel very strongly, and I share Deputy Barry's view on this, that where the HSE or the taxpayer is funding the service, it is this House and this Government that set the policy and not any other house or any other type of governing body.

There is obviously an issue of conscientious objection and that may be the issue to which the Deputy is referring. That could potentially arise in the context of the provision of treatment and services in health care facilities run by religious organisations. The European Court of Justice has outlined that this conscientious objection remains a limited right derived from religious freedom that cannot lead to the restriction of the rights and freedoms of another person. However, a health care professional's conscientious objection absolutely does not absolve his or her duty of care to the patient. Therefore, he or she could not abandon the patient or cause the patient's care to suffer in situations where such a transfer would not be possible. This is in line with the approach outlined in the Medical Council's guide to professional conduct and ethics which facilitates the transfer of a patient from one doctor to another.

**Deputy Mick Barry:** A dedicated State-funded service with the specific remit of catering to homeless pregnant women has been provided by a so-called pro-life organisation, Life Pregnancy Care, which recently branded itself as Anew, and now claims to be multid denominational. According to its audited financial statements for 2014 provided to the Companies Office in November 2015, its directors include Lorcan Price, who is also a director of the Pro Life Campaign. In 2014, the HSE gave Anew, formerly Life Pregnancy Care, nearly €0.5 million in funding, 83% of Anew's total budget. Would the Minister care to comment on that?

**Deputy Simon Harris:** I will have a look at the information the Deputy has made available to me and I will revert to him directly on it. I recently met people involved in the Termination for Medical Reasons, TFMR, group, and we had a discussion on a number of issues regarding ensuring consistency in terms of access, particularly to bereavement counselling and procedures. I have undertaken in regard to bereavement standards to make sure that phrases such as "fatal foetal abnormality" feature as opposed to just phrases such as "life limiting conditions". I am very clear on this view. I do not care too much, to be quite frank, once the service provider provides the service but I do not want any patient in this country not to be able to access a service that is in line with my policy as Minister for Health and the policy of this House and of the Government.

## **Mental Health Services Report**

12. **Deputy Catherine Connolly** asked the Minister for Health if he has commenced the promised review of A Vision for Change, when he will complete it, the composition of the review team, its terms of reference, and if he will make a statement on the matter. [20606/16]

**Deputy Catherine Connolly:** Could the Minister confirm whether the promised review of A Vision of Change has begun, when it will be completed, its terms of reference, the composition of the review and so on?

**Deputy Helen McEntee:** A Vision for Change has guided national mental health policy over the past ten years and, as the Deputy rightly said, its term has come to an end. The Department published a request for tender last month to invite parties interested in undertaking a review of A Vision for Change to express an interest in doing so. The Department's requirements are for experts to review and analyse national and international evidence and best practice in the development and delivery of mental health services. The review should also identify sites of best practice, outlining reasoning and identify how these models can apply to the Irish context. The review is also expected to assess the current delivery of mental health services in Ireland having regard to international evidence and the implementation of A Vision for Change.

It is envisaged that the review will be completed later this year. The review will provide evidence to determine the policy direction for a revision of A Vision for Change and it will have regard to both human rights and health and well-being objectives. As I said in a response to Deputy Wallace earlier, we need to move away from specifically focusing on mental illness. When the review is completed, the Department will examine the output and will then decide on the need for a monitoring group to oversee any required policy changes.

The contract will be awarded on the basis of the most economically advantageous tender. It will be split into two sections, 50% of it will be based on cost, a further 30% will be based on the quality of proposed methodology and 20% will be based on demonstrated ability by way of previous experience on the part of the tenderer to carry out the work. I hope that the review will be finalised at the end of the year. The next step will be to see whether we need an oversight group to implement the changes that will have been recommended.

**Deputy Catherine Connolly:** I welcome the fact that we have progressed to getting a time-frame. I am very disappointed that it will take until the end of the year. The term of A Vision for Change ran out in January; the ten years were up. A Vision for Change provided for an independent monitoring commission, which sat for two periods, 2006 to 2009 and 2009 to 2012. It has not sat since then. Will the Minister of State confirm whether it will sit in the meantime while we are waiting for the review to be completed. A Vision for Change was visionary ten years ago and it remains visionary. The difficulty is it has never been implemented. It foresaw that Governments would not implement it. That is why they asked specifically for a review after ten years to see how effective it had been and, more importantly, for an independent monitoring group to run simultaneously to monitor whether it was implemented or not. Can the Minister of State confirm the situation in relation to the independent monitoring group?

**Deputy Helen McEntee:** I agree with the Deputy that progress has been slower than initially anticipated but it continues to be made in implementing the report's recommendations. As the Deputy rightly pointed out, the vision has not changed. While the review is under way, we are continuing to implement the report. In recent years, the Government has provided an

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additional €160 million in ring-fenced funding for mental health from 2012 to 2016. That has progressed the implementation to various degrees of the actual document. While the independent group to which the Deputy refers is currently not established, it is a question I have been raising and something I would like to consider once the review is finalised at the end of the year. We need to take that time. While it might seem like a long time, it is something I could come back to the Deputy on, depending on the recommendations. We need some form of oversight committee to put in place a timeline to ensure that we are progressing at adequate speed.

**Deputy Catherine Connolly:** While I welcome what the Minister of State said, “slow and inconsistent” was the opinion of the Mental Health Commission and the finding of the independent monitoring group. The last time the group sat was 2012 and yet the Minister of State stands up and tells me what money has gone into it. While I welcome the investment, there is no independent group to tell us how effectively it is being used and whether it is being used at all in the most efficient way possible. That was all anticipated. Now we are going forward with another review that is going to take the whole year. To me it is unacceptable. All of this was laid down in 2006 and even then it was not in a vacuum. It was based on a report going back to 1984 on planning for the future. It is extraordinary that we find ourselves in 2016 with the tender only now going out and the review group. It will not be ready until the end of the year while in the meantime, the Minister of State cannot tell me whether an independent group will be set up to monitor what has happened to date. That was part of the original recommendation. All of that said, the plan should be taken together and not piecemeal.

**Deputy Helen McEntee:** To reiterate, it is my view that we should have some form of oversight committee. While the review may seem like a long time, if we wait until the end of the year to implement the committee, it will have oversight of what we have implemented to date and of the recommendations being put in place by the review committee itself. We must continue to focus on moving towards a more community-based environment for our mental health services. For my part, that means working with the mental health review commission and a lot of the other organisations which have provided significant oversight on this and rightly pointed out where we are failing, where we are not and where we need to improve. It is important that I continue to work with them in that regard. My view is that once the review is completed, there should be some form of oversight committee or board.

*Written Answers follow Adjournment.*

## **Topical Issue Debate**

### **Home Care Packages Funding**

**Deputy Frank O'Rourke:** I am delighted to be given the opportunity to speak today on the issue of home care packages. As with all Members of the House, health is a constant issue at my weekly clinics. Access to vital health services is a challenge, waiting lists are increasing and securing home care is a constant struggle for many older people. Most of us like to think that when the time comes, we will have the means to care for ill or aging family members who, given the choice, would rather be in their own homes than in a hospital or nursing home. This is where the home care package comes in. The package consists of a range of services provided by the HSE to facilitate the care of older people in their own homes. Whether it is therapy,

home help, respite, transport to and from medical appointments, or day-care services, the package aims to make it easier for people to remain independent for as long as possible.

The HSE has a core provision of €324 million for home supports in 2016 and its national service plan for the year provides for a target of 10.4 million home help hours, 15,450 home care packages, 130 intensive home care packages for clients with very complex needs and a further 80 packages for clients with dementia. While I welcome this provision, the unfortunate reality is that accessing these services on the ground can be a very frustrating and protracted process. The suspension of home help hours and home care packages in February of this year has had a major impact and the effects are still being felt. On a system-wide basis, the cuts have ended up costing dearly, both financially and in terms of patient health. Increased pressure has been placed on an already creaking system through delayed discharges from hospitals and more people have been re-admitted to hospital due to inadequate supports in the community and home. Respite care is another issue. Good home care provision ideally supports both a medical and social model of care whereby both the carer and the cared-for person are supported physically with therapy, respite and home help and psychologically. It should allow the carer time to get a much needed break. Again, I have been contacted by a number of constituents this week alone who expressed their dismay that the provision of respite care at Maynooth community care centre had been reduced to two beds for the entire area. I am awaiting clarification of this via a parliamentary question I have submitted but it appears the centre is no longer allowed to use primary care beds for respite. This appears to be totally at variance with Government policy and with the commitment given in the programme for Government to increase funding for home care packages and home help every year.

Older people prefer to live in their own homes and this can be assisted by providing home care packages or home care hours and making their physical environment more suitable for their needs. However, there was a decrease of 83,346 home help hours in Kildare between 2010 and 2015. I hope the recent announcement by the Minister for Health of the Government's approval of a Revised Estimate for the Department of Health means there will be increased resources for home care services. I ask the Minister of State to be more specific on this funding. Does she agree that at minimum 2.2 million extra hours of home help and a further 3,500 home care packages for older people are required? Is that a target the Government will commit to meeting?

I also raise the issue of intensive home care packages, especially for people with dementia. Most people living with dementia and their families want to provide for their care at home. Can we step up the provision of intensive home care packages to achieve this? There is now an urgent need for the Minister for Health to deliver, as a priority, the projected increase in funding for home care packages as included in the programme for Government.

**Minister of State at the Department of Health (Deputy Helen McEntee):** I thank the Deputy for raising this issue, which we know is extremely important from the questions which were asked during Question Time. Our population is ageing rapidly. Advances in health care are leading to a dramatic rise in our older population. Each year, the total number of persons over the age of 65 grows by approximately 20,000. We can see what the figures will be in the coming years. There is now a stronger emphasis on home care and other community services which provide a greater range of options to avoid admission to acute hospitals, support early discharges and, where appropriate, rehabilitate and re-able patients after periods of particular difficulty. Older people have consistently said that they want to stay in their own homes and communities for as long as possible and the Government is committed to facilitating this. As

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Minister of State with responsibility for older people, I am committed to facilitating this as much as possible. Home care services are key to achieving this and the strengthening of home care services is an objective to which the Government is committed. The HSE provides a range of community-based services aimed at ensuring that older people receive safe, timely and appropriate care and treatment at the lowest level of complexity and as close to home as possible. 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 Atlantic Philanthropies under the Irish national dementia strategy.

Notwithstanding the significant improvements in the overall economic position that we have seen in recent times, pressures continue to apply across the health service. Services are being stretched by demands from more people and for more hours at times outside core hours, in the evenings and at weekends, all of which costs more. The Government has been able to respond to this demand by providing an extra €40 million for home care services in 2016. As I told the Deputy's colleague, the HSE is engaging with local community health organisations, CHOs, to establish how that funding can best be divided and spent. Those most in need must receive it first. I hope this will happen as quickly as possible. If the Deputy wishes to keep in touch, I will be in regular contact with the HSE to determine when that funding will be passed down. The targets for 2016 will be reviewed in the light of the provision of these additional resources.

There is always more that could be done in these crucial areas, but this represents a step in the right direction. I am delighted that the Government has been able to respond to the increased demand for services by providing additional funds. The allocation of these funds in the most appropriate way is a priority for the HSE. Prudent management of available resources is needed as demand for services increases. The HSE will continue to work to apply the available resources to target those in the greatest need most effectively and provide the best possible contribution to the system as a whole.

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 care packages and home help services year on year in the coming period. I cannot give the Deputy an exact figure, but I will seek as much funding as it is physically possible to increase the figures he outlined.

Respite care services are of the utmost importance, not just for the individual who needs care but also for carers who are among the most important people in our society, something we might not recognise enough. Sometimes, respite care provision is the only break they get. We must see an increase in funding in line with that for home care packages.

On the issue of dementia, the Minister, Deputy Simon Harris, and I have met the Alzheimer Society of Ireland. I have met it several times independently. We are working with it on how we can increase funding and provide specific dementia care packages for dementia sufferers.

**Deputy Frank O'Rourke:** I thank the Minister of State for her reply. I do not doubt her commitment to making improvements where they are needed badly, particularly for the elderly. She is aware of the difficulty in this regard, from the response to one of my colleagues, that what is happening on the ground is different from what is being reported within departmental or other official circles. Given her offer, I would welcome the opportunity to meet her outside

the Chamber to discuss this matter in detail. There is a problem with the service provider and the service user.

We are discussing the issue of hours, but I could give the Minister of State a list of 44 cases. She could give me as many, as could other Deputies. In Kildare North applicants have received approval for a home help service, but HSE officials have called to their homes in the past week to take the service away from them. I am not in the Chamber to play theatre with the Minister of State. I do not believe in engaging in such opportune politics for the optics. I believe in working hard for the people who elected me, representing them to the best of my ability and seeking the services they need.

An elderly lady who is partially sighted has received no home help service since February or March. Recently, she was told that she would not receive such a service unless she paid for it herself. An elderly man was meant to come home from hospital, but he was transferred to a hospital in Dublin on Friday because a home care package had not been approved for him, even though one had been identified and charted for him by his consultant. In the National Rehabilitation Hospital in Dún Laoghaire the medical profession has as difficult a job to do as anywhere else and there is a waiting list. I spoke to a constituent on Friday evening who, despite waiting, could not be discharged because a home care package had not been approved. I am aware of a couple in their 70s and the woman has dementia, is incontinent and needs to be showered daily, as recommended by the medical professionals. After she has her shower on Friday at 10 a.m., she will not have another until Monday at 7 p.m. The man gets two three-hour breaks on Monday and Thursday nights. He receives a home help service for approximately two hours to do household chores. Last week two HSE officials arrived like the Mafia and took them from him. He has lost a service for two and three quarters hours.

We need to have this issue addressed. These are the real issues and I need the Minister of State's help.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy is over time.

**Deputy Frank O'Rourke:** I need the Acting Chairman's forbearance.

**Acting Chairman (Deputy Eugene Murphy):** No. I have given the Deputy-----

**Deputy Frank O'Rourke:** Please, will the Minister of State help us to correct these issues? It is a scandal.

**Acting Chairman (Deputy Eugene Murphy):** Will the Deputy, please, allow the Minister of State to reply?

**Deputy Frank O'Rourke:** The people concerned have contributed to the State and need to be looked after.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy has made his point.

**Deputy Helen McEntee:** This is a priority for me. There is a major flaw in the system, in that significant amounts of money are being used to keep people in hospital and acute units when we know that the financial benefits to the HSE and the Department in keeping them at home are considerable. There are also the physical benefits. When people are surrounded by their families and involved in their communities, naturally they get better and live longer and happier lives. As the Deputy rightly put it, trying to flip the manner in which funding is directed

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is a mammoth task. Unfortunately, one cannot just whip money from acute or hospital services. One must play a steady game by increasing funding in one direction while gradually decreasing it in another when it is no longer needed. That is when we will start to see a change. The five to ten-year plan for health is the way forward. We must invest over a long period. In the meantime, the priority is to continue increasing the finances for home help services, home care and intensive care packages. I am working on this issue with the advocacy and support groups, carers and hospitals. I will also work on it with the Deputy and ask for his and the support of every Deputy, as this is an important issue. The number of people aged 65 years and over will double in the coming years, while the number aged 80 years and over will quadruple. We will face a major problem if we do not address the issue now.

### **Hospital Accommodation Provision**

**Deputy Hildegarde Naughton:** I thank the Ceann Comhairle's office for affording me the opportunity to raise this issue which is of the utmost importance to the people of Galway and the broader western region. At University Hospital Galway we are blessed with a team of world-class doctors and health care professionals, but they are struggling beneath the weight of inadequate resources and unmanageable demand. As the Minister of State will be abundantly aware, the hospital is beset with the country's longest waiting list, has the most cancelled procedures and frequently has the most patients on trolleys. In the Minister's defence and that of his predecessors, it is not the case that no money has been made available for capital spending on the hospital in recent years, but in times of scarcity it is equally important to consider how money is spent, as well as how much.

The central government funding invested in capital projects at University Hospital Galway in recent years represented a wasted opportunity. The hospital campus has dated facilities and its capacity to cater for the needs of a growing and ageing population cannot be expanded owing to restrictions on its current site. I will cite two of the most recent capital projects to illustrate this point.

This year will see the opening of a new 75-bed ward block. For some time, this prospect gave people in the hospital's catchment area hope that it would go some way towards alleviating the seemingly perpetual overcrowding crisis. However, it emerged in recent months that there were three wards being closed to make way for the new €18 million block and that there would be no net increase in bed capacity once the block's doors opened. This was confirmed in letters from the chief operations officer to the planning authority, in a letter to me from the hospital's general manager and in briefings by senior management of the group's patient council. A key reason for this is that the additional beds cannot be provided under the terms of the city development plan without creating an equal number of car parking spaces, for which there is no room on the campus.

That brings me to the second capital project. The hospital undertook to build a new two-storey parking facility on the site of an existing car park a few years ago. Remarkably, the project's net impact following completion was that there were 80 fewer spaces. We are building car parks that do not result in the creation of extra parking spaces and ward blocks that do not result in the provision of extra beds.

*5 o'clock*

We need to stop this, take stock of why this is happening and decide what should happen next.

Given the gravity and scale of the overcrowding crisis at University Hospital Galway, I consider it a shame that scarce resources were poorly utilised on capital projects that would offer no respite from the crisis. It is one thing in the midst of an economic crisis to say there is no money but it is quite another to have the money and waste it in a way that would do anything other than confer the maximum possible benefit on the maximum number of people. That, I fear, is what has come to pass in the two instances I have outlined today.

The present set of circumstances is not tenable. Put simply, the region's population is going to grow but the hospital's capacity is going to remain the same. The sooner we realise that a longer-term vision is required in the form of a new facility on the grounds of Merlin Park University Hospital, which is on State-owned land, the sooner we can restore confidence in the fact that the current and future health care needs of the people of the west will be catered for.

Endemic short-termism appears to have overtaken most of the planning on the existing University Hospital Galway site. Bearing in mind the Minister's vision and the setting up of the all-party Oireachtas committee, of which I am a member, to consider a ten-year plan for the health service, does the Minister of State agree that since University Hospital Galway is the major acute hospital for the west, we now need to grasp the nettle and look at the bigger picture?

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy Naughton for raising this issue and I welcome this opportunity to outline the up-to-date position on recent health infrastructure developments at University Hospital Galway. These developments recognise that demand for health care is rising, with our elderly population increasing at nearly double the European average. Other factors, such as the rise in obesity, chronic disease and advances in health care technology, are also increasing demand for health services. In this regard, A Programme for a Partnership Government sets out a clear vision for health services that is community based and responsive and accessible to patients. The development of primary care is central to this, by shifting the balance of care from a hospital-centric system to one located in the community, enabling users to access a broad spectrum of care services easily through their local primary care team. The development of a new hospital anywhere in the county must be seen in the context of the delivery of related health care services in the locality and region.

With regard to University Hospital Galway, the State has invested in the healthcare infrastructure at the hospital site and continues to do so. Given the ongoing investment that has been made at the site, it would not represent value for money to walk away from this significant investment. A number of significant projects have been completed at University Hospital Galway in recent years. These include the clinical research facility, the upgrade to the maternity unit and the cystic fibrosis outpatient department, which was completed in 2014 and is now operational.

There are also two major developments currently under way in Galway. Construction work is ongoing on the new 75-bed ward block, which will provide single-room inpatient accommodation. Work on a new acute mental health department is under way and is expected to be completed early in 2017. Following the transfer of mental health services to the new acute

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department, work will begin on the construction of the project under the national plan for the radiation oncology, for which project the HSE has already obtained planning permission.

A Programme for a Partnership Government commits to progressing a new emergency department facility for Galway University Hospital. The HSE Capital Plan 2011-2016 includes funding for a full option appraisal and cost-benefit analysis to inform planning and funding requirements for a new emergency department at University Hospital Galway. The cost-benefit analysis is in its final stages and it is anticipated that this will be completed shortly. If favourable, this will proceed to the design phase in 2016. The building of this urgently needed emergency department remains a capital priority for the Saolta University Health Care Group. Pending the development of a new emergency department, in order to alleviate pressures and to ensure that patient experience in the existing emergency department is improved, 30 additional beds opened at the hospital in early 2016.

There are no plans for a new hospital to be built in County Galway. Moreover, University Hospitals Galway comprises both University Hospital Galway itself and Merlin Park University Hospital, which is not far away. The rationale behind the establishment of the hospital groups is to facilitate collaboration between hospitals serving a particular patient population and to maximise the utility of existing resources. The Saolta University Hospital Group will continue to enable cross-development of both University Hospital Galway and Merlin Park to accommodate the best use and expansion of the services provided.

Further investment in individual hospitals must be considered within the overall acute hospital infrastructure programme and as part of the establishment of hospital groups. Development control plans have been completed on all major hospital campuses, including University Hospital Galway. These provide a blueprint for future development and rationalise construction and capital expenditure. This exercise focuses on what constitutes good practice, planning and addressing service needs, and all current and future development of health care infrastructure will be based on this considered approach.

**Deputy Hildegard Naughton:** I thank the Minister of State for his response. I acknowledge that the new 75-bed ward block will offer patients more modern single-room accommodation, but the simple fact is that it will not offer one single extra bed. My point today is on value for money. The Minister of State implied walking away from the University Hospital Galway site would not represent value for money. If he investigates the amount of funding invested in the two projects I have outlined today, he will note it is an example of how we are not looking at the bigger picture or adopting a longer-term vision for Galway and the western region.

Questions need to be asked on whether these projects should have been allowed to proceed when it was apparent that they would not bring any appreciable relief in the current crisis in University Hospital Galway. Prior to my election to this House, I stated the University Hospital Galway campus was at saturation point and was unfit to provide for the present and future health care needs of people along the western seaboard. I examined the Merlin Park site, which is State-owned. We have Merlin Park hospital, as the Minister of State said. Since the time in question, the assessment has gained the support not only of my political colleagues but also that of the clinicians and hospital management. In the interest of the future health care of our citizens in the west, we need to be considering a plan and phasing out from University Hospital Galway. I appreciate the investment in that site but we need to be considering a larger one. The current one is in the city centre. It is hemmed in and, because of parking restrictions associated with the Galway city development plan, we cannot have an extra bed without an extra

car-parking space. That is simply the case and we need to be considering the use of the State-owned land at Merlin Park. We also need to consider the ten-year plan and include a provision whereby University Hospital Galway would move to Merlin Park as part of that plan.

**Deputy Finian McGrath:** I accept some of the comments made by Deputy Hildegard Naughton on these issues and that there are questions to be answered. I welcome the fact that the Deputy welcomed the 75-bed single-room unit. Of course, we must examine how we spend capital funding.

The Deputy made a very positive point on the problems with the city development plan and the car-parking issue. I am listening to the points she has raised. She is saying the clinicians on the ground support her position on this matter. We have a duty to listen to the people who run the services and the service providers. I will raise the Deputy's concerns with the Minister, Deputy Simon Harris.

I know University Hospital Galway very well because I spend a lot of time there visiting relations and extended family members. I know of the problems with patients on trolleys and the other issues. Our job is to try to come up with sensible proposals. However, part of our job, which the Deputy rightly highlights, is to determine how we spend the money to provide services on the ground.

We must recognise that chronic disease management is a major driver of health care costs. It accounts for 80% of health expenditure. The number of people affected by chronic conditions is increasing by approximately 5% annually. We must address this issue.

I will convey to the Minister the issues and concerns raised by the Deputy and we will ascertain whether anything can be done about them. As I stated, we all have a duty to listen to citizens, local representatives and the professionals on the front line.

### **Voluntary Sector Remuneration**

**Deputy Gino Kenny:** I am glad to have an opportunity to raise this important issue. Over the weekend, people will have read astonishing revelations concerning executives in the St. John of God organisation who were paid €1.64 million. Some of the individuals in question received €50,000, while others received €250,000. I worked for St. John of God services for two and a half years, during which I met the best, most dedicated and fantastic people I have every worked with. I also met many fantastic family members of service users and the experience put me in good stead.

There is something rotten about these revelations. The chief executive of St. John of God services is paid €182,000 per annum or six times more than the average worker in the organisation. When one delves into the issue, one is shocked by what one discovers. St. John of God services, which received €130 million last year, signed a service level agreement which states that the organisation must not pay or subsidise salaries or expenses which exceed those normally paid within the public sector. There is something rotten when the chief executive of a voluntary body such as St. John of God services is paid such an extraordinary amount of money when the service level agreement stipulates that no member of staff in the organisation should be paid more than €110,000 per annum.

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Why is taxpayers' money being allocated to St. John of God services when its executives are being paid such extraordinary amounts? Taxpayers subsidise the health service and the voluntary bodies working in the sector. What does the Government propose to do about this issue? Action must be taken because the problem is not confined to St. John of God services. The same issue arose regarding the Central Remedial Clinic and Rehab in recent years. Having worked in the service, I believe many people will be enraged by recent developments, especially given recent cutbacks in St. John of God services, for example, the closure of St. Raphael's unit in Celbridge. It is outrageous that this has been allowed to happen. I hope the Minister of State will respond.

**Deputy Finian McGrath:** I congratulate Deputy Gino Kenny on his election to the House. It is great to hear different and new voices raising important issues, particularly with regard to services for people with disabilities.

It is important to outline what has taken place thus far in order that we can address the specific issues that have arisen. In June 2012, the Health Service Executive's internal audit undertook a review of the remuneration paid by section 38 agencies, bodies funded by the HSE pursuant to section 38 of the Health Act 2004, to their senior management. The audit identified significant key findings and the overall assessment of the control environment was considered to be seriously inadequate due to the significance of the issues identified. I understand the HSE was only very recently made aware of the payments by the St. John of God Hospitaller Order to 14 of its senior managers in 2013. On foot of the review, the Health Service Executive wrote to the order to inform it that the HSE's internal audit has been requested to undertake a review of the payment of additional remuneration to St. John of God senior managers and request the organisation's full co-operation throughout the process.

A review of all section 38 providers by external consultants is already under way. The purpose of these reviews is to establish the standard of governance in place in these organisations and to confirm independently that the governance practices and procedures accord with those set out in their respective annual compliance statements. These reviews involve an examination of key governance processes and documents, including obtaining confirmation that internal financial controls and formal written financial procedures are in place in these organisations. We need to engage in reform and act on these matters. Six reviews are under way and their outcomes will inform the HSE's relationship with the agency concerned and any further enhancement of the HSE's overall governance framework.

On 27 September 2013, the Department issued to the HSE a health sector pay policy, Circular 1112013, which reflected Government pay policy as it applies across the public service. The circular was prepared following consultations with the Department of Public Expenditure and Reform. The Department of Health consolidated salary scales, as sanctioned by the Minister for Health, set out the current salaries for the public health service. The health sector pay policy states that the health consolidated salary scales must be strictly adhered to and in no circumstances should an employee receive remuneration in the nature of pay and allowances of an amount greater than the amount prescribed. It is made very clear that this pay policy applies to all employees of the HSE and agencies funded by the HSE, in whole or in part, under section 38 of the Health Act 2004. It is also made clear that section 38 funded agencies may not supplement approved rates of remuneration with Exchequer funding or non-Exchequer sources of funding.

Each section 38 provider is required to furnish to the HSE an annual compliance statement

in which it is required to confirm, among other matters, that all remuneration paid to employees is in accordance with public health sector pay policy and that other sources of funding are not being used to supplement employee remuneration that exceed Department of Health consolidated salary scales and pension arrangements. Financial penalties may be imposed by the HSE for non-compliance. The health sector pay policy states that where an organisation wishes to make a business case for the continuation of unsanctioned salaries or allowances, it may do so and this will be considered by the HSE, with the involvement of the Department of Health and Department of Public Expenditure and Reform, as necessary.

**Deputy Gino Kenny:** I thank the Minister of State for his comprehensive reply. This issue raises a question which is depressing in some ways. From where did St. John of God get the sum of €1.64 million to pay 14 of its senior managers? If it was not provided by the Health Service Executive, it must have been raised by service users' families, as occurs in many voluntary services, through sponsored walks, organised cake sales and so forth. It is very difficult to raise funds these days, yet family members have provided funding to pay a salary of €180,000. The chief executive and other executives who were paid bonuses should resign. I will be careful in my use of language but these people have no shame. No one can justify paying such high salaries, particularly in an organisation such as St. John of God.

As I stated, I worked in St. John of God services for many years and it is a great organisation with an amazing staff who provide a fantastic service. The revelations we have heard are unbelievable. I hope the loophole that allowed these payments to be made will be closed. The bigger issue, however, is that the payment of salaries of €90,000, €100,000 or €110,000 to executives in voluntary organisations does not sit well with people. No one is worth such a salary. Ordinary workers in hospitals and other parts of the health service work hard in difficult jobs for a fraction of the pay awarded to managers. There is something very wrong in this industry and I hope it can be addressed in the coming period.

**Deputy Finian McGrath:** I agree with Deputy Kenny in respect of some of the points he raised. I also believe we have to change the mindset with regard to services for people with disabilities. We have to start talking about it. Part of my vision as the new Minister of State with responsibility in this area is to deal with the whole idea of rights and equality for people with disabilities. We want to get away from the charity idea. These are our family members, children, neighbours and friends. More than 600,000 people in the State have someone with an intellectual or physical disability in the family or have a disability themselves. Most of them pay their taxes every day and many of them are working. By the way, not enough of them are working but that is another debate for another day. However, they are contributing to the Exchequer and they are entitled to a service. We need to get away from the charity model.

Deputy Kenny has raised these issues and it really annoys me when we see what is actually going on. He referred to €1.64 million. Let us consider the vast amount €1.64 million could do for services.

There is another issue that I am concerned about. This year in the Estimates, St. John of God services is going to get €132.4 million from the taxpayer, the Exchequer. We need to clean up the services. We need to ensure that the money is spent on the services, including on occupational therapy and speech and language therapy. We need to deal with the issue of excessive pay. Of course, it is wrong and I will not accept it. As far as I know, senior managers from St. John of God will be before the Committee of Public Accounts this coming Friday. That is where our colleagues should ask the hard questions.

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However, I am giving a commitment today. Part of my plan and strategy in the coming months is to try to reform, clean up and point out the services that are good. I have come across some great services recently. Those involved are spending the money on the services for people, children and adults, with physical and intellectual disabilities.

### **Harbours and Piers Development**

**Acting Chairman (Deputy Eugene Murphy):** The final Topical Issue is in the name of Deputy Seán Barrett who I got to know from his time sitting in this Chair over the years. It is nice to see him as a Deputy representing his constituency. He has a question for the Minister for Transport, Tourism and Sport on the future development of Dún Laoghaire harbour and the recently developed plans of the Dún Laoghaire Harbour Company. He has four minutes to put his question.

**Deputy Seán Barrett:** I thank the Acting Chairman for his kind words and the Ceann Comhairle for selecting this topic. Dún Laoghaire harbour is very dear to me. I have been a resident and a native of Dún Laoghaire for almost 72 years and I know the harbour backwards. I was also Minister for the Marine and Minister for Defence in the mid-1990s when we put through the Harbours Bill, which is now the Harbours Act. The legislation incorporated a new way of managing Dún Laoghaire Harbour, that is, through a State-owned company with a board of directors.

Since that time, people have had other ideas about what should or should not be done with Dún Laoghaire harbour. This is a valuable and quality national harbour, as are the facilities attaching to it. Anyone who takes a walk out there on a Sunday afternoon will see thousands of people walking the piers. It was infamous from the days of the mail boat and dating back to when kings and queens landed in Dún Laoghaire on their way to visit Dublin city. Its history speaks for itself.

That is all very well but we now have a harbour company that does not know where it is going because people have been changing their minds - I do not include the current Minister in these comments because he has only recently taken over. I sincerely hope he concurs with my view, that is, that the harbour company should remain as it is.

The harbour is a valuable asset. It had the potential to produce well in excess of €10 million in revenue every year. Unfortunately, however, because of the demise of the Stena ferry, revenue is now hovering at approximately €4 million or €5 million. There is hope that the harbour will attract another carrier in the not too distant future, perhaps next year. Those involved are also developing plans for cruise ships to visit Dún Laoghaire harbour because of the massive development that has taken place in Dublin Port. Thankfully, because of the economy, business in Dublin Port is increasing on a daily basis. Therefore, harbours like those at Drogheda and Dún Laoghaire have become valuable assets.

Two important issues arise. The first is the management of the future of the harbour. I am making this suggestion to the Minister because I believe it is such a valuable asset and not because I was the person who put through the legislation, together with my colleague, a former Tánaiste. The idea that it would be put into the hands of the local authority is questionable. Frankly, the local authority does not have the expertise to manage harbours, especially commercial harbours that can produce revenues on that scale. Specific expertise in managing the

various facilities is needed, whether they are leisure facilities or commercial facilities. The Stena port area can be developed for leisure, commercial and residential facilities. That part of the harbour does not interfere with the normal day-to-day walking tourist in the area.

Will the Minister look into the whole question of title? This arises from the transfer of the harbour to the harbour company. As the Minister with responsibility at the time, I understood that all the assets, including the title of the buildings and the foreshore, would automatically transfer to the harbour company. Now, apparently, there is a dispute over whether some of the developments put in place for the ferry service are, in fact, the property of the Minister for the Environment, Community and Local Government on the basis of the Foreshore Act. The title issue is most important.

Second, will the Minister once and for all establish the future of the harbour company in order that we are not left wondering where it is going to end up? Will it end up as part of Dún Laoghaire-Rathdown County Council or with another port company? That is the purpose of my requesting the forbearance of the Minister this afternoon.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Deputy for his raising this Topical Issue. I presume it is the first one he has raised on this side of the House. Indeed, he must consider himself lucky to have been selected as I imagine he now realises how lucky those of us were whose matters were selected by him over the years.

I have the same affection as Deputy Barrett for Dún Laoghaire harbour and for Dún Laoghaire because I used the harbour as a child, as he did, and I lived in the constituency for many years as well. Nothing would please me more than to see it restored to commercial prosperity or to see the activities which used to exist return, such as the mail boat. However, at the moment, as the Deputy has so well outlined, many of those activities have ceased for commercial reasons. Therefore, the harbour company and others, including the local authority and my Department, have been looking at ways of adapting to the changes that have taken place. I realise they are not satisfactory to everyone. Indeed, I believe there has been a good case made for both sides. Ultimately, however, if there is not a commercial future for Dún Laoghaire in the old ways, the ways of the ferries and freight, then we have to look for new ways to bring it into a profitable and environmentally-friendly state.

In recent years, Dún Laoghaire Harbour Company has been restructuring its business to keep it on a sustainable financial footing and to enable the harbour to develop and operate on a commercial basis in future. The port continues to face a challenging financial and operating environment as it transitions from commercial shipping activities, with the cessation of the Stena Line service, towards a different model which is more focused on marine leisure and marine-related tourism, while it prepares for transfer to the local authority. The company has been pursuing a twin strategy of developing alternative income streams from marine leisure and tourism-related business, while also reducing its high cost base.

The Dún Laoghaire Harbour master plan, published in 2011, identified the need to develop strategies to ensure the long-term future of the harbour in view of the declining importance of ferry traffic at that time. Since then, Stena Line has withdrawn its ferry service from Dún Laoghaire Harbour. Stena Line had operated the *HSS Stena Explorer* since 1996 during which time the vessel carried a mixture of passengers, car and coach traffic.

After the withdrawal of duty-free shopping, passenger and car volumes declined dramati-

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cally and, by 2014, fewer than 150,000 ferry passengers travelled through Dún Laoghaire Harbour. This represented a decline of over 90% in volume. This, combined with increasing fuel and operating costs, made the route unsustainable. Dún Laoghaire Harbour Company is seeking alternative providers to operate a seasonal service on the route. A call for expressions of interest in operating this service has issued on eTenders. It is hoped that a replacement passenger service might be possible at some stage in the future. The departure of Stena Line adds to the future challenges for the company. The financial impact on the port is significant and it is clear the company now faces a very different financial and operating environment than it faced previously.

The possible development of the cruise business was identified as one of the opportunities to be pursued in the master plan. A cruise stakeholder group was established, comprising the Dún Laoghaire Harbour Company, Dún Laoghaire-Rathdown County Council and the Dún Laoghaire Business Improvement District. The harbour company prepared a business case for the construction and operation of a cruise facility. This study advised that the optimum method of expanding the cruise business into Dublin Bay was to construct a dedicated cruise berth that would be capable of taking vessels greater than 300 m and preferably being able to accommodate next-generation cruise ships at 339 m. The study estimated the cost of a new cruise berth of this size would be approximately €15 million to €18 million. The expansion and development of the cruise business would undoubtedly offer significant economic benefits to the port and the surrounding areas.

Since 2011 some progress has been made in attracting cruise business. In 2013, eight vessels in excess of 300 m visited the port for the first time, while four smaller vessels also came alongside. Six cruise ships visited Dún Laoghaire in 2014, eight in 2015 and up to eight cruise calls are expected this year.

**Deputy Seán Barrett:** I thank the Minister. The management of the harbour is the point at issue. With the greatest of respect to the local authority, I do not believe that the skills are available within the local authority structure to manage a vital asset such as this. The harbour company, if proper directors who know their business are appointed, can see to the future development of this harbour in a proper regulated fashion.

I was involved in the development of the harbour's marina, which is probably one of the best marinas in Europe at the moment. It is full. It was developed through public funds. We supplied the funds for the inner harbour to protect the waters and as a result the ordinary individual in a small boat can sail safely within the harbour.

There is also the possibility of developing a diaspora centre, which is an attractive proposition for an area like Dún Laoghaire with its history of emigration from and immigration into Ireland.

The real point at issue here is not whether the revenue will be €10 million or €15 million, but that it be run properly and have a proper management structure with an independent board of directors who have the experience, can see the potential and can develop all of these things.

We have been talking about a diaspora centre and future developments in other parts of the harbour. These things are being spoken about, but nothing is happening because it is in limbo at the moment. Now that we have a new Minister in place, I am asking him to make a decision once and for all as to the management structure for the future. I recommend having a harbour

company that is a limited company with professionals who know about marine issues on the board and who will see to the future development based on the potential of Dún Laoghaire.

**Deputy Shane Ross:** The Deputy has put his finger on what is obviously a very controversial area. There is a dispute about the ownership and future model for Dún Laoghaire Harbour. The problem has been the transition for the company, which may not have been able to respond fully and effectively to commercial conditions and the series of unfortunate events, particularly the withdrawal of the Stena Line service, which has forced it to make certain changes depending on tourism, maritime interests and other similar areas.

The authorities are looking very carefully at the prospects for an international ports policy to insist that the ports and harbours exist in a competitive environment. That obviously involves new commercial ventures such as accommodating cruise ships and other options in Dún Laoghaire which are already being explored.

The Deputy will be aware of the St. Michael's plaza project and the urban beach. I gather there is even a proposal for a floating hotel in Dún Laoghaire Harbour. All these kinds of commercial projects should be investigated because they are good for the area and good for employment.

My Department is aware that the ongoing challenge for the port will require sustained effort across a number of fronts. This may even involve the sale of some non-strategic assets. The company is examining a number of possible future projects and is exploring the concept of locating a floating hotel in the port - that is a ship permanently moored in the port operating as a hotel. The company has recently informed my Department that it hopes to advertise on eTenders shortly for expressions of interest in this proposal.

The ongoing viability of the company requires that a rigorous regime of cost control across all activities be applied and maintained, and that the viability of any proposed project must be examined thoroughly. As outlined in the national ports policy published in 2013, the sustainable development of certain port companies is best placed within a local authority-led governance structure. Under the policy, Dún Laoghaire Harbour Company, as a port of regional significance, is designated for transfer to Dún Laoghaire-Rathdown County Council.

### **Misuse of Drugs (Amendment) Bill 2016: Second Stage (Resumed)**

**Acting Chairman (Deputy Bernard J. Durkan):** A division was challenged on Thursday, 7 July on the question that the Misuse of Drugs (Amendment) Bill 2016 be read a Second Time. In accordance with an order of the House today, that division must be taken now.

Question put:

| <i>The Dáil divided: Tá, 114; Níl, 10.</i> |                               |
|--|-------------------------------|
| <i>Tá</i>                                  | <i>Níl</i>                    |
| <i>Aylward, Bobby.</i>                     | <i>Boyd Barrett, Richard.</i> |
| <i>Bailey, Maria.</i>                      | <i>Collins, Joan.</i>         |
| <i>Barrett, Seán.</i>                      | <i>Connolly, Catherine.</i>   |
| <i>Brady, John.</i>                        | <i>Coppinger, Ruth.</i>       |

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|                                    |                       |
|------------------------------------|-----------------------|
| <i>Brassil, John.</i>              | <i>Daly, Clare.</i>   |
| <i>Breathnach, Declan.</i>         | <i>Healy, Seamus.</i> |
| <i>Breen, Pat.</i>                 | <i>Kenny, Gino.</i>   |
| <i>Brophy, Colm.</i>               | <i>Murphy, Paul.</i>  |
| <i>Broughan, Thomas P.</i>         | <i>Smith, Bríd.</i>   |
| <i>Browne, James.</i>              | <i>Wallace, Mick.</i> |
| <i>Bruton, Richard.</i>            |                       |
| <i>Buckley, Pat.</i>               |                       |
| <i>Burke, Peter.</i>               |                       |
| <i>Burton, Joan.</i>               |                       |
| <i>Butler, Mary.</i>               |                       |
| <i>Byrne, Catherine.</i>           |                       |
| <i>Byrne, Thomas.</i>              |                       |
| <i>Cahill, Jackie.</i>             |                       |
| <i>Calleary, Dara.</i>             |                       |
| <i>Canney, Seán.</i>               |                       |
| <i>Carey, Joe.</i>                 |                       |
| <i>Casey, Pat.</i>                 |                       |
| <i>Cassells, Shane.</i>            |                       |
| <i>Chambers, Jack.</i>             |                       |
| <i>Chambers, Lisa.</i>             |                       |
| <i>Collins, Michael.</i>           |                       |
| <i>Corcoran Kennedy, Marcella.</i> |                       |
| <i>Coveney, Simon.</i>             |                       |
| <i>Cowen, Barry.</i>               |                       |
| <i>Creed, Michael.</i>             |                       |
| <i>Cullinane, David.</i>           |                       |
| <i>Curran, John.</i>               |                       |
| <i>Daly, Jim.</i>                  |                       |
| <i>D'Arcy, Michael.</i>            |                       |
| <i>Deasy, John.</i>                |                       |
| <i>Deering, Pat.</i>               |                       |
| <i>Doherty, Regina.</i>            |                       |
| <i>Donohoe, Paschal.</i>           |                       |
| <i>Durkan, Bernard J.</i>          |                       |
| <i>Ellis, Dessie.</i>              |                       |
| <i>English, Damien.</i>            |                       |
| <i>Farrell, Alan.</i>              |                       |
| <i>Ferris, Martin.</i>             |                       |
| <i>Fitzgerald, Frances.</i>        |                       |
| <i>Fitzmaurice, Michael.</i>       |                       |
| <i>Fleming, Sean.</i>              |                       |
| <i>Funchion, Kathleen.</i>         |                       |

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| <i>Gallagher, Pat The Cope.</i>   |  |
| <i>Griffin, Brendan.</i>          |  |
| <i>Halligan, John.</i>            |  |
| <i>Harris, Simon.</i>             |  |
| <i>Harty, Michael.</i>            |  |
| <i>Healy-Rae, Danny.</i>          |  |
| <i>Healy-Rae, Michael.</i>        |  |
| <i>Heydon, Martin.</i>            |  |
| <i>Howlin, Brendan.</i>           |  |
| <i>Humphreys, Heather.</i>        |  |
| <i>Kelly, Alan.</i>               |  |
| <i>Kenny, Martin.</i>             |  |
| <i>Kyne, Seán.</i>                |  |
| <i>Lahart, John.</i>              |  |
| <i>Lawless, James.</i>            |  |
| <i>Madigan, Josepha.</i>          |  |
| <i>Martin, Catherine.</i>         |  |
| <i>Martin, Micheál.</i>           |  |
| <i>McConalogue, Charlie.</i>      |  |
| <i>McEntee, Helen.</i>            |  |
| <i>McGrath, Finian.</i>           |  |
| <i>McGrath, Mattie.</i>           |  |
| <i>McGrath, Michael.</i>          |  |
| <i>Mitchell, Denise.</i>          |  |
| <i>Moran, Kevin Boxer.</i>        |  |
| <i>Moynihan, Aindrias.</i>        |  |
| <i>Moynihan, Michael.</i>         |  |
| <i>Munster, Imelda.</i>           |  |
| <i>Murphy, Catherine.</i>         |  |
| <i>Murphy, Dara.</i>              |  |
| <i>Murphy, Eoghan.</i>            |  |
| <i>Murphy, Eugene.</i>            |  |
| <i>Murphy O'Mahony, Margaret.</i> |  |
| <i>Naughton, Hildegarde.</i>      |  |
| <i>Neville, Tom.</i>              |  |
| <i>Nolan, Carol.</i>              |  |
| <i>Ó Broin, Eoin.</i>             |  |
| <i>Ó Caoláin, Caoimhghín.</i>     |  |
| <i>Ó Cuív, Éamon.</i>             |  |
| <i>Ó Laoghaire, Donnchadh.</i>    |  |
| <i>Ó Snodaigh, Aengus.</i>        |  |
| <i>O'Brien, Darragh.</i>          |  |
| <i>O'Callaghan, Jim.</i>          |  |

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| <i>O'Connell, Kate.</i>     |  |
| <i>O'Donovan, Patrick.</i>  |  |
| <i>O'Dowd, Fergus.</i>      |  |
| <i>O'Keeffe, Kevin.</i>     |  |
| <i>O'Loughlin, Fiona.</i>   |  |
| <i>O'Reilly, Louise.</i>    |  |
| <i>O'Rourke, Frank.</i>     |  |
| <i>O'Sullivan, Jan.</i>     |  |
| <i>O'Sullivan, Maureen.</i> |  |
| <i>Penrose, Willie.</i>     |  |
| <i>Phelan, John Paul.</i>   |  |
| <i>Quinlivan, Maurice.</i>  |  |
| <i>Rabbitte, Anne.</i>      |  |
| <i>Ring, Michael.</i>       |  |
| <i>Ross, Shane.</i>         |  |
| <i>Ryan, Brendan.</i>       |  |
| <i>Ryan, Eamon.</i>         |  |
| <i>Scanlon, Eamon.</i>      |  |
| <i>Sherlock, Sean.</i>      |  |
| <i>Shortall, Róisín.</i>    |  |
| <i>Smith, Brendan.</i>      |  |
| <i>Smyth, Niamh.</i>        |  |
| <i>Tóibín, Peadar.</i>      |  |
| <i>Troy, Robert.</i>        |  |

Tellers: Tá, Deputies Jim Daly and Regina Doherty; Níl, Deputies Paul Murphy Paul and Bríd Smith.

Question declared carried.

*6 o'clock*

**Misuse of Drugs (Amendment) Bill 2016 [Seanad]: Referral to Select Committee**

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Order 149.

Question put and agreed to.

**Water Services (Amendment) Bill 2016: Order for Report Stage**

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** I move: “That Report Stage be taken now.”

Question put and agreed to.

**Water Services (Amendment) Bill 2016: Report Stage**

**An Ceann Comhairle:** Amendments Nos. 1 to 6, inclusive, in the names of Deputies Ruth Coppinger, Paul Murphy, Mick Barry, Richard Boyd Barrett, Gino Kenny and Bríd Smith have been ruled out of order. Amendment No. 7 has also been ruled out of order.

**Deputy Paul Murphy:** May we raise a point of order about the ruling out of order of the amendments?

**An Ceann Comhairle:** No, we cannot take points of order now.

**Deputy Paul Murphy:** The amendments have been ruled out order on the basis that-----

**An Ceann Comhairle:** I am sorry, I do not want to be awkward, but we cannot take a point of order and cannot get into a discussion about amendments that have been ruled out of order. They have been ruled out of order; therefore, we cannot have a discussion.

**Deputy Paul Murphy:** I do not understand how they can be out of order on the basis that they are in conflict with the principle of the Bill when all they do is suggest the commission should discuss the issue of water poverty-----

**An Ceann Comhairle:** If the Deputy does not understand it, he can come to my office and I will arrange for the appropriate staff and officials to brief him on why they have been ruled out of order.

**Deputy Ruth Coppinger:** Can you not tell the Dáil?

**An Ceann Comhairle:** No, there is no such provision.

**Deputy Paul Murphy:** You are going to push ahead and we will vote on the Bill and it will then be through; therefore, it will be too late. I have never seen such a narrow interpretation of the rules. In the letter Deputy Ruth Coppinger sent to you earlier, we accepted that some amendments had been ruled out on the basis that they would impose or increase a charge on Revenue. We do not agree with the Standing Order, but we accept that that is a fair or reasonable interpretation. However, on the others, I do not see, for example, how calling for a suspension of water metering is not relevant to the provisions of the Bill or is in conflict with the principle of the Bill; how adding that the committee should deal with the question of water poverty is not relevant to the Bill or in conflict with the principle of the Bill; how including the option to discuss the abolition of Irish Water-----

**An Ceann Comhairle:** I am sorry, Deputy-----

**Deputy Paul Murphy:** We would simply be adding things for the committee to discuss. How does that possibly contradict the principle of Bill?

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**An Ceann Comhairle:** We could talk about El Niño if we wanted to as just about anything can be relevant to the subject of water.

**Deputy Ruth Coppinger:** No.

**An Ceann Comhairle:** However, the points Deputy Paul Murphy is raising are not relevant to the subject matter of the legislation.

**Deputy Paul Murphy:** They are.

**An Ceann Comhairle:** I am afraid that they are not.

**Deputy Paul Murphy:** Can I read them?

**Deputy Jan O'Sullivan:** They also ruled out of order two amendments in my name for the same reason.

**Deputy Bríd Smith:** It is very unfair on the people for the Ceann Comhairle to rule the amendments out of order. That is exactly what they want to hear.

**An Ceann Comhairle:** I am acting in accordance with Standing Orders, by which I am bound-----

**Deputy Bríd Smith:** What about acting in accordance with decency towards those who want to hear this debate?

**An Ceann Comhairle:** I am bound by Standing Orders.

**Deputy Bríd Smith:** Not by decency.

**An Ceann Comhairle:** If the Deputy does not like the Standing Orders, she can seek to change them.

**Deputy Paul Murphy:** It is your interpretation of Standing Orders.

**An Ceann Comhairle:** My interpretation of them is correct. Will the Deputy, please, resume his seat?

**Deputy Paul Murphy:** The effect of your ruling is to give Fianna Fáil an excuse not to vote. I am not saying that was the intention in making your ruling, but it is the effect.

**Deputy Barry Cowen:** Stop - give it up.

**An Ceann Comhairle:** Excuse me. Please do not accuse me of political bias.

**Deputy Paul Murphy:** I am not accusing you of bias.

**Deputy Barry Cowen:** The Deputy is. He has it out now. He is happy.

**An Ceann Comhairle:** Will Deputy Paul Murphy, please, resume his seat?

**Deputy Paul Murphy:** I am not accusing you of bias. We need an explanation as to why these things, including Deputy Jan O'Sullivan's amendments-----

**An Ceann Comhairle:** It is not provided for in Standing Orders that Members can inter-

rogate the Chair or that-----

**Deputy Jan O’Sullivan:** It is unprecedented that so many amendments have been ruled out of order.

**An Ceann Comhairle:** No. Will the Deputy, please, resume her seat? We will proceed with those matters that are in order.

**Deputy Bríd Smith:** I have to say this is very unlike you. You are usually flexible and pretty decent, particularly on something that is so crucial to the Dáil.

**An Ceann Comhairle:** Thank you.

**Deputy Bríd Smith:** However, you are being a little dictatorial. It is not fair to say: “Shut up; we cannot debate this and I do not have to explain myself.”

**An Ceann Comhairle:** I have not told anyone that. I have not used that phraseology. We must stick to Standing Orders which I did not write. They have been in place for quite a while. The House has not changed them and until such time as it changes them, I will implement them. That is it. Do you or do you not want to speak about-----

**Deputy Paul Murphy:** It is not a question of implementation but of interpretation.

**Deputy Richard Boyd Barrett:** In order to be helpful, could we suspend the sitting for ten minutes to have somebody from the Ceann Comhairle’s office explain this to us?

**An Ceann Comhairle:** No.

**Deputy Richard Boyd Barrett:** Seriously, we are making a genuine point that we do not understand the interpretation of Standing Orders. We accept that some amendments have been ruled out on the basis that they would impose a charge on the State and that this is in compliance with Standing Orders. We do not understand how some of the others have been ruled out of order. We do not understand that interpretation of Standing Orders.

**Minister for the Environment, Community and Local Government (Deputy Simon Coveney):** They were ruled out of order on Committee Stage.

**Deputy Paul Murphy:** No, these are extra amendments. They relate effectively to the terms of reference of the committee and what it would deal with. We brought them forward after Committee Stage. We understand the reason amendments were ruled out of order on Committee Stage, but we have other ones now and do not understand the reason they have been ruled out of order. I think it is reasonable that we receive an explanation. The same applies to Deputy Jan O’Sullivan’s amendments.

**An Ceann Comhairle:** The Deputy is talking about amendments Nos. 11 to 15, inclusive.

**Deputy Paul Murphy:** Amendments Nos. 11 to 15, inclusive, 20 and 22.

**Deputy Simon Coveney:** To be honest, I do not mind one way or the other, but we are straying into dangerous territory. When we consider legislation in this House, the Bills Office makes a ruling on whether amendments are in order. If we were to start undoing those rulings on the floor of the House, we-----

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**Deputy Ruth Coppinger:** That is ridiculous.

**Deputy Simon Coveney:** Why is it ridiculous?

**Deputy Ruth Coppinger:** Because these things should be decided on the floor of the House, not by some invisible body in the Bills Office which is not accountable or democratic. It is unbelievable the Minister would say that.

**An Ceann Comhairle:** The decision on these matters will be made on the floor of the House.

**Deputy Ruth Coppinger:** An unelected civil servant is making them and the House has no say.

**An Ceann Comhairle:** That is not true. The Deputy should not make reflections on the staff of the Houses.

**Deputy Ruth Coppinger:** There is obviously an invisible hand from the Government which is giving a political direction to the unelected civil servant.

**Deputy Simon Coveney:** The Deputy knows that is not true.

**Deputy Ruth Coppinger:** Obviously, it is. The Minister must think the people are completely naive that he will not accept, for example, that water metering which is linked with Irish Water-----

**Deputy Simon Coveney:** It has nothing to do with me.

**Deputy Ruth Coppinger:** -----can be a subject for the committee to discuss.

**Deputy Simon Coveney:** That has nothing to do with me.

**Deputy Ruth Coppinger:** It was decided by some unelected civil servant. The Minister has obviously given some direction to exclude a discussion about this issue.

**An Ceann Comhairle:** Will the Deputy, please, resume her seat? It is not a matter for the Minister to decide. He has no role, good, bad or indifferent, in deciding what amendment is or is not in order. Recommendations are made and considered. In this instance, in accordance with Standing Orders which are well established in the House, the amendments have been ruled out of order. It is not open to us to revisit the matter. Therefore, we will get on with the debate.

**Deputy Ruth Coppinger:** There is somebody out of order.

**An Ceann Comhairle:** We will get on with the debate.

**Deputy Paul Murphy:** This is the most restrictive interpretation I have ever seen. How is it possibly out of order for us to propose-----

**An Ceann Comhairle:** If your purpose is to deliberately frustrate the work-----

**Deputy Paul Murphy:** No, we want to debate this.

**An Ceann Comhairle:** If your purpose is to deliberately frustrate the work of the House then I-----

**Deputy Paul Murphy:** Genuinely, we want to debate these amendments which are about the expert-----

**Deputy Barry Cowen:** You want to suspend the Dáil.

**Deputy Paul Murphy:** No, not at all. We do not want to, genuinely. We want the expert committee to be able to look at the question of water poverty.

**Deputy Barry Cowen:** You will keep going anyway.

**Deputy Paul Murphy:** We want the expert committee to be able to look at the issue of the suspension of water charges and water metering. We want the expert committee to be able to look at the question of refunds.

**Deputy Simon Coveney:** You raised it on Second Stage.

**Deputy Paul Murphy:** That is all completely-----

**Deputy Barry Cowen:** You should have entered Government negotiations and tried to form a Government.

**Deputy Paul Murphy:** -----fair enough and in line with the idea that we have-----

**Deputy Barry Cowen:** You sat on your hands long enough.

**Deputy Paul Murphy:** The essence of the Bill is suspension of water charges and establishing a committee to look into it. That is the essence of the Bill. All that amendments Nos. 11 to 15, inclusive, are doing is stating these are things the committee should also look at, which are clearly part of the process. Amendments Nos. 20 and 22 relate to the suspension of water metering, which is not separate to the purpose of the Bill. It clearly relates to the imposition of water charges. If water meters go hand in hand with this I do not understand how it is separate. I understand the Government may oppose it and that is fine, and I understand Fianna Fáil may oppose it and that is fine, but I do not understand why we cannot debate it and vote on it.

**Deputy Ruth Coppinger:** Let us have a debate.

**An Ceann Comhairle:** Well you cannot debate it now because it is not in order.

**Deputy Bríd Smith:** Can I ask a question, as somebody who is brand new to all of these procedures?

**An Ceann Comhairle:** Yes.

**Deputy Bríd Smith:** The Bills Office makes a recommendation on what gets ruled in and ruled out, but the Ceann Comhairle either accepts or rejects these recommendations. It is correct?

**An Ceann Comhairle:** Exactly.

**Deputy Bríd Smith:** We are appealing to the Ceann Comhairle's better nature to explain to us why he accepted the recommendations to rule out discussion on water metering and the question of water poverty. Why did you accept this? This is all we are asking. We are not asking you to change your mind, we are asking you for an explanation.

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**An Ceann Comhairle:** I am not going to come in here, day in day out, and give to Deputy Smith or any other Deputy an explanation as to why I make a decision in respect of a particular question.

**Deputy Barry Cowen:** Hear, hear.

**Deputy Ruth Coppinger:** Why not?

**An Ceann Comhairle:** There are no such provisions. It has never been the case-----

**Deputy Bríd Smith:** Have we ever asked this before?

**An Ceann Comhairle:** Resume your seat for a second.

**Deputy Bríd Smith:** No, we have not.

**An Ceann Comhairle:** No Ceann Comhairle that I know of in the past has had to come in here and explain why he or she, as the case may be, made a particular ruling. I made the ruling based on the information provided to me and based on my understanding of the amendment as proposed. The bottom line is it is out of order. If the Deputies want to raise these matters in some other way then I suggest they find some other way, but at this point I want to get on with the legislation. We have been having this debate for ten minutes. We can have it for another half hour but we will not-----

**Deputy Bríd Smith:** During which time the Ceann Comhairle could have explained to us-----

**An Ceann Comhairle:** -----arrive at any different conclusion than the one we were at at the time we started.

**Deputy Bríd Smith:** What is being asked here is not unreasonable and-----

**An Ceann Comhairle:** So can we please-----

**Deputy Bríd Smith:** During which time the Ceann Comhairle could have explained to us why these crucial issues for the vast majority of the population were ruled out of order. If they were insignificant for the people out there, the people who elected us, then I would not be asking this. These are very significant issues for many people who were elected to the Dáil.

**An Ceann Comhairle:** Can we get on with an amendment No. 8 please?

**Deputy Bríd Smith:** If half this side of the House was to be honest about it, it is significant for them also.

Amendments Nos. 1 to 7, inclusive, not moved.

**Deputy Paul Murphy:** I move amendment No. 8:

In page 4, line 28, to delete “before, on or”.

**An Ceann Comhairle:** Can we get on with an amendment No. 8 please? Does anyone want to speak to amendment No. 8?

**Deputy Paul Murphy:** I will speak to amendments Nos. 8 and 9. It is very unfortunate

these are the only amendments we are able to debate and that such a restrictive interpretation has been put on Standing Orders. Amendments Nos. 8 and 9, which are linked, propose that the membership of the so-called expert commission, so-called neutral commission, would be subject to a vote in the House. This is absolutely and perfectly reasonable. Why does the Government not want to have a vote on it in the House? I presume the Minister will speak to the amendment so let us see. I think it is precisely because the purpose of the exercise was explained by Joe O'Toole, that people voted a certain way and Leinster House is not prepared to grasp that particular nettle, so we have to find a solution that will have enough sugar on it to make the medicine go down easily. The purpose is a political exercise to try to come back and reimpose the question of water charges as well as maintaining Irish Water.

The problem for Joe O'Toole, of course, was that he gave the game away. That was the problem and why he had to go. Ironically, I am sure the Minister has seen the interview Joe O'Toole gave *The Irish Times* on Saturday. He gave the game away again, as he was asked whether the Minister for housing, planning and local government, Deputy Simon Coveney, knew of his views in advance. Joe O'Toole said he told him what they were and that the Minister showed great confidence in him. I would say the Minister did. Did he tell the Minister that his view was that the purpose of the commission was a political exercise to put sugar on it to make sure the medicine goes down easily? The game was given away yet again. The commission is rigged in my opinion. It has been set up to deliver a certain outcome, which is to recommend a continuation of domestic water charges. It is a complete sham.

Let us look at the membership of the committee. Obviously, we have seen that Joe O'Toole has been replaced by Kevin Duffy. So what? The Minister could replace him with anyone in the world. He could replace him with Kofi Annan and it would not change the essence of it.

**Deputy Simon Coveney:** The commission and the committee are two different things, so perhaps the Deputy might just take a look at what we are proposing to do before speaking on the amendment.

**Deputy Paul Murphy:** So the commission is not referenced in the Bill. That was not clear obviously. The commission itself is not referenced in the Bill.

**Deputy Simon Coveney:** To be helpful to the House, both of the amendments are with regard to the Oireachtas committee we are proposing to establish.

**Deputy Paul Murphy:** They are related to the committee referred to in the Bill.

**Deputy Simon Coveney:** There is no mention of the commission in either of the-----

**Deputy Paul Murphy:** In that case there is no mention whatsoever of the commission in the Bill. The commission has just been set up without reference to the House.

**Deputy Simon Coveney:** Yes.

**Deputy Paul Murphy:** In which case, evidently, there should be a vote on it.

**Deputy Barry Cowen:** No, there was an agreement between two parties.

**Deputy Paul Murphy:** It was an agreement between-----

**Deputy Barry Cowen:** Yes, it was, to facilitate the formation of a Government to allow

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you to stay as long as you have stayed, or you would have been out on your ear along with the rest of us.

**Deputy Paul Murphy:** Right, it is all a deal between Fine Gael and Fianna Fáil. Thank you very much.

**Deputy Barry Cowen:** Yes, to facilitate the formation of the Government-----

**Acting Chairman (Deputy Bernard J. Durkan):** Right. Members-----

**Deputy Barry Cowen:** -----which suspended water charges and put a plaster in place to deal with the issue which is more than you will ever do.

**Deputy Paul Murphy:** It is very useful-----

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker only please. Please stick to the amendment.

**Deputy Paul Murphy:** It is very useful if Deputy Cowen could be wound up and continue to give the game away.

**Deputy Barry Cowen:** You can wind me up all you like.

**Acting Chairman (Deputy Bernard J. Durkan):** Do not be inspired by being wound up.

**Deputy Barry Cowen:** I am ready and willing.

**Deputy Paul Murphy:** The reality is that they are playing a dirty game with Fine Gael to keep water charges going.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy Cowen should not allow himself to be led along like that. Deputy Murphy should concentrate on the amendment and speak to the amendment. Deputies behind Deputy Murphy want to speak as well, as do two or three others on the other side of the House.

**Deputy Richard Boyd Barrett:** I wonder whether there is a Standing Order about getting too close to the bone. What Standing Order is that?

**Acting Chairman (Deputy Bernard J. Durkan):** Proceed, please.

**Deputy Paul Murphy:** Let me speak about some of the other members of the commission. We wondered why in the Bill it is referred to as a committee rather than a commission, but we presumed it was a reference to the expert commission. The fact it is not given any democratic legitimacy whatsoever-----

**Deputy Simon Coveney:** Deputy, with respect, you did not assume that.

**Deputy Paul Murphy:** We did.

**Deputy Simon Coveney:** We had a detailed conversation on Committee Stage on what exactly is being proposed. Perhaps Deputy Murphy does not understand the difference between the commission and the committee but others in his group do.

**Deputy Paul Murphy:** The key question people will be asking, which is the point of our

amendment, is why there is not a reference to the Dáil and why the Dáil does not get a vote on the members of the committee and why we have a committee set up.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy-----

**Deputy Paul Murphy:** I am speaking to the amendment.

**Acting Chairman (Deputy Bernard J. Durkan):** Proceed.

**Deputy Paul Murphy:** Let us look at some of the members of the commission.

**Acting Chairman (Deputy Bernard J. Durkan):** I want to be fair to everybody. I wanted to make something clear.

**Deputy Richard Boyd Barrett:** Here we go.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy must speak to the amendment.

**Deputy Paul Murphy:** Yes.

**Acting Chairman (Deputy Bernard J. Durkan):** You cannot go around the countryside and give a history lesson-----

**Deputy Ruth Coppinger:** This is on the amendment.

**Acting Chairman (Deputy Bernard J. Durkan):** -----a geography lesson and a genealogy lesson. He cannot do all of those things.

**Deputy Bríd Smith:** We are in Kildare Street and not around the countryside.

**Acting Chairman (Deputy Bernard J. Durkan):** I know you are a nice guy and I am very fond of you, but not that fond of you so keep to the amendment.

**Deputy Paul Murphy:** You only lost by one vote.

**Acting Chairman (Deputy Bernard J. Durkan):** One vote is enough.

**Deputy Paul Murphy:** We have Dr. Xavier Leflaive from the OECD, an agency that has consistently pushed an agenda of user fees. He has written that water pricing can be used to signal scarcity and to create incentives for efficient water use in all sectors, and that social consequences are best addressed through well-designed tariffs and other targeted measures.

**Acting Chairman (Deputy Bernard J. Durkan):** Sorry Deputy-----

**Deputy Paul Murphy:** This is the Dáil. It is a platform.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry Deputy. Wait a second-----

**Deputy Paul Murphy:** We are talking about the amendments here.

**Acting Chairman (Deputy Bernard J. Durkan):** Can I just intervene-----

**Deputy Paul Murphy:** Yes.

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**Acting Chairman (Deputy Bernard J. Durkan):** -----to your advantage.

**Deputy Paul Murphy:** Thank you.

**Deputy Barry Cowen:** It is a committee not a commission.

**Deputy Ruth Coppinger:** It is unbelievable the way there is constant interruption from the so-called Opposition.

**Acting Chairman (Deputy Bernard J. Durkan):** It would be much less stressful on you to just concentrate on the amendment and speak to the amendment.

**Deputy Paul Murphy:** That is what I am speaking about. That is no problem.

**Acting Chairman (Deputy Bernard J. Durkan):** There are three more speakers behind you who wish to speak, and lots more speakers on the other side of the House.

**Deputy Paul Murphy:** There is lots of time to debate this tonight.

**Acting Chairman (Deputy Bernard J. Durkan):** You must stick to the amendment. You cannot go around the country-----

**Deputy Paul Murphy:** I am not going around the country.

**Acting Chairman (Deputy Bernard J. Durkan):** It is not the scenic tour.

**Deputy Mattie McGrath:** He has gone to Europe now.

**Acting Chairman (Deputy Bernard J. Durkan):** Please stick to the amendment. You know yourself what you have to do.

**Deputy Ruth Coppinger:** The amendment is on the commission.

**Deputy Paul Murphy:** Another is Peter Peacock, who favours charges and boasts that consumer forums can help lower prices.

**Deputy Simon Coveney:** Acting Chairman-----

**Acting Chairman (Deputy Bernard J. Durkan):** I am dealing with it.

**Deputy Paul Murphy:** Another is Ms Sarah Hendry, who is an academic lawyer who teaches a module on how price setting can achieve social and economic objectives. Another is Gritta Nottelman, a strategy consultant with Waternet, a Dutch water company that charges for tap water and the discharge of wastewater. Another is Bill Emery, a former director of Ofwat, the British regulatory authority that presided over a privatised water system.

The essence of the amendment, and it is fair enough that the Bill refers to the committee although I do not personally think that was clear, is that the expert commission should be subject to a vote in the Oireachtas and in the Dáil. It is absolutely clear. The fact this is set up and we are presented with what is a sham committee with a rigged outcome, loaded with people who are connected to water privatisation, whether academically or through industry or regulatory capacity-----

**Deputy Simon Coveney:** Acting Chairman-----

**Acting Chairman (Deputy Bernard J. Durkan):** One second. I will deal with this now.

**Deputy Paul Murphy:** The fact that it is set up in advance of any discussion here and of the Bill is a fundamental democratic deficit.

**Deputy Simon Coveney:** May I respond?

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 8 and 9 are being discussed together.

**Deputy Simon Coveney:** May I respond?

**Acting Chairman (Deputy Bernard J. Durkan):** The next speaker is Deputy Bríd Smith.

**Deputy Bríd Smith:** Before the Minister responds-----

**Deputy Simon Coveney:** May I make an intervention?

**Acting Chairman (Deputy Bernard J. Durkan):** Yes.

**Deputy Bríd Smith:** Before the Minister responds, I wish to add my tuppence ha'penny worth to what is a bit of a sham debate. Clearly, what was intended was to table an amendment that would allow the members of the commission to be elected by this House-----

**Deputy Simon Coveney:** It was not.

**Deputy Bríd Smith:** -----albeit that if we voted against it, we would lose-----

**Acting Chairman (Deputy Bernard J. Durkan):** Just a second.

**Deputy Bríd Smith:** I will not repeat their names. I will not say anything about them but I do want to say-----

**Deputy Simon Coveney:** Acting Chairman, I would like to say something.

**Acting Chairman (Deputy Bernard J. Durkan):** I know. Minister, give me a second, please. Let me deal with this-----

**Deputy Bríd Smith:** No, sorry, I am speaking.

**Acting Chairman (Deputy Bernard J. Durkan):** No. There are to be no exchanges other than through the Chair.

**Deputy Bríd Smith:** Through the Chair-----

**Acting Chairman (Deputy Bernard J. Durkan):** To which amendment is the Deputy speaking now?

**Deputy Bríd Smith:** Amendment No. 9.

**Acting Chairman (Deputy Bernard J. Durkan):** Could the Deputy read that one out for me, please?

**Deputy Bríd Smith:** It states: "In page 4, lines 29 and 30, to delete "by either House of the Oireachtas or by both Houses of the Oireachtas" and substitute "whose composition and mem-

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bership shall be approved by a vote in Dáil Éireann”.”

**Deputy Simon Coveney:** Could I clarify-----

**Deputy Bríd Smith:** I just want-----

**Acting Chairman (Deputy Bernard J. Durkan):** I will call on the Minister after this to clarify. It might be of some benefit, when the Deputy has spoken-----

**Deputy Bríd Smith:** When I have spoken, I would love the Minister to clarify-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy can speak again.

**Deputy Regina Doherty:** Acting Chairman, may we clarify the matter now?

**Deputy Barry Cowen:** On a point of order.

**Deputy Bríd Smith:** Jesus.

**Acting Chairman (Deputy Bernard J. Durkan):** Sorry, we cannot have everybody speak. I ask Deputy Smith to proceed and I will then call on the Minister to respond, which might be helpful.

**Deputy Bríd Smith:** It might be helpful but I will tell the Minister that whatever he says and whatever anyone else in this House says, at this stage, it will be clear to the public that this is a complete set-up to ignore the real issues behind the big debacle of the water charges and to ignore the real issues that got more than 90 Deputies elected to this House. The issues are those that were covered by Deputy Murphy and that were ruled out of order, namely, the issues of water poverty and water metering and the composition of the commission. We are not going to debate the issues that people want to hear about-----

**Acting Chairman (Deputy Bernard J. Durkan):** If they are not part of the amendment, the Deputy cannot-----

**Deputy Bríd Smith:** This is a set-up and all we are doing is obfuscating and arguing about the difference between a committee and a commission. Most people would not even know the difference between them anyway. The Acting Chairman is trying to stage-manage something which seeks to hoodwink the public but they will not be fooled.

**Acting Chairman (Deputy Bernard J. Durkan):** I am not trying to do anything.

**Deputy Bríd Smith:** Instead, the public will be back out marching on 17 September against this awful position-----

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy, just a second, please.

**Deputy Bríd Smith:** -----that the Minister has put them in-----

**Acting Chairman (Deputy Bernard J. Durkan):** This has nothing to do with the amendment at all. Anyway-----

**Deputy Bríd Smith:** What the Acting Chairman is doing in this Dáil is completely wrong.

**Acting Chairman (Deputy Bernard J. Durkan):** I do not wish to do anything. I am trying

to follow the orders as best I can and what I am saying to the Deputy-----

**Deputy Bríd Smith:** What the Acting Chairman's orders are doing and the way in which he and the previous Chair followed them-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy is beginning to wander now. Deputy Paul Murphy wandered around on a scenic tour of the countryside and Deputy Smith is heading that direction also.

**Deputy Bríd Smith:** I am heading in the direction of making an argument-----

**Acting Chairman (Deputy Bernard J. Durkan):** Please do not go there now.

**Deputy Bríd Smith:** I am not heading in the direction of the-----

**Acting Chairman (Deputy Bernard J. Durkan):** I will call on the Minister for a brief response-----

**Deputy Bríd Smith:** The Acting Chairman is shutting down any discussion-----

**Acting Chairman (Deputy Bernard J. Durkan):** No, I am not shutting down any discussion.

**Deputy Bríd Smith:** It is very clear to everybody. The discussion is shut down. He is pretending to be reasonable but he is not.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy will have all the time in the world to respond to what the Minister has to say by way of clarification. Many Deputies want to speak and we will call on them to do so.

**Deputy Bríd Smith:** There cannot be that many; the place is almost empty.

**Deputy Simon Coveney:** I wish to clarify a number of matters. First, we are on Report and Final Stages of this short piece of legislation. There was an opportunity to debate many of the issues that Deputies Murphy, Coppinger and Smith raised on Second Stage. That is why we had a Second Stage. There was a further discussion on Committee Stage during which a number of these issues were raised, so the suggestion that this issue has not been debated and discussed is nonsense. It has been debated and discussed. Questions have been submitted to me also regarding the suspension of metering, to which I gave very clear answers, but that is not what is in the legislation that we are talking about.

Second, since the commission has been raised, I reiterate for the benefit of the House that we are setting aside a nine-month period during which charging will be suspended and we will essentially freeze the process to create a space for work to be done on how we proceed. In the first five months of that nine-month period, an expert commission will be set up, which is not dealt with in the legislation but was agreed to in terms of the setting up of that commission. That commission will make recommendations and report-----

**Deputy Paul Murphy:** Where was it agreed?

**Deputy Simon Coveney:** We will then have an Oireachtas committee set up-----

**Deputy Mick Barry:** Where was it agreed?

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**Deputy Simon Coveney:** -----which is what both of these amendments refer to. The committee will be set up in the normal way in the House. It will not be chosen by the Government alone. It will be fully representative of this House and will be set up in the normal way. That committee will consider the recommendations of the commission but will make its own recommendations and its own judgment on what the appropriate way forward is. We have not specified the terms of reference *per se* for everything and all the work that the committee of the House will do.

In regard to the two amendments that are in order, the first one, amendment No. 8, tabled by the Anti-Austerity Alliance and People Before Profit, proposes to prevent the establishment of an Oireachtas committee tasked with making recommendations on the funding of water services provided to dwellings from being established until after the enactment of the Water Services (Amendment) Bill 2016. We are, therefore, not talking about the commission here. We are talking about-----

**Deputy Bríd Smith:** Of course, the Minister is not.

**Deputy Simon Coveney:** -----the setting up of an Oireachtas committee, which-----

**Deputy Bríd Smith:** He does not want to talk about the commission.

**Acting Chairman (Deputy Bernard J. Durkan):** Hang on now, Deputy.

**Deputy Barry Cowen:** He cannot talk about the commission.

**Deputy Simon Coveney:** I have spoken about the commission on many occasions.

**Deputy Bríd Smith:** Not in this House.

**Deputy Simon Coveney:** We have had an opportunity to debate it but we are debating legislation here which does not provide specifically for that commission and the Deputy knows it.

Amendment No. 9, again tabled by the Anti-Austerity Alliance-People Before Profit, proposes to restrict approval of the membership and the composition of the proposed Oireachtas committee tasked with making recommendations on the funding of water services provided to dwellings to Dáil Éireann and not to either House or both Houses of the Oireachtas. In other words, it seeks to restrict the membership of that committee solely to members of Dáil Éireann and not Seanad Éireann. That is what is being proposed here, which I fundamentally disagree with. I disagree with both amendments, actually. We should not be deciding now when or how that Oireachtas committee is set up. There is plenty of time for that-----

**Deputy Paul Murphy:** The Minister could accept amendment No. 8.

**Deputy Simon Coveney:** -----over the next five months, so can we please deal with the issues-----

**Acting Chairman (Deputy Bernard J. Durkan):** We are dealing with it.

**Deputy Simon Coveney:** -----that these two amendments deal with. The first amendment-----

**Acting Chairman (Deputy Bernard J. Durkan):** To be fair to me, I will deal with those. That is what I am doing. We will follow on on that basis.

**Deputy Simon Coveney:** In regard to amendment No. 8, what is being proposed here is that the committee could not be set up before the enactment of the Bill. It is up to the House how and when to set that committee up and the composition of it. There is plenty of time to do that and it is catered for in the legislation by referring to a committee set up by the Houses of the Oireachtas. Amendment No. 8 is, therefore, not necessary. That committee, as I said, has plenty of time to be set up and will be representative of the Oireachtas.

In regard to amendment No. 9, I do not understand why the Deputies want to prevent Senators from being on that Oireachtas committee.

**Deputy Richard Boyd Barrett:** I will explain to the Minister now.

**Deputy Simon Coveney:** This legislation will be considered and passed by both Houses of the Oireachtas. A committee will look into all of the issues around water and all of the controversy and politics as well as what we are required to do under the obligations we have both nationally and internationally and all that complexity. If we are going to make decisions that have credibility, they need to have credibility across both Houses and I do not see why the Deputies would want to exclude the Seanad from that process.

**Deputy Bríd Smith:** They need to have credibility with the people.

**Deputy Simon Coveney:** I think we are more than able to set up a committee that represents both Houses of the Oireachtas to be able to make an informed choice.

**Acting Chairman (Deputy Bernard J. Durkan):** I want to include everybody. I do not want one group to monopolise the whole debate. I want Deputies to stick to the amendments. That is strictly in accordance with the rules of the House and that is to be fair to everybody because all the other Deputies are entitled to say their few words as well. After a time-----

**Deputy Ruth Coppinger:** Acting Chairman, may I raise something-----

**Acting Chairman (Deputy Bernard J. Durkan):** No, the Deputy is listed to speak as well.

**Deputy Ruth Coppinger:** We tabled the amendments.

**Acting Chairman (Deputy Bernard J. Durkan):** I know. I am aware of that. The person who-----

**Deputy Ruth Coppinger:** The Acting Chairman talks about monopolising the debate. Anyone else was perfectly free to table amendments-----

**Acting Chairman (Deputy Bernard J. Durkan):** Let me explain that to the Deputy. Everybody is entitled to speak.

**Deputy Ruth Coppinger:** I would like to speak on my amendment and so would the others who bothered putting them-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy can speak on the amendment.

**Deputy Ruth Coppinger:** It was a bizarre statement to make.

**Acting Chairman (Deputy Bernard J. Durkan):** Listen for a second, Deputy.

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**Deputy Ruth Coppinger:** Any Deputy could table an amendment.

**Acting Chairman (Deputy Bernard J. Durkan):** The person who moves the amendment can speak three times; every other person can speak twice.

**Deputy Ruth Coppinger:** Okay.

**Acting Chairman (Deputy Bernard J. Durkan):** The second time is strictly time limited. This will be applied.

**Deputy Ruth Coppinger:** That is grand but let us speak.

**Acting Chairman (Deputy Bernard J. Durkan):** Wait a second. If the intention is to frustrate the rules of the House-----

**Deputy Ruth Coppinger:** It is a cacophony of interruptions every time we speak.

**Deputy Regina Doherty:** Likewise.

**Acting Chairman (Deputy Bernard J. Durkan):** Through the Chair, please. I will enforce the rules in rapid fashion unless there is some compliance with the rules. I call Deputy Richard Boyd Barrett. Stick to the amendments, please.

**Deputy Richard Boyd Barrett:** On a point of order, the Acting Chairman outlined that apart from the proposer of an amendment, everybody else may speak twice. Is that right?

**Acting Chairman (Deputy Bernard J. Durkan):** That is right.

**Deputy Richard Boyd Barrett:** How long is allowed for the first intervention?

**Acting Chairman (Deputy Bernard J. Durkan):** The first intervention is subject to the interpretation of the Chair.

**Deputy Richard Boyd Barrett:** There is no limit then.

**Acting Chairman (Deputy Bernard J. Durkan):** You cannot speak forever. I have been ejected from the House for attempting to speak for too long on the first intervention.

**Deputy Richard Boyd Barrett:** Is there a limit?

**Acting Chairman (Deputy Bernard J. Durkan):** There is a limit. You cannot go on forever, repeat or stonewall.

**Deputy Richard Boyd Barrett:** Where in Standing Orders is the time limit specified?

**Deputy Barry Cowen:** One cannot stray from the amendment.

**Acting Chairman (Deputy Bernard J. Durkan):** This is not Second Stage. I am sorry, Deputy, resume your seat for a second. You are a nice guy and I am very fond of you but you are going to have to sit down for a moment while I tell you-----

**Deputy Richard Boyd Barrett:** You said you were going to apply the rules. Confirm to the House that there is no time limit on the first intervention. Otherwise, you are abusing your position.

**Acting Chairman (Deputy Bernard J. Durkan):** Please, resume your seat. Your intention is to frustrate the House. I thought you were going to be co-operative and assist the Chair in the running of the House.

**Deputy Ruth Coppinger:** The Deputy asked how long he could speak for.

**Acting Chairman (Deputy Bernard J. Durkan):** Everybody will get an opportunity to speak and, within reason, if everybody sticks to the amendments, I will not intervene. However, if Deputies use the amendments as a vehicle to frustrate the House and to do a filibuster that would be more appropriate to a Second Stage debate with no time limits, I will intervene. I appeal to the Deputy to please proceed in accordance with the orders of the House. Have you completed your first intervention?

**Deputy Richard Boyd Barrett:** No, I have not.

**Acting Chairman (Deputy Bernard J. Durkan):** I thought you had.

**Deputy Richard Boyd Barrett:** It was a point of order.

**Acting Chairman (Deputy Bernard J. Durkan):** There are no more points of order. You have had my order.

**Deputy Richard Boyd Barrett:** No, I asked a question and the Acting Chairman did not answer it.

**Acting Chairman (Deputy Bernard J. Durkan):** I did answer it.

**Deputy Richard Boyd Barrett:** Under Standing Orders, is there a time limit on the first intervention?

**Acting Chairman (Deputy Bernard J. Durkan):** There could be.

**Deputy Richard Boyd Barrett:** There is not.

**Acting Chairman (Deputy Bernard J. Durkan):** Officially-----

**Deputy Richard Boyd Barrett:** Somebody in the Clerk's office should inform the Acting Chairman.

**Acting Chairman (Deputy Bernard J. Durkan):** There is no time limit but if you depart from the subject matter of the debate, there is a time limit.

**Deputy Richard Boyd Barrett:** Thank you. There is no time limit. That is all the Acting Chairman had to say.

**Acting Chairman (Deputy Bernard J. Durkan):** Unless you depart from the subject matter of the amendment.

**Deputy Richard Boyd Barrett:** I hope the same warnings will go to all speakers in advance of their speeches.

**Acting Chairman (Deputy Bernard J. Durkan):** They will.

**Deputy Richard Boyd Barrett:** Of course, they will not. It is absolute abuse.

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**Acting Chairman (Deputy Bernard J. Durkan):** Please proceed to amendment No. 8 or amendment No. 9, whichever you like, or both together.

**Deputy Richard Boyd Barrett:** The principle behind our amendments is to vindicate the idea of democracy and the sovereignty of the House as the directly elected Chamber representing the people of the country. This is the purpose of these amendments. It is very clear. It does not, as the Minister suggested, exclude Senators. It says the composition of the committee should be decided by the Dáil. This is in line with an argument which the Minister fully understands and which he should not try to misrepresent, namely, that we believe the House is mandated on the question of water charges and it is an abuse of democracy for anybody other than the directly elected representatives of the House to decide how the issue of water charges is dealt with.

We think there is a clear, democratic mandate and that the Minister is trying to worm his way out of it with Fianna Fáil. We do not accept that expert groups or committees, established to make recommendations to the House, should be established by any other body than the House. This is what democracy means. It is clear that the Minister and Fianna Fáil do not like democracy when it does not suit them. With these amendments, we are trying to rectify an abuse of the democratic principle. Our amendments do not specify that the House cannot select Senators. The House can choose whomever it wants to put on commissions or committees. This is what we are arguing and the Minister knows damn well it is what we are arguing.

We do not think it is acceptable that the Minister is establishing a process that will, over time, undermine the clear and unequivocal mandate that was given to the House because of a side deal he happens to have done with Fianna Fáil. The Minister should respond to this point. The public needs to know how the game is played. It should not be a game but it is a game. When the Government cannot win a matter in open public debate, it rigs the game by way of side deals between different political parties.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry but there is nothing in the amendment that talks about rigging the game.

**Deputy Ruth Coppinger:** Stop interrupting.

**Deputy Richard Boyd Barrett:** No, it does not.

**Acting Chairman (Deputy Bernard J. Durkan):** That is right. It is not in the amendment.

**Deputy Richard Boyd Barrett:** The amendment is designed to prevent the rigging of the game.

**Acting Chairman (Deputy Bernard J. Durkan):** Again, I ask the Deputy to please adhere to the amendments.

**Deputy Richard Boyd Barrett:** I am. I am telling you that the purpose of the amendment is to prevent the rigging of the game. The legislation the Government has proposed is open to the game being rigged. We are attempting to insert an amendment that would prevent the game being rigged. It is entirely relevant to the purpose of the legislation unless the Government wants to tell us it would not be worried about the game being rigged. However, I am sure, in the new political landscape, the Government would be as concerned as we are about the possibility of games being rigged. As we all know, games have been rigged for a long time on many issues.

Given that it would be deviating from the Bill to enumerate them, I will not.

**Acting Chairman (Deputy Bernard J. Durkan):** Good. That is a relief.

**Deputy Richard Boyd Barrett:** Suffice it to say that many games have been rigged in the past with devastating cost to ordinary citizens. We are asking, as part of the new politics, that this House decides in an open and transparent way. There is no need for a commission at all. We would like it to be dealt with by the House, full stop.

**Deputy Simon Coveney:** It is going to be.

**Deputy Richard Boyd Barrett:** The Minister has set his face against this and has decided to establish a commission. We at least want the House to have a democratic say in how all of it is done.

**Deputy Regina Doherty:** The Bill has nothing to do with this, Acting Chairman.

**Deputy Richard Boyd Barrett:** The Minister does not want it because he does not believe in democracy or he wants to undermine a democratic decision.

**Deputy Simon Coveney:** The Deputy is mixing up the commission and the committee.

**Deputy Jan O'Sullivan:** I also speak as a representative of the people, concerned with democracy and my duty as a public representative to represent the people. I will speak directly to the two amendments that deal with the establishment of the committee. On Committee Stage last week, an amendment was passed at the instigation of Fianna Fáil. Deputy Barry Cowen is being very quiet and has not proposed any amendments on Report Stage because he got his amendment through Committee Stage, given that the Government tabled a similar amendment. The amendment allowed for an extension of the time taken by the committee and the commission beyond the nine months. As a publicly elected person in the Chamber, I believe we are being asked to finalise the Bill today without the kind of information we need for the taxpayers who will have to pay if infringement charges are imposed and if those infringement charges are increased by the provision in the legislation to extend the time period beyond nine months.

Last week, the Minister went to Brussels and met Commissioner Karmenu Vella. We do not know the consequences of the meeting. We do not know if there will be infringement charges and what they will be. We do not know if they are likely to increase due to amendments to the Bill. We should not make such a decision in the absence of this information. The Minister was very helpful on Committee Stage last week and spoke about the fact that he was going to meet the Commissioner. However, since then, we have received no information about what happened. While it goes against the grain for the Minister, he must do it given that he is in a minority Government. It is being done at the instigation of Fianna Fáil, the very party which decided we were to have water charges in the first place, back in 2010 under the river basin management plan to which the Fianna Fáil Government agreed.

**Deputy Barry Cowen:** That is where we differ.

**Deputy Jan O'Sullivan:** The troika agreement signed by the Fianna Fáil Government-----

**Deputy Barry Cowen:** Was it implemented?

**Deputy Jan O'Sullivan:** -----in December 2010 states, "In advance of the introduction of

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water charges ... [t]he government will have undertaken an independent assessment of transfer of responsibility for water services provision from local authorities to a water utility, and prepare proposals for implementation, as appropriate with a view to start charging in 2012/2013.”

**Deputy Barry Cowen:** Did it do it?

**Deputy Jan O’Sullivan:** This is a complete farce on behalf of the Fianna Fáil Party-----

**Deputy Barry Cowen:** Who did it?

**Deputy Jan O’Sullivan:** -----in looking for a fig leaf to hide behind, knowing very well all it is doing is kicking the can down the road and forcing the Government to do that. We are in this highly farcical situation where certain Members are playing their own game. Fianna Fáil has its own nice, quiet game to play, where the Government implements what it wants, but the public, who will be paying the infringement charges, will have no information as to what the Commissioner said to the Minister last week.

**Deputy Barry Cowen:** They are paying for it as it is. General taxation is paying for it.

**Deputy Jan O’Sullivan:** We have no information on what are the consequences of the amendment made in the committee last week in respect of the possible extension of the nine months-----

**Deputy Barry Cowen:** In the event of it being required.

**Deputy Jan O’Sullivan:** As public representatives, we have a responsibility to the public, who want to see their taxes used on things such as building houses and schools and providing for people in hospitals. We have a total absence of information as to the consequences of this legislation but we are being asked to vote on it today. That is unacceptable. Will the Minister clarify exactly what are the consequences of bringing in this legislation for the people?

**Acting Chairman (Deputy Bernard J. Durkan):** The next speaker on my list is Deputy Mick Barry but he is not here.

**Deputy Paul Murphy:** He is here.

**Acting Chairman (Deputy Bernard J. Durkan):** Is he here?

**Deputy Ruth Coppinger:** How can he be the next speaker?

**Acting Chairman (Deputy Bernard J. Durkan):** He is here. Deputy Mick Barry, here you go. Now is your chance.

**Deputy Mick Barry:** It is grand.

**Acting Chairman (Deputy Bernard J. Durkan):** He is passing. The next speaker is Deputy Alan Kelly.

**Deputy Alan Kelly:** I am delighted to be able to speak on this amendment relating to the committee. This is a unique moment because, as I stand here, I agree with Deputy Paul Murphy on this issue. This is a unique moment.

**Deputy Mick Barry:** An historic one. Put it on the record.

**Deputy Barry Cowen:** Deputy Kelly is laughing again.

**Deputy Alan Kelly:** The eureka moment is that he used a phrase I was going to use, which is that the setting up of this committee is a sham. I am coming at it from a totally different perspective but it is a sham. It is a sham because-----

**Deputy Barry Cowen:** It might do what Deputy Alan Kelly would not do.

**Deputy Simon Coveney:** The committee the Deputy refers to-----

**Deputy Alan Kelly:** If the Minister will listen for a change, instead of interrupting all the time-----

**Acting Chairman (Deputy Bernard J. Durkan):** There will be only one speaker.

**Deputy Alan Kelly:** The reason this committee is a sham is because it has a predetermined outcome. When the Minister unveils to the House his conversation with Commissioner Vella last Friday, we will all know that to be a fact. The Commissioner, with whom I have discussed this issue, will have made it known only too well to the Minister that the consequence of getting rid of or suspending water charges is that a pilot notification will be sent to the Government and we will have to foot fines of a scale that we have not seen before. Like my colleague-----

**Deputy Simon Coveney:** It is a pretty dangerous thing to misrepresent the Commissioner.

**Deputy Barry Cowen:** It sure is.

**Deputy Alan Kelly:** I am not misrepresenting the Commissioner.

**Deputy Simon Coveney:** The Deputy is.

**Deputy Alan Kelly:** I am not misrepresenting anything.

**Deputy Barry Cowen:** Deputy Kelly has a predetermined opinion about everything and it is never the right one.

**Acting Chairman (Deputy Bernard J. Durkan):** All Members will have an opportunity to speak and the Minister will have an opportunity to reply. The Deputy to continue.

**Deputy Alan Kelly:** I say to the Minister that is what I predict will happen.

**Deputy Simon Coveney:** That is not what the Deputy said.

**Deputy Barry Cowen:** He is putting words in the Commissioner's mouth now.

**Deputy Alan Kelly:** One second-----

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry, Deputy, but one speaker, please. I know you are all very enthusiastic and all that kind of thing but you cannot all speak together, much as I would like to allow it.

**Deputy Aengus Ó Snodaigh:** They can but they may not be allowed.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy Kelly, to proceed.

**Deputy Alan Kelly:** To clarify-----

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**Acting Chairman (Deputy Bernard J. Durkan):** Stick to the amendment.

**Deputy Alan Kelly:** I will. To be clear, so the Minister cannot accuse me of misrepresenting anyone, given the discussions with Europe, I believe we will be left in a situation where this committee will have a predetermined outcome based on the advice the Minister has been given. I am sure the Attorney General has given him advice on the issue. I am sure he has asked her for it. I asked her for it before I left, so I am sure she gave the Minister the advice I asked for. If not, the Minister may request it. Based on that and the replies the Commissioner has given to various MEPs in the recent past and, dare I say it, once the Minister outlines to us the discussions he had last week, it will be clear that this situation is a sham. There is a predetermined outcome, because the equation here is very simple. I have stated it on numerous occasions. Either the committee accepts that we put the country into the risky situation of having massive fines imposed on us on a daily basis, similar to other countries-----

**Deputy Barry Cowen:** I do not agree.

**Deputy Alan Kelly:** -----or we have some form of affordable water charges based on the polluter pays principle. I know the Minister agrees with that principle.

The consequences of what we have done here means that-----

**Deputy Barry Cowen:** The Deputy is straying from the amendment.

**Deputy Alan Kelly:** -----this is the capacity of this committee to discuss the funding implications for Irish Water. Will the committee also discuss the Exchequer payments that will have to go to Irish Water-----

**Deputy Barry Cowen:** They are already going to it.

**Deputy Alan Kelly:** -----and the capital funding of Irish Water as a consequence of the action of suspending water charges?

**Deputy Barry Cowen:** The Deputy provided for the next five years in the last Government.

**Deputy Alan Kelly:** Will the committee discuss, or will the Government allow it to discuss, where the funding will come from? Will it be taken from schools, health care-----

**Deputy Barry Cowen:** You provided for it for the past five years.

**Deputy Richard Boyd Barrett:** From the 26%-----

**Acting Chairman (Deputy Bernard J. Durkan):** I would love to allow everyone to speak together but it cannot happen. I am sorry-----

**Deputy Barry Cowen:** He was in government himself.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry, Deputies, but one speaker at a time.

**Deputy Barry Cowen:** He is admitting now that he did not know what he was doing.

**Acting Chairman (Deputy Bernard J. Durkan):** One second. I want to impart a certain amount of-----

**Deputy Alan Kelly:** I-----

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy, please do not engage in exchanges because it tends to lead to disorder.

**Deputy Alan Kelly:** Fair enough. I take the Acting Chairman's advice.

**Acting Chairman (Deputy Bernard J. Durkan):** I would not like disorder to prevail and I know Deputy Kelly would not like it to prevail. I, therefore, ask him to try to stick to the amendment as much as possible to ensure that others do not take the wrong cue.

**Deputy Alan Kelly:** Fine.

**Deputy Richard Boyd Barrett:** Less is more.

**Deputy Barry Cowen:** I agree.

**Deputy Alan Kelly:** With the setting up of this committee and the process the Minister went through on the suspension of water charges, the Minister is in a unique situation, unfortunately, given the political arithmetic in which he has found himself in that the legislation he is proposing is questionable under European law. I consider the Minister to be in an unenviable situation. I do not think it is personally his fault because I know his beliefs on this matter. However, this legislation is being proposed despite what the Commission has said and the replies of Commissioner Vella to various MEPs. These replies were quite clear and distinctive and replies from Commissioners are not always distinctive. He was very clear and absolute in his opinion. We now have a situation where this committee will be left in a scenario that has a predetermined outcome given the legal situation and we have a Minister putting forward this legislation. I would like him to verify that he knows absolutely and unquestionably that it is legal under European law, that he has got advice from the Attorney General-----

**Deputy Barry Cowen:** We deal with Irish law here.

**Deputy Alan Kelly:** Wait a second. I will get to Irish law.

**Deputy Barry Cowen:** This is Irish law.

**Deputy Alan Kelly:** We have to adhere to European law as well, Deputy.

**Deputy Barry Cowen:** We do not set European laws in here.

**Deputy Alan Kelly:** We have to adhere-----

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker, please.

**Deputy Alan Kelly:** Actually, European law takes precedence, as Deputy Cowen knows.

**Deputy Richard Boyd Barrett:** It is very much subject to-----

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy Kelly, do not encourage interruptions.

**Deputy Alan Kelly:** I want the Minister to absolutely guarantee-----

**Deputy Barry Cowen:** One would think he would have voted against it on Second Stage-----

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**Deputy Alan Kelly:** -----that this committee-----

**Acting Chairman (Deputy Bernard J. Durkan):** No-----

**Deputy Alan Kelly:** I am coming to Deputy Cowen-----

**Deputy Barry Cowen:** Why did the Deputy not vote against it?

**Deputy Alan Kelly:** -----is acting based on, and I genuinely request this of the Minister, the legal advice he has received under both national and EU law. I assume the Commission will be in touch with the Minister soon to outline its view on the suspension of water charges.

We are challenged in the scenario in this House to face down the reality, given the make-up of the Dáil, which I respect, as that is the democratic process. However, with respect to the outcome of the committee that will be in place-----

**Deputy Simon Coveney:** The commission.

**Deputy Alan Kelly:** -----the equation it will have to deliver is as follows. On one side we will be faced with very hefty fines and a huge ongoing legal debate for years with the European Union and, on the other, with introducing reasonable and affordable water charges. For that to happen, given the make-up of the House and the utterances of Fianna Fáil, particularly Deputy Barry Cowen who has brought us to this scenario through his wild pursuit-----

**Deputy Barry Cowen:** That is the Deputy's privilege.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker at a time, please.

**Deputy Alan Kelly:** No. The timeline and duration of this Dáil will really be in Deputy Barry Cowen's hands once the committee reports back because given the arithmetic, its report will not be able to pass through the House without his support and that of Fianna Fáil. Therefore, I want to know that he will support the outcome, given the democratic process which he has pursued.

**Deputy Barry Cowen:** The Deputy already knows the outcome, nine months beforehand.

**Deputy Alan Kelly:** No, I do not.

**Deputy Barry Cowen:** The Deputy knows everything else.

**Acting Chairman (Deputy Bernard J. Durkan):** Please allow Deputy Alan Kelly to conclude, without interruption.

**Deputy Alan Kelly:** Seeing that Deputy Barry Cowen wants to pursue this issue, I am sure he will be willing to accept the outcome of the committee's deliberations.

**Deputy Barry Cowen:** I will accept the outcome in this House.

**Deputy Alan Kelly:** If the Deputy does so, given the fact that, as I have shown, it is a pre-determined outcome-----

**Deputy Barry Cowen:** The Deputy still thinks he is the boss.

**Deputy Alan Kelly:** I am concluding.

**Acting Chairman (Deputy Bernard J. Durkan):** Good.

**Deputy Alan Kelly:** We now know that that is the scenario. It will be the biggest political climbdown in Deputy Barry Cowen's political career should he do it.

**Deputy Barry Cowen:** It will hardly surpass anything the Deputy has done.

**Deputy Alan Kelly:** I look forward to that day when the Deputy has to make that decision.

**Acting Chairman (Deputy Bernard J. Durkan):** We are on Report Stage.

**Deputy Barry Cowen:** Deputy Alan Kelly is the king of climbdowns and U-turns.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputy Eoin Ó Broin who will be followed by Deputy Ruth Coppinger. We will then see who turns up next.

**Deputy Richard Boyd Barrett:** We are moving to the two-minute slots.

**Deputy Simon Coveney:** We are in round 2 then.

**Acting Chairman (Deputy Bernard J. Durkan):** Please allow Deputy Eoin Ó Brion to proceed, without interruption, please. We are working slowly.

**Deputy Eoin Ó Broin:** I support the spirit of amendments Nos. 8 and 9 and will explain my reason for so doing. As everybody is aware, the purpose of the Bill is to suspend the payment of water charges for nine months. The purpose of the suspension is to allow a so-called independent commission to consider the funding of domestic water services, refer its recommendations to an Oireachtas committee which will make recommendations to the Dáil for a final decision.

The frustration of the Deputies who tabled these two amendments stems from the fact that there has been no opportunity for the House to debate fully or influence the membership of the commission, or its terms of reference. The considerations of the committee will automatically be limited by this fact. We did not have on Committee Stage a considered discussion of the terms of reference or the membership of the commission. Because of this, all the committee will be able to do is debate recommendations which will be very narrowly framed. Admittedly, we will be able to throw other things in, but they will already have been narrowed. The original proposition the Minister made when he introduced the Bill was that the purpose was to take the heat out of the debate and allow for a full and frank discussion of all the issues involved, but that is not what will happen. I, therefore, support the two amendments. I would not have written them in the way they have been drafted, but since I did not make the effort to write amendments and others did, I will support them. I still urge the Minister to reconsider the proposals made by my colleagues and I to include issues for the consideration of the commission and the committee such as water poverty and the others laid down in order that we can have a full discussion.

While the issue of imminent fines is not related to the amendments, as a number of other speakers have addressed it, I would also like to address it. People keep talking about the provision of legal advice. If they have it, they should publish it and if they are not willing to do so, they should stop telling us what the anonymous legal advice is. All we are getting is conjecture. Anybody who understands how European law works knows that the Water Framework Directive has five core objectives and that if there were to be infringement proceedings taken by the European Commission, they would be on the basis of whether the Government of this member state was in breach of these objectives, of which the introduction of domestic water charges

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is not one. The river basin management plan will provide the outline of how the Government intends to meet the five objectives and only if the Commission, post publication of the plan in 2017, considers it does not meet its objectives will it even consider taking infringement proceedings. Even if it were to do so, it would take two, three or four years for it do so because there are already infringement proceedings under way for a breach of a previous directive, the urban wastewater directive, as the Minister noted. Anybody who comes into the House and alleges that there will be imminent and enormous fines because of this Bill is making it up. Anybody with an ounce of sense and knowledge of EU law, the Water Framework Directive and infringement proceedings knows this is the case.

Sinn Féin has commissioned legal advice on this issue and, unlike others, when it is available, we will publish it because we think the public has a right to know what the legalities are. However, in the meantime I urge the Minister, notwithstanding the difficulties with the wording of the amendments, to take on board their spirit, broaden the terms of reference of the commission in order that the committee will be able to consider key issues such as water poverty, water conservation and the others mentioned by colleagues.

I also say to my colleagues that they should let the Bill get through tonight because whatever about our difficulties with what the Government is doing, we could then move to the next stage and deal with the more important issues that we all want to raise in the committee and ultimately on the floor of the Dáil to end up taking a vote on the issue which I hope will result in the abolition of water charges.

**Deputy Ruth Coppinger:** Earlier the Acting Chairman mentioned filibustering, but I do not think it is humanly or mathematically possible to do so if there is only one amendment to be dealt with on the floor of the Dáil.

**Acting Chairman (Deputy Bernard J. Durkan):** That is why I said it.

**Deputy Richard Boyd Barrett:** The Acting Chairman might have engaged in a bit of it in his day.

**Acting Chairman (Deputy Bernard J. Durkan):** We will not go there.

**Deputy Ruth Coppinger:** Far from it, some of us have other responsibilities to which we would like to attend and while it may be fun to watch the lads shouting slogans across the floor at each other, this is a serious political issue, as Members know because it was the one that dominated the discussions on Government formation in the weeks they took place. It is obviously a key issue for the Anti-Austerity Alliance-People Before Profit grouping and others in the House who took a very firm stand against water charges from the time of their imposition two years ago and encouraged people to organise and march to boycott them. With all due respect to Deputy Barry Cowen - it is nothing personal - we are not here because of him but because tens of thousands of people took to the streets and made water charges such a massive issue when politicians knocked on the door and also did not pay them, despite all the threats made.

The political establishment and the political system has been discredited enough without the actions being taken in the Bill. I am a member of the committee which deals with the issues of housing, water services and the environment. I was shocked at the way everything was ruled out of order without any discussion. Effectively, an attempt was being made to confine and narrow the scope of this process and also the idea behind having a committee versus a commission. A commission is being set up that has never been agreed to in the Dáil but it was agreed

to somewhere else, in a secret room, between the two major parties represented in the Dáil. The rest of the Dáil has no say in who will be included in it or represented on it. That is completely undemocratic. There should be some oversight. From what I see, it will be dominated by people who are involved in the water industry. Will there be any householder included in it - any mother or father who has to pay water bills - or anyone from Detroit suffering from water poverty to give evidence? Will there be any such representative included in it?

*7 o'clock*

They did not have anything like that.

**Deputy Simon Coveney:** We are representative of water customers.

**Deputy Ruth Coppinger:** There is a team of so-called experts who, as my colleague, Deputy Paul Murphy, has already said, have a set, pre-ordered agenda of being in favour of charging ordinary people for water. It is clear how the water committee the Government is going to set up in the Dáil will go. It will be able to discuss nothing except what the Minister wants it to discuss. It cannot discuss water meters or any of the issues preying on people's minds in regard to water charges.

**Deputy Simon Coveney:** Yes, it can.

**Deputy Ruth Coppinger:** Fine Gael, Fianna Fáil and the "Independents" who are backing them up on this one can try all the manoeuvres they like. The commission is clearly weighted with people from the water industry.

The second threat being used, and it seems to be the Labour Party taking up the cudgels on this one, is the EU Commission. It is as clear as day that this country has never had an established practice of charging for water. We have had an established practice of not charging for water. How can any Member cite such rubbish? He or she is meant to be defending the so-called country or the wishes of the people in this country against the EU but is instead using it as a hammer against the anti-water charges movement. One would be a sad and poor lawyer if one could not make the case that Ireland did not have an established practice of charging for water.

Not just that, but the other wording used is "recouping the charge for water". We have never recouped the charge for water through charges. Irish Water was a fiasco. It never worked. A law student could argue the case that we never recouped water charges. Nevertheless, this is the big bogeyman now. First, it was a proposal to dock the charge from people's wages. Now, it is fines from Europe.

How does the Minister propose to reintroduce charges for water after nine months? I lie awake at night wondering about this one because I do not envy the Minister. The first car I ever owned was a banger of a Ford Fiesta. It had a choke. I doubt the Minister has ever driven a car like this as he might come from more salubrious surroundings.

**Deputy Regina Doherty:** Is Deputy Coppinger still speaking to the amendment?

**Acting Chairman (Deputy Bernard J. Durkan):** I am trying to get through the speakers.

**Deputy Ruth Coppinger:** It is called a metaphor. The Deputy might want to listen. When the engine got very cold, one pulled the choke to allow more petrol into it, but often flooded the engine instead. I do not envy the Minister and his new Government in trying to reintroduce

water charges after nine months.

There is a lot of emphasis on mental health in the programme for Government. It should let this issue go now. Do not cling on to it. The people have no intention of restarting payment for water. We saw the figures earlier and that 73% of people are not paying. That includes the middle class on whom the Minister relies for his votes. They have now joined the boycott. They have seen the example of those who held the line from the outset and they are not going to start repaying. The Minister can set up any charade of a commission he likes. I am just finishing Acting Chair, as I would not filibuster.

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Deputy. She is very thoughtful. We appreciate that.

**Deputy Ruth Coppinger:** This charade is an expensive and bureaucratic way to deal with things. We all know that no matter what the Government comes up with, people have decided that they are not paying and that water charges are finished. On 17 September, there will be another protest. I do not know how big it will be. I doubt it will be as large as the ones which took place in October 2014. I warn the Minister, however, that if he keeps up with this kind of thing, the protests will grow again. This is the one issue where people have confidence that they are in control because they can refuse to pay. The boycott is central to winning this, and not Fianna Fáil or anyone else who is trying to get over this hurdle.

**Deputy Mattie McGrath:** I am pleased to be able to speak to the amendment. It is interesting that the former Minister, Deputy Alan Kelly, has left the Chamber. He and the previous Minister and now EU Commissioner, Phil Hogan, left us in a mess in setting up Irish Water, which I oppose fundamentally. However, I have huge difficulties with the amendment. We had a referendum on the Seanad and this seems to deny the people elected and appointed to the Seanad by the will of the people a chance to consider the legislation. The Seanad remains. As such, people that shout a lot about democracy are trying to deny it to both Houses. Both Houses debate legislation here. There is also the fact that in the region of 700,000 people paid for water. I inform Deputy Coppinger who says that we have no history of charging and paying for water that rural people have been paying for water all their lives. Many of them never had it. I did not have it as a young fellow and I am not 100 years old. We had to draw it with all sorts of vehicles, including horses and cars, from wells and everywhere else.

**Deputy Paul Murphy:** Who did you pay then?

**Deputy Mattie McGrath:** Those people did not mind paying for it and were glad to get it. I salute the pioneers of the group schemes who went out and championed their own water, sought funding and paid to bring water services to their houses. They were very glad of it.

There is a big debate about what the European Commission has said and that the Exchequer funds having to pay for it, which is what Deputy Alan Kelly ensured. What about the private people? Every hairdresser, every shop, every victualler, every church and everywhere else with a water connection, including private homes, are all paying for water. Private businesses of every sort are paying for water. Are they going to be left to carry the can?

We want to support jobs. Someone is going to have to pay the bills to break even on the cost of upgrading our many schemes. Is it the farmers and ordinary small business people who will be crucified? Do they matter at all? Should they just pay the rates, pay for everything, shut up and carry the can for somebody who does not want to pay for anything? We have to have some

reality here. There is talk about the 90 Members elected here because of water, but it was not really an issue in my election campaign in Tipperary. When I attended some of the protests, I was hunted from them by members of certain parties who are here talking about it now.

**Deputy Paul Murphy:** The Deputy went to an anti-water charges protest despite the fact that he is in favour of water charges.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker at a time, Deputy.

**Deputy Mattie McGrath:** I went to the water protest and was hunted by members of certain parties and I thank Deputy Adams for dealing with the treatment I received along with other councillors. It was the preserve of certain people who want to be anti everything and pro nothing.

**Deputy Paul Murphy:** Do not go down to the protest if you are in favour of water charges.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker.

**Deputy Mattie McGrath:** They do not understand what it costs to treat water so that it is safe to drink and deliver it to households, but they want to make plenty of noise about it and cause mayhem. What happened to Deputy Joan Burton in west Dublin and the chicanery that went on with it was nothing but bullying and intimidation which I was also subjected to when I attended a march myself with colleagues from the county council in Tipperary. It was not my scene and I was not wanted there. I was supposedly invading the space of someone else-----

**Deputy Paul Murphy:** You are for water charges. What were you at the protest for?

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker.

**Deputy Mattie McGrath:** -----in spite of being asked by dozens of older people, who have been paying for water all their lives, to attend.

We have a charade here. I was in discussions on the programme for Government for a number of days and never mentioned water charges once. There were many other issues that we debated that were far more serious. We wanted to form a Government to ensure that people had one, rather than sitting on the fence trying to ensure that we would have anarchy, which is what some people seem to want.

I saw the treatment of the Chair earlier and the blaming of the Bills Office and the Journal Office for the wording of amendments. There are rules and procedures here and we have the d'Hondt system in committees now, which is where these issues are to be discussed. I am very surprised to see the great democrats seeking to deny the Seanad its input by way of the amendments here.

**Deputy Ruth Coppinger:** They were ruled out of order before the committee.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker.

**Deputy Mattie McGrath:** We have a great deal to think about. I believe in paying one's fair share. I do not believe Irish Water should have been set up. It led to the creation of a monster. It was unnecessary because of the local authorities, God be good to them, and the private pioneers who found sources, developed water schemes and are still running them. They have to pay.

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Where is the fairness? We talk about equality every day of the week until it is coming out our ears. Where is the fairness when these people have to pay, which they do not mind, and when 700,000 Irish Water customers paid in spite of the intimidation and rumpus that went on around this? We need a reality check before we get into too much hot water. We will not know where we are going. We must respect the establishment of the commission. I do not have a view on it one way or another except to say that we should have kept the system we had and stood with the people who always paid and who do not mind paying their share. They are in this city as well. Every business premises has to pay for it, from the smallest one-person shop and the little cafeteria across the road where we get our bowls of porridge in the morning if we are here early to whatever. What is so great about people not wanting to pay for anything? I rest my case.

**Deputy Joan Collins:** Anyone elected on 26 February should have realised that water charges were done. They should have been abolished in a democratic acceptance of what the people had been saying for two years. On 26 February, people went out with their pencils in their hands and voted in the majority of Deputies to abolish water charges. That message to the Government could not have been any clearer. The Government could have played around with the idea that there were 50,000, 30,000 or 10,000 people on the streets for the water protests when we knew that there were 110,000, but the vote was a clear message to anyone setting up a Government to the effect that water charges had to go.

We are back in a farcical situation. Fianna Fáil instigated water charges in the 1990s. A Labour Party-Fine Gael Government abolished them after an election because it realised that the people had spoken.

**Deputy Michael Moynihan:** Speak to the amendment.

**Deputy Joan Collins:** Fianna Fáil opened the door to the troika but it was smart enough not to close it on the way out. Fianna Fáil could have kept the door open for eventualities such as this one to allow it to abolish the water charges. Terribly, the Labour Party followed through and bolted the door behind itself by signing off on the European Water Framework Directive. It did this in the knowledge that the people had said that they did not want water charges.

Farcically, establishment politicians and parties are playing a game and setting up a commission. Opposition Deputies are right to point out to the Government that it is setting up a commission that we cannot change or into which we, as elected representatives, cannot make an input. We do not know who made the decisions about who will be members of the commission. A number of us have made proposals to broaden its terms of reference. I received a letter from the Minister, Deputy Coveney, in response and I thank him for acknowledging my proposal. I wanted to broaden the terms of reference to cover the social implications of funding water services in the short, medium and long terms, including water poverty for low-income families, and possible future privatisation; the protection of public ownership of water, including its management and delivery; and the effect of borrowing to fund water infrastructure. For example, Detroit in the USA was under significant pressure to repay its loans. People were cut off from water, leading to water poverty and all that goes with it. The human right to water, even at a low level of payment, is not being delivered to those people.

I wanted the commission to consider how to increase water conservation through green technologies and to examine reports in Scotland, England, Bolivia and Germany on servicing water infrastructure and supply. I also wanted the commission's membership to involve people

with expertise in consumer rights, consumer interests and anti-poverty advocacy.

The Minister has closed us down regarding the Bill and has not reverted to us in any shape or form on whether he is considering including any of our proposals in the terms of reference, broadening them out or doing whatever is necessary. Sinn Féin's Deputy Ó Broin proposed similar terms of reference to the Minister.

People see that the water charges are dead but not buried whereas the establishment believes that a bit of sugar will soften people up to the idea of paying some form of water charge. The real lesson that people have learned was highlighted by the privatisation of waste collection. People know that water charges will lead to privatisation. They know that once a commodity is made out of a service, the European Commission can insist on its privatisation and its opening to competition in line with EU regulations. We are not fools. The people who went out on the streets are not fools. The people who will walk the streets on 17 September are not fools. They will be out in large numbers to let the minority Government and Fianna Fáil know that this is not acceptable. We should forget about water charges and set them aside. The Government will not get them. People will resist them time and again.

We will have an election soon. We do not know whether it will be in nine, 18 or 26 months but Government Deputies will be back out on the doorsteps to face the electorate again. People know that at least three of the commission's members support water charges. I advise Deputies to think hard about what is happening and to abolish water charges.

The Government points out that producing clean water for our taps must be paid for, which is important. We all know that it costs money. For the past ten or 15 years, however, green technologies that only provide clean water for what we drink were not included in our planning laws despite the possibility of this directive being implemented. Why are we flushing clean water down toilets or into our washing machines and out into the system? If the Government was serious, it would introduce grants to effect this change in water usage. We would not be discussing this problem because the amount of water being used at our taps would be nearly 80% less. We should be installing long-term infrastructure in our homes and communities so as to ensure that costly clean water only goes where it is meant to instead of down our toilets. Until people see initiatives like that, they will not be fooled.

**Deputy Danny Healy-Rae:** I must declare an interest. My family has a small plant hire business that has been repairing and replacing water pipes for more than 60 years in Kerry.

We all realise that water is essential and that without it, none of us can survive. For various reasons, many parts of my county do not have water at certain times of the year. They do not have pipes running in front of their homes, so they must improvise by, for example, drawing water. One community in south Kerry must hire lorries and tankers to bring it water practically everyday from April until the middle or end of September.

I hope that some geniuses decide in the coming months that it will be grand for everyone to have free water. I would support that because I also would like to have free water but many people on group schemes in my county have been suffering trying to keep their schemes working, their water treated and their pipes repaired. It costs money constantly to keep water flowing in those pipes. Another set of people have wells, pumps and private supplies of their own but keeping the water coming into their homes costs money. They must provide their own septic tanks but even before they can place those, people need to get planning permission for them,

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undergo site assessments and meet planners' strict regulations. Some treatment systems can cost up to €14,000 or €16,000. Many young couples have had to go through all of this recently to comply with the new standards and regulations.

People in group sewerage schemes experience a lot of trouble. It costs a lot to enter the schemes at the outset. I know of numerous communities around Killarney and the rest of Kerry seeking to have group sewerage schemes sanctioned but they may have to wait for three, four or five years. They have been waiting for the past five years but there is no word that they will be assisted in this regard.

Over the years, farmers and businesspeople have been paying continuously for water from the public supply. They have been glad to get it. The only trouble they have is when the water system breaks down. They really start to complain when they do not have water. They may be without it for only a short few hours but they need to get the supply restored as soon as possible. Until they have the water back again, they are not happy, as everybody here can understand.

If we are to have free water for all, all those people who have paid their charges up to now will have to be refunded. Irrespective of what committee is to vet these proposals, it will have to consider that people in group water schemes, or with wells, pumps and septic tanks, and those in group sewerage schemes will have to be helped and subsidised. Their group schemes will have to be brought up to standard, as will their wells, and they will have to be funded so there will be equality in all sections of society.

There is much to be considered. I would dearly love it if everybody could have free water, but I do not know how that would be achieved. I have been repairing pipes myself over the years and noted water does not get into them without a lot of work and without someone ensuring they are maintained and repaired. The water must be treated, which costs money. Some people say water will be paid for through progressive taxation. Maybe they are going to raise income tax, and maybe the people in the schemes I have been talking about will be asked to pay so others can have free water.

**Deputy Ruth Coppinger:** How was it paid for up to now?

**Deputy Danny Healy-Rae:** That should not happen.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker, please.

**Deputy Danny Healy-Rae:** I never interrupted Deputy Coppinger when she was talking. I have the floor but the Deputy may stand up and talk for the rest of the day when I am finished.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy should not allow himself to be distracted.

**Deputy Danny Healy-Rae:** There has to be equality and fair play across the country. If some people are to have free water, everyone will have to have free water.

**Deputy Paul Murphy:** I agree with the Deputy.

**Acting Chairman (Deputy Bernard J. Durkan):** We are making some progress, albeit on a drip-by-drip basis. Deputy Michael Fitzmaurice is next, to be followed by one other speaker, Deputy Maria Bailey. We will then move to the two-minute slots.

**Deputy Barry Cowen:** Could we move to sticking rigidly to the amendments also?

**Acting Chairman (Deputy Bernard J. Durkan):** I can assure the Deputy that we will stick rigidly to the two-minute slot.

**Deputy Barry Cowen:** Will we move into that territory?

**Acting Chairman (Deputy Bernard J. Durkan):** I have allowed a certain amount of latitude to allow people to speak. I remind Members we are running out of time.

**Deputy Michael Fitzmaurice:** Water is a necessity, no matter where in the country one lives. The one point that has been lost in all the debates over the past few months concerns the group water schemes, which suffered a cut of €50 per household when the €100 grant was introduced. We now know the €100 grant is gone and the group water schemes are struggling. I acknowledge there is a commitment to addressing this in the programme for Government but I urge the Minister to do so urgently because the householders will soon be down €50 per house for a year. This is fundamental in keeping the group water schemes going.

Over the past ten to 12 years, many EU regulations have come in on the supply of water and on the bar to which one must rise. Whether we like it or not, be it on the right or left, it is costing more and more to supply water to a house. This is because UV systems and new filter systems must be installed. Regardless of what side of the debate one is on, it would be good for one to go to a sewage or water treatment plant to look at the sophisticated types of machinery now required to deliver safe water to houses. I am chairman of a group water scheme and I am used to the different types of machinery needed.

I have seen boil-water notices operating for ten years in certain areas. We have moved on such that there are now new UV systems. I have a container, like a spare wheel for a car, that one can move from one part of Ireland to another if there is a problem with cryptosporidium. Admittedly, it takes ten or 12 months but it once took eight to ten years. The period can be reduced even further.

The group water schemes have been forgotten in this debate. So, too, have the wells. The Minister is responsible for planning. A point currently emerging from planning authorities is that, in rural areas where people spend between €4,000 and €8,000 to sink a well for a new house, local authorities are stipulating, as a condition of planning permission, that if piped water comes along in two years or five years, for example, those people must connect up to it. This is very unfair on somebody who has spent €4,000, €5,000 or, perhaps, €8,000 to participate in a scheme. This should be addressed ferociously quickly.

Whether people like it or not, when the commission completes its work it will be for politicians or a committee to make a decision. Regardless of what the Dáil decides to do, the one thing we must know is the position on building sewage treatment plants right around this country. In this regard, one should bear in mind that a lake I know that is supposed to be a special area of conservation has raw sewage flowing into it. There are two EPA reports on the lake but the money has not been invested in solving the problem. This is happening right around the country.

Even at present, we are struggling to have water of the quality required because the bar is rising year by year. If we are to have it, be it on the right hand or the left hand, we must put a fair bit of money aside. We must also invest in fixing pipes that are leaking. This needs to be

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sorted quickly because wasting water is no good to anybody.

I have spoken time and again about rainwater harvesting initiatives to cut down on the supply of treated water. I am a farmer and my cattle drink chlorinated water. They should not. There should be a separate way of harvesting water for such uses and an incentive from the Government to encourage people to move away from treating water that is not for human consumption. One cannot have two pipes side by side so there needs to be an incentive for a separate tank or a system involving the eaves gutter on the house. If there were a PVC tank and a little pump, the water could be collected for toilets, and it could also be used by farmers. We need to think outside the box on this. The Government should provide the incentives. If water is being pumped from a well, electricity costs, chlorine costs, UV costs and other associated costs will reduce. We could be much more economical in our use of treated water because we get plenty of water from the sky that could be collected if we introduced rainwater harvesting initiatives.

**Deputy Maria Bailey:** We need lifeguards in this Chamber because I am drowning in the misinterpretation of what is in front of us. What is really disappointing is the charade that took place here for the first 20 minutes of this debate. We are not even dealing with what we are actually trying to do here. We are dealing with what is emotive, what will get a headline in the paper and what we can put in our Twitter and social media accounts rather than the facts before us.

Deputy Coppinger said the debate was shut down at the committee meeting. We dealt with this Bill on Committee Stage but, in fairness to the Minister, Deputy Coveney, at the conclusion of that Stage he afforded to members of the committee as much time as they wanted to ask questions, be they about the commission or the water bill. Deputy O'Sullivan, who is not a member, was present. That discussion concluded only when there were no further questions from the floor. The Minister for the Environment, Community and Local Government, Deputy Simon Coveney, at that meeting and another meeting on the Estimates, afforded members as much time as they wanted to debate the issues.

Some of the Deputies opposite obviously have access to a crystal ball because they appear to know the outcome of the commission's deliberations.

**Deputy Ruth Coppinger:** Joe O'Toole told us the outcome.

**Deputy Maria Bailey:** I do not trust crystal balls because I do not like to pre-empt decisions until I have all the facts before me. It is unfair to other Deputies to pre-empt the outcome of the commission and the subsequent decision of the committee. Deputies should calm down and wait for the commission's report and the decision of the House.

Housing is a priority for many Deputies and the Government. If we are serious about building houses, the numerous sites that are not serviced with water must be serviced. Since my election to the Dáil in February, I have not heard any indication from some of the Deputies opposite as to how they propose to pay for this. I would like them to clarify how it would be done, albeit not in this debate.

I will provide some context to this issue. Although the issue of water was raised in Dún Laoghaire-Rathdown a few times during the election campaign, it was not a major issue in the constituency. This was because we have been on top of the water issue from the outset. We identified leaks, rectified problems and communicated with constituents. While water may

have been an issue in certain parts of the constituency, it was not an election issue and it was not the basis on which I was elected to the House. I was elected to deliver for my constituents, whether in child care, housing, jobs or health and water was not the No. 1 issue. We are serious about providing housing and value for money for people.

I do not have a problem waiting for the commission's report and allowing it to go before the committee. Certain Deputies have lost the run of themselves. They should be searching for life-jackets under their seats because we are drowning in what is coming from across the floor. Let us deal with the amendments and the Bill, get the process under way and debate the issue at a later stage. Let us deal with facts, not fiction, crystal balls, metaphors, frozen analogies and so forth. The Deputies opposite should be dealing with facts and sticking to the point.

**Deputy Michael Healy-Rae:** I appreciate being allowed a little time to discuss this very important issue. I wish to acknowledge one group of people because their efforts forced the previous Government into a U-turn on water charges. I refer to ordinary people - I do not care if they were supporters of political parties or Independents - who carried their children through towns and villages on wet Saturday and Sunday mornings to express their opposition to the Government's proposals for water charges. One could spend the rest of one's life debating the level of water charges or whether they should or should not be introduced but the fact is that the Government's original proposals on water charges would have imposed an unbearable financial burden on struggling families. The outcome of the protests was that the Government was eventually forced to do a U-turn and reduce the charges. The heroes of the water debacle were the people who voiced their concerns by protesting on the streets.

**Deputy Ruth Coppinger:** Hear, hear.

**Deputy Michael Healy-Rae:** They wanted their voices to be heard and they were heard. It was not politicians in the Dáil who forced-----

**Deputy Paul Murphy:** We agree.

**Deputy Michael Healy-Rae:** I am not making any comment on politicians who were deeply involved in the protests but the Government did not change its opinion in response to politicians. It changed its mind as a result of people power and I appreciate that because it showed the Government was wrong in trying to introduce such high water charges. My message to those who protested day in and day out and weekend after weekend is a simple one: I thank them very much for being involved in this debate.

The other side of the water issue is the future delivery of water. Many farmers and business people have been paying water charges throughout their working lives. I have been paying for water since I started a business at the age of 19 years, which was a few years ago at this stage. These people must also be taken into consideration. There must be balance and common sense in this debacle. I appreciate the efforts made by the Fianna Fáil Party before and after the general election. All we are trying to do is arrive at some type of solution that ensures people have a safe water supply. We should bear in mind members of group water schemes and people with private wells. The latter must pay large amounts to bore a well and many of them face significant annual costs associated with the filtration systems that ensure the water they use is safe. People who have children must have proper water supplies.

I hope the outcome of this process will be that struggling families do not face unfair financial burdens. This is a welcome and worthwhile debate and I hope it will deliver a successful

outcome.

**Deputy Barry Cowen:** While I disagree with amendments Nos. 8 and 9, I commend those who moved them on succeeding in having the House debate everything and anything but the contents of the amendments for the past two hours.

Deputy Jan O'Sullivan asked why I was remaining quiet in this debate. This short Bill gives effect to the agreement the Fianna Fáil Party reached with the party opposite, which leads the Government, the purpose of which is to prepare and allow a pathway for dealing with the water issue in a way that allows proper scrutiny and analysis and informed debate on the process by which the State will, can or may pay for water services in future. Deputy Alan Kelly, who was seated beside Deputy Jan O'Sullivan earlier, did not allow this during his time as Minister because he and the Government of the day rammed through legislation that caused the calamity that subsequently ensued. Towards the end of the previous Government's term, Deputy Kelly then sought to take over this matter, yet he has the cheek and audacity to tell me I may be faced with a climb-down. He is the king of climb-downs and nobody can surpass the excellence he has achieved in the area of climb-downs. Apparently, nobody can surpass his knowledge of European Union directives either, although when he questioned the Commissioner with responsibility for this issue in 2010, he was given an answer with which he was satisfied because it suited his political objective of returning to the House. That was an unfortunate development given what has ensued in the meantime. That is the reason I kept my counsel.

The purpose of the amendments we tabled on Committee Stage, which were supported and written by the Government in parallel, was to correct the measure and have the suspension of water charges commence on 1 July and provide that the legislation would not be retrospective. They also provided that the relevant committee would be afforded an opportunity to pass judgment on recommendations emanating from the commission and, if necessary, provide for an extension of time to ensure the scrutiny and analysis of the recommendations are informed and Deputy O'Sullivan and other Deputies are informed about them. That privilege was not afforded by the Deputy and her colleagues in government to Deputies on this side.

**Deputy Jan O'Sullivan:** You are not fooling anyone, Deputy.

**Deputy Barry Cowen:** We compromised our position - that is for sure.

**Acting Chairman (Deputy Bernard J. Durkan):** Thank you, Deputy. Through the Chair, please.

**Deputy Barry Cowen:** Acting Chairman, we did compromise our position.

*(Interruptions).*

**Acting Chairman (Deputy Bernard J. Durkan):** Do not encourage him.

**Deputy Barry Cowen:** Clearly, we did compromise our position when we compare and contrast it to the manifesto we put before the people. We achieved more than 500,000 votes and we were glad to get them but it was not enough to lead a government. It was not enough to be in government. We honoured the commitment we made to the same 500,000 plus people when we said we would not go into coalition or form a coalition government with Fine Gael. However, we were pragmatists, democrats and republicans. We recognised the fact that as convoluted as the result was in respect of the return of the people and the figures it gave us, there was an

obligation on those of us who partook and took our role seriously to seek to accommodate and facilitate the formation of a government. We asked other Members to support us and our leader on three separate occasions and we got no support other than what we had ourselves. We accept that. However, we did not sit on our hands and shout from the sidelines, which is what many people in this House will always do. The only way we will get them out of here is by doing things, by getting things done and by adhering to the principles, manifestoes and programmes for government that we place before the people. When that is done this issue will be put to bed by a majority contained within this Dáil. The will of the last Dáil will not be imposed on this one. By not sitting on our hands and in putting in place the pathway to deal with this issue we have produced a far more informed process than the Labour Party could have dreamed of in the last Dáil.

In the same way, we will also address the other issues that are far more pressing, as others have said, for example, in respect of housing, regional development and the provision of services in a fair and appropriate manner. That has not been the case in the past five years. That is the adjudication that people gave in the convoluted answer and result they gave us. However, we have taken our role seriously. We want to deal with this effectively and appropriately and in the manner agreed by two parties, the two adults, indeed, the many adults that were in that room who spoke on behalf of our respective parties. We look forward to dealing with it and we look forward to this Dáil making a decision ultimately. However, it will be a decision nonetheless by this Dáil and not by a government imposing its will on anyone else.

**Acting Chairman (Deputy Bernard J. Durkan):** That concludes the first round. I thank Members for their co-operation. Not everyone stuck strictly to the amendments - that has been acknowledged. It went for considerably longer than one would normally allow but I think people were entitled to speak.

**Deputy Ruth Coppinger:** There were lifejackets being given out over there.

**Acting Chairman (Deputy Bernard J. Durkan):** I am now going to go into the two-minute slots. Deputy Bríd Smith is first.

**Deputy Bríd Smith:** I am going to stick to the amendments and I am not going to do what the last speaker said we do, that is, to roar and shout and achieve nothing. I studied “Macbeth” for my leaving certificate. There is a scene where Lady Macbeth is accused of protesting too much. The character says “The lady doth protest too much, methinks.” Deputy Barry Cowen is no lady but he has certainly given us an example of someone who is on protest to defend his position and he is not very good at it.

**Acting Chairman (Deputy Bernard J. Durkan):** He is not going to reply to that.

**Deputy Bríd Smith:** It is not simply water charges that Deputy Cowen and Fianna Fáil have kicked to touch. They have kicked to touch on bins, education equality and an investigation into NAMA. They have done nothing on housing and they intend to do no more than those in government are doing. They have similar policies to Fine Gael and they are absolutely and utterly similar on water charges.

Those of us who marched and who built the protests against metering as well as the boycott know full well that what gave this issue the prominence it has in this House was the actions of the tens of thousands or hundreds of thousands of our citizens who marched, protested and voted in this direction.

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I will press the amendment on subsection (f). There was a reference to the commission but obviously we are not going to have any say on the composition of that commission. I have already spoken about it in the House and Deputy Murphy spoke about it earlier as well. It is utterly loaded with people whose professions and histories are entirely in favour of water charges and the privatisation of water. They include academics, scientists, professionals and ex-politicians. That is disgraceful. It is a kick in the teeth to every man, woman and child who marched in this country. Shame on Fine Gael and Fianna Fáil.

However, I want to move the amendment formally-----

**Acting Chairman (Deputy Bernard J. Durkan):** You have moved it already.

**Deputy Bríd Smith:** -----to allow a little democracy in the House, which seems increasingly to contain less and less of it.

**Acting Chairman (Deputy Bernard J. Durkan):** Your two minutes are up. I said we would stick strictly to it. Deputy Jan O'Sullivan is next and then Deputy Ruth Coppinger.

**Deputy Jan O'Sullivan:** It is unfortunate that the Minister's intervention was before some of us had the opportunity to speak. I presume he will be answering in the two-minute slot.

**Acting Chairman (Deputy Bernard J. Durkan):** He will have two opportunities to respond.

**Deputy Jan O'Sullivan:** I would like clarification on what exactly was said by the Commissioner last week in order that we can know whether there will be fines and whether the extension of time will affect them. I am going to be in order and speak to the amendments. I assume the first amendment is superfluous because it is going to be after the Bill anyway.

**Deputy Paul Murphy:** There is no reason they should be separate.

**Acting Chairman (Deputy Bernard J. Durkan):** The two are being taken together.

**Deputy Jan O'Sullivan:** If the second amendment is only about the committee, as the Minister has clarified, then it seems to be saying the committee will be established by both Houses of the Oireachtas and then it will come back to the Dáil for approval. It seems to me that because of this misunderstanding, the amendments are superfluous. Can the Minister clarify the position?

**Acting Chairman (Deputy Bernard J. Durkan):** The Minister will be replying to that.

**Deputy Jan O'Sullivan:** What I really need is clarification on whether I will be making a decision that is going to be a burden on the taxpayer in terms of fines from the European Union, especially with regard to extending the time beyond nine months. Even the best pregnancy would not be extended that far.

**Deputy Ruth Coppinger:** A couple of issues came up in the course of the debate, for example, from some of my colleagues from rural areas. I want to make this clear: I believe there should be equality in respect of the provision of water. The anti-water charges movement has always made that clear.

Obviously, for people living in an isolated area, it will cost far more to connect to the water system and sometimes it is impossible. However, I agree there should be equality.

**Deputy Michael Fitzmaurice:** They want to take the water from the Shannon to Dublin as well.

**Deputy Ruth Coppinger:** There are swings and roundabouts when it comes to the city. Deputy Fitzmaurice may wish to move to Dublin and pay the rents that people are paying in Dublin. People are paying €1,400 for a three-bed house.

**Acting Chairman (Deputy Bernard J. Durkan):** Through the Chair, Deputy. Your two minutes are rapidly dripping away.

**Deputy Ruth Coppinger:** My point is that we should not be dividing ordinary people from rural or urban areas. I do not see how it makes anyone in a rural area feel better if everyone is paying €500 for water charges and they are paying for it. That is the point.

**Deputy Regina Doherty:** The point is that they are already paying.

**Deputy Ruth Coppinger:** The last issue relates to a point Deputy Cowen made about people sitting on their hands. For the past three years, we have not been sitting on our hands. We have been out doing the backbreaking work of organising and building the anti-water charges campaign. It did not simply spring out of nowhere. There were local meetings throughout the country. They were well attended and a campaign was built up advocating the boycott, which most of the other parties in the Dáil would not advocate, but it has proven to be absolutely instrumental. That is what has brought us to this point. It has nothing to do with sitting on our hands. What we are doing now is representing that movement and the 73% of people who have opted not to pay.

**Acting Chairman (Deputy Bernard J. Durkan):** Minister, this is your final reply.

**Deputy Simon Coveney:** I am keen to get some guidance from you, Acting Chairman. Do you want me to answer the questions on the Bill in general or do you want me to address the two amendments only? The vast majority of questions I have been asked are general.

**Acting Chairman (Deputy Bernard J. Durkan):** This is a matter for the House. I allowed a certain amount of latitude because it was going to be impossible to do anything otherwise.

A question now arises. We finish at 8 p.m. If it is possible to conclude this part of the debate at 8 p.m., it would be helpful.

**Deputy Paul Murphy:** We would like to conclude by 8 p.m.

**Deputy Simon Coveney:** If we can facilitate concluding this evening, I will try to run through some of the questions asked. Then we can make a decision on the amendments. I will try to do so quickly because otherwise will be back again dealing with this issue and there are only two amendments classified as being in order.

A question was asked about conservation grants for rainwater harvesting and so on. When I was Minister for Agriculture, Food and the Marine, we had water harvesting grants available for farmers but few applied for them. That may be different now given the debate on water since then and I suspect it is something the Minister responsible will explore.

There was a question on group water schemes and wells. We have made it absolutely clear and we have an agreement with the federation representing all the group water schemes

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throughout the country on the funding model they need. Essentially, we are going back to the funding model that had been in operation previously, before the introduction of the water conservation grant. The federation is happy with that and it is agreed. We have also said that the grant aid that is available for the maintenance of wells will be maintained and enhanced, which has also been welcomed. Therefore, it is not true to say we have not dealt with some of those issues.

When it is looking at these issues there is nothing to prevent the Oireachtas committee from addressing issues such as water poverty and the concerns over privatisation.

**Deputy Ruth Coppinger:** Is the Minister sure they will be allowed to?

**Deputy Simon Coveney:** The terms of reference of the expert commission certainly include water conservation. The membership of the expert commission is not a stacked deck of cards. We have probably the lead expert on water from the Environmental Directorate of the OECD. We have the chair of the customer forum in Scottish Water, representing-----

**Deputy Paul Murphy:** He has spoken in favour of water charges.

**Deputy Bríd Smith:** He favours water charges.

**Deputy Simon Coveney:** ----- customers and their concerns. We have the chair of the utility in Northern Ireland. We have the chair of the National Federation of Group Water Schemes. We have an environmental lawyer. We have an environmental economist with a speciality in water. These people are experts who-----

**Deputy Bríd Smith:** Are in favour of water charges.

**Deputy Simon Coveney:** They are not necessarily in favour of water charges. I am not making a judgment on what they should recommend. We have broad terms of reference allowing them to consider all the issues on how Ireland pays for domestic water supply and wastewater treatment in the future. Should it be through general taxation? Should it be through a charging system that has full cost recovery? Should it be a mixture of both? If so, how do we create acceptance for that? That is why we have the mix of skill sets, based on guidelines we got from another independent source as to the skill sets we would need on such a commission.

**Deputy Ruth Coppinger:** Is anyone on the commission against water charges?

**Acting Chairman (Deputy Bernard J. Durkan):** I want to give Deputy Paul Murphy his two minutes and three minutes together. If everyone co-operates, I will put the question within the time. Is that agreed?

**Deputy Paul Murphy:** Yes.

**Deputy Simon Coveney:** Am I limited to two minutes now in terms of answering questions?

**Acting Chairman (Deputy Bernard J. Durkan):** The Minister has had his two minutes already.

**Deputy Barry Cowen:** Two hours.

**Deputy Simon Coveney:** I thought people could speak three times.

**Acting Chairman (Deputy Bernard J. Durkan):** No.

**Deputy Simon Coveney:** Well then I will mention it after the vote.

**Acting Chairman (Deputy Bernard J. Durkan):** I do not want to prolong the agony for anybody.

**Deputy Simon Coveney:** I am trying to answer people's questions.

**Acting Chairman (Deputy Bernard J. Durkan):** I know. There will be another opportunity to do that, I think.

I call Deputy Paul Murphy to conclude.

**Deputy Paul Murphy:** We can see the impact the anti-water charges movement has had on politics when we look at tonight's debate. We are well down the rabbit hole.

**Deputy Simon Coveney:** Is Deputy Paul Murphy going to sum up on the debate now?

**Acting Chairman (Deputy Bernard J. Durkan):** He moved the motion.

**Deputy Paul Murphy:** It was our amendment.

**Acting Chairman (Deputy Bernard J. Durkan):** The mover of the motion speaks three times.

**Deputy Simon Coveney:** Sorry, these are amendments.

**Deputy Paul Murphy:** This is only my second time speaking but that is okay; I am not looking for a third time.

**Acting Chairman (Deputy Bernard J. Durkan):** I know. The Deputy has agreed to give his second and third intervention as one.

**Deputy Barry Cowen:** He agreed to do what he likes.

**Acting Chairman (Deputy Bernard J. Durkan):** We will then put the question. Is that agreed?

**Deputy Paul Murphy:** Some things emerged in the debate. Obviously, we had the highlight of Deputy Kelly agreeing with us that the water commission is a sham and that the outcome is predetermined. We had Deputy Cowen standing up to EU law and saying it could be defied and saying Irish law takes primacy. However, we remember the last time Fianna Fáil was in government and its subservience to the troika. We have the Minister, Deputy Coveney, telling Deputy Kelly not to misrepresent the answers of the European Commission when-----

**Deputy Barry Cowen:** Where is the Greek man now?

**Deputy Paul Murphy:** ----- obviously, following earlier answers the Commission gave, the Government was very quick to accept an interpretation of those answers, which was somewhat belied by the text of the answers, but was leaked.

**Deputy Simon Coveney:** Would the Deputy like me to answer the question?

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**Deputy Barry Cowen:** He does not want that.

**Deputy Paul Murphy:** We saw both the left wing and the right wing of the Healy-Rae party tonight and then we had Deputy Mattie McGrath, who was in favour of water charges,-----

**Deputy Barry Cowen:** Syriza.

**Deputy Paul Murphy:** ----- going to anti-water charges protests and then having a problem with people criticising him at those anti-water charges protests for being in favour of water charges.

The essence of the amendment is a question of democracy, which this entire process is attempting to subvert. That gets to the heart of it. The points about the European Commission are very important from the opposite point of view to the way the Labour Party sees them. We can see that the European Commission will be used to try to limit the terms of the debate and to say at the end of it that we have no choice but to go along with it. The point is very important. No immediate fines are coming into play here in the very arguable case for a government to make in terms of no established practice. There were three different answers from the Commission over three years, including the first one given to Deputy Kelly, who at the time was an MEP, which was very clear in pointing in the opposite direction.

The Government should not collude in, participate in and drive the process of subversion. Obviously, that is what is what is happening. In particular, it should apply to activate Article 9.4, the effective derogation, the exemption, in its second cycle river-basin management plan proposal. It is very important that the Government does that. Even if it is not in favour of getting rid of water charges, it has established this process that is supposed to be open-ended; it should be allowed to decide.

We will not press amendment No. 8 but there is no reason for the Government to oppose it. By this evening, we will have passed this legislation and by definition it will come in afterwards. We will press amendment No. 9 because it is a question of democracy and it is the only opportunity to raise that question of democratic process here given that everything else was ruled out.

**Deputy Simon Coveney:** It is already catered for.

Amendment, by leave, withdrawn.

**Deputy Paul Murphy:** I move amendment No. 9:

In page 4, lines 29 and 30, to delete “by either House of the Oireachtas or by both Houses of the Oireachtas” and substitute “who’s composition and membership shall be approved by a vote in Dáil Éireann”.

Amendment put:

| <i>The Dáil divided: Tá, 33; Níl, 79.</i> |                        |
|---|------------------------|
| <i>Tá</i>                                 | <i>Níl</i>             |
| <i>Adams, Gerry.</i>                      | <i>Aylward, Bobby.</i> |
| <i>Barry, Mick.</i>                       | <i>Bailey, Maria.</i>  |
| <i>Broughan, Thomas P.</i>                | <i>Barrett, Seán.</i>  |

|                                |                                    |
|--------------------------------|------------------------------------|
| <i>Buckley, Pat.</i>           | <i>Brassil, John.</i>              |
| <i>Collins, Michael.</i>       | <i>Breathnach, Declan.</i>         |
| <i>Connolly, Catherine.</i>    | <i>Breen, Pat.</i>                 |
| <i>Coppinger, Ruth.</i>        | <i>Brophy, Colm.</i>               |
| <i>Cullinane, David.</i>       | <i>Browne, James.</i>              |
| <i>Daly, Clare.</i>            | <i>Bruton, Richard.</i>            |
| <i>Doherty, Pearse.</i>        | <i>Burke, Peter.</i>               |
| <i>Donnelly, Stephen S.</i>    | <i>Butler, Mary.</i>               |
| <i>Ellis, Dessie.</i>          | <i>Byrne, Catherine.</i>           |
| <i>Funchion, Kathleen.</i>     | <i>Byrne, Thomas.</i>              |
| <i>Healy, Seamus.</i>          | <i>Cahill, Jackie.</i>             |
| <i>Healy-Rae, Danny.</i>       | <i>Calleary, Dara.</i>             |
| <i>Healy-Rae, Michael.</i>     | <i>Canney, Seán.</i>               |
| <i>Kenny, Gino.</i>            | <i>Carey, Joe.</i>                 |
| <i>Kenny, Martin.</i>          | <i>Casey, Pat.</i>                 |
| <i>Mitchell, Denise.</i>       | <i>Chambers, Jack.</i>             |
| <i>Munster, Imelda.</i>        | <i>Chambers, Lisa.</i>             |
| <i>Murphy, Catherine.</i>      | <i>Corcoran Kennedy, Marcella.</i> |
| <i>Murphy, Paul.</i>           | <i>Coveney, Simon.</i>             |
| <i>Nolan, Carol.</i>           | <i>Cowen, Barry.</i>               |
| <i>Ó Broin, Eoin.</i>          | <i>Creed, Michael.</i>             |
| <i>Ó Caoláin, Caoimhghín.</i>  | <i>Curran, John.</i>               |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Daly, Jim.</i>                  |
| <i>Ó Snodaigh, Aengus.</i>     | <i>D'Arcy, Michael.</i>            |
| <i>O'Reilly, Louise.</i>       | <i>Deasy, John.</i>                |
| <i>Pringle, Thomas.</i>        | <i>Deering, Pat.</i>               |
| <i>Quinlivan, Maurice.</i>     | <i>Doherty, Regina.</i>            |
| <i>Shortall, Róisín.</i>       | <i>Doyle, Andrew.</i>              |
| <i>Smith, Bríd.</i>            | <i>Durkan, Bernard J.</i>          |
| <i>Wallace, Mick.</i>          | <i>English, Damien.</i>            |
|                                | <i>Farrell, Alan.</i>              |
|                                | <i>Fitzgerald, Frances.</i>        |
|                                | <i>Fitzmaurice, Michael.</i>       |
|                                | <i>Fleming, Sean.</i>              |
|                                | <i>Griffin, Brendan.</i>           |
|                                | <i>Halligan, John.</i>             |
|                                | <i>Harris, Simon.</i>              |
|                                | <i>Harty, Michael.</i>             |
|                                | <i>Heydon, Martin.</i>             |
|                                | <i>Humphreys, Heather.</i>         |
|                                | <i>Kenny, Enda.</i>                |
|                                | <i>Kyne, Seán.</i>                 |
|                                | <i>Lahart, John.</i>               |

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|--|-----------------------------------|
|  | <i>Lawless, James.</i>            |
|  | <i>McEntee, Helen.</i>            |
|  | <i>McGrath, Finian.</i>           |
|  | <i>McGrath, Mattie.</i>           |
|  | <i>McGrath, Michael.</i>          |
|  | <i>McLoughlin, Tony.</i>          |
|  | <i>Madigan, Josepha.</i>          |
|  | <i>Martin, Micheál.</i>           |
|  | <i>Moran, Kevin Boxer.</i>        |
|  | <i>Moynihan, Aindrias.</i>        |
|  | <i>Moynihan, Michael.</i>         |
|  | <i>Murphy O'Mahony, Margaret.</i> |
|  | <i>Murphy, Dara.</i>              |
|  | <i>Murphy, Eugene.</i>            |
|  | <i>Neville, Tom.</i>              |
|  | <i>Ó Cuív, Éamon.</i>             |
|  | <i>O'Brien, Darragh.</i>          |
|  | <i>O'Callaghan, Jim.</i>          |
|  | <i>O'Connell, Kate.</i>           |
|  | <i>O'Donovan, Patrick.</i>        |
|  | <i>O'Dowd, Fergus.</i>            |
|  | <i>O'Keefe, Kevin.</i>            |
|  | <i>O'Loughlin, Fiona.</i>         |
|  | <i>Phelan, John Paul.</i>         |
|  | <i>Rabbitte, Anne.</i>            |
|  | <i>Ring, Michael.</i>             |
|  | <i>Rock, Noel.</i>                |
|  | <i>Ross, Shane.</i>               |
|  | <i>Scanlon, Eamon.</i>            |
|  | <i>Smith, Brendan.</i>            |
|  | <i>Smyth, Niamh.</i>              |
|  | <i>Troy, Robert.</i>              |
|  | <i>Zappone, Katherine.</i>        |

Tellers: Tá, Deputies Paul Murphy and Bríd Smith; Níl, Deputies Jim Daly and Regina Doherty.

Amendment declared.

Debate adjourned.

*8 o'clock*

### **Regulation of Charities: Motion [Private Members]**

**Deputy Catherine Murphy:** I move:

That Dáil Éireann:

recognises that:

— the charity sector is a critical component of our civic society which must be supported to operate in a manner that puts it above reproach; and

— the recent revelations regarding the Console charity and other instances of poor governance in the sector including Rehab and the Central Remedial Clinic, among others, have diminished public trust in the sector;

notes:

— the significant shortcomings in the governance standards that have been identified yet again as part of the most recent revelations;

— that Part 4 of the Charities Act 2009 has only been commenced seven years after the establishment of the Act and following yet another scandal;

— the inordinate number of charities operating within the charity sector;

— the lack of required training for directors despite the legal onus placed on voluntary directors who sit on charitable boards;

— the negative impact of continuing revelations regarding poor governance in the charity sector on the income from charitable donations; and

— that some vital services should not be dependent on the charitable sector and should be provided by the State; and

calls on the Government to:

— undertake a critical review of the Health Service Executive's 2014 Revised Governance Framework for all organisations funded by it;

— undertake a system-wide review of the governance and reporting procedures for public funds disbursed to charitable organisations;

— use these review findings to implement an enhanced governance code for the sector to which all organisations with charitable status are required to adhere;

— implement a mandatory training programme for those assuming directorships on charity boards;

— strengthen the legal requirements on auditors regarding reporting of financial issues of concern to the Office of the Director of Corporate Enforcement;

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— consider the provision of vital services as a public service rather than relying on the charity sector;

— tighten the guidelines pertaining to charitable fundraising in a way that will ensure transparency and the resulting public trust; and

— proceed with the establishment of an independent anti-corruption agency to which the Charities Regulatory Authority could refer cases of concern for investigation.

I am sharing time with Deputy Stephen Donnelly.

We tabled this motion as a direct result of the revelations regarding the Console charity and the outrageous misappropriation of funds which appears to have taken place. However, what has happened with Console is just the latest in a line of similar scandals in the charity sector. They all combine to create mistrust in the sector in general. This mistrust does a disservice to the many selfless volunteers and workers in the various charities. Many are committed to giving their time in order to put their finger in the dam of often inadequate public services. The mistrust that has been fostered also does a disservice to the exceptionally generous citizens who have supported the charitable sector in their droves and who, hopefully, will continue to do so once they can be convinced that the Console case cannot be repeated. The motion is intended to add to the regulation that currently exists.

It is not just a question of the funding of these services by individual members of the public. A person contacted me to say that in his workplace, which is in the corporate sector, great pressure was put on staff to make charitable donations and that staff had money deducted from their salaries between 2009 and 2016, while the employer matched the contributions. In total, over €174,000 was involved, and they feel pretty bad about that now. This cannot be repeated because it is very difficult to encourage people to donate again when their trust has been undermined in this way. That is why we have tabled the motion. As with so many areas of public life, Governments tend to form policy and legislation on the basis of a knee-jerk reaction to events rather than proactive planning. We tend to deal with the scandal rather than prevent its occurrence in the first instance. We need to stop doing that and to become more proactive.

The Charities Act was enacted in 2009 yet it was 2014 before the Charities Regulatory Authority was established and just last week, seven years after the legislation was enacted, that the Minister confirmed she will commence Part 4, which confers investigative powers on the regulator. During his speech introducing the Charities Bill 2007, the then Minister of State, Pat Carey, said “the Government is committed to protecting both charitable organisations and the public interest by reforming the law to ensure accountability and to protect against abuse of charitable status and fraud through the legislation we have here before us today”. The reason given for the seven-year delay in commencing Part 4 was a lack of resources during the recession. That is cutting off one’s nose to spite one’s face. Rather than investing resources in a robust regulatory framework, the Government chose to continue to pump funds into dysfunctional charities such as Console and others like it. While they are small in number, they bring the entire sector into disrepute. It is this type of short-sightedness that always costs more in the long term.

Many do not realise the sheer size of the charities sector. On checking this morning, I discovered that Revenue has a list of some 21,000 charities. That is an astonishing number. Many

areas of life fall under the charity sector, including schools, sports and leisure organisations, religious institutions and so on. According to a 2014 report, 50% of the sector's income comes from statutory grants. The amount of public funds going to charities is immense and one must question the effectiveness of much of the funding and whether it would be better utilised in a more streamlined sector, where it could be more accurately targeted. Let us consider, for example, charities that deal with suicide. There are currently in excess of 200 charities working in this specific field and, as a result, funding is fragmented and disjointed. An amalgamation of, or an umbrella body over, those charities would be very welcome, and is something that might be possible, although it would take some effort to bring the sector together. It is the same with housing charities, animal welfare charities and many other sectors.

Questions also arise with regard to vital health service provision. It seems that one of the main reasons Console was left to continue in its dysfunctional state, even after serious alarm bells had been rung, was that the HSE could not risk shutting down the helpline, which is so vital at a time when people are at their most distressed. Surely this makes it clear that there are some services that simply should not be outsourced for risk of ever losing those services. We would not be against the charity sector providing services, far from it. Indeed, very valuable efforts have been made by support groups, research foundations and so on, many of which bring in important funds. Ultimately, however, this motion is our contribution to ensuring that we get greater accountability and transparency in the sector, in addition to Part 4 being brought into force from September. I hope sufficient resources will be provided so this can happen.

In the past we have seen the cases of CRC and Rehab, the top-up payments to St. John of God and, in my own area, vital services run by the Irish Society for Autism were removed. The three facilities taken over by the HSE are pretty much the entire sum of what that the Irish Society for Autism does. Will that organisation still exist as charity in the future? I know people who sought services from it years ago and never heard anything back. Irish Autism Action was set up as a direct consequence of the dysfunction of the Irish Society for Autism. This is part of the reason why the charities sector has grown. I was reminded by somebody who contacted me about the missing persons victim support helpline. It also closed down some years ago in controversial circumstances and it had the same profile as that which has applied in the recent past to Console.

Two amendments are proposed to our motion. We are not inclined to support the AAA-PBP amendment, mainly because we think the housing sector requires tier 3 housing associations if we are to leverage funds from other institutions and increase the number of houses available. In the health sector, we support the idea that core services should be provided by the State. There are elements that fall under the health sector that could be funded, such as, for example, foundations carrying out research. However, we believe the amendment, as it is framed, is too restrictive. We do not have a particular problem with the second amendment but we feel the people are best protected by having the same basic standard across the board, while obviously reflecting size as well.

**Deputy Stephen S. Donnelly:** I am proud to co-sponsor the motion. The charity sector, as I am sure we all agree, plays a crucial role in Irish society and we, as legislators, must ensure that it is well governed and regulated. We owe that to those who use the services which charities provide, to those who work for charities and, indeed, to those who donate to charities, be it their time, expertise or money. For the charity sector to be effective, it must command public trust. Fundraising Ireland calculates that the revelations on CRC and Rehab alone accounted for an 11% drop in total donations. Most recently, we have had the debacle surrounding Console.

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I would like to raise another aspect of the charity sector that has the potential to further erode public trust, namely, the use of charities by certain companies in order to avoid paying taxes in Ireland. Last week, I raised the case of Mars Capital. The company is being used to invest what the Minister, Deputy Noonan, describes as funds managed by Oaktree Capital. This is a US firm that buys distressed debt and bought many thousands of Irish mortgages. Mars Capital's accounts show that for an investment of €80 million it expects to see a return of almost €400 million. Net of costs, this suggests that Mars Capital should be looking at approximately €300 million in profits. These profits are made by buying an asset in Ireland, managing that asset and taking in hundreds of millions in capital and interest payments from Irish families, which should rightly be taxed in this country, with the benefit going to the Exchequer and the Irish people. However, because of how the finance structure has been set up, this €400 million that Mars Capital will pull in, in return for its €80 million investment, will be paid onwards to an unknown company in an unknown location.

We know that Oaktree Capital has funds that specialise in European distressed debt - exactly the type of debt that Mars Capital has bought - and we know these funds are located in the Cayman Islands. We know the corporate tax rate in the Cayman Islands is 0%. If Mars Capital is moving the €400 million to the Cayman Islands, or anywhere out of Ireland, then Mars Capital, despite perhaps having earned profits to the tune of approximately €300 million, will actually declare very little profit in Ireland to be taxed. In fact, in its first year in operation it is shown to have received more than €14 million in revenue, but by the time it had made payments to this unknown company, in this unknown location the total amount of corporation tax it ended up paying last year was €250.

What I did not refer to last week was the ownership structure of Mars Capital, which is why it is very relevant to the charities sector and the motion before the House. It turns out that Mars Capital, which is managing an asset worth approximately €155 million, has three shares. Each of these shares is in the ownership of a charitable trust. One share is owned by Badb Charitable Trust, one share is owned by Eurydice Charitable Trust and one share is owned by Medb Charitable Trust. What do we know about these three charities? Thanks to the reporting of Mark Paul of *The Irish Times* and others, we know quite a bit. We know that all three are controlled by one of Ireland's top corporate law firms, Matheson, which describes itself as the law firm of choice for international companies and financial institutions doing business in and through Ireland. The word "through" is very important. We know that Badb, Eurydice and Medb all have charitable status and so are tax-exempt. We know they own a lot of companies registered in Ireland, including Mars Capital. We know the companies that the charities control have billions of euros in assets and we know - astonishingly, in my opinion - that the stated principal activity of these charities, which own companies controlling billions of euro worth of assets in this country, is to raise cash for good causes. This is not the charities' attempt at irony, or a suggestion that to help hedge funds avoid paying tax in Ireland is a good cause. It turns out that these charities actually receive charitable donations. In 2014 they received more than €300,000 in charitable donations. In same year, these charities contributed more than €300,000 to good causes in Ireland. Let us think about this for a second. We have three charities owned or controlled by a corporate law firm. These three charities mysteriously own companies in Ireland controlling assets worth billions of euro. For some reason, they are also taking in €300,000 in charitable donations and then donating this money. The question many of us must ask is why Irish charities are being made the shareholders of firms that are legally avoiding paying taxes in Ireland. What possible reason does Mars Capital, a distressed debt company, have for issuing its shareholding to three charitable trusts? The answer, I would suggest, is to avoid paying tax.

Charitable status should not be available to hedge funds, debt collectors or so-called special purpose vehicles, and it should not be available to companies operating in the shadow banking sector in Ireland with the specific aim of avoiding the payment of taxes due in this country. Irish charities such as Bedb, Eurydice and Medb, which receive donations, should not own companies controlling assets worth billions of euro to help them avoid paying taxes. It may be legal, but I suggest to the House that it should not be legal. It deprives the State of very valuable taxes, which, ironically, the State could use to provide some of the public services that the real charities have stepped in to provide. Critically - and this is the reason I raise this in the context of tonight's motion - having legally recognised charities that operate in this way results in a significant erosion of public trust in the sector.

I know that officials in various Departments have raised concerns about what is happening. I suggest, as we give the charity regulator the legal powers and resources it needs, that it should also look at charitable trusts in Ireland that are in fact receiving donations and making contributions, but which appear to have been set up expressly to help firms avoid paying taxes to the Irish State.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I thank the Members for raising this important issue. I am deeply concerned by the recent revelations about Console and other charitable organisations. The public must have confidence that the money they donate to charity will be managed and used correctly at all times. Anything less is a betrayal of the goodwill of thousands of people around the country and of the taxpayer. I say "betrayal" because in the case of Console the people's trust has been betrayed. The unwritten agreement between charities and their supporters that the people's money will be efficiently and appropriately used has been broken.

The Irish people are charitable by nature and they expect that the charity sector will conduct its business in an honest and professional manner. Trust, integrity and ethics are important words. They mean something. The work of charitable organisations contributes so much to the public good. Effective regulation of the sector is, therefore, very important and must be a priority to ensure that the various scandals that have arisen in the sector do not arise in the future.

The establishment of the Charities Regulatory Authority was a personal priority when I became Minister for Justice and Equality. I established the regulator as an independent agency shortly after I became Minister in October 2014 under the provisions of the original Act of 2009. As Deputies are aware, the aim of the regulator is to provide for better regulation of charitable organisations through a framework of registration, regulation and support. Regulating a large and previously unregulated sector is a challenge, and the scale of the job is not to be underestimated. The task was, and is, to build a framework of accountability for a huge and largely unregulated sector that depends on the goodwill of people. One of the key roles of the regulator is to safeguard the future of the charity sector, and there has been significant progress. I want to outline this. The regulator has a wide range of functions under the terms of the Act which are being introduced on a phased basis, and I want to illustrate the tasks which have had to be undertaken by the regulator since it was established.

The initial priority was on the development of the register, and Deputy Catherine Murphy has outlined the numbers that are on the register of charities. There are 8,000 charities registered. These are people who had charitable status with the Revenue. In addition, any charity that was established before October 2014 and not automatically registered was required to apply directly to the regulator for inclusion on the register, and it was very difficult for the regulator to begin

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to get charities to apply for registration. There were very low numbers at first, despite information campaigns, appeals to the sector and various information initiatives, but that has begun to happen now. That was the focus of the register because, in the first instance, one must ensure that all charities in the country are registered and that we are aware of who they are, where they are and what they are doing. Some 1,500 extra applications for inclusion on the register are being processed by the regulatory authority along with a separate registration process for 3,600 schools. Schools, which very often have charitable status, have to be registered as well, so one can begin to see the scale of the task. There are well over 12,500 charitable organisations, and that may not be the complete number because there may well be charities out there, particularly smaller charities, that have not registered. I, therefore, appeal to charities that it is obligatory to register with the Charities Regulatory Authority now.

In total, the regulator is engaged with the numbers I have mentioned. In addition, in the period since the regulator has been established, 300 complaints have been made to it against 132 different entities, the majority of which were charities. These concerns have ranged from very mild queries, concerns or questions about different charities to some more serious complaints. The Charities Regulatory Authority, with which I discussed this issue in detail yesterday, is working through all of those complaints and dealing with them. There was an interim arrangement put in place by the authority at my request last year to deal with such complaints. The number of complaints we are seeing involves only 1% of the total number of charities in the country but is nevertheless extremely important, and we can see the damage that is done every time we see a scandal exposed about a charity.

I have been working to ensure that the authority has the necessary staff and financial resources to achieve all its goals, but Part 4 is important as well. I signed the statutory instrument necessary to commence that last week and it will take effect from 5 September. There has been an issue about resources. The legislation was enacted, but not commenced, in 2009 under the then Administration. The previous Government began to implement the various parts of it. Part 4 confers the investigatory and enforcement powers on the regulator. Recruitment of the staff necessary to do that work is under way and has been ongoing this year, and they will be in place from September to support these critically important functions. However, the first job that had to be done was registration. The purpose of this was to discover what the charities are out there. We have given a budget increase of over 88% to the regulator this year in order to allow for the full complement of staff to be taken on. There is an excellent board in place - it is taking its responsibilities very seriously and working through the various issues. I am also discussing with the regulator a timeline for the commencement of the remaining sections in Part 7. I expect to be in a position to bring into force some further sections in part 7 of the Act next week.

I want to outline some of the actions which the regulator took once it became aware of the situation at Console. Criminal allegations are outside its remit. However, on 30 June, shortly after it received notice of the concerns about Console - it did not know until a couple of weeks ago that there were issues regarding Console; that was the first the Charities Regulatory Authority heard of the problems - it used its statutory powers to address matters by appointing five new trustees, with the competence and skills to support the charity to the charity's board, complementing the legal moves made by the charity itself. The regulator authorised and supported legal action in the High Court to protect the charity's assets. The regulator has been very active.

I do not have time to go into the requirements under sections 38 and 39 but my colleague, the Minister of State, Deputy McEntee, will do so. I also want to make a quick point about the legal requirements on auditors, who have a very important role to play here. There are duties

on auditors to report theft and fraud offences and suspected money laundering. That is dealt with under the criminal justice legislation already in place, namely, sections 17 and 19 of the Criminal Justice Act 2011.

The motion also calls for the establishment of an anti-corruption agency. I want to make a number of points in that regard. The law in the area of corruption has been significantly strengthened by the enactment of the Central Bank (Supervision and Enforcement) Act 2013, the Companies Act 2014, the Electoral (Amendment) (Political Funding) Act 2012, the Ombudsman (Amendment) Act 2012, the Protected Disclosures Act 2014, the Freedom of Information Act 2014 and the Regulation of Lobbying Act 2015. The Criminal Justice Act 2011 has given the Garda quite innovative powers to deal with the investigation of white collar crime. I am just about finalising a criminal justice (corruption) Bill as well.

The motion suggests the establishment of a single anti-corruption agency. I appreciate that the Deputies are motivated by a concern to enhance the way in which a broad range of wrongdoing is addressed. We need further discussion on how the amalgamation of the functions of a wide range of agencies such as I have described, with widely varying functions would, of itself, enhance the capacity of the State to fight corruption. However, I see the general principle that the Deputies are requesting here and I accept the overall motion.

I appreciate the concerns expressed by Deputy Michael Collins and others in their amendment regarding small, locally-based charities and I can accept that amendment. However, like the Deputies who proposed this motion, I do not favour the other two amendments that have been put forward because I feel that they are too broad in their application and underestimate some of the ways in which charities work and the potential they have to contribute to our society.

I cannot emphasise enough that there is a responsibility on many different bodies, on charities themselves and on those who see wrongdoing to report it. If any member of the public or any organisation has evidence that there are breaches of the law regarding charities, this information should be passed on to the relevant authority. Suspected criminal activity should be reported to the Garda. Fraud and white-collar crime are criminal activities. The Charities Regulatory Authority will, as he has pledged to do, work with other State bodies to ensure co-operation and the appropriate sharing of information. The points which Deputy Donnelly has raised are relevant. I will forward them to the Charities Regulatory Authority, if the Deputy has not already done so, but he raises very relevant points about charitable status.

**An Leas-Cheann Comhairle:** I ask the Tánaiste to conclude.

**Deputy Frances Fitzgerald:** I will conclude by sending out a very clear message. The proceeds of people's goodwill, the money they donate to charity for the benefit of those less fortunate than themselves, is not, should not be and will not be easy pickings for fraud. It will not be tolerated. The act of donating to a charity, volunteering for a charity and even setting up a charity should be valued and promoted. We have a proud, noble tradition of providing assistance to those in need. Our spirit of volunteerism is one to treasure and value. I recognise that the Deputies opposite have put this motion to the House in that spirit and I accept it.

**Deputy Jim O'Callaghan:** Fianna Fáil welcomes this motion tabled by the Social Democrats and the Green Party and we commend them on tabling it. It is clearly a well-drafted and timely motion and one which we will support. It is also important at the outset, however, to

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recognise the very important and distinguished role that charities have played in Ireland, not just in recent times, but also historically. We know that many centuries ago, charities were set up in this city and throughout the country to deal with people who were living in an impoverished state. Part of the reason for it was that Governments of the day did not provide for the needy. It must be recognised that Ireland has a very distinguished and honourable tradition of charities looking after those who need help the most. Over the centuries, charity, to a great extent, was provided by churches of different denominations, which provided health care and education at a time when the State did not. In theory, as Governments become more progressive and as we take into account the social needs of our citizens, the requirement for charities should decline. However, in practice, we have a booming charity sector. Even if we had a utopian State in which the Government looked after every aspect of society, there would still be a legitimate requirement for charity.

We must recognise that in charities there is a fundamental transaction of trust. People who donate money to charities give it on trust and on the basis that the money will be handed on to the needy beneficiaries to whom they intend the money to go. Unfortunately, this basic principle of charity has been undermined in recent years by a number of issues, and two in particular. While they are separate issues, we need to appraise them here this evening.

First, it has become apparent in Ireland and around the world that charity has become a business, and very large charities are being managed as though they were large businesses. Consequently, people working in charities are being paid very high salaries. While I do not seek to prevent individuals in charities from being paid high salaries, there must be sufficient transparency so that people who want to donate money will know how much of their money is being spent on staff costs. It is a matter of concern to donors if they find a significant amount of the money they are donating is going to be used to pay staff rather than going straight to the needy. This factor can be ameliorated and resolved through greater transparency in the charities sector.

The second and more serious issue, which is completely distinct from the first issue, is the series of allegations of misappropriation of funds that have been aired recently. They are matters for the Garda Síochána and our courts. Any misappropriation of funds from a charity is theft and should be treated the same way as any other allegation of theft.

Although the Charities Act was passed in 2009, there has been a delay in the commencement of Part 4. Unfortunately, due to this delay, the charities that are in the news cannot be subject to the full force of the law that was passed by the House so many years ago. The law would have allowed for the appointment of inspectors. It would have been a very useful power. Under the Act, the inspectors would have been able to go in and would have had the power to compel staff officers of charities to give evidence, produce documents and give answers. It is very difficult to get this type of information unless one has legal powers of compellability to force individuals and staff officers of charities to provide it.

Deputy Stephen Donnelly said that the charitable status of some organisations might not be appropriate. This is a matter first and foremost for the Revenue Commissioners. Our Revenue Commissioners are very effective, and if there is any question over the charitable status of organisations, the Revenue Commissioners should inquire into it.

We have a significant number of charities, 12,500 of which are registered with the Charities Regulatory Authority. Given that many of them operate in a similar way to businesses, they must recognise that if they were businesses there would be calls for consolidation so that costs

and staff could be reduced. While we may not be able to force them to do so, where the State is a funder of charities, we should encourage them to do so.

**Deputy Sean Fleming:** I congratulate the Leas-Cheann Comhairle on his election to the post. It is good to see him in the Chair this evening. I join my colleague Deputy Jim O’Callaghan in thanking the Social Democrats and the Green Party for tabling the motion. Everybody agrees with the sentiment of the motion and most people will be happy to support it. The motion has come before us because so many revelations have been made about charities, which people have found very disquieting. When people look at charities, they believe and trust that the organisations are doing good charitable work, and they are shocked and amazed when they hear some of the activities that have come to light in the media recently.

As has been said, there are approximately 12,500 charitable bodies in the country, and more than 8,000 have been registered to date. There may still be some charities out there that have yet to register, and the schools issue is being dealt with separately due to the large number of schools.

Regarding the Charities Act 2009, I welcome the fact that the Minister has recently signed a commencement order to give powers to the regulator to carry out investigations. It will come into being in the next two months. Although, presumably, the regulator will not be able to look retrospectively at past issues, at least from now on it will have this power. I wish the regulator, Mr. John Farrelly, every success in his job. It is a very demanding job. When the Charities Regulatory Authority was being established, people thought the position of charities regulator was relatively small and innocuous. However, people now fully understand that it is a billion-dollar industry. This is probably the amount taxpayers put directly into charities through the HSE and other organisations. I have not even mentioned the funding that goes on through the various housing associations. It is probably a \$2 billion or \$3 billion industry, when one considers the amount of private donations that go into these organisations. Mr. Farrelly has a big job. Some time ago, during the previous Oireachtas, when the lottery licence was being nationalised, we spoke of the need for a lottery regulator. It was suggested that the charities regulator and the lottery regulator might combine functions. I do not know if that is still planned.

The most important result of the motion is that everybody is supportive and wants to restore trust in the work carried out by the various charitable organisations. There is a need for some of this work to be carried out outside the State system. Some people believe everything should be done by the State and nothing by people outside it. I do not agree. Many founders of charities have a personal interest in a particular issue, come to the table because of a family tragedy and want to help other people work through the tragedies that happen in their lives. They have empathy that cannot be replaced. We do not want to prevent people from being in a position to help and do good work for other people. It is too simplistic to say the State should do all this work. If this were carried through to its logical conclusion, it would result in some of the housing agencies being wound up. Most of our largest hospitals are voluntary hospitals. The biggest hospitals in the city are voluntary hospitals funded through section 38 agreements. Are people saying we should not have St. James’s Hospital or Our Lady’s Children’s Hospital in Crumlin - that they should be closed down or taken over and run by the HSE? It is too big a step. While some people may be ideologically wedded to this approach, I would not go down this route.

It is important that people know the reason charities have been given bad names. I hope the charities involved are a small minority. However, they have included some very big charities,

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such as Rehab, the Central Remedial Clinic, Console and St. John of God. These are national organisations that the public know and understand. People see the work of these charities, and are disappointed when they see things going wrong.

While we must support Mr. Farrelly in his role as regulator in carrying out investigation, I worry about the legal framework within which he will have to operate. I do not know how the Minister will resolve it. For example, off the top of my head, I can say that Console is being investigated by the charities regulator, the HSE, as principal funder, the Garda Síochána, the Office of the Director of Corporate Enforcement and the Revenue Commissioners. At least five State organisations are in there carrying out investigations.

*9 o'clock*

I do not think the appointment of a regulator will prevent or obviate the need for some of those organisations to continue to be involved. We will have to put in place a protocol whereby all these organisations are allowed share information among themselves. I would imagine that up to now if the Revenue uncovered something, it would be precluded by data protection legislation from passing that information onto the HSE. If the Office of the Director of Corporate Enforcement finds out something, it will not be able to tell the regulator. If the Garda finds out something, it might not be able to tell anyone until it goes to the Director of Public Prosecutions. We will have to work to ensure we do not have five or six organisations carrying out parallel investigations.

One of the reasons the public was so interested and surprised was that they thought that in some nice way these charities existed as a result of their voluntary fundraising. People are used to giving charitable donations to and fundraising for charities in Ireland. Most people are surprised that the majority of these are substantially funded directly by the taxpayer to carry out the work that needs to be carried out. Some of it can still be carried out in a voluntary capacity. We all know how generous we are as a nation. We donate in substantial amounts.

Another point I wish to highlight is that many local charities spring up overnight in response to a tragic situation, such as a house fire or parents or children are involved in a tragic accident and are no longer with us. Neighbours and communities come together. Sums of €50,000 or €100,000 may be raised and the efforts would be over in a month. We have to allow that to continue. Those efforts cannot be regulated out of existence.

I think everyone has noticed it but in recent times, I have been amazed at the springing up of charity shops in every town. I do not know what is going on behind some of those doors. In every town I go through, I see a charity shop. Some of them are well established shops but what percentage of the public's money that goes in the door goes to a good cause? I saw media reports on the issue today. In some of the small towns in Ireland, all we see are a few pubs, a bookie's office and the latest charity shop. Will that issue be examined and information compiled on what oversight is happening? People want to know what percentage of the money they give to a charity is spent on fundraising and what are the net proceeds that go to the good cause itself.

We all share in the ultimate objective of allowing the charities to continue to do their good work but the public need reassured that charities can be trusted and that nothing is going wrong. We can do that by having the regulator carry out his work. I wish the regulator every success in the important job he has to do.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this timely debate in the Dáil and compliment my colleagues in the Social Democrats for tabling this motion. As my colleagues stated, we will be supporting it.

The general public has been outraged at the revelations over the past number of weeks of thousands of euros being spent on credit cards, luxury cars, a pony and rugby tickets. People were named as board members, although they were not on the board and did not realise they were being so named. People talk about the web of deceit and a morass of manipulation. It is fair to say that what was going on was nothing short of daylight robbery and people are quite rightly outraged. No one would condone a bank robbery but that this happened in a charity makes it seem so much worse. This type of theft, manipulation and deceit was not only morally wrong but preyed on the goodwill of the people.

The charity involved was established to support grieving families and vulnerable people who, at particular times in their lives, are at their weakest. Then someone used his position of influence and preyed on the good nature of the people who supported the charity. I want to put it on the record that I have spoken to people who used this charity and had very positive experiences of the charity and its staff. One could not but feel sympathy for those staff when they see what the founder was doing. I urge the Minister of State with responsibility in this area to move swiftly and comprehensively to ensure that those who rely on the services provided by this charity are not left waiting. We must move on this. I sent documentation to the Minister of State this evening on possible other charities and voluntary groups who are in operation in towns and counties where Console was in operation that she might consider to provide the same services.

The damage caused to Console is not exclusive to it. There is lasting damage to other charities as well. The Irish have a good record in terms of their generosity, which is why this needs to be dealt with swiftly and comprehensively. The HSE has covered itself in glory. In 2011, the HSE questioned this gentleman because he impersonated a doctor for a number of weeks. His very character was questioned but nothing happened. A former parliamentary assistant, the colourful Tommy Morris, made his concerns known to an assistant principal but nothing happened. The then Minister for Health is not sure if he was made aware but nothing happened. Despite the level of funding that was given by the HSE, it did not carry out the appropriate level of scrutiny of documentation, or the lack thereof, provided to draw down hundreds of thousands of euros of taxpayers' funds. There is the figure of €346,000 but no supporting documentation was provided. Other figures included €20,000 for clinical supervision, €36,000 for rent, €3,000 for IT support and €3,500 for stationery. Everything was rounded up. Those involved in their local GAA clubs know they would have to account for every pound, shilling and pence. Nothing would be rounded up and so neatly prescribed. It is unbelievable that this did not raise any doubts within the HSE.

I never realised until we examined this in detail that 30 years passed without any modification or reform of this critical legislation until the 2009 Act was brought forward by the then Minister, Mr. Pat Carey. The striking aspect to this, and something we should learn from, is that we are a great nation for saying we cannot afford to do it now. The relevant Minister in 2012, Mr. Alan Shatter, stated that we could not afford to commence the outstanding provisions that needed to be commenced due to the costs that would be incurred. We could not afford not to commence them. The Tánaiste announced last week that the outstanding provisions will be commenced. They should be commenced without delay. We have a record of sometimes being penny wise and pound foolish. In respect of this legislation, the then Minister, Mr. Shatter, was

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certainly penny wise and pound foolish.

**An Leas-Cheann Comhairle:** The next speaker is Deputy Jonathan O'Brien. Is the Deputy sharing time?

**Deputy Jonathan O'Brien:** I am sharing time with Deputies Pearse Doherty and Gerry Adams.

**An Leas-Cheann Comhairle:** The Deputies have ten minutes.

**Deputy Jonathan O'Brien:** I thank the Social Democrats and the Green Party for tabling this motion, which we will be supporting. It is a very timely motion for obvious reasons. A number of amendments have been tabled to it but, as previous speakers said, I have some concerns about some of them but I am sure we can discuss them in further detail later.

As the Minister outlined in her contribution, the charity regulator is dealing with about 12,500 charities. It should be pointed out that a very small minority of charities are being investigated. I believe the Minister said the number was around 300 in respect of which complaints were submitted and less than half of that number are being investigated. It is important to point that out when we are dealing with the bigger charities such as Console, Rehab and the Central Remedial Clinic and because of their size, magnitude and popularity when something goes wrong or is found to be afoot, it casts a long shadow over all the sector. That is unfortunate because many charities do their business correctly, do everything above board and help people on a daily basis. The general public should not tar the whole sector with the one brush. It is unfortunate that some of the bigger charities have been found in recent times to be run less than properly.

Deputy Fleming made an interesting point in terms of the State bodies such as the Garda, the Revenue Commissioners and the Office of the Director of Corporate Enforcement that will be tasked with investigating charities when something does go wrong and how we can match up all those investigations to ensure that one arm of the State which may be carrying out an investigation talks to another arm of the State which may have information regarding a particular charity.

Regarding the Minister's final point, people who are interested in setting up charities and who have the right motives for doing so should not be discouraged from doing that as a result of these investigations. I was glad she said that those people should be valued and promoted. That is an important point.

**Deputy Gerry Adams:** Tá mé buíoch as an deis labhairt ar an rún seo agus mo thacaíocht agus tacaíocht Shinn Féin a thabhairt dó. Gabhaim mo bhuíochas leis an Teachta Catherine Murphy as ucht an rún seo a chur faoi bhráid na Dála.

Revelations of outlandish spending on the part of the founder and his family at the Console charity have put the misappropriation of funding in the charity sector into sharp focus. This smacks of other recent controversies at Rehab, the Central Remedial Clinic and elsewhere.

There is also a controversy affecting citizens in my constituency at the St. John of God's charity, which operates a range of services and facilities for citizens with disabilities across County Louth. It has been scaling back services on which families rely for some time and since 24 June St. Mary's facility in Drumcar has stopped providing respite care services, and all the while it has been revealed that the charity made exorbitant secret payments to 14 senior

executives totalling €2 million. At the same time employees earning less than €35,000 had their wages cut under the Government's financial emergency measures in the public interest, FEMPI, legislation. This is a charity in receipt of annual funding of €130 million that has signed a service agreement it "shall not pay or subsidise salaries, expenses or other prerequisites which exceed those normally paid within the public sector". Yet it appears that it deliberately set out covertly to break the pay cap rules relating to section 38 organisations.

The HSE, for its part, has failed to deliver proper oversight and due diligence, even in the face of ongoing scandals, in the charity sector. I note the comments of the Minister for Health, Deputy Simon Harris, in the Dáil that unauthorised salary payments would have to be returned and that this should happen immediately. The Minister should also make a formal complaint to An Garda Síochána. If a poor person steals an item from their local store, they suffer the legal consequences of that action. White collar criminals rarely do. Both Console and St. John of God's should be subject to the full rigours of the law.

There is an onus on the State to provide the proper oversight and accountability to ensure charities operate within parameters that prevent the blatant waste of public moneys and the well-meaning donations of citizens.

I commend the hundreds of thousands of citizens who give freely of their time and their talent to many good charitable causes. Of course, many of these causes should be the responsibility of the State and should not have been hived off to the voluntary or community sector. Molaim an rún seo agus iarraim ar achan Teachta tacú leis.

**Deputy Pearse Doherty:** Gabhaim comhghairdeas leis an Leas-Cheann Comhairle faoin jab úr atá aige.

I commend to the House the Private Members' motion tabled by the Social Democrats and I broadly support it as does my party. I take this opportunity to speak about an issue that was already touched on by Deputy Donnelly regarding how charities are being used, or indeed abused, by special purpose vehicles. The Deputy did not mention the fact that I have already reported this to the regulator. A freedom of information request I got a number of weeks ago unearthed the fact that both the Revenue Commissioners and the Department of Finance officials are concerned about this and with respect to how the regulator is not dealing with this issue. Deputy Donnelly did not say that the article by Mark Paul, which he referenced, was on the foot of that freedom of information request, information that I provided to the journalist, although he and a number of other journalists, including Joe Brennan and Mark Tighe, have been doing a great deal of work on this area.

It is far too easy to bat down accusations and I want to point out that charitable status is not about a tax structure or trying to evade paying tax, as Deputy Donnelly suggested. Section 110 companies, which this Oireachtas allows for, are tax neutral. They are abused all the time. Those companies, which have been rightly suggested in terms of buying up debt, are not paying tax. The figures that have been presented such as €250 and small amounts of corporation tax are accurate and they are all on the record for everybody to see. The reason that is happening is because they are section 110 companies and that is something the Revenue Commissioners and the Department of Finance are starting to investigate, as we can see from that freedom of information request.

The question Deputy Donnelly asked is still relevant regarding why these special purpose

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vehicles are being captured under a charitable trust. The reason they are under the charitable trust is to obscure the activities within the special purpose vehicle and, most importantly, it is to have the accounts not associated with the main company. When one has it under a charitable trust, one does not need to have consolidated accounts. This is what it is all about. Those special purpose vehicles are raising debt. When one looks at the accounts of a company the company appears to be in a very healthy state but it has all those special purpose vehicles which do not factor in its consolidated accounts and they have huge amounts of debt and no tax is paid on the investments they have made. This is of so much concern that the Central Bank last year started to advise every special purpose vehicle in Ireland that they need to tell it what is going on regarding their accounts. Figures on that are due to be published soon.

Why are the Revenue Commissioners and the Department of Finance officials raising issues regarding this structure? They are raising them because this is not what charities are supposed to do. This charitable structure in terms of Matheson, which is only one of them as there are many others, holds €6.1 billion of assets and has two employees working for it, but it allows a clear conflict of interest between the directors of that charitable trust who are the directors of Matheson, who then advise on the setting up of the special purpose vehicles. There is a complete conflict interest that the charities regulator needs to deal with regardless of whether that will involve a change of law. Are these the type of vehicles we want to see designated as charities? Is this the type of use of charity laws we want where we allow these vehicles which are basically only set up to keep those special purpose vehicles off their parent company accounts? I argue it is not.

The Minister's argument that we have strengthened our white collar crime laws is laughable on the day on which Denis O'Brien lost his case. The only case taken in relation to the Moriarty tribunal was that he did not get due process or fair hearings and he lost that today in the Supreme Court. The fact that none of the players in regard to the Moriarty tribunal has gone before a jury shows absolutely that we do not have robust white collar crime laws. We have all censured the players and the particular Deputy involved in the House. The Moriarty tribunal has reported and set out what went on with the limited information it had. Yet, none of them has come before an Irish court because our white collar crime laws are not robust enough. It is about time the House got its act together and dealt with this.

**Deputy Jan O'Sullivan:** On behalf of the Labour Party, I note that we will support the motion tabled by our colleagues, the Social Democrats, who we commend for it. The motion rightly allows the House to discuss a matter that has been of enormous public concern over recent weeks. Sadly, we have once again seen outrageous behaviour on the part of individuals attached to one charity. This time that charity is Console. More recently, alarming allegations have been raised about the operation of St. John of God's. As the motion recognises, this is hardly the first time we have seen such concerns raised. There have been other issues in the past. Each and every time, public trust in all of our charities is damaged. The Minister set out that there are 12,500 charitable organisations in the State, which is an extraordinary number. In a very tiny percentage of cases, there are real concerns. Unfortunately, when concerns arise, they cause problems for charities across the country which are doing wonderful work here and overseas. These charities then see falls in donations and experience a lack of public trust. People who have fund-raised for a charity or volunteered their time in good faith now believe that their goodwill can be easily abused. Front-line staff who carry out heroic work on a daily basis are undermined and demoralised.

Many charities support people when they are at their most vulnerable. Console was no

different. There is hardly a family or community that has not been touched by the agony of suicide. The palpable betrayal felt by those who fundraised for and supported Console after the death of a loved one through suicide has been one of the most wretched consequences of this whole saga. The despicable and deeply disturbing misconduct unveiled at Console shines a spotlight yet again on the funding of voluntary agencies, particularly in the health sector. These agencies are funded under sections 38 and 39 of the Health Act and are engaged by the HSE under various governance agreements. Personnel employed in section 38 agencies, for example, are directly bound by the Department of Health's consolidated pay scales. Approximately 1,900 voluntary agencies are funded by the HSE to the tune of approximately €3.1 billion each year, which is a considerable sum. Over €2.5 billion of this expenditure is allocated to 40 or so organisations under section 38 of the Health Act. It is a huge amount of public money and we have a responsibility to ensure that it is properly spent. Indeed, it is a significant chunk of the total health budget and must be subject to the strictest framework of accountability and transparency. It is obscene and unacceptable to have to contemplate the idea that public money allocated for the provision of support services for grief stricken families could end up paying for fast cars, designer clothes and exotic foreign holidays for a clique at the top of a charitable organisation.

Since 2009, a number of reforms of the governance agreements with section 38 and 39 agencies have been introduced. In 2009, the HSE developed a national standard governance framework with the non-statutory sector. In 2010, service arrangements were introduced between the HSE and section 38 agencies under this framework. In 2013, the HSE sought to enhance the governance arrangements in place with section 38 agencies and to strengthen the direct relationship between the HSE and the boards of each agency. This included the introduction of an annual compliance statement process and annual meetings between the HSE and chairs of section 38 agencies. Many of these reforms were introduced on foot of the revelations most of us will remember at the Central Remedial Clinic a number of years ago. As such, it is deeply disappointing that we are still in a place where the governance arrangements for agencies that receive billions in public funding, frankly, do not appear to be fit for purpose.

My colleague and Labour Party leader, Deputy Brendan Howlin, put a number of basic questions to the Tánaiste this afternoon in regard to section 38 agencies. He asked whether all section 38 agencies were in full compliance with HSE requirements regarding board and corporate governance. He asked if all agencies adhered to Department of Health payscales in all circumstances. He asked if the chairs and directors of all section 38 agencies had signed the compliance statement as required. He asked if all overpayments notified to the Department of Health had now ceased. The Tánaiste responded to Deputy Howlin by announcing that an external review of the whole system of funding and governance of voluntary health agencies was now taking place. This has to be welcomed because it is clear that the Tánaiste, the Minister for Health and the Department do not have the answers to these fundamental questions and have been singularly unable to untangle the murky web of funding and governance through sections 38 and 39. This review is a key part of the motion. It rightly seeks a system-wide review of the governance and reporting procedures for public funds disbursed to charitable organisations and an enhanced governance code for the sector to which all organisations with charitable status are required to adhere.

Notwithstanding the announcement of the review, there remains widespread public disquiet. The Minister for Health must publish all HSE audits of section 38 organisations as a matter of urgency. He must also disclose the number of section 38 organisations where concerns remain

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in terms of payments outside of the Department of Health pay and pension scales, otherwise the public will be subject to a drip-feed of sometimes jaw-dropping revelations on the front pages of the newspapers and in the media. We have heard from some of the people involved in these organisations today and of their concerns around this. Such a drip-feeding of revelations will continue to undermine public trust and damage those agencies and charities that operate to the highest possible standards. What is the timeframe for the conclusion and publication of this report? If, or when, a stronger governance framework is introduced will a sufficient number of qualified accountants, financial controllers and auditors be employed by the HSE to ensure an effective monitoring and invigilation of the funding system? It is of little use to introduce new rules unless the system is robustly resourced to ensure effective monitoring and enforcement. The same applies to the charities regulator. All outstanding parts of the charities regulator legislation must be commenced as a matter of urgency. Indeed, many Members have raised tonight a number of complex issues which must be dealt with by the regulator. It needs to be resourced to undertake that work.

These actions are vital for strengthening the transparency of charities' regulation and funding and to restore public trust. I commend the Social Democrats for presenting the motion to the House and reiterate the support of the Labour Party for it. I hope the Government will move urgently to the implement these important reforms. I welcome the fact that the Tánaiste has indicated that the Government is not opposing the motion.

**Deputy Gino Kenny:** I congratulate the Leas-Cheann Comhairle on his election. I will start and finish this contribution with quotes. The first is from an Irish priest and I will conclude with a quote from a Brazilian priest. The first is a person who has challenged social injustice in Ireland, Fr. Peter McVerry. He said:

In a community that loves one another, there should be no-one poor, unless all are poor; there should be no-one homeless, no-one lonely, no-one sick or alone without visitors, no-one in prison who has been abandoned and written off, there should be no-one rejected or marginalised.

That says everything about Fr. Peter McVerry and what he stands for.

I congratulate the Social Democrats on the motion which is apt and topical given what is going on in these services. I spoke earlier about charity in Ireland. I worked for St. John of God's for a number of years and it is a great organisation. However, the revelation that 14 executives took €1.6 million is sickening. As Deputy Adams said, the average worker in St. John of God's will earn €25,000 to €35,000. The chief executive is earning six times that amount. The worst part is that the €1.6 million, which was in some ways taxpayers' money, was siphoned off from fund-raisers, for example, the families of service users. People were enriching themselves through voluntary bodies.

The charity sector comprises organisations that do vital work in the community and play a role in trying to address inequalities and social injustice, but that is not up to charities. It should be for the State to provide proper funding and services, especially public services. This is almost privatisation by stealth and the corporatisation of charity. The corporate mentality of charities is incredible. Some do very good work, but certain people in the charity business are making a great deal of money for themselves. Sometimes, the poverty industry pays well.

I will conclude with a famous quote from a Brazilian priest, Dom Hélder Câmara, that says

everything about what charity is really all about and the myths surrounding it. He was a great advocate of social justice, particularly in Brazil. He stated, “When I give food to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist.”

**Deputy Mick Barry:** I move amendment No. 1:

(a) To insert the following after “diminished public trust in the sector”:

“-- the charity sector has been used by successive Governments to elude their responsibility to provide essential State funded services especially in areas of housing and health; the unregulated nature of much of this sector is a reflection of its misuse by Governments as a substitute for State funded services;

-- this non-profit sector was in the front line of cuts during the recession and that this had a profound impact on already vulnerable service users;” and

(b) To insert the following after “calls on the Government to”:

“-- undertake a review on how best to incorporate those charities presently working in the housing and health sectors, providing essential services which should be the remit of the State, into the State bodies assigned to these areas in order to put those services on a secure financial footing and to end the duplicity in corporate and board structures and avoid the multiplicity of CEOs and other high earning individuals;”

I support the amendments. A number of Deputies have stated that they would not like to see a situation in which the majority of charities were subsumed into the public sector. The example of the HSE was given, but no real reason was given as to why. Why not? It would increase the level of democratic accountability in those services and be progressive from social and tax points of view, as it would point towards a progressive tax system as opposed to people being hit for charity donations time and again and more and more service user fees being introduced.

I will concentrate on a particular reason, namely, that it would end the outsourcing of services, which allows them to be run on the cheap, particularly in terms of labour. A 2015 report found that, in the majority of cases, pay rates in the community, voluntary and charity sectors were significantly below those in the private sector, albeit not for the executives. There were inflated executive salaries and low pay for almost everyone else. I will address the non-profit sector. Although it is broader than the charity sector, the latter is an important part of it. In 2013, the CEO of Focus Ireland was paid €137,000. That operation employs many people via JobBridge and community employment schemes and it closed its defined benefit pension scheme that year. Ireland’s largest housing association, the Clúid, paid its CEO €120,000 in 2013. Some €2.43 million in wages was divided between the 29 best remunerated persons in the company while the rest of the rest of the staff received an average of €18,500 per year.

In the non-profit sector, 40% of the workforce are part-time and 62% do not have trade union membership. In only 6% of those organisations are more than 50% of staff unionised. A survey conducted by The Wheel of the 2009-12 period found that, of the State’s non-profit organisations, 37% had implemented pay freezes, 25% had reduced pay, 14% had cut workers’ hours and 13% had increased hours without a commensurate increase in pay. These are powerful reasons for supporting the amendment and the idea that the non-profit bodies, including the majority of the charity sector, and their staff should be subsumed into the public sector with staff on decent public sector pay and conditions.

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**An Leas-Cheann Comhairle:** I call Deputy Connolly who I understand is sharing time with Deputy Broughan.

**Deputy Catherine Connolly:** Comhghairdeas, a Leas-Cheann Comhairle, agus guím gach rath ort le do ról nua.

**An Leas-Cheann Comhairle:** Go raibh maith agat.

**Deputy Catherine Connolly:** I welcome the opportunity to contribute on this subject and I thank the Social Democrats for raising it. While I support the good work of volunteers on the ground, the Dáil cannot reassure people that the charity sector is regulated. It is an impossibility.

The Charities Act 2009 was introduced following the Law Reform Commission, LRC, identifying a gap in charities' regulation. Legislation was drafted in 2006 but it took until 2009 to get it passed. There was clearly no intention of implementing the Act, given the announcement by the then Minister for Justice and Equality, Alan Shatter, in 2011 that its full implementation had to be put on hold because of the costs associated with setting up the regulator. Thanks to a number of perceptive questions put by Deputy Mattie McGrath in March 2012, the same Minister told us that, because of the troika, the Government was committed to reducing, not increasing, public service numbers. In answering another question, he specifically stated that the "new regulatory body for charities, presented a challenge, particularly given the moratorium on public service recruitment." There was no intention of regulating the charity industry.

Fast forward to tonight and the Tánaiste complimenting herself on the steps she has taken. In May 2015, four directors of the Saoirse Foundation left its board because the charity regulator had no power. Last year and this have seen scandal after scandal, culminating in the latest involving Console, but also involving Rehab, the Central Remedial Clinic, St. John of God, Irish Society for Autism, the Saoirse Foundation and Carline.

I am not an expert on another matter, but Revenue and two Deputies - I congratulate the Sinn Féin Deputy - have highlighted the implications of special purpose vehicles, SPVs. A senior State tax official has raised serious concerns about the corporate law firm Matheson's use of registered charities to facilitate tax avoidance and so on, yet the Tánaiste on behalf of the Government glibly told us that she had introduced measures.

**Deputy Frances Fitzgerald:** Not glibly.

**Deputy Catherine Connolly:** I am disappointed by the utter failure to regulate the charity sector. When the LRC discussed this matter, the sector's value was €2 billion, but it is considerably more now. Anything that has been implemented has been introduced consequent on scandal after scandal. There is merit in the amendment tabled by the six Deputies to my left, as it would require an examination of whether the majority of charities should be under the State and providing services that we deserve as a right.

**Deputy Thomas P. Broughan:** Comhghairdeas leis an Leas-Cheann Comhairle as a phost nua.

I am delighted to have the opportunity to contribute briefly on this motion put forward by the Social Democrats. It is timely and very important in light of the recent revelations at Console. The revelations about alleged serious misappropriation of moneys at Console come about

following an internal audit by the HSE, which is now being finalised and sent to the management of the executive for further action. The scandal follows past investigations by the Controller and Auditor General, the Committee of Public Accounts and other bodies into outrageous salaries and pensions for executives and apparent governance failures at Rehab and the Central Remedial Clinic.

I am a long-standing director of a number of local development bodies. I know at first hand the great responsibility that comes with the administration and governance structure of charities. Appropriate governance structures are imperative in the running of any business and must be in place, especially where public moneys are being received, be it through grants, funding or public fundraising efforts.

The reports on Console profoundly upset our constituents because the public has placed its trust in the management and boards of charitable organisations. The public are, of course, always aware of and deeply appreciative of the work being done by front-line staff, and they admire that work. They appreciate that organisations are providing vital services. As many Deputies have said, these services in many cases should be provided directly by the State.

I know at first hand about the phenomenal work of front-line caring and nursing staff in the Saint John of God organisation. Due to austerity and the harsh cutbacks since 2009, in which the Tánaiste's Government was profoundly involved, those valiant staff have had to try to provide a quality service to more and more clients without a comparative increase in staffing levels.

The Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, has clearly indicated that nobody in a section 38 public service body funded by the HSE is exempt from FEMPI legislation. It is, therefore, astonishing to learn that the salary of the Saint John of God CEO is €182,000 per annum and that another manager earned €125,000 per annum. Even more concerning is the revelation that €1.64 million was added in recent years to executive pay and pensions in this section 38 organisation. These awards seem grossly at variance with public pay policy in the health sector. Families of Saint John of God clients will wish that any additional money available is spent on service provision. We have recently seen the parents associated with St. Raphael's in Celbridge, for example, complaining bitterly about the withdrawal of key services, such as the bus service which has been part and parcel of the provision for children and adults with a disability. The money should have been spent on the services, including on the recruitment of expert front-line staff. What about top-ups or salary increases for the very modestly paid caring and nursing staff who carry out the great work of the organisation in caring for adults and children with disabilities?

I welcome at long last the commencement of Part 4 of the Charities Act 2009. I echo my colleague in asking why we have had to wait until now for this.

Why are some vital services in the disability and other sectors being provided by voluntary organisations? Historically, the services of hospitals, schools and other crucial infrastructure were provided by religious bodies and dynamic people in civil society, but this motion highlights a need for a national discussion on whether all vital health, educational and other social services should be provided by the State.

Once again, I warmly commend our Social Democrats colleagues on bringing forward this important motion. I commend the motion and the amendment in the name of our AAA-PPP colleagues. I strongly support the Social Democrats' proposal for an anti-corruption agency.

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**Deputy Michael Collins:** The enactment of Part 4 of the Charities Act 2009, which gives the Charities Regulatory Authority statutory powers of investigation with respect to charitable organisations, is long overdue. It is a shame that the recent revelations regarding the charity Console and other instances of poor governance in the sector, including in the case of Rehab and the Central Remedial Clinic, had to be realised for the Government to finally enact this important legislation.

The financial irregularities discovered in a HSE audit of the charity Console are absolutely reprehensible and those involved should be subject to the full rigour of the law. For moneys to be taken from a charity set up to help families bereaved by suicide is both morally and criminally wrong. Many people have been affected by this scandal, including the family of the late Donal Walsh, who set up the Donal Walsh #LiveLife Foundation and donated €30,000 to Console to fund teenage counselling rooms in various locations across the country.

I call on the Health Service Executive to publish the audits it has carried out on 27 charities to ensure greater transparency within the sector. Confidence in the charity sector has suffered following the revelations about Console, and this confidence needs to be restored as charities play such a huge role in our society. There are hundreds of charities across the country that provide excellent services to vulnerable people, and we must ensure they are protected.

There are approximately 8,000 charities registered in Ireland. They vary greatly in the services they provide and the level of funding they receive. On that basis, it is important that the Government make provision for smaller charities and hundreds of community and voluntary groups, including community councils, social centres, meals on wheels services and smaller disability organisations such as CoAction West Cork, which have been run mainly by volunteers down through the years. They are delivering for communities that are choked from under-funding. These organisations have already suffered huge cuts in funding in recent years. Additional regulations regarding spending will mean they may have to employ additional administrative staff and thus may not be in a financial position to continue providing services at the same level as at present. Many may go out of operation completely due to the pressure being heaped on them.

Console's clients should be given the opportunity to choose whether they wish to be transferred to another organisation and the organisation to which they might be transferred. They should have a choice regarding who receives their confidential client information, contact details and personal information. Console's final actions in winding down its operations ought to involve contacting its clients offering them the contact details of organisations that may be able to help them and are more suited to meeting their needs and that take into account their location. Clients should not be forced to engage with another organisation; the decision to use another service must be left with the Console clients at all times.

**Deputy Mattie McGrath:** Ba mhaith liom mo chomhghairdeas a ghabháil leis an Leas-Cheann Comhairle as a phost nua.

I too am delighted to speak on this motion. Ireland has a proud and noble tradition of helping others. We are known as a nation of people who support others. It troubles me to see this naked plundering and pillaging of charitable organisations by a small cohort of greedy people. As the Minister knows, there are 12,500 registered charities. The majority are doing an excellent job. They are of the people and run by the people. It is not always a case of CEOs, directors of services, and cuts to the services.

I am glad the Minister of State at the Department of Health, Deputy McEntee, is present. I ask the Minister to consider the new organisations that are mushrooming out of the HSE involving people who have worked in the HSE providing care for children with special needs and everyone else. I believe we will be here in a year or ten years examining these areas again. These people seem to know the system and there is much inside-track activity.

Many speakers have alluded to the various aspects of the charitable status legislation and to Part 4 of the 2009 Act. It is disappointing that Part 4 was not implemented. Why does it take so long? Why is there resistance to dealing with this? As I stated, the actions of a few, in Rehab, Saint John of God and most recently in Console, represent the most hapless, disgraceful, despicable plundering of people - the unfortunate people who need services when loved ones lose their lives. It affects the voluntary councils and the volunteers in all the groups.

I am glad the Minister agreed to accept the amendment we intend to move on the smaller charities, such as those concerned with voluntary housing and meals on wheels. The volunteers are of the people and the organisations are run by the people. They are not in it for money or for their own well-being; they are in it to help their communities, to offer support and to deliver services the Government should be delivering but is unable to deliver.

Without the charity sector in Ireland, the country would be a very much poorer place. I appeal to the Tánaiste to act on this motion, compliment those who moved it and to do something to restore the confidence of the people given what has gone on, what should not be going on and what is so reprehensible. The Minister has a wide berth. She should provide for the necessary powers and make the regulators busy and active in regard to what they should be doing.

**Deputy Danny Healy-Rae:** I, too, condemn the shameful acts of the people in Console. How was the HSE so slow in finding out how these massive sums of money were being misappropriated? Why was there not more thorough vetting of how the money was being spent? Several senior administrative staff vet each application for home help services. Why did proper checks and balances not apply in a case involving such large amounts of taxpayers' money? It would not be unreasonable to expect the Revenue Commissioners or Department of Finance to have copped on to this matter much sooner.

This issue will affect the poor people who spend rainy days on street corners and at various events collecting donations in buckets to help vulnerable people. It will also affect the good people who always contribute to such collections. I have sympathy for those who do great work on behalf of their local communities and organisations that provide help to vulnerable people because it is they who will be affected by these malicious acts involving, as Deputy Mattie McGrath stated, the plunder and pillage of funds. It is disgraceful that the Health Service Executive provided such large sums of money without properly accounting for the way in which it was spent. On the one hand, it provides large sums of money without checking where or how they are spent, while, on the other, it deprives people of home help services at weekends, bank holidays and even on Christmas Day by refusing to fund them.

**Deputy Eamon Ryan:** I wish the Leas-Cheann Comhairle the best of luck in his new role and hope he spends an entertaining and long time in the Chair.

I commend my colleagues in the Social Democrats on framing and presenting this motion. It is important that we reflect on the regulation of the charity sector. We must try to restore public confidence in a sector that has been badly damaged by revelations of recent years. The cen-

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tral message or argument is that we need enhanced, strengthened and more effective regulation of charities. I recently attended a Law Society event at which the society's new regulator made a simple but important statement. He pointed out in a discussion on regulation that regulation is necessary to catch the corrupt, identify inappropriate tax measures, such as those about which we have heard, and detect cases of embezzlement. It is also needed to prevent, for example, the inappropriate application of medicine. There are, therefore, a range of areas in which regulation is needed to perform a policing function. However, we should also remember that regulation strengthens the better charities because it is a resource that raises standards across the sector. This is not a minor matter given that, according to The Wheel, 12,000 organisations are operating in the charitable sector.

The charity sector in Ireland is highly fractured. We need more regulators and fewer charities. One of the jobs a regulator could do to strengthen the work of good charities is to identify where it would be possible to amalgamate organisations, develop shared services and save money. Given that almost 50% of the funding of the 12,000 organisations in the charity sector comes from statutory grants, it would make sense if the State, which funds the majority of charities' operations, were to invest more in regulation, not only to catch the bad guys but also to help the good guys. That is the central argument I would like to set out in this debate.

The issue of pay arises in the context of regulation. I listened with interest to various comments made by Deputies about pay in the charity sector and I have no doubt there are examples of people in the sector being overpaid. However, we must also recognise that many of those who work in the sector have incredibly complex and difficult jobs. For example, those who run the large development aid charities are trying to save the world, while those working in mental health and disability services must deal with families facing deeply difficult circumstances who need highly skilled and advanced supports. While we must be careful not to overpay people, we must also bear in mind that charities need good staff who must be paid properly. A school principal is paid commensurate with his or her responsibility and this approach must also apply in charities. Good regulation involves recognising that people at the top must be paid a reasonable salary, albeit not an extravagant one. We will not move towards a system in which all staff are paid at the same rate and organisations do not offer incentives to attract good staff.

Similarly, we must recognise that good regulation requires good boards and directors. The motion is well worded in this regard. One of the problems that bedevils the 12,000 charitable organisations is that many of the volunteers on boards are swamped in work and may not take the most professional approach to the running of their organisation. As part of a better regulated sector, it may be necessary to pay directors, which will also mean providing training and holding them to account under much more effective governance structures. While the issue of pay must be central to addressing problems in the sector, it must be part of a properly regulated system.

Last but not least, I will draw on some personal experience to draw attention to what could be a well regulated charitable sector. We need a sector that maintains flexibility. I will refer to my personal experience of how some parts of the charitable sector work to show that the issue is not solely about regulation, payment or receiving some form of statutory grant or recognition. One of my sons is on the autism spectrum. My family has taken an interesting path in accessing services. One of the most significant developments in our experience as a family is our connection with a charity on the north side of Dublin known as Snowflakes autism support. The charity was founded by parents who came together to share their experiences of State resources. The Snowflakes name is a good one because it was chosen on the basis that every child is dis-

tinct and different and subject to meltdown. The organisation is run by and centred on parents.

My family had to travel from the south side to the north side of Dublin to access the organisation because there was no equivalent on this side of the river. Soon enough, however, a branch was established on the south side and the organisation now counts approximately 150 parents, all of whom have children on the autism spectrum. We organise an incredible number of activities for our children, taking them to yoga and karate classes, climbing walls and kayaking, as we did yesterday, and playing all sorts of games. We do this ourselves on Facebook and outside the regulated sector. This approach is empowering and works. Parents have learned more from this experience about what the State provides than we have through engagement with official institutions such as the Lucena clinic and the various educational services. The disconnect that exists within the education and health sides of the State sector is significant. It is in the voluntary, unpaid and unrecognised charitable sector that we have met other parents, put together the pieces of the jigsaw and shown where is the best place to secure services. This has been an incredibly useful experience. Snowflakes does not involve any payment and is an organisation where parents do everything themselves. Technologies such as Facebook and Whatsapp allow people to start working together and collaborating.

I mention this experience because we must be careful, in trying to have a better regulated charitable sector, not to crush the ability of people to work in collaboration at grassroots level. Irish people like this approach and are good at learning lessons and adopting it quickly. Just as we adopted the Snowflakes approach from the north side of Dublin and transferred it to the south side, it is now spreading to other areas. This bottom-up community engagement in looking after each other is also part of a regulated charity sector, even if it is, in some ways, unregulated. I wanted to give this personal example because it is important to bear it in mind.

The Green Party very much agrees with the sentiments expressed in the motion. We need more investment in regulation and I trust the Government has heard that message loud and clear. In condemning those who have engaged in sickening activities that have undermined the charitable sector, we also commend the 12,000 organisations that are a force for good in this country.

*10 o'clock*

**Deputy Josepha Madigan:** Thank you, a Leas-Cheann Comhairle, and I congratulate you on your recent appointment. I thank the Members for raising this issue. It is not an overstatement to say that the people have been left reeling from the stunning revelations of greed, incompetence, irresponsibility and, frankly, selfishness at Console and some other charitable organisations active in Ireland. Unfortunately, the reputations of the many thousands of volunteers, counsellors and the charity sector as a whole have been besmirched. The important threads of generosity and selflessness woven through our social fabric have been abruptly cut. Although they will be repaired in time, the knots will always remain. Perhaps this is no bad thing as it will serve to remind us of the importance of vigilance and good governance in the charity sector.

As the Minister reiterated in the House this evening, the regulation of the charities sector is a priority for this Government. It is this above all that will restore faith and trust in the ethical nature and caring purposes of charitable organisations. It is precisely because the work they do is so essential to the overall good of our society as well as to the individuals they assist that it must be managed properly. Charities help to ensure that the homeless are fed and clothed and have access to health care. Charities help to ensure that the loneliest and most vulnerable of

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our citizens have someone to talk to about their experiences. Charities help to ensure that the people support each other and remember the importance of doing so.

Unfortunately, not every charitable organisation has been run with efficiency, effectiveness and ethical standards as their watchwords. The establishment of the Charities Regulatory Authority and the strengthening of the tools at its disposal to encourage compliance with the Charities Act will help to change that, as those in the charity sector will be aware that the expectations of the public and the authorities have changed. As the Minister said, once Part 4 of the Charities Act commences on 5 September, the regulator will have new investigatory and enforcement powers. By the end of the year, we expect that it will have the necessary regulatory specialist staff required to achieve its goals as well.

Having said that, I believe it is important to emphasise the need for everyone in society to play his or her part in ensuring the work of the charitable sector remains above suspicion and reproach. If any member of the public or any organisation has any evidence of breaches of the law in respect of charities, then this information should be passed on to the relevant authorities, either An Garda Síochána or the Office of the Director of Corporate Enforcement, depending on the evidence in question. Suspected criminal activity should be reported to the Garda. Co-operation between the State agencies involved in the charitable sector is essential to share information and identify any issues with the potential to further destabilise the sector. A multi-agency approach will be necessary. This is already being done at present but it will be enhanced in future and that will be an important development.

I believe that the Charities Regulatory Authority is ready, willing and able to reassure the many concerned and well-motivated people working and volunteering in the sector as well as those donating to charitable organisations about the bona fides of such organisations and their compliance with the terms of the Charities Act 2009. All State agencies providing funding to the charity sector must ensure funds are properly managed.

There are many fine charitable organisations working in Ireland today. The regulation of the sector is necessary and long overdue and we must protect it. It takes time to implement change but there is a clear focus on the charity sector at the moment. This is a good thing and it will benefit all of us in the long run.

**Minister of State at the Department of Health (Deputy Helen McEntee):** A Leas-Cheann Comhairle, I wish to congratulate you on your new role and wish you well. I thank the Social Democrats for moving this motion in the House. Sadly, it is a timely motion, as has been pointed out by many Deputies. In total, the regulator is engaged with in excess of 12,500 charitable organisations active in Ireland at the moment. These charities and the broader community and voluntary sector in partnership with the State help to deliver social and health services. This partnership is long-established. While many Deputies might be critical of this model, it is one we must continually hone and improve to deliver better services, better standards in quality assurance and better value for money for the State. We have had problems in the past and we have made necessary changes as a Government and a society. I do not believe this situation is any different. Regulation of the charitable sector must be a priority and I know that it is a priority for this Government.

Unfortunately, during the past two weeks much time has been taken up with the fall-out from Console. Considerable work has been undertaken within the Department, the HSE and the various stakeholders to provide a practical solution to save Console's vital front-line services.

The top priority has been to ensure that the services remain and that those who are availing of the services can continue to avail of them. Naturally, while we must be careful not to jeopardise any legal proceedings that possibly would take place outside of this House, it is safe to say that the range and scale of allegations surrounding Console now in the public domain go against the very ethos and spirit of charity law, company law and tax law in the State. Above all, they go against the very ethos and spirit of who we are as a people and a nation. The essence of any code of laws in a country holds that we expect people to adhere to them and abide by them. Unfortunately, that is not always the case and problems can arise in cases where a voluntary organisation or charitable body is involved in work and people have put in their own time and energy as well as fund raising. Often the function of the charity is close to the heart of those involved in such cases. This makes it all the more upsetting and there is an extraordinary breach of trust. We have seen this previously with scandals at Rehab, the Central Remedial Clinic and other organisations. However, those cases brought about the reforms of the Charities Regulatory Authority and in that regard, I welcome the move of the Minister to sign the necessary commencement order last week to commence Part 4 of the Act, which we will see in effect from 5 September. I welcome the increase in funding by the Minister. This will facilitate recruitment of additional staff in key areas, including policy development, registration and reporting, compliance and investigations and communications. As the Minister has said, it will take time for any new body to establish itself. The registration of organisations takes time. Now more than ever we need to ensure that public trust in the sector, which was slowly starting to rebuild, is not lost. We need to ensure that the revelations give us an opportunity to drive on the implementation of the changes that are needed in regulation in the sector. We can play our part as well. All State agencies providing funding to the charity sector must ensure these funds are properly managed. Again, in that regard, I welcome the review of all section 38 providers being conducted by external consultants. This is already under way. The purpose of these reviews is to establish the standards of governance in place in these organisations and to confirm independently that the governance practices and procedures accord with those set out in their annual compliance statements. The annual compliance statements, which are to be completed by the chairman of the board of each section 38 service provider, certify that the organisation is compliant with the necessary governance required. While this process currently only applies to section 38 agencies, it will be extended to section 39 agencies from November 2016, an important development. While there are 40 section 38 organisations funded under the Health Act, some 2,392 section 39 agencies are funded. That is important as well.

This is something of a new landscape for charitable organisations and donors. However, I believe that continued regulation will ensure that the sector and those it serves are better protected from the greedy, selfish and amoral individuals who have brought such disgrace to themselves and cast such clouds of doubt over the bona fides of every charitable organisation in Ireland. They must not and will not be allowed to destroy our faith in the goodness of human nature or support for the invaluable work of the charities sector.

**Deputy Róisín Shortall:** A Leas-Cheann Comhairle, I join the other Members in congratulating you on your election and wish you well in that post.

I thank everyone who has contributed to this debate. I wish to express our appreciation for the support which has been pledged by Members from all sides. We are holding this debate because yet again, the country finds itself dealing with the consequences of light touch regulation as another scandal unfolds. The shocking Console controversy is playing out before our eyes. Problems in other charities are bubbling up at the moment and, of course, we know that over

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recent years there have been a number of cases of concern, most notably in respect of Rehab and the Central Remedial Clinic.

Two key issues or aspects of this question have arisen in the charity sector so far. First is the misappropriation of money collected by so many volunteers for charitable purposes and the use of this money by certain individuals to fund lavish lifestyles. Second is the breaching of public pay limits where certain people in the charitable sector seemed to have a huge sense of entitlement to very big pay packets and very generous pensions. This is happening at a time when staff in those charities are often on the minimum wage or not much more. Staff in the CRC have seen their pension entitlements wiped out at the stroke of a pen while others are walking away with vast sums.

All these cases have highlighted the inability of public bodies to protect the interests of taxpayers and those who donate to charities. More worryingly, sometimes public bodies have been unwilling to protect taxpayers' interests and challenge the charities concerned. Once again, because the regulatory regime is so weak, we have the case of Console, where someone felt untouchable and acted accordingly. Sadly, very few lessons appear to have been learnt from similar cases in recent years.

Through this motion the Social Democrats is calling for four key actions. We need better regulation incorporating a system-wide review of governance and reporting procedures for public funds going to charities which should inform an enhanced governance regime for the entire sector. We also need a critical review of the HSE's 2014 revised governance framework because clearly that is not working adequately.

We need a more professional sector with mandatory training programmes for those assuming directorships on charity boards. There is a sense that there is a lack of appreciation of their general oversight responsibilities and especially their fiduciary responsibilities. There is an onus on the State to ensure that all directors in such circumstances are provided with adequate training so they are aware of those responsibilities. The other area under that heading is the need to strengthen the legal requirements on auditors for the reporting of financial irregularities.

Other Members have spoken about the need to resource Part 4 adequately. We welcome that the commencement order has been signed in recent days, but that will be fairly meaningless unless adequate resources are provided.

The motion calls for the establishment of an anti-corruption agency to end the fragmented approach to enforcement and prosecution of corruption in Ireland.

There are clearly significant shortcomings in the system of oversight of the charities sector. There are major failings on two key levels. There are the failings in the parent Departments or State agencies charged with overseeing the operation of charities. Most particularly, we are talking about the HSE. There are also the failings by Government in not prioritising the implementation of the Charities Act and not adequately resourcing the regulatory regime in recent years.

Yet again, one has to ask why the HSE did not take earlier action against Console when it discovered significant irregularities in its activities. Why does it take a media exposé before any firm action is taken about hugely suspicious activity? Why did it take the appointment of an outside interim CEO before key documents were secured? There are three possibilities: the HSE was not doing its job properly, it does not have the resources to do it properly or the

governance structures are completely inadequate. Each of these scenarios is a major concern.

The Government has taken its eye off the ball in the regulation of the charity sector. Legislation on charities has been wholly ineffective to date. It took over 30 years before the Dáil passed a Bill to regulate the sector in 2009. Even then, when that legislation was introduced in 2009 key sections were not commenced. It was not until the Rehab and CRC scandals broke in 2013 that parts of the Act were commenced. It was not until the past few days when the revelations on Console exploded in the media that Government finally took action in respect of one of the most important parts of the Act, Part 4, relating to investigative powers.

The charities regulator, John Farrelly, had to rely on 1960s legislation in order to refer matters relating to Console to the Director of Corporate Enforcement. The regulator has not been adequately resourced to date. Until recently, the charity regulator had a staff of only ten people. How can such a number cover thousands of charities? Even this year, its budget was a mere €2.6 million, which is completely inadequate for the oversight of more than 12,5000 charities, let alone to get involved in the investigative area - those responsibilities now being placed on the authority through Part 4.

Charities in the main have served us well. The public values and appreciates the work undertaken. There is a significant history of volunteerism in this country which is to be welcomed and encouraged. Equally, there is a huge tradition of generosity among Irish people in contributing to charities. That element is put at significant risk because of the weakness of the regulatory regime in place. We must protect that at all costs.

However, as a country, we have become too dependent on charities. Too often, core public services such as education, health and housing have been subcontracted to the charity sector. In some cases this was done because the State traditionally was only too happy to farm out responsibility for public services, most notably to the Catholic Church. In other cases, it was because the service could be delivered at lower cost and on the backs of volunteers. This outsourcing has led to a very fragmented charity sector and also a very fragmented public sector with some significant duplication. We should not be so dependent on charities. Core public services should not be delivered by charities but by the State.

The fragmented nature of charities is mirrored in the fragmented enforcement when it comes to wrongdoing by charitable organisations. In true Keystone Cops fashion, we have the spectacle of seven ongoing investigations into Console, long after the money has vanished. It highlights yet again that Ireland does not have an effective means of tackling corruption in public life. We can do things better.

That is why the Social Democrats is so intent on promoting the idea of an independent anti-corruption agency. I very much welcome the support for that proposal as well as the other proposals set out in tonight's motion. I appreciate the support and commitment expressed by various Members of the House. I ask the Minister in the coming weeks to set out a clear implementation plan for all of the actions set out in the motion in respect of the charity sector, but most particularly in respect of the proposal for an independent anti-corruption agency. We have a mandate from this House to move ahead with that and I hope that in the coming weeks we will see the implementation of those proposals.

**An Leas-Cheann Comhairle:** Is amendment No. 1, in the name of Deputy Mick Barry, being pressed? No. Therefore, it lapses and we will move on to amendment No. 2.

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Amendment, by leave, withdrawn.

**Deputy Mattie McGrath:** I move amendment No. 2:

To insert the following after “concern for investigation”:

“— undertake, while the pursuit of greater transparency and accountability is a regulatory necessity, an effective impact analysis in order to avoid loading smaller community based/voluntary charities with punitive financial and administrative burdens.”

Amendment put and declared carried.

Motion, as amended, put and declared carried.

**An Leas-Cheann Comhairle:** Before I adjourn until meán lae tomorrow, I thank all the Deputies for their kind wishes. I look forward to working with them in the weeks, months and years ahead.

The Dáil adjourned at 10.20 p.m. until 12 noon on Wednesday, 13 July 2016.