



## **DÁIL ÉIREANN**

*Dé Céadaoin, 17 Samhain, 2010*  
*Wednesday, 17th November, 2010*

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**RIAR NA hOIBRE**  
**ORDER PAPER**



*Dé Céadaoin, 17 Samhain, 2010*  
*Wednesday, 17th November, 2010*

10.30 a.m.

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**ORD GNÓ**  
**ORDER OF BUSINESS**

- 5a.** Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil le téarmaí na dréacht-scéime dar teideal an Scéim um Fhorais Chreidmheasa (Ráthaíocht Dliteanas Incháilithe) (Leasú) (Uimh. 2) 2010.  
Motion *re* Proposed approval by Dáil Éireann of the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (No. 2) Scheme 2010.
- 15.** (l) An Bille Rialtais Áitiúil (Méara agus Údarás Réigiúnach Bhaile Átha Cliath) 2010 — An Dara Céim (*atógáil*).  
(a) Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Second Stage (*resumed*).

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

- 77.** (l) Tairiscint *maidir le* Cúram Tí Banaltrais (*atógáil*).  
(a) Motion *re* Nursing Home Care (*resumed*).

**I dTOSACH GNÓ PHOIBLÍ**  
**AT THE COMMENCEMENT OF PUBLIC BUSINESS**

*Fógraí Tairisceana : Notices of Motions*

- 5a.** “Go gceadaíonn Dáil Éireann téarmaí na dréacht-scéime dar teideal an Scéim um Fhorais Chreidmheasa (Ráthaíocht Dlíteanas Incháilithe) (Leasú) (Uimh. 2) 2010 ar dréacht-scéim í ar leagadh cóip di faoi bhráid Dháil Éireann an 16 Samhain, 2010. That Dáil Éireann approves the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (No. 2) Scheme 2010 a copy of which draft scheme was laid before Dáil Éireann on 16th November, 2010.”

—*An tAire Airgeadais.*

**ORDUITHE AN LAE**  
**ORDERS OF THE DAY**

- 15.** (l) An Bille Rialtais Áitiúil (Méara agus Údarás Réigiúnach Bhaile Átha Cliath) 2010 — An Dara Céim (*atógáil*).  
(a) Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Second Stage (*resumed*).

*Leasú ar an Tairiscint don Dara Léamh (atógáil):*  
*Amendment to Motion for Second Reading (resumed):*

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

“Dáil Éireann—

- (a) recognising the potential value for the Greater Dublin area of a directly elected Mayor, adequately resourced and with appropriate powers;
- (b) notes the next local elections are not due to be held until 2014, and believes that it would be preferable for any election of a new Mayor to be held in conjunction with those elections;
- (c) concerned at the potential cost of the new position and of the new Regional Authority for Dublin and the staffing levels that will be required to facilitate the Authority and the Mayor and having regard to the serious economic crisis facing the country,

resolves that the Local Government (Mayor and Regional Authority of Dublin) Bill 2010 be deemed to be read a second time on this date in 2012.”.— *Ciarán Lynch.*

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

*Tairiscint (atógáil) (1 ur. 30 n. fágtha):*  
*Motion (resumed) (1 hr. 30 m. remaining):*

- 77.** “That Dáil Éireann:

welcomes the publication of the investigation by the Office of the Ombudsman entitled, ‘*Who Cares? – An Investigation into the Right to Nursing Home Care in Ireland*’; and

notes with serious concern:

- that the Ombudsman encountered unprecedented opposition and a lack of co-

operation from the Department of Health and Children and the HSE in the course of conducting this investigation;

- that thousands of old people may have been deprived of their legal entitlement to nursing home care, under the Health Act 1970, for over four decades;
- that the Government has consistently failed to clarify entitlements to nursing home care, causing huge frustration and anxiety among older people and their families;
- that vulnerable older people have been forced to seek care in private homes, at huge cost to themselves and their families;
- that the State currently faces more than 300 legal actions from people seeking compensation for costs incurred from private nursing home care;
- that the cap on the Fair Deal Scheme may force older people to pay for private nursing home care yet again;
- that in 2004, the State was forced to repay nursing home charges it illegally imposed on thousands of older people who held medical cards; and
- the persistent refusal of the Government to acknowledge the findings of reports published by the Office of the Ombudsman, and the serious implications this has for the future effectiveness of the Office of the Ombudsman; and

condemns the Department of Health and Children for its failure to cooperate adequately with the Ombudsman's investigation and calls on the Government to clarify the legal position regarding nursing home care.” — *James Reilly, Enda Kenny, Bernard Allen, James Bannon, Seán Barrett, Pat Breen, Richard Bruton, Ulick Burke, Catherine Byrne, Joe Carey, Deirdre Clune, Paul Connaughton, Noel J. Coonan, Simon Coveney, Seymour Crawford, Michael Creed, Lucinda Creighton, Michael D'Arcy, John Deasy, Jimmy Deenihan, Andrew Doyle, Bernard J. Durkan, Damien English, Olwyn Enright, Frank Feighan, Charles Flanagan, Terence Flanagan, Brian Hayes, Tom Hayes, Phil Hogan, Paul Kehoe, Pádraic McCormack, Shane McEntee, Dinny McGinley, Joe McHugh, Olivia Mitchell, Denis Naughten, Dan Neville, Michael Noonan, Kieran O'Donnell, Fergus O'Dowd, Jim O'Keeffe, John O'Mahony, John Perry, Michael Ring, Alan Shatter, Tom Sheahan, P. J. Sheehan, David Stanton, Billy Timmins, Leo Varadkar.*

[16 November, 2010]

*Leasú (atógáil):*

*Amendment (resumed):*

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

- “ — notes the introduction by the Government of the Nursing Homes Support Scheme which legally defined eligibility for long term nursing home care and which addressed the previous inequity by equalising State support for those in public, private and voluntary nursing homes;
- notes that the HSE has received almost 16,500 applications for the Fair Deal Scheme to date, of which over 12,250 have been approved with other applications continuing to be processed on a daily basis;
- notes that the budget in respect of long term care for 2010 for the Fair Deal Scheme and for those remaining in public long stay facilities and receiving subvention in private facilities is over €979 million in 2010;

- recognises that eligibility for in-patient services under section 52 of the Health Act 1970 has always been subject to, *inter alia*, the availability of resources;
- notes that the jurisdiction of the Ombudsman relates primarily to administrative actions and does not encompass issues such as Government policy, legislation passed by the Oireachtas, the conduct of litigation by the State and the wider governmental process;
- notes that the representations submitted to the Ombudsman set out very clearly the Minister's views on extracts from the draft report and were endorsed by the Government;
- notes with concern the way this particular investigation was undertaken and, in particular, the failure to follow fair procedures;
- notes this Government's commitment to services for older people which, as well as the introduction of a national scheme of financial support for long term residential care (Fair Deal) and the introduction of new standards, regulations and inspections for designated centres for older people, has also seen an additional €200 million invested in community services such as home help, home care packages, meals on wheels and day/respite care; and
- supports the Minister's plans to continue to develop and improve services for older people." — *An tAire Sláinte agus Leanaí*.

#### MEMORANDA

*Dé Céadaoin, 17 Samhain, 2010*  
*Wednesday, 17th November, 2010*

Cruinniú den Chomhchoiste ar an mBunreacht i Seomra Coiste 3, TL2000, ar 9.30 a.m.  
Meeting of the Joint Committee on the Constitution in Committee Room 3, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um Chumarsáid, Fuinneamh agus Acmhainní Nádurtha i Seomra Coiste 1, TL2000, ar 9.45 a.m.  
Meeting of the Joint Committee on Communications, Energy and Natural Resources in Committee Room 1, LH2000, at 9.45 a.m.

Cruinniú den Chomhchoiste um Ghnóthaí Turasóireachta, Cultúir, Spóirt, Pobail, Comhionannais agus Gaeltachta i Seomra Coiste 4, TL2000, ar 2 p.m.  
Meeting of the Joint Committee on Tourism, Culture, Sport, Community, Equality and Gaeltacht Affairs in Committee Room 4, LH2000, at 2 p.m.

Cruinniú den Chomhchoiste um Iompar i Seomra Coiste 1, TL2000, ar 3.45 p.m.  
*(príobháideach)*.  
Meeting of the Joint Committee on Transport in Committee Room 1, LH2000, at 3.45 p.m.  
*(private)*.

**SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA DÁLA  
DOCUMENTS LAID BEFORE THE DÁIL**

*Reachtúil:*

1) An tOrdú um Aistrithe Airgeadais (An tSomáil) (Toirmeasc) 2010 (I.R. Uimh. 537 de 2010).

2) Na Rialacháin Toghcháin (Leasú) 2010 (I.R. Uimh. 538 de 2010).

3) An Scéim um Fhorais Chreidmheasa (Ráthaíocht Dliteanas Incháilithe) (Leasú) (Uimh. 2) 2010 (Dréacht).

4) Údarás na Gaeltachta. Tuarascáil Bhliantúil agus Cuntais, 2009.

*Neamhreachtúil:*

1) Rialacháin na gComhphobal Eorpach (An tSomáil) (Smachtbhannaí Airgeadais) 2010 (I.R. Uimh. 536 de 2010).

2) An Conradh ar an Aontas Eorpach: Doiciméid a fuarthas de bhun an Phrótacail maidir le ról Parlaimintí Náisiúnta san Aontas Eorpach. 8 go 10 Samhain, 2010.

*Statutory:*

1) Financial Transfers (Somalia) (Prohibition) Order 2010 (S.I. No. 537 of 2010).

2) Electoral (Amendment) Regulations 2010 (S.I. No. 538 of 2010).

3) Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (No. 2) Scheme 2010 (Draft).

4) Údarás na Gaeltachta. Annual Report and Accounts, 2009.

*Non-Statutory:*

1) European Union (Somalia) (Financial Sanctions) Regulations 2010 (S.I. No. 536 of 2010).

2) Treaty on European Union: Documents received pursuant to Protocol on the role of National Parliaments in the European Union. 8 to 12 November, 2010.