



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Déardaoin, 14 Márta 2013*

*Thursday, 14 March 2013*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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### Leaders' Questions

**Deputy Micheál Martin:** During the past week there was much discussion of the mortgage arrears crisis, preparing the scene for yesterday's announcement by the Government. The question of repossessions loomed large in that discussion, worryingly so for many families. The Taoiseach, the Tánaiste and the Minister for Finance, Deputy Michael Noonan, have been at pains to play down any prospect of repossessions. However, the civil servants tell a different story and paint a different picture. Last week the Secretary General, Mr. John Moran, announced that there would be and would have to be more repossessions and was attacked in a rather cowardly manner by Labour Party Ministers and senior figures in the Labour Party.

In response to yesterday's announcement Mr. Matthew Elderfield, Deputy Governor of the Central Bank, was even more clear when he said repossessions had to be expected to rise significantly. He went further by saying that even those families who were engaging with their lenders might end up losing their homes. The reason he is saying this is that the Government's proposals announced yesterday essentially put the banks in the driving seat, about which there is no question. Banks are being given additional powers to set aside the code of conduct. Legislation will be passed to facilitate repossessions of family homes and, overall, the momentum is unquestionably towards repossessions. In addition, there are other issues, including people losing their tracker mortgages if deals are done with the banks. The Government essentially believes that if the banks are put in the driving seat and given the wherewithal, this crisis encompassing more than 182,000 people in arrears will be resolved. There is an essential flaw in that analysis because who will independently oversee the deals that are going to be done on behalf of mortgage holders? There is a huge disconnect between the official language and the reality for people on the doorstep, people who are in mortgage arrears and experiencing the banks coming at them in different ways.

I knocked on a door in Steeplechase in Ratoath yesterday and a gentlemen told me that three of his neighbours had received letters from the banks telling them that they had to sell their homes. This was on the day that the Taoiseach had told me in the House that essentially repossessions were not going to happen, except very extreme circumstances.

**An Leas-Cheann Comhairle:** The Deputy is over time.

**Deputy Micheál Martin:** On LMFM yesterday the Tánaiste was similarly lauding this plan. The bottom line is that there are 23,500 people with mortgages in arrears for more than two years. That is very similar to the targets the banks have been given. These 20,000 people odd are clearly in the firing line for repossessions because the banks have to make offers and proposals. There is no definition of what a deal or a resolution is and no definition of sustainability. Sustainability has to be about-----

**An Leas-Cheann Comhairle:** A question, please, Deputy.

**Deputy Micheál Martin:** -----the capacity of borrowers to survive after such a deal is made in their daily lives and in keeping them and their families together.

When Deputy Michael McGrath and our finance team put together a debt settlement office Bill, which suggested the establishment of an independent office, the Minister accepted-----

**Deputy Emmet Stagg:** Any chance of a question?

**Deputy Micheál Martin:** I am putting it.

**An Leas-Cheann Comhairle:** I have asked the Deputy to do so.

**Deputy Emmet Stagg:** We are five minutes into the business of the House.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Micheál Martin:** The Minister accepted that legislation, in principle. Will he indicate, first, what Matthew Elderfield means by a significant number of repossessions and, second, will he provide, independent of the banking system in its entirety, for independent oversight on behalf of the borrower and mortgage holder because, without question, the imbalance in the relationship between the banks and borrowers-----

**An Leas-Cheann Comhairle:** I call the Minister for Finance.

**Deputy Micheál Martin:** -----is confirmed and exacerbated by the announcements made yesterday?

**Minister for Finance (Deputy Michael Noonan):** First, I congratulate Pope Francis on his elevation and wish him a very long and successful reign in that very high office. I am sure the people of Ireland wish him very well, as I know this House does.

**Deputy Timmy Dooley:** We will have the embassy reopened shortly.

**Deputy Michael Noonan:** To turn to the business in hand, there will be independent oversight of all these arrangements. As the Deputy knows, the Central Bank is independent in the performance of its functions and has taken on the task of helping to design these arrangements and monitoring them as they are rolled out. As well as this, it is the licensing authority for the banks and, therefore, is in best position to insist on its policies being carried out, and it will do so.

On the various reflections in the Deputy's introductory comments on the repossessions is-

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sue, the position is, as he is well aware, that since the Elizabeth Dunne judgment in 2009, there has been a lacuna in the law and there have been no compulsory repossessions. The statistics are for people handing back the keys or agreeing, by arrangement, to surrender homes, but what we are talking about is compulsory repossession. There has not been any because the law does not enable one to do this. If the level of repossession is zero and there is only one repossession in the course of next year, that will be a big increase. The Government has made it absolutely clear that there is a sequence of interventions, cascading down from interest only arrangements to repossession, but that repossession will be used only *in extremis*. It is not considered there will be a significant increase or a significant amount of repossessions of family homes. However, I envisage repossessions in the buy-to-let sector. That is a different category. They are commercial investments, people are collecting rents and if they are not servicing their mortgages the best thing for the economy is that these investments are sold to people who can service them.

**An Leas-Cheann Comhairle:** I call Deputy Micheál Martin. He has one minute left for a supplementary question.

**Deputy Micheál Martin:** First of all-----

**Deputy Eric Byrne:** The Deputy has one minute and I am timing him now.

**Deputy Micheál Martin:** Is Deputy Byrne the new Ceann Comhairle?

**Deputy Eric Byrne:** I am timing the Deputy.

**Deputy Emmet Stagg:** We need someone to do the job.

**Deputy Michael McGrath:** Are the Labour Deputies afraid to go to County Meath? They are all here this morning.

**Deputy Eric Byrne:** His minute is up.

**A Deputy:** There are more of us than there are of Fianna Fáil.

**An Leas-Cheann Comhairle:** Could Members respect the person in possession please?

**Deputy Micheál Martin:** There have been approximately 950 repossessions according to Mathew Elderfield's comments yesterday, and 38 forced repossessions in the last quarter. I do not accept the point that the Central Bank in the context of its functions and remit, and the imperatives and orthodoxy by which it abides will tip the scales in favour of the mortgage holder-----

**A Deputy:** The Deputy is glorifying it.

**Deputy Bernard J. Durkan:** Who is the Deputy suggesting would do it?

**Deputy Micheál Martin:** -----or that there will be a genuine independent approach to solving the issue which allows sustainability for the mortgage holder.

**Deputy Bernard J. Durkan:** Is he suggesting a former Fianna Fáil Minister could do it?

**Deputy Micheál Martin:** The Tánaiste, Deputy Gilmore, was very clear about what should be done before the general election because his view was that for the duration of the recession there should be no repossessions whatsoever.

*(Interruptions).*

**Deputy Emmet Stagg:** The Deputy's time is up.

**Deputy Niall Collins:** Deputy Stagg should listen to what he said.

**Deputy Micheál Martin:** He said it would be crazy for the banks to repossess and he wanted a guarantee that there would be no repossessions of family homes for the duration of this recession. He said it in this House and he put it very eloquently-----

**Deputy Emmet Stagg:** Deputy Martin is making this up.

**Deputy Micheál Martin:** -----and articulately that it should be the case.

*(Interruptions).*

**Deputy Niall Collins:** The Labour Deputies should calm down. We cannot hear them now.

**Deputy Micheál Martin:** My point is that when the deputy Governor of the Central Bank says there has to be a significant number of repossessions that does not tally with the language of only *in extremis*.

**Deputy Emmet Stagg:** The Deputy is on double time now.

**Deputy Micheál Martin:** It does not tally with the Taoiseach's claim that it would be only in very extreme cases. There is something missing in the equation. The Secretary General of the Department of Finance, John Moran, is saying very clearly that there must be a significant number of repossessions. The Deputy Governor of the Central Bank is saying there must be a significant number of repossessions but the politicians on the Government side are telling us not to listen to any of that. They say the Secretary General spoke out of turn. According to the Labour Ministers he should never have said that.

**Deputy Bernard J. Durkan:** This is a commentary. It is a history lesson. There must be some former Fianna Fáil Minister who can be independent.

**Deputy Micheál Martin:** There is a big gap or lacuna between the reality of what the Central Bank officials are saying and what the Minister and politicians are saying.

**Deputy Dara Murphy:** The Deputy should ask John Moran about that.

**Deputy Micheál Martin:** The people on the ground are telling us the reality of what is happening.

**An Leas-Cheann Comhairle:** The Deputy has to conclude his comment and ask a question.

**Deputy Micheál Martin:** I have been interrupted non-stop. The people on the ground are telling us what is happening in their engagement with the banks.

**Deputy Bernard J. Durkan:** It is a pity they did not tell the Deputy sooner.

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**Deputy Micheál Martin:** The Government Deputies all know this. We have all heard about small business owners whose overdrafts were cut and so on. The same is now happening to mortgage holders.

**Deputy Jim Daly:** A Leas-Cheann Comhairle this is not the chamber of a town council.

**Deputy Emmet Stagg:** The Deputy has been speaking for about five minutes.

**Deputy Micheál Martin:** I invite people to go out and knock on doors and listen to what people are saying.

*(Interruptions).*

**Deputy Micheál Martin:** Dealing with the banks on a daily basis is very different from what officialdom says is happening. People are worried with very good reason because of the behaviour of the banks towards them.

**Deputy Frank Feighan:** They are better off not doing business with them.

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

**A Deputy:** What was the question?

**Deputy Frank Feighan:** Deputy Michael McGrath is the Fianna Fáil Minister for Finance.

**Deputy Michael Noonan:** When all the grandstanding is taken out of it we all know that people's inability to pay their mortgages is one of the big problems in Irish society. Yesterday, arrangements were announced which will ensure that systematically people will be offered solutions so that their mortgages will be sustainable. The Central Bank will monitor this and provide the targets. The targets announced yesterday were that by the end of June 20% of people with impaired mortgages will be offered solutions. By the end of September that will go to 30%, by Christmas it will have gone to 50% and the residue will be dealt with next year. These are offers to mortgage holders of ways to resolve their positions. Early in the summer the Central Bank will set targets of agreements that the banks must reach. We are at the stage where the number of people coming into arrears has lessened a great deal so we can quantify the problem and we are dealing with it systematically. The Department of Finance is involved but the driver is the Central Bank. People want solutions to their indebtedness. This is what we are doing.

Most of us here have had or have mortgages. One gets the money from the bank or building society and gives it the deeds of the house. The deeds are worth nothing unless there is a legal possibility of the collateral being realised by the banks. It does not work otherwise. If there is no provision in law for repossession there is no mortgage market. Then Deputy Martin would be back in here asking me why the mortgage market collapsed and why young people cannot get loans. Providing for it in law is different from saying this must be a primary option. It will be a residual option *in extremis* for the family home. That is what I have said.

**Deputy Timmy Dooley:** That is at variance with what the officials are saying.

**Deputy Micheál Martin:** That is not what John Moran is saying.

**Deputy Michael Noonan:** Many people here were at the meeting of the Committee of Pub-

lic Accounts and they know exactly what Mr. Moran said.

**Deputy Micheál Martin:** The Labour Ministers attacked him.

**Deputy Michael Noonan:** It is not what the Deputy said. I ask the Deputy to read the Official Report and he will see there what he said.

**Deputy Micheál Martin:** I have read it. He said our repossessions are much lower than anywhere else.

**Deputy Pearse Doherty:** Inné, d'fhógair an Rialtas an plean úr ó thaobh dul i ngleic le cruachás na morgáistí. I ndiaidh dhá bhliain gan aon rud a dhéanamh, nuair atá dúblú tagtha ar méid na ndaoine atá in riaráistí morgáiste 90 lá nó níos mó, tchíimid go bhfuil an plean sin lochtach san dóigh céanna a bhí na pleananna roimhe sin, mar go bhfuil an Rialtas ag fágáil na sonraí suas ag na bainc arís.

Yesterday the Government announced its latest plan in response to the mortgage crisis. After two years of doing nothing and seeing the numbers in arrears double during its term the Government's announcement has repeated the mistakes of the past. Has the Government not learned the lesson that the banks will do at best the bare minimum and at worst exacerbate the mortgage crisis? All the evidence tells us that the banks cannot be trusted to address the mortgage crisis with which tens of thousands of families across the State are grappling. We have only to look at what the banks have been doing, hiking up interest rates and failing to provide debt write-downs. Over half of those in restructured mortgages have slipped into arrears.

**Deputy Emmet Stagg:** Point of order.

**An Leas-Cheann Comhairle:** There is no point of order.

**Deputy Pearse Doherty:** This is not the first time that the Government, and indeed the previous Government, have brought forward a plan to deal with the mortgage crisis. When Deputy Martin's party was kicked out of office there were 120,000 families in mortgage distress. Every plan that the previous Administration and this one have brought forward has failed because it has left the decision up to the banks. The Minister knows that 185,000 families are in mortgage distress and that excludes the buy-to-let sector. His plan has left these families at the mercy of the banks once again. If he looks at the figures, which deal only with those in arrears of 90 days or more by the end of this year the majority of those 185,000 families will not even be offered a sustainable compromise or solution.

Why has the Minister not learned the lessons of the past? Why has he not taken the veto away from the bank? Does he not realise that the bank will not do what is required? The threat in respect of capital sanctions is not enough. The Minister knows that the stress test tested those banks and provided the capital to allow for the write-down to the current market value of the property. That is the stick the Minister is using against the banks. The 185,000 families were waiting for an immediate solution not some long-fingering that left it up to the banks to decide how best to resolve their mortgages. What they need is some transparency, not a veil of secrecy leaving it up to the banks to pick one person off the other depending on what is there. Yesterday, the Minister was not-----

**An Leas-Cheann Comhairle:** The Deputy is over time.

**Deputy Pearse Doherty:** -----prescriptive about the solutions that were offered. He spoke

about debt write-downs but he has not firmly placed it as an option for the banks. Why has the Minister not considered taking the veto off the banks and establishing an independent agency that could compel the banks to accept solutions which they have so far not being willing to accept?

**Deputy Arthur Spring:** Does the Deputy want us to buy a bank?

**Deputy Anthony Lawlor:** What about Northern Bank?

**A Deputy:** We could blow it up.

**Deputy Michael Noonan:** Ar an gcéad dul síos ba mhaith liom mo bhuíochas a ghabháil don Teachta as ucht seo a lua arís. Maidir leis na freagraí a thugamar inné, níl an plean lochtach ar chor ar bith. Beidh réiteach ar fáil don a lán clann timpeall na tíre nuair a bhéas an plean curtha i bhfeidhm.

There is no flaw in what was put out yesterday. Solutions will be offered to families. It was slow and I have expressed impatience previously about the tardiness of the banks in implementing solutions. Of course, they had ready-made solutions because we entered a situation where the law was inadequate. The Minister for Justice and Equality had to bring in an enormous and complex Bill on personal insolvency. That has been passed and the director of the personal insolvency agency has been appointed. He is scheduled to make a statement at the end of this month. He will be employing personal insolvency practitioners, affectionately known as PIPs, who will intervene between lenders and borrowers to protect the interests of the borrower when arrangements are made.

Then there are a range of solutions cascading down from interest-only arrangements right through to write-downs. We all know from clinic work that some people are just tricking around with repayment schedules, extending maturities or even splitting mortgages. There is a section of people where write-down is the only solution. However, it will have to be done on a case-by-case basis.

There are people who would like if we announced some kind of discount. That is not going to happen. There will not be any kind of across-the-board write-down for people who can pay but who are not paying. It will be on a case-by-case basis and this is the way it will be adjudicated.

**Deputy Olivia Mitchell:** Hear, hear.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Joe Higgins:** Only developers and speculators get discounts.

**Deputy Finian McGrath:** Some of them even got 50% write-downs.

**Deputy Michael Noonan:** On the issue of the independent agency, first, there will be a director of the personal insolvency agency who will implement the provisions of the insolvency Act with the personal insolvency practitioners. He is independent under the law passed by this House. The driver of this will be the Central Bank which is independent under statute and the Constitution. It has co-operated with us in setting out the targets. It will take ownership of setting the targets for completed arrangements which are sustainable. It will make those announcements in the summer time.

We accepted some of the ideas the Deputy brought forward in debates. It is important there would be an independent approach. We have it through the director of the personal insolvency agency and the Central Bank exercising its independent function to deal with this. I hope with this we can arrive at a solution.

However, I am not underplaying the difficulties of which we all aware. It is a quantifiable difficulty. I met the boards of all the banks the week before last. In the course of my conversation with the board of AIB, one of the directors asked me if I realised the average arrears in AIB across 35,000 mortgages comes to €13,000. That means half of them are below that and half of them are above that. If the arrears are of that area, then there should be readily available solutions for quite a lot of people to resolve their problems. Others will have more difficulty but we will work systematically through it. The Central Bank will drive it.

**Deputy Pearse Doherty:** The Government has taken a hands-off approach to this. The targets will be set by the Central Bank which is independent and these will be supervised by it. However, the Central Bank cannot compel a bank to prescribe a set of options. The only action the Central Bank can take in the plan announced by the Minister yesterday is to force the banks to make provisions against the losses of the impaired mortgages.

**Deputy Arthur Spring:** On non-Irish banks.

**Deputy Pearse Doherty:** The banks have already been recapitalised to do that, so it is not a significant threat.

Will the Minister accept that at the core of the mortgage crisis is the issue that people's incomes have dropped substantially? Some of this has happened because of unemployment. For others, it is because the Government's budgetary policies have picked their pockets of disposable income. Will the Minister accept that each year his budgetary policies are making the mortgage crisis worse? Taking people's disposable income means a reduction in the money they would spend in the domestic economy and how much they can pay on their mortgages.

One only has to look at some of the measures the Minister introduced. There have been increases in motor tax and the duty on alcohol and cigarettes. The new family home tax will crucify people. There will be water charges coming down the line. All of these are adding fuel to the fire.

**Deputy Anthony Lawlor:** Diesel.

**Deputy Pearse Doherty:** We know the Government has targeted children and families through cutting child care benefit, taxing maternity benefit and increasing college fees.

**Deputy Patrick O'Donovan:** Where is the question?

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**Deputy Pearse Doherty:** All these budgetary measures have reduced peoples ability to pay their mortgages. This needs to be dealt with in a holistic approach. The banks need to be forced to do the right thing. I have documents, which I released last week, which show what the banks are doing to the buy-to-let sector. The banks are telling borrowers that if they speak about arrangements or even tell that they are in discussions with the banks, then they are liable for any losses the banks will incur.

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**An Leas-Cheann Comhairle:** The Deputy to conclude.

**Deputy Pearse Doherty:** There is no transparency in the Minister's approach to mortgage resolutions. Will he accept that his budgetary position of picking the pockets of people struggling to pay their mortgages is making the crisis worse?

**Deputy Michael Noonan:** The main thrust of Deputy Pearse Doherty's first intervention was that there should be an independent agency to look after these matters and that this was part of Sinn Féin's policy proposed earlier in the year. Now he is accusing me of having a hands-off approach. If there is to be an independent agency, then it must be independent. The independent agency in this case is the Central Bank which is very involved in this process.

**Deputy Pearse Doherty:** Yet, it cannot do anything.

**Deputy Michael Noonan:** The Deputy cannot have it both ways on this.

**Deputy Pearse Doherty:** It is not independent agency, it is just supervisory. What we called for was an independent credit agency. The Minister should not misquote me.

**An Leas-Cheann Comhairle:** The Minister has the floor.

**Deputy Michael Noonan:** The Deputy advocated the establishment of an independent agency. When I told him that was what would happen, he said we were hands-off in the Department of Finance and that was no good.

**Deputy Pearse Doherty:** The Central Bank is a supervisory agency.

**Deputy Michael Noonan:** The Deputy cannot have it both ways. There has to be some logic to his policy positions.

**Deputy Billy Kelleher:** There is not.

**Deputy Michael Noonan:** He is correct in linking the issue of impaired mortgages to unemployment. Many people have linked it to negative equity and all sorts of other things. If one looks at it properly, the people with impaired mortgages are by and large unemployed. It is because of unemployment that we have this crisis. If we do not introduce the measures we have in the budget and if we do not get the deficit down, we will not repair this economy and, subsequently, we will have more unemployed people. The Deputy might not like the solutions but they are solutions. We are systematically working it to get the economy growing again. It is growing higher than anywhere else in Europe, bar Estonia, and we will continue doing that.

The jobs strategy is to get people back to work. Much of this is intractable. It is difficult to find a job elsewhere for someone who worked on a building site for 20 years, no matter what retraining schemes one introduces. The Deputy's solution, however, is to pile deficit on deficit and debt on debt.

**Deputy Pearse Doherty:** It is not about taxing the unemployed.

**An Leas-Cheann Comhairle:** Order.

**Deputy Michael Noonan:** That approach would result in more people being unemployed and more impaired mortgages.

**Deputy Richard Boyd Barrett:** Just to pick up on the Minister's reference to the election of the Pope-----

**Deputy Arthur Spring:** Is Deputy Boyd Barrett wearing red shoes?

**Deputy Michael McCarthy:** The Deputy is infallible too.

**An Leas-Cheann Comhairle:** Deputy Boyd Barrett without interruption.

**Deputy Richard Boyd Barrett:** What does the Minister think of the significance of the Pope's choice of the name Francis?

*11 o'clock*

The Minister will be aware that St. Francis was the son of a wealthy merchant who made the decision to repudiate his wealth.

**Deputy Timmy Dooley:** A little like Deputy Boyd Barrett.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please. Deputy Richard Boyd Barrett, without interruption.

**Deputy Finian McGrath:** The bully boys are at it again.

**Deputy Michael Healy-Rae:** Deputy Timmy Dooley is at it.

**A Deputy:** The Bertie boys are at it.

**Deputy Richard Boyd Barrett:** He was someone who chose to repudiate his wealth and walk among the poor. The Government might consider taking a leaf from his book. My main question relates in a way to something we might consider at the weekend when we commemorate another saint, St. Patrick. The occasion is a celebration of our national identity. As Minister in charge of Coillte and the State forestry, will the Minister for Finance take the opportunity of this weekend to reconsider the plan of the Government to sell off the harvesting rights to our State forestry, which is a symbol of our national heritage, history and culture? We will consider these things this weekend and many of us will probably walk in the State forests over the weekend. Does the Minister not believe it would represent the ultimate betrayal of our national heritage and culture to sell off the harvesting rights to our State forests, especially when it is likely that the people who would purchase them will be the same bankers and bondholders who bankrupted the country? Since this Government and the previous Government have agreed to pay off those gambling debts we could have the ultimate irony whereby we are forced to sell off our State forests to pay the debts of banks, and those self-same banks would end up owning the forests. Would it not be the ultimate betrayal of our national heritage, history and culture to sell this precious asset to Helvetia Wealth and its subsidiary, headed up by Bertie Ahern, the Irish Forestry Unit Trust, a consortium involving Bank of Ireland, Allied Irish Banks and Irish Life, or the China State Bank, which has expressed an interest? Is it not unacceptable to sell this precious resource to pay off the debts of bankers when those bankers would end up owning our State forests? Will the Minister for Finance use this weekend to reconsider the plan of the Government and give a commitment that it will retain the State forestry in public hands and use

it in the interests of the people?

**Deputy Michael Noonan:** Further to the Government's decision that the harvesting rights to Coillte's forests be considered for sale, at the Government's request the National Treasury Management Agency, through its NewERA unit, has been actively engaged with Coillte, the Department of Public Expenditure and Reform and the Department of Agriculture, Food and the Marine in recent months to examine the financial and other implications of a potential transaction. Evidence gathered from similar transactions completed in other jurisdictions indicates that a transaction could be structured in such a manner as to ensure the maintenance of the open forest policy, reflecting public access to recreational land, the preservation of existing replanting obligations and the incorporation of biodiversity requirements. This process has also included engagement with potential acquirers of harvesting rights when requested by them in accordance with the published Government protocol. The two Departments and NewERA have also met interested stakeholders to discuss their positions on the sale of harvesting rights.

**Deputy Richard Boyd Barrett:** That is not much of an answer from the Minister. He could indicate who those stakeholders are and who the Government is talking to about the sale of the forests. I asked the Minister whether he would reconsider and review the commitment of the Government to sell off the harvesting rights to our State forests. If we do this - if we sell off our forests - we will be the only country in Europe to have disposed of the harvesting rights to state forestry. In one country where this was partially done, Sweden, after several years there was a national outcry and then Sweden took the state forestry back into public ownership. In another country which has partially privatised state forests, New Zealand, one of the richest people in that country now owns a significant part of the state forestry and, as a result, there has been a significant loss of jobs and public access, a significant outflow of profits from the country and damage done to the country's sawmill industry.

Banks are not interested in protecting public access, national heritage or the long-term stewardship of forests. They are interested in turning a quick buck. I put it to the Minister that this is not the way to protect our forests. What we should do and what I call on the Minister to do is to retain our State forestry fully in public ownership and manage and develop it to create jobs and desperately needed revenue for the State, which could be done if it was managed properly and sustainably, something banks will never do.

**Deputy Michael Noonan:** This issue arises in the context of a requirement under the programme. As the Deputy is aware, the troika has been involved in this. The context is that some State assets are to be sold. For example, the National Lottery will be issued with a new licence and the non-network part of Bord Gáis Éireann and some of the ESB power generation assets are under consideration. It is also proposed that the harvesting rights of some of the forests will be sold. The issue is being examined. The arrangement with the troika is that half the proceeds will be used for investment in essential infrastructure in the country and the other half will be used to reduce the debt. No final decision has yet been made by Government. This is being led by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. When he has a proposal he will bring it to Government and then final decisions will be made. However, at present it is certainly under consideration. Several announcements have been made previously and several questions have been answered.

**Deputy Richard Boyd Barrett:** Will the Minister for Finance review it?

**Deputy Michael Noonan:** Several questions have been answered in the House on the mat-

ter.

### **Order of Business**

**Minister for Finance (Deputy Michael Noonan):** It is proposed to take No. 10, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2013 - back from committee; No. 21, Criminal Justice (Spent Convictions) Bill 2012 [Seanad] - Second Stage (resumed); No. 1, Industrial Development (Science Foundation Ireland) (Amendment) Bill 2012 [Seanad] - Second Stage; No. *a22a*, statements on CAP reform, to be taken at 1.20 p.m. today; and No. *22a*, statements on the interim report on equine DNA in processed meat and mislabelling of processed meat, to be taken at 2.35 p.m. today, and the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that No. 10 shall be decided without debate. The following arrangements shall apply in respect of No. *a22a*: the statements of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time; the statement of each other Member called upon shall not exceed 15 minutes in each case, and such Members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes. The proceedings on No. *22a* shall, if not previously concluded, be brought to a conclusion at 3.40 p.m. today and the following arrangements shall apply: the opening statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. The Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 20 March 2013.

**An Leas-Cheann Comhairle:** There are four proposals to be put to the House. Is the proposal for dealing with No. 10 agreed to? Agreed. Is the proposal for dealing with No. *a22a* agreed to? Agreed. Is the proposal for dealing with No. *22a* agreed to? Agreed. Is the proposal that the Dáil, on its rising today, shall adjourn until 2.30 p.m. on Wednesday, 20 March agreed to? Agreed.

**Deputy Micheál Martin:** The election of Pope Francis has received considerable attention in the Irish and global media. I pay warm tribute to RTE for its excellent coverage of the papal election, which reflects the strong connection between many Irish people and the Vatican and the papacy. I congratulate Pope Francis and wish him every success. Approximately 18 months ago the Government decided to withdraw the Irish ambassador from the Vatican, despite the fact that the State had historically enjoyed diplomatic relations with the Vatican. The embassy was the classic manifestation of that relationship. We were told it that was a temporary budgetary arrangement and the Tánaiste indicated that the decision might be reviewed and reversed. We were also told that the only reasons the embassy had been removed from the Vatican were financial. The Finance Bill has now been sent to the Seanad. Will the Minister be proposing an amendment to the Bill to provide a subhead to restore the embassy to the Vatican?

**Deputy Michael Noonan:** As the Deputy has noted, the decision in respect of the embassy to the Vatican and a number of others was made on cost grounds. We have to measure everything. However, the Irish ambassador to the Vatican was not withdrawn. That phraseology

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suggests we no longer have an ambassador to the Vatican. The Secretary General of the Department of Foreign Affairs and Trade is the Irish ambassador to the Vatican. The commitments made by the Tánaiste and the Taoiseach still stand and will be considered in the normal way.

**Deputy Micheál Martin:** Is this not a good opportunity to restore the embassy? It is a new era. A considerable number of people were offended by the decision.

**An Leas-Cheann Comhairle:** The issue would be better dealt with by means of a parliamentary question.

**Deputy Micheál Martin:** There is an opportunity with the Finance Bill to correct the financial difficulties.

**Deputy Pearse Doherty:** The Government has promised to bring forward legislation to cut the pay of public sector workers, including gardaí, nurses and firefighters. All front-line workers will face mandatory pay cuts if they do not sign up to the Croke Park deal. Ministers have made this threat repeatedly for several weeks and we know public sector workers will be considering the matter. It is clear that the Government has no empathy for front-line workers who are operating in difficult circumstances, with cuts to funding for the services they provide. However, there is an abundance of empathy for the senior bankers in financial institutions. Where is the threat to cut the pay of senior bankers? The response to the Mercer report, for which we had to wait two years and which cost more than €120,000, is pathetic.

**An Leas-Cheann Comhairle:** To what legislation is the Deputy referring?

**Deputy Pearse Doherty:** I am speaking about the threat made by several Ministers to cut wages in the public sector.

**An Leas-Cheann Comhairle:** Is the Deputy asking about specific legislation?

**Deputy Pearse Doherty:** There is a threat to introduce legislation. Is legislation being promised to cut the pay of senior bankers? Does the Minister think it acceptable that the CEO of Bank of Ireland, Mr. Richie Boucher, would still be earning €612,000, even if he succumbed to the request to cut his pay by 10%? Why is the Government treating senior bankers with kid gloves, while taking the hammer to front-line public sector workers, many of whom earn modest incomes? Does the Minister believe that is the appropriate approach to take to public sector workers, front-line workers in particular, when 6,400 senior bankers in failed institutions are earning more than €100,000? Is legislation promised to reduce bankers' pay?

**Deputy Michael Noonan:** The House will be aware that agreement has been reached with some of the main public service unions. The negotiations were led by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. As we move towards the point where the agreement will be put to a ballot among the membership of the unions, they should be given the space to consider it without advice from this House, helpful or otherwise. The unions are well able to conduct their business and should be given the space to make their decision.

There are certain similarities between the situation in the banks and public services. If one owns 99% of a bank, as the State does in the case of AIB and Permanent TSB, parallels can clearly be drawn. The Mercer report which was published last Tuesday was not hanging around for two years. It was commissioned mid-year and we brought it forward rather quickly. Its publication was accompanied by a statement that the banks would be required to reduce

their payroll costs across the board by between 6% and 10%. That is in the same space as the requests negotiated with the public service unions. It is moving on again and we will ensure these targets are reached. It is important that the cost base of the banks be cut because the ones with a majority or almost a total State shareholding are not yet profitable. If we are to restore the banks to normality, they will have to become profitable. If they are to give the credit lines necessary to households and SMEs and support the economy, they must at least have the potential to be profitable.

Bank of Ireland is in a different space. The State has 15% of its shares. As a private bank with a minority State shareholding, we do not have the same direct influence over it. As a shareholder and in accordance with our weight, we make our views very clear. The 6% to 10% reduction in payroll costs is applicable to Bank of Ireland, as well as to the other banks.

**An Leas-Cheann Comhairle:** I call Deputy Finian McGrath.

**Deputy Pearse Doherty:** With respect, I asked the Minister whether he was willing to impose the same threat to cut bankers' pay as he was to impose legislation to cut pay in the public sector.

**An Leas-Cheann Comhairle:** I know, but we will come back to the issue.

**Deputy Pearse Doherty:** The Minister completely dodged that question.

**An Leas-Cheann Comhairle:** The question is on legislation.

**Deputy Pearse Doherty:** I spoke about similarities, but there is no similarity in the Government's approach. It is stating to public sector workers that it will introduce legislation to cut their pay if they do not sign up to the deal, whereas the bankers are asked to reduce their payroll costs and how they do it is up to them.

**An Leas-Cheann Comhairle:** I have called Deputy Finian McGrath.

**Deputy Pearse Doherty:** It does not matter that they are earning €400,000 or €500,000.

**An Leas-Cheann Comhairle:** Will the Deputy, please, resume his seat?

**Deputy Michael Noonan:** I am not threatening anybody. I simply want to get the job done. Everybody knows the cost base of the public service is too high. Everybody also knows that the cost base of the banks is too high. If we leave the rhetoric aside and get on with the job, we could sort this place out.

**Deputy Finian McGrath:** I join my colleagues in congratulating the new pope. I wish him well in the future. Last week we learned of the sad death of another great lover of the poor, Hugo Chavez, in South America. Pope Francis has a long track record in this regard.

I ask for an update on the adoption (information and tracing) Bill which will provide for information and tracing services for applicants who seek information on adoptions to be placed on a statutory basis.

**Deputy Michael Noonan:** That is due later this year.

**Deputy Michael Healy-Rae:** It is good to see the Minister for Finance in charge of the country for the next week or ten days. With regard to the massive cuts to housing grants for

people with disabilities and to mobility aid grants, I would like to point out-----

**An Leas-Cheann Comhairle:** Has the Deputy a question on legislation?

**Deputy Michael Healy-Rae:** Yes; there is a point to what I am saying. Because of these cuts, people will now have to stay in hospitals rather than return home. Therefore, from a financial point of view the cuts will not save the State money. For example, in County Kerry we were cut by 56%. This will not save the State money. Is there any chance that more money can be made available for people who receive disability and mobility aids grants? I am not talking about housing improvement grants for older people. I am aware the Finance Bill has moved from this House to the Seanad, but some allowance should be made for a top-up grant to all local authorities throughout the country for this. This will save money.

**An Leas-Cheann Comhairle:** That is a matter for a parliamentary question.

**Deputy Michael Healy-Rae:** I am sure the Pope will be delighted to hear the good wishes coming from this House. I too wish the new Pope well. The Tánaiste is in Atlanta, Georgia, but I am sure he would want to send the Pope his best wishes too. As Deputy Martin stated, our links to the Holy See should be restored as a matter of urgency. They should never have been cut and their severance was a disgraceful decision at the time. As a gesture to the new Pope, we should make a stand on that here.

**Deputy Michael Noonan:** The links to the Holy See have not been broken, severed or cut. The Secretary General at the Department of Foreign Affairs is a fully accredited ambassador to the Holy See. The issue is that he is no longer resident in Rome. However, he is fully accredited and there are normal and good relationships with the Holy See.

On the issue of mobility aids, everybody in this House would share the Deputy's anxiety that every assistance possible be given to persons with disabilities. The Minister of State, Deputy O'Sullivan, has told me there is a contingency fund of €2 million available for this, so perhaps if the Deputy submitted a request to the appropriate Minister, some of that could be allocated to his part of the world.

**Deputy Bernard J. Durkan:** On housing matters, having regard-----

**Deputy Finian McGrath:** What about the Pope?

**Deputy Bernard J. Durkan:** I am sure the Pope is delighted with the sentiments expressed by Deputy McGrath and was waiting with bated breath for them. We would all like to join in wishing the Pope well.

In view of the massive housing crisis inherited by the Government from its predecessors, is it intended to introduce the housing Bill any time soon? Will this Bill refer in particular to the tens of thousands of people currently waiting on local authority housing lists, who have no indication of what the future holds for them in regard to housing due to the dearth of family-type housing available on the market?

**Deputy Michael Noonan:** I understand it is proposed to deal with this issue in three separate Bills and that part 1 of these will come to the House before the summer and parts 2 and 3 will be introduced later this year.

**Deputy Shane Ross:** As a black Protestant, I would hate to be left out of welcoming the

Pope and wishing him well. I welcome him on behalf of everyone on these benches also. Has the new Pope been invited to Ireland yet? Perhaps when the Minister is over in Rome on Tuesday, he will get the invitation in early.

On the issue of legislation, was the Secretary General of the Department of Finance correct last week when he said at the Committee of Public Accounts in response to questions I asked that the legislation to reverse the Dunne judgment was well advanced? As the Minister knows, repossessions cannot be initiated without this legislation. Therefore, it is up to the Minister to open the floodgates to these repossessions and allow them happen. Will the Minister assure us that the repossession legislation will come to the House in an orderly way and that it will be fully debated here? Will he assure us it will not be slipped through the House before the Easter recess?

**Deputy Michael Noonan:** I am sure the Pope will be very pleased that Deputy Ross has congratulated him. I notice there is an Old Testament type of rhetoric in the interventions of Deputy Ross here sometimes, with phrases such as “opening the floodgates”.

**Deputy Shane Ross:** Or Sodom and Gomorrah.

**Deputy Michael Noonan:** On the legislation to remediate the lacuna arising from Ms Justice Elizabeth Dunne’s judgment, the heads of the Bill were passed by the Government last Tuesday. The responsibility for this is vested in the Minister for Justice and Equality and he intends to legislate before the summer if possible. There will be a full debate in the House on the Bill.

**Deputy Micheál Martin:** On forthcoming legislation, I have never seen such a crisis in morale among An Garda Síochána in my political life as I see now. This is very serious, and we are at a tipping point. It is not all down to Croke Park II, although that has been a contributing and exacerbating factor. Gardaí feel bad about that agreement and feel it does not respect the role they play on a 24-7 basis in protecting citizens. They feel they are under-resourced and under-equipped. They only held observer status with regard to the agreement anyway. This is a serious issue that the Government needs to examine. The relationship between the Minister and the Garda is in an unhealthy state. An unhealthy tension exists and gardaí feel a lack of respect.

The legislation I want to ask about is the Garda Síochána (compensation for malicious injuries) Bill. When can we expect that legislation? I would like another opportunity to raise this issue, because it is central to democracy and to how society is organised.

**Deputy Michael Noonan:** The heads of the Bill were cleared last July and the Bill will come before the House later this year.

**Deputy Tom Fleming:** I believe there has been a serious infringement of equality legislation in the context of the recent allocation for grants for people with disabilities and mobility problems, as well as grants for older people for the refurbishment of their houses to ensure they can live in reasonably comfortable homes. We are breaking the law seriously. Deputy Healy Rae and I are well aware that hundreds of applications have been made in County Kerry and these applicants have been certified medically by doctors and consultants as being eligible for grants. We are not in compliance with the legislation in this respect. I ask the Minister and the Minister of State, Deputy O’Sullivan, who are here today and who are both from Limerick, to examine this situation, because it is very serious, particularly in County Kerry.

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**Deputy Michael Noonan:** There is no particular legislation promised, but if the Deputy is referring to the difficulties that have arisen from the ruling of the Ombudsman under equality legislation regarding persons with disabilities, the Minister for Health and his officials are actively engaged with representatives of the disability groups to ensure that a solution of equal value is brought forward.

### **Food Safety Authority of Ireland (Amendment) Bill 2013: First Stage**

**Deputy Martin Ferris:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Food Safety Authority of Ireland Act 1998 and expand the functions of the Authority in order to achieve the highest standard of food health and safety for consumers through enhancing the traceability and monitoring of food produce origins; enforce stricter labelling criteria for products labelled as produce of Ireland as well as products marketed and distributed within the State.

**An Leas-Cheann Comhairle:** Is the Bill opposed?

**Minister for Finance (Deputy Michael Noonan):** No.

Question put and agreed to.

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

**Deputy Martin Ferris:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2013: Motion**

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

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2013, copies of which have been laid in draft form before Dáil Éireann on 11th February 2013.

Question put and agreed to.

### **Criminal Justice (Spent Convictions) Bill 2012 [Seanad]: Second Stage (Resumed)**

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

**Deputy Tom Fleming:** The Irish Human Rights Commission has produced a considered and reasoned analysis of the Bill. I am glad that the Minister for Justice and Equality, Deputy Alan Shatter, has taken cognisance of many of its observations and proposals, a number of

which have been included in the legislation, as drafted. The Bill has the capacity to deter criminality, detect crime when it is committed, prosecute offenders and ensure court decisions are served. Crucially, it recognises that when a person has paid his or her debt to society, it is in the best interests of society and the offender for him or her to be rehabilitated and reintegrated with all speed. The Bill will enhance the ability of people to secure and retain employment after leaving prison.

The explanatory memorandum states the main purpose of the Bill is to assist the rehabilitation of offenders who often experience difficulties in securing employment as a result of having a conviction. Its primary aim is to remove the employment discrimination that affects people who have convictions. The highest level of protection must apply when those who have committed serious offences seek employment that involves contact with children or direct contact with vulnerable persons. The stated purpose of this legislative approach - to remove employment barriers from people with previous convictions - does not appear to be met by the Bill. I suggest this measure should be accompanied by a corresponding strengthening of equality legislation.

It is important for people who have been convicted of minor offences to be able to obtain employment, thereby aiding their rehabilitation and reducing their risk of reoffending. Those who have come into contact with the justice system face serious challenges in obtaining employment. Discrimination on the basis of previous convictions is a real issue that has a serious impact on former offenders. According to a survey conducted by the National Economic and Social Forum in 2002, just 52% of employers would consider employing ex-offenders. A report drawn up by the Law Society of Ireland on a proposed rehabilitation of offenders Bill quoted research carried out by the Small Firms Association in 2007 which indicated that an average of 76% of companies were unwilling to hire ex-offenders.

Once a criminal conviction is imposed, it follows the individual for life and may inhibit his or her access to education or employment and his or her ability to obtain licences, insurance and housing. It may also restrict his or her ability to travel. The grounds of discrimination in the Employment Equality Act 1998 should be extended to include discrimination on the basis of a criminal conviction. This should be accompanied by a restructuring of the vetting system, as recommended by the Data Protection Commissioner. A system to expunge previous convictions after a fixed period of time should be seriously considered.

I question the provision requiring that a conviction cannot be considered spent outside the jurisdiction of the State. If a conviction is regarded as spent under Irish law, it is unclear why a person would not be entitled to have it considered spent outside the jurisdiction. The impact of a criminal conviction on a person's ability to travel to certain countries is well recognised. If this provision were removed, the authorities in another state would still be in a position to seek information from individuals on whether they had been convicted at any time in another jurisdiction. However, Irish law should prevail. For the purposes of Irish law, the individual's conviction for a minor offence will be expunged from the public record. The legislation should explicitly refer to convictions obtained outside the State as being included for the purposes of the legislation. It is particularly important that an offender can obtain employment and access education as soon as possible after completion of his or her sentence. This is particularly important in promoting reintegration, accelerating rehabilitation and mitigating the risk of reoffending.

Under the Bill, a conviction will be considered spent after a period of seven years following

a custodial sentence of nine to 12 months and after a period of five years following a custodial sentence of six months or less on condition that the person concerned had had no further sentences imposed on him or her during the relevant rehabilitation period. The Bill also provides for a period of three or four years in relation to a fine or a community service order and three years in the case of a non-custodial sentence. The proposed rehabilitation periods are too long and inconsistent with the Council of Europe's recommendation that member states provide for an automatic period of rehabilitation after a "reasonably short period of time". A shorter rehabilitation period would maximise the possibility of rehabilitation and reintegration into society. In the case of a conviction that results in a fine, it is far from clear why an extended period of rehabilitation would need to apply. I refer to cases in which the State considers the offence to be at the most minor end of the scale such as a failure to possess a television license or non-payment of the household charge.

It could be argued that the proposed periods of rehabilitation are disproportionate to the legitimate aims of public safety and preventing disorder or crime. The case of *Cox v. Ireland* is relevant when we consider the length of the rehabilitation period. The court held that a blanket exclusion from Civil Service employment for a seven year period of all people convicted of membership of an illegal organisation was too wide and indiscriminate. While the Bill does not expressly exclude a convicted person from accessing any form of employment, the requirement to disclose a criminal record for up to seven years following the conviction may greatly reduce the convicted person's chances of securing employment.

The Law Society of Ireland's report on the rehabilitation Bill proposed recommended that the relevant period for non-custodial sentences be the duration of the sentence plus one year and in the case of sentences of less than two years it should be the duration of the sentence plus two years. In order to adhere to the principle of proportionality and maximise the possibility of rehabilitation of convicted persons, the proposed legislation should provide for shorter periods of rehabilitation that are proportionate to the sentence imposed. The recent changes to the relevant legislation in the United Kingdom could be instructive in this regard.

Measures taken to seek the rehabilitation and reintegration of convicted persons must be balanced against the broader societal interests of public safety, the prevention of disorder and crime and the need to have due regard for victims. There are sufficient safeguards in the Bill to justify an increased sentencing threshold, including a period of rehabilitation prior to the possibility of non-disclosure; a requirement to disclose in all circumstances if the person seeks a position in certain categories of employment, including employment involving the care, supervision or teaching of vulnerable persons, including children; and a requirement to disclose in criminal proceedings and other identified procedures such as those relating to adoption or fostering. It has been established in the Supreme Court and the European Court of Human Rights that in certain circumstances the State may legitimately exclude offenders from specified areas of employment. However, any measure taken must have regard to the constitutional rights of the citizen and be proportionate to the legitimate objectives pursued. The State is required to treat differently people whose situations are significantly different.

A number of items that need to be addressed in legislation are not included in the Bill, as it stands. It has come to my attention that many motor insurance companies are not prepared to insure drink-driving offenders, even those who exceeded the legal limit by a minimal amount. We need to address in the Bill the manner in which such offences are held against people when they try to obtain insurance. A similar provision seems to be written in the small print of house insurance policies. It comes to light if it transpires that a member of the household was con-

victed in the courts at some stage. If the house is burgled or there is another harmful effect, it appears there is a condition written in the very small print which excludes insurer liability or payment by the insurance company. We need to ensure close scrutiny of these very important matters which will affect many households.

**Deputy Michael Conaghan:** I wish to share time with Deputies Anne Ferris, Michael McNamara and Brendan Ryan.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Michael Conaghan:** For too long in Ireland, even the most minor criminal conviction has mounted, in effect, to a life sentence. A person may not be condemned to spend the rest of his or her life behind prison walls, but he or she is condemned to a lifetime of stigma, lost career opportunities and serious difficulties in rebuilding a normal life. The Bill before the House is a most welcome step in the slow process of reorienting the criminal justice system away from a system which merely serves to penalise wrongdoers towards one which will allow them to be rehabilitated in the interests of the entire society.

Much of what is considered normal in Irish prisons should not happen in a civilised country. The job of reforming the prison system is a massive one. The Government has committed to closing St. Patrick's Institution for young offenders, which has been condemned for many years by many expert groups as completely unfit for purpose. More than this, the Government has, in a time of austerity, done what Fianna Fáil failed to do when it was throwing money around, namely, make the necessary funding available to make the closing of St. Patrick's Institution a reality. However, there is much more to be done. The prisons are overcrowded; practices such as slopping out are not acceptable and broader reform of the system is necessary. It is in this context that I welcome the Bill.

By international standards, Ireland is years behind other countries. The United Kingdom first introduced spent convictions legislation nearly 40 years ago in 1974. Last year Mr. Liam Herrick of the Irish Penal Reform Trust was able to write: "The fact that Ireland remains the only EU state without any system of spent convictions is only one example of how we condemn even minor offenders to lifetime barriers to employment." I welcome the comments of the Minister of State, Deputy Lucinda Creighton, who, in opening the debate on behalf of the Minister for Justice and Equality, Deputy Alan Shatter, said this spent conviction legislation was only one strand of a suite of policies to avoid the creation of a gap between offenders and "normal society". Other aspects include a focus on youth diversion programmes and the use of non-custodial alternatives such as probation, community service and restorative justice measures. These are very fine policy priorities and I look forward to having the opportunity to discuss them at a later stage.

We must ask what is the purpose of the criminal justice system. Is it just to punish? Certainly, this is one element, but so too is rehabilitation. Unfortunately, this is not a strong enough current of thought. One shining light in this area is the prison education system. Curriculums devised by the City of Dublin VEC play a valuable role in allowing people to leave the prison system with much greater literacy and numeracy skills. Many prisoners really do engage with the education service. They want to better and prepare themselves for the world outside. I pay tribute to the teachers and City of Dublin VEC for this remarkable aspect of their education service.

Serving a custodial sentence is, in reality, only one part of the equation. Recreating a normal life outside of prison can present further serious difficulties. For example, the obligation to inform an employer of a conviction sets off an alarm bell that is impossible to quieten. It is an employers' market. In a choice between two candidates of equal merit - one with a conviction and one without - there will be only one winner and it would be hard to blame the employer. According to the Law Reform Commission, only 52% of employers would employ an ex-offender. In similar research the Small Firms Association claim this figure rises to between 76% and 87%.

People must have the opportunity to reintegrate fully into society. Finding a job is an essential part of getting back to a normal life. Where someone is determined not to reoffend, it is only right that, after a certain period, he or she be allowed to leave his or her past behind. Where someone cannot find work, it is possible that old habits might re-emerge. Without hope, the likelihood of a return to criminal activity increases. There might be an economic incentive to return to crime. If we are serious about reducing recidivism, we must be serious about rehabilitating prisoners and ensuring they have hope on their release.

The Bill will not put in place a mechanism to have any conviction to be expunged and will not wipe clean a person's criminal record; rather, it will put in place a system under which certain convictions, at the less serious end of the criminal spectrum, will not have to be disclosed in certain circumstances where a person does not reoffend for a set period of time. The time period after which a conviction must not be disclosed varies, depending on the severity of the crime, the length of sentence involved and so on. A sliding scale will be put in place, from a maximum of a five year rehabilitation period in the case of a 12 month custodial sentence down to a two year period for less serious offences.

The measures contained within the Bill do not apply to every criminal conviction and there are necessary safeguards. Serious offences such as murder, manslaughter, sexual offences and others are excluded from the remit of the Bill. A conviction involving a sentence of more than 12 months cannot be considered spent under the Bill. Neither will repeat offenders be able to have their convictions considered spent. No individual can have more than two spent convictions, even if they meet all of the other criteria. Similarly, there are safeguards in place regarding the types of employment where the measures outlined in the Bill do not come into effect. For example, where a person seeks employment which involves working with children, vulnerable persons or certain State bodies and Departments, all convictions must still be disclosed. In 2011 there were over 11,000 prison committals with sentences of up to 12 months which would fall within the remit of the Bill. The Bill will give those convicted hope that, once they make a commitment not to reoffend, they will be able to leave their past behind and rebuild their lives. It achieves a balance between giving hope to those who seek rehabilitation and maintaining the need for disclosures in the public interest. I welcome the Bill as a positive step towards a criminal justice system that will have rehabilitation and reintegration into society as its core objective.

**Deputy Anne Ferris:** I welcome the opportunity to speak about this very progressive legislation. The Bill is one which, when enacted, will allow those who have made mistakes in the past the opportunity to move on with their lives. Last week, as Vice Chairman of the Oireachtas Joint Committee on Justice, Defence and Equality, I visited Midtown Community Court in New York, which deals specifically with citizens who are in court having committed "quality of life" offences. I asked what these offences were and was told they included, among other offences, spitting, jumping turnstiles, graffiti, being drunk and disorderly and shoplifting. Instead of

sending these offenders to prison, they are given community work to carry out. A dedicated judge deals with these cases and if the offenders carry out their community work and do not reoffend for six months, their cases are dismissed and records sealed. Midtown Community Court also deals with each individual on a personal basis and has social workers, clinicians and other professionals to help people deal with their problems.

I also met four Supreme Court judges who strongly advocated the community court model. They each specialised in certain areas, for example, drugs, mental health issues or war veterans; therefore, offenders coming before the courts appear before the judge appropriate to their own situation. The system aims to treat the person, rather than just pass sentence for committing a crime. In addition, I visited John Jay College of Criminal Justice, where I heard from the director and other professionals teaching community outreach programmes how community courts could be more effective than simply locking up offenders and throwing away the key. This progressive way of treating people who have committed minor crimes is something from which we in this country could learn.

That said, I am happy the Minister has pursued the Bill and commend the work that has gone into it. However, while I am pleased with the overall intent, there is space for improvements. The Mercy Law Resource Centre has raised a number of further issues that I would like to see addressed. As I am sure the Minister knows, it is an independent law centre and charity which provides free legal advice and representation in the areas of housing and social welfare law for persons who are homeless or at risk of homelessness. Research undertaken by Focus Ireland and PACE illustrates that the relationship between homelessness and crime is complex. Homelessness did not inevitably lead to criminal behaviour among the sample researched. For some, being homeless led to crime which in turn led to imprisonment. For others, it was being released from prison that led directly to homelessness. The Mercy Law Centre states that the link between homelessness and crime cannot be ignored if either is to be successfully tackled, a statement with which I agree. In highlighting the benefits that this Bill can give to those seeking employment, I feel it is just as important to ensure that access to social housing is not unduly burdensome. As it stands, sections 14 and 15 of the Housing (Miscellaneous Provisions) Act 1997 and local authority policy allow for the exclusion of persons from availing of social housing on estate management grounds as a result of information received from the gardaí. We all understand that good estate management is important but the information disclosed must be proportionate with the aim. Currently, minor offences, cautions, investigations without charge or dismissals under the Probation Act 1907 can be disclosed. The Mercy Law Centre advocates that only information relating to unspent convictions be disclosed to the local authorities as it would protect the presumption of innocence and adhere to fair procedures, a position I am inclined to support.

The matter of enforcement has also been brought up and a question has arisen as to whether the investigative powers of the Data Protection Commissioner should be extended to complaints under this scheme. With these criticisms outlined, I must say that I do support the overall intent of this Bill and I look forward to its enactment.

People who have made minor mistakes in the past should have the right to move on with their lives without the constant reminder.

**Deputy Michael McNamara:** Like my colleagues, I commend certain aspects of this Bill. Unlike them, I do not look forward to its enactment because there is a real risk that it will not bring very much clarity to the law. This Bill is being introduced in Ireland in response to a

recommendation of the Committee of Ministers of the Council of Europe on the criminal record and rehabilitation of convicted persons. That recommendation dates from 1984 so almost 30 years later this august Legislature finally gets around to addressing the matter. The recommendation advocates that provision be made for automatic rehabilitation after a reasonably short period of time.

As Deputy Connaughton pointed out, the purpose of this Bill is quite similar to the Rehabilitation of Offenders Act in the UK, which was passed in 1974, almost 39 years ago. One could ask what on earth people in this Legislature were doing in the mean time but that is a different question. A fine is rehabilitated in the UK after 12 months after the date of conviction, a custodial sentence of six months or less is rehabilitated after 24 months, a custodial sentence of six to 30 months is rehabilitated after 48 months after completion, a compensation order is rehabilitated on the date on which the payment is made and a community rehabilitation order is rehabilitated 12 months after the last day of the effect of the order. This Bill provides for a period of three to four years in respect of a fine or community service order and three years for a non-custodial sentence.

As pitifully late as it is, there must be a question as to whether or not it fulfils the requirement of providing for an automatic rehabilitation after a reasonably short period of time. The time periods provided in this Bill are an improvement on what went before which was nothing. It is not that difficult to improve on nothing but it is an improvement and should be welcomed. However, I wonder whether the drafters and framers of this Bill in the Department of Justice and Equality have taken account of recent case law in the UK. In *MM v. The United Kingdom*, which was heard in the European Court of Human Rights, the matter of respect for privacy and family rights relating to the recording of offences was considered in detail by the grand chamber. The judgment has handed down on 13 November 2012 and was considered by the Court of Appeal in the UK in the case of *R. (T and others) v. Chief Constable of Greater Manchester Police and others*. This judgment was handed down on 29 January 2013. T was born in 1991 and received two warnings from the Greater Manchester police force in connection with two stolen bicycles when he was 11. At the age of 21, he applied to do a university course in sport which would ultimately have led him to work with children. Therefore, the warning that he received in connection with two stolen bicycles was not spent because he would be dealing with children.

A similar provision is contained in our Bill. Section 9 of the Bill provides that section 5 shall not apply where a person applies for, seeks or is offered relevant work. One must look at the opacity of the Irish drafting because relevant work is further defined instead of just being defined in the section as one might expect because legislation should be understandable to the greatest number of people. Relevant work includes work with children so somebody in a similar situation to T who receives a warning in connection with stolen bicycles at the age of 11, for example, and subsequently goes to university to study sports science at the University of Limerick would not have the conviction spent when they then go to work as sports science teachers because they are dealing with children. The fact that T's conviction was not spent was found to be disproportionate and, therefore, contrary to the European Convention on Human Rights. I very much hope that on the day this Chamber passes legislation after a very long delay, it is not found to be contrary to the provisions of the European Convention on Human Rights to which this State is bound.

While I welcome the Bill for being an improvement on nothing, it could and should go much further in respect of the time periods in which particular convictions are spent, the requirement

to divulge certain convictions and the fact that certain convictions should arguably be spent and not remain on the record in contravention of the European Convention on Human Rights.

**Deputy Brendan Ryan:** I welcome the opportunity to speak on this Bill. I think it is positive legislation which is long overdue. This Bill is designed to assist the rehabilitation of offenders in securing employment. It will bring us into line with the majority of EU member states in providing a system under which certain convictions can be disregarded after a number of years have elapsed since they were imposed. This is not job creation legislation. However, it will provide a small piece in the architecture of what this Government is trying to create, namely, a jobs-friendly economy. It will make it easier for people with minor past convictions to obtain and secure employment.

I do have one issue regarding the Bill which I would like to focus on and that is the provision allowing for only two convictions to be spent. I believe the reasoning behind this provision is aimed at repeat offenders or so-called career criminals, however, I do believe there are a number of people who will undeservedly fall foul of this provision. I am speaking particularly of individuals who may have three convictions which relate to the one isolated event or transgression. One incident can include three or more relatively minor convictions. For example, an individual may have been involved in a traffic incident as a young person. That one transgression could lead to that person being convicted of three offences such as driving without insurance, leaving the scene of an accident and driving while on a mobile phone, which is fairly relevant today. I want to refer to an email relating to this issue which I received from a constituent. The email stated that:

Briefly my one incident was that I reversed into another car in the car park of a local disco as we were leaving the dance. I was uninsured and did not remain at the scene. The damage was minor. I broke my rear lens and damaged the other person's car wing. I fully compensated the other person. However, at court I was convicted on 3 charges:

1. Sec 106, RTA 1961. Failure to stop at scene of accident. 3 Months disqualification.
2. Sec 53, RTA 1961. Dangerous driving. Licence endorsed.
3. Sec 56, RTA 1961. No insurance. Licence endorsed.

That man was 18 when it happened and is now 50. It seems quite unfair that one person who demonstrates perhaps a pattern of crime or law breaking resulting in two convictions can have their convictions spent when someone who committed three offences within the one isolated incident will continue to carry those convictions with them. This individual may only have seen the inside of a courthouse once yet they carry three or more convictions for the one incident.

It must be said that the safeguards within the Bill are strong and ensure that those with serious convictions including those in respect of sexual offences and offences tried by the Central Criminal Court are excluded from the benefits of the Bill.

*12 o'clock*

This Bill is not about allowing serious criminals expunge their record. In summary, I ask that the Minister review the provision stating that no more than two convictions can be spent. I ask him to make that amendment on Committee Stage. I have explained the effect of the anomaly which was not intended when the Bill was drafted. I am more than happy to meet with

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the Minister to discuss this matter further. I welcome the intention of the Bill and the majority of its provisions.

**Deputy Michael Healy-Rae:** I thank sincerely the members of the Technical Group for allowing me some of their time to speak on the Criminal Justice (Spent Convictions) Bill 2012. Like some of my colleagues who have spoken, while I welcome the Bill, I have reservations that in certain aspects it does not go far enough. Through my work over many years, I have come across what I consider to be very genuine cases. For example, a person may have made a mistake in his or her younger years - something that is possible for all of us. A person could have been arrested for being drunk and disorderly but this now hangs over him like a dark cloud throughout all the rest of his life. This is unfair. I agree there should be ways and mechanisms for cleaning the slate.

An offence committed in youth can have frightening consequences with regard to employment. Garda vetting of personnel is required for quite a number of positions of employment. All prospective employees of the HSE or the State, including contract workers, must be vetted by the Garda Síochána. Many people are unable to comply with the requirements because of a misdemeanour committed in their earlier years which may have been out of character and is a once-off offence. I do not mean that the record should be expunged for what one would call criminals. A previous speaker outlined a harmless type of incident in a person's youth. To think that this would follow a person through all the days of his or her life, is wrong.

There are certain professions for which it will always be necessary to declare a criminal conviction as these professions confer a position of power or of trust on a person. It will remain a legal requirement to ask an applicant about his or her convictions when that person is applying for relevant work as defined by the Bill. All convictions must be disclosed. Relevant work relates to work with children, vulnerable persons and work in certain State agencies and Government Departments. There is no blanket exemption for Civil Service or public service jobs. All convictions must be disclosed when making certain licence applications.

The proposed time period required before a sentence is declared spent ranges from three years for a fine of up to €500, to seven years for a custodial sentence of up to 12 months. The time period is also described as the rehabilitative or waiting period. Only two convictions can be spent for any individual. All other convictions must be disclosed even if the person meets the rest of the criteria for the spent conviction. In cases where a person is convicted of a third offence during the relevant period, then the first and second offences cannot become spent. All of these offences will have to be disclosed. I take exception to some aspects of the legislation dealing with the disclosure of offences. I would have liked to have seen the Bill go further in that regard.

Even though the Minister for Justice, Equality and Defence, Deputy Shatter, and I, would not agree on a lot of other issues, I welcome his statement that rehabilitation and participation in normal society must be an objective of our penal system and in which a spent conviction regime has a role to play. It is not often that we are both in agreement on certain aspects of his work, considering his support in pushing through the closure of more than 100 Garda stations this year, throughout the length and breadth of this country. The gardaí and the people working in the judicial system are all seeing the effects of this decision. Time will tell that this was a significant blunder.

I am disappointed at the lack of data on the number of individuals who will be eligible for

spent convictions as defined in the Bill. Neither is data available from the Courts Service containing a level of detail that allows for a breakdown of the relevant custodial and non-custodial sentences defined in the Bill. The Irish Prison Service statistics provide a partial picture of the proportion of custodial sentences that may come within the scope of the Bill. Because these figures relate solely to those serving prison sentences, they are limited in their application. As defined, also excluded are those who received other sanctions such as community service orders, fines, probation orders and suspended sentences. The Bill proposes that custodial sentences of 12 months or less may be eligible to become spent convictions. However, while the data show information on sentences of less than 12 months, the figures for sentences of 12 months and up to two years are not reported. This means that some eligible sentences are not distinguishable from those that are not eligible. This lack of clarity and paucity of data is not helpful to the aim of this Bill. Data on sentences for sexual and homicide convictions are omitted as they will not become eligible to become spent. This is only right and proper. Serious offences should not be removed from the record of an offender. When a person commits a serious crime such as I have stated, he or she must pay the price and take the sentence with them for the rest of their lifetime.

There has been criticism of the effectiveness of the provision and it is questioned whether it provides a clean slate. It has been argued that the length of time it takes for a conviction to become spent undermines the very objective of the legislation providing for spent convictions. The period in which a clean slate is most required is immediately following completion of a sentence when, for instance, the rehabilitative effect of immediate employment is greatest. A person leaving prison must be enabled to re-integrate into society as quickly as possible. We all know that finding a job is difficult but even charitable or part-time work would be a means of keeping busy. The waiting period as provided in the Bill may mean that a person leaving prison could be left idle. We were always told there is nothing more dangerous than an idle mind. One would have to consider what might happen in the intervening period between leaving prison and being in a position to return to the workforce.

The Bill provides that the minimum period before a current conviction can become spent is three years. The UK law has been changed to shorten the waiting periods for convictions to become spent while at the same time widening the provisions to include convictions for longer sentences of up to four years. That is fair enough. The Confederation of British Industry - the UK equivalent of IBEC - welcomed the less restrictive system being introduced across the water and said that it gave offenders a better chance of obtaining employment, thereby reducing the likelihood of their reoffending. This is exactly what I have been saying. It has been stated that the UK arrangements offer a more proportionate balance between the seriousness of the offence committed and prospective employers being able to obtain the information necessary to allow them to assess whether employing someone might constitute a risk.

It would be remiss of me not to mention the people who work in the Irish Prison Service. Since becoming a Member of this House, I have made it my business to visit prisons in Dublin on a number of occasions in order to witness, at first hand, the way in which the service is run. I also wanted to see the work being done in order to reintegrate people into society and also to encourage the development of a work ethic among those who may never have had a job before. It may not be noted on many occasions in the House but the governors, prison officers and all of those employed within the Irish Prison Service must be complimented on the work they do. Those to whom I refer work in an extremely pressurised environment. They deal with people who are in a place in which they do not wish to be and, in many instances, with individuals who can be troublesome and who have a lot of issues. The governors and the male and female

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prison officers work with these people in order to try to get them to a better place in their lives. I accept that there are hardened criminals but that is another story.

Those who work in the Irish Prison Service are fair and balanced and they do their work in a diligent and honest way. I mean what I say in this regard because I have seen evidence of what I am describing at first hand. As already indicated, I went out of my way to see every aspect of what is involved and those in the Irish Prison Service were kind enough to facilitate me. It is important that public representatives should see - at close quarters - what is happening in our prisons. Great work is being done. There are some excellent programmes for prisoners, who can be engaged in doing practical work and who can be trained and provided with skills - for example, computer skills - which will be of use to them when they leave prison in the context of obtaining employment. There are all sorts of educational and arts and crafts opportunities open to prisoners. I have seen great things being done in our prisons. It is not just a case of throwing people into prison and obliging them to bide their time, with nothing to do but be fed and kept under lock and key. Conditions in our prisons have improved. There are many people who are of the attitude that the latter should not have happened. I am of the view that those who are convicted of offences must serve their time and that our thoughts have to be with the victims of their crimes. Ultimately, we must try to ensure that people do not reoffend. That is what those in the Irish Prison Service are doing.

Section 10 of the Bill provides that anyone applying for or renewing a range of licences, permits or other authorisations, must continue to disclose all previous convictions, including spent convictions. Taxi licences are obviously included in this regard. In the context of the type of offence a person may have committed in the past, it must be stated that being a taxi driver is an extremely responsible job. If a taxi driver picks up a teenage or young adult female late at night, the latter is in his or her care while being transported from A to B in his or her vehicle. It is vital, therefore, that customers should be in a position to know the identify of those who drive taxis. If there are any issues arising, customers should be aware of them. Those who issue licences should be in a position to decide whether someone is a suitable individual to be in charge of a taxi and, by extension, other people's safety.

The position is similar with regard to private security licences and firearms certificates. As a person who has always owned guns, I am aware of the importance of ensuring that all firearms owners know what they are doing. Anyone who wants to be in possession of a firearm could certainly not afford to have a chequered history. I appreciate the merit in that. The other licences, etc., covered under this section include those relating to driving instructors, individuals who work with vulnerable people and those required in respect of the registration and operation of mental health centres and designated care centres and programmes. Obviously, the past history of all individuals contemplated under these provisions must be taken into consideration.

Previous speakers referred to the issue of motor and house insurance. Deputy Tom Fleming and I must have been contacted by the same people because I am also aware that very strict conditions have been imposed via the small print contained in insurance policies. It is beyond belief that the insurance policy of a couple who own their house can be nullified if their son, daughter or some other relative living there has a previous conviction. That is not fair. The position with regard to car insurance is similar. There is a need to give further consideration to the position in respect of this matter. We are always informed that we should be aware of the small print. However, hiding conditions such as those to which I refer in the small print of insurance policies is neither helpful nor correct.

I am aware of people who were denied job opportunities as a result of some misdemeanour they committed in their youth. It could be the simplest of things such as, for example, an assault. While two people may have carried out the assault, only one may have ended up with a conviction in respect of it. Such individuals are tagged for the remainder of their lives, which is unfair. If a person has come to the attention of the Garda on numerous occasions or if he or she is a known troublemaker, that is a completely different issue. We are all human and many people can be somewhat reckless when they are starting out in life. Some of those to whom I refer may go on to become pillars of their communities and respectable family people with children of their own but they continue to have a dark cloud hanging over them. I have encountered several individuals whose careers were really affected in the context of obtaining jobs for which they would have been highly qualified and eminently suitable. Unfortunately, they could not get through the Garda vetting process. I certainly do not want anyone to believe that I am opposed to Garda vetting or anything of that nature. Such vetting is necessary and the form it currently takes is good.

Having said all that, I must admit that nothing is perfect. I do not believe the Bill to be perfect but I support it because the Government and the Department are making moves in the right direction. Everyone must welcome that fact. It is all about jobs. It is about helping people get back to work, which is where they should be, and allowing those who made errors in the past get back into the mainstream workforce if they are fortunate enough to be able to do so.

I appreciate the opportunity to speak on the Bill. I hope it might be tweaked in the future to address the anomalies identified by Members. I took note of the excellent contributions made by other Members also. I thank the Technical Group for allowing me the time to speak on the Bill.

**Acting Chairman (Deputy Peter Mathews):** I call Deputy Dara Murphy who I understand is sharing time with Deputies Fitzpatrick and Harris.

**Deputy Dara Murphy:** That is correct.

**Acting Chairman (Deputy Peter Mathews):** Is Deputy Marcella Corcoran Kennedy sharing-----

**Deputy Dara Murphy:** Perhaps not, but-----

**Acting Chairman (Deputy Peter Mathews):** If she does not arrive the Deputies have approximately seven minutes each.

**Deputy Dara Murphy:** Like others, I too welcome the opportunity to speak on the Bill and the open-minded approach the Minister, Deputy Shatter, has taken to it. Already, he has accepted some amendments in the Seanad. He is a Minister who is prepared to listen to Members on both sides of the House to determine if legislation can be tweaked or improved.

I agree with some of the suggestions made by other speakers, although I disagree with others. I got a letter from a constituent who is 34 years of age. As he describes it, he has a record as long as his arm for stupid mistakes which he made in his late teens and up to the age of 21. He never received a custodial sentence but had a succession of minor offences, and the Probation Act was applied on what he describes as a few times, which would imply more than twice. He has since changed his life and has had no conviction for a lengthy period. However, as things stand, his record is not clean and he says it hangs over him like a cloud when applying for a job.

He is constantly waiting for the issue to be made public or highlighted in some way.

An amendment was tabled in the Seanad which dealt with people convicted of more than one offence. The Bill now refers to two offences. One of the Labour Party Deputies mentioned a person who had a number of convictions for a motor offence. Under section 2(4), if there is a number of convictions for the same incident, that can be treated as one conviction but I understand that even though this particular individual's crimes are relatively minor and for which they only received the Probation Act, because he has more than two offences he will not be able to have his record wiped clear. Bearing in mind that two 12 months custodial sentences can be wiped clear, the Minister might revisit that in terms of people who may have a succession of relatively minor offences.

There is a liberal feel to this legislation and a clear ambition to allow people get on with their lives. However, it is important that we do not forget that there are victims at the other side of most crimes. It is vital that the strong element of the preventative nature of sentencing is protected and that there is a strong sense in all legislation, and within all court processes, that if someone is convicted they must pay a price for the crime they have committed. It is a weakness in the Bill if somebody who may have committed a number of minor offences - it appears to be two in the Bill - cannot then have their record cleared.

The second issue about which I have concern is in section 6, and it is to do with court proceedings. Section 1 states that no evidence of a spent conviction is admissible in court proceedings and that no question can be asked regarding a spent conviction, and if asked, it need not be answered. I have difficulty with that. Section 2 is contradictory in that if justice demands it, the question can be asked but that must be clarified, particularly in the area of sentencing. I understand that the section provides that a witness's spent conviction cannot be called back to suggest that the validity of their testimony as a witness is not as bona fide by virtue of the fact that they have a previous conviction, but if somebody who has committed a number of crimes is then convicted, when it comes to sentencing the spent conviction should then be expunged and the judge should be able to say, "We gave you the benefit of the doubt. You had the convictions. You had a period where your record was wiped clean, but you are now back before me. You have been convicted, and I must take the fact that you were convicted in the past into account when I am sentencing."

I welcome the provisions in respect of other areas. On the area of Garda clearance, a constituent of mine required Garda clearance to take up a position in the European Commission. Even though the person had a clear record, it appears the documentation we provide here is not of a type that is acceptable to employers within Europe. If we are going as far as providing for people's records to be wiped clean, we should also beef up our documentation for everybody trying to provide evidence with respect to jobs.

**Deputy Peter Fitzpatrick:** The spent convictions Bill provides for non-disclosure of certain convictions where a person has not re-offended for a certain period of time. The Bill is intended to assist people with convictions by removing the requirement that they disclose past convictions when applying for a job. However, there are a number of exceptions to the general rules. For example, convictions for serious offences such as murder, manslaughter and rape, and convictions of sexual offences, may never become spent. Also, convictions resulting in a jail sentence of more than 12 months may not become spent. Furthermore, anyone seeking to work with children or vulnerable adults or in a sensitive position in the civil or public service will have to disclose their convictions. It applies to adults, and provides a non-disclosure re-

gime similar to that applying to children under section 258 of the Children Act 2001.

The Bill applies to prison sentences of 12 months or less, or to lesser penalties such as the imposition of community services or fines. It is self-administered. A person does not need to apply to have a conviction declared spent.

Sexual offences and other serious offences that fall to be tried by the Central Criminal Court are excluded from the purview of the Bill. No more than two convictions during an individual's life may become spent.

The conviction free period that must be served before a conviction will become spent ranges from two years for a small fine to five years for a one year jail sentence. Anyone seeking to work with or provide services, for example, care and accommodation, to children under 18 or vulnerable adults will have to disclose their convictions.

A range of employments, including those relating to the security of the State, the administration of justice and other sensitive positions, are excluded from the provisions of the Bill. Convictions will have to be disclosed when applying for certain licences such as taxi licences, private security licences etc. The Bill has retrospective effect and applies to convictions acquired in the period prior to its enactment. The Bill provides enhanced protection to children and vulnerable adults and is a balanced measure which helps offenders while protecting society where serious offences, including sexual offences, are involved. It makes it easier to access employment and should result in a reduction in recidivism while assisting with the rehabilitation of ex-offenders who have demonstrated a positive change in their ways to make it easier to access employment and reintegrate into society. The Bill is long overdue and brings Ireland into line with almost all EU member states by providing that persons convicted of certain offences can eventually leave the past behind to get on with their lives and integrate quickly back into society.

In 2011, there were 11,187 prison committals for sentences of up to 12 months, excluding homicide and sexual offences which are excluded from the provisions of the Bill. These represented 87% of all such committals in that year. The men are, by definition, in prison for serious offences and are not covered by the legislation. The main problem faced by ex-offenders are visa restrictions, access to employment, dismissal from employment, access to finance, access to insurance, education and a restriction on jury service. Improving access to employment is an important goal of the Bill. Evidence shows that having a job is a major factor in preventing future offending. Many offenders, however, face significant barriers to re-entering the labour market even where they are committed to changing their lives.

I finish by thanking the Minister for supplying a patrol car to the Garda station in Omeath, County Louth, which is a step in the right direction. I commend the Bill to the House.

**Deputy Simon Harris:** I am very pleased to have an opportunity to speak on the Criminal Justice (Spent Convictions) Bill. It represents a welcome progression of the proposals for reform suggested by the Law Reform Commission. It is also important to acknowledge the constructive and interactive approach to the Bill by the Minister for Justice and Equality, Deputy Alan Shatter, who considered amendments in the Seanad to tweak and improve the Bill. It is important to acknowledge the role of Deputy Dara Calleary in Private Members' time.

The Bill represents a further effort to allow those who are making the wise decision to move away from lives of criminal activity to do so. It helps them and acknowledges their efforts. In

allowing the removal of the disclosure requirement for certain types of previous conviction, the Bill supports those who are actively attempting to move toward a more positive and productive life for themselves, their families and the wider community. The purpose of our criminal justice system is to get people to move away from crime. They pay for their offences by serving a sentence or paying a fine but should then move on to break the cycle of crime. Too often people are left permanently marked and ostracised by virtue of past actions which may be foolish, silly or stupid but still relatively minor in the context of the criminal justice system. While those actions have necessitated the State's intervention through the criminal justice system, there is also a clear need to acknowledge the longer-run implications of such actions and the degree to which ostracisation further undermines efforts to rehabilitate former convicted criminals.

It is important to acknowledge clearly the necessary limitations and restraints contained within the Bill. Serious crimes such as murder, manslaughter, rape and sexual offences may, quite rightly, never become spent. Sentences of significant duration - those beyond 12 months - also fall within the category of those that cannot become spent and only two convictions may become spent over the course of a person's lifetime. I have listened to debate in the House as to whether two is an adequate number. My view is that two is plenty. If we increase the number to permit more than two, we risk diluting the rehabilitative function of the Bill.

There are also limitations in relation to sensitive positions and certain types of licenses such as taxi and private security licences. I welcome these provisions and commend and thank the Minister of State at the Department of Transport, Tourism and Sport, Deputy Alan Kelly, for the work he has done to ensure that when a person gets in a taxi, one has a better knowledge of who is driving. Taxi drivers are entrusted with the lives of children, young people, women and vulnerable people to bring them from one place to the next. The new phone app launched by the Minister of State makes it very easy to see exactly who is driving a taxi and to ensure that he or she is properly licensed. It is an important and welcome development. The provisions are all necessary to ensure that potentially dangerous persons are prevented from accessing positions which would put members of the public in positions where they may be vulnerable or open to criminal assault or worse.

In addition to the aforementioned limitations, the Bill provides for a significant period of time that a person must remain conviction-free before he or she will be entitled to consider his or her conviction spent. This provision is very important. Where we pass legislation of this type, convicted persons must also show their good faith and step up to the mark. The Bill represents an important step forward to facilitate the genuine rehabilitation of those who have past convictions back into the community. It allows them to regain the self confidence and pride of being able to gain meaningful work. A conviction is not wiped and does not disappear, but it does not need to be disclosed where a person applies for employment. The Bill will actively assist efforts to prevent further offending and incentivise people to become civic minded, actively economically contributing members of the community. Accordingly, the Bill provides a clearer path back to a normal lifestyle.

Introducing the Bill on behalf of the Minister for Justice and Equality, Deputy Alan Shatter, the Minister of State with responsibility for European affairs, Deputy Lucinda Creighton, outlined the Minister's hope to publish and introduce the fines (amendment) Bill. A fines Bill will be another important step in the reform of our criminal justice system. As we allow convictions to become spent through the Bill before us, we must also consider the range of sentences being applied. Do we really want people to be imprisoned for failing to pay for a television licence? I note the Minister's positive comment that prison should only be used where appropriate. There

are significant financial costs involved in sending people prison but it also represents a significant societal message. We must ensure that the punishment fits the crime. While I look forward to the publication of the fines (amendment) Bill, if we move from custodial to non-custodial sentencing where appropriate, the State must retain the necessary powers, by way of attachment orders for example, to ensure that fines are paid. Fines cannot be dismissed or ignored. The fines (amendment) Bill must provide not only for non-custodial sentences, but for the power to attach income to ensure that crimes and fines are paid for.

We must also consider youth diversion, which is an issue very close to Deputy Alan Shatter's heart. He has done a great deal of work in this area as has the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. We must look at the vulnerable young people in our communities, often in deprived areas in every county, who find themselves caught up in petty crime. We must look at diverting them away from that. A range of measures are being considered by the Minister. While the Bill before us considers spent convictions, we must also take the next step to prevent people committing offences in the first place. That is where youth diversion programmes come in.

The Schedule of the Bill which sets out offences which are exempt from the provisions of the legislation links in with the National Vetting Bureau Act. This is very important. We have made significant progress in the vetting of people who work with children and vulnerable adults but we must not become complacent. There is still a great deal to do. At our clinics, Deputies meet community organisations, sports clubs and schools which continue to encounter long waits to have people vetted by the Garda. The Minister has made progress but we must consider extending vetting to more groups. There are people who want their volunteers to be vetted but whose organisations are not yet covered by the legislation.

We must look at what happens where a person leaves the prison system, particularly after a relatively short sentence. We must examine how to link them back into their community. I have visited rehabilitation programmes throughout County Wicklow over the course of my two years as a Deputy and I have seen some superb work. I have met heroin addicts who have been rehabilitated. They came out of prison and obtained degrees and are contributing to society again. One cannot put a price on the effectiveness of proper rehabilitative services. A great deal of work is being done nationally by voluntary groups. Different methods of rehabilitation work for different people and there is no one-size-fits-all solution. The Government has pushed the issue but when the doors of a prison swing open at the end of a sentence, we must ensure the person does not come back through those doors. That is what rehabilitative services must be about.

These are issues which must be looked at in the Bill and in the context of wider criminal justice reform. While we must provide for convictions to be spent where appropriate, we must also ensure that those working with vulnerable people can never have those convictions spent. We need to consider beefing up our vetting systems, youth diversion programmes and the link with breaking the cycle, so that when people come out of prison, we keep them out.

**Deputy David Stanton:** I propose to share time with Deputy Tom Hayes. I welcome the Bill, which is timely if not overdue. It shows we are becoming more progressive in our dealings with the criminal justice system. I am the Chairman of the Joint Committee on Justice, Equality and Defence and we have done work on penal reform. We have visited other jurisdictions to see what they are doing.

If someone makes a minor mistake resulting in a conviction, having paid a fine or served a sentence, the conviction stays with the person for the rest of his or her life. If that is the case, it is a lifelong sentence. It is progressive to make provision that certain convictions do not have to be disclosed. It does not expunge, as other jurisdictions do, nor does it delete the record but the person does not have to declare it.

Looking at the wider criminal justice system, the number of people we are incarcerated every year is frightening. In 2011, the total number incarcerated was 13,900. The prisons cannot accommodate that number of people so many are in and out with short sentences. In 2010, the number was 13,700 and in 2009, it was 12,000. Quite a number of these are short-term sentences for minor offences yet until now convictions remain on the record.

I recently visited the community courts in New York and I was amazed at how they operate. Crime in New York has dropped dramatically. I met many experts and they are not sure why it happened, with many reasons put forward. One of the reasons put to us was the role of community courts in the city. I visited one of them and I sat at the bench with the judge as she dispensed justice. Someone commits a minor misdemeanour or violation and, if it is decided the person may benefit from the community courts, the person presents before the community court the following morning. There is no delay. The person may spend the night in a cell but presents at the community court next morning. Before doing so, much work goes into having previous convictions, if any, available to the judge. The person pleads guilty to the offence, so there is no argument, and the judge decides whether the person should spend more time in prison. Some 89% of the time, the persons receive some form of community service. In approximately two minutes, the case is dealt with and the person receives one, two or four days of community service. The person immediately reports to a different section in the court building and very often the community service is carried out that day. Provided the person is not arrested within six months, the person's record will be sealed and will be opened only in the event of another incident occurring.

Recidivism has dropped from 80% to 18% in New York and the number of people hanging around the streets, who were causing all sorts of problems, has also dropped. Justice is immediate. The community also benefits because people are often told to clean off graffiti, sweep the streets or work with a voluntary charity. The value to the community has increased dramatically. The person is monitored by social workers and probation officers for a considerable period afterwards. Reports are sent to the judge over the course of six months. People who reoffend or who are wavering can be called into the judge. People can also take their chances in the ordinary courts, which are more punitive. It is an amazing system.

Some ten years ago, work was done in Dublin to establish a similar system here. As Chairman of the Joint Committee on Justice, Equality and Defence, I will ask my colleagues to examine this. It is one of the most innovative and exciting systems I have seen and it shows results. It relates to this Bill because convictions in the community courts are also spent convictions but it happens immediately. The judges are highly trained and very professional. One judge specialises in the area and it works.

The model we have in Ireland is called the drug treatment courts. There is one in Dublin and it has been very successful. I commend those working there. The Minister for Justice and Equality, Deputy Shatter, expanded its remit to cover all of Dublin and I would like to see it covering the whole country. Where the drug treatment court is successful, the same principle applies. If people graduate from a programme proposed by the drug treatment court, they do

not receive a prison sentence. Records can be expunged completely. People must enter a programme and keep in regular contact with the drug treatment court team. They must agree a drug treatment plan and a personal progression plan. By the end of the phase, the person should have reduced the use of drugs, particularly the drug of choice, be involved in part-time education and training and clearly show that he or she is willing to make positive lifestyle changes. This is happening here at present. I would like to see work done on establishing a community court in Dublin. It almost happened a number of years ago and there was much goodwill towards the idea. It would be innovative and challenging but worth doing.

The US has a Centre for Court Innovation and there is also a branch in London. We could benefit from their experience, knowledge and success to date. I welcome the Bill and encourage the Minister and his officials to carry on their progressive work. They should go further and consider the possibility of expanding the drug treatment court nationally and introduce community courts.

If someone comes to the attention of the Garda Síochána or is arrested in possession of a small amount of marijuana or cannabis, the person must be prosecuted if he or she is an adult. In other jurisdictions, people are sent to drug treatment courts rather than prosecuted. Everyone gets one chance but on the second occasion people are prosecuted. I am not talking about legalising drugs. Portugal has done some work in this area and the results to date seem to be successful. If someone is in possession of a small amount of cannabis, we must consider whether we should throw the full weight of the criminal justice system at that person or whether we should say he or she has a problem and needs treatment. We could send such persons for treatment and allow them to have no conviction, provided they stay clear for a period of time. Where this has happened in other jurisdictions the success rate has been extremely high. People who have drug problems who are sent to jail, and even people who do not, might end up being in a worse state on their release. A good deal of work in this area is being done in prisons. We visited Mountjoy Prison recently and I commend the governor and the Prison Service on the work they are doing in trying to combat this problem.

In respect of people who are sent to prison there is often a “hang ‘em and flog ‘em” view. Certainly, as Deputy Harris has said, people who are dangerous and have committed serious offences must be put out of circulation; of that there is no question. However, we are talking about very minor offences and low-level crime in this legislation, and we need to start considering how to provide for these in a different way.

Finland has decreased its prison population by 25% by using very progressive methods such as those that I and others mentioned. The justice committee will launch a report on this area in two weeks’ time and, following that, I would like to talk about that issue in the House. The cost of keeping a person in prison is between €60,000 and €90,000 per year. If we could take some of that money and invest it in diversion programmes, as Deputy Harris and others have said, or other treatment programmes, it would far better. This Bill is a step in that direction. I am aware that proposals have been made to expand certain time limits that are provided for and so on. That can possibly happen later, but let us see how we get on with the legislation first. We do not know how many people will be able to avail of the provisions in it because it is a self-declaration type of system. This legislation is a start, it is progressive and it will be monitored, but we need to start examining other progressive ways of reducing the numbers in prison, reducing criminality and dealing with other issues.

On the last occasion I spoke in the House, I referred to the issue of alcohol abuse. The

number of people who are committing public order offences because of alcohol abuse is huge. I said then, and I will say it again, that we should probably consider restricting the sale of spirits to people over the age of 21. That is a huge area, but it is another day's work.

**Deputy Tom Hayes:** I welcome the Bill, which is long overdue. It is important that we have a mature discussion on it. Its consideration here is opportune because it has been discussed by many people over a lengthy period. The reasons for introducing it are many and varied. A spent convictions system means that an adult who has been convicted of a certain type of offence does not have to disclose this offence after a set amount of time. Spent convictions apply to both custodial and non-custodial sentences. It does not mean that the record of the conviction is deleted; rather, that it can only be accessed and made public in certain circumstances. There are numerous exceptions to non-disclosure rules. Only convictions resulting in sentences of 12 months or less are capable of being spent under this Bill. I wonder about the setting of the 12-month period. What thought went into that decision? I ask the Minister of State to explain the reason a period of 12 months was decided upon. There are people who committed crimes in their younger days for which they were given custodial sentences of more than 12 months, but who have now got their lives back together and got jobs and are working hard to support their families. They have worked with other people in their communities and they are remorseful for what they did in the past. I wonder if the 12-month period provided for in the Bill is too strict. In that respect, there are convincing arguments to be made. Like every other public representative, I deal with people in my clinics who have been sentenced, are remorseful for having committed an offence and want to do something about it. They want to improve themselves and take up another job but because of the conviction they cannot get one. That is problem facing ordinary people who in these difficult times are only trying to work to support their families. I recently met a man who was an example in this respect in the way he was looking after his elderly parents at home. He wanted to improve his lot but a conviction from many years ago was still preventing him from getting certain work.

We need to be braver in what we are doing in this Bill, because it could improve the quality of people's lives and help many people. As society is developing and the public are more accepting of the fact that people can make mistakes and later want to improve their lot, we should be more open in the way we approach people with such convictions.

I noted the figures given by Deputy Stanton. In 2011 there were 11,187 prison committals for a term of less than 12 months, which made up 87% of the total number of people who were committed to prison. Therefore, this Bill can benefit a large number of people.

We need to be brave in what we are doing. This is an excellent Bill that can benefit a large number of people. There are many people under the radar who would be shy about coming forward about what they have been involved in, but if they came forward their lives would be much better and that would benefit society. An important aspect is the benefit these people can provide to society. In addition, people who have been in trouble in the past and who have got their lives together can be a good example to young people, whether they were involved in drugs, drink driving or anything else. The example such people would give to young people is relevant to this Bill. It is a strong reason for putting this Bill through, and I have no doubt that is what we will do. The provisions of the Bill can benefit society and the people concerned, and those people can be an example to young people. I fully support the Bill, but I ask the Minister to clarify the position on the question I raised.

**Acting Chairman (Deputy Peter Mathews):** I call Deputy Durkan. I understand he is

sharing his time with Deputy Feighan.

**Deputy Bernard J. Durkan:** Yes. I propose to allow my colleague Deputy Feighan to speak first.

**Acting Chairman (Deputy Peter Mathews):** To open the batting.

**Deputy Frank Feighan:** This is an important Bill. We have a prison in Castlerea, which is in my constituency. It was one of the only towns in the country that campaigned to have a prison. The prison is very well run. The proposal to have an open prison in a house near Castlerea is a matter of concern to the general public in the area. I had a first meeting in the Prison Service building last Monday with the director general of the Prison Service and the governor of the Castlerea Prison. We wanted those fears allayed and an assurance that the necessary precautions would be taken and assessments would be made if prisoners were moved from Castlerea Prison to Harristown House. What is good about a democracy and an open government is that one can bring the fears of the people to light and they can be teased out in a normal manner. A public meeting will be held in Castlerea tonight which will be attended by all Oireachtas Members from the area and also by members of the Prison Service to answer whatever questions people have, and I hope that will be done.

I thank Deputy Durkan for his sharing his time. The provision in respect of convictions that are not considered spent when people apply for certain licences such as taxi licences and private security licences is very appropriate.

*1 o'clock*

The convictions, however, should be spent after a period. I welcome the Bill.

**Deputy Bernard J. Durkan:** As one of the few people in this House and certainly the only remaining one on this side who has actual personal experience of conviction and serving time in prison I should be a bit of an authority on this subject. I like to think that I am but that may not be the case and everybody might not agree. This is a very important Bill. I agree with Deputy Tom Hayes that there are countless instances of people who have committed crime, including serious crime, who will never commit such a crime again and knew full well the consequences for the victims, society and for themselves immediately after the crime happened. They held up their hands saying "Why did I do this?" and are profoundly sorry. We must reach out to them. This is progressive legislation to deal with a situation. I particularly draw attention to first-time offenders, whether their is a minor or more serious offence. The first-time offender needs special consideration in all circumstances. Over the past few years I have spent a good deal of time visiting prisoners in almost all of the prisons in the UK and in this country. Having spent time in one of them on a semi-permanent basis I feel that I know a little bit about them.

Organised crime is a huge problem. There are victims of organised crime who spend long terms in prison for something in which ordinarily they would never think of becoming involved had they not been harnessed by organised criminals. I have long believed that we will never properly tackle that kind of criminal until we have detention. We had it for other organisations years ago and it was said it did not work but it is time that society dealt with ruthless organised criminals. Otherwise it will pay a high price. Society continues to be their victim. The legal profession will say "What about their constitutional rights?" What about them? What about the constitutional rights of their victims, whether the people they have used to pursue their crime or the actual victims, shot or killed or whatever the case may be? They have rights too. Their

rights do not come into the discussion of these matters.

Serious drug cabals control a huge market throughout the length and breadth of the country. They dictate the pace, the number and type of personnel inducted into their organisations to help them increase the profit from their heinous crimes. The concept of this Bill should be extended to the first time offender in those circumstances. I am sure that everybody in this Houses knows them. I know plenty of people whose families were never involved in crime, not even minor crime, who got offers they could not refuse. They made a once-off decision and paid the price. The criminal never gets caught but the messenger does. They have been caught several times and received long sentences. I am not suggesting that they should be given a pat on the back and allowed to walk free. By all means they must take responsibility for their actions. Once in prison, however, they should have first access to rehabilitative or educational training. If possible they should be segregated from the hardened criminals, the recidivists. If that were done we would make a serious dent in the level of minor and serious crime.

Deputy Stanton referred to crime in New York. The former mayor, Rudy Giuliani claimed to be responsible for reducing crime levels in New York. He was responsible for dealing with lower level crime but his predecessor, Mayor Koch, took the major organisers, the real heavy hitters, out of the equation. This involved some erosion of their rights but they were put away and out of business. As a result the crime network was dramatically weakened to the extent that it was relatively easy to deal with the rest of it. The community courts and the speed with which they can react are important. They are personal, and have the benefit of one to one local knowledge. That can also be negative, depending on the attitude of those involved but in general it is useful.

We need to do two things, first, tackle serious crime in a meaningful way that will make it clear to all and sundry that this is not the way forward for anyone. Over the past 15 years innocent people have been shot and killed almost weekly, as a result of being in the wrong place at the wrong time or for daring to raise questions about the activities of serious criminals. We must separate those people from other criminals because some of them regard it as a business. It is a nefarious business. We must tackle the way in which they can use innocent people in their communities to improve that business.

When offenders have served their time or made retribution in whatever way the courts deemed suitable their case should be re-appraised. In the event that people have shown remorse and agreed to mend their ways and there is a clear indication that they will not return to that route there should be a probationary period within which, as the Bill provides, cases can be reviewed with a view to expunging them from the record. There is not much sense in leaving them there if somebody will use the privilege of the House at some time in the future to release information on somebody, in which case it becomes a matter of public record. We must address these issues.

Training and rehabilitation are of huge importance, particularly for first-time offenders. I do not see the benefit of training and education to a person who has spent half his or her life in prison for a series of offences unless he or she wants to get a PhD in crime. Some of them do. Some people come out of prison better qualified for criminal activity than when they went in. I have seen at first-hand how that can happen. That is no secret and we should not facilitate it. That is why we need much more segregation in the system than exists. There is a provision for segregating serious criminals from the rest but that is not what I am talking about. I refer to the first-time offender who in the first instance needs to be kept away from contamination and

contagion by the serious, hardened criminal element, in order to prepare him or her for re-entry into society.

Tagging has been tried elsewhere and we should try it. It works sometimes. There will always be people who try to circumvent the system. Modern technology is interesting. It is possible to keep people under 24-7 surveillance and to monitor their movements at all times. It is even possible to detect the activity of those who remove the monitor and hang it on a cat's neck or a dog's paw. As the Minister well knows, in the past with some of these monitors, it was noted there was an acceleration in movement which did not correspond with normal human abilities. The contention was that the monitor had been passed to a four-legged friend. Modern technology is helpful in such cases.

I have spent much time over the years looking at access to training in prisons. If one puts down a parliamentary question inquiring what training courses were offered to an individual serving six months to a year, the reply will state they were offered but were not successful. However, those incarcerated for five to ten years or even to 30 years have no problem getting access to training. What is that training for? Is it to perfect their techniques? Will they learn safe-cracking? I would question the validity of training in those circumstances and, instead, I would devote more resources to the training and rehabilitation courses for the first-time offender.

There has to be recognition by offenders that they must pay for a criminal offence. We all know of instances when the Probation Act has been applied on 30 occasions. How can it be probation if offences are repeated? The probation service in the United States works somewhat better and tends to be much more in one's face. It follows up on the convicted person, monitors them regularly while social workers and probation officers ensure they do not leave the jurisdiction. We have all heard how much of a battle fighting crime is in the United States but the probation service there seems to work better than the one here. It is like company law which works much better in the States. For instance, cases of misfeasance and malfeasance do not seem to arise in this country or in Europe. In the United States, it is a fearful crime and people pay the price for it straight away with sentences of up to 99 years or more. We can learn much from how authorities in the United States deal with criminal elements.

How do we discourage young people from taking the route of crime? Due to the hero worship of and reverence shown to criminal gangs, it is very difficult, especially at times of high unemployment levels, to tell young people to stay away from that kind of nonsense and keep it straight as matters will only get better. There are many competing demands, one of which is the issue of profits from the proceeds of crime. I do not believe we spend enough time illustrating how misleading this can be.

This Bill is progressive and could be instrumental in dealing with crime, the levels of prison occupancy, as well as the associated costs to the Exchequer, if its provisions are properly monitored and supported.

**Minister of State at the Department of Education and Skills (Deputy Sean Sherlock):** I am standing in for the Minister for Justice and Equality who is abroad on business. Both he and I have been greatly encouraged by the level of support expressed by Members for the Criminal Justice (Spent Convictions) Bill 2012. It is historic legislation that is at one with other initiatives aimed at making our criminal justice system work better for society. We want to reduce crime, see offenders caught and brought to justice. We want them to undergo whatever

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sanctions the courts impose, not from desire for revenge but to ensure those who offend against society pay their debt to society for doing so.

Many issues were raised during Second Stage which I am confident will be dealt with by the Minister, Deputy Shatter, on Committee Stage. Deputy McNamara raised the issue of the T case of which the Department of Justice and Equality is aware. However, it is our understanding that the UK Government will appeal it to the Supreme Court. The Department will consider the implications, if any, of the final determination of that case for our vetting arrangements and for this Bill. The UK system of vetting is very different to ours and direct comparisons are not necessarily correct. This can be revisited on Committee Stage.

On the point raised by Deputies Catherine Murphy and Ryan, the Bill was amended in the Seanad to provide for the situation they outlined. Where a person is convicted for more than one offence regarding one incident, it is to be treated as one order of conviction under section 2(4).

I thank Members for their contributions. The Minister and I appreciate the general welcome given to this Bill. All the suggestions as to how it could be improved will be considered on Committee Stage.

Question put and agreed to.

### **Criminal Justice (Spent Convictions) Bill 2012 [Seanad]: Referral to Select Committee**

**Minister of State at the Department of Education and Skills(Deputy Sean Sherlock):**  
I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to Standing Order 82A3(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

### **Topical Issue Matters**

**Acting Chairman (Deputy Peter Mathews):** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Dan Neville - the bypass for Adare, County Limerick; (2) Deputy Denis Naughten - the need for the Minister for Agriculture, Food and the Marine to outline his position on European Commission proposals on reform of the single farm payment and reform of the Common Agricultural Policy; (3) Deputy Aengus Ó Snodaigh - the right of part-time fire fighters to be entitled to social welfare payments; (4) Deputy Gerald Nash - the need to examine the entitlements in respect of travelling companions of patients being treated under the treatment abroad scheme; (5) Deputy Michael McNamara - bank confidentiality agreements and mortgage debt relief; (6) Deputy Paschal Donohoe - the need for the Minister for Education and Skills to respond to the campaign for a new Educate Together secondary school for the Dublin 1, 3, 7 and 9 areas; (7) Deputy Paul J. Connaughton - the future of mental health services in County Galway, with special reference to 24-hour facilities at Toghermore House, Tuam; (8)

Deputy Catherine Murphy - the delays experienced by persons waiting for appointments with ear, nose and throat specialists; (9) Deputy Thomas P. Broughan - the need to confirm whether evidence was withdrawn before the publication of the 2009 Coffey report into the Stardust tragedy; (10) Deputy Seán Crowe - the impact of upward-only rent reviews on businesses and jobs in town shopping centres, such as the Mill Centre, Clondalkin, and the need for landlords to adopt a more proactive approach to making commercial rents sustainable; (11) Deputy Clare Daly - health and safety issues resulting from the electricians dispute at St James's Hospital; (12) Deputy Kevin Humphreys - the need to intervene with the ESB to ensure guided tours and current opening hours continue at the Georgian museum, No. 29, Fitzwilliam Street Lower, in the year of The Gathering; (13) Deputy Seán Ó Feargháil - the backlog of 6,000 scans and X-rays at Tallaght hospital, Dublin; (14) Deputy Mick Wallace - the need to address the shortfall in the pension fund of the Abbey Theatre; (15) Deputy Stephen S. Donnelly - the launch of the personal insolvency service and yesterday's announcement regarding Central Bank targets for solutions to the mortgage arrears problem; (16) Deputy Dessie Ellis - the need to introduce measures to combat street harassment, particularly of a sexually threatening manner as highlighted by the global Hollaback! movement; and (17) Deputy John Lyons - the need to adjust commercial rates and consider a large retail levy to support small retailers in town centres.

The matters raised by Deputies Aengus Ó Snodaigh, Paul J. Connaughton, Seán Ó Feargháil and John Lyons have been selected for discussion.

### **Common Agricultural Policy Reform: Statements**

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My apologies for being a couple of minutes late. I am pleased to have the opportunity to address the House today on the Common Agricultural Policy reform proposals. Our debate is timely given that we are approaching a crucial juncture in the negotiations. The EU Council of Ministers will meet on Monday and Tuesday of next week with a view to adopting a comprehensive Council position on the proposed reforms.

The proposed reform of the CAP arises in the context of the revision of the EU multi-annual financial framework, MFF, for the EU budget for the coming years. This is a seven-year budget. The reform must be decided by full co-decision between the Ministers of the 27 member states in the Council and the European Parliament. The challenge for the current round of CAP reform is to deliver in good time a Common Agricultural Policy that is fit for purpose and coherent with the Europe 2020 strategy for recovery and growth, and that supports the twin goals of competitiveness and sustainability. Ireland seeks a policy that promotes sustainable intensification of production, environmental stewardship and a vibrant rural economy and that is consistent with our Food Harvest 2020 strategy.

As the current holder of the Presidency of the Council of the European Union, Ireland is at the centre of the negotiations. Good progress was made by previous Presidencies on technical issues, with the result that there were some 30 issues outstanding when Ireland took over the Presidency last January. In parallel, the European Parliament has made substantial progress on the dossier. The agriculture and rural development committee of the EU Parliament voted on its amendments in January and the Parliament's position was confirmed yesterday in plenary session.

My aim is to finalise the Council position and negotiating mandate by the end of March,

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leading to inter-institutional trilogues with the aim of overall political agreement by the end of June. A significant step forward in this process was achieved on 8 February 2013 when the European Council reached agreement on the EU budget for the next seven years. Subject to the consent of the European Parliament, the agreement provides the necessary clarity on agricultural funding that will allow completion of the negotiations on CAP reform. I hope this occurs under our Presidency.

The agreement was generally positive from a CAP perspective. The CAP will continue to account for almost 39% of the overall budget in year one. It incurred a cut of 3% compared to the Commission's original proposals, whereas the total EU budget was cut by 7%. This represented a good negotiating outcome in the face of significant pressure from several sources for a higher cut to CAP expenditure. Ireland has secured €1.5 billion per year for agriculture, or €11 billion over the seven-year period of the CAP.

Another crucial issue in the MFF agreement is the distribution of CAP funds between member states. The formula agreed by the Heads of State and Government for the distribution of direct payment funds, or Pillar 1 funds as farmers know them, between member states had originally been proposed by Ireland and resulted in a relatively favourable outcome for the country. The result is that the level of direct payments made to Irish farmers has been largely protected by maintenance of our direct payments ceiling at over €1.2 billion per year, with a relatively small reduction to accommodate new member states and because of the overall cut in the budget.

Now that the EU budget has been decided, although it has still to be confirmed by the European Parliament, the main issue for many member states, including Ireland, is the distribution of direct payments among farmers and the attendant rules and regulations. The Commission has proposed moving to a flat-rate payment system. In the case of several member states, including Ireland, this would result in a significant transfer of funds among farmers. I believe there is a need for redistribution but I am seriously concerned that moving to a flat rate, as proposed, would be harmful for the Irish agricultural sector as a whole and certainly for the Food Harvest 2020 strategy. Some member states, especially the newer member states, are seeking alternative solutions, while others, including Germany, are satisfied with the flat-rate proposal.

The February Agriculture and Fisheries Council meeting broadly endorsed a package of measures which I tabled, aimed at achieving a compromise on this rather difficult issue. The package included an option to take a more flexible approach to distribution, the so-called approximation model favoured by Ireland. This would result in a less radical level of redistribution between individual farmers, moving gradually towards, but certainly not all the way to, a flat-rate payment for everyone. It also included a redistributive payment as an additional option for member states. This is essentially a top-up payment for the first number of hectares.

The reality is that Ireland is facing two sets of demands on this issue. On the one hand, there are farmers on low payments per hectare who are arguing for a larger share of the available funding on the grounds of equity and fairness, and on the other hand there are farmers on high payments per hectare who have invested single farm payment funds in improving the productive capacity of their farms and have no wish to move back from this position. They have earned these entitlements over time. Both sets of demands are understandable and reasonable, but they are difficult to reconcile. We need a solution that is fair to everyone and that will represent a real move away from historical payments - such payments seriously disadvantage some farmers - but that avoids unreasonably large cuts to those on higher payments. This is why I

have put forward the approximation model, which would give member states such as Ireland the flexibility to do that.

Under the Commission proposal, we have estimated, using our 2010 database, that €280 million would be transferred between farmers. Under the Irish proposal, a minimum of €74 million would be transferred, with flexibility to transfer more if we wished to do so. The key will be reaching a fair compromise which levels the playing field without putting productive farmers out of business. As is the case with any negotiation, the final position will be somewhere between my approach and that of the Commission. I am fighting to ensure that the best possible outcome for all farmers is reached in a balanced and fair way.

A second major issue for member states is the Commission's proposal on greening the CAP. There is broad support for the Commission's approach of adopting three basic greening criteria. However, member states have a range of views on how the proposal should be implemented. We in Ireland have our own particular issues that need to be resolved. These include our desire to make the greening payment a percentage of a farmer's overall payment rather than a flat rate and the need to adjust the three criteria to suit Irish farming conditions. We have tabled proposals aimed at dealing with all of the concerns expressed and the compromise proposals have received support from member states. A number of issues which remain outstanding mainly arise from the concerns expressed by individual member states about some of the detailed aspects. I hope these can be sorted out at next week's Council with a view to obtaining a full Council position.

In essence, our proposals on greening retain the three greening criteria proposed by the Commission, namely, crop diversification, maintenance of permanent grassland and establishment of ecological focus areas. However, we have built additional flexibility into the proposals in a number of ways. For example, we are proposing that member states may elect to apply the obligation to maintain permanent grassland at regional or national level. This makes perfect sense in a member state such as Ireland which is dominated by grassland. We are proposing progressive implementation of the crop diversification requirements in order that small holdings under 10 ha would not be bound by these requirements and that a two crop obligation would apply to farms between 10 and 30 ha, with three crops required above that level. We are also proposing a graduated approach to ecological focus areas, starting with a 3% requirement in 2015 that would gradually be increased to 5% in 2016 and, depending on the outcome of a review, 7% in 2017 and beyond. We are also proposing to increase the scope of what is deemed to constitute an ecological focus area to ensure the land would be productive as long as it had a positive value from an ecological point of view such as carbon fixing in the soil. In addition, we are proposing that farmers might be excused from applying the three greening criteria provided they undertook certain agri-environmental measures deemed to be equivalent. Our purpose in providing this additional flexibility is to ensure greening the CAP would provide added value in terms of benefits to the environment, while at the same time was workable and practical for farmers and administrators alike. Where good ideas have emerged in the European Parliament, we have taken them on board in our proposals to the Council.

A number of other complex, difficult and potentially divisive issues are included in the compromise proposals and will be put to Ministers next Monday and Tuesday. These concern matters such as supply management measures in the sugar and wine sectors; the future of market support measures; the status of producer organisations; the designation of less favoured areas which are now to be known as areas of natural constraint; the future of the single area payment scheme operated in new member states; and the extent to which coupled payments will

be allowed in the reformed CAP. I aim to reach agreement on all these issues in the Council of Ministers in order that we can proceed to the next phase of negotiations with the Commission and the Parliament. I am focused on achieving an agreement during the Irish Presidency that will be of long-term benefit to Irish and European agriculture. From my point of view, this exercise is about protecting family farms, supporting productive agriculture and the ambition of the Food Harvest 2020 plan, fair distribution of direct payments for all farmers, maintaining rural development funds to support vulnerable sectors, while also incentivising innovation and competitiveness, and the sustainable, safe and traceable production of increasing volumes food. This CAP reform needs to protect agriculture and the agrifood industry as the most important contributors the economy and reaffirm their status as the heartbeat of rural Ireland.

**Deputy Éamon Ó Cuív:** I thank the Minister for coming to the House in advance of next week's Council of Ministers. We are engaged in a slow process and the options will narrow until agreement is reached at European level. Even after we reach agreement, however, we will still have to make a number of national choices. We must retain our focus on what we want to achieve in the end game. It is vital that we give a higher priority than is given in popular discourse to price stability and guaranteeing primary producers will receive a fair share of the price paid by consumers. If farming is not profitable even on the best of land, there is no inducement to produce more. The Food Harvest 2020 programme which we prepared in government should underlie our actions. The programme aimed to expand Irish agriculture to produce the maximum possible product from the land.

I have heard statements in this debate which would be considered ridiculous in any other forum. It is suggested that somehow there is an incentive to produce if someone has a fixed payment, notwithstanding the fact that the more he or she produces, the less money he or she will make. In other words, having taken the fixed income, the enterprises loses money when it produces more. To expect anybody or any country to expand production dramatically in such a situation is *Alice in Wonderland* talk. We have to fight to get recognition from the European Union that if farming is not profitable now that it has been decoupled, there is no incentive to produce more. If we accept that principle, a second point becomes obvious. The better the land and the more efficient the farmer, the better his or her capacity to make profits from the market. If the average farmer can make a profit by increasing production, which will be necessary if we want to achieve our targets, it is fair to say the farmer with the best land has an even better opportunity because of economies of scale. We must, therefore, get it into our minds that the payments are decoupled.

From a farmer's point of view, pillar I is only part of the equation. When farmers received information on their farm payments from the Department at the end of the year, they always looked at the bottom line. For 100% of the farmers in the CAP covered industries, this meant the single payment; for 75% of farmers, it meant the single payment and the disadvantaged area payments, and for approximately 33%, depending on REPS and AEOS cycles, it meant the single payment, the disadvantaged area payment and an agri-environmental payment. We have to recognise that, for various reasons the Minister could not reverse, there have been significant decreases for the 75% of farmers receiving the disadvantaged area payment. There have been very significant decreases for some farmers in the amount of money they get paid for agri-environmental schemes. I am talking about farmers who were in REPS 1, REPS 2, REPS 3 and REPS 4 who had come to depend on their payment, but it disappeared overnight. Therefore, when we are looking at winners and losers on Pillar 1, we must match those farmers to the winners and losers under Pillar 2 to see who are the net winners and net losers over this. I have also

argued, though not everybody agrees with me on this, that unlike what happens to REPS farmers, it is important that this change is graduated over the coming years and does not all happen at once or is not all front-loaded in 2015. In other words, I accept that people need time to adjust.

I always believed the Minister's approach was fundamentally flawed and that single payments were not a measure of production. They were a measure of an enterprise a farmer was in and of the grants it attracted. In terms of milk, allocations were made. However, there are people now who had milk quotas and who got out of milk totally, but still get paid the single payment for that milk. Therefore, even from the beginning, there was a mismatch between the single payment and production. Take for example the case of a farmer who produced weanlings and sold them before the ten-month punch because that was his system of farming. The person who bought the weanling got the ten-month punch, the 22-month punch and the slaughter premium. The farmer who bought probably factored the ten-month punch and the 22-month punch into the payment he made, but only for one year. As long the farmer purchased in the years 2000, 2001 and 2002, he had for the following seven years - something the Minister wanted to extend to 14 years - the advantage of the grants paid in those three years. Therefore, the idea that there is a straight match between production and farm type is wrong and untrue. The longer we distance ourselves from the years 2000, 2001 and 2002 - the Minister's official said the scheme cannot be recalibrated - the more the payment becomes historic and not linked to the farm activity.

Even if we deal with the price issue, there is a bit of a contradiction with regard to paying those with the best land more and that is the flaw with the Minister's approach. On the other hand, there is a major flaw with the Commissioner's approach. It gives an equally distorted result, because in that case it has nothing to do with what a farmer produces in a certain year, but depends on the number of hectares he has. If a farmer has a lot of hectares, he gets a large payment, without limit. In either case, the limit talked about in the Irish context is unreasonable. When I looked at this, I said to myself that what we want is to ensure all our land is farmed. There are varying challenges in different places. We want profitable, progressive farming, but we also need to get the most challenging land farmed. Otherwise, we will have an ecological disaster. Ecological and environmental stewardship are of huge importance to the European Union.

If we want our marginal land farmed on a continuous basis, if we want to make that proposition attractive and if we want to protect the environmental and ecological values in the CAP, we will have to pay for that. However, I do not want us to move to a situation where we have a new set of people getting very large payments. Therefore, I have said from the beginning that nobody should get more than €50,000 of a payment through the CAP. One would think I had two heads on me when I suggested this very high cap on these payments, although we have accepted for years a cap on the disadvantaged area payment where, no matter how much land a farmer owns, he can only claim on a modest amount of acres. We have also accepted a cap on the all-farm REPS payment. In other words, if a farmer had 1,000 acres or 400 hectares of land, he had to keep all of it in good environmental order, but only got paid on the first 100 acres or first 40 hectares. The idea of a cap is nothing new. What a cap did was ensure we could pay new young farmers etc. By capping the payment, we could pay more farmers rather than take money from every farmer's payment.

It is important to put the figures on the record of the House. Some 80% of farmers get less than €15,000 of a single payment and there are strong numbers of those farmers in every county in the country. The question is whether the policy on single payment is for the 80% or includes

them or whether we are really saying the policy is for the top 10% or 20%. As the Minister knows, the top 2% of farmers get more than the bottom 52,000 farmers. Is that fair and equitable? Are the people with the best and the most land the ones who need the subsidy? If that is so, there is something fundamentally flawed with our agricultural system. If they cannot make a commercial profit with some single payment from their farms, how can we expect the people on the less favoured land to survive at all? Does the Minister believe that the payment of €3,000 somehow hugely compensates these farmers for the poor quality of their land?

Another flaw in both the Minister's and the Commissioner's policies relates to payment per hectare. With regard to this payment, some 66% of farmers get less than €300 per hectare. The mean figure is €261, without deductions. This is a much lower figure than the 80% who get less than €15,000. Therefore, what we have in this country are farmers with little land and very low payments per hectare. The Commissioner is dealing with that. He says that if they have little land and low payments, the solution is to increase their payment because of having disadvantaged land. However, he if he moves to flat rate payments, he will not deal with the fact that we have a lot of farmers - like those on the east coast where land is better, from Louth down to Wexford - whose farm size is quite small. When we look at counties such as Kilkenny, Waterford, Wexford and Carlow, the counties with the highest number of single farm payments, we find a huge number of farmers who receive high payments per hectare, but a low number of hectares. In the tug of war going on between the Minister and the Commissioner, I am afraid that what will happen is that the Commissioner will win out with regard to the flat rate payments and that both of them will leave these farmers behind. I believe significant flattening will take place, more than outlined by the Minister.

If this happens - we are aware the average farm size in Ireland is 32 hectares - we must ensure there is an extra top-up payment on the first 32 hectares so that small intensive farmers, farmers with 30 or 40 cows or a small suckler herd, are protected. The only way to protect them is to ensure the possibility of a redistributive or front-loaded payment. This should be more significant and much higher than the 30% proposed in the Presidency document.

There has been significant mention of two words, "productive" and "active". I am willing to define those words and have defined them at meetings. I see "production" as producing as much as is possible, given the land circumstances in which a farmer finds himself. Most people farm the land in the area in which they were born. I see the word "active" as meaning the farmer farms his land actively. I believe the small number of people who have land but are not using it in a meaningful way should be cut out of the scheme. I believe there should be a minimum stocking level and that this level should relate to the quality of the land. I am suggesting four categories of land quality: non-designated land, less favoured areas, severely disadvantaged areas and mountain land. Much more accurate data will be available for these purposes after the areas of natural constraints survey has been completed. I am proposing that livestock farmers not be able to draw down payments without meeting the minimum stocking requirement that would apply in each of these four categories. This approach does not link the payment to production - it links it with a minimum requirement already in place under the disadvantaged areas scheme. The mistake made under that scheme was that the lowest common denominator was used. I am suggesting that only in the event of an ecological order from the State would farmers be exempt from having to achieve these basic minimum standards.

I would speak about many other aspects of this matter if more time was available to me. I have not even referred to Pillar 2. We need to discuss this process as it continues. I might disagree fundamentally with the Minister on philosophical issues, but I accept that he is amenable

to debate. I hope we can have detailed ongoing dialogue on this issue at the Joint Committee on Agriculture, Food and the Marine. We should thrash it out as each step is taken. That is necessary if Oireachtas Éireann is to have a real input into the development of the Common Agricultural Policy.

**Deputy Martin Ferris:** I would like to share time with Deputy Michael Colreavy.

**Acting Chairman (Deputy Joe O'Reilly):** Is that agreed? Agreed.

**Deputy Martin Ferris:** I thank the Minister for attending today's debate and wish him well in the ongoing negotiations. The proposals for the reform of the farm payments scheme have excited huge debate within the farming community. It is possible that the debate has highlighted for the first time the fact that the community does not share a common view on all issues. I have attended a number of meetings on the issue and was part of a delegation of Sinn Féin members and farming representatives that travelled to Brussels last week. We discussed the proposals and the likely outcome of the negotiations with members of Commissioner Ciolos's team.

On Tuesday night I attended a large meeting of farmers from south-west Munster at the Devon Inn. It was apparent at the meeting, as it has been at others I have attended with farmers and members of various farming organisations, that the perception in some quarters that there was widespread hostility to the proposals to redistribute funds was by no means a reflection of the position on the ground. It is apparent that many farmers are unhappy at the lack of debate on the proposals. There is a perception that the debate has not been conducted with all of the relevant facts on the table. Many farmers believe the distribution of Common Agricultural Policy moneys has been unfair and unequal.

There appears to be an insinuation in certain quarters that some smaller operators are not really entitled to payments at all. The use of a code, involving the use of terms such as "active" or "productive" farmers, on the one hand, and "unproductive" and "inactive" farmers, on the other, is rightly seen as an insult by many smaller producers who have to supplement their low incomes by seeking part-time off-farm employment or availing of the farm assist scheme. The antipathy to a fair distribution of funding extends to many small to medium-sized full-time producers. I have it on good authority from a party member that a person who addressed the picket on the Minister's office in Cork last weekend said the Minister should remember he was the Minister for agriculture rather than the Minister for social welfare. I doubt that we will see that argument used as a headline in the *Irish Farmers' Journal*. It sums up the attitude of a small minority of major beneficiaries of the single farm payment to thousands of other farmers whom they see as lesser farmers.

I would like to mention a significant contradiction in this respect. Some of those objecting to allegedly unproductive farmers receiving a more equitable share of farm payments and thereby being allowed to improve their productivity have no problem in defending the large single farm payment cheques to certain big businesses. The last year for which we have individual breakdowns showing who received what under the single farm payment scheme and other Common Agricultural Policy schemes is 2008. The largest recipient of CAP funds in that year was Greencore which received €83 million in respect of the closure of the Irish sugar industry. This closure was facilitated by the then Minister, Mary Coughlan of Fianna Fáil, and the leadership of the IFA. We know now that the closure did not need to take place.

Of the top 20 recipients in 2008, 16 were agribusinesses that received over €20 million

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between them. Some 243 recipients are receiving more than €32 million between them, while a further 1,800 are receiving over €118 million between them. The total moneys received by these 2,250 individuals and companies are more than what is received by 50,000 farmers who receive single farm payments of less than €5,000. The average payment to the top recipients is over €73,000 per year. The average payment to the 50,000 farmers I have mentioned is just over €2,400. In other words, more money is paid to the top 2% of those who receive single farm payments than to the bottom 42%. It is beyond me how anyone can defend this or claim it promotes the best interests of Irish farming.

**Deputy Simon Coveney:** I am not defending it.

**Deputy Martin Ferris:** I know that and I am not saying the Minister is.

**Deputy Simon Coveney:** That is why we are proposing redistribution.

**Deputy Martin Ferris:** Others, however, are defending it.

There is a clear regional divide in the payment of moneys under the Common Agricultural Policy. This reflects the type of land being farmed, the size of the land parcel in question and the scale of production. Some 18% of farmers receive less than €2,000 per annum, one third of whom are currently not entitled to any payment. There are large discrepancies throughout the country. Less than 9% of farmers in County Kilkenny receive less than €2,000 per annum, whereas 32% of farmers in County Donegal are in that category. Some 42% of farmers receive less than €5,000, as I have mentioned. They stand to gain most significantly if a redistribution takes place. The equivalent figure is 65% in County Donegal, 62% in County Leitrim and 60% in County Mayo. By contrast, payments in excess of €75,000 were made to just three of the more than 3,000 farms in County Leitrim. In 21 of the 26 counties, the majority of farmers receive payments of less than €10,000.

The distribution of funds also reflects the fact that the historical reference payments date to years when subsidies were tied to production. Far from encouraging expansion and productivity, this permanent unbalanced distribution of funds inhibits it. It was recently proposed that changes in productivity should be taken into account in the new system. This was seen by some as an attempt to deflect criticism to those on lower payments and support a change in the payments system. However, the Department of Agriculture, Food and the Marine has issued figures which undermine that argument. In fact, there has been little change since the reference years. One of the objectives of the 2003 reform was to restrict expansion, based on pressure from the WTO. In other words, the current single farm payment is a negative or, at best, a neutral factor in farm productivity. Farm numbers have continued to decline in the past ten years, albeit at a lower rate than in the previous decade.

It is not correct to claim that those who receive sums at the upper end of the scale will be forced to curtail their operations if their payments are reduced. If there was a fairer means of distributing farm payments, many small or medium-sized producers at the lower end of the payments scale would be able to expand their production. This would provide them with a level of income security and allow them to expand, including into new areas of production. It is a curious world view that holds that the imposition of a cap of €50,000 on farm payments to any individual would act as a major market disincentive, whereas an increase in the average payment made to over 50,000 farmers from €2,400 to €8,000 would encourage them to do less. It is a flawed argument.

The likely outcomes of the various proposals, dating back to the original Ciolos flat-rate proposal, can be subjected to many statistically breakdowns. It has been suggested payments on the first proportion of hectares should be front-loaded. In the Irish case, that has to be looked at for the first 20 hectares. These proposals have divided the debate within the farming community between those who would gain and those who would lose out. There would be a substantial number of significant gainers at the lower end of the current payments and a small number of significant losers at the upper end. Over 67% of farmers receive single farm payments of less than €10,000. It is not true to claim, as some have, that most farmers would lose out badly under any model which moves towards front-loading of up to €400 per hectare, or a similar figure. With a reduction in the larger payments, a further tranche of funds would be available to pay an extra amount on land above 20 hectares and, of course, there would be Pillar 2 funds. The question of how many would gain and lose in the reform of the payments scheme needs to be honestly debated, even at this late stage.

*2 o'clock*

Another issue that needs to be addressed is the age imbalance within Irish farming, as a result of which there is a disproportionate number of farmers over the age of 65 years and an average age of 56. There are more farmers over the age of 70 years than under 35. The majority of these older farmers would willingly transfer their land, particularly to farm family members, if there was a productive scheme in place, but a new scheme utilising part of the Irish CAP funds would be required to facilitate that transition. As I understand it, there are proposals that would release some €25 million under Pillar 2 to support younger farmers and a proposal under Pillar 2 to establish a grant of €18,000 in the form of an installation grant for younger farmers. Obviously, such schemes would be most welcome and represent a significant boost for the rural economy, in which the demographics are particularly skewed towards the older farmer.

I hope the Minister will ensure that whatever emerges from the negotiations will be to the benefit of the majority of Irish farmers and the agriculture sector. There is consensus within the wider farming community that we need a fair distribution and equity in what comes out of the process. Some of the commentary from people purporting to represent farming organisations has been very disingenuous and quite insulting to farmers who are struggling to survive on a small family farm on which their family has lived for generations. Everything is set against them. It is no one's fault if they are born onto land that is not as productive as other land, but they are still putting in the same hours and have the same working arrangements, day in, day out. I hope we can move to a more equitable and fairer distribution and we will give the Minister any help we can in that regard.

Our position on the CAP has been that the figure should be €100,000 and reduce to €50,000 over four years. The Fianna Fáil position is that it should be €50,000. It is ironic that when I raised this issue in the House with the then Minister, Mary Coughlan, she accused me of being naive, stupid and failing to understand what I was proposing at the time, which she said would be very damaging to the farm network. Obviously, Fianna Fáil has revisited the policies of the past. If it had had the vision then which it now claims to have, many people who are no longer farming might still be involved.

**Deputy Michael Colreavy:** The coming reform of the CAP will determine the shape of agriculture in Ireland and the rest of Europe for the next six years and beyond. Our guiding principles in the negotiations must be the productivity targets set out in Food Harvest 2020, fairness and equity in payment distribution, encouragement for younger people to take up farm-

ing and the sustainability of family farms, in particular the sustainability of farms in particularly disadvantaged areas such as the west and north-west, the area I represent. Central to the evolving negotiations is the proposal to move to a flat rate per hectare payment in place of the current single farm payment which is based on historical entitlements and subsidies received in the reference year. There is a big imbalance in the system of payments, with larger producers receiving a grossly higher payment than farmers with smaller land holdings. What is needed is a proper redistribution of the payments to reflect a more equitable system of payments for farmers.

There is general acceptance that the reference year is gone. We need a better thought out mechanism to facilitate new entrants, particularly young new entrants, to farming. While I do not know what the solution is, I know we need some well thought out mechanism to achieve this objective.

**Deputy Simon Coveney:** We have a national reserve factored into the reform process for new entrants.

**Deputy Michael Colreavy:** My point concerns the scale of the problem. One of the biggest challenges facing farming is the number of farmers aged over 80 years compared to the number aged under 35. This shows an industry that is going nowhere. We have to encourage young farmers to enter agriculture and give them greater access to the agricultural colleges. There is not enough support for young people to get involved in agriculture, which means many will go off to Australia or France, where there are more favourable start-up schemes for those entering farming.

There should also be an incentive for older farmers to lease their land to younger farmers, possibly through reduced tax rates to allow the younger farmers to be competitive in the start-up years. There is also a need to ensure any new scheme will protect farmers who are working leased land. The last thing we want is to see the guys with the big cheque books buying up or leasing land and then stocking it with minimum stock levels. The well paid professionals with the big cheque books will buy or lease land as a money-making venture, rather than as part of Food Harvest 2020, towards which we are all working.

It looks likely that the maximum payment under the single farm payment scheme will be roughly €318 per hectare for the first 30 hectares and €190 for every hectare thereafter, which would provide farmers with a guaranteed income of about €10,000. As Deputy Martin Ferris said, we seek a cap of €50,000, but, recognising the need for a transition, we argue for an immediate limit of €100,000 on individual payments, moving to €50,000 by 2019. The advantage is that it would be free up €150 million that could be used to make a higher per hectare payment and would mean fewer farmers would see their payments fall.

We also favour a situation where the greening payments under pillar II would be directed more at farmers in genuinely disadvantaged areas, rather than the current situation where Pillar 2 funding is more or less distributed across all farmers. Ultimately, the CAP should ensure that as many farmers as possible are kept on the land, which is not only of benefit to the agriculture industry but also to rural Ireland as a whole, given the money that comes into agriculture at local level is generally spent at local level. The last thing we want is a situation where a small number of very large farmers dominate the sector and remove small farmers from the market. A diverse and well supported agriculture sector is the desired outcome of the CAP negotiations.

When he was embarking on the negotiations, I wished the Minister and his negotiating team all the very best and I continue to do so. He has our full support, but we need to be very clear on the principles to which we are working and the features we want to see achieved.

**Deputy Luke ‘Ming’ Flanagan:** I wish to share time with Deputy Tom Fleming.

**Acting Chairman (Deputy Tom Hayes):** Is that agreed? Agreed.

**Deputy Luke ‘Ming’ Flanagan:** I am glad this debate is taking place. When it comes to rural Ireland, I cannot see how any Dáil discussion in the next three years could be more important than this one. It is massive, not just for farmers but also for carpenters, blocklayers and everyone within the rural community. My father is a carpenter and my brother, a blocklayer. Even though they are not farmers, they know that when farmers receive money, they spend it. Whether it be on a built-in wardrobe or putting up a new wall, the money goes back into the community. This is an issue in which everyone in rural Ireland should show an interest, including the chambers of commerce.

I am delighted to have the opportunity to lead for the Technical Group on this issue which, as I said, is of massive importance. As outlined, the future CAP deal will see Ireland receive over €1.2 billion under Pillar 1, which covers the single payment, and €313 million under Pillar 2, which covers rural development. While this €313 million under Pillar 2 has to be co-financed by the Government, it can be done at different rates. I encourage the Government to co-finance it on a 50:50 basis, which would increase the overall Pillar 2 fund to over €600 million, which would still be €100 million less than under the previous CAP. The importance of getting the maximum into Pillar 2 cannot be underestimated. In the communities on the western seaboard, schemes under Pillar 2 funding such as REPS and the disadvantaged areas scheme have been critical in supporting incomes. Since 2008, these schemes have been cut by successive Governments to the detriment of incomes for most vulnerable farmers, forcing these people to get Farm Assist, which is 100% funded by the State. If the Government was to take an overall view on spending, it would realise that not fully funding Pillar 2 costs us money.

The cuts in Pillar 2 are one of the main reasons so many farmers on low single farm payments are adamant that they get a fairer distribution of funds in Pillar 1, namely, single farm payment. The Minister and the farming organisations are only fully realising this. In the past few weeks, the farming organisations, in particular the IFA, have begun to panic. The reason for this is that ordinary farmers on very low payments are starting to demand a fairer deal. I understand that an IFA regional meeting with over 300 farmers in Claremorris on Tuesday that was attended by IFA president John Bryan and CEO Pat Smith saw an open revolt by members. John Bryan was booed and shouted down when he tried to quieten a farmer and IFA county chairman who said the IFA was not representing them. This is action from its own members. In Limerick on Tuesday, the IFA and the Irish Creamery Milk Suppliers Association were also verbally abused by farmers demanding a fairer deal. I get phone calls every day from farmers furious at the IFA and the Minister. Some of these farmers are not in my constituency but feel their voice is not being heard. I have talked to mountain farmers who say that if they do not get a fairer deal, they will close off the mountains to walkers. What kind of impact will that have on tourism? It will cost us money.

To understand the anger, we need to look at what the European Union is proposing. Commissioner Ciolos̄ is proposing a flat rate per hectare payment which would work out at about €250 per hectare. This proposal has been roundly criticised as too simplistic and would see

very heavy hits for some farmers, with some on mountains gaining substantially. Overall, we will be looking for redistribution of around €300 million. Other proposals, which I understand the Minister was involved in drafting in his capacity as chair of these talks, would see a minimum payment per hectare in the region of €196 and the front loading of payments on the first number of hectares, which would be the national average of that country. In Ireland's case, this would be 33 hectares. While I do not have the figures for front loading on the first 33 hectares, I know one could front load €400 on the first 20 and there would be €130 left per hectare for every other hectare after that. By adopting this policy of front loading, we will get money to the small farmers while reducing the negative impact for many small to medium-sized farmers with present payments of €400 to €500 per hectare. This will give everyone a fair chance.

I understand that the Minister put forward a different proposal, namely, approximation. I think the IFA is also proposing this but I do not think anyone is quite sure what the IFA is proposing because it has not said what it really wants. By this, I mean clarifying how much money in millions of euro it proposes to distribute. What the IFA has done is say it does not want to be saying "no" to everything like a former politician in Northern Ireland. I understand that the Minister's proposal involves a gradual move towards a flat-rate payment but here is the key - we never get to a flat rate. We will be about one third of the way there if we do that. The Minister's proposal will see a redistribution of €80 million. This is not radical enough, a viewpoint the European Union shares. As someone who classifies himself as a eurosceptic, I find it strange that on this occasion, it is the European Union that is fighting for our cause, not our people.

This model would see those with larger payments retain most of them. I can see why certain people in government want that to happen because there are many large farmers in there. Change must happen no matter who it upsets. A farm of 400 acres is not a small farm by anyone's estimation. Let us realise who will get upset. Based on the 2010 single farm payment, 247 farmers will get more than €100,000. When one thinks about that and compares it with the payments Senators and Deputies get, which are often criticised and rightfully so, how can we go along with a payments system like that? If we look a bit further down the line, we can see that a further 1,950 farmers are getting over €50,000. When one adds these two groups together, their total payment comes to over €150 million. Is it any wonder that there is such anger surrounding this issue?

I will deal with a major point in this debate, namely, productive and unproductive farmers. Obviously, we should expect farmers to be as productive as possible but the level of production will depend on the type of land. Productive farming cannot be a code for intensive farming. It is very easy to be productive if one has the backing of a high single farm payment because if things go wrong, one has the support of the high payment, which is a significant advantage. Farmers who have low payments for whatever reason need to be given a chance like a soccer team when the game starts and should at least be level. What hope is there for them if they must start ten goals down? That is what is being asked of farmers with low payments.

Another issue I want to discuss is the proposal for the Commission on greening, in particular the payment method which is a microcosm of the entire debate. The Commission has put forward a proposal which will see pasture, crop diversification and ecological focus areas. The proposal is that 30% of the national envelope in Pillar 1 be paid on these greening measures from which a farmer would have to choose. This payment would translate into a payment per hectare of €78 and would see a redistribution of €18 million from day one. Unfortunately, this does not seem to be the road the Minister is going. In payment terms, what this will mean is that a farmer now getting €600 per hectare will get 30% greening, which will be paid as a per-

centage of their current payment. For this farmer, it will mean a greening payment of €180 yet another farmer with a payment of €60 will get 30% greening on each payment, which will come to €18. These two farmers who are doing the same thing will get totally different payments. This is because of how they farmed 11 years ago.

Could I take one minute off Deputy Tom Fleming?

**Deputy Tom Fleming:** Yes.

**Deputy Luke 'Ming' Flanagan:** Eleven years is a long time ago. As some people who are farming now believed in Santa Claus then, it should not be that relevant. What about the farmer who is entering farming with no historic payment? As 30% of nothing is nothing, we will not get any greening payment. In one sense, we should not be too surprised by our Government because it has form in this area, particularly when one looks at how it dealt with new entrants to the nursing and teaching professions. The Minister's proposal is grossly unfair like much of the CAP debate which sees him and the farming organisations trying to justify making payments to farmers based on how they farmed at the beginning of the last decade. This is what it is all about. By staying in the time warp of 2002, larger and more established farmers will continue to draw obscene sums of money while more and more small farmers leave the land to the detriment of rural Ireland. It is not always beautiful.

Let us front load payments, put in a fairly high minimum payment in the region of what the Commission is proposing and put a limit on the maximum anyone can draw down at €35,000. If one cannot survive with a big lump of land and €35,000, one should get out of farming. This would redistribute €99 million and give the farmers on what is left behind a chance to compete on a level playing field. The alternative is that we will see a further exodus from rural Ireland. There is not much to get excited about in the economy but this is something exciting. If it is dealt with correctly, it could be the saving of rural Ireland. I plead with the Minister to think of the small farmer.

**Deputy Tom Fleming:** We must certainly strike a balance in any conclusions we reach in this new CAP agreement. I plead with the Minister regarding small farmers and mountain landholders who must be supported to help them maintain their family holdings which are pivotal in the social fabric of rural Ireland. These families have eked out a living for generations, in many instances, completely against the grain and on marginal land. There is great credit due to them for their determination, diligence and industry in making a living, often with the odds stacked against them while they carry out progressive work to improve their lot.

A man at a meeting referred to the fact that he had a farm of about 60 acres. He remarked it consisted of 20 acres arable land and 40 acres horrible land. That has been the reality in rural Ireland during the years. Those living in the west of Ireland have slaved and have been committed to improving their lot. They have carried out all types of drainage work with spades and sleáns in order to maintain the quality of the land. They cultivated their land and made it productive. In some cases, farmers are penalised for having rushes growing on their land. The weather is a contributory factor.

Land quality has divided the country into two Irelands. One cannot compare the conditions applying in the Golden Vale of Munster and the general areas east of the Shannon over to the Irish Sea and to the English Channel, with land along the western seaboard. One cannot overlook the fact that farmers on the western seaboard - dairy, beef or sheep farmers - are pro-

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ductive farmers if even at a micro-level. At all times they have contributed to the economy of this country by producing quality products as well as being excellent custodians of all aspects of the environment with regard to wildlife, heritage, traditions and all aspects of the quality of rural life.

A formula needs to be devised that is fair and equitable in order to address the gross inequity that exists in the current single farm payment. I refer to the many anomalies and loopholes in the current system which have been manipulated, for example, by the movement of cattle via the marts and directly onwards to the factories. This movement of animals was legal and above board. Because of the system adopted by Ireland very little farming activity was involved. These matters need to be addressed in order to provide fairness in the system for the people to whom I have referred.

Many aspects of the current system are far from equitable. For example, 50,000 farmers received less than €5,000 last year from the current single farm payment while 83,000 farmers received less than €10,000. At the same time, 243 farmers received €150,000 or more while four recipients received more than €300,000. A fairer distribution of the funds would protect the active farmer. It is imperative to double or treble the payments for existing recipients of lower levels of payments. There are significant opportunities for the large commercial farmer and the factory farmer in the medium to longer term as a result of the removal of the milk quota system and the need for food to feed the increasing global population. There is much to be gained for Ireland in this respect. It will provide opportunities for the large farmer and will improve the lot of the small farmer.

**Deputy Willie Penrose:** I thank the Minister for coming to the House to discuss the CAP reform proposals in advance of the Council meeting next week. I advise the Minister that this is a time to be brave and inspired and it is our time to give him our support. We need him to do something which it must be fairly recognised he cannot do on his own, as he will need to bring his 26 member state ministerial colleagues with him, together with the European Parliament in the co-decision process.

The critical phase has been reached. The noble objective is to do what is right and proper for the greater good, the common good, for the multitude of farmers. It is critical that the Minister should not allow himself to become the prisoner or, indeed, erstwhile mouth-piece of the powerful, articulate end of the farming lobby which seems hell-bent on protecting what they have, the *status quo*. The Minister's hour is fast approaching. From my many conversations with ordinary farmers I know that is how the Minister will be judged. The current system is clearly in need of reform as it is greatly flawed and highly inequitable.

This debate is significant as talks intensify in the next few days concerning the budget. The Minister has done a deal of work to bring it to this stage. The size of the budget and the agricultural envelope is now evident. It is important to keep in mind - many people seem to have gone astray in this regard - the origins of the policy which focused on the cheap supply of quality food for the 500 million citizens of the European Union and those further afield. A central tenet of the policy was to keep the maximum number of farmers on the land earning a living by achieving a viable income. There is now a narrow window of opportunity for the Minister, in his role as president, to conclude the CAP reform deal by June 2013. It is in the interest of Irish farmers that he does so.

I recall an initial proposal to cut the CAP spending budget by €25 billion over six years and

after some intensive and successful negotiations, which we should acknowledge were spear-headed by the French, the Spanish and the Irish Government, this spending cut has been substantially reduced. We acknowledge the Minister's role to the fore in helping to reduce the size of the reduction which was achieved.

More needs to be done in recognition of the fact that the agricultural industry plays a vital and pivotal role in the economy. It supports 300,000 jobs as well as a large number of businesses in the rural economy. It provides the raw material for export earnings of €9 billion. It is in this context that securing the maximum amount of payment for the single farm payment and rural development schemes is paramount, approximating to just slightly less than €1.2 billion for the single farm payment under Pillar I and €350 million for the rural development scheme under the aegis of Pillar II - which is extremely important and seems to have been lost from the equation.

The thrust of these schemes was to promote the viability of farming activity so as to secure the maximum number of farmers on the land. That focus should not be overlooked. It is notable that some of our farming organisations - who represent the very well-off and the big farmers - appear to overlook this important objective. It is in this context that the Commission plan for the CAP reform was introduced. It is against that background that the planned flat rate system of payment per hectare at national and regional level by 2020 has been discussed. The likely impact of such proposals has been well ventilated and examined.

I fully support the proposal that these payments are targeted at active farmers and that they should pay special recognition to the particular position of young farmers. It is clear that the historic method and model of paying farmers based on the past production levels of 2000 and 2002 would be jettisoned in Ireland's case. The debate continues to centre on how this system will be replaced and over what time period this will occur. Unlike England and Germany, Ireland, in common with 16 other member states, did not opt for the flat rate system linked to land, which was introduced in 2003. However, change is on the way. It is anticipated there will likely be a significant transition period to enable farmers to adapt to changed circumstances under the proposal. These proposals are not finalised; the Minister has indicated that much discussion has yet to take place. It must be seen what will emerge in the final agreement. It is very clear that farmers who currently have very high per hectare payments will see these reduced and rightly so. How can payments of €200,000, at €4,000 a week, be justified when others are getting nothing?

**Deputy Simon Coveney:** I agree with the Deputy.

**Deputy Willie Penrose:** I meet them. I support the Minister's efforts. I have met people who give out about social welfare. A farmer came to my clinic one day. He receives about €1,200 a week and he started telling me about social welfare. I asked him from where did he think that money came. A person on social welfare payments receives €188 per week and spends every cent of it. Likewise, farmers spend every cent of their incomes. This is extremely important for the rural economy. However, there is a need for change. There must be a significant effort towards redistribution in order to ensure farmers who either receive small payments per hectare or none at all will enjoy an increase. On behalf of the Labour Party, I unreservedly support the efforts at redistribution which recognise these farmers who, as previous speakers indicated, own 30 acres or less. These individuals require a more substantial share of the money on offer in order that they might continue to farm properly and make a contribution to the agricultural economy.

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The farmers to whom I refer are also important in the context of their contribution to our achieving the goals relating to Food Harvest 2020. Some farming organisations tried to write these farmers out of the equation. Those with 35 or 40 hectares of land must work extremely hard and are very productive. Who do the farming organisations think they are in suggesting the exclusion of these individuals who are the bedrock of the farming community? Not everybody has 100 or 200 acres. I come from a county in which there is substantial acreage of farmland. Those involved in agriculture in places such as Rathowen, Ballinacargy, Milltown, Loughanavalley, Ballinea and Walshestown in County Westmeath are all small farmers who are struggling. They have all raised families, put their children through college, etc. on the incomes they made from their farms. I am amazed at the attitude of no surrender adopted by some of the farming organisations which seem to be preoccupied with the retention of significantly large payments for the benefit of the few, rather than focusing on the construction of a redistribution model which would jettison and reject regionalisation proposals which should be non-runners because they would cause damage.

Farmers across my constituency and further afield have outlined their views to me on this matter. I have a proud record of fearlessly representing the interests and views of farmers who, in turn, have been faithful in their loyal support for me during the years. I recall being the subject of significantly adverse comment when I wholeheartedly supported decoupling proposals in the 1990s. However, that is a matter for another day. No matter what I said on behalf of the Labour Party at the time, it was not reported. My comments were judiciously kept out of the media and I know why that was the case. In negotiations I tried to ensure any change in payments would be to the benefit of those who most deserved it. One cannot speak out of both sides of one's mouth. I am clearly in favour of the sentiments expressed by representatives of farmers in the western counties in the farming section of the *Irish Independent* on Tuesday last.

Lest there be any doubt of where my Labour Party colleagues and I stand on this issue, we would not favour under any circumstances a policy which would favour the preservation or promotion of the interests of large, rancher style farmers. Their activities will have what is termed a "supermarket effect" and give rise to a significant drop in the actual number of farmers. This is the very antithesis of a policy objective based on equity and fairness. Ultimately, it would lead to the complete demise of farming in rural areas and the rural economy. We in the Labour Party want special provision to be made for young farmers and new entrants. It is vital that we take proactive steps to ensure we facilitate young people interested in taking up the profession of farming.

I support the Minister's stance, as I understand it, in seeking to have a green element included in future single farm payments, which would represent a percentage of their existing payments, rather than what is proposed by the European Commission. I also understand what he is doing in trying to achieve additional flexibility in the implementation of the greening proposals. However, approximately 250 farmers are in receipt of well over €100,000 each, while the remaining 80% receive average payments of €15,000 or less. That is why, in the interests of equity, justice and fairness and in accordance with the original objectives of the scheme, there must be a frontloading of the payments on the first 33 or 35 hectares, with the proviso that some level of agricultural activity was taking place on the land. I agree with Deputy Éamon Ó Cuív in that regard and it is something in favour of which I have always argued. There must be some recognisable level of activity taking place. One cannot merely look out on one's land and do nothing with it. It cannot be the case that vast areas of good land are left idle. Such activity can relate to forage acres, stocking rates, etc.

What I have outlined completely negates the argument made by one of the farming organisation to the effect that what is proposed only favours those who engage in cattle farming as a hobby. That argument was made out of the blue. How can anyone justify certain individuals receiving single farm payments of €100,000, €200,000 or €250,000 per year? We in the Labour Party believe it is time to introduce a cap on what a person can receive - perhaps €50,000 or €60,000 - by way of single farm payments. This may have to be done by way of transition payments. Fairness in the distribution of single farm payments is the cornerstone of Labour Party policy.

**Acting Chairman (Deputy Tom Hayes):** I apologise for interrupting, but we have exceeded the time allocated for this matter. I ask the Deputy to propose the adjournment of the debate.

**Deputy Éamon Ó Cuív:** Will we be returning to this matter?

**Acting Chairman (Deputy Tom Hayes):** Yes.

**Deputy Willie Penrose:** Will it definitely be the subject of further discussion?

**Deputy Simon Coveney:** Yes. I hope to return to it either next week or the week after.

### **Interim Report on Equine DNA-Mislabelling of Processed Meat: Statements**

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I apologise for the fact that Opposition spokespersons did not receive the interim report a little earlier. When I briefed them yesterday, I stated they would receive copies by 11 a.m. today. However, it took a little longer to distribute them. This was because we were obliged to make some changes.

**Deputy Richard Boyd Barrett:** Where are our copies?

**Deputy Simon Coveney:** They have literally just come off the presses. I will have copies distributed to Members immediately.

Two months ago to the day - 14 January - my Department was first informed by the Food Safety Authority of Ireland, FSAI, of its finding of 29% equine DNA in a single beef burger sold in Tesco and manufactured at the Silvercrest plant in County Monaghan. This finding in the FSAI meat authenticity survey resulted in the immediate launching of an official investigation by my Department. This investigation, initially involving the FSAI and my Department's veterinary inspectorate and audit team, was broadened to include the Department's special investigation unit and the Garda National Bureau of Criminal Investigation. On 5 February I appeared before the Joint Committee on Agriculture, Food and the Marine. I gave a detailed statement to the committee and both Professor Alan Reilly of the FSAI and I answered many questions on a series of matters. The controversy has moved on considerably since that date and meat products have been withdrawn in many countries. The disclosure in Ireland of the adulteration of beef products with equine DNA has prompted other authorities to examine the issue. It transpired that what had been uncovered was a pan-European problem of fraudulent mislabelling of certain beef products. Some 26 of the 27 member states of the European Union have now been affected by the problem which has also been uncovered outside the European Union. It became a global problem, affecting some large global companies and international food brands.

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Today, I am publishing a report on the official investigation and related matters. It will demonstrate both the complexity of the problem uncovered and the thoroughness with which it was approached. I propose to refer to three main areas, but before I do so I wish to clearly state consumer confidence and trust are the most vital components of our policy on the wider food industry. Without consumer confidence and trust, there is no future for any of the participants in the food supply chain, regardless of whether they are retailers, processors, traders or primary producers. There is a clear onus on all participants to ensure safe and quality food products are placed on the market. Ireland's reputation as a food producing country rests on all participants fulfilling this responsibility. Any potential risk to that reputation, albeit in a relatively small segment of the food sector, was the basis for the immediate launching of the official investigation and the actions I have taken in the course thereof.

I wish to highlight a number of points. The equine DNA found in consignments of frozen beef products was labelled to be of Polish origin. The investigation has not found any evidence of adulteration with horsemeat of these consignments in Ireland, but, following our enquiries, there are clear concerns about the activities of traders and intermediaries operating outside the State. Information uncovered in the investigation has been passed to the appropriate authorities and Europol. We are also working with other member states in this regard. That is not to suggest intermediaries in the supply chain were the sole cause of the problem. The investigation has also shown direct trade with Poland. One Polish company the product of which was found positive for equine DNA arranged to collect the consignment and reimburse the Irish operator, QK Meats.

Details of the investigation outcome in respect of the main companies involved are provided in the report. The investigation concludes that in the case of Silvercrest and Rangeland Meats, there was no evidence that they deliberately purchased or used horsemeat in their production processes or that these companies were re-labelling or tampering with inward consignments but, given the reputational issues for the Irish food industry as a whole, the practices by two companies of not respecting customer specifications, in the case of Silvercrest, and of knowingly withholding information about problems in the supply chain, in case of QK Cold Stores, are totally unacceptable. Likewise, I am extremely concerned at the failure of ABP as a group to maintain proper oversight of Silvercrest, particularly given its position in the Irish food industry. We have a right to expect better from the Irish food industry. The companies have let themselves down as well as risking reputational damage to the Irish food sector as a whole.

B&F Meats was found to be involved in mislabelling of a limited quantity of horsemeat for export to the Czech Republic. While the company claims that no fraudulent intent was involved, the placing of a false label on a product and the question of instituting legal proceedings in this respect remains under active consideration by my Department.

When the problem widened to include other member states, I convened a meeting of other Ministers and the Commission in Brussels, which led to the establishment of an EU-wide testing programme both for equine DNA in beef products and phenylbutazone in horse carcasses. The results of these tests will be published in mid-April and will form the basis for consideration of any future EU actions. It was also agreed that Europol should be involved in terms of co-ordinating the investigations being carried out by individual member states.

Acting in my role as Chairman of the Council, I also arranged a special debate on this matter under the Irish Presidency at the Council of Agriculture and Fisheries Ministers meeting. The Council agreed that it would keep the matter under review, and we are doing this.

Apart from the EU response, a range of additional actions have been put in place in Ireland at my instigation. In addition to the EU programme, the Food Safety Authority of Ireland, FSAI, and my Department met representatives of the meat processing, retailing and catering sectors and agreed a protocol for DNA testing of beef products to check for adulteration with horsemeat. The following categories of food are being tested - prepackaged beef products on sale to the final consumer or to mass caterers, beef products offered for sale without prepackaging to consumers or to mass caterers, and meat ingredients used in processed beef products. It was agreed that the results would be made public. The first set of results was published in early March. Most of the 957 tests were negative except for products already identified as positive. In other words, there was nothing new found.

In addition to the EU-wide control programme for residues of phenylbutazone, my Department introduced a positive release programme for horses destined for the food chain, in other words, we are now testing everything. This programme will run for an initial period of one month and the results, once published, will be assessed to inform future policy.

Although the Department will continue its involvement with investigations being carried out in other member states and pursue any issues arising, the report draws a series of conclusions and identifies possible further actions. First, it is clear that the focus of controls which heretofore was on food safety will henceforth have to encompass checks on food authenticity. The Food Safety Authority of Ireland's DNA testing protocol already in place in Ireland addresses this requirement. It is right that the Irish industry should lead the way in this respect, but I will pursue this issue in Brussels to ensure a level playing field in respect of controls applying to EU food production. I will also pursue the issue of requiring irregularities regarding food authenticity to be reported. If we had that legal protection, we might have got the information from QK Cold Stores much earlier.

This episode has revealed the extent and complexity of the involvement of traders and agents in the food supply chain. With the legal power already in place I have decided that all such intermediaries operating in Ireland will be registered as food service operators from now on.

A number of changes are warranted regarding EU labelling regulations such as provisions covering intermediate labels and the reporting of mislabelling incidences, as well as practical steps on the use of security features and more detail on commercial documentation. These will be pursued at EU level as appropriate.

I want to refer to the related but separate issue of the horse identification and traceability problems. I should first express my concern at the incident which occurred only last Friday in Ossory Meats, a horse abattoir. That incident is detailed in the report. I had previously decided that, in the context of the measures we are taking to improve horse controls, my Department should take responsibility for the supervision of this and another horse abattoir previously under the control of local authorities. What gave rise to the incident at Ossory Meats and the subsequent suspension of the plant is totally unacceptable and will be pursued with full vigour. When Members read the report they will know exactly what I am talking about.

In general, while the investigation did not uncover any illegal introduction of horsemeat into the food chain in Ireland, we have accelerated our review of procedures in regard to horse identification and controls. We believe there is need for significant changes here to move horse traceability to the same level as cattle identification, where systems were developed in response

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to BSE in the mid 1990s. These changes are dealt with in the report and I will pursue them within my Department with my officials.

Regarding this entire problem, the fact the official control system in Ireland uncovered what is a global problem in terms of the serious mislabelling of beef and the manner in which we have addressed the issue shows Ireland to be at the forefront of control systems in this area. In time, when the issue is fully addressed at EU level, it will stand to us in continuing to build the reputation of Irish food products.

I thank everybody in my Department, in the Food Safety Authority of Ireland, and in the Garda fraud squad who have worked night and day on this problem for two months and who have provided us, at no extra cost to the taxpayer, with a report that is detailed, accurate and that can be the basis for policy change that is needed in the future. I am indebted to them for the time, detail and seriousness with which they have taken on this challenge, whether that be within processing facilities, interviewing meat traders, travelling to Poland, going through, in a painstaking way, audits of different food service operators, or detailed briefings for me, day after day, for the past two months.

I hope this report will be welcomed by Members of the House. I will be bringing it before the Oireachtas committee when we will have a detailed discussion on it, and its consequences, to allow us assess the measures I am proposing to introduce, on which I want to get input from Opposition spokespeople also. Ultimately, this is about learning lessons from something that should never have happened that led from sloppy management and fraudulent behaviour. We will learn lessons from this and have a stronger and more credible food-----

**Deputy Thomas P. Broughan:** There was sloppy leadership also.

**Deputy Simon Coveney:** Absolutely not.

**Deputy Thomas P. Broughan:** The Minister has been in the job two years.

**Deputy Simon Coveney:** This was the first country in the European Union to uncover this because this was the first country in the European Union to use DNA testing in the food system.

**Deputy Thomas P. Broughan:** The Minister has no statistics.

**Deputy Simon Coveney:** I suggest the Deputy read the report before making ill-informed comments.

**Deputy Thomas P. Broughan:** The Minister answers questions but does not give any information.

**Deputy Éamon Ó Cuív:** I thank the Minister for coming into the House and producing the report. Remarks I make here on the report are preliminary because we did not get the report before we came into the House and we have not had even a cursory opportunity to examine it.

**Acting Chairman (Deputy Tom Hayes):** The Minister explained the position.

**Deputy Éamon Ó Cuív:** I know he did, but it is important. I accept that the Minister gave us a briefing yesterday, but to give a detailed response from the Opposition, we need an opportunity to read the full report before making our contribution. It is easy to make the big speech to solve the problems of the world, but the Minister knows that in government, solving problems

requires many hours of painstaking, patient work. Issues must be considered and teased out systematically and then resolved. The Houses of the Oireachtas have a role to play in this work. I ask the Minister to agree that there should be ongoing detailed debate at the Oireachtas Joint Committee on Agriculture, Food and the Marine on the issue. Is the Minister willing to provide to members in tabular form a list of the issues as they arise from his investigations? Will he give us a list of the actions on each issue he has identified and identify whether a domestic administrative decision, regulation or legislation is required or if a European directive or regulation is necessary? This painstaking, slow and systematic approach is required if we are serious about sorting out this and equivalent problems.

There are two ends to the problem, to which I will allude. We must know now what measures have been identified and we must examine them. We must know what defects have been found in the systems. The Minister has mentioned regular DNA testing. We must know what the Minister proposes to do about the defects and we must debate his proposals to see whether they are sufficient. We must also know how the Minister is going to act and by means of what instrument, be it administrative, legislative or regulatory. If we have that information, the next step is to estimate the time by which actions can be taken. I suspect that to solve this problem various issues will have to be addressed by legislation or European regulation. There is no way we can solve these problems overnight.

The difficulty with these issues is that they have a high profile and attract a great deal of media interest for a short while, but when the immediacy of the problem disappears, pressure dissipates. When the media no longer examine the matter on a daily basis, there is a temptation to slip and regress and to fail to take firm action. We all know that human beings respond to pressure or questioning. Given the number of the things on people's desks, there is a tendency to put aside those matters that are not being pressed systematically. We must use the Oireachtas committee to establish a process to check the Department's homework at least at six-monthly intervals, ensuring all of the actions outlined in the Minister's action plan have been taken. We must be provided with the plan in an accessible form so that we know exactly what will happen.

The initial issue that arose was the adulteration of meat products with horsemeat. I compliment the FSAI on its identification of this problem. I recognise that, for whatever reason, Ireland was the first country to query whether such adulteration was taking place. I am still curious about why the FSAI started to carry out checks, because it has never been explained. Were complaints made to the Department or the FSAI that this might be happening? Did it have intelligence? It seems strange that someone would start conducting DNA tests out of nowhere.

**Deputy Simon Coveney:** For the record, it did not have intelligence.

**Deputy Éamon Ó Cuív:** That is very interesting. If no one had intelligence and we were the first to discover it, it is extraordinary that it was happening on a pan-European basis. There were a whole lot of malfunctions within the system, yet no one had heard about it even as a possibility. I am sure the Minister would love to have that level of confidentiality at the Cabinet. It is extraordinary that this practice was so widespread, yet nobody knew it was happening.

We must let the enforcement authorities take action to determine whether anyone has broken the law. I accept that it is hugely difficult, but enforcement authorities should go after everyone who can be prosecuted. I accept that this will require the painstaking collection of evidence and the compiling of complex case files. I also accept that there will be a great deal of blame-shifting. One can see it all the time. Various players are trying to shift the blame and say

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they did not know what was or was not happening. I do not want to prejudice any investigation that the Garda Síochána may be undertaking by casting doubt on what anyone has said, lest that be used to undermine a prosecution. However, it appears that in our society, people involved in illegal activities will provide any excuse and always place the onus of proving they are wrong on the authorities. One of the difficulties the Minister and investigating authorities face is the inability of people to acknowledge that they knew what was happening and that they did wrong. The Minister, the Garda and any other investigating agency will have my full support in any investigation and prosecution they undertake. I hope the matter will be pursued and that no soft attitude will be adopted.

I am not happy about another aspect of the situation, which is the control of the slaughter of horses in the State. I have asked on a good few occasions what complaints have been made in the last year about the control and issuing of passports and microchips and, in general, the slaughter of horses. It has become a major issue since the number of horses going for slaughter grew by a factor of six to a very significant number. I understand the number of horses slaughtered has grown from approximately 4,000 to approximately 24,000.

One of the reasons I have called for an independent investigation is a particular worry. The story broke on 14 January 2013. I tabled two parliamentary questions immediately after the story broke. Allowing four days for a parliamentary question to be dealt with, my questions were answered on 23 January 2013. The reference numbers were 3210/13 and 3211/13. The first question was to ask the Minister for Agriculture, Food and the Marine the steps he had taken to address the illegal horse meat trade, and the second was to ask the Minister the measures he had taken to address concerns over the use of fake passports in the horse meat trade. If one did not understand the system, one would have thought from the Minister's replies that we had fantastic controls on the slaughter of horses. The replies referred to EU legislation introduced in 2009 and relevant legislation on microchips. One would have thought our system was foolproof. It is amazing that, not two months later, after the issue has been pursued and it has become untenable to defend the castle, we admit that the system is riddled with holes.

*3 o'clock*

It was totally open to abuse and was not fit for purpose. The Minister said he was introducing immediate reforms to centralise the issuing of passports for horses and to make it similar to the cattle movement monitoring system. The Minister still got it wrong because the issuing of passports for thoroughbred breeds - for example, dams and sires of particular breeds such as Connemara ponies - can be dealt with by the breed societies. The issuing of identification for horses should be done not through online registration but directly, in a manner similar to what happens with cattle. If societies want to keep a record of progeny, that is a different issue. It has nothing to do with the unique identifier or-----

**Deputy Simon Coveney:** That is what we are planning to do.

**Deputy Éamon Ó Cuív:** Will it be done directly or indirectly?

**Deputy Simon Coveney:** Directly.

**Deputy Éamon Ó Cuív:** Will horses be registered directly, with breeding societies having nothing to do with it?

**Deputy Simon Coveney:** If we choose, they may act as agents. The Deputy has not read

the report and should do so if he has the chance.

**Deputy Éamon Ó Cuív:** The Minister has repeated my worry that societies will act as agents. There should be no agent involved. The Minister should take the leap and have a central registration system. If, with the agreement of the applicant, the Minister wants to pass on the information to the breeding societies for breeding purposes, that is a much better way of doing it.

It is easy to get defensive when one is a Minister. At the beginning, when we started querying the issue, the shutters came down. Like all those involved with administrative systems, the people concerned did not want to recognise that the system was full of holes. I tabled a question within five days and the first reaction of the Department was to put up barriers and say that everything was all right, when it was all wrong. Instead of recognising the major flaws following complaints and promising to do something about it, the Department's replies tried to give the impression the system was fit for purpose. The Department must have known, given that it was in the factories, according to the report, that it was totally unfit for purpose. For that reason, getting the system to examine the system is a very slow way around the problem. The first thing to do is to recognise that the system has a problem. We are all sensitive to criticism and when one criticises the system the first reaction of those involved is always, by the nature of things, to defend it. It is in all of our natures and I am not criticising any particular person.

Part of the problem on the food and horsemeat side is that we do not know whether some of the horsemeat took a circuitous route around Europe and arrived back to food suppliers here. The Minister is saying it did not go directly to food suppliers, but he is not saying it did not travel across half of Europe and come back to our food supply. We know the horse side of this was flawed. When there is a question of whether checks and balances in the system are fit for purpose, it is much better and quicker and creates public confidence if one has the courage to get an outsider to investigate it, rather than asking the organisation with a problem to investigate itself. That is the fundamental lesson the Minister has not learned.

**Deputy Simon Coveney:** Outsiders could not investigate it.

**Deputy Martin Ferris:** I propose to share time with Deputy Caoimhghín Ó Caoláin.

We appreciate that the ongoing crisis regarding the contamination of meat for human consumption has potentially lasting harmful consequences for the Irish food industry as a whole. That is why it is essential that we all act responsibly, given the number of jobs and farm livelihoods involved. I appreciate the Minister's position and the fact that he and his officials have kept Opposition spokespersons updated on the progress of the ongoing investigations. We do not seek to score cheap political points or attempt to make out that the Minister is responsible for creating the problem.

It is also worth noting, perhaps, that while initially the crisis appeared to focus on this country, and attempts were made to put across that impression in other jurisdictions, we are dealing with a European-wide problem, with many countries involved. The Minister's presentation today shows the problem is wider than the European union. That is not to seek to overlook any possible practices in this country that have contributed to the crisis. We cannot make definite judgments while the investigation is ongoing, but if it is proved that anyone here was knowingly involved in the passing off or production of food products containing horsemeat as beef, they need to be dealt with severely.

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One of the issues that has come to our attention, and to which the Minister referred, is the fact that an Irish company, QK Meats, found traces of equine DNA in imported Polish product on 27 June last year. A further six positive tests occurred at the same plant up to September. Having glanced through the report, what I found striking about the investigation was that the company was purchasing raw material from Poland at €400 a tonne less than the corresponding price of beef trimmings available here. Not only was the company purchasing it, but when it detected horsemeat in its initial tests on 27 June last year, it returned the batch involved but kept purchasing from the same company. This continued despite the fact that DNA evidence suggested the ingredients contained horsemeat.

In February this year the company finally made the Minister, the Department and the Food Safety Authority of Ireland aware of what had happened, which I find very disturbing. During that period, it was continuously testing. What was the motivation behind the initiation of tests? When it was carrying out tests and finding contamination of food products, it failed to make the FSAI and the Department aware of what was happening. After the event became public and other companies were involved, the company finally came clean.

I hope the Minister can satisfy us about whether he had any concern about connections between FSAI personnel and the players in the industry. This went on from June to February without notification to the Department or the FSAI. Why did the FSAI begin testing at the end of last year? What prompted it? Was there a reason for it and did information come to light that directed it to carry out tests?

The Minister said the company had failed to inform the Department of earlier findings. The carry-on of QK Meats leaves an awful lot to be desired. There is a connection between Dawn Meats and QK Meats. The damaging effect of what the two companies failed to do has consequences for the wider sector. There is clearly an issue to be addressed, especially given that the initial discoveries of horse DNA by QK Meats were not disclosed. That is not acceptable given that had such a disclosure been made at the time it would have acted as a red light and comprehensive testing and awareness programmes could have been conducted to ensure that the crisis did not develop as it has done since Christmas. If the Minister, his Department and the Food Safety Authority of Ireland had been aware of the origin of this product and QK Meats had made them aware of it at that point in time, it might have saved us an awful lot of difficulties down the road.

**Deputy Simon Coveney:** It would have.

**Deputy Martin Ferris:** As a legislator, elected representative and a representative of rural communities who are very dependent on farm produce and on having a good image of the food processing industry, that company has done this and I hope if there was any fraudulent behaviour involved the full rigours of the law will be applied to deal with what has happened.

I want to raise the question of what initiated the initial Department tests. How much did the Department know of the possible contamination that was going on and what warned it of the need to be extra vigilant? Did it or the Food Safety Authority of Ireland know that QK Meats had conducted its own tests? The Minister has already answered that question: he said they were not aware of it until February this year. Was any explanation given to the Minister or the Food Safety Authority of Ireland as to why QK Meats did not come forward and make the Department and the Food Safety Authority of Ireland aware of this? I pose those questions not to question the efficiency of any of the official bodies but to try to find out what level of

knowledge existed among people responsible for monitoring the food industry here.

In regard to the origin of the contaminated product, and without prejudicing the ongoing investigation, can the Minister inform the House whether we are dealing with one or multiple sources of horsemeat from Poland? Can he also state whether the Polish company from which the contaminated product was bought by QK Meats was informed of the reasons the product was returned to it? Were the Polish authorities made aware of the reason either by the Polish company or by Department when it became aware of it?

This crisis has also highlighted the practices of the food companies themselves. Surely there must be an obligation on any company which discovers contamination of their food product to inform the relevant authorities. If not, then there is the onus for that to be addressed as a matter of urgency as part of ensuring that a similar situation does not occur in future.

We also need to be assured that no processors here knowingly include contaminated ingredients in their products. That brings me back to QK Meats. It had received a consignment that was contaminated and it had also received other consignments that were contaminated, yet it continued to deal with the same company. Apparently, the motivation was that it was able to purchase the product for €400 a tonne cheaper. It all came down to greed and profit: it was not about food safety, the interests of the consumer or a concern for the good name of the Irish food processing industry.

While it is difficult to track down such people always, they need to be dealt with vigorously when caught. More than that, legislation needs to be introduced to ensure that regulations on content, testing and reporting make it more difficult for cowboy operators to break the rules. During my conversation with the Minister yesterday when he was giving us a briefing on this, he said he was contemplating doing that. We need legislation to be brought forward to ensure there is an obligation on any companies carrying out testing to notify the Department and the Food Safety Authority of Ireland immediately if they discover any irregularities in the ingredients, and failure to do so must have a consequence. I would like the Minister to deal with that point.

Earlier this morning I moved a Bill to amend the Food Safety Authority of Ireland Act in order to tighten up in this whole area. It is a short Bill which initially seeks to address traceability and labelling according to country of origin as well as ingredients. A Bill of that nature was never so important and we will move it forward at the first opportunity.

There are a number of questions to be answered. We will have to study the report in detail. I only had the opportunity to have one glance at it. I understand the Minister will come before the committee at a later date when we will have a far more thorough examination of it. Since this issue became public, Sinn Féin, as a party, Deputy Caoimhghín Ó Caoimhghín and I must be complimentary to the Minister and his staff for facilitating a number of meetings in regard to the ongoing crisis. That is the way business should be done in this House. I compliment the Minister on this.

**Deputy Caoimhghín Ó Caoláin:** I welcome the Minister's confirmation that there is no suggestion or suspicion that anything illegal or untoward was taking place at Silvercrest, at Liffey Meats, at Rangeland Meats or at McAdam Food Products, all located in my constituency of Cavan and Monaghan. That is very important for each of those concerns, for their futures and for the futures of those who depend on them for their jobs, their livelihoods and their de-

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pendants' needs. I commend the "on the factory floor" workforces at each of those plants for their adherence to the highest standards of food safety and production. That said, the need for strict adherence to contractual arrangements, and for fully responsible oversight by parent companies of subsidiaries across the sector, are lessons that must be learned. Those are lessons for management.

Despite the obvious uncertainties of the weeks since 15 January, the commendable openness and transparency of the testing process set in train, and I have no hesitation in commending the Minister and his Department officials in that regard, has brought us to the cusp of a new and more certain future where domestic public confidence in the Irish beef-based product sector can and will be matched by an international willingness again to laud and applaud Ireland's world leadership role in setting standards in the quality of raw materials used, the production lines in place and the end user produce.

Ireland has - it can again - occupied the premier position on the world stage for food quality and safety. That is a precious position for our country, our economy and all those engaged in agriculture and food production and processing. It is unacceptable, therefore, that anyone or any commercial entity would carelessly or wilfully jeopardise that reputation. I have no hesitation in making it clear to the Minister that every measure should be seriously considered in his and his Department's address of those fault lines in the systems and practices now identified. They should include prosecution where false labelling or the withholding of crucial information is concerned. The suppression of key information by any player in the sector that would alert not only the Minister and the Department but all others, including their competitors, is wholly unacceptable. I have already - I do so again - urged the Minister to introduce legislation to make the reporting to the Minister and his Department of all irregular test results compulsory, with severe consequences for non-compliance.

I have many questions. However, I will confine them to a small number that are of particular concern for me, not having had an opportunity to examine properly the Minister's report. I ask the Minister to confirm, if he can, the future of the Silvercrest operation and the jobs that depend on it. When will the current "bute" testing survey conclude? Will the Minister clearly state that there has not been a risk to human health by virtue of the horsemeat content discovered through the testing process? What sanctions or further actions is the Minister considering where serious failures or wrongdoing have been uncovered? Will the Minister introduce legislation to compel all players in the sector to report any and all irregularities that show in the course of in-house testing?

I thank the Minister again. Deputy Martin Ferris has already recorded my appreciation to the Minister for his accessibility and the accessibility of his office and Department officials.

**Acting Chairman (Deputy Joanna Tuffy):** Deputy Luke 'Ming' Flanagan is sharing time with Deputy Richard Boyd Barrett. Is that agreed? Agreed.

**Deputy Luke 'Ming' Flanagan:** I appreciate the opportunity to discuss this matter. I have not read the report, for obvious reasons. I will read it later. I have read quite a bit on this issue and a few people have contacted me about it. One impressive character, an expert in this area, contacted me. He is connected with horse breeding. In line with the saying, if you have a dog why bark yourself, I will read this person's suggestions which are excellent. I understand that the Minister has seen these too.

He says that at the present time there is no accounting for horses that leave the population through means other than factories that slaughter horses for the human food chain. Specifically, if an animal disposal agent is hired to euthanise and remove a horse, or simply remove a horse that has died or been euthanised by a veterinarian, the agent does not record vital identification variables such as the UELN and microchip number.

The failure to record the UELN and microchip number of each disposed horse is important but it has no direct implication for the human food chain. But the failure of disposal agents to require a passport to accompany the disposed horse is a critical failing in the system. In recent years there has been a trade in passports among dealers who buy horses for slaughter for human consumption. When a dead horse is disposed of the passport is left with the horse owner-keeper. The horse owner-keeper is supposed to return the passport to the issuing agency but most do not. While most horse owners or keepers are honest a minority do sell those passports to dealers for use with other horses. Horses that should not be in the human food chain can enter through this back door.

Changes in zootechnic law that require horse disposal agents to take a horse's passport, record the death of the horse in the proposed on-line information system, and return the passport to the issuing agency would enhance security of the human food chain. An unintended consequence of this policy proposal may be an increase in the incidence of unauthorised and inappropriate disposal of equine remains among individuals owning horses without passports. This issue should be explored during the policy development process.

He also makes several recommendations. He says we do not need a database but an on-line information system. The Department of Agriculture, Food and the Marine is in the process of launching an equine database. This man believes that the Department is rushing this task to respond to the horsemeat crisis and in doing so is missing an historic opportunity to institute an on-line information system that could provide enhanced security and in doing so protect public health. This man believes that the Department should create an equine database that can be accessed by studbook officials, veterinarians, Department veterinarians in the field, and horse owners or keepers with each constituency limited as to the type of data access they have and the kinds of data that may be entered or changed. Other individuals, not only in Ireland but also in the EU and throughout the world, should be able to access certain basic data on a read-only basis. The database should contain the fields or variables required by the Department to fulfil its obligations under EU and Irish law and to protect public health. The database should permit each approved studbook to create additional fields or variables to suit the individual studbook and its breeding and administrative requirements. When a foal is registered in the studbook all the data required by the Department must be entered and JPG files containing the marking chart and written descriptions of the horse marks must be uploaded into the database.

This element of the database is very important because it will allow the Department's veterinarians at slaughter facilities throughout the EU and at ports etc. to compare the UELN microchip number and the JPG scan of the horse's marking chart and written description of the marks to the actual horse in front of them to confirm the identity of the animal.

When a horse is prescribed a substance by a veterinarian that requires the animal to be removed from the food chain legislation must require the veterinarian not only to note the removal of the food from the foodchain in the horse's passport but also to enter within some specified period, for example, two hours, that fact in the on-line information system. Smartphone apps should be developed to facilitate quick and easy entry of the data into the database by veterinar-

ians while they are in the field and away from their offices.

His second suggestion is that there be a centralised passport issuing agency. The requirement under legislation for an indivisible and secure equine passport would be better achieved if there were one passport issuing agency that is integrated into the proposed on-line information system. Tenders should be sought from independent organisations, without conflict of interest, that is, studbooks should not be allowed to compete for the contract to provide real time production of passports ordered by studbooks through the proposed on-line information system. When a studbook registers a foal or is asked to issue a passport to an older horse the studbook would enter the required data including the JPG files for making a marking chart and written description into the database and execute the function to issue a passport. The command would be sent to the new passport issuing agency which in real time would create a bound passport with the latest security features, the blank passports would be identical except the passport cover would be individualised for each studbook.

The benefits of this integrated and centralised approach to passport issuance include, (a) the new security features, for example, holograms, special paper etc. can be implemented rapidly as there would be no inventory of old and outdated passports that must be issued before the new passports are used; (b) the per unit cost of issuing passports would be lower than the cost incurred by any current studbook because of economies of scale; (c) the possibility of passports for older horses being issued without the passports being stamped “removed from food chain” would be eliminated because the information system could be hard-wired to require such an entry in the passport if the “31 December-6 months of age” requirement is not met, or if the passport is a replacement or a duplicate; (d) the real-time nature of the system means there is no reporting lag-time, especially important in the case of older horses being issued original, duplicate, or replacement passports; and (d) the Department’s regulatory costs would be reduced.

His final recommendation is for enhanced identification and control of animals removed from the food chain. Legislation should be passed containing the following elements: (a) the Department must secure and sell to veterinarians a new type of microchip that contains a standard readable code such as “not for human consumption” that veterinarians will be required to insert in horses prescribed drugs that require them to be removed from the food chain; (b) the Department must secure and sell to veterinarians a freeze mark system with a symbol, for example NHC, that veterinarians will be required to apply to horses prescribed drugs that require them to be removed from the food chain; (c) before prescribing and-or administering and-or giving the substance to the horse owner-keeper to administer the veterinarian must search for the new chip and, if not present, insert the chip in a specified location and mark the location of the passport marking chart along with noting the required “removed from food chain” notice in the passport; (d) the Department must audit every veterinarian every year to confirm that the amount of substances, such as Bute, that they acquire reasonably corresponds to the number of horses they have removed from the food chain through passport stamps, the on-line information system, and new microchip implants and freeze marks less the amount verified by Department inspectors as still being in the veterinarian’s inventory; (e) a first offence penalty of €1,000 to be levied on a veterinary surgeon who dispenses a substance that must result in a horse being removed from the food chain; (e) for repeat offenders a penalty of €10,000 and suspension of licence for three months per violation.

I understand the Minister has received this information and I will be interested to hear what he thinks of it.

**Deputy Richard Boyd Barrett:** As the Minister and everyone else is aware, the discovery of horse and pig DNA in what are supposed to be beef products raises the most serious questions. It raises questions for the food industry across Europe and for the political authorities. The fact that it is a pan-European problem and scandal should not be a source of comfort for the Government. I note that at the outset the Minister's response to this crisis was to jump quickly to the conclusion that the origin of the problem lay outside the country and to reassure everybody that everything was okay here and to point the finger at Poland. What we do not need is false comfort in this regard. Instead, we need to be sure that assurances given by the Minister are based on real fact and evidence. Notwithstanding the fact this is a pan-European problem, it is a larger problem for this country for several reasons. First, as Ireland is the largest exporter of beef in the northern hemisphere, sorting out this problem is of significant economic importance to us. Second, the reputation of our food industry is indelibly linked with the welfare of our economy as a whole. The fact horse DNA was found in one third of products tested by the Food Safety Authority of Ireland and pig DNA in 85% of burgers tested in another study is pretty serious.

**Deputy Simon Coveney:** Just to clarify that, of the 957 tests recently taken by the Food Safety Authority of Ireland, only seven tested positive for traces of horsemeat. These were all known products already.

**Deputy Richard Boyd Barrett:** Okay, but it is a pretty serious problem which raises questions about the role of big business in the food industry and its attitude to food quality and integrity. It also raises important social questions. Academics in Britain have been making the point that in time of recession, people in financial distress or who have lost their jobs economise on food purchases and, as a result, are much more dependent on cheap processed food from supermarkets. Accordingly, it is the less well-off who stand to be most impacted upon by this crisis.

**Deputy Simon Coveney:** I agree.

**Deputy Richard Boyd Barrett:** If I understand the report correctly, one food producer in this country, B&F Meats, was involved in mislabelling meat which was then sold on to the Czech Republic. From the looks of it, this was deliberate and there should be prosecutions. The fact that Silvercrest, owned by someone who is notorious in the beef industry as a result of the activities of his firms in the 1980s and 1990s, was misleading its major customers as to whether its products were sourced properly is also serious. It must be remembered that this factory belongs to a firm which a tribunal of inquiry was established to investigate, which the State had to step in to bail out for hundreds of millions of euro and which was involved in widespread tax evasion as well as selling substandard meat to the Iraqis. Quite incredibly, its chief executive was never done for any of this and remains in charge of one of the largest food producers in the country.

QK Cold Stores denied it had found horse DNA in its food products even though the scandal had broken.

**Deputy Simon Coveney:** Just to be accurate. It did not deny it but it did not tell us either. That was the problem.

**Deputy Richard Boyd Barrett:** What is concerning is the report states there is no evidence that Silvercrest and Rangeland Meats knowingly purchased or used horsemeat in the production of beef products. Neither is there any evidence that they did not, however. One could argue it

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is quite incredible that they would not know these facts.

I met a well-known celebrity chef on the street in Dún Laoghaire recently who told me that at the base of this scandal was a product called rind emulsion. This consists of animal carcasses, mainly horses and pigs, which are boiled down to produce an emulsion which, in turn, is used by food processors to bulk up meat products to make more money and to fool the public as to the quality and standard of the meat. According to the chef this is widespread.

Are these bulking agents produced in Ireland and put on beef products labelled as Irish? If that is not the case and they were sourced from outside, what were Irish beef producers doing, in a country that produces more beef than any other country in the northern hemisphere, buying in dodgy beef products from abroad? Punitive action needs to be taken against the firms in question. We need a regulatory regime that ensures we know precisely the origins of all ingredients in food products and what they are. The issue of horse passports also needs to be addressed.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I thank all the Deputies who contributed to this debate. Several Members asked if we could have a detailed discussion on this report, its consequences and its policy implications at the agriculture committee. I want to do that and give as much time as is necessary. I have shown myself to be more than willing to go to committee for long question-and-answer sessions on this matter. We will do that again for this report because I want everyone's input. We will outline a timescale for actions in this regard.

When we replied to parliamentary questions on the passport issuing system for horses, we gave the factual position. In recent years, we have introduced a system of microchips and passports. The law states horsemeat cannot enter the human food chain unless its identity is known through its passport as well as its medical history. Clearly, there are flaws in the system of which fraudsters are taking advantage. However, when people make complaints, we need evidence to follow up on that. We have acted on the evidence that we have gathered ourselves and it is detailed in the report.

I thank Deputies Martin Ferris and Ó Caoláin's supportive comments as I know there is always a temptation in opposition to sling political shots. I have tried to keep all Members up to date on the matter as much as possible through private briefings. There are, however, some ongoing investigations referred to by this report that I cannot discuss. There is one meat trader who operates on both sides of the Border and, in my view, there will be a Garda investigation involving that individual. It is not Martin McAdam by the way. I hope I can continue to ensure the decision-making process in this regard is open and transparent. I am pleased that others see the frustrations I have expressed especially with regard to QK Meats and its lack of forthcoming information.

Deputy Ó Caoláin asked some specific questions about legislation on compulsory reporting. We have made a commitment that we would do this and examine it and we will do so. I am somewhat restricted in what I can say about the future of Silvercrest Foods. I had hoped that by today I could give more clarity for the workers in Silvercrest in terms of what their future holds. I have been rather critical of Silvercrest and ABP Food Group in this report but they have continued to pay all of the staff in the plant in full during the past two months while the plant has been essentially closed and that is to their credit.

I have been working with the industry, including ABP Food Group, to try to ensure that we

have a future for a large, modern burger-making facility at Silvercrest. It is probably the best plant of its type in Europe. I have visited it and seen it for myself. Given the changes that are needed there is no reason this plant cannot continue to employ all of the people that are there at the moment or continue to produce more than 200 million burgers per year, which is what it was producing. That gives a sense of the scale of the operation. I am afraid the detail of that will be for another day.

The issue of bute or testing for phenylbutazone was raised. We decided to release no meat into the market until all horses being slaughtered had been screened for phenylbutazone or bute. That process will have some false positives and when we get them we will test them in detail for bute to determine whether they are real positives and we will release all of that information. The testing will take place until the end of this month and we will publish information on the extent of the problem or otherwise, as the case may be, when we have that information. The issue of sanctions was raised. I have made it clear in the report that, when and where appropriate, we want to take prosecutions and make an example of people if they are guilty of wrongdoing, but obviously I must have the law on my side to do that and I cannot do it simply because I want to.

Deputy 'Ming' Flanagan read into the record a detailed set of proposals. I believe we will do much of what Deputy Flanagan is proposing. Deputy Ó Cuív raised this issue as well. We are considering a centralised database in order that we can have central control of information. The reason for this is similar to the regulation of the beef sector in that when horses are being slaughtered companies should be able to tap into a central computer system to ensure each given horse is as it should be in terms of markings, the microchip matching the passport and the age being consistent with the passport. Unfortunately, a lot of disturbing facts have come to light as a result of our investigations in terms of horses being slaughtered without accurate information.

I will finish presently but I am keen to ensure Deputies get answers. I put it to Deputy Boyd Barrett that it is not true to say we jumped to conclusions at the start of this. Initially this investigation was about Silvercrest Foods. When we established where the ingredient that contributed to equine DNA being in the burgers was coming from we released the information because I said I would do so. The truth is that all the ingredient which tested positive was Polish-labelled. We tested a good deal of other ingredient that came from other parts of Ireland and none of it tested positive. I had to release that information and we drew obvious conclusions from that. Subsequently, the investigation has expanded to involve many more companies, meat traders and others countries and it is true to say that we have real concerns about some Polish-labelled product which on its way to Ireland was transited through other EU countries and which, we believe, may well have been tampered with. Therefore, there are two problems here. Undoubtedly, there are problems with product that came directly from Poland and Polish companies. For example, QK Meats was sourcing from 19 different Polish companies and it returned some product directly to some of those Polish companies. However, there is other product managed by meat traders through intermediaries, especially through our closest neighbour. We have some concerns and there are ongoing investigations in this regard.

Our conclusions have been on the basis of the facts that we can establish through gathering information, interviews, audits of invoicing and order forms, interviewing transport companies and testing in cold stores, but all of this takes time. I believe our team did a great job within a two month period in putting together a rather hard-hitting report. Anyone who accuses me of trying to protect the industry inappropriately will change that view having read this report. We have left no stone unturned. Where criticism is merited we have given that criticism in a blunt

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manner. However, where companies deserve the all-clear in terms of a lack of wrong-doing we are trying to do that as well. This is about telling the truth, learning lessons from what has happened and ensuring that it does not happen again.

### Topical Issue Debate

**Deputy Aengus Ó Snodaigh:** I raise this issue because of a problem that has emerged for those brave men and women who are what are termed retained firefighters or part-time firefighters throughout the country.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** I beg the Deputy's indulgence. I am taking all four of the issues today but I am awaiting a response on the Deputy's particular issue. With the permission of Deputy Ó Snodaigh and the Acting Chairman I would be obliged if I could buy some time and move on to the next issue.

**Deputy Aengus Ó Snodaigh:** I am happy to accommodate the Minister of State, if only to get a good response.

**Deputy Sean Sherlock:** Sorry about that.

**Deputy Aengus Ó Snodaigh:** It was a dry run.

### Mental Health Services

**Deputy Paul J. Connaughton:** Thankfully, I came down earlier than I had expected to, otherwise there could have been another mishap. I thank the Ceann Comhairle's office for the opportunity to raise this issue. The situation at Toghermore House, Tuam, County Galway, has been raised as a Topical Issue before. It is a 24-hour mental health facility on the site of other mental health facilities, including a day hospital. An issue arose towards the end of last year, around 21 December, whereby a decision was made by the HSE to close the 24-hour facility due to what the HSE claimed were fire safety reasons.

A good deal of campaigning took place on the issue and, as it turned out, towards the end of January following ministerial pressure the money was set to be allocated for the facility to remain open. It is important to understand that this facility received a grant of almost €1.4 million between 2010 and 2011 for upgrading. When the Minister of State at the Department of Health, Deputy Lynch, visited the facility in 2011 she stated, "The development of this integrated campus at Toghermore brings together a range of mental health services which will undoubtedly have a hugely beneficial effect, not only on the lives of the patients, but also on the lives of their families and friends." Anyone reading that statement would have a clear understanding that Toghermore House, a 24-hour facility, is a cornerstone of mental health services in Galway and Roscommon. One can imagine the anger that many people felt when they learned this facility was going to be closed.

At the end of January the facility was kept open due to ministerial pressure. In the intervening two months money was set to have been allocated to carry out the necessary fire safety works. What money has been allocated for those works? What was the total figure required?

When will these works be carried out? When will the premises be up to the required safety standards such that it can start to take in patients once again? In the past two months figures of €250,000, €300,000, €360,000 and €500,000 have been mentioned as necessary to do up Toghermore House. This is a farcical situation and although I understand how important fire safety is, it is ridiculous that this could close the facility. Some €1.4 million was put into it, but we cannot get an estimate of the amount needed to keep it upgraded.

I understand the decision on Toghermore House will be made in the context of a review of all mental health services and 24 hour facilities in counties Galway and Roscommon. I would like to know who is on the review board and will be supplying the information. There is concern that HSE West has not been completely upfront with patients and their families or the staff of Toghermore House. When is the review due to begin? Who will undertake it? How long will it take and what are its terms of reference? We have not seen openness or transparency in the past three months.

Many of the people who use this service are in vulnerable circumstances and the continued uncertainty about the future of the facility does not help. A report was prepared only two months ago on the people concerned and the problems they were facing owing to rumours about the closure. It described one individual as becoming unstable and distressed on finding out about a potential move. Another patient was described as stable for many years in a low support facility, but the report noted that most of the hostel's residents had poor coping skills and expressed concern about the clinical risks that could arise if they were relocated.

These concerns must be addressed. Toghermore House should be maintained as a cornerstone of A Vision for Change and mental health services in Tuam. The people of Tuam and north Galway will not accept anything less. The State cannot be allowed to close a facility in which it invested €1.4 million only a few years ago. I ask the Minister, Deputy James Reilly, or the Minister of State, Deputy Kathleen Lynch, take a hands-on approach to receiving confirmation that the money was spent properly.

**Deputy Sean Sherlock:** I thank the Deputy for raising this issue for discussion. I am taking the matter on behalf of the Minister for Health.

Tuam mental health service caters for the Tuam and Headford catchment areas, with a population of approximately 35,000 and a caseload in excess of 800 people. Traditionally, the service was provided at St. Brigid's Hospital in east Galway but gradually during the years community mental health services in Tuam and Headford have been developed. A report on fire safety in Toghermore House was delivered to the HSE in December 2012. It highlighted a number of shortfalls in fire safety which needed to be addressed as a priority. The assessment focused on relevant issues, including means of escape and associated signage and plans; structural fire precautions and fire equipment; coverage provided by fire alarm and emergency lighting systems; and facilities for the fire service.

A local steering group consisting of a mental health clinical director, a consultant psychiatrist, a director of nursing, an occupational therapy manager, a business manager, a team leader social worker and a patient representative was formed by the HSE and met to address the challenges outlined in the report. The steering group is liaising with residents and their families as part of the process. HSE West has implemented improved fire risk assessment and hazard identification measures. All staff and patients have been informed that appropriate actions have been taken such as a complete ban on smoking in and around the residence structure and im-

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proved observations in all areas. To mitigate immediate risks, the HSE is installing a fire alarm system and continues to have hourly fire checks. Preparatory work for the fire alarm system has now been completed and the work is being carried out with minimum disruption to the daily routine of residents.

The executive is commissioning a full review of all 24 hour residential facilities in counties Galway and Roscommon. The outcome of this review will assist in its determination of future requirements for mental health services in these geographic areas. The membership of an expert group to oversee this review is being finalised by the area manager and the executive clinical director. It is expected that the review will be completed within a 12 week period from the date of commission. It should be noted that no other mental health services in the Tuam complex or surrounding areas are affected by the fire safety issue. These facilities include the day hospital, day centre, training centre and workshop, primary care, CAMHS and out-patient and psychiatry of later life services, which continue to operate as normal. The Deputy can rest assured that the responsible Ministers will continue to closely monitor developments on this issue.

**Deputy Paul J. Connaughton:** I mean no disrespect to the Minister of State when I say the Topical Issues debate becomes a farce if one Minister of State arrives into the Chamber and proceeds to read out four scripts. I received the answer he has just read from the HSE one week ago. I asked a series of questions on the cost of the fire safety works, the identities of the individuals being appointed to the review board and the terms of reference of the board. I want the relevant Ministers to take a hands on approach because we cannot spend €1.4 million in upgrading this facility only to review it two years later. This will feed into a review of all services in counties Galway and Roscommon. It has become a bigger issue. The people of these counties deserve to know what the review will entail. If a decision was taken two years ago to invest in this facility, it behoves us to find a long-term solution. I still do not know how much money has been spent on Toghermore House or when it is going to take in new patients.

I acknowledge this issue is not part of the portfolio for the Minister of State, but reading almost word for word a script I have already received from the HSE is not an acceptable way to do our business. If he does nothing else, I implore him to bring the message to the Minister, Deputy James Reilly, and the Minister of State, Deputy Kathleen Lynch, that we will not accept a downgrading of the facility in Toghermore House in the light of the investment made. We must provide the level of care the individuals concerned and their families deserve. It is not sufficient to consult them. They need to be told where their loved ones will be staying for the next few years. It is time for the Minister and the Minister of State to take a hands on approach to securing Toghermore House for the future.

**Deputy Sean Sherlock:** I agree with the Deputy that it is farcical for one Minister of State to respond to four issues. However, I know the Minister, Deputy James Reilly, and the Minister of State, Deputy Kathleen Reilly, would engage directly with him on his questions about who is on the steering group and the details of costs and timelines. I note, however, that the patients are represented on the group and, if the process is working properly, it should address the needs of patients and their families. I tend to agree with the Deputy on the issue. I have had similar experiences in my own area and ensured the regional director of operations was answerable to me on any issue arising. I recognise that it is important to raise these issues in the House and apologise to the Deputy for my lack of intimate knowledge of them.

## **Part-Time Firefighters**

**Deputy Aengus Ó Snodaigh:** A problem has emerged for the brave men and women who are retained as part-time firefighters. These individuals were trained at a cost to the State and their local authority of nearly €30,000. They volunteer to be on stand by on a 24 hour basis for up to six days at a time, which makes it difficult for them to organise their lives. Their compensation for being on call amounts to approximately €8,000 per annum. The amounts may vary slightly by local authority, but they are around that figure.

*4 o'clock*

One individual who came to me has been denied jobseeker's allowance because he is a firefighter and is on call by rotation. That rotation requires him to be within a short distance of the fire station at all times when on call, which means he must be no more than five minutes away from the station. If the person is employed, he or she must be able to leave that employment and rush down to the station. They must respond to the emergency when their beepers go off. If we did not have these men and women around the country, the emergency response to fires, road and farm accidents and other emergencies would not be adequate. Our emergency services would collapse without these workers and we would see increased fatalities in fires and road accidents.

Ideally, the country, North and South, should be covered by a full-time firefighting service under a single authority and one fire chief. There would be significant savings involved if we reduced the number of fire chiefs to one, from the 30 or so existing fire chiefs. We could also reduce the number of assistant fire chiefs. The savings achieved could be retained and invested in building up the full-time service. However, in the meantime we are dependent on our full-time crews and the retained and volunteer crews.

The individual I mentioned, Gavin Burns, is attached to Dundalk fire station. I believe the Department of Social Protection is behaving obnoxiously in refusing him jobseeker's allowance for the period of time he is not in employment. Basically, he is a casual or part-time worker, as are up to 90,000 people in similar situations in other employment. The Department has argued that he is not available for work and that he is putting up too many barriers to finding work. I believe the Department has not taken into account his role or the role played by other similar people who have been refused part-payment of jobseeker's allowance. He moved from Carlingford to Dundalk to be closer to job opportunities and to be closer to the fire station. However, that was not taken into account. It was also unreasonable of the Department of Social Protection to demand that he give up his retained firefighter role to allow him to apply for full-time work. He is applying for full-time work anyway, including making applications to the likes of Aer Rianta, where his skills could be put to good use. His only source of income currently is the €8,000 he receives as a retained firefighter. Like many other people in the country, he has tried to get work and he is staying with relatives and friends in order to save money so that he is available for his emergency work.

Is it a new condition for part-time and casual workers that they must give up their work and enjoy the luxury of being full-time on the dole? That is unreasonable, and I hope it is not the case as it would cost the Department a fortune. Just imagine how much it would cost to pay the 80,000 or 90,000 casual or part-time workers if they were shifted onto full-time dole. I do not believe that is a direction the State wants to take. I hope people such as Gavin Burns, other retained firefighters and other workers will be accommodated by the part-time or casual worker

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mechanism within the jobseeker's allowance. Other workers such as dock workers, forestry workers and fishermen are accommodated, given the importance of their jobs. Why are conditions different for retained firefighters? At least, in Dundalk they are seen as different.

**Deputy Sean Sherlock:** I thank the Deputy for his earlier forbearance. I have now been provided with a reply from the Minister of Social Protection, who is out of the country at this time.

Social welfare legislation provides that a person must satisfy the conditions of being available for and genuinely seeking work in order to be entitled to a jobseeker's payment. Any person who fails to satisfy these conditions on an ongoing basis is not entitled to such payment. Obviously, to be fair to the gentleman mentioned by the Deputy, that does not apply in his case.

Unlike other jobseekers, who must sign off the live register on any day on which they find work, part-time firefighters are paid a jobseeker's payment in respect of days on which they are engaged in firefighting or training. They are, however, required to satisfy other statutory conditions for the receipt of a jobseeker's payment - that is, they must continue to be available for and genuinely seeking work. In this respect, deciding officers do not treat them differently from any other jobseeker. I accept the point the Deputy has made in this regard, but I do not have the full details of the case to hand.

With regard to dealing with the systemic issue, I am familiar with the problems. In my area of Cork we have part-time firefighters and similar circumstances apply. Given the vagaries of this type of employment, issues relating to the eligibility of firefighters for jobseeker's payments have been raised with the Department of Social Protection on numerous occasions over the years. Taking account of the unusual circumstances of these workers and general efforts to develop and standardise the jobseeker schemes, a group was established in the Department to examine the position of firefighters. While the work of this group is largely completed, issues relating to firefighters remain under consideration in the Department. Key to these considerations will be recognition of the very valuable service this group of workers provide to their local communities. However, it is also important that the integrity of the jobseeker scheme is maintained. Achieving a balance in this regard will include recognising the important service these workers provide and the contribution they make to the safety of communities across the country.

**Deputy Aengus Ó Snodaigh:** I thank the Minister of State for his reply and the clarification he has given. I hope Gavin Burns and any other firefighter who has been refused jobseeker's payments will be able to use this reply to show deciding officers they are wrong to exclude them if they are genuinely seeking work. Mr. Burns has been genuinely seeking work. In one case he lost out on a job placement because he was not in receipt of a social welfare payment and Garda clearance did not come through on time. There are anomalies in this regard, and I hope the departmental group will conclude its work quickly. Mr. Burns was aware the group was considering the situation and had hoped it would deal with his issues.

The Minister has accepted that exceptions can be made in the case of firefighters and other part-time workers who are vital to protect and support our communities in times of distress such as fires. Hopefully, in this case, the Department will understand the intention of the Minister to allow part-time or retained firefighters to avail of jobseeker's allowance while not in full-time employment. Obviously, one would wish for all of them to have full-time employment and for their employers or prospective employers to take into account their firefighting requirements

and allow them provide that service to their country and communities.

**Deputy Sean Sherlock:** Again, I thank the Deputy for raising this issue. It would do no harm were the Deputy to refer the case of Gavin Burns to the Minister for reference as part of the ongoing review process.

### **Tallaght Hospital Patient X-rays**

**Deputy Seán Ó Fearghaíl:** I am grateful for the selection of this important issue for discussion. Deputy Connaughton raised a point earlier which was graciously accepted by the Minister of State and which is important to put on the record. This Topical Issue debate has become an important part of the minimalist Dáil reform we have seen. The Whips and members of the Committee on Procedure and Privileges have expressed concern in recent times that Ministers do not appear to deal with the issues. I agree this is an exceptional week - the Cabinet benches have become like the deck of the *Mary Celeste* as the week has gone on - and that it is appropriate for Ministers to be out of the country this week. However, I hope what we have seen happen in recent weeks does not become a trend.

We learned yesterday that Dublin's Tallaght Hospital has a backlog of approximately 6,000 reports on X-rays and other scans, reports that have yet to be provided to doctors who referred patients for checks. The problem relates to delays in typing these radiological reports. These cases involve X-rays, CT scans, MRI scans and ultrasound scans that have been read by specialists. The results have been dictated onto tapes but they have not been circulated to the referring medical practitioners. The excellent CEO of the hospital, Eilish Hardiman, has said that no risk to patient safety arises from these delays. She has said that when the standard turnaround time is taken into account, the current delay in typing up reports is two or three weeks. We discovered yesterday that an internal memo circulated in the hospital's radiology department warned that the backlog might put patients at continued medical risk as a result of the failure to transmit findings to the referring doctors. Furthermore, the memo claims that this problem was highlighted to senior hospital management up to four months ago, but attempts to tackle the backlog did not succeed.

As we know, this is sadly not the first time there has been a controversy regarding X-rays at Tallaght Hospital. An independent report was produced after it was discovered in 2009 that 57,000 X-rays had not been read and thousands of referral letters had not been opened. Following the publication of the report, we were assured that problems of this nature would not recur. It appears fairly evident to me that difficulties are arising at the hospital as a result of chronic staff shortages. When health service issues are debated, the importance of front-line staff is often mentioned because it cannot be questioned. However, derisory comments are often made about those who work in the administrative and clerical departments of our hospitals. This controversy should remind us how important it is to provide the necessary level of support staff, including administrators and clerical assistants. This appears to be a difficulty at present. I hope the Minister, Deputy Reilly, having waxed lyrical on previous crises in this hospital, will turn his attention to this crisis with a view to finding a resolution as a matter of considerable urgency.

**Deputy Sean Sherlock:** I thank the Deputy for raising the issue of the typing and issuing of transcripts of X-ray reports. I am responding on behalf of the Minister for Health. It is important to assure people attending the radiology unit at Tallaght Hospital that there is no risk to patient safety. Urgent and prioritised reports in the emergency department and the paediatric ra-

diology unit are produced within 24 hours. Tallaght Hospital has in place a documented clinical governance process for radiologists, the doctors who examine x-rays. Urgent cases and cases in need of time-sensitive clinical decisions are flagged in advance by clinicians for immediate reporting. Critical or urgent findings are immediately brought to the attention of the referring doctors and the clerical staff who transcribe and send the report immediately.

An average of 15,000 reports are typed at Tallaght Hospital each month. Standard non-urgent reports are usually produced within two or three weeks. The number of reports that need to be typed has increased due to initiatives to improve access to imaging. More patients are receiving radiography examinations in Tallaght because of higher productivity and better facilities. For example, a second CT scanner was opened in December 2012. An initiative with Naas General Hospital reduced the MRI waiting list by 16% in 16 weeks. Some 6,000 examinations, or 3.5% of the annual total of 172,000, are currently untyped. Some 3,000 of these untyped reports relate to patients who attended routine outpatient imaging. They have been reported through an initiative with additional consultant resources. The remaining untyped examinations date from 12 February last to the current day. As the standard turnaround time for routine reports is two to three weeks, these tapes are currently delayed by a further two or three weeks.

The radiology department, the diagnostic directorate and the executive team are taking a number of steps to address this issue. Additional clerical support is being provided in the radiology unit to assist with the typing of tapes. It is intended that the backlog will be cleared in approximately five weeks. The hospital has initiated demand management protocols within national guidelines to avoid the need for reports on specific images such as orthopaedics. An integrated voice recognition system that was piloted last year will be introduced from early April. This will eliminate the need to type transcripts for approximately 65% of the radiology workload. It is expected that voice recognition for all reporting in Tallaght will be fully implemented by the first quarter of 2014 as part of the roll-out of the national integrated medical imaging system. This will eliminate the need to transcribe radiology reports.

**Deputy Seán Ó Feargháil:** I welcome much of the positive content in the Minister of State's reply. I reiterate that an internal memo in the radiology department has pointed to the possibility of some medical risk. We are all committed to ensuring medical risk is reduced in all circumstances. I am sure the Minister of State shares that commitment. Aside from the issue of medical risk, it must be pointed out that delays of two, three, four or five weeks also place considerable pressure on patients awaiting the results of MRI scans or X-rays. This problem has many repercussions from a human point of view. It is symptomatic of the larger staffing problem in Tallaght Hospital, particularly in the accident and emergency department. My attention was brought to this matter at the weekend when I met a friend who works as a nurse in the hospital. I ask the Minister of State to highlight this issue with his colleagues at Minister of State level and with the Minister for Health. The accident and emergency department in Tallaght Hospital is facing inordinate staffing pressure. Nursing staff, in particular, are working up to 80 hours a week because they are under intense pressure to work extraordinary levels of overtime to ensure the necessary services are provided. This issue must be of concern to everyone in this House. I am sure it is of concern to management personnel at the hospital, whom I salute for doing their best in difficult circumstances. I hope the Minister of State will take up this matter with the Minister for Health.

**Deputy Sean Sherlock:** I will do so. I acknowledge everything that has been said.

## **Commercial Rates Issues**

**Deputy John Lyons:** I thank the Ceann Comhairle for giving me an opportunity to raise this issue in the presence of the Minister of State. Finglas village is on its knees. It has two large retail centres on its outskirts, one to the north of the village and one to the south. There are many vacant units in Finglas village centre, which is struggling to compete with the two out-of-town centres I have mentioned. Along with my Labour Party colleague, Councillor John Redmond, I have been fighting to protect the village by keeping the post office open and opposing inappropriate developments such as arcades and slot-machine venues. We also have been considering ways to revitalise the village. The local tidy towns committee and the Friends of Finglas Village group are doing Trojan work in their own time to support ways of ensuring the village remains a vibrant place. Finglas is just one of many villages and towns in Ireland that have multiple vacant units. This problem is replicated throughout the country where local communities are contending with the challenges posed by out-of-town centres, which are able to grab more attention.

In the short time available to me, I will speak about the idea of adjusting commercial rates to support retail centres in towns and villages. I appreciate that valuation and planning issues arise in this context. I believe rates should be aligned to incentivise development in core areas; this would be in keeping with the planning guidelines. I also believe it is worth considering the temporary imposition of a large retail levy on massive out-of-town developments. Both of these measures could strengthen local government and increase accountability. With some exceptions, rates are currently applied evenly regardless of the location of the business. While councils have made huge efforts in recent years to reduce rates, this approach is indiscriminate of factors affecting retailers such as accessibility and the amount of parking that is available. Businesses create their own effects. Large out-of-town retailers draw customers from town centres. This was not really an issue during the good times. However, many of the existing out-of-town developments were built at a time when we had a fast-growing economy and the pie was getting bigger. In the far more competitive economy of today, the advantages the larger out-of-town retailers enjoy have multiplied even more. These competitive advantages are directly impacting on towns such as Finglas, Naas and Ballinrobe, to give just three examples. The knock-on effect is that this is threatening jobs and undermining our planning policies.

I believe councils should set their own rates according to location, giving reduced rates to those in core areas and setting increased rates for outer areas. While it would be up to each council to do this based on local circumstances, I believe it is workable and cost neutral. Consideration could also be given to putting a levy on very large shopping centres in out-of-town locations. For example, in Northern Ireland a three-year large retail levy was introduced on big out-of-town retailers. This levy could be used in conjunction with a revised rates scheme or a stand-alone levy, both of which are worthy of consideration.

This principle has already been established within the new development contribution guidelines, which require local authorities to apply lower contribution charges for developments in town centres and higher ones for out-of-town centres. Furthermore, the Putting People First local government reform document will allow councils to adjust local property tax in certain areas. With a differential rates scheme, which is what I am proposing today, councils and councillors would be able to set commercial rates in their own areas and align them to a policy that would be in alignment with planning policy, thereby enhancing local government reform.

In a nutshell, the current planning guidelines state that towns and villages are at the core of our retail objectives yet our rates scheme does not represent this in any way. We provide the same rates scheme to large out-of-town retailers as to those who are within our planning guidelines in towns and villages. If we really want to promote and enshrine our planning guidelines, which state that locations such as Finglas village or Naas are key retail centres, we must have our rates scheme reflect that. At present, it does not do so. I welcome that our development contribution guidelines have changed to match our planning guidelines. The only piece that is missing in the cake in terms of changing the regulations to be in accordance with our planning guidelines is our differential rates.

If we truly want to bring lifeblood and activity into towns and villages which are genuinely struggling, we need to change our rates scheme to reflect that. The reality is that those retailers which are out of town are in a position to pay higher rates given they have huge car parking space and customers go to these centres for a variety of reasons. If we genuinely care about our towns and villages, we must have some sort of a differential rates scheme which reflects this.

While these large out-of-town retailers of course supply jobs, the businesses in our towns and villages do the same. The big difference is that the majority of retailers in our towns and villages are businesses owned by local people, providing local jobs and buying local produce, which is then sold on further. I hope the Minister of State will take on board my suggestions. While I am conscious it is not his direct departmental responsibility, I look forward to his response.

**Deputy Sean Sherlock:** I thank the Deputy for raising this important matter, which I am taking on behalf of my colleague, the Minister for the Environment, Community and Local Government, Deputy Phil Hogan.

Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. Any of us who have served on local authorities would acknowledge the point Deputy Lyons has made in this regard. The levying and collection of rates are matters for each individual local authority. The annual rate on valuation, ARV, which is applied to the valuation of each property, determined by the Valuation Office, to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function.

The Government has no plans at this juncture to introduce a temporary levy on large out-of-town retail operations. In terms of planning policy, the Minister, Deputy Hogan, and the Minister of State with responsibility for housing and planning, Deputy Jan O'Sullivan, published new development contribution guidelines in January 2012. The new guidelines build on the experience gained in recent years and also align development contribution policy with the Government's prioritisation of employment creation, investment and sustainable development, a point the Deputy addressed in his contribution. Above all, the guidelines are intended to support proper planning and sustainable development while also prioritising job creation and economic investment.

All in this House, across the political spectrum, are aware of the pressures on small and medium enterprises and intergenerational businesses in places like Naas and Finglas, to which the Deputy referred. In that context, local authorities have been asked by the Department of the Environment, Community and Local Government, by way of a circular letter, to exercise

restraint or, where possible, reduce commercial rates and local charges for 2013. Local authorities have responded well to such requests in recent years and, in 2013, 87 out of the 88 rating authorities have either reduced their ARV or kept it the same as in 2012.

The Deputy referred to the Government's action programme for effective local government, Putting People First. This indicated that, in the context of reorganisation of local governance structures, the proposed new municipal districts will provide an opportunity to achieve a more coherent approach to rates and charges on a county-wide basis, having regard to funding requirements and the need to support employment and business competitiveness. To be honest, I do not know how that dynamic will work in Finglas and it is probably easier to map that potential in terms of counties such as Cork, where there are distinct municipal areas that do not border on a large metropolitan area. It will be a challenge, and I acknowledge the Deputy's point in this regard. The action programme proposes rates harmonisation to cater for differences between ARVs of towns and counties. The Minister's approach to rates harmonisation will seek to ensure, on the one hand, that harmonisation does not lead to significant net loss of revenue in individual counties, with consequential implications for services, and, on the other hand, that increases in rates do not impact negatively on businesses and employment.

The Minister has informed me that he will continue to keep the approach to rates by local authorities under active review and that he is determined every avenue will be pursued to optimise efficiency and contain costs in the local government sector.

**Deputy John Lyons:** I thank the Minister of State. To be fair, the response is reasonably positive in that there is some light at the end of tunnel and this issue may be reviewed. To give some anecdotal evidence, in a village that has more vacant than occupied units, and in an economy that is just beginning to turn around, two local men in Finglas recently opened up a Four Start Pizza shop with an attached Subway branch. They have only opened the shop since Christmas but as they had the premises before Christmas, their rates were approximately €9,000 for last year, even though they were not even up and running. They are competing with a large supermarket that sells anything from a light bulb to a banana to a computer and everything in between, and this supermarket has plenty of parking spaces, which, to be fair, it would have paid for through development contributions. These two local people are trying to meet our challenge of creating jobs and being innovative, and have set up a business to do so, but they are in an area of the village that is falling on its knees.

This story is replicated in every county. One can drive through the towns from Dublin to Cork, which I and the Minister of State know well, and see that units are closing down because they just cannot afford rates and other charges. At the same time, just outside the towns we can visit large retail units which are thriving because more people can go there, they have no parking issues and so on.

I welcome the fact the Minister for the Environment, Community and Local Government has said he will keep an eye on this issue. However, if we are serious about bringing life back into our villages and towns, whether they are urban or rural, we have to look at the amount of rates we charge. Those who can pay more should pay more and those who cannot pay as much should not pay as much. This is the way to do things under the principle of fairness. If we want to keep our villages alive and bring life to somewhere like Finglas, we must look at the rates we charge. Surely somebody who operates a branch of Four Star Pizza in a village that is on its knees should not have to pay the same rates as a retail outlet outside the town with multiple parking and significant advantages. That is one anecdotal example. I thank the Minister of

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State for his response. It was reasonably positive and there was some light at the end of the tunnel.

**Deputy Sean Sherlock:** I am getting a bit peckish thinking of Four Star Pizza. It is a long way to Cork. I might pop in. On a serious note, I concur with what the Deputy is saying. We are seeing that effect throughout the landscape. There are factors other than rates influencing that dynamic. The Deputy is right about out-of-town multiples being able to house all products across a broad spectrum, which is certainly having an effect on smaller towns and villages.

Smaller towns and villages must be creative because consumption has modified considerably. Conspicuous consumption has virtually flat-lined and we might have to be more creative about how we re-imagine town centres and villages. I take the point the Deputy is making.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Defence Forces Spending**

1. **Deputy Seán Ó Fearghail** asked the Minister for Defence the way Ireland's defence expenditure as a share of GDP compares with those EU nations who are not members of NATO; and if he will make a statement on the matter. [13268/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd) (Deputy Fergus O'Dowd):** I am taking these questions on behalf of the Minister for Defence who is out of the country. Each country pursues a defence policy that reflects its particular requirements and there can be significant differences in the proportion of funding that differing states allocate to defence. My colleague, the Minister for Defence, is committed to ensuring that the Defence Forces can continue to meet this State's defence policy requirements. The latest comparable figures obtained from the European Defence Agency show that Ireland's 2010 defence expenditure, including Army pensions, at 0.59% of GDP was the lowest of the six non-NATO EU member states. With regard to the other non-NATO EU members, the figures are as follows: Malta, 0.71%; Austria, 0.86%; Sweden, 1.23%; Finland, 1.50%; and Cyprus, 2.06%.

The current economic conditions have necessitated reductions in public sector expenditure in Ireland, including defence expenditure. Having regard to these resource constraints, the Minister has initiated a broad range of measures aimed at maintaining the operational capacity of the Defence Forces. Arising from the comprehensive review of expenditure, the Minister secured the agreement of Government to stabilise the strength of the Permanent Defence Force, PDF, at 9,500 personnel. Within this strength ceiling, a major re-organisation of the Defence Forces was initiated. This has prioritised operational capability and re-deployed PDF personnel from administrative and support tasks to operational units. A major re-organisation of the Reserve Defence Force is also currently underway. In addition, equipment procurement continues

to prioritise Defence Forces operational requirements. Together, these measures are ensuring that the Defence Forces remain fit for purpose. The Chief-of-Staff has confirmed that the Defence Forces can continue to meet all operational requirements at home and overseas.

**Deputy Seán Ó Fearghail:** I welcome the Minister of State. I think this is the second year in succession that he has been here for St. Patrick's week. I do not know whether he is averse to travel or keeps drawing the short straw.

His answer indicates clearly that Ireland's expenditure on defence has been very low as a proportion of GDP compared to other non-NATO members. I would like to explore by way of a supplementary question the impact of the Croke Park agreement on defence expenditure. One of the significant aspects of this is the reduction in pay and allowances for members of the Defence Forces. We explored this at the last Question Time with the Minister for Defence. I put it to him that it was important for the Minister to become an advocate for members of the Defence Forces who had already participated in reviews and reform long before many other areas of the public service did. We talked about allowances and the Minister accepted that they were an integral part of the pay of defence force members. Yet we saw a significant cut that impacts adversely on the lower ranks of the Defence Forces. I think the figures used are 14% for privates and 6% for generals.

It appears the Minister abandoned the commitment he made here, or I thought he made, to become an advocate for members of the Defence Forces and to defend their pay and conditions. Will the Minister of State comment on that and tell us how this will impact on expenditure as part of GDP?

**Deputy Fergus O'Dowd:** I thank the Deputy for his welcome. With respect, the question he asked concerned the way Ireland's defence expenditure as a share of GDP compares with those of other EU nations which are not members of NATO. The briefing I have refers to the question put down for answer as a priority question and does not mention the other issues raised by the Deputy. Notwithstanding the comments the Deputy made about Ireland's spending being lower than that of others, if one compares the non-NATO countries about which he asked with the Defence Forces' complement, Ireland is doing quite well in that we have about 9,950 full-time Army personnel and spend about €901 million on our armed services. If one compares this with other countries, one can see that Malta has 2,000 personnel. While its defence expenditure takes up a higher proportion of GDP, it spends much less than us at €44 million. Austria, which has a complement of 28,000 full-time army personnel, spends €2.4 billion. Sweden has a very large army of 259,000 full-time personnel and spends €4.2 billion. Its defence expenditure as a percentage of GDP is 1.23%. Finland has 35,328 full-time personnel and spends €2.7 billion. Cyprus has 12,000 personnel and spends €361 million. Notwithstanding the very difficult situation in which we find ourselves and the cuts that have taken place as a result of the comprehensive review of expenditure across all Departments, I reiterate that the Chief-of-Staff has confirmed that the Defence Forces can continue to meet all their operational requirements at home and overseas.

**Deputy Seán Ó Fearghail:** I am anxious to discover how these income reductions will impact on the percentage of GDP that is expended. The Minister conceded here last month that quite a number of Defence Forces members are in receipt of income support through the family income supplement. I doubt this is true of defence force members in other EU member states. On top of that, if Defence Forces personnel are to experience as a result of Croke Park II further cuts of 14% for those at the lowest level of pay, surely that will have a devastating impact on

them and their families.

**Deputy Fergus O'Dowd:** I repeat that this was not in the question put down for priority answer. Having raised it, I will bring the points raised by the Deputy to the attention of the Minister and Department for direct reply.

## Human Rights Issues

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence his views on the reports from human rights organisations regarding executions and serious human rights abuses by the Malian military in the context of the impending deployment of members of the Irish Defence Forces to assist that same army. [13454/13]

**Deputy Fergus O'Dowd:** Ireland and our EU partners are gravely concerned about reports of human rights violations by the Malian authorities. Such allegations must be thoroughly investigated and those responsible should be held accountable. Respect for human rights is at the core of all of Ireland's engagement in overseas missions. United Nations Security Council Resolution 2071 (2012) calls on the EU to provide assistance, expertise, training and capacity-building support to the armed and security forces of Mali in order to restore the authority of the State of Mali over its entire national territory. As a result, the Government decided on 26 February to deploy eight members of the Permanent Defence Force for service with the EU training mission in Mali, as part of a joint infantry training team with the United Kingdom armed forces, to provide military training and advice for the Malian armed forces. The mandate of EUTM Mali, in which Ireland will participate, includes a strong focus on training the Malian armed forces in the areas of human rights and international humanitarian law.

Addressing concerns about the human rights situation in Mali is one of the European Union's highest priorities. At the Dublin meeting of Development Ministers on 12 February the European Union announced that it would be providing funding for the deployment of human rights monitors throughout Mali. The monitors will be from the African Union, the Economic Community of West African States and civil society. The situation in Mali is being discussed at the current session of the UN Human Rights Council in Geneva. Ireland will be playing an active role in these deliberations in order to highlight our continuing human rights concerns and ensure these are addressed.

### *Additional information not given on the floor of the House*

We are consistent in our view that the crisis will not be resolved through military action alone. In this context, we are pressing hard for progress on the political track. The Government has welcomed the progress made in that area in recent weeks with the adoption by the Malian Government of a political transition road map and the establishment of a national dialogue and reconciliation commission. My colleague, the Minister for Defence, calls for the full implementation of the road map culminating in free and fair elections scheduled for July.

**Deputy Pádraig Mac Lochlainn:** It is extraordinary that Ireland, a supposedly neutral state, would commit eight members of the Defence Forces to work in an EU-NATO operation. There have been disclosures of human rights abuses. Human Rights Watch recently reported various incidents involving the Malian army during this period, including the summary execution of 13 civilians and the disappearance of others, as well as the torture of civilians. The UN

special adviser on the prevention of genocide, Adama Dieng, expressed serious concerns about human rights abuses involving the Malian army. Ireland has a proud history of participating in UN blue helmet peacekeeping operations. I acknowledge the Minister is not present because he has been in the Lebanon paying tribute to Defence Force members, of whom we are very proud. However, the operation in Mali is not a blue helmet operation. Our neutrality is very precious. It gives us the capacity to play a role in conflict resolution in parts of the world such as the Middle East, in particular. If the Defence Forces are increasingly working with NATO under whatever guise, this undermines our neutrality.

**Deputy Fergus O'Dowd:** I repeat what I said in my response: "United Nations Security Council Resolution 2071 (2012) calls on the European Union to provide assistance, expertise, training and capacity building support for the armed and security forces of Mali in order to restore the authority of the state of Mali over its entire national territory." Ireland is participating on the basis of a United Nations Security Council resolution. The reason for our presence in Mali is to support the United Nations. The Deputy is correct that violations of human rights have been clearly identified. The Irish troops are training Malian army personnel in dealing with issues related to human rights violations. The United Nations is extremely concerned about any violation of human rights and there is no doubt the Malian army has violated human rights. The protection of human rights is a priority for Ireland, the European Union and the United Nations. There are also serious abuses of human rights by others in Mali on the other side of the conflict. Our job is to ensure such abuses end.

**Deputy Pádraig Mac Lochlainn:** I refer to the UN Security Council resolution on Libya which did not stipulate that France and Britain engage in regime change and removal, but which is what they did. It has resulted in a crisis in Syria because Russia and China will not support a Security Council resolution on Syria. I refer to long-standing UN resolutions on Israel and the West Bank settlements, yet we are not sending Defence Forces members to help the people of Palestine. These activities are optional and the Government has choices. We need a debate on this operation in Mali. As only eight members of the Defence Forces are going to Mali, the operation does not require the approval of the House which is necessary when more than 12 members of the Defence Forces are involved. I appeal to the Minister of State and the Minister for Defence, Deputy Alan Shatter to agree to a debate in the House on the impact on our neutrality of this involvement in Mali. I agree that there are human rights abuses on both sides of the conflict. I also agree that the international community has a role to play in conflict resolution, peacekeeping and protecting people on both sides. However, we are taking sides and not being neutral in this issue. This is not in keeping with Ireland's international reputation. We need a debate to discuss the issue rather than have this measure rushed through in a couple of minutes today.

**Deputy Fergus O'Dowd:** The time allotted for the Deputy's Priority Question is ordered by the rules of the House. I do not have a problem with allocating more time if the House so decides.

Any issue relating to Irish troops can be discussed, either by means of a Priority Question in the House, an Oireachtas committee or in the annual report of the Department of Defence. A resolution of the House is not required if the number of troops being sent on an operation is fewer than 12. However, this does not prevent the House from discussing the issue, as is the case today.

I reject the Deputy's argument that this country is not being true to its policy on neutrality.

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Irish troops are actively supporting the United Nations in this operation in order to ensure human rights violations will be dealt with very seriously. They are working to support the United Nations. I disagree with the Deputy the situation in Libya. Whatever happened there, one gentleman - Colonel Gaddafi - is no longer in charge. I think he gave certain Semtex explosives to people on this island who put many thousands in early graves. I objected to them and still do. I am glad that he is gone, but I do not know the Deputy's views in that regard.

**Deputy Pádraig Mac Lochlainn:** I am glad Colonel Gaddafi is gone, but that country has been destroyed because of the abuse by NATO powers of a UN Security Council resolution. Every objective observer in the world agree with that assessment. Libya has been destroyed by that approach. There is no intervention in Syria because of the ridiculous behaviour of international powers.

**An Leas-Cheann Comhairle:** We have to move on. As Deputy Finian McGrath is not in the House for Question No. 3, we will deal with Question No. 4.

*Question No. 3 lapsed.*

### **Defence Forces Reorganisation**

4. **Deputy Seán Ó Fearghail** asked the Minister for Defence if he will provide an update on the restructuring of the Defence Forces; the savings that have resulted from the disestablishment of the Western Brigade; the feedback, if any, that he has received from members of the Defence Forces with regard to this restructuring; and if he will make a statement on the matter. [13493/13]

**Deputy Fergus O'Dowd:** Arising from the comprehensive review of expenditure in 2011, the Government decided to stabilise the strength of the Permanent Defence Force at 9,500 personnel. Following that decision, it was decided that it was not viable to retain a three brigade structure within a strength ceiling of 9,500 personnel. Accordingly, a major reorganisation, encompassing a reduction in the number of Army brigades from three to two, was undertaken. The major reorganisation to give effect to this decision is ongoing and largely complete.

One consequence of the reorganisation was the disestablishment of the 4th Western Brigade and its associated units. At the same time, other units in the remaining brigades were amalgamated. It is difficult at this stage to estimate the savings made through the disestablishment of the Western Brigade as this is just one element of the reorganisation. Monetary savings have been delivered through the reduction in personnel strength. The reorganisation has improved the deployment options and sustainability of the Defence Forces, while maintaining an all-arms versatile force both at home and overseas.

**Deputy Seán Ó Fearghail:** It is regrettable that this issue is raised month after month. It reflects the extent to which the unilateral decision by the Minister in announcing the disestablishment of the 3rd Western Brigade came as a shock to members of the Defence Forces who are looking to the Green Paper initiative to form the basis for the reforms. I am a little disappointed that the notes supplied to the Minister of State do not give an indication of the savings made as a result of the initiative. PDFORRA has argued strongly that a strength of 9,500 personnel could have continued to be maintained effectively within a three brigade arrangement. Will the Minister of State put it to the Minister for Defence that when the Green Paper process is under

way, a return to a three brigade arrangement might be considered?

I must also put on record the concerns expressed to me by serving members of the Defence Forces who are being forcibly relocated from one part of the country to another. If the anecdotal information relayed to me is correct, then it appears that personnel are crisscrossing the country. This must give rise to increased costs and make the operational aspects of the work much more difficult. Is the Minister of State in a position to indicate whether costs have arisen in the context of allowances paid for relocation? Will he also indicate whether transport and travel costs have increased to a significant degree?

**Deputy Fergus O'Dowd:** A three brigade structure was retained from the 1990s onward, when there were 11,500 full-time Defence Force personnel. This structure was also retained on foot of the White Paper on Defence published in 2000, which reduced the strength of the Permanent Defence Force to 10,500. It is no longer viable to retain the structure.

Some 1,772 Army personnel - 24% of its total strength - have been redeployed within the newly structured brigades and via the Defence Forces training centre. Any member of the Permanent Defence Force whose appointment was directly affected by the reorganisation was assessed for a new appointment during the reassignment phase. This was done to minimise the impact of the reorganisation on individuals. The reassignment process allowed for personnel due to be reassigned to indicate their choice of new appointment. In seeking to match personnel to be reassigned with appointments to be filled, the reassignment board based its decisions on a range of criteria. These included whether the person concerned held the substantive rank of the appointment, the person's length of service and his or her length of service in the rank appropriate to the appointment to be filled. Consideration was also given to the personal requirements of personnel. Every effort was made to redeploy personnel to locations close to their homes and to avoid disruption. It was not possible, however, to facilitate all personnel. Ultimately, the process resulted in some personnel displacement.

**Deputy Seán Ó Feargháil:** Does the Minister agree that if one considers the recent history of the Defence Forces, it is obvious that massive reform and reorganisation were willingly agreed with personnel in the late 1990s and early 2000s? Does he also agree that when other areas of the public service were expanding massively, in a manner that was counter-cyclical, the Defence Forces were becoming more slimmed-down and effective? In the context of the current crisis, rather than being recognised for what they have done and what they have contributed, the Defence Forces are now suffering disproportionately. This is because they are being asked to absorb the same or greater cuts than other areas of the public services which did not rationalise and modernise during the 1990s and 2000s.

**Deputy Fergus O'Dowd:** The indicator for all of this is the situation in which we find ourselves nationally as a result of the mismanagement of the State's finances by the Government of which the Deputy's party was a part. The figures I supplied earlier relate to 2010, when Fianna Fáil was in power. At that time, the then Government reduced the proportion of GDP spent in this area. There are no figures available for the intervening years. The number of civil servants in the Department of Defence has decreased by 15%, which exceeds the 11% reduction in the number of Permanent Defence Force personnel during the same period. While we acknowledge that the situation is difficult, that barracks have closed and that redeployment has taken place, the Chief of Staff has made it clear that he has the resources necessary to allow him to do his job.

## Air Accident Investigations

5. **Deputy Joe Higgins** asked the Minister for Defence if he will order the reopening of the military enquiry covering the crash of an Air Corps Pilatus PC-9 aircraft in County Galway on 12 October 2009 resulting in two fatalities and the concerns raised by the parents of one of the Air Corps personnel killed (details supplied) regarding the conduct of the investigation. [13525/13]

**(Deputy Fergus O'Dowd):** I wish first to extend my sympathies to the families of the deceased. There have been three separate reports into this tragic accident. The air accident investigation unit of the Department of Transport conducted an inquiry and published its report on 24 January 2012. It found that the probable cause of the accident was spatial disorientation of the instructor-pilot in conditions of poor visibility, resulting in a controlled flight into terrain. The subsequent inquest into the deaths of the two crew members recorded an open verdict in respect of the instructor-pilot who was piloting the aircraft at the moment of impact and a verdict of accidental death for the cadet.

The court of inquiry's findings are in complete agreement with those reached in the earlier investigations, namely, that the accident was caused by spatial disorientation of the instructor, who was piloting the aircraft in conditions of poor visibility. All of the reports agree that the cadet bore no responsibility of any kind for the accident. The Minister, Deputy Shatter, is willing to address any questions about the court of inquiry and has asked the Attorney General for advice in this regard. However, he is satisfied that the court of inquiry has done its work in a thorough way and that its members acted professionally, impartially and with integrity.

**Deputy Joe Higgins:** On 12 October 2009, as the result of a crash on an Air Corps training flight, Cadet David Jevens tragically died, as did Captain Derek Furniss. In the question I tabled I asked that the court of inquiry's investigation be reopened. The Minister of State indicated that the Attorney General has been asked to provide advice, and I welcome that in so far as it goes. However, much more needs to be done.

The father of the late Cadet Jevens's is observing in the Visitors' Gallery. The family of the late Cadet Jevens, in particular, are deeply unhappy with the conduct of the court of inquiry for a number of specific reasons. The first of these is that Defence Force regulation A5(2) directs that a certified copy of the proceedings in the Coroner's Court be forwarded to the court of inquiry. This was not done. Evidence was given at the Coroner's Court and the cross-examination of witnesses in that court yielded vital evidence about the tragedy. Important parts of that evidence were contracted during the proceedings of the court of inquiry, but no attempt was made to reconcile the differences that came to light or to cross-examine witnesses. The second reason is that no safety audit was carried out in the flight training school between 2004 and early 2009. There was criticism of this fact in the air accident investigation unit's report. However, the then flight safety officer was never called before the court of inquiry. The third reason is that the commanding officer of the flight training school was on other duties for more than half of the time leading up to and during 2009. He was never called upon to give evidence before the court of inquiry.

**An Leas-Cheann Comhairle:** Will the Deputy please ask a question?

**Deputy Joe Higgins:** The final reason is the fact that witnesses were given copies of the questions to be asked a long time before the court of inquiry sat. They presented written state-

ments, in respect of which they were not cross-examined, and which in some cases differed substantially from the evidence of the air accident investigation unit and of the coroner. No attempt was made to reconcile this. I put it to the Minister of State that there is a compelling argument to reopen the court of inquiry and I ask that this be done.

**Deputy Fergus O'Dowd:** I again offer my deepest sympathies to the families of Cadet Jevens and Captain Furniss in respect of this awful tragedy. I reiterate that the Minister for Defence, Deputy Shatter, has arranged for all of the relevant issues that were raised to be forwarded to the Attorney General for advice. The Minister is available to meet the families of the deceased at any time.

In the context of the findings of the air accident investigation unit, all of the seven safety recommendations have been implemented and acted upon. However, due the nature of some of those recommendations, work remains ongoing in two specific areas: the recommendation concerning external input into the Air Corps safety management system, SMS, and that concerning the implementation of flight data monitoring. The position in respect of the former is that the Air Corps has accepted a suggestion with regard to the inclusion of external inputs in the SMS auditing process and is sourcing a suitable expert in this regard. The position on flight data monitoring is that a study has been completed and steps have been taken to commence the implementation of recommendations to equip all aircraft in the fleet with flight data monitors.

*5 o'clock*

**Deputy Joe Higgins:** I take it the Attorney General would be prepared to accept a submission from the family of Cadet Jevens. I shall so advise them; that would be normal. I have to ask that, in the reopening of this court of inquiry, the family of Cadet Jevens be represented, and the family of Captain Furniss should they wish. It is vital that the families would have the opportunity of being represented to represent the name and vindicate the rights of their loved ones who tragically died.

**Deputy Fergus O'Dowd:** I accept the points Deputy Higgins has made and I will ensure they are brought to the attention of the Minister, Deputy Shatter. All of the issues raised up to now, and I am not familiar with all of them, have been addressed in the context of being sent for legal advice but if there are any other submissions the Deputy or the families wish to make, I have no doubt that on receipt of them the Minister, Deputy Shatter, will pass them on.

## **Other Questions**

### **Overseas Missions**

6. **Deputy Micheál Martin** asked the Minister for Defence if he will report on the Defence Forces mission in Mali; and if he will make a statement on the matter. [13265/13]

7. **Deputy Mick Wallace** asked the Minister for Defence if he will provide an update on the participation of Irish troops in the EU training mission in Mali; the cost of deploying Irish troops to Mali; and if he will make a statement on the matter. [13274/13]

8. **Deputy Clare Daly** asked the Minister for Defence the position regarding Irish Defence

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Forces personnel being deployed to Mali. [13277/13]

18. **Deputy John Browne** asked the Minister for Defence if he will provide an update in the Defence Forces' mission to Mali; and if he will make a statement on the matter. [13242/13]

21. **Deputy Thomas P. Broughan** asked the Minister for Defence if he will provide an update on the deployment of a number of Irish troops in a joint mission with the British Army personnel on a 500 strong EU military training mission to Mali; and if he will make a statement on the matter. [13152/13]

**Deputy Fergus O'Dowd:** I propose to take Questions Nos. 6 to 8, inclusive, 18 and 21 together.

On 26 February 2013, the Government approved the deployment of approximately eight members of the Permanent Defence Force to the EU training mission in Mali, which has been authorised by the United Nations under UN Security Council Resolution 2071 (2012), to provide military training to the Malian armed forces.

The Irish personnel to be deployed in Mali have completed their pre-deployment training. The exact date of the Irish deployment to Mali is yet to be confirmed. However, we expect this date to be confirmed by the European Union on 15 March 2013. It is expected that Irish personnel will deploy into the mission area around 23 March 2013.

The Irish contribution to the mission will comprise three officers and five non-commissioned officers. One officer will deploy to the mission headquarters in Bamako and another to the training camp headquarters. The remaining six personnel who constitute the Defence Forces training team will also deploy to the training camp in Koulikoro and will form part of a joint infantry training team with the United Kingdom armed forces.

All troop contributors to the new mission will be responsible for their own costs. The estimated cost to the Defence Force of eight personnel will amount to approximately €632,000 for the duration of the mission's mandate of 15 months. This figure includes Ireland's contribution of €120,000 to the common costs of the mission.

**Deputy Seán Ó Fearghail:** I will be brief as I know other Members want to comment on this issue. I assume all Members in this House are proud of the role our Defence Forces have played in a number of international fora around the world but I know also there is a degree of unease in the country about this particular mission. For that reason I support Deputy Mac Lochlainn's proposal that while it is not necessary to get the approval of the House for this mission to be undertaken because the members are fewer than 12, it might be useful to have a debate on it when the House resumes following the Easter recess. It need not be a lengthy debate. The Minister of State might raise with the Minister, Deputy Shatter, the question of finding time to discuss people's genuine concerns about the allegations in the public domain regarding the Malian forces, and in particular the way they have dealt with the Arab and Tuareg families with whom they have come into contact. However, I am sure the Irish mission in Mali will be a positive and constructive one and that the influence of Irish officers on the men and women in the Malian army will be positive.

**Deputy Fergus O'Dowd:** I reiterate that we are in the country on a United Nations mission. The personnel will not be involved in combat operations. The mission will consist of 250 instructors and approximately 200 additional military personnel to provide support and security.

The role of personnel deployed to the mission will be to provide military training to the armed forces, as well as training and advice on command and control logistics, human resources, international humanitarian law, and the protection of civilians and human rights.

The other important impact of the EU involvement, and Ireland's involvement, is significant progress on the political aspects of the crisis. The EU's collective focus has been on ensuring that the Malian leaders adopt a political transition roadmap, and that has been successfully delivered. This roadmap sets out a time line towards free and fair elections in July. It sets an immediate path for the return to full civilian government, without the involvement of the military, and gives a commitment to reform of the armed forces. The Malian Government is also committed to the important objective of a national and inclusive dialogue to ensure that the legitimate interests and concerns of minorities such as those Deputy Ó Fearghaíl mentioned, notably, the Tuareg communities in the north, are addressed.

**Deputy Mick Wallace:** I, too, have serious reservations about any of our Army personnel being deployed in Mali. Time will prove that we might not be proud of our involvement in the country. I would be wary because as the Minister of State said, the current group in charge, which came to power by a military coup, has not behaved very well, as pointed out by the other Deputies. The leader of that group, who was trained in human rights in the United States, recently arrested the editor of a Malian newspaper for criticising the amount of money he was getting.

There are question marks over our support for the French on this mission. The French would not be going into this country if there was not some material gain for them. We all know that uranium is in great supply in Mali. France has done very well from exploiting the region, and it would be keen to keep those channels open. This is not what we should be doing.

The Minister said that democracy will be restored in the summer but restored to what? There was no democracy before the coup when the Tuaregs in the north were being persecuted. I would be surprised if we are impressed with the outcome of the elections in the summer.

**Deputy Fergus O'Dowd:** The key issue is that this country is in serious strife. There has been a coup d'état and human rights abuses on both sides. We have a United Nations resolution that we should try to help resolve that matter. We have a commitment from the existing Government in Mali to have free and fair elections. It is worthwhile being involved in that, and I am proud of Ireland's involvement in support of that mission. None of our troops will be combatants, but they will be training and working to ensure that issues relating to international law and the laws relating to armed conflict are fully recognised. I have no doubt that the United Nations will also ensure that whatever international jurisprudence can apply in terms of bringing anybody who violates human rights before the International Criminal Court or any other court, will apply. However, it would be wrong for this country not to bring about peace in a land where there is so much trouble and so many refugees.

**Deputy Clare Daly:** The problem is that they will not be bringing peace to the country because wars such as the one in Mali have never built a solid and democratic state. On the contrary, they have served to fuel separatism, failed states, armed militia and lawlessness. It is ironic that the Minister has leaned on the United Nations resolution a number of times to support Ireland's involvement. One of the reasons the situation in Mali developed is the United Nations resolution on Libya which was supposedly designed to protect civilians. It was used and abused by NATO to take sides in a civil war which has now spilled over into and had con-

sequences for Mali. Libya is now in turmoil. It has imploded. The Tuaregs who served in Gaddafi's army took their weapons to northern Mali to take on a corrupt army. After they left, the Islamic militants moved in. Behind this instability is the quest for resources including uranium. It is another scramble for Africa. The EU is taking sides in a civil war and is taking part in a scramble for resources in Africa.

The sending by Ireland of small numbers of Defence Forces members to these countries is becoming a habit. We saw it in Afghanistan, Somalia and Chad. If fewer than 12 members go, there is no requirement to have a discussion in the Dáil. I ask the Minister of State, Deputy O'Dowd, to convey to the Minister our desire to have debates on these issues. The Government cannot evade the triple lock by sending fewer than 12 people. These are serious issues with serious consequences. The Minister of State said that this escapade is to cost us more than €500,000, moneys which would be far better spent on other causes. I guarantee it will not bring peace to that region.

**Deputy Fergus O'Dowd:** There is no meeting of minds here. The strong view of the Government is that this is an international peace mission. It is creating peace and free and fair elections. It is concentrated on ensuring there is a democratic government in that country and that all minorities are included in whatever government is elected. That is our job and I am very proud of it. I cannot accept that Deputy Daly's arguments hold any water. Our intervention and the intervention of the United Nations is about lives being saved, human rights violators being brought to justice and a new democratic regime whereby every citizen has a vote. It is about making sure there is a safe, peaceful, democratic government in that country. Anything less than that would lead to increasing strife, civil war and other abuses.

**Deputy Mick Wallace:** I would be all for saving lives too if we could. The Minister of State knows that after the intervention in Libya the number of citizens who lost their lives went from 2,000 to 30,000. The Minister might say that was worth it to get Gaddafi but I disagree with 28,000 lives for one life. They went into Afghanistan saying they would civilise it and deal with opium but look at the state of it now. We must read our history. If we look at the past ten years alone, we can see what has resulted from western intervention in other states. It has been a disaster.

**Deputy Fergus O'Dowd:** Speakers have brought up Libya. It is clear to everybody that Colonel Gaddafi's government supported the Lockerbie bombers. We know what abuses happened there.

**Deputy Clare Daly:** Look at the country now.

**Deputy Fergus O'Dowd:** It cannot legitimately be argued that bringing a country to peace and democracy is not a good thing.

**Deputy Mick Wallace:** What democracy? It is not there.

**Deputy Fergus O'Dowd:** One cannot support the type of regime operated by Colonel Gaddafi and people like him and the crimes they commit.

**Deputy Pádraig Mac Lochlainn:** Are you in favour of regime change?

**An Leas-Cheann Comhairle:** Deputy Mac Lochlainn should have indicated a question.

**Deputy Pádraig Mac Lochlainn:** On a point of order, are you in favour of regime change?

**An Leas-Cheann Comhairle:** Deputy, could you ask a question?

**Deputy Pádraig Mac Lochlainn:** Just to be clear, Minister, are you saying you are in favour of regime change?

**Deputy Fergus O'Dowd:** I am saying that Colonel Gadaffi-----

**Deputy Pádraig Mac Lochlainn:** Are you saying that regime change is a policy of the Government?

**Deputy Fergus O'Dowd:** Let us be clear.

**Deputy Pádraig Mac Lochlainn:** Let us be clear about this now.

**An Leas-Cheann Comhairle:** Final answer, Minister.

**Deputy Fergus O'Dowd:** Let us be very clear, Deputy. You brought up Colonel Gadaffi, I did not.

**Deputy Pádraig Mac Lochlainn:** I brought up Libya, the country of millions of citizens.

**Deputy Fergus O'Dowd:** Libya with Colonel Gadaffi. The facts are that the IRA semtex explosives came from Colonel Gadaffi.

**Deputy Pádraig Mac Lochlainn:** Yes. What is your Government's foreign affairs policy?

**Deputy Fergus O'Dowd:** You and people belonging to you know all about that.

**Deputy Pádraig Mac Lochlainn:** They should have sent another Minister here today.

**An Leas-Cheann Comhairle:** Deputy, please.

**Deputy Fergus O'Dowd:** And that is it.

**Deputy Pádraig Mac Lochlainn:** We need another Minister. What is your Government's policy on regime change?

**An Leas-Cheann Comhairle:** We have to move on to Question No. 9 in the name of Deputy Jonathan O'Brien. It is taken with other questions.

**Deputy Pádraig Mac Lochlainn:** Those comments will have to be answered. Outrageous statements.

**Deputy Fergus O'Dowd:** You are outrageous.

**Deputy Pádraig Mac Lochlainn:** Outrageous statements on regime change which defy Ireland's historical policy on neutrality.

### **Army Equitation School**

9. **Deputy Jonathan O'Brien** asked the Minister for Defence the number of persons paid more than €80,000, more than €100,000 and more than €120,000 in the Army Equitation School; and if he will make a statement on the matter. [13160/13]

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14. **Deputy Niall Collins** asked the Minister for Defence his plans for the future of the Army Equitation School; and if he will make a statement on the matter. [13248/13]

33. **Deputy Gerry Adams** asked the Minister for Defence the cost of the Army Equitation School for each of the past ten years; the cost of its members trips abroad during each of those years; and if he will make a statement on the matter. [13159/13]

**Deputy Fergus O'Dowd:** I propose to take Questions Nos 9, 14 and 33 together.

I confirm that no member of the Army Equitation School is paid in excess of €80,000 per annum. The costs associated with running the school since 2006, including the cost of its participation at international events, are set out in the following tabular statement. The cost of running the school in 2012 was €2.2 million. This information was gathered from the management information framework system which has been in place in the Department of Defence since 2006. Consequently, detailed figures for 2003 to 2005 are not readily available.

The mission of the Army Equitation School is to promote the Irish horse through its participation in international competition at the highest level. The school has discharged this task with considerable distinction down through the years. Through its participation and numerous successes in equitation events at home and abroad, it has successfully promoted the qualities of the Irish horse. The Army Equitation School is an emblematic feature of the Defence Forces. Army riders competing on Irish-bred horses provide an instantly recognisable symbol of Ireland at prestigious international events. There are no plans to make changes to the operation of the school.

#### Army Equitation School Costs

Year	Total Cost (including salaries)	Foreign Subsistence Costs (included in the Total Cost)
2006	€ 2,473,686	€ 97,956
2007	€ 2,528,642	€ 133,710
2008	€ 2,331,585	€ 167,254
2009	€ 2,259,273	€ 85,702
2010	€ 2,141,602	€ 104,828
2011	€ 2,158,341	€ 77,929
2012	€ 2,227,167	€ 94,946

**Deputy Pádraig Mac Lochlainn:** Promoting the Irish horse is all lovely and fine but the concern here relates to recent reports about practices in the school. Can the Minister of State provide clarification on the wage scales and overseas travel allowances about which we have asked? We need the information because there has been public concern about practices in the school and we need answers.

**Deputy Fergus O'Dowd:** The issues raised in the parliamentary questions, including Question No. 33 by Deputy Gerry Adams, relate to matters of fact and I do not know why the information should not be provided. I have the statistic on the total prize money won. I have no doubt the House is entitled to the information it seeks on expenditure. While it is not included

in the reply provided, it will have to be given to the Deputies as soon as possible. I will ask the Department to furnish the information as quickly as possible. The key point about the school is that it puts Ireland up high in its international participation in sport. We have had some significant and wonderful Army riders who carried the flag for Ireland over many decades in international and national events. We are all very proud of them. I am happy to ensure the details of expenditure sought will be made available.

**Deputy Seán Ó Fearghail:** I rise simply to commend the Minister on his response and his assurance that the future of the equitation school is secure. I commend all of those who have been involved in the school over the years. It has been an outstanding example of the positive contribution the Defence Forces can make to the country as a whole and, in particular, to the bloodstock industry and the excellence of the Irish horse. The school has done work that has been of enormous economic value to the sport horse sector and constantly and continuously boosted national morale through its outstanding achievements in many locations throughout the world. If the State has incurred expense in sending Army riders to showjumping events internationally, every penny was justified.

The Army in general and the equitation school in particular have no record of mismanagement or abuse of public moneys. As far as I know, they have been always effective and frugal in the way they go about their business. I wish them many years of continued success.

**An Leas-Cheann Comhairle:** I do not know if there is a need for a response to that.

**Deputy Fergus O'Dowd:** I agree absolutely with Deputy Ó Fearghail. The school does a very good job and long may it continue to fly our flag in international competition. It is very good for the horse industry also.

### **European Defence Agency**

10. **Deputy Billy Kelleher** asked the Minister for Defence the way he proposes to develop capabilities in support of common security and defence policy and freedom, security and justice through enhanced cooperation between the European Defence Agency and the European Commission in the field of research and innovation in the security sector; and if he will make a statement on the matter. [13261/13]

**Deputy Fergus O'Dowd:** One of the Ireland's priorities in the defence arena during our Presidency of the Council of the European Union is the development of capabilities in support of the EU's Common Security and Defence Policy, CSDP, through enhanced co-operation between the European Defence Agency and the European Commission in the field of research and innovation in the security sector. The European Commission has a role via its regulatory function and wants to reinforce competitiveness in the defence market and help member states get better value for money. Given the cuts in defence budgets throughout Europe, duplication of capability development is no longer an option. Therefore, collaboration on equipment programmes between the European Defence Agency and the Commission and other relevant agencies, is being progressed.

To this end, in 2011, the Commission task force on defence industries and markets was established. The aim of the task force is to explore different policy options available to the Commission to strengthen the European defence equipment market and further enhance the

competitiveness of the defence industry. The task force operates in full collaboration with the European Defence Agency and the European external action service. The task force has identified three priority areas for advancement, namely, industrial policy, research and innovation, and the Internal Market. Working with the European Commission, the aim is to develop research and innovation synergies in areas of dual use technology such as space, chemical, biological, radiological, nuclear and cyber defence.

**Deputy Seán Ó Fearghail:** European defence experts will gather in Brussels on 21 March for the European Defence Agency annual conference. Will the Minister for Defence, Deputy Shatter, be in attendance at that event? Can the Minister of State tell us the role Ireland plays in research and innovation in the security sector? Is it expanding and is this an area the Government is looking to grow as a research area?

A recent European Defence Agency event on resilient threat management in 2013, a partnership between the Irish Presidency of the Council of the European Union and the European Defence Agency, took stock of the efforts dedicated to countering improvised explosive devices, while pointing in the direction of the future. According to the reply to a recent parliamentary question to the Minister for Defence, there has been a significant increase in the number of callouts of the members of the Defence Forces to tackle explosive devices found around the country. In 2010, there were 53 callouts for viable improvise explosive devices, 70 in 2011, 96 in 2012 and 21 to date in 2013. It appears these monstrous devices are growing in incidence and our Defence Forces are being called upon to deal them. Does the Minister of State have an idea why there is an increase in this type of activity and what plans the Department has to address it?

**Deputy Fergus O'Dowd:** The activity of the Army in such cases is in aid of the civilian power and to deal with explosive devices due to criminal gangs North and South, some of whom are involved in drugs. It is important the Army has the best possible training and equipment. In the procurement of any new technology, it is important we get the best possible deal. One of the main issues is to develop synergy in funding civil and military goods, developing the technology and making sure the people dealing with these devices are safe and trained in such a way that our people, such as civilians, are not injured or killed as a result of the devices going off.

### **Defence Forces Operations**

11. **Deputy Seamus Kirk** asked the Minister for Defence if he will report on the Irish Defence Forces EUTM for Somalia; and if he will make a statement on the matter. [13263/13]

31. **Deputy Dara Calleary** asked the Minister for Defence if he will provide a progress report on the Irish presence in the EUTM Somalia, EU led Training Mission in Uganda; and if he will make a statement on the matter. [13246/13]

**Deputy Fergus O'Dowd:** I propose to take Questions Nos. 11 and 31 together.

On 7 April 2010, the EU launched a military training mission in Somalia to contribute to strengthening the transitional federal Government and the institutions of Somalia. This support continues to take place within the framework of the EU's comprehensive engagement in Somalia, with a view to responding to the priority needs of the Somali people and its Government and to stabilising Somalia. Training has been provided in Uganda in close collaboration with

the Ugandan Defence Forces due to the political and security situation in Somalia. Following Government approval, the Defence Forces have been serving with EU training mission in Somalia since April 2010. Ireland took over operational command of the mission in August 2011, with the appointment of Colonel Michael Beary of the Defence Forces. In December 2012, the Government approved continued participation in the mission for a further period of one year to December 2013. Ireland currently has ten personnel serving with the mission.

**Deputy Seán Ó Feargháil:** I wish Brigadier General Gerald Aherne success. He is currently leading that mission. We were told last month that the EU was planning to gradually move the mission's training activities from Uganda to Mogadishu. There was a growing sense that it was a safe initiative to take. Can the Minister of State provide an update on whether it is going ahead? What criteria do the Defence Forces have for making that decision? Does the Department consider, at this point, it constitutes an acceptable level of risk for the training operation to take up a base near Mogadishu?

**Deputy Fergus O'Dowd:** I am happy to bring the Deputy's comments to the attention of the Minister. The brief I have does not comment on that particular aspect.

### **European Defence Capabilities**

12. **Deputy Brendan Smith** asked the Minister for Defence the discussions he has had with his EU partners with regard to collaboration in the provision of defence capabilities; and if he will make a statement on the matter. [13255/13]

**Deputy Fergus O'Dowd:** During each European Union Presidency, one formal and one informal meeting of Defence Ministers is held. There is no separate Defence Ministers' Council within the EU Council of Ministers. The formal meetings are held in Brussels or Luxembourg at the invitation of the High Representative for Foreign Affairs and Security Policy and the informal meeting in the country holding the Presidency. The agenda at the meetings varies according to the priorities of the European External Action Service and topical subjects or issues that have recently arisen. The issue of collaboration in defence capabilities is a recurring theme during these meetings.

At this meeting, the chief executive of the European Defence Agency and the European External Action Service update Ministers on its activities and initiatives. My colleague, the Minister for Defence, and his Department fully co-operate with the agency through ministerial steering board meetings and other fora.

The agency has developed pooling and sharing as a way of enhancing military capabilities and ensuring co-operation in these capabilities. In November 2012, Ministers adopted a code of conduct that proposed a number of concrete actions to mainstream this pooling and sharing initiative in member states, thus leading to co-operation in the provision of defence capabilities. These actions would be only implemented on a national and voluntary basis.

**Deputy Seán Ó Feargháil:** I thank the Minister of State for his response. This issue arises from statements from the Minister last month, when he told us that in addressing the impact of the financial crisis on defence, including collaboration in the provision of defence capabilities, pooling and sharing was a priority. What defence capabilities does the Minister of State regard as appropriate for pooling and sharing? Does collaboration in the provision of defence capa-

bilities imply a greater collaboration in European defence policy? Is it the Minister of State's view that Ireland should not only be part of the European security and defence architecture but among the architects helping to design these systems to meet our needs in the future?

**Deputy Fergus O'Dowd:** A number of principles apply and allow for co-operation to be enhanced. These include political will and commitment, cost-effectiveness, flexibility between groupings of two or more, usability and availability. The code of conduct is voluntary and non-binding, respecting the national defence policies of individual member states. As such, it does not create any issues for Ireland.

Ireland participates in a number of projects. We lead the project on the naval training initiative, whose aim is to seek and exploit opportunities in the area of naval training. The aim of the maritime surveillance project is to achieve better informed operational decision making through an improved recognised maritime picture through data, information and intelligence sharing. Spain is leading the project on training in counter-improvised explosive devices in which Ireland participates. The aim is to address training in all situations and at all levels. The final project deals with chemical, biological, radiological and nuclear protection and the scope ranges from the identification of emerging technology to protection as an operational capability, aimed at developing detection, identification, decontamination and medical counter-measures. The Minister for Defence is keen to explore all aspects of this initiative as an alternative solution to retain, enhance and acquire vital military capabilities in a time when prudent use of scarce finance is required.

### Overseas Missions

13. **Deputy Thomas P. Broughan** asked the Minister for Defence his views on recent comments by the NATO Secretary General, Mr. Anders Fogh Rasmussen, on his visit to Dublin when he stated that he hoped that the Irish Defence Forces would participate or cooperate in NATO led projects and missions; and if he will make a statement on the matter. [13153/13]

**(Deputy Fergus O'Dowd):** The Secretary General of NATO, Mr. Anders Fogh Rasmussen, visited Dublin on 12 and 13 February this year. He did so at the invitation of the EU High Representative and the Minister, Deputy Shatter, to participate in the informal meeting of EU Defence Ministers, which was held at Dublin Castle, as part of Ireland's Presidency of the EU Council 2013. During his visit Mr. Rasmussen expressed his appreciation for the co-operation NATO has had with Ireland since we joined the Partnership for Peace in 1999. He paid tribute to the contribution Ireland made to UN-led peacekeeping missions and to UN-mandated missions which are led by regional organisations such as NATO and the EU.

Participation in overseas peacekeeping missions is a key element of Ireland's foreign policy and has been an important dimension in meeting Ireland's international obligations as a member of the UN and the EU. With the increasing use of more robust Chapter VII missions-operations in the past number of years, the UN has turned to regional organisations to undertake and lead missions on its behalf. In effect the EU, the AU and NATO, together with other similar such organisations, are now major players in UN peacekeeping.

*Additional information not given on the floor of the House*

It should be noted that any decision by Ireland to participate in an overseas operation, which

may be led by the EU, UN or NATO would be subject to our national sovereign decision-making procedures - the triple lock, that is, the UN mandate, Government and Dáil approval, where appropriate.

As the House will be aware, Ireland has been contributing Defence Forces personnel to UN mandated, NATO-led missions since 1997, when we contributed personnel to the NATO-led Stabilisation Force, SFOR, in Bosnia-Herzegovina. Our forces have and continue to serve in Kosovo and Afghanistan.

As members of Partnership for Peace, PfP, Ireland participates in PfP's planning and review process. PARP. As part of this process, Ireland has adopted a range of partnership goals aimed at assisting Ireland to meet its UN-EU commitments in the areas of counter improvised explosive devices, C-IED, cyber security, network enabled services, etc. Membership of PfP has allowed the Defence Forces to gain access to NATO standards, which are internationally-recognised as representing best practice in military and related matters such as operations, procurement, training, civilian co-operation, etc. The Defence Forces participation in PARP will continue as part of our engagement in Partnership for Peace.

**Deputy Pádraig Mac Lochlainn:** The Minister of State will appreciate that the comments made by the Secretary General of NATO when he was here were insensitive at best. Ireland has a proud history of neutrality. Our Defence Forces have served across the world under blue helmet operations. Our people have played a leading role in conflict resolution on an ongoing basis, and that is our position. The Secretary General knows that very well. He was here because we have the EU Presidency and he should have been respectful of our neutrality. I am disappointed the Government has yet to publicly rebuke him. Has its members privately rebuked him? Have they complained to his office that it was disrespectful that he would be on some kind of a recruitment exercise?

It must increasingly be asked as to what is the point of NATO. It was about the Cold War between the USSR and the United States and two different world views. That is all over, apparently, and we have the United Nations which is supposed to be the body that is responsible for conflict resolution. What is NATO for, what is it about, and how dare its Secretary General come here and say that we should join it, rather than respect our neutrality? I want to get the Minister of State's on-the-record response to that. Has the Government formally protested about what the secretary general said?

**Deputy Fergus O'Dowd:** On the record, I have the Secretary General's speech and he did not make the comments the Deputy attributed to him.

**Deputy Pádraig Mac Lochlainn:** There were reported in the media.

**Deputy Fergus O'Dowd:** I am referring to a speech he made and he did not comment on that. I want to make it very clear that any participation in overseas peacekeeping missions is a key element of our foreign policy. Any time we get involved it is because we are fulfilling our international obligations as a member of the United Nations and the EU. Any decision by Ireland to participate in an overseas operation, which may be led by the EU, UN or NATO, would be subject to our national sovereign decision-making procedures - the triple lock, that is, the UN mandate, Government and Dáil approval, where appropriate.

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Stabilisation Force, SFOR, in Bosnia-Herzegovina. Our forces have and continue to serve in Kosovo and Afghanistan.

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**Deputy Pádraig Mac Lochlainn:** The Minister of State will note that the question refers to the secretary general's recent comments, not his speech. I note on a report on the *The Irish Times* website that the Secretary General of NATO has invited the Irish people to join NATO - that the doors would be open for them to join. I repeat, has a complaint been made to his office? Has the Minister for Defence either publicly or privately rebuked him for his insensitive comments that were disrespectful to our position on neutrality?

**Deputy Fergus O'Dowd:** Any NATO-led operation in which we are involved must be UN-authorized and whether it is led by the NATO, EU or AU, we participate on the basis of a United Nations authorised resolution and it is only on that basis that we get involved.

*Question No. 14 answered with Question No. 9.*

### **Common Foreign and Security Policy**

15. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he and or his Department interacts with EU and UN colleagues in the context of European Defence and security issues; if his EU colleagues have expressed any preferences in this regard; and if he will make a statement on the matter. [13280/13]

**(Deputy Fergus O'Dowd):** Since the coming into force of the Lisbon treaty, the High Representative for Foreign Affairs and Security Policy, Catherine Ashton, now conducts the Union's Common Foreign and Security Policy assisted by the European External Action Service.

During each European Union Presidency one formal and one informal meeting of Defence Ministers is held. As part of Ireland's Presidency of the European Council 2013, my colleague, the Minister for Defence, Deputy Shatter, prioritised a number of areas including enhancing EU-UN relations, in particular, through EU engagement and participation in UN peacekeeping.

The Minister for Defence hosted a very successful and well attended seminar in Dublin Castle on this subject. Speakers from the EU, NATO, the UN and, for the first time, the African Union as well academia gave informative presentations to more than 120 delegates who attended from all over Europe. This seminar informed the follow-up discussion at the informal meeting of EU Defence Ministers who recognised the primacy of the UN in the maintenance of international peace and security and the requirement for the EU to work hand in hand with the UN. The attendance at the informal meeting of EU Ministers for Defence including, for the first

time, the UN represented by the under-secretary general at the Department of Peacekeeping Operations also has cemented this priority into the thinking of the EU. At the informal meeting a number of follow-up work strands were identified and these will be progressed with the European External Action Service.

*Additional information not given on the floor of the House*

In regard to the informal meeting of Defence Ministers that was held in Dublin, the Minister for Defence chaired it on behalf of Baroness Catherine Ashton. Discussions covered a range of issues including the upcoming European Council on Defence, Mali, the Horn of Africa and partnerships between the EU and the United Nations. Ministers also had the benefit of the presence of the Under-Secretary General in the Department of Peacekeeping Operations for the first time at an EU Defence Ministers meeting.

Partnerships, in particular, between the EU and the United Nations were the final item for discussion at the informal meeting of Defence Ministers. This afforded EU Ministers of Defence and the under-secretary general, Department of Peacekeeping Operations in the United Nations the opportunity to discuss how to foster more effective co-operation and build partnerships in order to enhance the effectiveness of UN peacekeeping operations.

### **European Council Meetings**

16. **Deputy Michael Moynihan** asked the Minister for Defence if he will report on last month's informal meeting of EU Defence Ministers; the number of such EU meetings, both informal and formal, that have occurred since he took up office; the number he has attended; and if he will make a statement on the matter. [13241/13]

**(Deputy Fergus O'Dowd):** During each European Union Presidency one formal and one informal meeting of Defence Ministers is held. There is no separate Defence Ministers Council within the EU Council of Ministers. The formal meetings are held in Brussels or Luxembourg at the invitation of the High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, and the informal one in the country holding the Presidency.

Since 9 March 2011 there have been four formal meetings and five informal meetings of Defence Ministers. Unfortunately, due to other commitments, my colleague, the Minister for Defence, was only able to attend two of the formal meetings and two of the informal meetings. The Minister was represented at the other meetings by the Secretary General or the defence policy director of his Department. The Minister, Deputy Shatter, chaired the informal meeting of Defence Ministers in Dublin on 12 and 13 February 2013 on behalf of Baroness Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy-Vice-President of the European Commission. Ministers discussed a range of issues, including the upcoming European Council on Defence, Mali, the Horn of Africa and partnerships between the EU and the United Nations.

Ministers also had the benefit of the presence of the Secretary General of NATO and the under-secretary general in the Department of Peacekeeping Operations, Mr. Herve Ladsous, representing the UN for the first time at an EU Defence Ministers meeting. In relation to the European Council on Defence in December, Ministers agreed that this forum would provide them with the opportunity to increase the effectiveness, visibility and impact of Common Se-

curity and Defence Policy.

*Additional information not given on the floor of the House*

Ministers had a detailed exchange of views in relation to Mali and received a briefing from the mission commander, Brigadier General Francois Lecointre. The broad consensus arising from the meeting was that this mission will impact greatly on the prevention of terrorism in the region and safeguard Europe and its citizens in the future.

With regard to the agenda item concerning operations, Ministers received a briefing from Brigadier General Gerald Ahern of the Irish Defence Forces, who is the current mission commander for the EU training mission in Somalia. Also, Rear Admiral Robert Tarrant, the newly appointed operation commander, gave an update on EUNAVFOR Atalanta. Ministers congratulated the commanders on the progress that all are making in their respective missions.

Partnerships, in particular, between the EU and the United Nations were the final item for discussion. This is a priority in the defence area during the Irish Presidency and this discussion was a natural successor to a very successful seminar held recently in Dublin Castle on the subject of regional organisations support for the UN. This topic afforded EU Ministers of Defence, Mr. Ladsous, Under-Secretary General, Department of Peacekeeping Operations in the United Nations and NATO Secretary General Rasmussen the opportunity to discuss how to foster more effective co-operation and build partnerships in order to enhance the effectiveness of UN peacekeeping operations.

The meeting of Defence Ministers was important in enabling member states shape the evolution of the EU's Common Security and Defence Policy, both strategically and operationally. There was great enthusiasm and commitment from all member states to work together on issues of concern at both national and international level.

**Deputy Seán Ó Fearghail:** Does the Minister of State have a view, or will he explore with the Minister for Defence whether he considers it appropriate that there is not in fact a formal council of European Defence Ministers, when one considers the range of security and other issues that arise for us on an ongoing basis? In addition, it is necessary to engage with Ms Ashton about her international responsibilities. Does the Minister of State have a view on that, or will he take that back to the Minister?

**Deputy Fergus O'Dowd:** I would be happy to take the Deputy's view back to the Minister, but this is not a formal decision-making body. It is a useful forum at which member states can put forward ideas and discuss topical issues. The debates at the meeting were fruitful, particularly in respect of the preparations for the European Council on defence arranged for December of this year, and it also gave further impetus to the co-operation between the EU and the UN. Preparing for the European Council will be a common thread throughout the year. Some common themes were noted for the discussion: that co-operation is more likely to work at a regional level; that resources would remain in short supply, necessitating pooling and sharing; and that the experience from Mali suggests that wherever an individual member state has been capable of responding rapidly, the decision-making processes within the EU had been found wanting. Wanting to act was insufficient as, more importantly, there was a need to be able to act. There is also a need to articulate the role of common security and defence policy in the wider world and discuss its co-ordination at EU level.

## **Defence Forces Properties**

17. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide an update on the disposal or sale of Columb Barracks, County Westmeath; and if he will make a statement on the matter. [13158/13]

22. **Deputy Brian Stanley** asked the Minister for Defence if he will provide details of expressions of interest made to his Department on each of the closed barracks by agencies or local authorities. [13157/13]

**(Deputy Fergus O'Dowd):** I propose to take Questions Nos. 17 and 22 together. I am taking this question on behalf of my colleague, the Minister for Justice, Equality and Defence, Deputy Alan Shatter.

Since 1998 a total of 14 barracks have been closed under various barrack consolidation programmes. To date, nine of these barracks - Clancy in Dublin, Castleblayney, Ballincollig, Fermoy, Naas, Monaghan, Cavan, Castlebar and a large portion of Longford - have been sold. In respect of the remaining barracks, agreement has been reached on the sale of Lifford and Rockhill to Donegal County Council. Discussions are ongoing about the possible sale of Clonmel Barracks to South Tipperary County Council and the remaining part of Longford has been reserved by the OPW for the local Garda Síochána. Magee Barracks in Kildare and Columb Barracks in Mullingar remain the property of the Department of Defence.

As with previous rounds of consolidation under the Defence Forces modernisation programme, once vacated, barracks are being disposed of, with the proceeds being used to fund the upgrading of Defence Forces equipment and infrastructure. Following each announcement of barracks closures, the Department of Defence has written to Departments and various agencies and local authorities seeking expressions of interest in acquiring any of the properties, including Columb Barracks, Mullingar, to benefit the local community as a whole but with particular emphasis on job creation measures. While some discussion has taken place about Columb Barracks, no substantial progress has been made towards achieving a sale to date. My colleague, the Minister for Defence, would of course be happy to discuss with any interested group proposals it may have for the purchase and development of the former barracks in Mullingar for the benefit of the local community.

**Deputy Pádraig Mac Lochlainn:** I thank the Minister of State for his response. It is encouraging that a significant number of barracks have been sold. Could we get details of the amount the Department secured for them and how that was reallocated in the Department's budget?

There has been a consultation process in Mullingar, and the Minister made a statement in January inviting proposals and submissions. The town council has been considering incorporating proposals into its town development plan. What is the security cost of maintaining the barracks in the interim?

**Deputy Fergus O'Dowd:** The total realised to date from the sale of surplus property has been approximately €85 million. This, together with income of €18 million from the sale of other smaller military properties and married quarters, has been reinvested in providing equipment and infrastructure for the Defence Forces. The moneys thus received in respect of the sale of properties have been returned to the Defence Forces as appropriations-in-aid.

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The increased level of appropriations-in-aid has allowed the retention of funding levels for re-equipment. Some of the major programmes include the acquisition of light tactical armoured vehicles, MOWAG armoured personnel carriers, two EC 135 helicopters, six AW 139 helicopters and two new offshore patrol vessels. This approach is in line with the 2000 White Paper on Defence, which stated that 100% of the revenue arising from the sale of property surplus to military requirements must be invested in equipment and infrastructure for the Defence Forces.

*Written Answers follow Adjournment.*

### **Motor Vehicle (Duties and Licences) Bill 2013: Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Sub-Committee on the Environment, Community and Local Government has completed its consideration of the Motor Vehicle (Duties and Licences) Bill 2013 and has made amendments thereto.

The Dáil adjourned at 5.45 p.m. until 2.30 p.m. on Wednesday, 20 March 2013.