



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 16 Aibreán 2013

Tuesday, 16 April 2013

Chuaigh an Leas-Cheann Comhairle i gceannas ar 14.00 p.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

Child Care Costs

109. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs the action she is taking to make child care more affordable here; and if she will make a statement on the matter. [17522/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I thank Deputy Troy. Since becoming Minister, I have sought, notwithstanding the severe financial constraints faced by the Government, to maintain and increase my Department's investment in early years and child care support programmes. In the budget for 2012, I secured an additional funding requirement of nearly €9.8 million to meet increased demographic pressures and to protect the universality of the preschool year, which is a key programme for Government commitment.

In budget 2013, my colleague, the Minister for Social Protection, and I announced a new €14 million after-school care programme. This will provide important support to parents in low income families wishing to take up employment and ensure that some 6,000 quality after-school care places are provided to support children's development. In addition, I announced a new area-based approach to early intervention and addressing child poverty, including a focus on child care provision.

As the Deputy knows, there are two further child care support programmes, those being, the community child care subvention, CCS, and the child care education and training support,

CETS, for those attending education and training. There is also the universal early childhood care and education, ECCE, programme. The CCS programme gives money to many community-based child care services to enable them to provide child care at reduced rates to parents who are in receipt of social welfare payments or are on low incomes. The CETS programme provides €145 towards the weekly cost of full-time child care places to participating child care services in the community and commercial sectors for qualifying trainees and students. Students on part-time courses are funded on a *pro rata* basis.

In 2013, my Department's total expenditure on child care will be approximately €260 million. This represents a significant investment in supporting parents with the cost of child care.

Additional information not given on the floor of the House

With respect to future developments, I have indicated my objective numerous times to seek to introduce a second free preschool year, which would represent an equivalent saving of approximately €3,000 in child care costs for parents, as well as contribute to improved educational and developmental outcomes for children. However, any development that involves further preschool provision would require considerable additional funding.

The reality is that this country has a poor record in developing an architecture for quality, affordable child care provision. Of the total so-called child care spend since 2000, more than 60% has been on bricks and mortar or direct cash payments to parents, with less than 40% spent on developing an effective system of quality, affordable child care provision. In the coming years, I hope that we will be in a position to address this legacy through increased investment as the economic and budgetary situation improves.

As a building block towards a possible second free preschool year, my Department is continuing to work on and invest in improving quality standards and workforce capacity. Future developments relating to early years care and education will be considered during preparation of the new national early years strategy, which is being developed by my Department and will be published later this year.

Deputy Robert Troy: I thank the Minister for her reply. It is fair to say that child care services are not a luxury; they are an essential public good. According to an OECD report, in this country, unfortunately, working families on an average wage spend 45% of their monthly income on child care costs, while the EU average is 15%. As a country we spend 0.4% of GDP on child care, while the European average is 0.7%. In Scandinavia, the level of expenditure increases to 1.4%.

Families are struggling. They pay full-time child care fees of approximately €1,000 per month. Any families watching the "Prime Time" report recently would not have got a sense from the Minister that she has a plan to tackle the issue. On the "Prime Time" programme in question she indicated that she hoped to introduce a second free preschool year in two years' time. Preschool care involves three hours a day, five days a week. That will not tackle child care costs. What does the Minister intend to do to ensure we have quality, affordable child care that will allow men and women to go to work if they so wish?

Deputy Frances Fitzgerald: This situation did not develop overnight. Let us look at what happened in the past 12 years in terms of investment in child care. Of the money invested in child care, 60% went into bricks and mortar, 40% went on direct payment to parents and there was little focus in recent years on building up precisely what Deputy Troy describes, namely, an

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affordable child care service for parents across the spectrum. The reason parents are paying so much for child care is because there has not been a policy of subsidising child care. There has been a focus on direct cash payments. There has not been a willingness by the State to subsidise child care for the very parents to whom Deputy Troy refers.

I agree with Deputy Troy that it is not the case that those working in child care are being paid huge wages or that the vast majority of child care services are overcharging - they are not. In order to change the situation Deputy Troy describes, more investment by the State will be required. As growth returns to the economy I would like to see the introduction of subsidised child care that will reduce the current heavy costs on parents. I am working towards that aim. I am taking an incremental approach to bring about the kind of changes to which I have referred.

If we brought in a second free preschool year it would save parents approximately €4,000 a year even though it does not involve full day care. That would be a substantial contribution to parents. Of equal importance is the provision of after-school care. It is important to maintain the free preschool year, which is also helping parents, at a time of economic difficulty. It is clear that we cannot implement a new system overnight to replicate what we see in other countries as the cost would be prohibitive, but it remains a goal of my Department to make child care more accessible and more affordable for more parents in this country.

Deputy Robert Troy: I acknowledge we are in stringent times but child care is an essential public good. The Minister must make it a priority within the Department. She rightly referred to the vast increase in direct payments over the previous ten or 12 years. In a national newspaper article after Christmas the Minister mooted the idea of reallocating a proportion of expenditure from direct payment to child care services. Has such a debate been had at Cabinet level or is it a policy direction which the Minister intends to pursue?

Deputy Frances Fitzgerald: I am sure Deputy Troy will agree that many parents out there are finding times very difficult and the cash payments are incredibly important to them, obviously. The point I was making regarding the spend was to explain that we do not have more accessible and affordable child care because the money is going on those cash payments. In terms of the future direction and where the money will be found, we would have to consider very carefully any changes to cash payments because families are very reliant on them. That is the reality. That is why the incremental approach I am suggesting with regard to the second free preschool year is realistic, at present. However, as soon as there is more economic growth, I agree with the Deputy that this should be a priority area for us as a society and for this Government. We must examine, as carefully and comprehensively as we can, ways in which we can improve the situation in this country so that we have more affordable and accessible child care. Building up the infrastructure that would allow that is extremely costly and that is why I am outlining the various steps we are taking towards that goal.

Deputy Robert Troy: The physical infrastructure is in place.

Deputy Frances Fitzgerald: We will certainly be examining this in the context of budget discussions for 2014.

Child and Family Support Agency Establishment

110. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if

she will clarify the factual position regarding the now anticipated official commencement of operations by the Child and Family Support Agency; and if she will make a statement on the matter. [17434/13]

(Deputy Frances Fitzgerald): Work is well advanced on the establishment of the new child and family agency. Last week, as part of the ongoing preparatory work, the Government approved, on my recommendation, the appointment of Ms Norah Gibbons as first chairperson of the board of the agency. Ms Gibbons has proven herself to be a true champion for reform of children's services and one of Ireland's leading advocates for children. I believe she will bring great enthusiasm and experience to this new role. In preparation for the formal establishment of the new agency it is my intention to appoint Ms Gibbons as chair of the existing Family Support Agency, one of the constituent bodies to be merged into the child and family agency. In line with the practice established by this Government, Ms Gibbons will appear before the Oireachtas Joint Committee on Health and Children in advance of her taking up her position. I wish her every success and look forward to many positive and productive engagements with her.

I also intend to publicly seek expressions of interest through the *www.publicjobs.ie* website for the remaining members of the Family Support Agency board. The selection of these board members will reflect the enhanced role being given to this board in overseeing, on an administrative basis, the governance and organisational preparations for the new agency.

Drafting of the legislation to establish the agency is progressing well in conjunction with the Office of Parliamentary Counsel. Work is at an advanced stage and I expect to receive the draft legislation very shortly and to bring the content to Government for approval prior to publication. This will happen during this Dáil term. It is very comprehensive legislation, providing as it does for the subsuming of functions from three separate agencies, namely, the HSE, the Family Support Agency and the National Educational Welfare Board, and reassigning, under law, the sensitive and complex legal responsibilities which arise with regard to the care and protection of children and the promotion of their welfare. I intend to provide adequate time for consultation on this important legislation, both within this House and with stakeholders.

Deputy Caoimhghín Ó Caoláin: I join the Minister in wishing Ms Norah Gibbons every success in her new role and responsibilities. I welcome her appointment.

The Minister used the phrase "this Dáil term" with reference to the legislation. However, one of her Cabinet colleagues, the Minister for Health, Deputy James Reilly, also used that phrase in response to questions I posed to him on a different matter, that is, the White Paper on universal health insurance. I asked him, because this response was coming back, what he actually meant by "this Dáil term". He said he understood it to mean the lifetime of the current Dáil, that is, a five-year period of time. That exchange is on the record of the House. Language is so important in establishing clarity. I would say "this Dáil session", perhaps, might better indicate what I hope is the Minister's intention.

I have tabled this question again, not because I want to do this month on month and to harangue the Minister with regard to the child and family agency but because I wish to share with her the fact that I attended the HSE Dublin north-east regional service plan briefing on Friday, 8 March in Connolly Hospital in Blanchardstown.

During the course of the briefing, which was also attended by other colleagues and representatives of all parties, it was indicated to us by the regional manager at the time - just over a

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month ago - that the agency would be *in situ* by January next year. I had hoped it would be *in situ* by January this year, and as we know that was the anticipated commencement time. There was an expectation of seeing the new agency up and running.

Will the Minister clarify the matter absolutely, as sought in the question? There may be issues of drafting and a myriad of other issues but we know the establishment will be the single biggest change in Departments. The new agency will have over 4,000 staff and we are not at all beyond understanding the big challenge involved but we need to know for sure how it will happen. Rather than a piecemeal approach, it would be better to advise whether Mr. Mulvany's indication has validity or if there is expectation of earlier action.

Members of the Oireachtas Joint Committee on Health and Children have been lobbied by those concerned about child and adolescent mental health services so what is the position with regard to psychologists and the possible transfer from an existing arrangement within the HSE? These professionals may be removed from their cohorts to the new agency and department. Will the Minister give a brief indication of the position of public health nurses, as nurses where I come from have a very different range of roles and responsibilities in reality than those operating within the larger urban areas?

An Leas-Cheann Comhairle: It is a very long question.

Deputy Frances Fitzgerald: The answer to the Deputy's first question is "the current Dáil term". We are not talking about the next number of years.

Deputy Caoimhghín Ó Caoláin: It will be before the summer.

Deputy Frances Fitzgerald: Yes, it will be within the current Dáil term. The legislation is very close to finalisation. It is an enormous Bill and I want to be absolutely sure that all the preparatory work is done. I know the Deputy is aware that much work is ongoing in setting up the agency and it is not that we are just waiting for legislation and nothing else is happening. I will set a precise date for the establishment of the agency when we bring legislation to the House and pending discussion in the Dáil and the Seanad. I have been in touch with the offices of Deputies Ó Caoláin and Troy to offer a more detailed briefing on setting up the agency. There will also be an opportunity in Friday's committee meeting for me to spell out in more detail precisely what is happening at this stage.

It is a significant transformation and a big priority for the Government. All of the necessary organisational changes are continuing while we await changes, and the scale of changes is considerable. We must be very careful and prepare extremely well in this regard. One example of an area where good progress is being made but where we have much work is in developing the financial procedures and accounting required for a major public body like the child and family agency. We have to build new financial systems to deal on a national level with some of the issues currently dealt with locally. I pay tribute to the Secretary General of my Department, Mr. Jim Breslin, who has done much work in preparing for the establishment of the agency, as well as Mr. Gordon Jeyes.

Over 100 reforms are in motion to change the way in which various issues are dealt with and I would be very happy to speak about them in more detail. For example, there will be reorganisation of residential centres into a national service under a single national manager. There will also be a review of case loads and reformation of the interface with the courts system. Given the cost of court cases and child care, Mr. Jeyes has been doing much work in that regard. In-

tense work is also being done within the HSE by Gordon Jeyes and the new management team, and by the Department of Children and Youth Affairs, in preparation not just for the legislation but for all of the organisational changes. The legislation will be before the Dáil during this term and I expect to be in a position to introduce in the Bill to establish the agency in the next couple of weeks.

Deputy Caoimhghín Ó Caoláin: On the question of the psychiatrists, the Minister is fully aware of the concerns on paper and knows from listening to the oral case presented that there is a basis for that concern that must be addressed, measured and evaluated and a decision reached. Can the Minister indicate where this process is at present? Also, what is the situation with the public health nurses?

Deputy Frances Fitzgerald: I will not go over the details here - the Deputy has heard me speak before about the precise services transferring at present. Deputy Ó Caoláin supports the principle, as does Deputy Troy, that the new agency should not just be a child protection agency but should be concerned with family support and early intervention. If that is to be the reality, a range of services must be available to families at an early stage. It was clear from the child death report that some families did not have that. That is where the question of psychology comes in.

There has been a meeting of the working group and I have just received its report. I will study it and discuss with my colleagues in the Department of Health the precise arrangements that will be put in place for psychologists. It is important that professionals are open to the establishment of a new agency and the vision it wants to deliver for children. I ask all professional groups to show flexibility on ensuring children have access to those services. I have met representatives of the psychologists and I understand their concerns. Equally, I understand that if the new agency is to be a success, we need a range of services, such as psychologists and public health nurses, to be available in the first instance from the agency. I ask for the Deputy's support on that because it is vital a broad range of services are available in the new agency.

Many of the public health nurses are very keen to work with the agency. During its initial development, we selected the groups that had already been identified and it was envisaged services currently delivered to families by public health nurses would be considered, just at a later stage. We must consider various ways in which those services can be provided through the agency but that is an medium-term objective for the arrangements we must make.

An Leas-Cheann Comhairle: Before I call the next question, I remind Deputies there are two minutes for a Minister's reply and four minutes for supplementary questions and replies.

Youth Services

111. **Deputy Joan Collins** asked the Minister for Children and Youth Affairs if she will reverse the proposed cuts to youth projects and services via the CDYSP in view of the importance of services to disadvantaged areas. [17521/13]

Deputy Frances Fitzgerald: In 2013, my Department will provide some €53.173 million to support the provision of youth services and programmes to young people throughout the country including those from disadvantaged communities. This funding will support youth work programmes and youth services serving some 400,000 young people, delivered by over

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1,400 youth work personnel, who in turn support a large volunteer base of some 40,000.

The comprehensive review of expenditure published in December 2011 sets out clearly the savings required from the Department of Children and Youth Affairs in each of the years 2012, 2013 and 2014. The CRE contains a detailed seven page chapter outlining savings required from youth work funding. The CRE requires a 10% saving in 2013, with a lesser saving in 2014. The review further provided that there were no reductions in 2012 or 2013 in funding for the local youth club grant scheme which provides funding to volunteer-led youth clubs and groups throughout the country.

The Department has tried to be as equitable as possible. We discussed already the budgets for child care and early intervention. A huge part of the departmental budget goes on protecting those services and ensuring they continue as they are and that they develop. Funding provided by the Department to support youth projects in the Dublin city area is administered by the City of Dublin Youth Services Board. In February the board submitted a proposal which was different to that outlined in the CRE. It suggested some reductions of up to 14%. In the majority of the projects the reductions were in the range of 2% to 5% but it stated some larger projects with bigger budgets should take a reduction of 14%.

When I examined those proposals and when my Department considered them, we stated that any proposals for funding cuts in excess of 10% - those up to 14% - would not be acceptable and that they should be reduced. We certainly did not want any project being cut by more than 10%. Revised proposals were submitted to my Department. That means that the cutbacks that were originally intended by the CDYSB of up to 14% have been reduced to 10%.

As I stated earlier here at a previous Question Time, we also are looking at funding overall and looking at a value-for-money review of youth funding generally.

Deputy Joan Collins: The Minister will be aware that these youth services were put into the most disadvantaged areas of the country. That has not gone away, it has got worse. In the question I asked the Minister to reverse the cuts. I have been at meetings in The Base in Ballyfermot, the Cherry Orchard Integrated Youth Service and Ballyfermot Youth Services, and this applies right across the board in all other areas. The youth services are being cut, from 60 youth services down to 45.

Further cuts, we are told, will have a drastic effect on the service that these projects can provide for our youth. Early intervention prevents possible police contact, dropouts from school, etc. Those involved in these projects say they cannot take any more. They are cut to the bone. The 10% cut is too much. The 6% cut is too much. They have been cut by nearly 30% in the past five years, by the previous Government and this Government. There has been no change in policy to ring-fence these services and that is what is needed.

At a community policing forum in Crumlin recently, the cuts in youth services was debated. The police stated they were having difficulty in linking in and getting the service they needed in the area, and there was general agreement from the superintendent and the forum itself that a letter be written to the Minister stating that there should be no more cuts in the youth services.

The Government states €1 billion has been saved from the promissory note. Why not use some of that funding to ring-fence these services that are crucial in the area? There are certain areas that should not be cut and this is one such area.

Deputy Frances Fitzgerald: I am pleased that we have been able to keep 90% of the funding in those services.

I take the Deputy's point regarding the challenges faced by some of the services. Cherry Orchard, which she mentioned, gets €297,488 and it has been asked to make a 2% saving. The Base, with a budget of nearly €393,000, has been asked to make a 10% saving. I appreciate this is challenging but in terms of the ongoing delivery of services, the CDYSB, which has analysed the position and has spoken to the providers of these services, has assured me that it will re-examine the position if there is a question of front-line services being seriously affected. My Department is engaged in a discussion with a number of youth clubs and organisations where there was a question that a service might not continue and I am open to discussion on particular services. I am happy to ask the CDYSB to re-examine if there is a serious threat to front-line services.

There has been no cutback in Garda diversion programmes, for example. The Garda is telling Deputy Collins that in terms of liaison with youth services, it is having some difficulties. I would want to know about those. To reassure the Deputy, even in her own constituency, in many of the youth funded projects the savings have been of the order of, for the most part, 5% and 2%. As I stated, the larger youth services have been asked to take the 10% cut because they have larger budgets and it was hoped that they would be able to deal with it.

I would prefer not to be doing this. I look forward to having growth again so that we can support this valuable work. Even in instances where there is currently a question of a 10% cutback, the CDYSB can examine the precise implications and how the particular service is dealing with that funding requirement.

Deputy Joan Collins: The Minister is saying the budget she has is challenging, but the situation of the youth services is also challenging. They have advised they cannot deliver the services required with these cuts. It is as simple as that. It will cut into front-line services. At the end of 2011 Cherry Orchard Integrated Youth Service lost a staff member through voluntary redundancy. It has had a reduction of €30,000 in funding since 2012, a further 6% reduction in 2013 and even the 2% will impact on it. The base has advised it cannot take any more such hits. The youth services cannot take any more cuts. Why does the Government not have a policy of ring-fencing the money for these services? It is not good enough to say that the Department has a challenging situation. These organisations work in the community and claim they will not be able to deliver those services if there are any future cuts. They have been cut for five years and cannot take any more. That is what needs to be done.

Deputy Frances Fitzgerald: I appreciate the Deputy's support for this work. However, many of my ministerial colleagues have to take decisions about services they would prefer not to have to take. I am also in that position. That is the reality of the financial situation we face at present.

Deputy Joan Collins: We were told that we saved €1 billion from the promissory note being pushed back. Why is that not being used?

An Leas-Cheann Comhairle: We are almost out of time.

Deputy Frances Fitzgerald: As with other Departments I must ask services to reform and manage on less. I pay tribute to the work being done. CDYSB can engage in discussions with the organisations the Deputy has mentioned to examine the precise impact. It has assured me

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that it has had discussions and that the higher cutbacks are being demanded in those organisations that have received the biggest funding and which, it is hoped, will be able to manage those resources with least impact on front-line services.

Legislative Programme

112. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs the legislation she will introduce between now and the summer recess; and if she will make a statement on the matter. [17523/13]

Deputy Frances Fitzgerald: As I have said in response to a previous question, the legislative priorities for this Dáil session are to introduce the child and family agency Bill, which is substantial legislation taking up a considerable amount of time and resources in my Department, and to finalise a revised general scheme and heads for the Children First Bill.

Drafting of the legislation to establish the child and family agency is progressing and the work is at an advanced stage. It will be brought to Government shortly for approval prior to publication. That will ensure we have the new agency under way and fulfil the Government commitment to establish a dedicated agency. It is a very complicated Bill bringing together the three agencies as I have outlined. I want to allow adequate time for consultation within this House and with stakeholders.

We have been examining the report of the Oireachtas Joint Committee on Health and Children on the Children First Bill and many operational and legal issues arise from the committee's work. The committee suggested there should be as much consistency as possible between the Children First Bill and other recent legislation, including the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, which was passed by the Oireachtas in December. I have recently completed consultations with key experts in the child welfare and protection area on the Children First Bill. I held a consultation process after the committee completed its work and I held a further one recently. My Department has also liaised closely with officials in the Department of Justice and Equality, particularly those responsible for the National Vetting Bureau (Children and Vulnerable Persons) Act. Officials are refining the proposed policy approach for submission to Government shortly. This will involve revision of the general scheme and heads of Bill and referral to the Office of Parliamentary Counsel for drafting.

Deputy Robert Troy: I welcome the Minister's confirmation, but both Bills have been promised repeatedly. The child and family support agency Bill was to be with us before Christmas, as was the Children First legislation. Both Bills were in section A of the Government's spring legislative programme and again the Minister is saying they will be dealt with during this term. She will forgive me if I am somewhat sceptical. I appreciate that both Bills are vast and need considerable time. To be fair, we have had many promises but little delivery with regard to this legislation.

An Leas-Cheann Comhairle: A question please Deputy.

Deputy Robert Troy: The lack of progress, in particular with regard to the Children First legislation, leaves children vulnerable. Only yesterday a report in *The Irish Times* cited a 20% increase in the number of care orders in the past year. There is a concern that the absence of the Children First legislation means we do not have a proper framework for reporting with regard

to child protection. The Minister stated with regard to the Children First Bill that NGOs and experts are being consulted. Will Members of the Oireachtas be consulted before the revised heads of the Bill are published? I would like to think we will.

I welcome that Norah Gibbons has been appointed to the child and family support agency. She is very well suited and has renowned skills in the area and this is not to be questioned. However, it seems unreasonable to appoint a chairperson to a board for which legislation has not yet been formed. Why is the word “support” being dropped from the agency’s title? I understand it will now be known as the child and family agency. Is this because the emphasis will not be on family support?

Deputy Frances Fitzgerald: I assure the Deputy that much work has been done on both pieces of legislation. I have already outlined clearly how much work has been done with regard to the child and family agency, at an organisational level and into drafting the legislation. The legislation will have more than 100 heads and is extremely complex. The Attorney General and Parliamentary Counsel have been doing much work on it along with the Department. We will have it during this Dáil term.

With regard to Children First, I have outlined the issues which have arisen. We received a very complex 600 page report from the committee. With regard to children being at risk at present, I want to make it very clear that the Children First guidelines are in operation and very clear guidance is being given with regard to assessing cases when they come to the child protection teams. For the first time HIQA is examining child protection standards, which I welcome, and I understand four reports have been done. The reports we receive in the coming weeks and months will give a precise picture of what is happening in child protection teams throughout the country. I do not underestimate the scale of the challenges facing these teams but it should be helped by the fact that extra social workers are now in place and HIQA is pointing out very clearly the areas where improvement is needed as well as those areas working well.

With regard to the name of the agency, it was felt it would be less confusing to leave out the word “support” as this could be misunderstood with regard to the Department of Social Protection. This is the only reason. As I already stated, family support is very important and goes hand in hand with child protection.

Deputy Robert Troy: I also welcome the fact that HIQA is now conducting investigations. It is very important. We have had four reports, one of which unfortunately highlighted vast areas of improvement required in the north-west Dublin area. It is to be welcomed that this has been identified and I hope serious action is being taken in this regard.

Members of the Oireachtas have not had an opportunity to feed into the new child and family agency with regard to the heads of the Bill. In an earlier reply to my colleague, the Minister stated her office will contact us and I welcome this. Is the legal action with regard to the validity of the children’s referendum impinging on the Department’s ability to bring forward this much promised and important legislation? The original heads of the Children First Bill were published on 25 April 2012, which is almost 12 months ago. There has been an unnecessary delay.

Deputy Frances Fitzgerald: I assure the Deputy that a very significant amount of work has been done with regard to Children First and the agency, and this work is ongoing. Those are two priority Bills for us and we are working on them. I have already explained that I am

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linking with the Department of Justice and Equality on the Children First legislation and ensuring coherence between the Vetting Bill and the Children First legislation. There are many issues involved including asking organisations to have complex responses on how to be ready to implement Children First on a statutory basis. For example, the question has arisen about the size of the organisation that will have to fulfil those conditions. It has taken an awful lot of work to begin to tease that out.

My own office has been in contact with Deputy Troy and Deputy Ó Caoláin to offer consultation and I am happy to include the Children First legislation in that consultation. We will be discussing it on Friday also.

Bullying in Schools

113. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she and her Department have received any report or feedback from the Department of Education and Skills on the reception of or reaction to the publication of the Action Plan on Bullying by school principals or teachers; if during the almost three months since its publication any further consideration has been given to its pro-active promotion; and if she will make a statement on the matter. [17435/13]

Deputy Frances Fitzgerald: The implementation of the Action Plan on Bullying, which is being led by the Department of Education and Skills, is an important step in the Government's absolute commitment to working with a broad base of interests to protect children and ensure a safer childhood.

I understand that the plan has been well received by the education partners, including school management bodies, teacher unions, principals' groups and parent representative groups. It has been welcomed publicly by a number of these key stakeholders. My own daily contact with organisations, young people and their families throughout the country suggests a positive response to the need for this strategic focus. The results from the recent UNICEF report were quite disturbing concerning the levels of bullying here, although Ireland fared well on other criteria.

The actions set out in the action plan are being progressed. To successfully tackle the underlying causes of bullying behaviour we must ensure all relevant policies and services are fully engaged with this agenda. It is not a stand-alone issue. For example, initiatives such as the new Well-being in Post-Primary Schools: Guidelines for Mental Health Promotion and Suicide Prevention, are addressing the issue of bullying in schools. As the Deputy may know, an additional €500,000 has been allocated to the education Vote to supplement the existing resources within the system dedicated to the welfare of our young people.

Since the action plan was published a number of initiatives have been rolled out. The first campaign was launched as part of EU Safer Internet Day in February and the Government supported a national anti-cyber bullying media campaign specifically targeted at young people. The second campaign, which I launched on 6 March, was the "Stand Up!" awareness week against homophobic bullying in second level schools. That was organised by BeLongTo youth services and was a key action point of the plan.

An Leas-Cheann Comhairle: I have to interrupt the Minister.

Deputy Frances Fitzgerald: I was happy to be able to support the work of BeLongTo by increasing its resources for 2013 in order to do this type of work in its local groups throughout the country. The funding I have made available to those youth services will ensure that Be-LongTo's local and regional work will continue. That is very much part of the action plan on bullying.

Additional information not given on the floor of the House

Although schools have a lead role in tackling bullying the plan recognises the need to have a broader approach recognising that bullying is no longer limited to classrooms. This means making sure that wherever young people are, they are protected by safety guidelines. It means making sure that wherever young people are, they are supported by an anti-bullying ethos and an anti-bullying framework.

The development of an anti-bullying framework is being prioritised in the context the new whole of Government children and young people's policy framework. This work is being led by my Department with a view to publication later this year.

My Department is also working to place the Children First guidelines on a statutory footing. Within this process we will explore any additional clarifications that may be required to assist schools in their response to bullying.

I understand that work is also under way in the Department of Education and Skills on developing new anti-bullying procedures for schools in consultation with the education partners with a view to their introduction from next September. The Department will also be engaging with boards of management and parents in relation to co-ordinated training and resources development and will this year develop an evaluation of bullying in schools, which will be carried out by the schools inspectorate from 2014.

The action plan itself provides for a number of awareness raising measures, including the development of an anti-bullying website to provide a single point of access to practical advice and support in tackling and reporting bullying behaviours. Preliminary scoping work is underway in the Department of Education and Skills towards this development.

Organisations and schools throughout the country are running anti-bullying campaigns and transition year students continue to pioneer student-led projects aimed at combating bullying and cyber-bullying. My Department will continue to support the efforts of these projects and of teenagers who want to play a leading role in the national campaign against bullying.

Corporations are also playing their part. I recently organised a number of information nights for parents, teachers and youth workers which were supported by Webwise and Facebook. IBM has just launched free activity kits on cyber bullying, online identity and Internet safety coaching. I hope that companies such as these will support the development of the Government website which will draw together information from various sources in a user-friendly one-stop-shop for parents, teachers, youth workers and teens.

The anti-bullying agenda is a recurring element in all our consultations with young people. Notably, the majority of the 34 Comhairle na nÓg initiatives funded by my Department have identified mental health services, cyber-bullying and homophobic bullying as priority issues for young people. In response, this has led to a number of targeted measures being adopted by service providers across the country.

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In recognising the lead role of schools, the National Education Welfare Board has issued guidelines requiring each school to have dedicated policies to prevent or address bullying. Schools must make it clear in their code of behaviour that bullying is unacceptable.

This issue of bullying requires a whole of Government and whole of community approach. I am pleased to see national organisations such as Foróige and the GAA running anti-bullying campaigns that complement the work of Government Departments.

As Minister for Children and Youth Affairs, I am committed to working with my colleagues in Government, and other stakeholders, to ensure that integrated policy responses to combat bullying are high on our agenda.

Deputy Caoimhghín Ó Caoláin: The definition in the action plan states that bullying is not just about any kind of injury or negative impact, it involves a particular kind of harm. It is aimed at engendering a kind of helplessness or inability to act or do anything. I agree with that definition but it is also about the humiliation and subjugation of the target, which invariably has life-long consequences.

The scourge of bullying is not only as prevalent today as it was in my school years in the 1950s and 1960s, but I fear that it is even more in evidence now. I am greatly concerned about what we do not see or know because cyber-bullying can often be a hidden act. Lives are not only blighted and in some cases seriously impacted upon by school years' bullying but we also know - only too sadly - that some lives have been tragically lost.

I referred to school years' bullying as against school attendance bullying and there is more than a subtle difference. It is important to recognise the school environment offers an important opportunity to address this scourge whether it occurs in the classroom, the schoolyard or any other setting - and invariably it does occur in other settings. While the Minister has responded to my question by advising there has been a good and positive response, I must tell her with some regret that in seeking to have matters addressed in this area, I have encountered a defensiveness and a reluctance to accept on the part of some senior educators. There almost is a sense that in some way this is a negative reflection on the school although no such thing is intended by me or anyone else in trying to have this dreadful scourge addressed. I believe more work is required and am fully supportive of the action plan of what is sought to be achieved by the Minister for Education and Skills with the support of the Minister for Children and Youth Affairs, as well as that of Members. However, I ask that the reality be faced up to. It is because it is not as bright or as certain as the Minister's reply suggests that I felt obliged to reflect this in the Chamber today and to ask the Minister to take this on board and to examine how it can be addressed.

Deputy Frances Fitzgerald: I thank the Deputy. I do not underestimate the scale of the challenge. The Deputy has outlined how hidden bullying has been in the past and how facing up to it in schools, for example, can be quite challenging for them. A school sometimes may even feel ashamed it is happening in that school and this probably has been the traditional attitude, which is what we must change. Work is under way in the Department of Education and Skills on developing new anti-bullying procedures for schools in consultation with the education partners with a view to their introduction from September. I believe this will make a difference and that Department also will engage with the boards of management and parents on co-ordinating training and the resources needed by boards of management to create that greater understanding to which the Deputy referred and to give people the tools to deal with bullying

in their schools. Moreover, the schools inspectorate will develop an evaluation of bullying in schools from 2014. There is a range of initiatives and the Deputy is familiar with the commitment of the Minister for Education and Skills, Deputy Quinn, to dealing with this issue. He and I held the first stakeholder meeting with all the NGOs that are working in this area. Work also is under way in developing a single website that will contain all the details about who is working in this area. The Department of Education and Skills is leading on that initiative and my Department is contributing to it. Consequently, I accept the Deputy's point that this is an extremely serious issue. While there is perhaps more action and activity in challenging it now than ever before, I totally agree with the Deputy there is no room for complacency.

Deputy Caoimhghín Ó Caoláin: Members received a briefing in the AV room on this area towards the latter end of 2012, which was attended by a former school principal from a county neighbouring the city of Dublin, whose contribution was very informative. It demonstrated, which I fear may be the reality, that in the main it is down to the penchant of the principal and the other senior players within a respective school environment. This cannot be so, as challenging bullying must be a shared and accepted responsibility across the board because it is an integral part, in respect of those who are targeted and those who are carrying out this offensive behaviour, of preparing them all for life and must be seen within the overall context of that preparation. My own observations are that it is not as universally embraced as it needs to be and I therefore take this opportunity to advise the Minister of this and to encourage the greatest proactivity and the realisation of the warmest embrace possible of what must now be done.

Deputy Frances Fitzgerald: I reiterate it is a scourge that destroys lives. It also undermines people's confidence and ability to learn and even to engage with life. I accept what the Deputy says. Many initiatives are needed to deal with it. The recent UNICEF report was very worrying as it highlighted very high levels of bullying in Ireland compared with some other countries. The guidelines issued by the National Educational Welfare Board that require each school to have dedicated policies to prevent or address bullying are important. Schools must make it clear in their codes of behaviour that bullying is unacceptable. However, what the Deputy is highlighting is the gap that can sometimes occur between the theory and the practice. We must ensure the practice lives up to what is outlined in our action plan and in the guidelines being issued to schools by the Department of Education and Skills. I believe there is greater awareness but there still is a great deal more work to be done.

Other Questions

Action Plan for Jobs

114. **Deputy Éamon Ó Cuív** asked the Minister for Children and Youth Affairs the number of measures her Department was tasked with in the Action Plan for Jobs 2012; the number completed prior to the publication of the Action Plan for Jobs 2013; and if she will make a statement on the matter. [17296/13]

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140. **Deputy Willie O’Dea** asked the Minister for Children and Youth Affairs the number of measures her Department has been tasked with in the Action Plan for Jobs 2013 [17359/13]

Deputy Frances Fitzgerald: I proposed to take Questions Nos. 114 and 140 together.

Action Plan for Jobs 2013 contains actions relating to my Department in two specific areas: child care and youth work. With regard to the action relating to child care, including action 235 in the current 2013 plan, I can confirm that in budget 2013, I announced, together with the Minister for Social Protection, a new €14 million investment in an after-school child care programme. This programme will deliver 6,000 after-school places and will provide an important support to qualifying parents in low income families wishing to take up employment. This is a joint initiative between myself and the Minister for Social Protection, Deputy Joan Burton. A pilot will be launched shortly in seven areas with a view to a national roll-out in September 2013.

As regards actions to review structures and funding of youth work services to ensure they support the development of the skills needed by enterprises, my Department has worked with youth services on this objective, and finalisation of a children and young people’s policy framework is ongoing and will inform a further review of youth programmes. There is growing recognition of the potential of youth work services to contribute to activation measures. I am very interested in exploring this area further because I believe the youth work services can do a great deal to enhance the employability of young people, especially young people who are very vulnerable and are not engaged in education, employment or training. The youth guarantee will be an important element in reaching out to those young people. Youth work services, while complementary to formal education, reach out to young people in other settings and may be in a position to provide a value-added element that is not, perhaps, available in other activation programmes through the outreach and support they give to young people. I recently met the National Youth Council of Ireland to discuss possible specific approaches to employment for young people.

Action 232 of Action Plan for Jobs 2013 relates specifically to Ireland’s Presidency of the EU. As President of the EU Council of Youth Ministers, I have ensured a priority focus on the contribution of quality youth work to the development, well-being and social inclusion of young people and to maximise the potential for youth policy to address the goals of Europe 2020 with specific regard to youth unemployment. We held an Irish EU youth conference during March in which we had a dialogue and consultation with young people around Europe. Approximately 300 young people attended the conference but thousands were consulted throughout Europe before the conference to ask for their specific views on initiatives that would help young people prepare for employment and to be ready to take up employment, education or training. I will also host an expert group meeting in Dublin in June to discuss the issue of youth unemployment and social inclusion.

My Department is working actively to support delivery of the action plan for jobs. I am informed that, to date, there has been ongoing achievement of over 90% of the action plan commitments across Government.

Deputy Robert Troy: We all agree it is critical that the issue of unemployment, particularly youth unemployment, is given the attention it deserves. The Minister said that 90% of the actions in the action plan have been implemented, but one of the Minister’s actions must be in the 10% bracket. The Minister was to deliver on two actions in 2012, but she has only managed

to deliver on one of them. The Minister referred to affordable child care, which will come to fruition in seven areas around the country in September, and I welcome that.

The 2012 action plan states, in the context of new children and young people's strategy, that, "The Government will review the structures and funding of youth work and support services to ensure that they support the development of the skills needed by enterprise". What is the position regarding the children and young people's policy framework? Will it be completed in early 2013, as was previously stated? Will the Minister confirm what "early 2013" means? Is it the first or second quarter or will it be completed following the summer recess?

Deputy Frances Fitzgerald: The overall policy areas we are examining in the context of implementing a national strategy for children and young people involve the early years group as well as the older age group. The early years group has met and worked hard on its report and much work has been done. We consulted thousands of children. I received a report following a consultation with 68,000 children in primary schools and there has been other consultation. A great deal of work, therefore, is being done. I expect to receive the early years strategy in July and work is ongoing on the other elements of policy for young people. I am not in a position to give the precise date I will have the overall plan but it will be this year. I am in a position to outline exactly when I will have the framework completed for each of the different age groups. Substantial work is going on regarding each of them and significant consultation has taken place with young people. We have been informed by young people around the country about what they would like to see in the strategy. People are suggesting more and more areas that need to be included in it and I want to ensure it is as comprehensive as possible.

Deputy Robert Troy: Consultation is all very well but action is required. A serious number of young people are unemployed and that needs to be addressed. I quoted from the final progress report on the 2012 action plan for jobs and I am not making this up. During the past week, I visited a factory in Mullingar where 90 people are employed. The owners said they are finding it difficult to find people with the appropriate skills. They want to employ more people but they cannot find young people with the appropriate skills. The Minister needs to ensure this issue gets the priority it deserves and appropriate funding is put in place to ensure the development of the skills match required by enterprises that are seeking to create employment. Less consultation and more action in this regard is necessary.

Deputy Frances Fitzgerald: I referred to consultation in the context of the development of the national plan and the Deputy will agree it is necessary to consult young people and hear their views about what needs to change. However, I agree with him about the need to focus on youth unemployment. Clearly, it is a critical area but matching skills is a challenge at European level as well with 2 million jobs available for which the skills match has not been met. It is a major issue at both European and national level.

With regard to the action plan for jobs, I was specifically asked to examine the role youth work can play. A sum of almost €53 million is allocated to youth work and young people are clearly concerned about their employment prospects. I have focused on examining the role youth work can play in supporting young people in their journey towards employment, education or training during the Presidency and I believe the youth work sector can do even more. There are many initiatives around the country through which youth work services are developing the skills mix to which the Deputy referred for young people and working with them to ensure that when jobs become available, they are able to avail of them. However, many young people who are most at risk of unemployment need the opportunity to build their confidence,

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develop skills and be supported in applying for jobs, all of which can be provided by the youth work sector.

3 o'clock

I am examining this issue and working with the National Youth Council of Ireland which has suggested a range of further initiatives in this area. Work and consultations are ongoing.

Inter-Country Adoptions

115. **Deputy Joe McHugh** asked the Minister for Children and Youth Affairs if she will update Dáil Éireann on her Department's engagements with Prospective Adoptive Parents of Ireland. [17246/13]

(Deputy Frances Fitzgerald): I met representatives of the group in question in December 2012 to discuss a number of issues it raised regarding inter-country adoption with Bulgaria. Issues of particular concern included the role of the agencies, Arc Adoption and the ANIDO Association, which have been accredited to facilitate adoptions from Bulgaria, and concerns regarding the expiration of declarations of eligibility and suitability to adopt from Bulgaria, which were issued under section 63 of the Adoption Act 2010. I informed the group that the Adoption Authority of Ireland, AAI, is examining a number of issues related to accredited agencies, including whether the levels of fees being charged by Irish agencies conform to international norms. While the AAI has indicated that the level of fees being charged by Arc Adoption is in line with international norms, it has asked the organisation to amend the fee payment schedule to produce a more balanced staged payments structure.

My Department is examining the role of accredited agencies under the Adoption Act 2010, including the issue of operating costs. I am anxious to ensure such agencies are underpinned by sustainable financial structures that operate within international norms for adoption. The sustainability of the agencies dealing with adoption is a serious matter. All fee structures should be set at an appropriate level and transparency should be provided to all the parties involved in the adoption process.

The wider picture in respect of adoption in this country is changing. The number of adoptions is increasing and our relationship with Russia and Ethiopia, countries from which many children who have been eligible for adoption have come, has changed completely.

The group also raised concerns regarding extensions of the validity of declarations of eligibility covered by section 63 of the Adoption Act which were due to expire on 31 October 2013. Following a series of meetings I and my officials held with representatives of the Adoption Authority of Ireland and Health Service Executive, we agreed a process whereby holders of valid section 63 declarations may apply to the HSE for an assessment review that will not include a full assessment process. As a result, the relevant applicants will not be required to undergo another full assessment to obtain a section 40 declaration of eligibility and suitability to adopt. The HSE has written to holders of such declarations advising them of the procedures to be followed when renewing their declarations. To date, 269 applicants with section 63 declarations have responded to the HSE confirming their intention to continue the adoption process. The review assessment will be much shorter than any assessments the applicants will have undergone previously.

Deputy Jim Daly: The adoptive process is extremely challenging for prospective parents and creates a significant drain on their resources and strength. This area is worthy of much scrutiny and further support by the Department.

I commend the Minister and her Department on the significant progress made on inter-country adoptions. New bilateral agreements with Russia and Ethiopia are an especially welcome step. Unfortunately, time is not on the side of many prospective parents seeking to enter the adoption process. I welcome the Minister's announcement on section 63 declarations and section 40 assessments, as they were previously known, because these have been a cause of considerable concern.

I am pleased to note the Minister's satisfaction with the cost and effectiveness of the agencies involved in the adoption area, including several organisations that recently became involved in the process. Will the Health Service Executive speed up the adoption process? Will the reassessment be streamlined and take cognisance of all information that has been gathered previously at significant personal cost to prospective parents? As I noted, this is a trying time for the individuals in question as the process drains their strength.

Deputy Frances Fitzgerald: I discussed this issue at meetings with representatives from the HSE and the Adoption Board and with officials within my Department. I realise that this is a matter of major concern to many potential adoptive parents, particularly as our signing of the Hague Convention - which was clearly the correct route to take - has led to a change in the position with regard to inter-country adoptions as far as Irish couples are concerned. This is because there are fewer countries from which it is currently possible to adopt children and that is a result of our not yet having bilateral arrangements with them. In correspondence with couples, the HSE has made it very clear that they will not be obliged to undergo full assessments again. Instead, a review will be carried out and this will be shorter. Of course, the couples to whom I refer will be obliged to produce the necessary documentation in order to satisfy the authorities on various issues. Whether it is in respect of vetting or whatever, certificates, etc., people will again be obliged to produce certificates, etc. However, the assessment process will be much shorter and it will take the form of a review.

Deputy Caoimhghín Ó Caoláin: I realise that the Minister will not have the relevant information in her possession now but would she be in a position to access the up-to-date statistics in respect of the number of Irish parents who are waiting to successfully complete the process of adoption? Will she outline the most recent statistics regarding domestic adoptions and those made from the variety of international jurisdictions with which Ireland currently has the necessary working arrangement? The information to which I refer would be very useful. Will the Minister undertake to circulate it at the earliest opportunity to Opposition spokespersons?

Deputy Frances Fitzgerald: I will circulate the information in question. It is worth making the point that this is a public information and education issue. There are large numbers of parents in Ireland who would like to adopt. It is possible that next year up to 1,000 couples may wish to adopt. The reality is that the number of children available for inter-country adoption is far lower than was the case in recent years. In the past, very high numbers of children from Russia and Ethiopia, in particular, were adopted into Ireland. The position in respect of India, Russia and Vietnam is changing, particularly as they are encouraging their own citizens to adopt children. This has led to a huge change in the context of the number of children from these countries who are available for adoption. The situation internationally has changed dramatically. In the case of some countries in which children who are in institutions might be

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available for adoption - Haiti could be one example in this regard - the relevant international agreements are not in place to allow such adoptions.

The position is extremely complex and that is why I have been trying to ensure that, if at all possible, we have bilateral agreements in place with countries such as Russia. We have signed an agreement with Vietnam and people will be able to adopt from that country towards the end of this month. We have met the Indian authorities in the interests of ensuring that couples which want to adopt from India will be able to do so.

The other striking aspect of this matter is that many of the children who are available for adoption have special needs. Prospective Irish adoptive parents must be aware of that fact. The situation is continually changing and we are working very hard to ensure we have in place the appropriate links with countries where there are children who can be adopted.

Deputy Caoimhghín Ó Caoláin: Will the Minister circulate the relevant information?

Deputy Frances Fitzgerald: Yes.

Child Care Services

116. **Deputy Seamus Kirk** asked the Minister for Children and Youth Affairs if she has had any discussions with the Department of the Environment, Community and Local Government on exempting from commercial rates community child care services which operate on a not for profit basis [17302/13]

(Deputy Frances Fitzgerald): The issue of local authority commercial rates comes within the remit of the Department of Finance, which has responsibility for fiscal policy, and the Department of the Environment, Community and Local Government, which has responsibility for the local authorities. The Valuation Office, which comes under the remit of the Department of Finance, is responsible for the implementation and interpretation of the Valuation Act 2001, under which commercial rates are levied by local authorities. The Valuation Office prepares valuation lists of commercial properties, as required by the Act, and local authorities are obliged to collect rates on properties which are listed. Following concerns expressed by child care providers throughout the country, I raised the issue of commercial rates on preschool services with the Minister for the Environment, Community and Local Government, Deputy Hogan, who confirmed that, in line with the existing legislative framework, local authorities had no discretion in the collection of commercial rates on properties that are on the valuation list.

I understand that, on the specific issue of commercial rates on community child care services, each service is considered on a case-by-case basis on the grounds of charitable status as provided for under the Act, with the specific details of each case determining whether exemption is available. There is provision for an appeals process on this decision under the Valuation Act through which services can appeal to the Valuation Office.

Officials from my Department have met officials from the Department of Finance and the Valuation Office for a briefing on the Valuation Bill and to discuss the issues. We gave all of the information on the child care sector and the demands on same in this regard. However, it is a matter for the Minister for Finance to make changes to the Bill, including a provision on exemptions. Clearly, he must take financial considerations into account. I have also arranged

for some of the providers to meet the Departments involved to discuss these issues.

Deputy Robert Troy: I thank the Minister. This matter relates to the cost of child care, which we discussed in our discussion on today's first Priority Question. This is a State cost on child care. In reply to a written parliamentary question, the Minister for the Environment, Community and Local Government, Deputy Hogan, stated: "With regard to the application of rates to childcare facilities, local authorities levy rates on commercial establishments. Where child care provision is within a community facility, operating in a non-profit capacity, commercial rates do not generally apply." This approach is not consistent throughout the country. In my constituency, the local authority does not charge community child care facilities, but I have been contacted by a number of facilities the length and breadth of the country that are being charged commercial rates.

Will the Minister, Deputy Fitzgerald, at least undertake to discuss this matter further with the relevant Ministers? This cost places an additional burden on child care provision, yet is under the State's remit. The approach should be consistent throughout the country. Community child care facilities, which are not-for-profit organisations, should not have State charges applied to them.

Deputy Frances Fitzgerald: As I said in reply to the Deputy's earlier question on the development of a child care infrastructure, we are not going to correct the issue overnight. However, we intend to work on ensuring that we have a more comprehensive child care system.

Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes. The Act maintains that commercial facilities, including all private for-profit child care facilities, are liable for rates. As the Deputy highlighted, services participating in the early childhood care and education, ECCE, programme are exempt if their expenses are defrayed mainly by the Exchequer. Any top-up fee or the use of the facility outside the sessional period will remove the rates exemption.

We have discussed this matter with the responsible Department and highlighted the need for consistency. Where community services are exempt, this approach should be applied across the country. I will pursue the matter further.

Return to Writ: Meath East

Introduction of New Member

The Clerk of the Dáil made the following announcement:

I gcomhlíonadh Bhuan-Ordú céad is seachtó de na Buan-Orduithe i dtaobh Gnó Phoiblí, tá orm a chraoladh go ndearnadh, sa Chorrthoghchán a bhí ann an fiche seacht de Márta, dhá mhíle is trí déag, de chionn an Teachta Seán Mic an tSaoi d'fháil bháis, an comhalta seo

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a leanas a thoghadh don Dáil:

In compliance with Standing Order 170 of the Standing Orders relative to Public Business, I have to announce that at the By-Election held on 27th March, 2013, consequent on the death of Deputy Shane McEntee, the following member has been elected to the Dáil:

Dáilcheantar An Mhí Thoir

Constituency of Meath East Helen McEntee

Tá Rolla na gComhalkaí sínithe ag an Teachta de réir Bhuan-Ordú 1.

The Deputy has signed the Roll of Members in accordance with Standing Order 1.

An Ceann Comhairle: On this very happy occasion, I am sure that I speak on behalf of all Members when I extend a very warm welcome to Deputy Helen McEntee. On my behalf and on behalf of all Members, I hope that her time here will be productive and happy. It will be good, in my personal view, to see another young Deputy contributing on many occasions to Dáil debates. Today is a special day for Deputy McEntee and her family. She is very welcome.

The Taoiseach: I do not know whether it is traditional, but I just want to say that it is a privilege and an honour to see another young Deputy elected to Dáil Éireann. I wish Helen many happy years of representation for the people of east Meath following in the footsteps of her late dad. I am sure that she will make a very fine representative indeed for the people of east Meath during her stay here.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I join with the Taoiseach in welcoming Deputy Helen McEntee as a Member of Dáil Éireann. I wish her a long and productive Membership.

Deputy Micheál Martin: On behalf of my party and personally, I welcome Deputy Helen McEntee to the House. I again congratulate her on her success in the by-election. She is following a great tradition in the work laid down by her father before her. Deputy McEntee has proven herself and when she has asserted herself she will be a capable legislator in this House. I look forward to engaging with her, as do party members, on a mutually consensual basis on a range of legislative initiatives that she will no doubt take on board. I learned a lot about Meath East for well over six to eight weeks. I can assure Deputy Helen McEntee that she will hear a lot about the experience I had in Meath East in the weeks and months ahead.

Deputy Mary Lou McDonald: I too, on behalf of Sinn Féin, welcome Deputy McEntee to the House. It is not alone the case that she is a young Member - I understand she is the youngest Member of the Dáil – but she is also a young woman Member of the Dáil. I wish her very well.

When Deputy McEntee was elected she recorded that it was a bittersweet moment for her on the loss of her lovely father. It is never sweet in here but neither is it bitter. We all look forward to working with her and wish her the very best.

Deputy Mattie McGrath: I too am delighted on behalf of the Independent Deputies to welcome Deputy Helen McEntee here today. We have fond memories of her late dad, the Minister of State. He was friends with all of us. It is a very poignant moment for her and her family who are present in happier circumstances today. I wish her well and offer the support of the Independents in working with Deputy McEntee during her term as a Member.

Leaders' Questions

Deputy Micheál Martin: I beg your indulgence, a Cheann Comhairle, to sympathise briefly with all the families of those who lost their lives at the Boston marathon and all those who were injured by the barbaric terrorist atrocity yesterday. We heard on the news this morning how an eight year old boy lost his life just after hugging his father who had successfully completed the marathon, and whose sister lost a limb. Nothing illustrates more clearly the barbaric and inhumane nature of this act than that alone. We wish the United States authorities every speed in bringing those responsible for this heinous crime to justice as soon as possible. We have a deep cultural link with the United States and I am sure we would all agree with the sentiment in this House.

To return to matters on the home front, I say to the Taoiseach that we should understand that we are in the midst of an unprecedented, unseemly and nasty row between two arms of government, namely, the Judiciary and the Government itself which goes to the very heart of the democratic system and society that we have and that we have cherished since the foundation of the State. There is an onus and obligation on the Government to reflect on the unprecedented nature of the comments that have been made by members of the Judiciary on the breakdown of any form of communication, be it formal or informal, between the Government, the Minister for Justice and Equality and the Judiciary itself.

Quite a number of senior justices have sincerely articulated their deep concerns about trends and initiatives that have been undertaken by the Minister. I put it to the Taoiseach that it is unacceptable to attempt to demonise the members of the Judiciary, to undermine them, their status and their role and to do so on a false basis, which has occurred in recent days.

A wide range of issues has given rise to the row that has broken out, to the breakdown of relations between the Minister, the Government and the Judiciary. At the heart of it is a strong belief among members of the Judiciary that, brick by brick, its independence is being torn down. That is something which should give cause for reflection to every Member of this House. It puts a particular onus on the Government to reflect on that and to change course. As we are aware, the Minister for Justice and Equality, Deputy Shatter, has great self-belief.

Deputy Patrick O'Donovan: Deputy Martin had it once upon a time.

Deputy Micheál Martin: He has a sense that he is right on all occasions. While we might grant him that on 99% of occasions, on this one he is wrong. He should step back and stop playing populist politics with the Judiciary. This is not just about pay and perks, as the Minister and other Ministers have attempted to characterise this particular outbreak between the Judiciary and the Government. Is it the Taoiseach's intention to intervene in this row, to reach out to the Judiciary and to create a forum that would facilitate a meaningful articulation of issues and perspectives from the point of view of the Judiciary, and also the Government and other perspectives as well to bring the row to an end?

The Taoiseach: Yesterday, I joined the President and the Tánaiste in issuing to Mayor Menino and Governor Patrick, both of whom I met last year, a statement of condemnation of the atrocity in Boston. This morning, the Government considered the matter and sent its message

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to President Obama in the White House on behalf of the people of America and, in particular, those in Boston, based on the very strong links between this country and Boston. I share the view of Deputy Martin and others that those who planned and carried out this act of insanity should be brought to justice as quickly as possible. Our thoughts and our prayers are with the bereaved, those who have been seriously injured and with everyone concerned.

On the point raised by Deputy Martin, Article 35.2 of Bunreacht na hÉireann, the Constitution, sets out clearly that all judges shall be independent in the exercise of their judicial functions and subject only to the Constitution and to the law. That is the position, a Cheann Comhairle. It is the firm view of the Government that the effective operation of the judicial system, of which independence in the exercise of its duty is fundamental and central to this democracy, is of critical importance and one that clearly continues. The Minister for Justice and Equality has articulated that on a number of occasions.

I want people to understand that the connections between Executive and the Judiciary are and always have been entirely appropriate on issues of concern or anxiety that members of the Judiciary have to raise. These channels have always operated through the Office of the Attorney General and continue to do so. I have met members of the Judiciary on a number of occasions on the functioning of the work carried out by it. It is clear that a number of proposed referenda have implications for the Judiciary and it is only right and proper that there would be consultation about those matters, for instance, on the Seanad or the court of civil appeal. Those are matters that affect the Judiciary and, in so far as the formation of the decisions by the people in a referendum, it is only appropriate that there would be proper consultation. I do not accept Deputy Martin's assertion of the demonisation of the Judiciary. I have absolute respect for the work it does and the independence with which it carries out its duties. That has always been the case and that will continue to be the case under this Administration.

Deputy Micheál Martin: Senior judges are not saying that. Mr. Justice Adrian Hardiman has made reasoned statements in the media today.

An Ceann Comhairle: I am sorry, it is practice that we do not mention the names of judges in the course of debates.

Deputy Micheál Martin: I accept that, a Cheann Comhairle, but we are in unprecedented territory.

An Ceann Comhairle: We do not want to quote anyone.

Deputy Patrick O'Donovan: Deputy Martin wants to set a precedent.

Deputy Micheál Martin: I do not. I did not create this row.

An Ceann Comhairle: It is tradition that we do not name judges in this Chamber.

Deputy Micheál Martin: I did not create this row and I am making a constructive contribution so that we can resolve the issue.

Deputy Patrick O'Donovan: That would be a first.

Deputy Micheál Martin: The problem is that there is too much of a majority on the Government side and Government Members think they can do what they like with the fundamental institutions of the State. That is at the heart of the issue.

Deputy Bernard J. Durkan: Yes, it is.

(Interruptions).

Deputy Micheál Martin: I put it to the Taoiseach-----

An Ceann Comhairle: Please.

Deputy Micheál Martin: Dearbhail McDonald summed it up well in the *Irish Independent* today when she wrote that “a demonised, demoralised judiciary at war-----

Deputy Jerry Buttimer: Deputy Martin should quote Fionnan Sheahan.

Deputy Micheál Martin: -----with the State is a sad, bad day for Irish democracy”.

Deputy Emmet Stagg: Fionnan Sheahan does not agree with Deputy Martin.

Deputy Micheál Martin: There is a range of other commentary. The Taoiseach is correct.

Deputy Finian McGrath: Deputies should not name him in the House.

An Ceann Comhairle: Hold on a second. This is our first day back. Would Deputies please behave themselves and allow the Deputy to ask his question? Deputy Martin has one minute and the Taoiseach will then reply. The Taoiseach will do all of the talking for the rest of the Government Deputies.

Deputy Micheál Martin: The Taoiseach is correct that there are a wide range of issues involved here, not least the manner in which the Minister has given himself power under the Personal Insolvency Act to create a new cadre of judges from the Civil Service, for example. A limited number of people need only apply, up to 2014, namely County Registrars. As one Senior Counsel today said, this is-----

An Ceann Comhairle: A question, please.

Deputy Micheál Martin: -----an enormous change to the system of nominating and appointing judges.

Deputy Willie O’Dea: Yellow pack judges.

Deputy Micheál Martin: The judges are saying that communications have broken down between the Government and the Judiciary.

An Ceann Comhairle: The Deputy is over time.

Deputy Micheál Martin: The pension changes, in terms of the length of service for superior judges, is an issue on which there was no consultation. The three referendums that are coming forward all have implications for judicial independence.

An Ceann Comhairle: Thank you Deputy Martin.

Deputy Micheál Martin: The proposal for an over-arching commission to adjudicate, not just on judicial appointments but on all judicial issues, particularly in the aftermath of the re-

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cent referendum, was too arbitrarily dismissed by the Minister for Justice and Equality and the Government.

An Ceann Comhairle: I ask the Deputy please to respect the Chair.

Deputy Micheál Martin: Will the Taoiseach confirm that he will intervene and create a reasonable forum where these issues can be thrashed out? I welcome the Taoiseach's comment to the effect that he acknowledges the importance of consultation on very fundamental issues of this kind.

An Ceann Comhairle: Thank you.

Deputy Micheál Martin: It is the first comment we have had from the Government today that points in a constructive direction. The Minister for Transport, Tourism and Sport, Deputy Varadkar, tried earlier to reduce this to a populist argument to court popular support.

An Ceann Comhairle: Deputy, I will not ask you a second time.

Deputy Micheál Martin: I thank the Ceann Comhairle for his indulgence.

The Taoiseach: The Minister for Justice and Equality referred to the capacity of a number of County Registrars whose long service as legal practitioners enables them to be eligible to be considered for dealing with elements of the insolvency legislation.

Regarding consultation, there was a conference on 2 March last, organised by the Law Society, regarding the consultations necessary in respect of the proposal for the setting up of a court of civil appeal. That conference was addressed by the Minister for Justice and Equality, the Chief Justice, the head of the Bar Council and representatives of the Law Society of Ireland and dealt with various ideas on the parameters, structures and strategies in respect of a court of civil appeal. Such a court has been referred to by members of the Judiciary on many occasions. Deputy Martin is well aware that the opportunity to have cases heard before the Supreme Court has been seriously extended in recent years and this is an issue that must be dealt with. As the Deputy knows, these Bills have not been published yet. Clearly, when they are published, there will be an opportunity for proper and full consultation.

It is not a question of intervention, Deputy Martin. I am happy to continue with the informal and formal engagement which takes place between the Judiciary and the Executive, facilitated through the Office of the Attorney General. That has always been the practice, is the practice now and will continue to be the practice. In that context, I repeat that the independence of the Judiciary in the carrying out of its judicial functions is enshrined in Article 35.2 of our Constitution and is central to the democratic system of this country. The report on judicial independence for 2012/2013, published by the World Economic Forum in Davos, ranked Ireland fourth out of the 144 countries that were assessed, in terms of the degree of independence.

Deputy Micheál Martin: That was before this Government got hold of it.

The Taoiseach: This is something that is very important to the people of this country. We want to ensure that the absolute independence of the Judiciary is maintained.

Deputy Mary Lou McDonald: I wish to extend from these benches a message of solidarity to the people of Boston and the United States.

There is no doubt that the row between the Minister for Justice and Equality, Deputy Shatter, and the judges is unprecedented and unnecessary but the Taoiseach seems to be choosing to look the other way. Despite what the Taoiseach has said here this afternoon, the judges say that communication has broken down and they attribute this very directly to Deputy Shatter's way of doing business. Not alone has he alienated An Garda Síochána, but has added to his list the judges, the Bar Council and the Law Society of Ireland.

Some of the reforms being pursued by the Minister are good but others are questionable. However, the issue here is the manner in which the Minister pursues his business. It is not acceptable for the Minister to try to railroad through key changes without adequate consultation with relevant stakeholders. Nor is it helpful or advisable for the Minister just to arrogantly reject any criticism of his approach to reform. No stakeholders, judges included, should have a veto on any change but they do have a right to be listened to and any sensible Minister for Justice and Equality would make it his business to have a listening ear.

We have a situation now where morale among gardaí is at an all-time low and this seems to be now infecting other arms of the legal and judicial system. I hope the Taoiseach will agree that he cannot allow this situation to continue. Does the Taoiseach intend to intervene? Does he accept that there is a problem in the manner of engagement between the Minister and the Judiciary? Is he going to do anything about this? Would he consider, for instance, appointing an independent mediator to examine the issues involved and to try to come to some resolution between the Minister and the Judiciary?

The Taoiseach: Sinn Féin did well down in Castlebar at the weekend although people said that the party's economic policies were utter fantasy - pay for nothing at all and have endless perceptions of wealth.

Deputy Peadar Tóibín: Thousands are emigrating every year because of this Government's economic policies.

(Interruptions).

The Taoiseach: Deputy McDonald was welcomed across the Shannon anyway.

As I said to Deputy Martin, as Taoiseach I am very happy to continue to facilitate the engagements, both formal and informal, as appropriate, between the Government, the Executive and members of the Judiciary. I would point out that this has always been facilitated through the Office of the Attorney General. In fact, a meeting took place on 7 March between the Chief Justice, the Attorney General and representatives of the Department of Justice and Equality. This was followed by a letter, written by the Attorney General with my consent, to the Chief Justice about these matters, in terms of keeping the lines of communication open and keeping the relationship between the Judiciary and the Government as it should be. I am happy to facilitate that continuing engagement.

I do not accept that the arrangements for communication, both formal and informal, have been withdrawn, suspended or have ceased. They are ongoing and will continue, in the interests of good communications. As I said earlier, the absolute independence of the Judiciary in this country has been accepted by everybody and will be maintained by this Government.

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Deputy Mary Lou McDonald: Given that the Taoiseach mentioned Castlebar, a taxi-driver I spoke to there put it very well when he said-----

(Interruptions).

Deputy Patrick O'Donovan: Sinn Féin had friends in that business, I believe.

(Interruptions).

Deputy Mary Lou McDonald: A Castlebar native himself, he said that Sinn Féin had done more for the economy in Castlebar in one weekend than the Taoiseach had done in two years.

(Interruptions).

An Ceann Comhairle: Is that Deputy McDonald's supplementary?

(Interruptions).

Deputy Mary Lou McDonald: The Taoiseach clearly occupies a different reality to other people. He is clearly now saying to the judges that not alone does he not acknowledge that there are issues at play here and a difficulty with the Minister for Justice and Equality, Deputy Shatter; he is also saying to them that they are simply wrong. They say, very clearly, that communication has broken down. They are on the public record as having said that but the Taoiseach will not take that on board. It is no wonder the Minister is carrying on the way he is. Why would he not?

An Ceann Comhairle: Thank you, Deputy McDonald.

Deputy Mary Lou McDonald: The Taoiseach is not going to call the Minister to account and is not going to straighten this out. He talks about the independence of the Judiciary and in that context, I have a suggestion to make to him. My party colleague, Deputy Pádraig Mac Lochlainn, brought forward legislation to end the system of political appointments to the Bench. We should have an independent process to appoint judges and if the Government is that committed to its independence, with the Judiciary the cornerstone of our democracy, why does it not bring forward that legislation? It would make it truly independent. When something is clearly going wrong, why does the Taoiseach not intervene with the line Minister and insist that matters be sorted out? He seems to prefer to turn a blind eye or look the other way while hoping for the best.

The Taoiseach: Deputy McDonald is wrong. As I said, the arrangements for communication with the Judiciary, including informal and appropriate and formal and appropriate measures, will continue.

Deputy Mary Lou McDonald: They have not been happening.

Deputy Timmy Dooley: It is one-sided.

The Taoiseach: I am very happy to facilitate that through the Office of the Attorney General. As I stated in a letter to the Chief Justice on 8 March, following a meeting between the Chief Justice and Attorney General, the effective operation of the judicial system - in which independence is a cornerstone - is recognised as being indispensable to the State and its citizens. I am very happy to maintain that. I also recognise that there are legitimate concerns that must be discussed and communicated as appropriate with the Judiciary and Executive. As Deputy McDonald is aware, many of these result from a radical programme of change in the generality of the legal system. Some of the proposed amendments to the Constitution are two cases in point that I have referred to, as they relate to the Seanad and the court of civil appeal. The Attorney General facilitates through her office communications between the Judiciary and Executive and that position will continue. It is easy for the Deputy to shake her head as she comes from a party that not so long ago did not recognise the courts in this land.

Deputy Dessie Ellis: What was the point? They were political appointees.

Deputy Patrick O'Donovan: Does the Deputy recognise the Special Criminal Court?

Deputy Mattie McGrath: I express sympathy on behalf of Independents to the people of Boston, where many of the Irish diaspora live. I condemn what happened yesterday and I know no effort will be spared in bringing the perpetrators of that heinous crime to justice. A joyous occasion of sport should always escape warfare.

I am sure Deputy Tom Hayes will not mind if I say that we welcome any political party to Tipperary for an Ard-Fheis.

Deputy Alan Kelly: Hear, hear.

Deputy Tom Hayes: Is the Deputy going back to Fianna Fáil?

Deputy Mattie McGrath: Last week, a former IMF mission chief to Ireland, Mr. Ashoka Mody, stated that complete reliance on austerity was not reasonable and the construct for Ireland's rescue was wrong. These are plain and simple words, used in a moment of unusual honesty and humility and confirming what many observers have come to recognise. Austerity works, but only at the expense of hundreds of thousands of people losing their jobs and livelihoods, leaving families destroyed.

Of the suggested alternatives, the first choice was to force senior bondholders to bear some of the sovereign debt costs. Is the Tánaiste still here, as we heard the mantra many times from his side of the House? We had the phrase of "Labour's way or Frankfurt's way" off by heart from listening to it. A second choice would have been an offer of concessional official financing, with a third choice of imposing austerity. We know which was taken. The Labour Party Tánaiste may be gone because he is fearful of the text messages he may be receiving about the Croke Park agreement. I will not give an opinion on it but if the unions approve the agreement, it will be by the slightest margin because austerity has not worked. Promises were broken.

Mr. Mody was very honest but the Taoiseach's dismissive reply when he was confronted by the media was to label him as an old fuddy-duddy who has retired. We all know what was the position. These political measures are not working so will the Taoiseach at this late stage change tack and accept that the price of austerity is too high? It is crippling our economy and our families so will the Taoiseach give some chink of hope or light to our young people, ordinary workers, the so-called middle class and business people? They are not being helped in any

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way and austerity is clearly crippling our economy.

The Taoiseach: Deputy McGrath is aware of the programme set out by the Government to factor in a €300 million saving for this year and €1 billion by 2015. The Deputy is also aware of the challenges faced by many people. The alternative, as Deputy McGrath is aware, would be to have to consider the implications of the issue for front-line services. For that reason, the Government set out its programme. The ballot results will be announced very shortly by the unions.

Deputy Dessie Ellis: It has been rejected.

Deputy Micheál Martin: SIPTU has rejected it.

The Taoiseach: The Government will reflect on the implications of that decision, with the bottom line being that the inclusion of €300 million this year stands. The Government will reflect on the outcome of the ballot as declared.

Deputy Peadar Tóibín: Will there be extra time?

Deputy Mattie McGrath: I thank the Taoiseach for his reply but, sadly, it reminds me of something I read during the week about how getting worse more slowly is not the same as getting better. It is time for the Taoiseach to learn that message. He had seen the books before the last election and knew the situation but he has heaped austerity upon austerity. People cannot take any more and when more is taken from people's pockets, they have less to spend or contribute via taxation. The economy is slowing as a result. There is no point in dismissing the views of those who tell us the obvious conclusion that austerity has failed, as it has in other countries.

I welcome the extension given in repaying our debt but the bottom line is that the gross sum is morally wrong and crippling. The senior bondholders emerged from the process scot free and, to make it worse, I learned recently that all those people had their reckless investments insured, so they would have been safe anyway. We are being held up as the poster boys of Europe and a model for other countries but the price is too high. When will the Taoiseach realise that? Must there be another couple of dozen Labour Party backbenchers on this side of the House before he listens and changes his ways in the interest of saving our country?

The Taoiseach: The Deputy is well aware that given the circumstances inherited by the Government when it entered office-----

Deputy Mattie McGrath: The old mantra.

The Taoiseach: -----the negotiations which have taken place at a European level have resulted in the acceptance by the European Central Bank of Ireland's programme, which will save the country €20 billion in borrowing over the next ten years. The negotiations at European level have also resulted in the drop in interest rates for the country from over 14% to less than 4%. We have also seen the ending of the bank guarantee and the sale of Irish Life. The international economy is seeing Ireland as having credibility and integrity.

The problem and challenge for everybody is that although growth figures are positive this year compared to many other European countries, they still do not have the impact I would like to see on the local economy. The private sector is now returning 1,000 new jobs every month but the Government has taken a range of decisions to help small and medium enterprises by

changing the structures of the banks and requiring new lending targets for each of the pillar banks of €4 billion this year.

Deputy Mattie McGrath: That is a fiction.

The Taoiseach: We have introduced a micro-finance agency for very small operators and a partial loan credit guarantee. The Minister for Public Expenditure and Reform announced a €2.5 billion stimulus fund last year for a range of infrastructure, such as the facilities at Grangegorman, some road developments, schools, primary care centres, legal buildings and so on. The Government this morning decided to establish NewERA on a statutory basis, allowing the transfer of the National Pensions Reserve Fund facilities and providing an opportunity for the Government to discuss how best to create employment. We had a specific Cabinet meeting on jobs and 17 particular actions were identified at it that will make an impact on the live register quickly. We will follow those through assiduously and promptly.

We all want to see opportunities for people to have employment. The challenge for this Oireachtas and this Government is to deal with a restoration of confidence in our indigenous economy. The international economy is growing strongly, exports are thriving and the corporate tax rate is stable and being retained at 12.5%. The IDA will have its best year in over a decade this year. The challenge for us all is to be creative and imaginative in the way we can impact on the creation of jobs all over the country in the context of developing the local economy. That is why the Government continues to make a range of opportunities available for access to credit for small and medium enterprises and for opportunities like the JobBridge scheme and the VAT reduction, so people can have that opportunity to get out to work and contribute in their own personal lives and the local economy. Clearly the other element of that is the insolvency agency coming on board to deal with those in mortgage distress to allow them to contribute to their local economy.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Simon Harris and Andrew Doyle - the need for an engineering and maintenance review of the N11; (2) Deputy Robert Dowds - the need to use the local property tax as a planning tool to encourage good development; (3) Deputies Jim Daly, Éamon Ó Cuív and Michael Moynihan - the need to assist farmers with the current fodder shortage crisis; (4) Deputy Pat Deering - the implications of proposed cuts to Carlow regional youth work services; (5) Deputy Brendan Griffin - the need for more beds to be opened at West Kerry Community Hospital; (6) Deputy Charlie McConalogue - the implications of the decision not to appeal the Northern Ireland High Court's decision to quash the A5 and the future of the project; (7) Deputy Timmy Dooley - the increased level of detention in the United States of undocumented Irish citizens; (8) Deputy Ciara Conway - the need for the dangers posed by liquid detergent capsules to be clearly identified and redressed; (9) Deputy Thomas P. Broughan - the introduction of parking charges at Howth Harbour, Dublin; (10) Deputy Michael McNamara - hunger strikes in Guantanamo and the ongoing detention of prisoners cleared for release; (11) Deputy Aodhán Ó Ríordáin - the need for parallel youth fora to be incorporated into the existing JPC structure; (12) Deputy Dessie Ellis - the need for protections for rent supplement and rental accommoda-

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tion scheme tenants who face eviction due to the financial difficulties of their landlords; (13) Deputy Mick Wallace - the unease between Government and the Judiciary which is a matter of national importance; (14) Deputy Clare Daly - the relationship between the Government and the Judiciary; (15) Deputy Barry Cowen - the delay in construction of new accommodation for Scoil Bhríde, Edenderry and Gaelscoil Eadon Doire, County Offaly; (16) Deputy Billy Kelleher - delays in breast cancer surgery at Cork University Hospital; (17) Deputy Seamus Kirk - payment facilities for owners of multiple properties to pay the property tax; (18) Deputy Willie O'Dea - the widely reported comments over the past number of days by a prominent member of the Judiciary on judicial independence in the country; and (19) Deputy Róisín Shortall - the need for improved guidance and information for home-owners to assist them in valuing their properties for the purposes of the local property tax.

The matters raised by Deputies Jim Daly, Éamon Ó Cuív and Michael Moynihan, Deputy Ciara Conway, Deputies Simon Harris and Andrew Doyle, and Deputy Dessie Ellis have been selected for discussion.

Ceisteanna - Questions (Resumed)

Official Engagements

1. **Deputy Gerry Adams** asked the Taoiseach if he will report on the structured dialogue with the churches, faith communities and non-religious groups. [2307/13]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his structured dialogue with the Catholic Church and other faith groups. [2308/13]

3. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of his recent meeting with Cardinal Brady; the issues that were discussed; and if he will make a statement on the matter. [3944/13]

4. **Deputy Joe Higgins** asked the Taoiseach if he has met with any church organisations in his official capacity. [12662/13]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on meetings he has had with Church organisations; and if he will make a statement on the matter. [15011/13]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

Like public representatives generally, I meet church leaders informally from time to time in the course of attending public events, funerals, etc. Also, like my predecessors, I receive a Christmas greetings courtesy call from the Catholic Archbishop of Dublin. In addition, the House will be aware that the Tánaiste and I hosted a State reception on the occasion of the International Eucharistic Congress in Dublin last year.

As regards structured dialogue, I previously advised the House of my intention to continue with the process of structured dialogue with the churches, faith communities and philosophical, non-confessional bodies that was inaugurated in 2007. The structure for dialogue includes

meetings both at official and ministerial level and meetings may be sought by either side on the basis of a proposed agenda agreed in advance of the meeting. Arrangements in this regard are made by my Department, which provides the administrative support for the process.

The process of structured dialogue is envisaged as a channel of consultation and communication on matters of mutual concern. However, it does not displace arrangements for the conduct of policy and administration by Government Departments and agencies in their functional responsibilities.

I met representatives of the Catholic Church on Friday, 18 January and I will be meeting representatives of the Church of Ireland on Friday, 19 April. These are the first in a series of bilateral meetings that I expect will be held with dialogue partners over the coming year. I was accompanied at the meeting by the Ministers for Education and Skills, Children and Youth Affairs and Health. The Catholic Church was represented by Cardinal Brady and Bishops Colm O'Reilly, John Buckley and Brendan Kelly. We discussed a wide range of topics of mutual interest, including Northern Ireland; the safeguarding and welfare of children; education matters; and the report of the expert group on A, B and C v. Ireland. We also discussed the convention on the Constitution; chaplaincies in schools, hospitals and prisons; and peace and justice issues. I also took the opportunity to outline our priorities for Ireland's Presidency of the Council of the EU and Cardinal Brady wished the Government well in its work during the Presidency, the priorities of which as the House will be aware are stability, growth and jobs.

On Friday, 8 March I met an ecumenical delegation of European churches to discuss the Irish Presidency of the Council of the European Union. The delegation was made up of representatives of the Conference of European Churches and the Commission of the Episcopates of the European Community, as well as of the Irish Council of Churches and the Irish Episcopal Conference. The meeting focused on the social consequences of the current crisis and the steps that the Irish Presidency is taking to address these through our stability, jobs and growth agenda.

Other areas we discussed included the current data protection proposals, the role of taxation policy in developing countries in the context of the current negotiations on the accounting directive, and the importance of PEACE funding for reconciliation in Northern Ireland.

Deputy Pádraig Mac Lochlainn: When the Taoiseach met the relevant church leaders, did he discuss the issue of the Magdalen laundries and the need for a contribution from the relevant religious orders? They have issued apologies but will there be any financial contribution? At some point there must be full redress for the women involved.

I attended a deeply moving presentation given by the children of some of the women who had been in Bethany homes, children who were sent off to a different life from what they should have had. The briefing was attended by Members from all parties and everyone was deeply moved. There must be a resolution for the residents of these homes. They were excluded from the residential institutions redress scheme and the remit of the McAleese commission. We must revisit that urgently. I commend the Taoiseach for his comments when he finally made an apology, it was appropriate and befitting the scale of the shame of our people for what these women had to endure. We also have to have that moment for those who endured life in the Bethany homes.

What contacts has the Taoiseach had with the Vatican since the recent election of Pope Francis? Has the Taoiseach considered reopening the Vatican embassy and re-establishing links

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between the two states to repair the damage that may have been done by closing the embassy?

The Taoiseach: The meeting took place with the bishops and Cardinal Brady, Bishop Colm O'Reilly, Bishop John Buckley and Bishop Brendan Kelly all attended, as did Monsignor Gearóid Dullea, executive secretary of the Bishops' Conference, Fr. Drumm, the director of Catholic schools, Dr. Rooney from the Bishops' Council for Justice and Peace, Mr. Casey, the executive administrator of the Bishops' Conference, and Fr. Timothy Bartlett, assistant to the president of the Bishops' Conference. Mr. Martin Long, the director of the Catholic Communications Office, was also present for the latter part of the meeting.

I have already outlined what we discussed: Northern Ireland, the North-South Ministerial Council, the Finucane case and cross-Border cooperation between the Minister for Education and Skills and the Minister for Education in the Northern Ireland Executive in respect of educational matters. We discussed the matter of ACCORD, relationships and health. We also discussed the constitutional convention, safeguarding the welfare of children, and had a general debate on education. The questions of chaplains in prisons and hospitals and the A, B and C v. Ireland case were also discussed. Dr. Rooney mentioned in particular the increased incidence of suicide on the island of Ireland and its highlighting by a number of high profile cases at the time. The cardinal expressed his regret at the closure of Ireland's embassy to the Vatican. I indicated that the decision had been taken solely on grounds of cost and that I had noted his point.

The Magdalen laundries and Bethany Home were not raised at the meeting and were not discussed. The Magdalen laundries are now being dealt with by Mr. Justice Quirke and his report will be published in due course.

4 o'clock

The question of the matter of the Bethany Home is one that the Minister for Justice and Equality, Deputy Shatter, is following up.

Deputy Micheál Martin: I thank the Taoiseach for the general reply to the question that I tabled. I have three brief items on which to follow through.

First, on education and the discussions that took place between the Government and the churches, can the Taoiseach give a reassurance that no particular school will be forcibly divested of its religious ethos in the context of the Minister for Education and Skills, Deputy Quinn's, proposals that certain schools, particularly Catholic schools, would no longer remain as Catholic schools if he so determines and that minority churches, which depend on education as a fundamental part of nurturing and maintaining their faith, will not come under threat, either financially by certain initiatives the Minister is undertaking or in terms of his attitude and approach to the questions of the ethos? In other words, parental choice will still be paramount in terms of the formation, trusteeship and continuation of schools and there will not be any attempt to force persons out of particular schools or to remove the ethos of schools to which persons voluntarily signed up. It is a serious issue and it is causing much concern. I would appreciate hearing to what degree that issue was raised in the inter-church dialogue in which the Government has engaged and whether the Taoiseach was in a position to give assurances to church leaders on these issues because it is arguable they are having a disproportionate impact at both primary and secondary levels, particularly in the case of minority schools.

Second, the inauguration of Pope Francis provides an opportunity for a reconsideration of the closure of the Embassy to the Holy See. I would ask that the Taoiseach would give such

reconsideration and take the opportunity to re-establish an embassy in the Vatican State itself.

Third, the Taoiseach mentioned the *A, B and C v. Ireland* case on which the European Court of Human Rights adjudicated. The Government has given a commitment to legislate on the outcome of that and also to legislate on the X case. The Taoiseach might indicate the nature of the discussions that took place with the churches on the case of *A, B and C v. Ireland* and whether he was in a position to clarify for the churches the expected timeline for the publication and enactment of that legislation. I note from the legislative programme for the summer session that no provision is made for this legislation under section A, Bills expected to be published during the summer session. No provision is made under section B, which is Bills in respect of which heads have been agreed and texts are being drafted. Therefore, heads have not even been agreed at this stage on this legislation, that is, the abortion legislation to legislate for the X case, as it is known. It is not listed either in section C, which is Bills in respect of which heads have yet to be approved by Government. I would ask for an explanation as to why not because the Minister has made it clear publicly that he expects the legislation to be enacted by July. There have been some contrary reports today. Can the Taoiseach outline whether he enlightened the church leaders on when this legislation will be published and the attitude of the church leaders to the Government's proposals?

The Taoiseach: Deputy Martin raised a number of matters. In respect of pluralism, when I met Archbishop Diarmuid Martin shortly after I was elected Taoiseach, one of the issues we discussed was the wish of the Catholic Church to hand over a number of schools because there are so many schools vested in the Catholic Church and the archbishop made it perfectly clear that there would be schools retained by the Catholic Church for the Catholic ethos, which is quite in order.

In regard to the discussion we had at the meeting, the Minister, Deputy Quinn, outlined for the group the positive engagement that was being held with the church, especially on issues arising from the recommendations of the Forum on Patronage and Pluralism. He also outlined for the meeting the current position in regard to the surveys of parents in selected areas on the possible divesting of patronage of primary schools in certain areas. He was strong in his assurance that there was no intention or wish to enforce secularisation on the school system. He was clear about that. As Deputy Martin will be aware, since then the Minister sent out the findings of that forum with a view to having an interim reaction within three months and, possibly, a final view within six months. That was welcomed by Bishop Kelly who stated that the church was very much in favour of pluralism of school types and referred to the good engagement at all levels and across all groups involved in that process. Bishop Kelly welcomed specifically the assurance given by the Minister that the denominational status of those schools remaining under religious patronage, including, as they referred to, stand-alone schools, was not under threat.

In that education portion of the debate, we also referred to the teacher training position which was raised by Fr. Drumm. That referred to the ethos of the colleges and the need to reflect that in governance arrangements. In the particular case he mentioned, Mary Immaculate College in Limerick, the Minister, Deputy Quinn, stated openly and clearly that there was no hidden agenda here at all and reiterated that the proposals for change were to ensure quality teacher training outcomes. That was a good discussion with the cardinal and the bishops in respect of the education area.

When the question of the Embassy to the Holy See was raised, I stated that this was a deci-

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sion that was taken purely on cost grounds. As Deputy Martin will be aware, at the time there was a retirement from the ambassadorial service and the Government was paying fairly significant rent for an embassy to Italy in a location very close by, and that decision was taken. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, has referred to this on a number of occasions.

On *A, B and C v. Ireland*, I expect that the Minister for Health, Deputy Reilly, will bring the heads of that Bill to Government, probably next week, in which case Government will consider the heads and publish them. We will send heads of the Bill to the Oireachtas committee. There will be a proper and full consultation and debate on that, as this matter warrants. We will proceed with it on that basis, but without rushing it.

Deputy Micheál Martin: It will not be enacted before July so.

The Taoiseach: It depends on the nature and extent of the debate. I would like to think that it might be enacted by the summer recess but I do not want to impose any undue pressure on this. Obviously, there is a time lag required between the sending of the heads of the Bill to the committee and the committee considering them. I expect the Minister will bring the heads of the Bill to Government next week, publish those, send them to the committee and follow on from the information hearings of the committee chaired by Deputy Buttimer. I think that deals with the questions Deputy Martin raised.

Deputy Micheál Martin: I have a brief supplementary.

An Ceann Comhairle: I will call Deputy Mac Lochlainn and then Deputy Martin.

Deputy Pádraig Mac Lochlainn: I seek greater clarity on the Bethany homes issue and the issue of the Magdalen laundries. Has the Government had any discussions on a financial contribution from the relevant religious bodies, which are responsible and which have apologised? In terms of Bethany homes, can the Taoiseach provide greater clarity on the Government's intentions in that regard?

The Taoiseach: The Bethany homes are not the subject of this question. As I stated in reply to Deputy Mac Lochlainn, the Magdalen laundries and the Bethany homes were not the subject of a discussion we had with the cardinal and the bishops. Following the publication of the McAleese report and the full-scale debate in the House, we appointed Mr. Justice Quirke to look at the findings of the report and the facts therein and to come back in a short period with recommendations for a structure as to how this might be dealt with. We await his report. While I do not have the details here, the Bethany Home issue is quite complex and is being dealt with by the Minister for Justice and Equality. It is in a different category from the Magdalen Laundries.

Deputy Micheál Martin: The Taoiseach has said that the Minister for Education and Skills has given assurances but his attitude has created considerable concern. After two years there has been much unnecessary speculation of the fate of many Catholic and Church of Ireland schools all in the name of supposed reform. While it works well in some editorials, etc., that is about the size of it. There is no need for creating and escalating the concern when very little has happened in the past two years. We had well established structures that facilitated the pluralistic approach to school provision with different trustees, deeds of trust and so on which were agreed more than a decade ago with the evolution of different school types, representing faiths and none. One must question the approach of the Minister who is eagerly seeking a name for

reform, but in terms of substance and content, very little is happening. From what the Taoiseach has said today there will be no divesting of a particular religion from any particular school nor will there be a secularisation agenda - we will wait and see on that.

I am puzzled that the Taoiseach has said the Minister for Health will go to Government next week with the heads of a Bill to address the A, B and C v. Ireland case. That probably means nothing will be enacted in this session given that the committee needs to examine the heads, after which, I presume, it has to go back to Government for the full Bill to be drafted. Would it be fair to say that we will not see the legislation until the autumn? I ask the Taoiseach to detail the attitude of the various churches to the Government's proposals. Did the Government outline the details of its proposals to them during this dialogue?

The Taoiseach: The Minister for Health expects to bring the heads of the Bill before Cabinet next week. The Government will consider those, publish the heads and send them to the committee. That does not mean it cannot be finalised and enacted before the summer. I would like to see that happen, but as I have made clear before I do not want a perception of there being pressure for the legislation to be passed by a particular date.

Deputy Micheál Martin: I want to get a sense of the time.

The Taoiseach: I know that is not an issue that concerns the Deputy. I expect the Bill to be published in this session. It will go before the committee following which the Bill will be prepared and then debated here. We will have to see how we get on with that debate and give everybody their opportunity to have their say because it is obviously a sensitive matter. It needs to be dealt with within the Constitution and in an understanding way as it is so important and clearly defined from the perspective of legal clarity by the facts emerging in respect of the inquest being held in Galway.

The issue of divesting of school patronage began with the Catholic Church because of the numbers of schools held by it and under its patronage. There was an express wish to divest a number of these but to retain Catholic schools with a Catholic ethos as is appropriate. The discussion took place on that basis and it was a very good discussion. While the church welcomed pluralism in many schools, the Minister, Deputy Quinn, was very clear in his attitude here and in his response. He updated the cardinal and bishops on the findings emerging from the surveys that were being carried out. It may well be that when the interim report comes back, circumstances in some places may dictate that it is practically impossible or very difficult to do something like this.

In a town anywhere - perhaps not in densely populated urban areas - there might be three or four schools that are all well populated with pupils. To shift one of them to a different type of patronage might create very practical difficulties of moving students or having to provide a new building. It is a case of letting us see the church's interim reaction to the findings of the survey in respect of their schools and discuss it further at that stage. The Minister, Deputy Quinn, was quite open, as was Bishop Kelly, in the discussion on that.

Cabinet Committee Meetings

6. **Deputy Micheál Martin** asked the Taoiseach the Cabinet committee meetings planned for January. [2314/13]

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7. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet Committee on Job Creation met last. [2317/13]

8. **Deputy Joe Higgins** asked the Taoiseach the Cabinet sub committees that have met this year and the number of times each has met. [2338/13]

9. **Deputy Gerry Adams** asked the Taoiseach the number of times the Cabinet Committee on Health has met since the beginning of the year. [3946/13]

10. **Deputy Gerry Adams** asked the Taoiseach the number of times the Cabinet Committee on Mortgage Arrears has met since the beginning of the year. [3947/13]

11. **Deputy Micheál Martin** asked the Taoiseach when he expects the report from each Department on their short, medium and long term aims for job creation; and if he will make a statement on the matter. [3968/13]

12. **Deputy Micheál Martin** asked the Taoiseach if there was a recent meeting of the Cabinet sub Committee on European Affairs. [8387/13]

13. **Deputy Gerry Adams** asked the Taoiseach when the Economic Management Council will next meet with the Irish banks. [2329/13]

14. **Deputy Micheál Martin** asked the Taoiseach the number of times the Economic Management Council has met since Budget 2013 was announced [3966/13]

15. **Deputy Micheál Martin** asked the Taoiseach the number of Cabinet committees he has attended since January. [10965/13]

16. **Deputy Gerry Adams** asked the Taoiseach the number of occasions the which the Cabinet sub Committee on Health has met since the beginning of the year; and the dates of same. [11052/13]

17. **Deputy Gerry Adams** asked the Taoiseach when the next meeting of the Cabinet sub Committee on Health will be held. [11053/13]

18. **Deputy Joe Higgins** asked the Taoiseach if he will report on the most recent contacts between the Economic Management Council and the banks. [12516/13]

19. **Deputy Micheál Martin** asked the Taoiseach the number of times the Economic Management Council has met since January. [12336/13]

20. **Deputy Micheál Martin** asked the Taoiseach the number of times the Cabinet sub Committee on Mortgage Arrears and Credit Availability has met since it was set up [13613/13]

21. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet Committee on Social Policy met last [13614/13]

22. **Deputy Micheál Martin** asked the Taoiseach the number of times the Economic Management Council has met since January. [14638/13]

23. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet sub Committee on Economic Recovery and Jobs last met. [15012/13]

24. **Deputy Richard Boyd Barrett** asked the Taoiseach the number of times the Economic

Management Council has met since this year's Budget. [15014/13]

25. **Deputy Richard Boyd Barrett** asked the Taoiseach the number of times that the Cabinet sub Committee on Health has met in 2013. [15015/13]

26. **Deputy Richard Boyd Barrett** asked the Taoiseach if the Economic Management Council intends to meet the banks in the coming period; and if he will make a statement on the matter. [15016/13]

27. **Deputy Gerry Adams** asked the Taoiseach if he will set out the members of the Cabinet Committee on Mortgage Arrears. [15994/13]

28. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Economic Management Council will next meet. [17263/13]

173. **Deputy Gerry Adams** asked the Taoiseach the number of times the Cabinet Committee on Mortgage Arrears has met since its establishment. [16010/13]

The Taoiseach: I propose to take Questions Nos. 6 to 28, inclusive, and 173 together.

Three Cabinet committee meetings were held in January - economic recovery and jobs, health, and mortgage arrears and credit availability. So far this year there have been 16 Cabinet committee meetings. The committees on economic recovery and jobs, social policy, and mortgage arrears and credit availability have each met three times, the committees on health and economic infrastructure twice, and the committees on public service reform, European affairs, and Irish and the Gaeltacht once.

The Cabinet committee on European affairs last met on 5 March. The committee on health met on 14 January and 11 February, and the next meeting is scheduled for tomorrow.

The Cabinet committee on mortgage arrears has met 11 times since it was established. I chair this committee and its members are the Tánaiste, the Ministers for Finance; Public Expenditure and Reform; Social Protection; Environment, Community and Local Government; Justice and Equality; and Jobs, Enterprise and Innovation, and the Minister of State with responsibility for housing and planning.

The Cabinet committees on social policy, and economic recovery and jobs last met yesterday. A sub-committee of the committee on economic recovery and jobs, dealing specifically with pathways to work, has met four times so far this year. The Government's focus continues to be devising and implementing effective, long-term, pro-growth strategies to create jobs and get the long-term unemployed back into employment. We launched the second Action Plan for Jobs 2013 in February following extensive discussions with Ministers on how each Department can assist in our job creation priority. It builds on the success of last year's plan, which saw an implementation rate of 92% of actions to support economic growth and jobs. This year's plan contains more than 300 distinct actions to be implemented in 2013 by all Departments and 46 State agencies. This is a whole-of-Government strategy and incorporates the publication of quarterly progress reports with targets.

The Economic Management Council has met 11 times so far this year and 14 times since the announcement of budget 2013. The next meeting is scheduled for 24 April. The members of the council met representatives of the banks twice in 2012, the last time on 26 June. As part of this ongoing process, I expect that the Economic Management Council will meet representa-

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tives of the banks as required during 2013 to ensure that the banking sector supports economic recovery.

Over recent months I have introduced the practice of dedicating one Monday per month for meetings of Cabinet committees. Yesterday, I chaired meetings of the following committees: social policy; economic recovery and jobs; mortgage arrears and credit availability; economic infrastructure; Irish and the Gaeltacht; and the cabinet sub-committee on pathways to work.

Deputy Micheál Martin: I thank the Taoiseach for his reply. How frequently has the Cabinet committee on health met? Is he satisfied that committee is meeting sufficiently frequently and achieving any objectives? It is incredible that the White Paper on health insurance, which was meant to be published before Christmas, has yet to be published. One wonders what the Cabinet committee on health is doing. Before the general election we heard all about the Dutch model and money following the patient. They were probably the two greatest sound bites of any election campaign. Many of the electorate wondered what the Dutch model was about and we are still none the wiser two years on. There is very little detailed work done on it and it is important for the Taoiseach to outline if the Cabinet committee on health will meet more frequently now, in particular to process the White Paper on health insurance.

Has the committee discussed the health insurance issue? Is that an issue of concern to the Taoiseach because it seems to be in a death spiral? There is a high level of market failure in our health insurance industry and people are leaving in their thousands because of the high cost of premia. The VHI needs a capital injection of €200 million to stay functioning in the coming weeks. It is not clear whether the Government has decided to provide for that injection. The three and six month waiting times have increased by more than 40%, and these are the world benchmarks by which the National Treatment Purchase Fund has always set its targets. The paediatric waiting benchmark is three months. When the Government came into office these targets were changed overnight to nine and 12 months to put a better gloss on the figures. It was laid bare at the weekend in Susan Mitchell's report in *The Sunday Business Post*, which detailed a 40% increase in these waiting lists contrary to the spin. Given these facts, is it not time for the health committee to meet more frequently than it has to get to grips with these and many other issues?

The Taoiseach indicated the Cabinet committee on mortgages will meet tomorrow. Apart from this meeting, it has met only once since it was established in July 2012. Will the Taoiseach indicate whether he is satisfied the banks retain a veto over the resolution of household debt? Banks have power and a veto over many customers who are very concerned not only about repossession but also about the terms and conditions banks may apply to mortgage holders with regard to resolving mortgage arrears issues. It is without doubt the number one issue facing many young couples, who feel many of the elites, such as bankers, have been provided for while mortgage holders have not. It has taken a long time to put in place the legislation and there is no sense the mortgage holder will get a fair deal or a reasonable outcome in negotiations with the banks. Most Deputies witness this in discussions with those in mortgage arrears. There is no confidence the issue will be dealt with.

Will the Taoiseach indicate whether the committee has examined the potential recapitalisation of the banks which will be required in the event of a meaningful engagement with this issue once and for all? The deputy governor of the Central Bank raised for the first time in fairly stark terms the situation pertaining to impaired SME loans which, in her estimation, is quite a huge figure. When this is added to the banks' mortgage books an issue arises as to whether the banks

will need to be further recapitalised. Perhaps the Taoiseach will clarify this for us.

Will the Taoiseach indicate whether the Cabinet agreed today a new initiative on capital investment? Last year we were told €2.5 billion was to be invested utilising funding from the National Pensions Reserve Fund through public private partnerships. Has any of this money been used? Has there been any follow-through on this initiative? How many jobs have been created? How much of the €2.5 billion has been spent? Will the Taoiseach outline the results which have flown from this initiative, which was announced last July by the Government?

With regard to unemployment, the figure in the south east is 18.8%, which is 8% higher than the figure in the Dublin region. The figure in the midlands is between 16.5% and 16.9%. The plethora of plans and announcements has not had any impact on real job numbers. Emigration keeps the figure stable, but no fundamental inroads have been made by any of the initiatives announced with regard to getting more people back to work.

An Ceann Comhairle: Before the Taoiseach replies I must say it is awkward for me in the Chair because these questions relate to the number of times each sub-committee met. As Deputy Martin, who sat at Cabinet in numerous Governments, is aware, questions relating to Cabinet committees are subject to the constitutional restriction with regard to collective responsibility of the Government. Therefore it is not in order to ask questions relating to what went on at meetings of Cabinet sub-committees. I wish to put this on the record so we are conscious of the questions we pose. These are the rules by which we must abide.

The Taoiseach: I understand the difficulty the Ceann Comhairle has here. Deputy Martin raised three issues, namely, health, mortgages and jobs. The role of the Cabinet committee on health is to provide for political oversight on the development and delivery of the major health service reforms in line with the commitments in the programme for Government. It has met twice so far in 2013, on 14 January and 11 February. The next meeting is scheduled for this month. Deputy Martin is aware of the programme for Government, which sets out the reform and change agenda aimed at improving the model of Irish health care and delivering better services in the community and is also focused on preventative measures. It commits to developing a universal single tier health service which guarantees access for everybody to health care based on need as distinct to income. The document, Future Health A Strategic Framework for Reform of the Health Service 2012-2015, published last November, sets out the main health care reforms to be introduced in the coming years as the major building blocks for the introduction of universal health insurance in 2016. I welcome the strategy in place which sets out 48 specific actions which give a clear sense of the work which lies ahead and the timelines to accomplish this. The Cabinet committee on health will continue to monitor the delivery of these major key reforms.

We have seen a number of developments recently. These included the publication of the preliminary paper on universal health insurance setting out progress towards developing a White Paper on universal health insurance as was committed to; the development of policy proposals for the concept of money following the patient, implementation of which is to commence later this year following a period of consultation with those involved; a new implementation framework for disability services, moving to a new model of individualised services whereby the allocation is given to the person involved who might be in a far better position to know what might be more appropriate for his or her particular needs than it being provided centrally; and work on the hospital groups, which Deputies are aware is at an advanced stage as the first step to moving towards the establishment of hospital trusts, which is a key requirement for universal

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health insurance. I expect the Minister to be in a position to finalise the hospital groupings, and the documents in respect of the future of local hospitals, in the coming weeks.

More generally, the Government has made good progress with regard to health service provision and more general changes, and some developments are worth noting. On 20 February the EU Commission approved the new permanent risk equalisation scheme in the Irish private health insurance market. The national early warning score for Ireland was launched. We now have the first national clinical guides to recognise and respond to patients in acute hospitals whose condition is deteriorating. We have had the launch of healthy Ireland, a facility to support a whole of government and whole of society approach to disease prevention and health and well-being promotion. As I have often stated, we understand from health professionals that we face having 250,000 diabetics in the country in the coming years. Most of these cases are preventable through activity, exercise and diet information.

Continued progress has been made in achieving improvements in hospital access targets and reduced waiting times. The new deal with the pharmaceutical companies will reduce the medicines bill by €400 million over the next three years. Approximately 250 new mental health posts have been filled, with further recruitment progressing. We have also increased the budget for the National Office for Suicide Prevention to more than €8.1 million. Progress is being made in 2013 with regard to extending free GP care to people with long-term illness. An additional €35 million has been allocated for further development of mental health services, including the recruitment of more than 470 additional staff. A review of the fair deal scheme will be completed in 2013. We have new governance arrangements to progress the national children's hospital. We also have a new legal framework for the imposition of charges on all private inpatients in public hospitals. These are some of the issues which have been raised during the course of the deliberations of the health committee.

With regard to mortgage arrears, the Cabinet committee was established last year and its role includes overseeing the effective implementation on a cross-departmental basis of the Government's response to the issue, agreeing a detailed implementation plan for the recommendations of the interdepartmental report on mortgage arrears and ensuring proper priority of this implementation by Departments and agencies. Its role is also to develop any further measures in regard to mortgage arrears required in light of the developments and to oversee and ensure facilities for sufficient finance for small and medium enterprises, which has been a real difficulty for so many small firms. That matter has been raised by Deputies of all parties. Its role also includes monitoring, in conjunction with the Central Bank, the performance of lending institutions against agreed indicators and targets in those areas.

The director of the insolvency agency will announce details of the conditions that set out opportunities for people who may enter into the personal insolvency arena, as well as how they are recommended costs in respect of having a decent standard of living and working out a solution for their particular problem. I understand that announcement will be made on Thursday afternoon.

We welcome the publication by the Central Bank and have had presentations by its Governor concerning specific time-bound targets for the six main banks to ensure early and measurable progress towards its objective. This was also referred to at the meeting yesterday. Those targets will become progressively more demanding as time goes on, so that a solution will have been proposed for the vast majority of distressed borrowers by the end of 2014. A 20% offer was to be made to persons by banks by the end of July but that probably will not appear until

the quarterly reports come in.

In the coming months, the Central Bank will also set quarterly targets for the conclusion of sustainable decisions and solutions, and for the subsequent performance of those solutions. There is an issue of psychological relief for people who will find that an agreement has been reached in their particular circumstances which, as Deputies will know, are all different.

As regards whether there will be write-downs as a result of the targets, the Government's approach has been clear on this matter. Mortgage holders who can meet their own obligations should continue to do so - the vast majority do - so that appropriate assistance should only be afforded to those mortgage holders or other borrowers who are experiencing real or genuine difficulties in meeting their commitments. That approach is recommended by the Keane report.

Clearly, the Central Bank has obligations in respect of its licensing arrangements and will continue to examine the appropriateness of capital requirements in the context of mortgage arrears in the case of the specified credit institutions. The Central Bank will have to consider the imposition of capital add-ons where any of a range of things apply, such as if credit institutions have poor mortgage arrears resolution strategies, where they are not well executed or where the public targets set have not been met.

The most recent capital injection of the covered banks took place in 2011 and arose from the Central Bank's prudential capital assessment review in March 2011. That PCAR assessment was based on macroeconomic and loan loss assumptions on all parts of the loan book, including mortgages of the covered banks. The Central Bank has clearly stated that banks now have a substantial buffer with which to absorb losses on their mortgage portfolios.

That issue, concerning a reasonable standard of living and reasonable living expenses, will be outlined by the director of the insolvency agency on Thursday afternoon. If a person decides to enter into that process, the issues of a reasonable standard of living and reasonable living expenses - contrary to a perception that is out there - are not binding on the persons involved. Therefore, issues that were raised in recent weeks do not apply.

I have already referred to the question of jobs during Leaders' Questions. The problem we face as a country is that we have rebuilt our international reputation which has been accepted because of the performance economy here. I have met with company representatives who are exceptionally well pleased with the quality of the talent pool available to their sectors, be they pharmaceutical, IT, ICT or others. Exports have been strong despite the poor conditions of some other European countries. The corporate tax rate is clear and that export performance has been in double digit figures. From that perspective, the international element of the economy has been performing well. The problem and challenge for us is to get our indigenous economy performing well, which means having opportunities to create jobs and get things moving. That is why the Government has taken a number of decisions on access to credit for small and medium enterprises. The problem has been focused on by the Government whereby there are specific targets for banks to provide new lending this year, as distinct from restructured loans. In addition, the microfinance agency is involved along with other elements of the partial loan credit guarantee system. The €2.5 billion stimulus package that was announced by the Minister for Public Expenditure and Reform, Deputy Howlin, is tied up with the public private partnerships. As Deputies will be aware, this process is both complex and time consuming. I will provide the House with an update when I have the details of the projects, ranging from Grangegorman to the schools and roads developments. That is where the challenge lies.

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Deputy Martin mentioned NewERA and the National Pensions Reserve Fund.

Deputy Micheál Martin: I did.

The Taoiseach: We did not actually discuss that element of a stimulus package but we will. What I intend is that the Government should have regular specific meetings focused on jobs and job creation. We identified 17 particular actions that could and should be taken to stimulate growth in the indigenous economy and to create jobs. We will follow through on that and if the House so wishes, we can discuss these matters on a regular basis.

Deputy Joe Higgins: The Economic Management Council is obviously the most powerful Government sub-committee, comprising the Taoiseach, the Tánaiste, the Minister for Finance and the Minister for Public Expenditure and Reform. Does that sub-committee have a role in industrial relations policy? Was it the policy of the Economic Management Council that the Minister for Public Expenditure and Reform should threaten public sector workers with a 7% pay cut across the board if they rejected the Croke Park II proposals?

In view of the fact that in the last hour SIPTU workers have rejected the Croke Park II proposals by 54% to 46%, will the Economic Management Council now have a role? Will the Government and the council respect that vote? Will the Taoiseach declare that he will not, in any sense, attempt to victimise nurses, teachers and other public sector workers? It would be absolutely reprehensible if the Taoiseach were to take the line that was outlined by the Minister for Public Expenditure and Reform.

Does the Taoiseach agree that the rejection by public sector workers - which is now inevitable because it will be defeated tomorrow - is because Croke Park II was an attack on workers allowances, overtime entitlements and that this would decimate their income?

An Ceann Comhairle: I am sorry, Deputy, but we are not dealing with the rejection of a pay-related scheme.

Deputy Joe Higgins: Yes. It would decimate their income and is a critical part of their pay, despite the Government's propaganda about non-core pay not being touched.

As a result of this rejection of the Croke Park II proposals by SIPTU and other public sector workers, will the Economic Management Council and the Government now recognise that austerity has run its course and is a disaster for workers and society? People are weary of the cuts and the thousands on the streets demonstrating against the property tax on Saturday was further evidence of that. Will the Taoiseach now convene an emergency meeting of the Economic Management Council to overturn this disastrous policy which even the former boss of the IMF in Ireland has disowned as a disaster? He should end this disastrous policy. The Taoiseach has just said he wants to develop the indigenous economy. Does he not see the contradiction whereby the Government will never develop the indigenous economy while it implements savage cuts to workers' living standards? In this instance, it wishes to take €1 billion from the pockets of low and middle income public sector workers.

An Ceann Comhairle: Sorry, we cannot stray into a general discussion or debate on the economy. These are particular questions about the number of times Cabinet sub-committees met, as well as questions on whether the Economic Management Council met the banks - full stop. It is not a general discussion on the economy because there are two other Deputies with questions here and we have 12 minutes left.

The Taoiseach: I can state to Deputy Higgins that the Economic Management Council meets on a regular basis. Moreover, it deals with issues in a preparatory sense before they go to the Cabinet for its approval. While I am aware of the decision taken here, as I told Deputy Mattie McGrath earlier during Leaders' Questions, the Government has set out its figures for this year in respect of €300 million of savings. These are central and are a fundamental element of what the Government must do. One can only cut services to a point. It always is a challenge to reduce the level of public services that come to be taken for granted. I remind Deputy Higgins that the Government did not cut back on any social welfare entitlement, did not increase income tax and took 330,000 people out of the requirement for the universal service charge.

Deputy Timmy Dooley: That is the reason the Labour Party is doing so well.

The Taoiseach: It restored the minimum wage and reduced the rate of VAT, which sustained and increased employment in the hospitality sector by 10,000. Moreover, the Government has made available a range of opportunities in order that small and medium-sized enterprises can grow in Ireland. The latter is an issue on which the Government will concentrate because I recognise that were one to bring in 1,000 industries next week, the competency and range of skills that exist on the live register clearly should be perceived as a resource and not just as someone's intention to regard it as a dole queue in waiting, because these are people who have experience and competence and who in the vast majority of cases wish to contribute and to get the job. In that sense, it will not change unless there is an incentive and opportunity for that kind of development to take place. This is the reason the Government unashamedly has gone after requiring banks to have new lending for small and medium-sized enterprises, as well as for specific sectors with the microfinance or the partial loan credit guarantee. I also refer to the implications for small service contractors through the stimulus package of €2.5 billion and the opportunities that lie ahead. This is where one must get the economy moving again and where one seeks to have tradesmen and contractors out working, namely, by building schools and through the provision of primary centres, as well as the opportunities that will exist under schemes such as a retrofit for energy efficiency for residential homes.

Deputy Higgins should note this will be achieved through creative ways of looking at how it can be provided.

Deputy Joe Higgins: Is the Government going to cut pay?

The Taoiseach: It is not going to happen through the mechanism of someone coming in and saying: "There you are, here is more money for you, here is another cheque". Yes, austerity is difficult to deal with and yes, fiscal discipline is difficult to deal with. However, in comparison with other European countries, which face far more difficult situations at present, our position is difficult but yet our growth patterns are heading in the right direction. We need to build on that and I wish to see people in the constituencies of Deputies Higgins and Boyd Barrett having the opportunity to reap the benefits of the challenge through which we all are coming, in order that jobs can be created in everyone's part of the country and to avoid raising a generation that does not have any hope and which believes that politics does not work for them.

Deputy Joe Higgins: What about the low-paid public sector constituents? Will the Government attempt to cut their pay?

An Ceann Comhairle: I call Deputy Mac Lochlainn on behalf of Deputy Adams.

The Taoiseach: We will reflect on the decision now.

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Deputy Pádraig Mac Lochlainn: When one considers the scale of the crisis, which affects more than 185,000 households, is the Taoiseach satisfied the committee on mortgage arrears is meeting sufficiently regularly? Were one to put together all those families, it would fill Croke Park five times. This demonstrates the seriousness of this profound crisis, in which one in four mortgages across the State is now in distress. I took the Personal Insolvency Bill on behalf of Sinn Féin and sat through approximately 14 or 15 hours of debate on it. Sinn Féin and others pressed repeatedly to remove the veto from the banks in that process because we thought the banks would not have the necessary compunction to do the right thing, that is, to engage and to be serious. Unfortunately, however, our attempts and amendments were rejected repeatedly. Consequently, the aforementioned Bill will be no panacea. I note the worrying messages, both domestically and internationally, that are asking banks here to go after families and to engage in repossessions.

As a west of Ireland man, the Taoiseach knows the scale of the crisis in his part of the world. During the recess, I spoke to many people in County Donegal about its impact and they are deeply concerned, particularly those who had worked in that sector and who best understand the scale of the extant personal debt crisis. Deputy Mathews, who is in the Chamber, warned a long time ago that this issue was as big a crisis as the issue of recapitalisation and bondholders. Now that we are getting to the problem, some sense of urgency and realism is needed within the Cabinet.

This takes me to my final set of questions, which pertain to the Economic Management Council and engagement with the banks. First, the Taoiseach has indicated the Government intends to reverse the Dunne judgment and will introduce amending legislation, including the land and conveyancing law reform Bill and so on. This is causing serious concern. For example, has the Government discussed with the banks the rate of repossessions it seeks? Is that the type of conversation it is having? Has the Government discussed the issue of debt write-downs or is the scope for so doing being discussed?

I wish to revisit the issue of lending to small businesses. As the Taoiseach is aware, the representative groups for small businesses have been telling Members repeatedly - as any Deputy would know from talking to people involved in small businesses - there is a real problem with getting a credit flow to them. This obviously would be of critical assistance to developing the economy across the State in particular, and I seek the Taoiseach's views in this regard. On the mortgage arrears crisis, how many times has the Economic Management Council met this year? Has the Government grasped the urgency of the scale of this crisis and how serious it would get were it to go after people in the manner suggested?

An Ceann Comhairle: I call Deputy Boyd Barrett, who otherwise might not get in.

Deputy Richard Boyd Barrett: Does the Taoiseach agree the decision by members of SIPTU to reject the Croke Park II deal represents an earthquake of opposition in the labour movement to the policies of austerity? I ask, given this is a union that, wrongly in my opinion, has gone along with partnership deals with the Government for many years. In this case, while it recommended this deal, on the Taoiseach's encouragement, it has been rejected by the largest trade union in the country and as a consequence, the ICTU will reject the Croke Park II proposals. Is it not a stinging indictment of the failure of the Economic Management Council, which is charged with recommending overall economic policy, that the heart of the labour movement has said "No" to what the Government is proposing, as its members cannot take any more? Is it not time for an emergency meeting of the Economic Management Council to consider seriously

what organised working people in this country are telling the Government about the impact of its policies on them and on the economy?

The Taoiseach also spoke on the issue of mortgage arrears and the Government's seriousness in addressing it. In the last few weeks, in particular, I have been inundated with representations from people from across the spectrum of Irish society, including older people and couples in many cases, who have worked all their lives but where one person in the household or sometimes both have lost their jobs and who are attempting to engage with the banks as the Taoiseach has encouraged them to do. The banks are telling them that they should sell their homes. These people are engaging with the banks but the banks are telling them they will not give them a write-down of their debt and will only consider it if the people concerned will consider selling their family home. That is what is being reported to me and in phone calls to my office by constituents. Despite all the talk that there will be a resolution, that the banks will be fair, that distressed mortgage holders will be treated well and all the energy the Government claims it is deploying on this issue, ultimately the banks are simply saying: "We want our pound of flesh and if you have to lose your family home, so be it". That is what is happening. Will the Taoiseach address this?

Finally, the Taoiseach mentioned JobBridge and the committee on JobBridge. Concerns were expressed that JobBridge might be used to displace existing jobs, and evidence is beginning to emerge that this is happening. The Ballyogan depot is run by Dún Laoghaire Rathdown County Council. In the last few weeks workers who were employed by contractors employed by the Oxigen company have been let go. They had to train people in the JobBridge scheme to take over their jobs. We, the public, are now paying wages for a private company where previously it had to employ people directly. This is a shocking abuse of what is supposed to be a scheme to get people back to work. It appears it is being used by companies as a means to get free labour, paid for by the public, and to displace existing jobs. The committee should examine this case and seriously assess whether the JobBridge scheme is being abused on a widespread basis in such a disgraceful way. If it is, as the evidence presented to me suggests, it is a very serious issue for the committee dealing with that scheme.

The Taoiseach: There are conditions governing acceptance under the JobBridge scheme. It has been a very successful scheme. Over 55% of the almost 10,000 people who have participated in JobBridge have been taken on permanently. The employers I have met have been absolutely delighted with the quality of the talent pool available in respect of young workers employed by the various companies concerned. I do not have the details about Oxigen, the company mentioned by the Deputy. I suggest that he submit the matter as a topical issue. If he feels good about it, the Ceann Comhairle might consider it benignly given that the Deputy comes from the same constituency as himself.

Clearly, the trades unions have made their decision. I have always said they should have the space and opportunity to make their considered decision. Equally, the Government will consider the outcome and nature of the ballot, as well as the fact that the Government is still required to make savings of €300 million this year. The opportunities here are limited but the Government will obviously reflect carefully on how to achieve that level of savings for 2013 and savings of €1 billion by the end of 2015.

Credit availability is an issue on which I receive different reports from around the country. Some Deputies tell me there has been a change on the part of the banks recently and that the level of rejection or non-availability of access to credit is not as strong as it was. I welcome

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that. Bank of Ireland has published the fact that it made €1 billion available in the first quarter of 2013. The Department of Finance met with the pillar banks to discuss the results for the fourth quarter of 2012 and lending plans for 2013. The pillar banks achieved their target of providing €3.5 billion in 2012 and are on target to achieve the target of €4 billion set for each of them for 2013.

However, there are other things to consider. There is the bank finance scheme, with the 75% State guarantee under the credit guarantee scheme. That was established to provide up to €150 million in additional lending to SMEs over three years. That scheme went live on 24 October last and at the close of business on 5 April last there were 25 live credit guarantee scheme facilities, resulting in over €3.1 million having been approved through the scheme. It is expected that this will lead to almost 200 jobs being created and 25 jobs being maintained. It is a small issue but an important one, in the sense that this is how one will build one's local economy. The SME Equity Fund and the SME Turnaround Fund have established offices in Dublin and they are now active in the market sourcing transactions. The European Investment Bank, EIB, sub-group met on 22 March last and the EIB management committee is due to visit Ireland at the end of April with a view to assessing opportunities for serious investment in certain infrastructure. Enterprise Ireland and the National Pensions Reserve Fund have made up to €250 million available for investment in international venture capital funds that establish a presence in Ireland with a view to investing in Irish start-up and scaling companies.

The Government is looking at how to stimulate an element of activity in the construction sector here, which would spread throughout the economy when it is started. Clearly, what happened in the crash when 160,000 construction workers were made unemployed is central to what we must do here. It involves a range of measures, such as the development capital scheme, the Innovation Fund Ireland, the microenterprise loan fund or the partial loan credit guarantee scheme, where access to credit is made available for creative small enterprises. We should not be afraid to get back into manufacturing. This is an area where I see a new interest.

However, we are following through on the 17 specific actions mentioned at the special Cabinet meeting on jobs. That is where our focus will be in the forthcoming period, because that is the challenge for everybody here. *Written Answers follow Adjournment.*

Order of Business

The Taoiseach: It is proposed to take No. 23, Defence Forces (Second World War Amnesty and Immunity) Bill 2012 [Seanad] - Second Stage (resumed), and No. 1, Industrial Development (Science Foundation Ireland) (Amendment) Bill 2012 [Seanad] - Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Private Members' business, which shall be No. 44, Statute of Limitations (Amendment) Bill 2013 – Second Stage, shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 17 April 2013.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Private Members' business agreed to? Agreed.

Deputy Michael Moynihan: In light of the fact that SIPTU has voted against Croke Park II, will the Taoiseach outline the legislative timeframe that will be required to implement the Government's public pay proposals?

The Taoiseach: The unions have made their decision. I am disappointed that it was not approved, but the Government must now consider the outcome and nature of the ballot and how we intend to deal with the requirement to achieve €300 million in savings this year. We will keep the House updated as the Government makes its decisions on that matter.

Deputy Aengus Ó Snodaigh: Given that Croke Park II is likely to be rejected by its potential victims, would the Taoiseach consider having a debate on this issue tomorrow after the final outcome has emerged from the ICTU meeting?

I wish to raise two other matters. I welcome the weekend's finding by the Convention on the Constitution that the Constitution should be changed to provide for marriage equality. Can the Taoiseach confirm that work is starting on drafting the wording which would give effect to that constitutional change? I have an additional question on the convention.

5 o'clock

Will the Taoiseach consider altering the remit of the convention to take account of the need for constitutional change to give effect to an amendment of upward only rent reviews, which Fine Gael-----

An Ceann Comhairle: I am sorry, we do not want a debate.

Deputy Aengus Ó Snodaigh: This is not a debate. A commitment was given by the Government parties prior to the election.

An Ceann Comhairle: We do not deal with commitments on the Order of Business.

Deputy Aengus Ó Snodaigh: We do if they come under the programme for Government.

An Ceann Comhairle: Exactly.

Deputy Aengus Ó Snodaigh: It was promised that this issue would be addressed and it has not been to date.

The Taoiseach: I do not propose to hold an emergency debate tomorrow. The Government will obviously have to reflect on the outcome of the ballot once it is announced, to consider the nature of that result and to deal with it because we have to find €300 million in savings this year and, clearly, as I have said on many occasions, one can only deal with front-line services being reduced to a limited extent.

I cannot confirm to the Deputy that work is under way in respect of the wording for the outcome of the constitutional convention but I can confirm that the convention is working exceptionally well and that the citizens who were selected at random by an appropriate method have engaged constructively with the political representatives to make the convention work. The level of debate on the issues that have been considered by the convention has been very high. The Deputy will be aware that the convention will send its report to the Government. The Government will consider that report and indicate what its responses to the issues that the convention was mandated to consider should be. We will do that in due course and if the Gov-

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ernment decides to accept any of the recommendations made by the convention, it will say so and if the answer is in the affirmative, there will be an indication of a timeline as to when they might be considered by referendum.

I do not propose to prepare a referendum in respect of upward only rent reviews.

Deputy Mattie McGrath: I too want to add my weight to the call for a debate on the most serious issue of the Croke Park II agreement ballot today because it is important. Where will the Government find the €1 billion otherwise if we do not have a proper debate?

It is no wonder the agreement was rejected. Is the Taoiseach aware that under the health (private patient charges) Bill anybody in receipt of respite care - goodness knows the periods between the provision of such care is lengthy - will be charged €175 per week? It is another stealth tax on people who badly need respite care and this puts pressure on their families because they will not be able to pay it. The clients will have to be kept at home or they could end up in hospital.

An Ceann Comhairle: To what legislation is the Deputy referring?

Deputy Mattie McGrath: The health (private patient charges) Bill. It is another charge that has been slipped in similar to the carbon tax.

I refer to the Central Bank consolidation Bill. We still have no idea about the guidelines that will be used for personal insolvency but the Central Bank seems to be doing everything it wants to secure the banks while to hell with the people, whether it is private business owners or ordinary householders in mortgage arrears and negative equity. The officials are not dealing with businesses; they are only interested in sorting out the books of their own banks. When will the Government take them on?

The Taoiseach: The health Bill is listed on the A list for this session. The consolidation Bill in respect of the banks will not be implemented until the supervision and enforcement Bills are dealt and they are on Committee Stage.

Deputy Willie O'Dea: I wish to raise two issues. There is no Bill to provide for a referendum to abolish the Seanad in the legislative programme for the spring session, although there is a reference to it in section C. This section deals with Bills for which the heads have not yet been approved by the Government. The heads of the legislation to provide for a referendum to abolish the Seanad, therefore, have not been agreed by the Government.

An Ceann Comhairle: The Deputy is answering his own question.

Deputy Mattie McGrath: He will get no answer from the Government.

Deputy Willie O'Dea: Does the Taoiseach intend to proceed with the proposal to abolish the Seanad? When will we see the legislation?

With regard to the issue raised by Deputy Moynihan regarding the rejection of the Croke Park II deal, the Taoiseach will be aware that the Minister for Public Expenditure and Reform promised unequivocally, in unmistakable terms, that there would be legislation in the event of the deal being defeated.

Deputy Mattie McGrath: He threatened it.

Deputy Willie O’Dea: Is it the Government’s intention to proceed with that legislation? If so, how soon?

The Taoiseach: It is necessary that the Government proceeds to make decisions to find €300 million in savings this year. This is fundamental to the figures we set out for the budget this year. When the details of the final ballot are announced, the Government will reflect on what it has to do to achieve the savings.

Deputy Willie O’Dea: The Minister promised legislation.

The Taoiseach: The Seanad legislation is not on the list because the tradition in the House has been where a referendum is committed to, the Bill does not appear on the A, B or C list. The Bill to abolish the Seanad will be published this session.

Deputy Timmy Dooley: Last December, the Minister for Public Expenditure and Reform, during the debate on the Houses of the Oireachtas Commission legislation, promised amending legislation to deal with the modernisation of the management structures of the Houses of the Oireachtas. The indication was the legislation would be brought forward in the first half of this year. I am surprised, having looked over the summer session schedule, that no such proposal is included to deal with this promise.

The Taoiseach: It is hard to surprise the Deputy.

Deputy Timmy Dooley: The Taoiseach has.

The Taoiseach: The heads of that Bill have not come to Government and that is why it is not on the list for this session.

Deputy Timmy Dooley: Another broken promise.

The Taoiseach: No, it will be on its way.

Deputy Joe Higgins: The Taoiseach has not provided clarity. The Minister for Public Expenditure and Reform promised legislation implementing a 7% across the board cut in public sector workers’ wages if the Croke Park II agreement was rejected. The Croke Park II proposals have gone down in flames because low and middle income workers in the public sector cannot take any more cuts, nor can they in the private sector. Is the Taoiseach resiling from the threat of further savage cuts?

The Taoiseach: I am absolutely committed to what the Government has decided here. We have to achieve €300 million in savings this year. If the Croke Park II proposals were accepted by the unions, one would operate on the basis of a negotiated deal and a negotiated programme. While I am disappointed by the result, the fact remains that the Government has to achieve €300 million in savings this year and it will now have to reflect on the outcome of the ballot and how to proceed to achieve that figure because that is the bottom line.

Deputy Timmy Dooley: The Minister for Public Expenditure and Reform reflected on this a few weeks ago when he issued the threat.

Deputy Willie O’Dea: What about his announcement?

Deputy Micheál Martin: In the House a month or six weeks ago, the Taoiseach promised three Bills consequent on the Croke Park II agreement, irrespective of whether it was passed,

and this point has been missed in the debate so far. One Bill relates to pensions and the others to pay in different sectors of the public service. The Taoiseach and the Minister for Public Expenditure and Reform committed to that legislation. The Minister in a detailed public statement pointed out the three areas in which legislation would be required. I have read sections A, B and C of the legislative programme for the summer session and I do not see provision for those Bills. Does that mean they are not even at heads of Bill stage yet? Will they be proceeded with, as outlined by the Minister in the aftermath of the publication of the Croke Park II agreement? He indicated this would happen either way. That is in addition to the threat made subsequently to introduce a 7% across the board pay cut. The Minister said this would happen if the agreement was defeated. We need clarity both on the legislative timeline and the Bills that have been signed up to.

With regard to the media mergers Bill, the Minister for Communications, Energy and Natural Resources has written to the Minister for Jobs, Enterprise and Innovation expressing his deep concern at the time it is taking to produce the legislation, which would have the effect of making matters pertaining to media mergers his responsibility. There has been considerable comment recently about important issues such as media diversity, media ownership and public debate, all of which go to the heart of democracy. Many people are concerned about the plurality and diversity of the media. The letters written by the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, to the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, were published at the weekend. The Government's legislative programme does not indicate any sense of urgency. Either it will be a very long summer, metaphorically speaking, or a great deal of substantive legislation will not appear in 2013. Perhaps the legislative programme does not mean anything given the Taoiseach's previous reply that major legislation which does not appear on the legislative programme will appear when it appears.

The Taoiseach: The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, set out on behalf of the Government the requirement to achieve €300 million in savings this year. He has issued detailed statements on the matter and the Government will now consider the implications of the ballot and make decisions in respect of achieving the savings. The legislation on media mergers to which Deputy Martin refers is the Consumer and Competition Bill. A great deal of work has been done on the Bill, which will be published this session. In the case of 17 of the 25 or 26 Bills on the A list a great deal of work was carried over in the previous session and the Bills will all come through over the course of the next 15 weeks.

Deputy Micheál Martin: The legislation does not feature on the list.

The Taoiseach: It is on the A list.

Deputy Patrick Nulty: With respect, the Taoiseach did not answer the questions asked by previous speakers. Is it the Government's intention, in light of the rejection of the Croke Park II agreement by rank and file workers, to legislate to cut workers' pay and conditions or will it return to the negotiating table and try to reach an agreement?

An Ceann Comhairle: The House has been given an answer to the question. We will not have a debate on an issue that has been dealt with.

Deputy Timmy Dooley: SIPTU dealt with it.

Deputy Patrick Nulty: Will the Government legislate for pay cuts?

Deputy John O'Mahony: When will the long-awaited Construction Contracts Bill come before committee? Many subcontractors have gone out of business despite the main contractors being paid.

The Taoiseach: The amendments came before the Cabinet in March and it is expected that the Bill will go before committee this session. As a number of the amendments were technical in nature, they were delayed for some time. However, they have been approved by the Cabinet and the amended business should go before the Cabinet this session.

Deputy Patrick O'Donovan: On the same issue, the Executive in Northern Ireland recently introduced an initiative similar to the Construction Contracts Bill. Is the Government prepared to take on board some of the amendments that could emerge from this initiative when the Construction Contracts Bill comes before the House?

An Ceann Comhairle: That is a separate issue.

The Taoiseach: Amendments can be dealt with when the Bill comes before the House.

Deputy Seamus Healy: The Irish National Teachers' Organisation has rejected the Croke Park II proposals, with 69% voting against the agreement. In view of the outrageous attempt by a Labour Party Minister to cut pay and pensions and diminish working conditions-----

An Ceann Comhairle: We have already been through this.

Deputy Seamus Healy: No, we have not.

An Ceann Comhairle: The Taoiseach replied to the other Deputies who raised the issue.

Deputy Seamus Healy: In view of the Minister's outrageous attempt to cut pay and diminish the working conditions of public sector employees, when does the Taoiseach expect the Minister for Public Expenditure and Reform, Deputy Howlin, to hand in his resignation, as he should do?

An Ceann Comhairle: The Deputy should table a parliamentary question.

Deputy Michael Healy-Rae: Farmers are running out of fodder for their animals, which has created an unprecedented crisis in the farming community.

An Ceann Comhairle: Fodder shortages will be dealt with in two or three minutes in the Topical Issue Debate.

Deputy Michael Healy-Rae: I raised this matter with the Taoiseach before the Easter recess and the problem is worsening. Farmers are attending auctions to try to buy fodder.

An Ceann Comhairle: The issue is not related to legislation.

Deputy Seamus Kirk: Electoral reform is the next item for discussion at the Constitutional Convention. Is it intended that the convention will have an opportunity to consider the proposed abolition of the Seanad before a final or firm decision is taken on the matter? Will the convention have an opportunity, following consideration of the issue, to report to the Taoiseach or House?

The Taoiseach: No. As part of the programme for Government, the abolition of the Seanad

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is a separate matter that was accepted by the Government before the Constitutional Convention was established. The convention has been given a different range of topics on which to deliberate. The Bill to give effect to the abolition of the Seanad will be published this session, will be subject to normal procedures and will be put to the people in the autumn.

Topical Issue Debate

Animal Feedstuffs

Deputy Éamon Ó Cuív: While I have great respect for the Minister of State, Deputy Sherlock, I am disappointed the Minister is not present, although I compliment him on the good results achieved in the area of DNA testing. There is a major crisis in farming and it is particularly acute in the south which experienced unprecedented rainfall last summer. As a result, many farmers did not manage to make the quantity of silage they make in a normal year. The problem is affecting dairy farmers and high intensity farmers with a high turnover and low margin in particular. We have had a long, cold spring and anyone driving in the countryside will note the grass is brown rather than the normal green colour. Despite the milder weather of the past week, it will be another three weeks before farmers are able to fully turn their cattle out to grass. Many farmers are at breaking point. Some have been pushed so far they have tried to self-harm, while several have done worse.

I ask the Minister to take the simple step of allocating €10 million of his substantial budget for an emergency fodder scheme that would be made available to farmers in severe financial difficulty. Under the scheme, which would be administered by the Department and Teagasc, moneys would be disbursed to farmers in crisis who would be identified on the basis of financial information and the position on the ground in respect of fodder. We should put this issue into context. It costs approximately €7,200 to feed 60 cattle for 20 days and many farmers do not have this sum to meet the cost of feed.

Deputy Michael Moynihan: With respect, while the Minister of State will be fully aware of the position on the ground, the Minister, who is around the House or in the Department, should have at least come before the Dáil to discuss a most serious crisis facing the agricultural community. The issue was raised in July 2012 when the problem started and on many other occasions since, yet the Minister and his Department have not once accepted that there is a crisis. In recent weeks, I have been approached by farmers who are at the end of their tether. A small co-operative in Boherbue intervened last week and bought silage to distribute to hard-pressed farmers and other co-operatives have done likewise. It is similar to the tale of the loaves and the fishes because people are counting the number of bales they have left and the level of rations they are feeding to their animals. Some individuals are feeding 12 or 14 lbs of rations to their animals, which is unprecedented. These are farmers who have been obliged to keep their cattle indoors since last July. In other words, their animals have been inside for nine months. In some instances where conditions have been particularly severe, cattle have had to be kept indoors since the end of June 2012.

This is the greatest crisis facing the agricultural community. The millers who are providing

the concentrates at present are at the end of their tethers because their credit has been completely exhausted. They are returning to their customers in the farming community and seeking payments on accounts. However, no one has the money to pay them. Deputy Ó Cuív referred to an amount of €7,200. Some farms do not even have €700 to spend. In some instances the sole income for families comes from their farms but they have no turnover and no cash on hand. During my time as a Member of the House, I have never been known to exaggerate on issues but the impact of the crisis facing agricultural communities in my area and in others throughout the country cannot be overstated. I am of the view that a task force to deal with this matter must be established immediately because there are some whose farms or businesses will not survive the week.

Deputy Jim Daly: Cuirim fáilte roimh an Aire Stáit chun plé a dhéanamh linn ar an ábhar an-tábhachtach seo.

I join my colleagues opposite in highlighting the importance of and stressing the urgent need to deal with this matter. It is no exaggeration to describe what is happening as a crisis. Cattle are starving and farmers across west Cork are facing mounting fodder bills as a result of the exceptionally long winter. I am of the view that exceptional circumstances require exceptional responses. I call on the Minister for Agriculture, Food and the Marine to consider introducing a series of measures - I do not believe any one measure alone will solve the crisis - aimed at rescuing our most vital industry, namely, agriculture. The Minister is not to blame for the bad weather, which is a natural phenomenon with which farmers must deal. I have spoken to the staff of some of the local co-ops in west Cork and I have been informed that there has been a massive and, in many cases, unsustainable spike in the amount of credit being extended to farmers just so they might keep their cattle alive.

Despite the recent and welcome improvement in weather conditions, this crisis will run for some time yet, particularly when the full cost to farmers becomes apparent during the coming months. I believe in prescriptive as well as diagnostic politics. In that context, I wish to prescribe three solutions for the Minister's consideration. I ask the Minister of State, Deputy Sherlock, to communicate these directly the Minister, Deputy Coveney. The first of these solutions relates to the establishment of a hardship fund to be distributed by the co-ops. Farmers will testify that if it were not for the co-ops, they would not be able to survive. The latter have been extremely generous in the context of the credit arrangements they have extended. However, such arrangements are only serving to prevent farmers from going over the edge. The second solution I wish to put forward would involve the Cabinet instructing the banks to exercise more leniency with farmers who are struggling to make repayments. The third solution would involve the Minister - in light of the impact of this crisis - impressing on his colleague, the Minister for Social Protection, the need for the criteria relating to the farm assist scheme to be re-examined in order to make life bearable for farmers.

Deputy Michael Healy-Rae: I support my colleagues in respect of this very important matter. At present, farmers are attending auctions and competing with their neighbours to buy fodder. That is how bad the situation has become. Earlier today I received a telephone call from a woman who was extremely upset. I could not ring her back when her mobile phone ran out of credit. The woman in question did not have enough money to send to the Department to pay for tags relating to new calves. Deputy Moynihan stated that some farms do not have €700 in income. In many cases, those who own farms do not even have €70.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean

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Sherlock): I am taking this important matter on behalf of the Minister, Deputy Coveney, who wishes me to convey his apologies to the House regarding the fact that he is not able to be present to discuss it. I fully acknowledge the concerns that have been raised. We have all received visits to our constituency offices from farmers in recent weeks. I am aware that the Dairygold Co-op in my area is planning to import hay from the UK in order to try to alleviate the shortage. We are very conscious of the situation in which farmers, particularly those who live in more disadvantaged areas, find themselves at present.

The Minister has asked me to convey his acute awareness of the difficulties being experienced by some farmers as a result of recent unseasonable weather. The difficult conditions which obtained on farms last summer have been compounded by the extended winter. We acknowledge that the harsh weather of recent weeks has led to delayed grass growth and to increased demand for fodder and feed. Animals which, in normal conditions, would be on grass at this time of year have had to be kept indoors. While it is important to record that the outlook for our livestock sectors remains positive and that prices are relatively strong, it is clear that the conditions prevailing at present have resulted in short-term but significant management challenges. These include cashflow and credit issues - to which the Members opposite referred - for affected farmers who are faced with the burden of fodder shortages and additional feed costs.

In the context of the measures which can be taken to alleviate the problems on farms, the Minister urges farmers to contact their local Teagasc advisers. Where winter fodder is limited, Teagasc is providing specific advice and assistance on how to cope with the consequences of the weather conditions experienced this spring. Staff at all Teagasc offices are available to provide advice to farmers over the phone. Agricultural advisers are equipped and ready to outline the options open to farmers facing difficulties and to make plans which best suit their situations. Teagasc has also made extensive use of national and local media to provide farmers with advice and has co-ordinated with farm organisations, marts, local authorities, co-ops and other suppliers to provide targeted advice to all who need it. Advice for farmers on coping with fodder shortages has also been published, including guidelines to dairy and drystock farmers with little or no grass on feeding this spring. The Minister takes this opportunity to thank Teagasc for its efforts to date and asks that these be intensified in the coming days until the problems being experienced are alleviated by grass growth.

The Minister also notes that farm bodies have urged farmers to assess whether they have surplus fodder in stock and whether they are in a position to make some available to others in difficulty. These efforts are to be commended and the Minister echoes the call for those in need of assistance to be supported and urges people who have fodder to spare to be proactive in making it available to neighbouring farmers who are encountering severe problems. This is an occasion when solidarity is needed among the farming community. It is also the case that farmers have increased the usage of concentrates to fill the fodder gap. While addressing the fodder issue, in some cases this has resulted in problems with cashflow and access to working capital on farms. In response to farmers' concerns in this regard, the Minister has already written to the banks and will meet them shortly to highlight the extreme challenges facing farmers as a result of the weather. At that point, he will urge them to take a flexible approach to dealing with short-term credit issues. He will also write to the grain and feed merchants to urge them to be flexible during this difficult period.

It is important that financial institutions take into consideration the fact that while the current difficulties may cause cashflow pressures for farmers, the overall outlook for the sector is favourable. Commodity prices are very strong and the positive expectations for dairy, beef

and lamb prices mean that farmers should see improved market return for their produce this year. The Minister would also ask that co-ops and others operating in the agrifood sector be sensitive to the particular difficulties being experienced by farmer suppliers this spring. The Minister recently announced an extension, to 15 May 2013, for the closing off of the traditional hay meadow measure in the agri-environment options scheme. He has allowed a deferral of one month to the closing-off date and this will help to maximise grass utilisation in the critical recovery period as the weather improves and grass growth resumes.

There is no doubt that the availability of forage on farms presents an ongoing challenge. The Minister has great confidence, however, in the resilience and ingenuity of the Irish farming community. The improvement in soil temperatures during the past week is very welcome and should see a return to more normal growth rates for grass and crops alike. This, together with relatively positive market conditions, should see a significant improvement in the situation in the coming weeks.

Deputy Michael Healy-Rae: It is easy knowing who lives in the sunny south east.

Deputy Éamon Ó Cuív: I am devastated-----

Deputy Michael Healy-Rae: It is shocking.

Deputy Éamon Ó Cuív: -----by the Minister of State's answer. Is the Minister living in the real world? There is an old saying - mair an capall agus gheobhair féar, or live horse and get grass. The Minister seems to be telling the farmers of Ireland to go to everyone else, but not to bother him. Go to Teagasc, the banks or-----

Deputy Michael Healy-Rae: The creamery.

Deputy Éamon Ó Cuív: -----the creamery. However, those bodies do not have credit to give. The Minister has €1 billion in his budget. Putting €10 million aside to help the most needy cases represents just 1%. He has €244 million for administration. He could take €2 million out of it and €8 million out of the remaining €700 million or so for programmes. It would not even constitute a margin of error. He could do something immediately. The Minister of State should remember-----

Acting Chairman (Deputy Ann Phelan): I must ask the Deputy to conclude.

Deputy Éamon Ó Cuív: -----that animals need food, which costs money. Advice is not money and will not feed cattle. Will the Minister of State tell the Minister that all sides of the House are begging him to put money up front to resolve this crisis?

Deputy Michael Moynihan: I am shocked by the reply. With due respect, the farmers who are in trouble have the best track records in animal husbandry. Check their records. Since the deluges started in June or July, they have followed through on the advice given to them. They have attended Teagasc offices. To be fair to the officials there and to the agricultural advisers across the country, they have integrated, but it was well past the time for advice three weeks ago. The weather will present further difficulties next weekend.

Perhaps I live in the part of the country that is the worst affected, but I am inundated with people discussing this matter. I have tried to assist them in every way. An urgent response is necessary, but there was no sense in the Minister of State's reply that the Government is serious. There must be a response today, not tomorrow.

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Deputy Jim Daly: This is a serious issue. Listening to animals roaring with hunger is distressing for farmers who have devoted their lives to caring for them. The House cannot underestimate the crisis. I reiterate my plea to the Minister of State and join with my colleagues across the floor. I cannot quantify the number nationally, but some farmers are in dire straits and need help. Will the Minister of State consider establishing a hardship fund? There is time, as the full extent of the crisis will not become evident for some time. Credit bills are mounting and must be addressed.

Acting Chairman (Deputy Ann Phelan): I must ask the Deputy to conclude.

Deputy Jim Daly: The Government can play a role in helping.

Deputy Michael Healy-Rae: This is the worst piece of rubbish of a reply ever presented in the Chamber. It is a disgrace. To refer to the resilience and ingenuity of the farming community-----

Acting Chairman (Deputy Ann Phelan): Deputy, please do not. I indulged the Deputy and allowed him one minute.

Deputy Michael Healy-Rae: I thank the Acting Chairman, but what does the Minister expect farmers to do? It is no wonder that he is not present.

Acting Chairman (Deputy Ann Phelan): I ask the Minister of State to reply. He has two minutes. He need not worry about my indulgence, but I will need to explain the matter to the Ceann Comhairle if we go over time.

Deputy Sean Sherlock: I take the Acting Chairman's point, but my understanding is that, with due respect to the Chair, three speakers indicated under the rules of the House and four speakers were granted time. If it is my fault that the time allocation has been impacted upon, I apologise and stand corrected.

Acting Chairman (Deputy Ann Phelan): I take the Minister of State's important point.

Deputy Sean Sherlock: No Deputy does not acknowledge the problems facing farmers, particularly those in rural and disadvantaged areas. Some of the prescribed solutions border on blind rhetoric. Fair enough, as that is part and parcel of what we are about in the House. However, that a former Cabinet Minister claims that €10 million should be made available from administration and other sources within the Department leads me to the conclusion that-----

Deputy Michael Healy-Rae: It is a perfectly sensible proposal.

Acting Chairman (Deputy Ann Phelan): Please, Deputy. Allow the Minister of State.

Deputy Sean Sherlock: -----it should be taken from other schemes.

Deputy Éamon Ó Cuív: If necessary. That is what I would have done.

Acting Chairman (Deputy Ann Phelan): Please allow the Minister of State to reply.

Deputy Sean Sherlock: If that is the case, the Deputy should prescribe from which schemes and farmers the money would be taken.

Deputy Éamon Ó Cuív: I will. I suggest that the Minister attend the Chamber.

Deputy Sean Sherlock: This is a difficult situation. Some reasonable interventions were made about the potential development of a hardship fund. In that sense, I will convey the Deputies' concerns to the Minister.

Health and Safety Regulations

Deputy Ciara Conway: I have discussed this matter with the Minister of State previously. It is of particular concern to parents of young children and was recently covered by RTE's "The Consumer Show". Liquid detergent tablets are fairly innocuous household products that many of the Deputies present are familiar with and have bought and used. They are growing in popularity because they are handy, compact, mess free and brightly coloured, wherein lies the problem. Unfortunately, their design and size makes them irresistible to toddlers. While the liquid inside the tablets may be effective at cleaning clothes, it is incredibly harmful and has been the cause of a significant number of severe eye injuries among young children.

Several brands contain alcohol. Combined with other ingredients, this can destroy the tissue of the cornea. There are instances of up to 80% of corneas being burned off by the liquid. However, these products are only labelled as irritants and, as such, do not warrant or attract the level of concern that is necessary. This is a technicality, as the damaged tissue can regenerate within 21 days. However, doctors have pointed out that a child will be in extreme pain or discomfort during that period. A child burned by the chemical in the liquid detergent tablets could face a lifetime of impaired vision and discomfort. An ophthalmic surgeon from the Temple Street Children's Hospital, Mr. Ian Flitcroft, is so concerned by the dangers of these capsules that he recently co-authored a letter to the *Lancet* medical journal calling for the introduction of child-proof containers for these products. As parents know, it is difficult to keep an eye on a child at all times. Since the tablets are so attractive to children, Mr. Flitcroft believes that these products should be labelled as unsuitable for homes with young children.

A simple label on which is written "Irritant" does not convey the level of risk posed by these tablets to young children. Alarming, the National Poisons Information Centre of Ireland received 144 inquiries from parents in 2011 regarding incidents involving detergent tablets. This makes them the most common source of poisoning. We must address this high figure.

Having been approached by "The Consumer Show", I must admit to being shocked, as the Minister of State would be, by the severity and scale of the problem. Some of the manufacturers have stated that they will improve labelling and packaging, but this might not go far enough. The Irish Cosmetics, Detergent and Allied Products Association, ICDA, has promised changes in packaging and/or the tablets in response to growing concerns via a stewardship programme. However, we must go further. As legislators, what can we do? Could the Department step in and ask for a change in the labelling on this packaging in view of the high number of incidents and the fact that it is currently the number one cause of household poisoning in the country?

Deputy Sean Sherlock: I thank the Deputy for raising the matter. I have a technical response on children ingesting detergent "liquid tabs" and I will outline it with your indulgence, Acting Chairman.

Acting Chairman (Deputy Ann Phelan): My indulgence was not appreciated on the previous occasion on this side.

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Deputy Sean Sherlock: Okay. I take the point. I understand that the National Poisons Information Centre was in contact with the Health and Safety Authority, HSA, as the competent authority for detergent regulations last August to September, as it was concerned about the number of incidents reported - as highlighted by the Deputy - involving children and liquid detergent tablets. More than 50% of the inquiries to the poison centre's helpline related to incidents with "liquid tabs" involving children, with the majority being between one to three years old.

These products are small, with a soft texture which means they are easy for children to pick up and squeeze or put into their mouths. I am stating the obvious. The National Poisons Information Centre was also aware of a report in the media in 2012 from Scotland, reporting five children, all under the age of two, who were admitted to hospital over an 18 month period as emergencies with stridor - or an abnormal breathing sound indicative of a blockage in the throat - and drooling after biting into a liquid detergent capsule. As a result of that and information from the UK, treatment guidelines now advise that "children aged under five years who are asymptomatic but have been exposed to this product within the last two hours should be referred for medical assessment". Therefore, it is essential that parents and guardians contact the National Poisons Information Centre for advice if their child ingests a "liquid tab".

In response, the HSA met with the National Poisons Information Centre and with the manufacturing companies who are placing these products on the Irish market to discuss the issues arising. The HSA also brought the matter to the attention of the EU Commission and colleague EU member states. In response to its engagement with industry on the issue, all of those companies that place the products on the market in Ireland signed up to the voluntary product stewardship programme in December 2012, which involves commitments to change the packaging to reduce the visibility of the capsules and to restrict access to the capsules by small children. The programme also covers product information and communications about keeping these products out of the reach of children, as well as an awareness campaign designed to keep such products - along with household chemicals - out of the reach of children. The campaign is being prepared by the National Poisons Information Centre with the engagement of industry. All product packaging changes should be in place by June 2013. The HSA and the National Poisons Information Centre continue to monitor and review the progress of the product stewardship plan on an ongoing basis.

As recently as last month, the HSA met with the IBEC industry representatives and was updated on proposals in hand with the National Poisons Information Centre concerning awareness plans for the products, along with progress on changes to product packaging. Last November, the HSA formally raised the matter at EU level. In particular, the HSA sought to explore the possibility of taking action under the EU detergents regulation or the EU dangerous preparations directive as a means of addressing the current issue. The EU Commission's considered view was that if EU measures were considered necessary, the provisions of the general product safety directive could be used for immediate action and for long-term measures and what is known as a "restriction" proposal under the EU REACH regulation could be examined. The Commission has indicated, however, that while further discussion would be required with member states to determine the most appropriate measure, it would prefer to await the outcome of the voluntary action being undertaken by industry. I am close to the end of the response.

AISE - the EU industry representative organisation for the sector - explained that the capsules have been developed to meet "sustainability" challenges and consumer requests for "easy to use" detergents. One might say that could be deemed as a typical industry response. It also

outlined the actions already put in place or ongoing by practically all individual companies concerned and presented proposals for further future actions, including specific labelling and warning icons on the packaging and awareness raising campaigns. I have a few more points to make but in recognition of the amount of time available I will conclude now and respond following Deputy Conway's supplementary questions.

Deputy Ciara Conway: I am pleased to hear the HSA has taken the matter seriously because it accounts for such a high number of household poisonings, in particular affecting young children. The answer I received could be broken down into two points. The first is the commendable measures the HSA and the National Poisons Information Centre are taking in partnership with industry. We will wait until June to see what measures are agreed. However, industry-led undertakings in other countries did not lead to child-proofing of products and the *status quo* prevails.

I am pleased to hear about the backing of EU regulation if industry-led measures do not go far enough. We must seriously examine the situation in June. The fact that we are speaking about the matter in the House allows us an opportunity to flag it with parents. Given that the product is only labelled as an irritant and it is considered to be an innocuous product with which we wash our clothes, people do not have the same sense of urgency about keeping it out of the reach of young children as they would perhaps with other household products such as bleach, which automatically rings alarm bells with parents. We must keep an eye on progress in the matter.

I am also pleased to hear the HSA and industry will embark on a public awareness campaign in June. However, I am concerned that the measures to be taken will not go far enough because when a similar solution was sought in America, nothing changed there. The issue merits our attention and action in view of the corneal damage that could be done to a child's eye and the other risks posed by such detergent products.

Deputy Sean Sherlock: Again, I fully acknowledge the points made by the Deputy. It is fair to say – I speak objectively – that the HSA is quite fastidious in terms of how it approaches matters such as this one. The Government is happy to allow the HSA to continue to work with the National Poisons Information Centre to monitor and review progress on the voluntary product stewardship programme. If further measures are necessary there is potential for the backup of potential REACH-type legislation at EU level on the matter. I again thank the Deputy for raising the matter.

Road Safety Issues

Deputy Simon Harris: I very much welcome the opportunity to raise this issue in the Dáil this evening. I thank the Minister for Transport, Tourism and Sport, Deputy Varadkar, for his personal attendance and the Ceann Comhairle for allowing us to raise the issue.

We are only in the fourth month of 2013 and already Wicklow commuters have had to endure traffic chaos and road closures on the N11-M11 owing to flooding problems. In fact, parts of this major national roadway have been closed for periods of hours on two occasions already this year. People have had enough. At this stage they are extremely frustrated at the lack of answers and buck passing from one agency or local authority to another. We even saw an example of that from the National Roads Authority on the national airwaves after the most

recent flooding.

This is a major road. We are not talking about a small back road that experiences a minor flooding problem. This is a major artery of national infrastructure. The road leads to the capital city in one direction and allows hauliers to travel to Rosslare Port in the other direction. It is an essential route on an almost daily basis for thousands of people commuting to work and going about their business. Equally, in terms of attracting investment into County Wicklow, we cannot afford to have flooding difficulties remain without a solution. Legitimate questions are now being asked by commuters and residents as to whether it is an engineering problem and if there is a design flaw in part of the roadway or whether it is simply a case of a lack of proper maintenance. Whether it is an issue for Wicklow County Council, Dún Laoghaire-Rathdown County Council, the NRA, or all three, at this stage we need someone to bang heads together and to co-ordinate an approach. I ask the Minister to bring the various agencies together and ensure that a review, from both an engineering and maintenance perspective, is carried out as soon as possible.

This is not just a County Wicklow issue but is very much a national issue, concerning a road that leads to our capital city. The N11 is a road upon which we are heavily dependent. It is one of the major roadways in the country and the fact that it has been closed twice already this year, due to flooding, is ludicrous.

Deputy Andrew Doyle: I welcome the fact that the Minister for Transport, Tourism and Sport is in the House to respond to the issue raised by Deputy Harris and myself. As Deputy Harris has said, this is the second time this year the N11 has flooded, causing chaos on the road. The problem arose at the point where the M50 meets the N11. This is a major route, classified as a Euro route, E01, running to the ports, and on the north side, joining the M1. This is the major beltway around the country. If such a flooding incident was repeated on the M1 junction with the M50 near the airport, there would be an immediate response to deal with it. It would not be tolerated.

Myself and Deputy Harris are calling for an engineering and maintenance review of this road. I believe there is something fundamentally flawed here because the site in question seems to be in no-man's land. I note that the director of services in Wicklow County Council briefed members yesterday about a multi-agency meeting that took place, involving ten agencies in total, on 9 April at the offices of Dún Laoghaire Rathdown County Council. Three issues were discussed, namely, a review of communications, an evaluation of incident roles and responsibilities and flood mitigation measures. The first two are essentially fire brigade or crisis management issues but the third one is about dealing with the problem. We must prioritise dealing with this issue because we can have all of the communications, diversion co-ordination and so forth that we like, including diverting traffic through Bray and causing major traffic problems there, but until we deal with the cause of the problem, we will get nowhere.

It is a simple matter in my opinion, as someone who knows a little about this, of drainage. We must be able to get the water off the road quickly when there is major precipitation. That must be addressed as soon as possible. The responsibility must be given to the National Roads Authority, NRA, or one of the local authorities to carry out the necessary works. I note that a consultative company has been engaged to carry out a study and report back by June of this year, but we need immediate action.

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I thank Deputies

Harris and Doyle for raising this issue, which I know is of great concern to the people of Wicklow. The House will by now be familiar with the preamble to debates concerning our national roads network and any plans regarding their future development, but here it is again. I am not passing the buck here but am simply explaining the legal position. As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding relating to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority, NRA under the Roads Acts 1993 to 2007, in conjunction with the local authorities concerned.

The NRA has a budget of €318 million for improvement and maintenance works on the national roads network in 2013. Given the current financial position, the priority has to be given to maintenance and repair of roads, and this will remain the position in the coming years. The statutory position is that, within the capital and current budgets set by my Department, the NRA and local authorities, in their capacity as road authorities, are responsible for overseeing the operation of the national road network, including any engineering reviews or maintenance. In this context, section 13 of the Roads Act specifies that, subject to the functions assigned to the NRA in the legislation, the maintenance and construction of all national and regional roads in a county or city is a function of the council of that county or city and I as Minister have no role in such operational issues.

The M11, like all motorways not the subject of a public private partnership, is maintained by the relevant local authority. The location at Old Connaught is at the very southern end of the Dún Laoghaire-Rathdown County Council area, bordering on County Wicklow. I understand that flooding first occurred early in the morning of Friday, 22 March due to heavy and persistent overnight rain and as the maintaining authority responsible, Dún Laoghaire-Rathdown County Council engineering and other staff attended the site when they became aware of an issue. Pumps and road sweepers were also on site from an early hour. Personnel present on site on Friday, 22 March could clearly see that water was running down the side slopes of the motorway cut. Thus, the motorway drainage system had to drain not just the motorway but also run-off from surrounding housing developments and lands, and clearly it was not capable of doing so.

The section of motorway in question did not have a history of flooding until recent times. Some flooding was experienced in late January of this year. Previous intense rainfall events, such as the October 2011 flooding in Dublin, did not result in major flooding of the motorway at this location. Subsequent to the January 2013 flooding, Dún Laoghaire-Rathdown County Council carried out some remedial work in the area.

I understand that investigations into the flooding are under way and are focusing on two questions. First, what was causing run-off onto the motorway from surrounding developments, when previously this does not appear to have been a problem? Second, is there an issue with the performance of the motorway drainage system? I also understand that a CCTV survey of the motorway drainage system is being undertaken and a series of site surveys are under way to assess the condition of the motorway drainage system and to investigate the performance of the local road and land drainage network to the west of the M11. A final report is expected shortly and I look forward to its recommendations being acted upon.

Deputy Simon Harris: I thank the Minister for his comprehensive response and for providing some very useful information for the people of Wicklow. The fact that a CCTV survey is being conducted, along with a number of site visits, with a report expected shortly is both proactive and welcome. As a representative for County Wicklow, I hope to be in this House

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at some stage in the future obtaining information from the Minister on the timetable for an upgrade of the N11. I am very confident that the upgrade will go ahead but I ask, in that context, that lessons are learned in advance of that work starting. The flooding problems and issues on parts of the roadway should be factored in to the overall upgrade of the road. It is important that when the report is finalised, its recommendations are acted upon and that Dún Laoghaire-Rathdown County Council and the NRA work together on this.

Deputy Andrew Doyle: I also welcome the Minister's response. I referred earlier to the fact that a study is being conducted, with a report expected soon. The CCTV survey of the drainage system should reveal extremely useful information, not least whether there is something impeding the drains. I would have presumed that at the time of their installation, the drainage pipes would have been of a sufficient size to cater for any water flowing from the road itself and from the surrounding hills. The area in question is not excessively hilly. It should be possible to divert water away from the roadway through some mitigation works. I urge the local authorities to take responsibility here. There seems to be an issue here with regard to the location being in no-man's land. I have tried a number of times to have a sign for the local hospital, St. Columcille's, erected at this location. I have been pushed from one local authority to another and on to the NRA when I asked for a sign to be erected at the exit which simply says "Ospidéal/ Hospital". This is part of the problem.

Deputy Leo Varadkar: I thank the Deputies for raising this issue. Investigations are under way and will be completed shortly. Once we know what the problem is, the matter can be dealt with and whatever necessary works can be programmed and carried out.

Protection of Tenants in Receipt of Rental Supports

Deputy Dessie Ellis: The rent supplement scheme, RSS and rental accommodation scheme, RAS, are two schemes which, despite their flaws and their large cost to the State, are holding housing at the brink and have been doing so for a number of years. We have never had such a great need for social housing, with figures on waiting lists as high as 98,000 and 124,000 or more in receipt of RSS and RAS payments. Without these schemes, due to the absolute refusal of this Government to provide real, sustainable public housing, we would not simply have a housing crisis but a housing catastrophe. It is for this reason I raise this very serious issue today.

Across the State and especially in Dublin, we are facing a crisis within a crisis. I refer to the problem of landlords who are not paying their mortgages and who, in doing so, are potentially jeopardising the housing of thousands of people. In the last few weeks, I have dealt personally with five families in Dublin who are facing eviction due to the repossession of their rented homes. The lenders want to sell and wash their hands of the properties and, in some cases, are forcing the landlords to evict the families before they take over, even though these families are paying and are up to date with their rent.

6 o'clock

I spoke to a mother of two in Drimnagh who is 13 years on the waiting list and afraid to leave her home to speak to somebody in the council offices because she may return to find herself evicted. She is also afraid to sit in her house as she does not know what she will face when the knock comes to the door. Emma is in the rental accommodation scheme, RAS, and Dublin City Council promised her when signing up that she would not be allowed to go homeless. She

is now facing that prospect but she should be guaranteed housing, as she was promised under the scheme.

To be fair to Dublin City Council, it wishes to carry out this promise, but how can this be done when social housing is in such short supply and funding is being cut? We need solutions to these problems. My colleague, Councillor Criona Ní Dhálaigh, has told me she believes that in her part of the city there are approximately 50 people in the early stages of what Emma is going through. The big solution is to provide sustainable public housing not endangered by the whims of the market, lenders or profit-driven landlords. The Minister of State knows that as much as I do. The more immediate solution is to force lenders to enter into a code of conduct with tenants, especially those with an assessed social housing need who may be particularly at risk of homelessness in the event of eviction. This should also include a recognition that tenants have paid deposits and made commitments which should be honoured by those in control of a property. Rent supplement and RAS tenants cannot afford to lose deposits and be thrown out on the street.

The Government must have a strategy for dealing with these grave problems and ensuring that people are not left homeless. We cannot pretend this is not happening. As we face increasing rates of repossession from banks and lending institutions, the problem will only become worse if nothing is done.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The grounds upon which a tenancy in the private rented residential sector may be legally terminated are clearly set out in the Residential Tenancies Act 2004. The Act provides the main regulatory framework for the private rented residential sector and for the operation of the Private Residential Tenancies Board. The Act provides for security of tenure and specifies minimum obligations for landlords and tenants under a tenancy. In addition, the Act contains provisions relating to the setting of rent and rent reviews and sets out the procedures and notice periods that must be complied with when terminating a tenancy.

The ongoing development of a stable, well-regulated rented sector is a key goal for this Government and stability of tenure is fundamental to that goal. The legal framework set out in the Act marked a sea change in this regard and the guarantee of secure four-year tenancies, once the initial six-month probationary period has passed, apply regardless of whether the tenant is in receipt of rent supplement, has a tenancy under the Rental Accommodation Scheme or is not in receipt of any assistance from the State.

The maximum duration of a tenancy under the Act is four years, after which a new tenancy must be registered with the board. Where a tenant has been in occupation of a dwelling for a continuous period of six months and no notice of termination has been served in respect of the tenancy before the expiry of the period of six months, the tenancy continues in being for the remainder of the four-year period, and this is referred to in the Act as a Part 4 tenancy. A landlord may not serve a notice of termination on such a tenant except in very clearly defined circumstances, such as a failure by the tenant to comply with his or her obligations regarding the tenancy, where the landlord intends to sell the property within three months after the termination of the tenancy or where the landlord requires the dwelling for his or her own occupation or for that of a family member.

The Rental Accommodation Scheme, RAS, is an initiative announced by the Government in July 2004 to cater for the accommodation needs of persons in receipt of rent supplement,

normally for more than 18 months and who were assessed as having a long-term housing need. One of the main features of the scheme is that local authorities in sourcing accommodation for these households make use of the private sector and enter into contractual arrangements to secure medium to long-term availability of rented accommodation. A residential tenancy agreement is entered into by all three parties, and as with other arrangements, the tenancy is governed by the Residential Tenancies Act 2004. Notwithstanding this, as RAS is deemed to be a social housing support, the local authority retains the responsibility to source further accommodation for a RAS household should the dwelling in which the household is living become unavailable through no fault of the tenants.

Deputy Dessie Ellis: This is precise the problem we are facing. Many banks are seeking repossessions, with landlords beginning to hand over property. There is no way I can see where we can fulfil an obligation to get a new place for anybody under RAS very quickly, as there will be a lack of properties. Some figures have been released to Dublin city councillors indicating that the RAS cost €1 million more than is given to fund the scheme. Will the Minister of State confirm if that is true and is that the case in other local authorities? What happens if RAS properties cannot be found? Can banks, like Ulster Bank, be requested to keep tenants *in situ*, and can a code of conduct be put in place?

I spoke to people in Ulster Bank about two very serious cases I know about, with one involving a sheriff. A landlord has been served notice to vacate the premises, with Ulster Bank in turn informing the tenants and giving them the obligatory 130 days to vacate the premises. The problem is where will the people go. They have paid rent but they will now have to return to the local authority. Ulster Bank's argument is that a sheriff's notice has been served and vacant possession is required. The bank will not even speak to the tenants, despite every penny in rent having been paid. With the second case a landlord wants a family to vacate premises with 28 days notice. Ulster Bank has indicated that if a receiver is appointed, it can negotiate with the tenants. The bank cannot negotiate where the sheriff has been appointed.

It is outrageous and we should be trying to keep people *in situ* when they pay their way. The banks should talk to people and try to find every mechanism to deal with the issues. Families use local amenities, including schools, and we should try to keep people in their local areas. It is a major problem coming down the road.

Deputy Jan O'Sullivan: I thank Deputy Ellis as this is a real issue. I met representatives of the Irish Banking Federation recently because I was concerned about the role of receivers, in particular, and the federation has agreed to draft a rights document for tenants to ensure they know their rights in this context. It is important that the rights of tenants are maintained in these difficult circumstances, and I referred to how they are contained in statute.

I intend to accelerate the construction programme as soon as possible. We are in very difficult economic circumstances and budgets have been cut significantly, not just in the few years since I took this job but in the years before that as well. We need to begin constructing public housing as soon as possible, and I intend to do so when we can ensure funding exists for it. In the mean time we must use whatever mechanisms we have to protect the rights of tenants and ensure we use the supply of housing in the private sector, either through RAS or rent supplement. We have plans to bring the process under the remit of local authorities in the near future.

It is a difficult issue, particularly in cities like Dublin, which has supply concerns. I stress again that tenants have rights outlined in legislation and we want to ensure those rights can be

protected. If people need information we are happy to supply it.

Defence Forces (Second World War Amnesty and Immunity) Bill 2012: Second Stage (Resumed)

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

Deputy Finian McGrath: I thank the Cathaoirleach for giving me the opportunity to speak on this Bill. It is important that we pay tribute to and commend the silent majority who have defended this State since its foundation and the many who have served abroad with the United Nations. Some have paid the ultimate price with their lives, so it is important to remember them and their loyal service to this State in the debate today. We should never forget that, as I know from my own direct experience with family members and friends who have served and who are still serving in the Defence Forces. This is a controversial Bill for some people because it opens a can of worms. We must also take on board the views of those who did not desert and served their State in a time of great crisis and a world war.

There is nothing glorious about war, there is nothing glorious about death and destruction, there is nothing glorious about the slaughter of innocent civilians and there is nothing glorious about political leaders who send 18 year old to war and to an early grave. History has proved me right. That is at the heart of this debate and we should never run away from that harsh reality about war and conflict, whether it be the First World War, the Second World War or the recent events we saw even yesterday, when there was a slaughter of the innocents on the streets of Boston. There are some in this State who want to glorify fighting and dying for the British Army, as if it was part of the healing process under the Good Friday Agreement. It is very popular in establishment circles, and if we question anything the British Army did in the past, we are labelled as “anti-Brit”. For me, this is a ploy to avoid real debate on defence and military matters.

There is also a rump in this Dáil and State who cannot wait to get their backsides into NATO under the disguise of better relations and apple pie. This must also be debated. I have a major problem with this, whether it relates to desertion or events in the North, Iraq or Afghanistan. I question all armies and states with imperial pasts and I question all governments that mislead or try to hide the facts about acts of violence. I mentioned the slaughter of an eight year old child on the streets of Boston yesterday and I want to pass on my condolences and my support to the people of Boston and the US. It is also important to remember that ten days ago, ten innocent children were slaughtered in Afghanistan and there was no huge reaction in the west. I make that point because it is important that we remember all victims in all situations. Killing innocent civilians is never acceptable in any conflict.

We should consider the way the investigation in the Dublin and Monaghan bombings was treated by the British Government. A parliamentary report found very strong evidence the security forces of a neighbouring friendly nation were involved in terrorist bombings and mass murders within this jurisdiction and the Government and authorities of this friendly nation refused to cooperate with a parliamentary investigation by the Oireachtas Committee on Justice, Defence, Equality and Women’s Rights, of which I was a member. Where is the national shock,

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official outrage and Government anger? Our Administration should be reacting. Where was the recall of the Irish ambassador for urgent consultations, or the calling in of the British ambassador to hear the Government's outrage? Instead there are measured expressions of concern and routine media coverage of a story that in other jurisdictions and circumstances would be taken as justification for the immediate severing of diplomatic relations. Imagine the French Government had learned members of the German security forces had organised and carried out bombings and mass murders in France, and that the German authorities had given an indifferent shrug when asked to explain the allegations. Imagine the Canadian Parliament had uncovered evidence the CIA had bombed Canadian cities and murdered Canadian citizens. Either would provoke an international crisis but in Ireland the reaction of both media and Government is muted to say the least.

I raise this because I have recently spoken to members of Justice for the Forgotten who were victims of the Dublin and Monaghan bombings and they constantly ask me to raise the issue, which I will continue to do.

It is important that we take an objective view of history and the situation in Ireland at the time. Are we forgetting the mood in Ireland between 1939 and 1945, and the very real possibility of civil war breaking out had the Government thrown Ireland's lot in with the Allies? Making a similar point, although criticising the concept of an amnesty or pardon, Tommy Graham editor of *History Ireland*, wrote any such pardon would be based on the assumption, implicit or explicit, that Ireland's neutrality was somehow immoral or isolationist. He argues the historical context of neutrality must be remembered. The moral authority of the League of Nations, of which Ireland was a member, and any hope of collective security, was undermined by the United States not joining in, and by Britain and France for sacrificing Abyssinia and Czechoslovakia in 1938. From Munich 1938, he argues, it was every state for itself and, in that context, Ireland's policy of neutrality was no more and no less moral than any other state.

To take no action against deserters would have undermined the morale of all those who had remained the Defence Forces throughout the war. It would have set a dangerous precedent about the future consequences of desertion and would have undermined Ireland's claim to have been neutral during the war.

If we look at the history of pardons, they have been issued by other Governments for soldiers who were convicted of desertion. Section 359 of the British Armed Forces Act 2006 issued a mass pardon on behalf of the British Parliament to 306 soldiers of the British Empire who were executed for certain offences during the First World War. This followed successful lobbying by the Shot at Dawn campaign, which argued the case for the 306 soldiers executed by their own British and Commonwealth Military Command for desertion during the First World War. The Shot at Dawn campaign argued the soldiers were blameless because they were suffering severe psychological trauma, not cowardice. That rendered them physically unable to cope with the shocking scenes they had witnessed. Some opposed the pardon, arguing it is impossible to condemn the events of a century ago from a modern perspective, and that whatever the rights and wrongs, a pardon was inappropriate.

At its peak, during the Second World War, the Irish Defence Forces had 42,000 serving personnel. Over the course of the war, it is estimated more than 7,000 members of the Defence Forces deserted, many to join Allied forces. Of these, some 2,500 personnel returned to their units or were apprehended and tried by military tribunal. The remaining personnel, around 5,000, were the subject of dismissal under the Emergency Powers (No. 362) Order 1945 and

the Defence Forces Act 1946.

The Emergency Powers (No. 362) Order 1945 provided for automatic dismissal from the Defence Forces of certain deserters and absentees without leave. The order also provided for the forfeiture of pay and allowances and a condition that every person to whom the order applied should be disqualified for seven years from holding any office or employment remunerated from the Central Fund. The effect of the order was to impose significant hardship on many individuals and families and remove from them the right to be tried for the offences of which they stood accused and to provide a defence against the alleged crime.

In June 2012, following detailed consideration the Government concluded that the sacrifice and contribution of those who deserted the defence forces to fight on the Allied side in the Second World War should be recognised. I do not take any high moral ground on this issue; I merely take an objective view. In this context, the Government committed to issue an apology for the manner in which those members of the Defence Forces who left to join the Allied side during the period 1939 to 1945 were treated after the war by the State and to seek provide a legal mechanism that would provide an amnesty to those who absented themselves from the Defence Forces for that reason. That is the kernel of the debate in 2012 and we are now in 2013. I emphasise the importance here of ensuring, in looking at this legislation and the apology issue, and also in trying to treat persons in a fair and reasonable manner, that we think of those who did not go in that direction as well.

The Government's commitment to apologise for the manner in which these members of the Defence Forces who left to join the Allied side between 1939 and 1945 were treated after the war by the State was made through a statement by the Minister for Defence, Deputy Shatter, to Dáil Éireann on 12 June 2012. The Bill seeks to fulfil the second element of the Government's commitment. On the main provisions in the Bill, section 2 provides for an amnesty for members of the Defence Forces who deserted or were absent without leave during the course of the Second World War and who subsequently served with forces fighting on the Allied side in that war, and who were dismissed from the Defence Forces by the Emergency Powers Order 1945, were convicted of desertion or being absent without leave, or were or are liable to be prosecuted for desertion or being absent without leave. Section 3 provides an immunity from prosecution for members of the Defence Forces who deserted or were absent without leave during the course of the Second World War and who subsequently served with forces fighting on the Allied side in that war. Finally, section 4 provides that no right, liability or any cause of action shall arise resulting from the enactment. Section 4 also provides that the amnesty being provided in section 2 will not have the effect of a pardon under Article 13.6 of the Constitution. These are the details in the legislation and the controversial issues we are discussing today.

I have major concerns about the Bill, but also about the future of and morale in the Defence Forces which are important in this debate. I hope the debate on this Bill is a lesson to all of us that we should work hard to end wars and stop the big powers and big bullies from starting them in the first place. We do not have a great track record on this issue and we all need to be vigilant in this regard. We all should empower the United Nations as the only international body to police the world. That is my clear position. Some countries spend their time constantly undermining the United Nations and this is not helpful. I believe strongly that all Deputies in this House have a duty to work for justice, equality and peace.

Acting Chairman (Deputy Peter Mathews): I call Deputy O'Donovan, who, I believe, is sharing time with Deputies Seán Kenny and Harris in the proportions ten minutes to himself

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and five to each of his fellow Deputies.

Deputy Patrick O'Donovan: I thank the Acting Chairman.

I welcome the opportunity to speak to this important legislation. It may not be legislation that would have captured the public's imagination to the extent that it should. As somebody who has looked at this from the time that he was at school, I have often stated previously that the history curriculum in this country, whether at primary or second level, runs along the lines of the Stone Age, the Iron Age, the Bronze Age, a big jump into the 19th century and another big jump to Easter Sunday 1916, with everything in the middle cut out. Yet, one of the lessons we must learn as a mature democracy is that we must be able to talk about our history in a mature and open way, but also recognising when matters went wrong and when we did wrong as a society. In the recent past, this Government has faced up to a few serious ghosts that have been lurking around this country post independence. The manner in which, for instance, the new Government has taken on the issue of the protection of children is one matter, but I think especially of the relationship between Ireland and Britain, and some of our actions as a sovereign Government, and the manner in which we have tried to redress that now as a more mature, informed and educated society. These are good developments.

I applaud the Minister for Defence on the Bill. Some would ask does it really matter. It matters in a number of contexts. In the first context, we are about to embark on the decade of commemoration, 1912 to 1922, to be looked at over the 11-year period, 2012 to 2022, involving the birth of the Irish nation, the birth of the struggle of Ulster Protestantism, etc. It is important in that context, particularly when Queen Elizabeth II visited Ireland in the recent past, that we can have now a more mature debate on both Anglo-Irish relations and, more importantly, how we dealt post independence with a number of issues of which this is one.

I pay tribute to the Defence Forces, particularly those involved in United Nations work. I understand the Minister for Defence visited my neck of the woods in Limerick recently reviewing troops about to go on another important United Nations peace-keeping role. Ireland has a strong and proud history in that regard.

One of the questions we need to ask ourselves is, while nobody would condone desertion, and I certainly would not condone desertion in any way, especially from the Defence Forces, whether it was proportionate what was done to the 5,000 or so who were absent without leave or who joined the Allied forces. To my mind, it was not. If what the then Government did was not proportionate, there is redress due and part of that redress is the apology while another part is the legislation that is before the House today. One must bear in mind that what was done was not necessarily merely against the individuals who were a party to it; it was against their families. In some instances, it forced them almost out of their communities because when they returned to Ireland they were blackened, not only by the Government and the Oireachtas but by society which, for some reason, bought into that kind of vindictive nature that typified that Government during the Emergency, 1939 to 1945.

When I was preparing for this debate and listening to the Minister's opening remarks in June last, I often asked myself whether, for instance, had that 5,000 of whom we speak participated by and large in the United States army, would we have taken the same measures in Ireland at the time, and, of course, the answer is that we would not. There was a vindictive nature in this country, post independence and up to relatively recently, driven by a narrow and introverted mindset that refused to acknowledge a number of matters. On one of the significant wrongs

done during that period of time, a person who works in this House wrote a good book about the then leader of the Opposition, the late Minister James Dillon, and the debates that took place in this Chamber during the run-up to, and in the immediate aftermath of the outbreak of, the Second World War and Ireland's position on neutrality and such matters. It gives an interesting insight into the reasons we did what we did and to those against whom it was done. The context needs to be looked at as to whether it was fair and proportionate. It was not.

Now that we are looking to a new era between Britain and Ireland in terms of our relationships, this is coming at a good time because it can form part of the run-up the decade of commemoration which focuses primarily on the First World War, the results of which, no doubt, caused the second one. While Opposition Members do not want to say they do not support the Bill they are giving a few digs here and there about their own perception of history. They would want to be very careful because history does not necessarily need rose-tinted glasses. Some of them in the first day of the debate and again today have taken a very lob-sided view of what they perceive to be the history associated with the decision-making process that resulted in these people being victimised in the way they were. I urge caution in that regard because some of these people and their families are still alive.

As I said at the outset the fundamental question is whether the actions of the Government led by Éamon de Valera in introducing the Emergency Powers Order 1945 were proportionate. I believe they were not. It has taken us far too long to reach the stage where we are today. What these people did was not right - desertion is not right. However, given what happened in the Second World War, including the Holocaust and other atrocities in the period between 1939 and 1945 in the name of countries that felt they were doing the right thing, the Irish response to that has taken far too long. On that basis the action of the Minister for Defence is correct.

The contribution of our Defence Forces cannot be underestimated. Some 5,000 people of an estimated 42,000 members at the time represent a large number particularly given the strength of the Defence Forces today. If we relate that 5,000 to the numbers we have today, it is a considerable number. However, we need to ask why they did it. These were young men, primarily, who believed this was the right thing to do. Owing to fascism, with attacks on democracy and small countries being kicked around continental Europe like footballs, they believed these people needed to be protected. Given what was happening on the Continent at the time that they felt they could not stand idly by and pretend they could do nothing. As with those who joined up during the First World War, some joined up out of economic necessity, a sense of adventure, loyalty to the crown, etc. They went out and many of them never came back.

We should consider whether the emergency powers introduced by the Emergency Powers Order 1945 were proportionate. Was it necessary to brand those people for the rest of their lives in some sort of a treasonous fashion? Was it proportionate that their families should have paid in the manner in which they had to pay? Was it proportionate that they were denied pensions and public service employment? They were almost denied their citizenship. Is it fair that they have had to wait so long to get what they duly deserve? I firmly believe that these people did the right thing for a number of reasons. While I do not condone desertion, at the end of the day they were faced with a very difficult decision over whether they should sit there and pretend nothing was going on or whether they should try to do their best. I believe their contribution to the State and the State's record in the Second World War needs to be remembered and honoured. I believe this is the way to do so. I thank and applaud the Minister for what he is doing, which restores those people's dignity not only on their behalf but on behalf of their families, their communities and the State. On that basis I support the Bill.

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Deputy Seán Kenny: I welcome the Defence Forces (Second World War Amnesty and Immunity) Bill. Last June the Minister for Defence apologised to Dáil Éireann on behalf of the Government for the manner in which those members of the Defence Forces, who left to fight on the Allied side during the Second World War, were treated after the war by the State. As part of the announcement the Government committed to introduce legislation to grant an amnesty to those who absented themselves from the Defence Forces without leave or permission to fight on the Allied side. The Bill provides for the granting of an amnesty and an apology to those members of the Defence Forces who served with forces fighting on the Allied side during the Second World War and who were subsequently found guilty by a military tribunal or were dismissed from the Defence Forces. It also provides for immunity from prosecution to those who were, or who still are, liable to be prosecuted for desertion or being absent without leave.

The Second World War gave rise to circumstances that were grave and exceptional even though in Ireland the period was referred to euphemistically as the Emergency. Members of the Defence Forces left their posts at the time to fight on the Allied side against fascism and played an essential role in defending freedom and democracy in Europe. Those who fought on the Allied side also contributed indirectly to protecting the State's sovereignty, independence and democratic values. We should be proud of these compatriots who took great risk and made great sacrifices in what was an horrifically brutal conflict, beyond anything subsequent generations have had to endure.

Constituents of mine have contacted me looking for closure in their last years or looking for closure for family members who have since passed on. I hope the Bill will put to rest the concerns of those individuals still alive who served with the Allied forces in the fight against fascism and I hope it lifts a veil for the families of those who have since died.

In the 1950s I recall a family living near my home. They had an older brother who had left the Defence Forces to go and fight for the Allies in the Second World War. He lived in England after the war and whenever he came home for the holidays it was always kept very hush hush. He and his family were afraid he might still be arrested, as he was still technically an Irish Army deserter.

I pay tribute to the many thousands of other Irishmen who volunteered to join the Allies during the Second World War, including my uncle. He joined the RAF in 1942 to fight against fascism and I pay tribute to his memory today.

The Defence Forces must be able to maintain the high standards demanded of them and must have complete clarity with regard to the exercise of command and authority whether at home or abroad. This is critical for the maintenance and effectiveness of military units. The Defence Forces must retain the power to enforce discipline through their own code of discipline through the military justice system. This disciplinary code must be efficient and effective and above all else, it must be fair to the individual soldier. Desertion from the Irish Defence Forces, as with armed forces throughout the world, is regarded as a very serious offence and is at the heart of the system of military discipline. When an individual takes a solemn oath at the commencement of his or her enlistment he or she cannot leave without permission or decide not to be available for duty.

I do not condone desertion and fully recognise, value and respect the contribution of all those who stood by their posts with the Defence Forces during the Emergency and pledged their lives to defend the State's integrity and sovereignty. That said, most people now accept

that the majority of those who left the Defence Forces during the Second World War and went on to fight against fascism, did so out a sense of idealism and with a commitment to protecting democracies from tyranny and totalitarianism. That is the reason for the Bill. These men did not desert and go home, but absented themselves in order to go into harm's way and fight fascism. We should be proud of them and we should remember them.

Deputy Simon Harris: I welcome the opportunity to speak on the Defence Forces (Second World War Amnesty and Immunity) Bill, which addresses a unique set of circumstances in Irish history. I agree with Deputy O'Donovan that the State has been slow to apologise in the past and admit it got things wrong. The Government has embarked on a course of trying to right historical wrongs. The Bill represents another step in another area in trying to right the wrongs of the past and give recognition that the State makes mistakes and when the State makes mistakes it apologises.

Ireland remained neutral during the Second World War and yet a sizeable number of our trained soldiers took it upon themselves to fight against some of the greatest threats the world had seen. Irish citizens entering the Second World War on the Allied side knew the horrors they would face. They also knew the great personal risk they would take and yet they went bravely and courageously. The Bill address a terrible travesty inflicted on patriotic Irishmen who during the years of the Second World War, at terrible peril to themselves and their families, went to war. The choice to enter the British army, among others, to fight the terrible threat to the liberty of our new Republic posed by Nazi Germany and the other Axis powers was a courageous and selfless act, which received nothing but mistreatment. Those dismissed were disqualified for seven years from all public or Civil Service employment and from pension entitlements from the day they absconded, and were not entitled to unemployment assistance. Clearly there needed to be a system of discipline and other speakers have alluded to this, but normal disciplinary procedures were not followed in what can only be seen as a degree of vindictiveness and nastiness inflicted by the State on these men. These actions placed an undeserved penalty on these soldiers and their families. It placed an extreme level of social and economic pressure and had the effect of socially isolating these families as well as impoverishing them. In putting these 6,000 to 7,000 men through military tribunals or dismissing them *en masse* with the Emergency Powers Order (No. 362) 1945, the sacrifice they made was ignored and never acknowledged by the State.

I commend the Minister for Defence on his apology on behalf of the State in June last year and for the Bill which recognises the special circumstances in which these events took place, the harshness of the treatment of those persons affected and provides them with immunity from trial for these acts. It is clearly important to uphold the chain of command and discipline in any army and we must also place on the record of the House our great satisfaction, tribute and gratitude to those who stayed and did not fight and remained in the Irish Army. The Bill recognises the degree to which there is a distinction from the normal circumstances for desertion and the circumstances around those who left the Irish Defence Forces to fight in the Second World War. I welcome the immunity from trial for these acts which the Bill brings, the exoneration of these men in respect of their desertion and dismissal, and the vindication of groups such as the Irish Soldiers Pardons Campaign who have sought the Bill for many years. The Bill will address the concerns of those men who remain alive and it will lift the veil on the families of those who have already died.

I wish to make several other observations. At the beginning of my contribution I mentioned the neutrality of the nation. There has been much media and political discourse in recent years

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about neutrality. At some point the State needs to have an honest and mature debate about neutrality and what exactly it means. In my view some of the threats facing the world today, quite similar in ways and different in others to the threats which faced the world during the world wars, are issues on which one cannot be neutral. Ireland's role in the European Union and the solidarity we show with other nations makes it an issue on which we need a mature, calm, thoughtful and reflective debate.

Deputy O'Donovan commented on the decade of commemoration which is about to begin. We need to have a debate and discussion on what Irishness means. It absolutely sickens me to see people, many of whom commanded private armies, try to wrap themselves around the flag of this country and declare themselves more Irish than the next. The men who fought with the British or other armies during the First World War or the Second World War were just as Irish as the next. They too made a sacrifice in what they viewed as the best interests of their family and country. No one political party or political ideology owns Irishness. It is very important when we embark on what will be an exciting decade of commemoration that we commemorate all of our history from all perspectives because this is what a true republic is about and what true republicans should be about. I commend the Bill to the House.

Deputy Mattie McGrath: I am pleased to be able to speak on the Defence Forces (Second World War Amnesty and Immunity) Bill 2012. It is easy to be wise in hindsight and we all learn from the mistakes of the past. We also have a better understanding now of the terrible tough economic times for those from all walks of life. The Bill provides for the granting of an amnesty and immunity from prosecution where appropriate to members of the Irish Defence Forces who fought on the Allied side and were found guilty of desertion by military tribunal or dismissed *en masse* by the Emergency Powers Order (No. 362) 1945. The amnesty is an acknowledgement that the treatment received in consequence of desertion is now considered to have been unduly harsh and acceptance that the acts occurred during the special circumstances of the Second World War. It is an apology for the treatment and exoneration in respect of these acts. The Bill explicitly limits State liability and does not contain compensation. The amnesty does not constitute a presidential pardon under Article 13 of the Constitution. I have no problem with any of this and many of the people involved have no wish to receive compensation. As other speakers stated, they and their families wish to have the stigma removed.

I was brought up at a time and in a community which did not agree with their desertion or their fighting with the Allied forces, but time is a great healer. Now I agree we should consider pardoning them. We must put ourselves in the context of those awful times and the encouragement the men received from the late General O'Duffy and others to go and fight. We must also consider the sheer economic hardship they faced. It was easy for them to flee across the Border after leaving the Army, or deserting, whatever one wants to call it, and receive higher remuneration. If they wished to do so they had ease of access and did not have to get there by flying or by water. At the time, efforts, demands and appeals were being made to bring remuneration in the Irish Defence Forces in line with what was paid by the British armed forces to make it more desirable for people to stay rather than to go and fight, as it involved a huge risk.

During the First World War four very respected members of my community in Newcastle in south Tipperary lost their lives. I am glad a historical committee in the village has spent the past 12 months working on proper recognition of those who lost their lives during the First World War, which is only right and proper in the fullness of time. Last Sunday week the village celebrated the 90th anniversary of the late General Liam Lynch, chief of staff of the IRA, who lost his life in 1923 on the Knockmealdown mountains and I wish to thank uachtarán Fhianna

Fáil, Deputy Micheál Martin, for attending. I do not know where the memorial for those who died during the First World War will be placed, but it would be only right and proper that both are located adjacent to each other so people can understand in peace time that they gave their lives for motives in which they believed. We commemorate Liam Lynch every year, but his 90th anniversary was special and it is good that the community is big, strong and able enough to recognise both traditions and the people who lost their lives. I look forward to participating in it and will give any support I can to the committee.

At the time there was a fear of major desertion so certain action had to be taken and any Army would have done so. We see it in the army of government here with the whip being cracked, and I have experience of this from the previous Government. One must keep people in line for cannon fodder or voting fodder. The troops must be marshalled whether in politics or the military. The historical background to the Bill is that desertion from the Irish Defence Forces during the Second World War amounted to between 6,000 and 7,000 men. The majority of these crossed the Border and joined the British Army or found a job working in the war industry, which was huge and included Harland and Wolff and others in the Six Counties. This was a relatively high desertion rate, as in 1940 the size of the Defence Forces was approximately 42,000.

The Irish intelligence service, G2, tried to discourage desertion from the Defence Forces with mixed results. In 1942 almost three quarters of deserters were apprehended, but only one third were apprehended during the first eight months of 1943. Approximately 5,000 of those deserting joined the British Army and fought against fascism. This figure should be seen in the context of an estimated 80,000 ordinary Irish citizens who volunteered to fight for Britain during the war. This is an important contextual figure and we cannot lose sight of it. The precise reasons so many individual soldiers chose to desert are not fully known. There is some evidence that economic necessity played a role. In 1941 the secretary of the Department of Defence urged the Cabinet to raise military pay to British levels to stem the tide of desertion. One could certainly see that happening in those times of economic hardship so shortly after gaining our independence. While a modest increase was approved in 1941, pay levels and allocations still lagged behind those of the British Army. The Emergency Powers Act of 1939 to 1945 followed the approval of a position of neutrality in the Second World War. On 2 September 1939, the Oireachtas passed a Bill to amend Article 28.3.3o of the Constitution. The article provided that during time of war or armed rebellion, the government, following a resolution of the Houses of the Oireachtas, could assume emergency powers. The amendment widened the interpretation of a “time of war” to include a time when armed conflict is taking place that affects the vital interests of the State even if the State is not directly involved and even if, after the war or conflict has ceased, the Oireachtas resolves that the emergency created by the conflict still exists.

Put in context, that situation is quite easy to understand and accept. I know of people who could not come home on holidays and were not made to feel welcome because the stigma never left them. In the fullness of time, however, we can forgive and forget. We must do so. We should let those people enjoy life and have a certain degree of respect in the community. While it may have been seen differently then, they were different times with different regimes. Many of them were encouraged to go to war.

I support the Bill, unpalatable as it might be to some of my own supporters and those who like to honour the name of Liam Lynch. It is time to be broad minded and inclusive in accepting the reasons for, and the good faith of, what happened. Many such people lost their lives, as

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well. I will not lecture anyone on the issues of that time and neither will I accept any lectures from people who want to rewrite history and blame the government of the day. It had to protect its own army and it was not too long after gaining independence. In addition, we were a neutral country. We can have a debate on neutrality but it was needed in order to shore up our defences and stop a major desertion of soldiers at the time. In understanding and accepting the context of the time, it is important now to move on and pass this Bill.

I do not agree with the Minister on many matters but in this case I do. The Emergency Powers Act Order was pretty stiff at the time. In October 1945, the then government used those powers to issue the Emergency Powers Order No. 362 of 1945 which was signed by the then Taoiseach, Éamon de Valera. It was designed to deal with returning soldiers who had deserted the Irish Defence Forces to serve with the British Army during the Second World War. The order provided that any member of the Irish Defence Forces who had deserted or absented themselves from the service without being granted official leave for 180 days or more during the Emergency period, which commenced on 3 September 1939, could be dismissed from the Defence Forces for desertion. The order explicitly stated that a member of the Defence Forces did not include an officer of the Defence Forces. Even in those days we can see that there was a large degree of “them and us” with one law for officers and another for lower ranks.

As a consequence of the order, just under 5,000 soldiers were dismissed *en masse* on their return to Ireland. I am sure that must have been very unpalatable and hard on their families. At the time, the issue was raw and sore, and feelings were running high. Under section 4 of the order there were further consequences for those dismissed. The section stipulated that those dismissed were disqualified for seven years from any public or civil service employment, including employment with local authorities or a position on any board or office established by statute, such as the ESB.

Although it was a fledgling organisation at the time, the ESB was doing a huge amount of work bringing electrification to rural Ireland. Such jobs were freely available so that was a punishment because such people could not get work to provide for their families. Furthermore, they would have no pension entitlements from the day they abandoned their Irish Army positions and no entitlement to receive unemployment assistance under the Unemployment Insurance Act 1945. That was stiff medicine but, as I said, those were different times. I will not condemn the former Members of this House who voted for those measures then. It happened in a different context and they were harsh times.

We have our own business to deal with now. I have said more than once that what is happening now with the economic ruin of our country - the economic rape and plunder of our country - is the third world war without any bullets being fired. It is being fought with the euro and I believe that we are showing the white flag to Germany again. I was on the government benches in the last Dáil and voted for the bank guarantee because we were told that we had to save the banks on that fatal - not fateful - night. We were told that do anything else would bring us over the abyss. I was certainly told that and I had to vote in that context. We have learned since, however, that the government was lied to through the teeth by the banks, bankers and speculators.

During Leaders' Questions today, I raised with the Taoiseach the fact that the bondholders were being spared everything. We now know the position from IMF sources, which I felt all along from the body language, because I have met with the troika four times. At the time, I stated that the IMF was more afraid of us than our European colleagues. I am straying.

Acting Chairman (Deputy Peter Mathews): I am obliged to bring the Deputy back into the gravitational pull of the debate.

Deputy Mattie McGrath: I am coming back to the debate but it is all relative to the times we are in. Those soldiers who deserted were put into penury. Today, we have seen - and the Acting Chairman may try to stop me again - the Croke Park agreement being rejected. Why would it not be, however, because of the misery we are visiting on our people?

Acting Chairman (Deputy Peter Mathews): The Deputy has a very refined conscience but he should stick to the debate.

Deputy Mattie McGrath: Yes, I am trying to stick to the debate. As I said, I believe this is a German attack on our nation but this time with money. We had to save the banks to save the euro and I remember discussing it with the former Minister for Finance, the late Brian Lenihan, at the time. To have come home that night and left the deal on the table, they would have been on the next plane here after us and we would have had a different outcome.

I must also refer to what is going on with the current Minister for Justice and Equality concerning what is being inflicted on members of An Garda Síochána and the lack of respect for gardaí. We have seen it with the Judiciary today also.

Acting Chairman (Deputy Peter Mathews): Deputy.

Deputy Mattie McGrath: All politics is relative and it is very relevant at this time.

Deputy Gerald Nash: I wish to share time with Deputy Ó Ríordáin.

Acting Chairman (Deputy Peter Mathews): Is that agreed? Agreed.

Deputy Gerald Nash: In the 1930s and 1940s Ireland was a country replete with contradictions. An achingly conservative and insular theocracy, it was a State in its infancy working to assert itself in the early years of independence. In the shadow of a former colonial ruler, there was an almost pervasive and deep-seated resentment of, and antipathy towards, Britain which was held by a substantial proportion of Irish men and women. This was perhaps understandable in the context of the time with bitter memories of the War of Independence and the Civil War fresh in the collective memory.

Controversially, we chose to stand outside the conflict during the Second World War. While our nascent State made that decision for us, there were tens of thousands who chose to take a different stand. My grandfather, the late George Kearns, was one such person. He joined the British Navy of his own volition and, like his father before him, he served in the British forces. This did not make him any less of an Irishman. It was an all too typical story of any working class family from Drogheda, Dundalk or any other major urban centre at that period in our recent history.

If these people - and they were mainly men - have been largely written out of the history of official Ireland, what of the 5,000 members of the Defence Forces who absented themselves from their posts between the outbreak of war and the end of hostilities in 1945? We are here today to eradicate a stain from Irish history and to write a wrong that we are now mature and confident enough to resolve.

There is no doubt that those who deserted or absented themselves without leave, committed

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a serious offence but they were denied the opportunity to account for their actions. It has been my central contention that this is a fundamental right afforded to all soldiers around the world.

The introduction of the Emergency Powers Order No. 362 in 1945 meant that many of those returning heroes were blackballed and treated as pariahs and traitors by a political and bureaucratic class who did not have the courage to stand up to the local parish priest, let alone to global fascism. Therein lies the paradox.

7 o'clock

Today is an opportunity formally to say sorry in our national Parliament to those who were subjected to the harshness of what was known as the list. It is an opportunity to pay tribute to the sacrifices they and their comrades made, this great heroic generation whose numbers sadly are now greatly diminished.

Since I first started to campaign on this issue a number of years ago, I have received an extraordinary response from both home and abroad. Many stories and insights have been shared with me and I was privileged to hear and to witness them. I commend people such as Peter Mulvanny, for example, who continually raised awareness of this injustice, author and historian Robert Widders for his book, *Spitting On A Soldier's Grave*, Irish journalists such as John Maher, who have helped to shine a light into the stories of families whose lives were deeply affected by the implementation of the aforementioned list, as well as John Waite of the BBC, who helped to bring this remarkable story of injustice to a wider British and global audience on a frequent basis. The Minister and the Government also should be proud of the generous and courageous decision taken, while at all times respecting and recognising that all Members of this House and all citizens of the State quite correctly and rightly give their allegiance at all times to the Defence Forces.

Deputy Aodhán Ó Riordáin: First, I commend the Minister on bringing to the Houses of the Oireachtas the Defence Forces (Second World War Amnesty and Immunity) Bill. When thinking about this subject, it is important that everyone recognises that Ireland is a complex place. For many generations and decades after independence, one was told it was a kind of simple place in which everything was black and white or green, white and orange. Moreover, one was told our identity was quite narrow and to step outside that identity was a dangerous place to be. It has only been in recent years that many families in Ireland have looked back on their own family history and have realised things were not always so simple. As Deputy Nash already has mentioned and in the case of my own family, many people fought in the British forces while many in the same family, who were related to one another, also fought in revolutions here in Ireland. The context of that time is not as simple as might have been suggested and if one is to be serious about the Republic in which we live, one should note a republic is not the absence of a monarchy. This is what we grew up thinking or believing in and perhaps that is what the struggle was for during the 1920s and earlier, that is, the sense the Republic was the absence of a monarchy. However, a republic is not simply the absence of a monarchy. A republic is a place where all people are equal. A republic is a place in which there is compassion, forgiveness and understanding, as well as respect for people's past, for their allegiances, for what they sought for their families and for what economic necessity sometimes forced them to do. In the main, this Bill pertains to working-class families and is about men who sought to do something they felt was right. I believe there now is a generosity within the Republic to look back at things that happened in the past and to have a different sense of them. Later today, Members will discuss the issue of symphysiotomy and they recently discussed the position in respect of the Magdalen

laundries. It was a kind of dark and repressive Ireland with a highly simplistic view of what was right and wrong and of what was Irish and what was not. Members of the generation to which Deputy Nash and I belong have a completely different view of what is a republic, of our value system and of what we wish to hand on to the next generation. It is not a closed view of Irishness or of nationality. It is not a black and white view of what the country believes in or stands for and is not a green, white and orange view of nationality because life just is not that simple. This move on the part of the Minister means a huge amount to many families. Unfortunately, it has come too late for some men, such as Con Murphy, a former RAF man, who died in Cork recently. However, for people such as my constituent, Peter Mulvanny, who has campaigned on this issue for many years, and those Deputy Nash already has recorded in the Official Report, it means so much that what they did can be legitimised to a degree and that this House and this Republic finally can come to terms with our complicated past. Were we to recognise the complexity of that past and realise things are not always that simple, perhaps we would have a chance to build an Ireland and a republic of which everyone can feel a part.

I again appreciate the opportunity to speak on this Bill, which is something on which one needs to reflect. In the past, nationality in Ireland has been a divisive subject. One was obliged to speak a certain way, look a certain way, dance in a certain way, play a certain game or speak a certain language to be considered to be Irish. We are more generous now and have a better sense of ourselves. We have much more self-confidence to be able to bring legislation such as this Bill to the House and to speak on it with generosity and understanding. I commend the Minister on his action. This means a huge amount for the families involved. They are excited and relieved and believe that finally, they can look back on their own family history and not in any way be obliged to apologise for what their family members or they themselves did. Far too often in the past, indirectly or directly, people were required to apologise for their family histories or to pretend that some family members did something they did not do. There are areas of my constituency in which people are proud of their British Army heritage and why should they not be? We so often pretended that Irish people did not fight in the First or Second World Wars. For so many years, we pretended, for example, that Irish women do not travel across the Irish Sea to gain access to facilities of the health system there that are not available here. We have colluded in a kind of collective silence that makes us believe that Ireland is a simple place. However, it is not: it is complicated. It has a complicated history and today, we finally have come to terms with part of that complicated history. I commend the Minister on so doing and appreciate the opportunity to speak on this Bill.

Minister for Defence (Deputy Alan Shatter): I thank all Members who spoke. It is particularly remarkable that there is unanimity across the House that this legislation should be enacted. Some speakers, in the course of their contributions, laid different emphases on different issues and indeed, some strayed into a broad range of other areas that I do not seek to enter into this evening. The basic issue is recognising the reality that the individuals whose situation is addressed in this Bill, many of whom are now deceased, showed great courage in fighting on the Allied side in the Second World War. No one should doubt the reality that had Nazi Germany been successful in that war, Ireland's neutrality would have been a meaningless concept. There would have been nothing to protect this island from invasion. Many lives in the Defence Forces would have been lost in trying to defend the island but the likelihood that we-----

Acting Chairman (Deputy Peter Mathews): I ask those in the Gallery please to refrain from speaking.

Deputy Alan Shatter: However, the likelihood that this State would have had its neutrality

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respected by a victorious Germany is minimal. I will refer to one of the classic confirmations of this point. Anyone who has had the opportunity to visit the Holocaust memorial in Jerusalem, Yad Vashem, will discover a map in the memorial that details the numbers of Jewish communities across Europe designated for elimination. There is a reference to the exact number of the members of the Irish Jewish community, who were designated by Nazi Germany for elimination.

In the context of this Bill, I constantly made a point during the Seanad debate, which was repeated by my colleague, the Minister of State at the Department of Defence, Deputy Kehoe, who took Second Stage in this House. We should not in any circumstances devalue the contribution made by members of the Defence Forces who served this State loyally, remained members of the Defence Forces during the Second World War, which we termed The Emergency, and who performed a very important public duty. However, in acknowledging the service they gave, it is right that we acknowledge the service given by the members of the Defence Forces who left this island without permission and joined the Allied forces, with the vast majority joining the British forces, and who contributed to the victory against intolerance, totalitarianism and fascism.

I welcome the support expressed by Members of the House for this measure. I hope its enactment will be seen by the families of many of those who conducted themselves thus and fought, as a recognition of the contribution they made to protect decency and democracy and as an apology from the State for the manner in which those brave men - our Defence Forces were men only in those days - were treated. They fought against those who would have brought tyranny not just to the United Kingdom but possibly to this island and this republic.

There were some interesting contributions to the debate, although I do not wish to engage in a lengthy discussion of some of the issues. Deputy Finian McGrath made an interesting contribution, which replicated contributions he has made at the justice and defence committee when dealing with defence issues. We are all opposed to war. War is not a good thing. People dying and being wounded is not a good thing. Unfortunately, however, there are bad people in the world and occasionally states must defend themselves. There are bad people who will kill people, and that is the reason we need armies that are properly equipped. I noticed with interest the Deputy's comment that we must empower the UN to stop wars. Is he suggesting that the United Nations should develop its own army of tens of thousands of people and where should they be located? The UN can pass motions and urge that war to stop. It is sometimes powerless to achieve anything.

Consider the tragedy being played out in Syria at present. Over 70,000 people have lost their lives and we do not know how many hundreds of thousands have been wounded or seriously wounded. There are approximately 1.2 million refugees from Syria. The UN is powerless to do anything about it. I could refer to a number of other conflict zones around the world about which there have been UN motions and in which there are UN troops trying to preserve the peace. Without the presence of those armed UN troops the peace would not be preserved. There are also parts of the world where in the past UN troops have had to be withdrawn when conflicts have arisen because they did not have the capability or capacity to end the conflict. Yes, we are all against war, but we must be realistic and ensure this country's Defence Forces are fully and properly equipped to do what they can to contribute to UN peace missions. However, merely wishing wars and bad people away does not work, unfortunately.

Deputy Simon Harris made an interesting contribution about the threats that confront us

today. I do not wish to turn this into a debate on neutrality as that is a discussion for another day. People have different views on the importance of neutrality and what it means. However, Deputy Harris is right on one matter. There are some issues in the world today in respect of which neutrality is irrelevant, regardless of how much one talks about it. No Member of this House, for example, is neutral about what we believe to be the terrorist atrocity perpetrated in Boston yesterday. Nobody is neutral about international terrorism. No Member of this House believes that suicide bombers are to be encouraged. We all disagree with that. Dealing with international terrorism is something on which states must co-operate and concepts of neutrality become meaningless in the current world.

Consider the area of cyber security. A massive cyber attack can undermine essential utilities in a state and access government departments. If a state does not have adequate defences, it could effectively paralyse services and create substantial disruption for civilians. Is anybody neutral about cyber security? Of course they are not. We live in a far more complex world today than the world of the 1930s, 1940s and 1950s. It is good to discuss these issues without coming to them with any prior assumptions about them. However, that is a discussion for another day.

I thank everybody who contributed to the debate. There were very interesting contributions. I was particularly fascinated Deputy Ó Cuív's contribution in which he referred to some of the people from this State who fought in the Second World War, their circumstances and where they came from. Although I was unable to be here for the start of Second Stage, I read the transcript of the debate.

It is good that we can unite behind this Bill. The Bill is important to a substantial number of families in the State, and it was correct of some Deputies to acknowledge that. It is also a small additional brick in the wall of reconciliation between the island of Ireland and the island of Britain, as well as being a small brick in the wall of reconciliation between the North and the South. In the Seanad I referred, as did my colleague, the Minister of State, Deputy Kehoe, at the start of this debate, to the fact that many thousands of Irish men who fought on the Allied side in the Second World War - not just those who may have deserted our Defence Forces but the many thousands of others who simply decided to join up - were effectively airbrushed out of our history for far too long. As we went through school none of us would have known the fact that approximately 60,000 people from what was then the Free State, later the Republic of Ireland, joined the British armed forces and fought. I discovered during my visit to Australia that a significant number of Irish people who had emigrated to Australia in the years prior to the Second World War fought with the Australian army, navy and air force and some fought with the New Zealand forces as well. A considerable section of the history of many families in this country has been airbrushed out of the history we were taught in schools and the history that I suspect is still taught in schools. In addition to providing for the apology and amnesty, this Bill is bringing those who fought out of the shadows and into a visible part of the history of this State and the history of many families.

I look forward to bringing the Bill through Committee and Report Stages and to its early enactment.

Question put and agreed to.

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Defence Forces (Second World War Amnesty and Immunity) Bill 2012: Referral to Select Committee

Minister for Defence (Deputy Alan Shatter): I move:

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

Question put and agreed to.

Industrial Development (Science Foundation Ireland) (Amendment) Bill 2012: Second Stage

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move: “That the Bill be now read a Second Time”.

I will briefly outline the principal objectives of the Bill. The primary changes extend the remit of Science Foundation Ireland, SFI. Through funding supports via our higher education institutions, SFI will be able to fund applied research as well as continuing to support oriented basic research. This will allow SFI to take the outcome of the research closer to market through increased commercialisation, the development of new products, the generation of new services and technologies and lead to the creation of new sustainable quality jobs for Ireland. I stress that the foundation will continue to support basic research. The legislation will also allow SFI to broaden its programme offerings to cover the 14 priority and six underpinning areas identified by the research prioritisation steering group and approved by Government in March 2012.

Importantly, the legislation will also enable the foundation to provide funding on an all-island basis for the first time. Subject to the excellence and strategic criteria being met, SFI will therefore be able to fund researchers and institutions based in Northern Ireland. It will also allow the foundation to enter, subject to the consent of the Minister for Jobs, Enterprise and Innovation, collaborative arrangements with international partners and help Ireland leverage significant non-Exchequer research funding into the country. In doing so, it will also enable Ireland to support the wider EU research agenda through programmes being supported under the EU’s Horizon 2020 strategy, which will have approximately €70 billion available in research funding from 2014 onwards. As Minister of State with responsibility for research and innovation, I am eager that Ireland should aggressively target Horizon 2020 funding and the extended SFI legislation should enhance our success rate.

The Bill also provides a legislative basis for SFI to stimulate the study and awareness of the STEM subjects: science, technology, engineering and mathematics. In addition, it includes a number of ancillary provisions that are not specific to SFI, but which relate to Enterprise Ireland, EI, IDA Ireland and enterprise development functions in the Shannon free zone; amendment of the Freedom of Information Acts specific to our enterprise agencies; and strengthening Forfás’s function to provide research data so as to fall in line with international best practice. I shall comment further on these later but I will first give a brief overview of the recent progression of our research and innovation system, of SFI and its role and of the rationale for the

changes proposed in the Bill.

This legislation affords us an ideal opportunity to remind ourselves of the reasons governments around the world fund research and development. It is universally accepted that the private sector does not fund research and development at the optimum level for economic and societal benefit. There are many reasons for this but primary among them is the inherent risk and uncertainty of such investment. The commercial return from research and development investment, particularly in basic research, is often insufficiently clear-cut for the private investor. Another likely factor is that the direct returns to the private research and development investor are often eclipsed by the societal returns. Considering research in an Irish context, I do not subscribe to the argument that Ireland, as a small open economy, can simply avoid significant investment in research and development, particularly basic research, and simultaneously take advantage of and benefit from discoveries made elsewhere. Discovery, and the benefits it brings, do not exist in a vacuum.

If Ireland is to absorb externally generated new knowledge and take advantage of it, we must have the capability to understand and use this new knowledge. The best way of ensuring we can create new knowledge is to conduct excellent and relevant research and development ourselves. Ireland needs to be a “knowledge generator” if further creators of knowledge are to be enticed to the country. A constantly developing and changing global economy and society requires Ireland to keep pace if our position in the international marketplace is to be maintained and enhanced. We must continue to invest appropriately in creating and innovating to ensure we can successfully compete in global terms. These are just some of the reasons the Government needs to encourage and supplement private investment in research and development.

In Ireland, there has been significant public investment in science, technology and innovation since the late 1990s - primarily to address a number of critical deficits. Following decades of under investment in research and development we lagged well behind our competitors. Our research capabilities then were well below the OECD norm. We lacked a core of talented, high quality research personnel, performing industrially relevant research. This combination of factors impeded our ability to attract and maintain large scale, knowledge intensive industrial projects to Ireland while we were simultaneously failing to develop indigenous, internationally competitive, high growth firms. Our industrial policy in the latter part of the 1990s, therefore, came to be based on the conclusion that we needed to move up the employment value chain by generating our own research talent pool to create the jobs of the future and diversify from low cost, low end manufacturing.

In this context, in 1998, the Irish Council for Science, Technology and Innovation undertook a technology foresight exercise, which sought to identify emerging areas that would be the key to our economic development and enhanced competitiveness. The resulting foresight report recommended that Government should establish a fund to enable Ireland to become a centre for world-class research excellence in a small number of niche areas. Subsequently, SFI commenced operations in 2000, and was formally established through legislation in 2003. SFI’s mission was to support research excellence in the strategically important areas of information communications technology and biotechnology. In 2008, a third research pillar - sustainable energy-energy efficient technologies - was added.

A core aspect of what SFI does is the development of a talent pool of Irish-based scientists who, through honing their significant scientific skills here, help to develop the good jobs of the future for Ireland. Significantly, SFI does not provide research grants to industry. That is done

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through other State research and development supporting agencies such as Enterprise Ireland, IDA Ireland and so on. The foundation provides grants to researchers and research groups based in our higher education institutions, on the basis of competitive calls for research proposals. It uses a rigorous international peer review process to ensure that only the best proposals receive support - typically 15%-20% of all applications, which is in line with international norms.

The foundation's annual grants budget, which is in the region of €150 million, directly supports a cohort of 3,000 researchers in our universities and institutes of technology. These SFI funded researchers are connected to close to 650 distinct companies that employ more than 90,000 people in Ireland. The researchers also leverage significant research funding from non-Exchequer sources, such as the EU and industry - usually between €80 million and €90 million per annum.

Debate adjourned.

Statute of Limitations (Amendment) Bill 2013: Second Stage [Private Members]

Deputy Caoimhghín Ó Caoláin: I move: "That the Bill be now read a Second Time."

I begin by welcoming again to Leinster House many of the women who suffered the barbaric act of symphysiotomy in Irish hospitals. They have come in such numbers that the Public Gallery has not been sufficient to accommodate them all. I extend greetings and good wishes to all of those who are in the audiovisual room following coverage of the debate. Fáilte romhaibh uile anseo.

Deputy Jerry Buttimer: Hear, hear.

Deputy Caoimhghín Ó Caoláin: More than once in the past the women concerned have left Leinster House feeling disappointed and let down by the political system. I sincerely hope that will not be the case again tomorrow night. I appeal individually to each and every Teachta Dála, regardless of where he or she sits in this Chamber, to support the women by supporting this Bill. I believe the appeal of the women is now being heard by the Government and it will allow passage of Second Stage. Such a decision would be a step towards justice and truth for the survivors of the barbaric act of symphysiotomy. It would mean the Bill would pass Second Stage in the Dáil and be referred to committee. There should be no question of shelving the Bill at this stage. I urge the Government to schedule Committee Stage as soon as possible and facilitate the Bill's passage, with amendments if required.

The Statute of Limitations (Amendment) Bill is brought forward in a non-partisan, non-party political way. It arises directly from the work of the all-party Oireachtas support group for victims of symphysiotomy which has cross-party and non-party support and participation. When I published it last week I acknowledged the significant and sincere contribution of Deputies and Senators of all parties and Independents in support of the campaign of the victims of symphysiotomy for justice in recent years. Having worked hard and well together, it is my earnest hope that we will see this critically important legislation safely across the line, to be fine-tuned, as required, by government in the Committee, Report and Final Stages of its pas-

sage. At a press conference last week, survivors of symphysiotomy again spoke movingly and harrowingly of their ordeal. The physical reality was put starkly and simply by Rita McCann when she stated: "If the linchpin of your body is broken, everything else falls apart." Ms McCann noted that no one in the hospital where she underwent the ordeal made any attempt to tell her about the operation she was having. "I was taken in and abused," she said. As with all the survivors, she lives to this day with the severe physical pain and discomfort and deep emotional trauma caused by this barbaric operation.

We could fill the entire three hours of this debate in Private Members' time with identical accounts and it would still not suffice to convey the enormity of what was done to the women in question. It is estimated that some 1,500 women suffered this form of abuse in Irish hospitals between the 1950s and 1980s. In many cases, years passed before the women realised or were made aware of exactly what had been done to them. They had to live with the pain and trauma without any explanation being provided. Even today, women continue to come forward, albeit in small numbers, having heard the stories of fellow victims and realising that this too is their story.

The surviving women are now advanced in years. Most of the victims, approximately 1,300 women, have passed on, some of them only in recent weeks. To their families and the families of all deceased victims of symphysiotomy, we extend our continuing sympathy and solidarity. *Ar dheis Dé go raibh a n-anam.* As legislators, we owe it to the deceased survivors of symphysiotomy as much as to the estimated 200 living survivors to act now to support them, as we are empowered to do, by opening the way to truth and justice.

The Bill before us is necessary because the bar created by the Statute of Limitations sets a time limit of two years for initiating actions in personal injury cases. While judges in other jurisdictions retain inherent jurisdiction to allow cases to proceed where justice demands, Irish legislation provides no discretion to the courts in determining whether cases may advance. The State's refusal to deal with this abuse has left survivors with no option but to seek redress through the courts, although it has taken them several decades or more to amass sufficient knowledge to do so. A small number have never sought legal advice. Lifting the statute bar, as unanimously recommended by the Joint Oireachtas Committee on Justice, Defence and Equality in June 2012, would obviate procedural battles and ensure unfettered access for all to the courts. Unlike judge in other common law jurisdictions, judges here do not have discretion in respect of the statute bar.

The overwhelming majority of those subjected to symphysiotomy or pubiotomy were young women having their first child whose knowledge of childbirth was extremely limited. Many did not realise that the injuries they suffered were other than the normal effects of childbirth, nor did they understand for many years - in most cases decades passed - that these horrendous consequences were the result of childbirth operations that had been performed on them without their knowledge or consent. These were, in effect, clandestine operations which were concealed from them by sections of the medical profession. As a consequence of this lack of knowledge, some survivors have never initiated proceedings or even sought professional advice, while many others only did so decades after the wrongful acts to which they were subjected were committed.

The Bill will allow those women currently excluded from taking legal action to do so if that is their choice. It is based on the precedent of the Statute of Limitations Act 2000, which lifted the Statute of Limitations for sexual abuse victims of residential institutions. The wording of

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the Statute of Limitations (Amendment) Bill 2013 mirrors the wording of the 2000 Act section by section. It does not establish any new cause of action but lifts the limitation period for bringing proceedings in respect of existing wrongs, more than 75% of which were committed in private hospitals that were insured at the time and are, therefore, liable for the injuries inflicted.

This outstanding issue of truth and justice for women who were mutilated in the Irish hospital system is just as grave as the scandal of institutional child sexual abuse or the ordeal of women in Magdalen laundries. In all of these cases, the injuries and wrongs done to the women and children concerned was compounded by concealment, lies, denials and decades of silence from the State and, subsequently, inaction or long-delayed or inadequate action by the State when the reality was exposed. What was, in effect, a conspiracy of powerful and unaccountable men in the medical profession made the barbaric practice of symphysiotomy possible in Irish hospitals, with no protection afforded to the women concerned from the health system or any other arm of government. They were simply abandoned to their fate.

Let us not compound these crimes – for crimes they were – by further neglect in this Dáil. We must act as legislators first, rather than as members of the Government, Opposition or political parties. We must do so as law-makers who have a duty to represent the women in question and to ensure they have a clear path to justice and truth. This is a test of our political system's ability to act on behalf of the people in acknowledging wrongs and putting them right. I again appeal to each and every Deputy to support this Bill. If it passes Second Stage, the Bill can go to committee and the Government can amend it - if amendment is required - and at last provide a way forward for these women.

I appeal to the Government to facilitate the passage of Second Stage by not dividing the Dáil tomorrow night. That is the least that we can do in response to the surviving women's appeal. It is the least that we can do in memory of all the deceased victims of this barbaric act. Let us show, together and proudly, that politics and politicians do care and can and sometimes do act in harmony in the interests of truth and justice.

Deputy Peadar Tóibín: “Symphysiotomy” is a dry, clinical word. It has the duplicitous effect of hiding the enormous damage, abuse, pain, suffering, indignity and immobility that has been inflicted on a vulnerable section of society. Listening to the harrowing details that are often recounted by faint or soft voices, one is quickly jolted into realising the life-changing misery suffered by those who underwent this procedure. I have attended a few presentations in respect of this matter in Leinster House and quite a number of those present were moved to tears by what was said. I commend the women who have pursued the campaign for justice through thick and thin. It is not easy for people to discuss their personal lives, particularly those who have undergone such difficult experiences, and it takes great courage to do so. A certain level of persistence is also required to see a campaign through over a number of years. The persistence shown in this case provides an education for and an inspiration to those of my generation.

What sets symphysiotomy apart from other invasive medical procedures is not just its brutal nature but also the fact that it was completely avoidable. Alternative procedures could and should have been used. There was no justification for the use of symphysiotomy then and there is no justification for any delay in the delivery of justice now. This barbaric procedure affected approximately 1,500 women, many of whom came from my county, Meath, and attended Our Lady of Lourdes Hospital in Drogheda. This procedure was executed on women who attended that hospital not at some period lost in the mists of history but as recently as 1992, long after other hospitals had ceased to use it. This is another important reason the clinical governance of

that hospital should be examined.

Symphysiotomy operations were undertaken on foot of a desperately narrow interpretation of a religious ideology. No consideration was given to the actual medical needs of the mothers involved. No alternatives were offered and no explanations were given as to the long-term effects of the procedure. At no point was the informed consent of the women who underwent this procedure sought. These women entered State care as expectant mothers and they left it as injured victims. While these events may seem historical in nature, their outcome is still sadly being felt. There are a number of very brave women who continue to bear the scars of what was done to them. Time is a significant issue in the context of this matter. In the past, foot-dragging has only added to the suffering and injustice visited upon people. There are few matters in respect of which the phrase “justice delayed is justice denied” rings so true. There is a desperate need for the Oireachtas to do everything in its power to expedite this issue as soon as possible.

There is a great deal of scepticism with regard to politics at present and many see it has a zero-sum game which is all about posturing and positioning and which gives rise to no real change. Like many in this Chamber, I entered politics to bring about change. We are faced in this debate with one of those rare and fleeting opportunities to tackle a gross injustice and to really change people’s lives. I hope the Government will indicate its support for the Bill and I will be delighted if it does so. I also hope that all of the parties represented in the Oireachtas can show that politics actually works. These women have suffered needlessly and they have lived most of their lives in pain and silence. Rejection of the Bill would literally add insult to injury.

I pay tribute to my colleague, Deputy Ó Caoláin, on his phenomenal efforts to progress the campaign relating to this matter. I also pay tribute to the cross-party victim support group, the members of which left their political differences aside and elevated the debate on this important matter to the level at which it deserves to be discussed. Furthermore, I pay tribute to Marie O’Connor and the Survivors of Symphysiotomy group on their tireless campaigning and work. Most of all, I applaud the inspiring women, many of whom are present in the Gallery, who have gone through thick and thin to ensure they obtain justice.

Deputy Pádraig Mac Lochlainn: I congratulate my colleague, Deputy Ó Caoláin, on introducing the Bill and on all the hard work he has done in respect of this issue. I take this opportunity to mention Arthur Morgan, our party’s representative for Louth in the previous Dáil, who, in conjunction with Deputy Ó Caoláin, also worked extremely hard on this issue. I welcome to the House the women from the Survivors of Symphysiotomy group. These women have shown incredible bravery and strength throughout their ordeal. I have the utmost respect and admiration for them. I pay tribute to Marie O’Connor who has worked with them and brought her considerable expertise to bear on their campaign.

Symphysiotomy is a cruel and dangerous childbirth operation that unhinges the pelvis, severing the symphysis joint or, in the case of pubiotomy, sundering the pubic bones. Ireland was the only country in the developed world to practise this discarded surgery in the mid to late 20th century. At least 1,500 of these 18th century operations were performed here from 1942 to 2005, mostly in Catholic hospitals. Approximately 200 women who underwent this procedure survive today, many of them permanently disabled, incontinent and in pain. Some lost their babies during the procedure. These operations were performed in preference to caesarean section, the standard treatment for difficult births. The women involved were subjected to a barbaric and cruel practice of which the State should be ashamed. Not only should the State be ashamed of how they were treated, it should also be ashamed of the length of time it has taken for them

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to find truth and justice. The latter, it is hoped, will be forthcoming in the very near future. The women to whom I refer were subjected to brutality many years ago and they are still being subjected to a form of it now because they are prevented from seeking redress.

A wide range of Deputies will contribute to the debate on the Bill. However, that is not enough. It is not sufficient to stand up in the Chamber and simply empathise with these women. We are legislators and we must legislate in the best interests of all the citizens of this State, including the women who have come here tonight hoping for some acknowledgement in respect of the hideous procedure to which they were subjected. That is what we are here to do and it is our duty. As justice spokesperson for Sinn Féin, I want to see justice done. After all these years and all the trauma inflicted upon them, these women must be able to seek the redress they so rightly deserve.

That which has been introduced by Deputy Ó Caoláin is a legal necessity. The bar created by the Statute of Limitations sets a two-year time limit on initiating actions in personal cases and it has blocked the efforts of many of the women affected by symphysiotomy. As most Members are aware, the Oireachtas Joint Committee on Justice, Defence and Equality recommended the lifting of the statute bar in June of 2012. These women will finally be able to take legal action, if they so desire, if that bar is removed.

Since taking my seat in this Chamber, we have engaged in numerous debates in respect of women and the way they have been treated by the State. We owe it to the women of Ireland to allow the Bill before the House to pass Second Stage tomorrow night. We must face up to our shameful record on the relationship of women with this State and begin attempting to right the wrongs to which I refer. Many of the women who were subjected to the cruel procedure of symphysiotomy have sadly passed away. The State let them down. Let us not visit a similar fate on one more survivor. This House must legislate for these women and it must do so now.

Every Deputy was deeply moved when the Taoiseach finally apologised on behalf of the State for the Magdalen laundries. We met the women afterwards. It meant a great deal to them. We must still bring the issue of redress home, as we must the issue of Bethany Home. Our people must face a number of great shames. The heroic, inspirational and wonderful women gathered above the Chamber tonight must be given the same apology by the Taoiseach on behalf of the State as well as the redress to which they are entitled. The Bill must also be passed. All of this is what they deserve, no more and no less.

Deputy Sandra McLellan: I welcome the opportunity to contribute on this Bill. I commend my colleague, Deputy Ó Caoláin, on laying it before the House. I also wish to take the opportunity to extend a warm welcome to the many survivors of symphysiotomy who are present in the public gallery this evening.

Yet again, the House is about to discuss an issue that concerns Irish women and the nature of their relationship with the State. Recently, the contours of this relationship have slowly begun to emerge. This opening up or shift can only be explained by one factor, that is, pressure. It was the act of women coming together that finally shed light on the warped, brutal and violent nature of this relationship. It is women and women's groups that have in many respects been in the vanguard in pushing the door open and in shedding light on the many dark secrets of our collective and, in this instance, recent past.

Since the foundation of the State, there have been many campaigns by women, almost all

of which have sought to vindicate the rights of women and to challenge patriarchy. If there is a common thread that runs through this history of activism and unites these disparate social movements, it is the challenge to State-centred patriarchy and the secondary status that this confers on women.

A number of forces - patriarchy, the Catholic Church and the gendered nature of the State - have combined to produce a discourse about women and the female body that is State centred, conservative, domineering and male. In this hegemonic world view, women were controlled, disciplined and punished. Sexuality, childbirth and virtually everything to do with women and their bodies were subject not only to the male gaze, but more importantly to official male intervention. We should not be surprised that, in more recent times when Irish women have challenged the State and institutionalised patriarchy, the female body is the pre-eminent site of struggle.

Unlike other European states, the Irish State and its institutions and bureaucratic apparatus have never respected nor acknowledged the autonomy of adult women to control their own bodies. Unlike the European tradition, the notion of self that is embedded in the institutional fabric of the Irish State is the male self. The very fact that the survivors of symphysiotomy have needed to struggle, campaign and organise for more than ten years to get justice shows that, when it comes to issues to do with the right of a woman to the ownership and autonomy of her body, the State is often found wanting.

As a member of the all-party Oireachtas committee on symphysiotomy, however, I know that politicians from all parties and none want to do right by women on this issue. At a time when politics and politicians are the subject of much criticism and ire, it is heartening to know that we can work together constructively in an effort to right a terrible wrong when we have a common purpose and are guided by a sense of fairness and justice.

I take this opportunity to commend all of the women who worked on this campaign, in particular the action group Survivors of Symphysiotomy. It is important for people to get justice. We must acknowledge and accept that this country does not have a great record when it comes to women. While it would have been better had this procedure never been performed and that the very notion of symphysiotomy had been alien to us, it is none the less only fair to say that, in some instances, this hopefully being one of them, the political system can and does work in the interest of justice. It would be timely and most welcome for the State to have the courage to offer reparations and to vindicate finally the rights of these particular women. It would be a good day for the women of Ireland.

Deputy Seán Crowe: Here we are again discussing another terrible crime against women that occurred in the not too distant past. Here we are again discussing the pain inflicted on women by society, but mainly by men. Here we are again discussing a brutality inflicted on women because of the moral stance taken by society, mainly by men.

In recent months, Deputies have spoken of their righteous outrage at what occurred in the Magdalen laundries. They have expressed their sympathies and regrets about what was done to the women imprisoned there. Tonight presents an opportunity to discuss the hurt and pain forced on the survivors of the barbaric practice of symphysiotomy. Not only do we have a chance to discuss this crime against women, but to right the wrong perpetrated on this group.

Symphysiotomies involve the sawing of a pregnant woman's pelvis to facilitate childbirth.

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As we have heard from women, it results in long-term health problems, including chronic pain and incontinence. This barbaric act was carried out in the State between the 1940s and the early 1990s, long after such operations had been discontinued in other countries. The process was secretive and women who underwent the procedure had to carry the burden alone, unable to speak publicly of their pain.

Symphysiotomy was a callous attempt to push religious beliefs and values on innocent women. Many symphysiotomies were carried out illegally and doctors failed to get the consent of their female patients. It appears that the procedure was only applied to public patients in hospitals with a strong Catholic ethos. It was viewed and performed by some as an alternative to caesarean section. Some viewed the latter as a cap on the size of families, since a mother who underwent it was restricted to having four children at most. During the decades in question, the Catholic Church expected women to give birth to as many children as possible. Restricting a family to “only” four children was regarded in some church circles as unnatural and an abomination. As contraception was not available to most women, symphysiotomies were used to allow women with difficult births to continue to reproduce.

I have worked with fellow Deputies on the victims of symphysiotomy all-party support group. I have met and spoken with many victims. They were hurt by the Walsh report, which was commissioned by the Government. It concluded that 97% of symphysiotomies carried out in Ireland were in line with acceptable medical practice. The survivors were not asked for their opinions, their stories or about what they had been forced to endure.

Tonight’s Private Members’ business gives us the chance to right the wrongs inflicted on these women and remove this whitewash of history. They were not medical exceptions. The Bill is modelled on the 2000 legislation to allow victims of child sex abuse in residential institutions to seek compensation. It would lift the two-year statute of limitation that prevents many victims from seeking compensation in the courts.

In recent months and years, we as legislators have debated and read about women who fell victim to the State’s brutality. Approximately 1,500 women underwent this brutal procedure, fewer than 200 of whom are alive today. We should hang our heads in shame. In these now elderly women’s fight for justice, they met barriers when they turned for help. They have mostly been let down by men.

The women have the simplest of demands, namely, the lifting of the statute of limitations so that they can get redress and receive proper recognition for what was inflicted on them. As Mr. Michael Clifford wrote in the *Irish Examiner* in November 2012: “The State broke their bodies not their spirit”. Tonight and tomorrow night, the men and women of this House can begin to right the wrongs inflicted on these women.

8 o’clock

Deputy Seamus Kirk: I thank Sinn Féin for the opportunity to contribute on the Bill, which Fianna Fáil supports. It took a long time for health services in this country and elsewhere across the world to evolve into the modern treatment facilities we have in many places today. In many areas of medicine the abandonment of inappropriate and outdated practices has taken time. The procedure of symphysiotomy is a very good illustration of the point. Between 1944 and 1992 it is calculated that 1,500 such operations were carried out in maternity units in this country. In many cases women suffered lifelong disability because of the procedure, often in silence.

Thankfully, the procedure is no longer practised in maternity hospitals. Since 2003 a health package has been available to approximately 100 women who suffered the ill effects of the procedure. In 2011, Dr. Una Walsh, senior research fellow in medical history at UCC, was appointed to review the practice of symphysiotomy in this country. The report was conducted in two stages. The first draft report contains information about the frequency with which symphysiotomy was carried out in this country. The second stage involved a consultation with patient groups, health professionals and, in particular, the women who had undergone symphysiotomy.

The key provision in the Bill is to set aside the Statute of Limitations to enable survivors to achieve redress through the courts. The stories of survivors are deeply upsetting and distressing. Survivors and their families feel a great injustice has been visited upon them and we agree. We must address the situation immediately. I appeal to the Minister for Health, Deputy James Reilly, and the Minister of State at the Department of Health, Deputy Kathleen Lynch, who are present, to take on board the points that have been made on the issue of which we have been aware for some time. Those who suffer, in many instances in silence, must have their cases addressed. The time is now. I urge the Minister to act.

An Leas-Cheann Comhairle: The next speaker is the Minister for Health, Deputy James Reilly. I understand he is sharing time with Deputies Heather Humphreys, Gerald Nash, Robert Dowds and Andrew Doyle. Is that agreed? Agreed.

Minister for Health (Deputy James Reilly): I welcome the opportunity to address the House on this important issue. I also welcome the women who are present in the Gallery, many of whom suffered as a consequence of the procedure. I can only imagine the level of distress that symphysiotomy has caused to the women who underwent the procedure and recognise the pain and ill health they have endured as a consequence. I reassure the House and the ladies present that I and the Government are committed to dealing with the issue sensitively so that it can be brought to an appropriate and fair conclusion for all the women affected. For those reasons I have agreed to accept the Bill, although I have been advised that it contains serious flaws and also that it might not achieve the objectives intended by Deputy Ó Caoláin. To oppose the Bill would send the wrong message. I want to send a strong message to the women involved that I intend to help them get closure on the matter in the fairest and fastest way possible.

Deputy Andrew Doyle: Hear, hear.

Deputy James Reilly: At the outset I wish to explain what symphysiotomy is and to give some background and context about its use as a surgical procedure and, specifically, its use in this country. Symphysiotomy is a medical procedure that was primarily used before the advent of safe caesarean sections. It was introduced into Irish hospitals to help women who had difficulty giving birth due to narrow or obstructed birth passages. The procedure was carried out in this country from approximately 1920 until the early 1980s, long after it had been discontinued elsewhere. It was gradually replaced by caesarean section as the preferred method of delivery in childbirth, where required. A pubiotomy involved cutting the pubic bone rather than the joint of the symphysis pubis. It is difficult to understand why the practice persisted when caesarean section was so safe in the latter half of the 20th century. As a doctor I deeply regret that.

As Minister for Health, my first priority is to make sure that the health needs of those who have had a symphysiotomy are met quickly and effectively. I have discussed the matter with my ministerial colleagues, Deputies Kathleen Lynch and Alex White, and with the Cabinet. With that in mind we are committed to ensuring that the greatest possible supports and services

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are made available to women who continue to suffer effects of having undergone the procedure. The women concerned continue to receive attention and care through a number of services which have been put in place by the HSE. The services include the provision of medical cards to all who request them; the availability of independent clinical advice for former patients; the organisation of individual pathways of care and the arrangement of appropriate follow-up for women, including specialist triple assessment - medical, gynaecological and orthopaedic, counselling, physiotherapy, reflexology, home help, acupuncture, osteopathy and fast-tracked hospital appointments where that is appropriate; the refund of medical expenses related to symphysiotomy in respect of medication or private treatments; a support group facilitated by a counsellor which was set up in 2004 in Dundalk and Drogheda for women living in the north-east region; and the nomination of a national lead officer for symphysiotomy in the HSE. In addition, there are five designated regional liaison officers in place across the regions of the HSE. The provision of the necessary support services for women is monitored and overseen by the HSE, which is committed to being proactive in offering help to women who underwent a symphysiotomy and who may wish to avail of the services.

We must act on the basis of the best evidence and advice that is available on the issue, as in all aspects of the health services. To that end, the chief medical officer of my Department commissioned an independent research report into the practice of symphysiotomy in Ireland in 2011. The aim of the report is to provide an accurate picture of the extent of the use of symphysiotomy in this country, and an examination of the practice here relative to other countries. It will include an assessment of the circumstances in which the procedure was carried out, what protocols or guidance existed at the time for professional practice and details of when the practice changed and why.

The specific terms of reference the researcher has been given are to document the rates of symphysiotomy and maternal mortality in Ireland from 1940 to date, by reference to available data, including annual reports and other reports; assess symphysiotomy rates against maternal mortality rates over the period; critically appraise international reviews of symphysiotomy practice in this country and associated rates in a number of comparable countries; and to review any guidelines and protocols that applied in Ireland on symphysiotomy over the time period.

The researcher was asked to write a report based on the findings of the above analysis providing an accurate picture of the extent of use of symphysiotomy in Ireland, and an examination of the Irish experience relative to other countries. The academic researcher concerned was formally appointed in June 2011. The report was conducted in two stages. The first stage was an independent academic research process that analysed available documentary evidence. The first stage did not include interviews with individuals directly involved in symphysiotomies, namely, mothers, practitioners and midwives in particular. This approach was central to the production of an independent report, compiled without influence or input from vested interests.

The second stage of the research process was a consultation process on the draft academic research report. The consultation process directly involved patient groups, health professionals and, in particular, the women who have undergone a symphysiotomy. The second stage of the research took place during mid-2012. The consultation process was advertised to the public in the national newspapers and also through the co-operation of the symphysiotomy support groups in order to reach as many interested persons as possible, particularly the women themselves. A number of consultations were held at different locations throughout the country. The sessions were conducted solely by the researcher. It was also open to interested persons to make submissions in writing or by e-mail directly to the researcher. The second stage has just

been completed by the researcher and the report has been sent for peer review, in line with best practice. It is expected that the report will be finalised and submitted to me in May, at which time I will examine it and consult further with the Government. It is intended that the finalised independent report will inform the Government's overall consideration of this matter, including any actions that may be required and also any legal implications.

The law concerning the limitation of actions is set out primarily in the Statute of Limitations Act 1957, as amended. I understand the statute provides that a plaintiff has two years from cause of action to bring a personal injuries action or two years from 'the date of knowledge within which to institute legal proceedings. Consideration of these matters raises significant policy and legal issues which have wide-ranging implications. This includes the fact that the State has an overall duty under the Constitution to provide for the administration of justice in a manner which respects the principles of due process and strikes a fair balance between the rights of plaintiffs and defendants.

All options will be actively examined within my Department in association with the Department of Justice and Equality and the Office of the Attorney General, as legal advice indicates that lifting the statute bar raises very complex issues that require broader consideration on a cross-departmental basis. I have been informed by the Department of Justice and Equality that the current limitations of actions regime is the subject of a report and recommendations published by the Law Reform Commission in December 2011 which considered the existing framework to be unnecessarily complex and in need of reform and simplification.

Ireland is now one of the safest places in which to give birth to a baby. We have one of the lowest maternal and perinatal mortality rates in the world. Ireland is also one of the safest places to have a Caesarian section and we should be proud of the fact that we are recognised internationally as leaders in the field of obstetrics. Sadly, this was not always the case.

Recent legislation requires doctors to maintain and update their competence. These new requirements for doctors to maintain their professional competence are a significant step towards providing assurance that medical practitioners are appropriately qualified and competent to practise safely. The national clinical effectiveness committee last year published a framework for national endorsement of clinical guidelines and audit. The implementation of these national clinical guidelines is intended to improve health outcomes for patients, reduce variation in practice, improve the quality of clinical decisions, influence health service policy and inform service users and the public about the service they should be receiving. Indeed, had these been in place many years ago, the practices to which many of the women here were subjected would not have occurred. These and many other developments are ensuring that the health system is moving to fulfil the vision of the Commission on Patient Safety and Quality Assurance, that is, one where knowledgeable patients are receiving safe and effective care from skilled professionals in appropriate environments with assessed outcomes.

The new clinical programmes being developed and implemented in the HSE are one of the most important developments in this regard. They are currently led in the HSE by the directorate of clinical strategy and programmes which was established to improve and standardise patient care throughout the HSE by bringing together clinical disciplines and enabling them to share innovative solutions to deliver greater benefits to every user of the HSE's services. These programmes are a multidisciplinary initiative between the HSE and the various faculties and generally include patient representatives. Each programme, including the obstetrics and gynaecology clinical programme, is led by a senior clinician. The aim of the obstetrics and

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gynaecology programme is to improve health care choices for women. Its initial work aims to implement key guidelines, establish local programme implementation groups to facilitate change, develop national models of maternity care, develop a standard approach to capturing and reporting audit and performance metrics, develop solutions and guidelines to reduce the number of multiple pregnancies requiring intensive care and develop work force planning and training models and strategy.

More generally there has been considerable progress in terms of the options for maternity care available to expectant mothers in Ireland. They now have a number of choices they can make in respect of their obstetric care. Women may opt for a combined care package with their GP and a hospital, under the maternity and infant care scheme. There are also a number of midwifery-led units nationally which offer the opportunity to expectant mothers to give birth in a uniquely designed birth room, cared for by a team of experienced midwives. These units are located close to hospitals should an emergency arise that requires specialist intervention.

In February this year, I launched an important new patient safety initiative, the first national clinical guideline, the national early warning score for Ireland, known as NEWS. The early warning scores for obstetric patients have different points for escalation of care. The Irish maternity early warning scores, IMEWS, system was developed by the obstetrics and gynaecology clinical programme in the HSE. It was issued to maternity units in early April and is in the process of being implemented. In addition, the HSE has established a national group to oversee the implementation of the national recommendations arising from the investigation team's draft report into the death of Ms Savita Halappanavar.

While these developments can bring further improvements to maternity services in the future, I am committed to addressing the issues that have arisen from past practice, specifically with regard to symphysiotomy. The Government is also committed to dealing with this issue with all the sensitivity which is undoubtedly required, to do whatever is necessary to bring it to a conclusion, in so far as is possible, for those affected by it. I have outlined the supports that have been provided to the women affected and the progress in finalising the research report. I hope to bring finality to this issue as soon as possible and I firmly believe that the women who have had this procedure deserve nothing less.

The Government is not persuaded that lifting the bar on the Statute of Limitations will resolve the problems facing the women who wish to bring their cases before the courts. The statute is, in itself, a constitutionally permissible limitation on the right to litigate and the possibility of a constitutional challenge on the grounds that it unfairly prejudiced defendants and, or, was discriminatory between classes of defendants or classes of plaintiffs could not be ruled out. Women may be encouraged to bring actions which may, for various reasons, ultimately have little prospect of success while at the same time generating high litigation costs for both plaintiffs and defendants. However, to signal my intent to do whatever is possible to bring closure for these women, I will support Deputy Ó Caoláin's Bill. In addition, when I am in receipt of the facts that will be presented in the independent research report, which will of course include details of the consultation process with the women who underwent this procedure, and any recommendations in this matter, I will brief Government again on the matter, so that we may decide, in an expeditious fashion, on further action required. These actions must bring closure for the women concerned who have been harmed. We cannot give them back their lives but we can make sure that our actions ensure that the resources we have flow to them and not elsewhere and act as a signal of our good intent in this. When I say expeditious, I do not mean years. I mean this year.

Deputy Heather Humphreys: I welcome the commitment given by the Minister for Health this evening not to oppose this Bill. I also welcome his intention to deal with this issue and to do whatever is necessary to bring it to a conclusion for those affected by it. I welcome the survivors of symphysiotomy who are in the Public Gallery. I spoke with some of them earlier and know this is an emotional day for them, their families and friends. It was a momentous occasion for the survivors when, in March 2012, the practice of symphysiotomy was debated in the Dáil for the first time. As a new Deputy, elected for the first time in 2011, that was, and remains, the most emotional and poignant debate I have heard in this House.

These women have had to endure tremendous suffering for over 40 or 50 years, due to the practice of symphysiotomy. This procedure, carried out in many cases without the permission of the patient, has left many women with permanent health issues relating to mobility, incontinence, pain and depression. I pay tribute to the women who have come forward and told their stories. They have shown enormous courage and resilience. Every time they recount their story they relive the horror of what they went through. When they speak, they are not just speaking for themselves but sadly, they are also speaking for those who are no longer with us. In the majority of cases, this procedure was carried out over 40 years ago. Some of the women are now in old age and have been campaigning for justice all of their lives. They should not have to wait any longer.

I am a mother of two children. Some of the stories I have heard, of how women were restrained, their arms pulled back and held down for this procedure to take place, made me feel physically sick. It should be a source of shame for us all that women could be treated in such a way in our country. Having a child should be a happy occasion for every family but the sad reality is that this procedure has left women mutilated for life, to the extent that it has dramatically impacted on the quality and enjoyment of their lives.

It has affected women from across the country, including women in my constituency. I recently met a lady in my office who had a symphysiotomy carried out in Drogheda when she was 22. Since then she has been incontinent and battled depression. She was not told she had the procedure carried out and felt she had failed as a woman to have a normal birth and it was her fault. Nobody listened to her and she was told to get on with it and not be making a fuss. One can only imagine the effect this would have on mental health. I spoke to another lady who for 40 years has buried the experience and has not spoken about it because there is a stigma attached to mutilation.

As we are all aware, we are living in extremely difficult financial times but sometimes one must look past the economics of an issue and seek to do what is right. These women deserve justice and an adequate and fair compensation scheme. I commend my constituency colleague, Deputy Ó Caoláin, on bringing forward the Bill. He convened the all-party Oireachtas group of which I am a member and he has put much work into the issue. This matter has cross-party support and I am part of a Government that has not just listened to the concerns of these women but which is prepared and committed to doing something about it. As the saying goes, actions speak louder than words.

Deputy Gerald Nash: Although it is ten or 11 years ago, I remember as if it was yesterday sitting in the then meeting rooms of the Drogheda area women's network at Rope Walk in Drogheda, listening to up to a dozen women telling me and the then Sinn Féin Deputy, Arthur Morgan, of their horrendous experience of symphysiotomy. Until that meeting I had never heard of that barbaric procedure and I was transfixed, disturbed and upset by what I heard that

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night. I was distressed that this procedure was carried out in my local hospital during my lifetime and upset that many of the women who gave testimony that night were well known to me. I admired their courage, their ability to open up and the way they put on the record in front of me and others from my community and town exactly what happened to them and how it had an impact on their lives and families. I admired those women then and my admiration has only grown over the years.

I now count many of these women as personal friends and they are with us this evening in the Gallery. That night, over ten years ago, I committed to continuing to support the rights of these brave women to access justice, recognition and recompense. I promised myself and these women from Louth, Meath and throughout the country that if I were ever in a position to do something to advance their battle for justice, I would do just that. Thanks to many of these women I am now a Member of Dáil Éireann and I take that responsibility very seriously, as I do my obligations to the survivors.

I decided a long time ago that a grievous wrong was done to these women and I am not a late arrival or convert to this issue. I have always held these views. I have held the hands of women - many my mother's age and friends of mine or my family - when they have opened their hearts to me. That has had a significant impact on me and tonight I am pleased we can have a consensus on the issue before us. As a Legislature we may too often divide along party lines but it would be a tremendous gesture of our common humanity to enable, in every possible way, an unimpeded way to justice with this particularly heartbreaking issue. I look forward to the calls of justice for the survivors being heeded soon and accepted formally by this State in various forms. That day has been too long in coming but I hope this evening's debate and the work of this House and many of its Members over the years will move the call for justice a significant step forward.

Deputy Robert Dowds: I welcome the women in the Gallery and thank the Minister for his commitment to deal with the issue within the year. I also thank Deputy Ó Caoláin for putting this Bill before the House.

I knew nothing whatever about symphysiotomy until my colleague, Deputy Ann Phelan, and one or two other Deputies, drew my attention to it. I found it nauseating and quite difficult to believe that such physical damage could be done to a pregnant woman's pelvic area in order to allow a birth in the 20th century. The practice of symphysiotomy meant some survivors were left with severe and lifelong after-effects such as those outlined by Deputy Humphreys, like incontinence, impaired mobility and so on. It seems incomprehensible that 1,500 women underwent such procedures between 1944 and 1992, given that from the late 19th century it became increasingly possible to do safe caesarean sections.

When I wrote this speech, I had not been thinking of situations familiar to me but I have realised that the practice continued in Drogheda at least until 1992. My son was born in 1984 by caesarean section because my wife had a very difficult pregnancy. He was born in the Coombe hospital and my wife always had tremendous praise for all the staff there, as everything was done to see that his arrival was safe. Thank God it was so. For another eight years afterwards, this barbaric practice was continued in at least one other hospital, which I can hardly believe. That flies in the face of the experience I know my wife and many other women had in the Coombe and many other hospitals. We know the caesarean section practice was safe so why in the name of God was the symphysiotomy practice continued until 1992?

From conversations with Deputy Nash and one or two others I know that the practice seemed to persist particularly when treating women who were less well connected in society. There is no logical answer to why that is so. What was going through the minds of any medical practitioner carrying out the practice at the time? I am very pleased by the reaction of the Minister and I hope he will deliver on that promise. It is very important for the Government and the people of the country that it is delivered as rapidly as possible.

Deputy Andrew Doyle: I welcome the opportunity to speak to this Bill. With my colleagues, Deputies Buttimer, Regina Doherty and Heather Humphreys, I have been part of the all-party committee examining the symphysiotomy issue with colleagues across the floor of the House. I acknowledge the primary role of Deputy Ó Caoláin in trying to keep this on the agenda and the way he has worked with all of us to try to come to a resolution that does not create any difficulties in the political sense.

I welcome the Minister's acknowledgement of the intent of the Bill, even if he feels it may not deliver what is intended. I hope he, in conjunction with the rest of the Members here, intends to deliver tonight's objective, which is to bring about the beginning of the end of the road in the struggle for justice for the people affected.

Deputy McLellan said this was a violation of women mainly by men. The men among us have a duty to make sure we take part in this process and help to bring it to a conclusion. If we do not, we have failed. I have a son who was born in 1992 and it is as hard to believe that as recently as that, when I thought we were in a modern society with best medical practice in use and archaic methods banished, there was still a mindset that would allow such a thing to happen in this country. It is scary to think this persisted as recently as 20 years ago. It says a lot about the relationship between the powers in the church hierarchy, the medical profession and the political families in this country that it was tolerated until so recently. It smacks of hypocrisy that some people are putting so much pressure on those of us in the House on other matters, which I feel strongly about and I take great umbrage when I am being told people are worried about my soul.

We must deliver justice; that is what we all want to do. I believe the commitment the Minister has given. We have seen with the recent events related to the Magdalen women that when we try to work things out collectively when we see a grave injustice, we can do it. I hope we have achieved that before the end of 2013 because it is no less than the people here and others who have suffered deserve.

I had no knowledge of symphysiotomy and I only now realise that I have neighbours and constituents who underwent this procedure. As recently as last week, a man said to his son in front of me that his mother had undergone this process when he was born. I was oblivious to this.

We have learned a lot in the last two years since the committee was set up. I welcome the Minister's commitment that we will see this matter concluded by the end of 2013, with due recognition and compensation for these women and their families.

Deputy Billy Kelleher: It is just over a year since an all-party motion was passed in this House on the issue of symphysiotomy. Like other speakers, prior to that I was not aware of the procedure. I have attended maternity hospitals in recent years and while I found the experience daunting, it was patient-focused and centred, with the patient at the heart of all decision-making

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processes. To be informed by the survivors of symphysiotomy of their harrowing experiences was very disturbing. Those meetings in the audio-visual room, where the women outlined in detail their personal stories, which were intimate and tragic, resonated with everyone who attended. The all-party motion put before the House to call for action to put right what was done to these women was passed unanimously.

I welcome the fact that the Minister is not dividing the House on this legislation. I am no constitutional expert and I do not know if the Bill is flawed or not, but its purpose is to keep this issue to the fore to ensure justice will be done and that the women will get the opportunity to tell their stories and seek redress and compensation for the damage done many years ago. It is in that context that although the Bill might not achieve all it sets out to achieve, it is important we keep the issue of symphysiotomy and what was done to these women at the top of the agenda.

I welcome not only the fact the House will not be dividing on the issue, but the remark made by the Minister in his speech that he hopes to bring finality to the issues as soon as possible and that he firmly believes the women who underwent this procedure deserve nothing less. That is a very important statement of intent on behalf of the Government. It is in that context that we must be honest. This Bill, if it passes Second Stage tomorrow night, must still go through Committee Stage and all the other debates in the Dáil and Seanad. It could take some time for the legislation to reach the Statute Book, even with the support of the Government. Even then, do we then expect every woman to go to the Four Courts to seek vindication? I do not believe that is what the Oireachtas wants to happen. We want a redress scheme to be put in place for women to tell their stories and see that we believe them and that we will arrange compensation for them accordingly. That is critical. We cannot ask these women, even if the Bill is passed, to go before the courts with a plethora of lawyers and solicitors to prepare cases. They do not deserve that. I urge the Minister to act in that light.

Politics works at times. We have had major discussions at all-party committees on this issue and the House has never divided on the issue. The fact it is not dividing tomorrow night is symbolic of the importance all Members and all parties attach to this. I was part of a Government that should have acted on this issue. There were at the time the issues of child sex abuse and scandals in the institutions of the church. We will have many more areas of society that must be unearthed and opened up in order that we can accept major wrongs were done to sections of our society.

Tonight, however, I want to focus on the fact that we have, as the Minister pointed out, excellent maternity services. There is the issue in Galway surrounding Savita Halappanavar, and that investigation and inquest is ongoing. In general, however, and going by my experience as someone who has attended a maternity hospitals on a few occasions in recent years, these are wonderful places with great quality of service and staff. They work under enormous pressure and deliver an exceptional service, always ensuring the patient is at the heart of every decision. That is a key change in service delivery. The customer, or in this case the patient, is always consulted. Some of these women did not know the procedure had been carried out on them, they were under anaesthetic, and sometimes left hospital without having been informed that his had happened. I cannot even comprehend this could have happened in this State as recently as 1992.

We must learn lessons from this. We must address the central issue, which is to ensure these women have all the medical support possible, that they receive compensation and redress, that they are believed and that we do all in our power to demonstrate that. In the meantime,

we should also learn from their experience. I was concerned to discover there seemed to be no peer reviewing of how obstetrics was being carried out in some hospitals. As we embrace modern technologies and advances in medicine and health care delivery, we should also ensure peer reviewing takes place regularly. It is the norm now and there are huge bodies of support internationally for such practice, and we should ensure that is a major component of Irish medicine. We must continually look for new procedures and improved ways to deliver services. In the context of obstetrics, I hope we have learned from this sad story that we have been told by the survivors of symphysiotomy. As I stated, we must also ensure that we put procedures in place, learn from that and other mistakes, and deliver a maternity service in which all women will have confidence knowing, when they go to have what should be an enjoyable, if painful, experience in the context of delivering a child and bringing life into the world, that they will have exceptional care and that fellows like myself can have the confidence to hold their hand and assist, and sometimes, as can be the case, even pass out.

I say to the women here tonight that this is an important step. We need not maintain pressure on Government because I believe it is anxious to resolve this as well, but we must keep to the fore the telling and relaying of these women's story so that they know they have the support of those who represent them in Dáil Éireann and that we will continuously advocate on their behalf until such time as we can look every one of them in the eye and say that their story is believed and they have received vindication through whatever means possible. I hope that we do not face the situation where there is the unfolding and sorry sight of women continuously having to seek justice through the courts when we ourselves have the ability to deliver it here in some form of redress.

I welcome the independent review being carried out by Dr. Oonagh Walsh from UCC at the request of the chief medical officer of the Department of Health. In itself, the second stage of talking to the survivors of symphysiotomy and the medical professionals, such as midwives and obstetricians, will allow women to detail and document what happened to them, why it happened to them and allow them a platform to discuss the issue. I presume this has been done in private. I still think that if women want an opportunity to discuss and outline what happened to them and if they want a public forum for that, such a forum should be afforded to them to discuss this issue and outline what happened to them at the hands of the State given that they were victimised and brutalised in public hospitals.

There were some 1,500 symphysiotomies performed since 1944. That is quite a large number of these appalling brutal procedures. It is worth investigating the reasoning the procedure was carried on for so much longer in Our Lady's Hospital in Drogheda. Mrs. Olivia Kearney took a case to the Supreme Court and was vindicated. She won her case. The judge was explicit in his views in his findings, that it was a procedure that was unnecessary in Mrs. Kearney's case. All the medical and documentary evidence that was presented to the court proved that to be the case. That Supreme Court judgment would lead me to believe that there needs to be some unearthing of what was happening in that hospital and in other hospitals that were performing symphysiotomies over and above what was considered normal in the context of international practice.

I cannot understand that this practice was continued here while across Europe these procedures were not being used at all. We were embracing caesarian sections for difficulty deliveries, and that is why I come back to the importance of learning lessons in the context of peer reviews.

I do not know whether this Bill will answer these women's questions. It will give them an

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opportunity. What I do know is that in the context of this particular Dáil, and my involvement in it, we will continuously pursue this matter in a consensual, all-party way and hope that the Government can come forward with a mechanism that allows these women to seek compensation, redress and all the supports that they deserve. Recently the Taoiseach, in the context of issuing an apology on behalf of the Government, Dáil and State to the Magdalen survivors, mentioned this issue as well. It is incumbent on everyone here to ensure that this is kept to the fore because these women deserve it and, in many cases, they need it.

I welcome the statement by the Minister, Deputy Reilly. I also welcome Deputy Ó Caoiláin's significant involvement, not only in the context of the legislation but in promoting an all-party consensual atmosphere here to deal with this tragic case in terms of what was perpetrated on these women. I welcome the fact that the House is not being divided on this legislation and, more importantly, that as the report is published and presented to the Minister he will move expeditiously and carry out the commitments he made to allow these women to get on with their lives, seek justice, vindication and, above all, the truth so that they can live out their lives knowing that a wrong was done to them and that the State apologised and tried to put it right. As to whether the State will put it right for every individual, we must seek to ensure that it makes every effort to do so.

An Leas-Cheann Comhairle: I understand Deputy Finian McGrath is sharing with Deputy Maureen O'Sullivan.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity of speaking in this important Private Members' debate on the survivors of symphysiotomy.

I thank and commend all of the survivors for their great work, dedication, perseverance and courage in bringing forward this issue after many years of hard suffering and pain. In the past I have supported these women and I support the Bill. I also thank and commend all of my colleagues in the Dáil from all political parties and my Independent colleagues for sticking together and supporting these women.

Today, at 4 p.m., I listened to the women again make their case for justice and fairness. I agree with Dr. Andrew Rynne when he stated that their trust was betrayed and there was no justification for what happened, except a ridiculous morality or a weird view of family planning. They were like lambs to the slaughter and there was no justification for this practice. At today's meeting, Catherine from Ballyfermot described in detail the horrific experience, the significant pain for three days at the age of 29, and then that it was six weeks before she came out of the hospital. Catherine has suffered since. It was inhuman and it was a grave injustice. Rita from Monaghan described in detail her harrowing experience and how nobody told her husband what they were going to do. It was barbaric and she did not see her baby for two days. That was the reality for these women.

It is up to all Members of the Dáil and Seanad to support these women. That is what I am doing here tonight, I am joining my colleagues in supporting this legislation. The decision to lift the Statute of Limitations for survivors now firmly rests with us all. A large number of Deputies, as the women will be aware, have been most supportive. The all-party Oireachtas Joint Committee on Justice, Defence and Equality, of which I have the honour of being a member, unanimously supported this initiative.

Returning to the core issue, I listened to the plight of the women. The breaking of the

pelvis generally left women disabled, in pain, incontinent, their lives damaged, their babies occasionally injured - sometimes fatally. Ireland was the only country in the developed world to practice these high-risk operations in the mid-to-late 20th century in preference to caesarian section. Doctors hostile to birth control used a scalpel or saw to control women's reproductive behaviour. These were involuntary surgeries, performed in all but a clandestine manner. Patient consent was never sought and almost every woman left hospital not knowing her pelvis had been broken.

The demand by survivors for truth and justice has been stonewalled since 2002. Instead of an independent inquiry, there was a whitewash report which stands over surgeries that were condemned last year by the Supreme Court, which found that it was not a generally approved practice. There is significant international support for these women and it is important that they know that is the case. Some 22,222 people in 68 countries have supported this group, including 490 doctors. Tonight, historically, all Members of the Dáil have united to support the women in their efforts.

I usually have a go at the Minister for Justice and Equality and the Minister of State on other issues, but I commend them on and thank them for their efforts on this issue and also for not dividing the House. I pay tribute to and thank Deputy Ó Caoláin for the magnificent work he has done on this issue, rallying us all together on it. I thank and commend all the women present in the Gallery tonight and I promise them my total support.

Deputy Maureen O'Sullivan: Tá sé tábhachtach aitheantas a thabhairt don Teachta Ó Caoláin de réir an obair a dhein sé chun tacú leis na mná agus chun an ábhar seo a chur chun cinn. Lean sé ar aghaidh nuair a bhuaíl sé le fadhbanna agus le deacrachtaí. Tá sé uafásach scéalta na mban seo agus sonraí an ghnáthaimh seo a léamh.

Deputy Ó Caoláin has been relentless in pursuing justice for the women. In spite of the many difficulties and frustrations he has experienced over the years, he never gave up. Having read the women's stories, I find it horrifying to imagine the procedure. I cannot imagine what it must have been like to have gone through it. The one word to describe the procedure is barbaric. It is very difficult to reconcile that barbarism with what we associate with the medical profession. Doctors swear the hippocratic oath, which is basically about practising medicine ethically and honestly. While there are variations of the oath, I read today a comment that warmth, sympathy and understanding may outweigh the surgeon's knife or the chemist's drug. Warmth, sympathy and understanding were very sadly lacking for the women involved. I join others in acknowledging the women present in the Gallery who suffered that cruelty. I acknowledge their pain - for many of them their acute continuing pain. They have got on with their lives throughout all that pain through perseverance and the great support they give each other.

Deputy Ó Caoláin mentioned mutilation, which is also an apt word for a procedure that unhinged the pelvis, severed joints and sundered pubic bones. Some women ended up permanently disabled, incontinent and in pain. Very sadly, some women lost their babies following the procedure. It was an operation that was undertaken with no explanation given to the women as to what was happening - never mind why it was happening.

The last time we discussed the matter the Minister made certain statements about this being a standard operation, mostly used as emergency surgery and safer than a caesarean section. He did not accept then that this was a barbaric act. However, all of that was refuted by Ms Marie O'Connor, who made very detailed comments about each of those points. I listened to the Min-

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ister's speech from my office after I had to leave the Chamber. I acknowledge that he made a commitment to deal with the issue sensitively and fairly, which is why he is accepting the Bill. It is a major achievement to have this agreement. It is a tribute to the women that this support has been agreed.

The Minister said Deputy Ó Caoláin's Bill contains some flaws. Regardless of the flaws, the Bill must achieve its objectives, which starts with lifting the current Statute of Limitations. However, there is an urgency about this - I say this with no disrespect to the women - given that the women are of advancing ages and cannot continue in the limbo they have been in for so long. Health services must be provided to meet their health needs. I read a comment from a medical person who stated he felt this was a stain on Irish medicine. This is an opportunity to get rid of that stain from Irish medicine. Overall, Irish medicine does not deserve that stain. It beggars belief that it ever went down the road of symphysiotomy.

Debate adjourned.

The Dáil adjourned at 8.55 p.m. until 10.30 a.m. on Wednesday, 17 April 2013.