



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Business of Dáil	12
Death of Former Member: Expressions of Sympathy	12
Order of Business	18
Ministerial Rota for Parliamentary Questions: Motion	24
Housing (Amendment) Bill 2013: Order for Report Stage	24
Housing (Amendment) Bill 2013: Report and Final Stages	25
Health Service Executive (Governance) Bill 2012 [Seanad]: Order for Report Stage	34
Health Service Executive (Governance) Bill 2012 [Seanad]: Report Stage	34
Ceisteanna - Questions	42
Priority Questions	43
Water Services Provision	43
Local Government Reform	45
Water Charges Administration	47
Leader Programmes Funding	48
Rental Accommodation Scheme Administration	50
Other Questions	52
Water Meters Installation	52
Dormant Accounts Fund Administration	58
Pyrite Remediation Programme Issues	60
Message from Select Committee	64
Topical Issue Matters	64
Topical Issue Debate	65
Domestic Violence Incidence	65
Pension Provisions	70
Educational Research Centre	74
Leader Programmes	77
Health Service Executive (Governance) Bill 2012: Report Stage (Resumed) and Final Stage	81
Further Education and Training Bill 2013: Order for Report Stage	106
Further Education and Training Bill 2013: Report Stage	107
Finance (Local Property Tax Repeal) Bill 2013 [Private Members]: Second Stage (Resumed)	121
Further Education and Training Bill 2013: Report Stage (Resumed) and Final Stage	149

DÁIL ÉIREANN

Dé Céadaoin, 12 Meitheamh 2013

Wednesday, 12 June 2013

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The Minister for Finance, following publication of the Mercer report on bankers' pay and so on, requested the banks to reduce the pay of bank workers by between 6% and 10%. The impression given by the Taoiseach and others at the time was that this was designed for the fat cats in the banks, the people earning hundreds of thousands of euro. The executives of Permanent TSB responded to the Minister's diktat by ceasing contributions to the defined benefit pension scheme, essentially winding up the scheme, with devastating losses for ordinary workers. The bank's response was only to target workers in the defined benefit pension scheme and some 70% of the workers will suffer devastating losses as a result of this action. Up until then the company had provided €127 million per annum. It decided to cease paying this €127 million and has withdrawn it from the pension scheme. Workers face a reduction of anything from 50% to 70% in their pensions. Those who expected to receive a pension of €30,000 a year on retirement will now only receive €5,000 a year. That is how devastating the loss will be for them. There is no recognition of length of service or the amount of contributions paid into the scheme to date.

The Government has washed its hands of this issue. When the Minister requested banks to implement a reduction in pay of between 6% and 10% in line with the recommendation made in the Mercer report, he said he would not be prescriptive and has consistently held to that line. It is up to bank executives to do what they wish. I remember the Taoiseach grandstanding here with me and others saying this was all about the fat cats in the banks and that they would have to lead by example. They led by example - they took very few cuts themselves. In this case they will not take any hit on their pensions, but they decided unilaterally to hit the workers via their pensions, with no cuts being made to their pay or anything else. They have done this indiscriminately and unilaterally in an arbitrary manner. They are savaging the pensions of workers in Permanent TSB, which is unfair and wrong. The Taoiseach has the power to change this. I ask him, first, to accept that this is unfair. Second, will he reassure the House that he will ask the Minister for Finance to engage with the executives of the bank to reverse this approach, which represents a very cynical implementation of a Government diktat in terms of overriding

a pay reduction instruction to the banks? Those at the bottom of the pile are being hardest hit as a result of this action. I ask the Taoiseach to intervene and reverse it.

The Taoiseach: I do not know the details of the issue the Deputy has raised. Clearly, we had discussions in the House about the extraordinary levels of pay paid to the chief executives of a number of the banks. A few years ago they were as high as €3 million. When the Government came into office, an upper limit of €500,000 was put on the pay of top bankers and that limit has not been breached.

In regard to the Mercer report, the Minister recommended to the banks that they make a substantial contribution from pay and pensions in the order of 10%. The Government has not yet considered the Mercer report.

In regard to the TSB, this is an internal decision that has been taken by management and it has nothing to do with the Minister for Finance. I understand the matter is before the Labour Court; therefore, it is obviously not appropriate for me to comment without having all of the details before the Labour Court. I take the Deputy's point on the impact of this decision on ordinary workers and those on very ordinary rates of pension, but this is an internal management decision by the TSB which, as I understand it, is before the Labour Court.

Deputy Micheál Martin: The Government has the submission from the banks since the end of April. It is extraordinary and incredible that the Taoiseach says he does not have a clue about this issue and has no detailed knowledge of it, despite the fact that he protested loudly here that the Mercer report would be the be all and end all to get at the fat cats in the banks - the big executives with the big salaries. That was the context. The reality is, however, that it is hitting the workers at the lowest level in terms of their pension entitlements in a discriminatory and targeted manner. There are 1,200 workers involved in this institution. That is the reason they believe there is a disconnect between the official speak of the Government and the talk here and their experience of implementation of the report. The rhetoric means nothing to them when their pensions are being savagely cut as a result of this decision. It is not good enough for the Taoiseach to say this is an internal matter for the banks on this occasion because the Government took a decision to tell the banks to find between 6% and 10% in savings. The Taoiseach cannot wash his hands of the matter and say: "We do not care. It is not our business if the banks follow through on that instruction by hitting pensions that people have paid into for over 25 or 30 years." There are people in an incredible state of anxiety about what this means for them in their personal lives. They cannot believe they received a communication from their union and the bank stating they were sorry about this, but the pension they thought they would be receiving was going to be cut by 70% or more. That is the reality. Workers are coming to tell us this.

I find it incredible that the Taoiseach or the Government seem to be unaware of this. It has been raised in the Dáil by my colleague and other Deputies in the House already in recent weeks. I plead with the Taoiseach to get the Minister for Finance to intervene in this case and not to wash his hands of it or say it is someone else's business.

The Taoiseach: I reject Deputy Martin's assertion that the Government is washing its hands of this. This Government set down a limit for the pay of senior bankers. The previous Administration allowed situations whereby wages of up to €3 million were paid in respect of chief executives of banks.

Deputy Micheál Martin: We are not talking about senior bankers.

12 June 2013

The Taoiseach: The pay levels set by the Government have not been breached in any case.

Deputy Michael Healy-Rae: Only for advisers.

The Taoiseach: For Deputy Martin to say that the Government is washing its hands of this is just not real. The Minister commissioned the Mercer report in order that there would be a requirement to have a substantial pay and pensions contribution from bankers in this regard.

As I understand it, Deputy Martin is asking me to intervene in a situation that is before the Labour Court.

Deputy Micheál Martin: We are not talking about the Labour Court. We are talking about ordinary workers. Will the Taoiseach use plain language and stop this camouflaging?

The Taoiseach: Deputy Martin is asking me to intervene in a case involving Permanent TSB that is the consequence of an internal management decision and that is before the Labour Court.

(Interruptions).

The Taoiseach: Deputy Martin is asking the Minister for Finance to intervene in that. The Minister is well aware of what is going on. As Deputy Martin well knows, the Labour Court is part of the machinery of the State for dealing with disputes.

Deputy Micheál Martin: It is the Taoiseach's decision.

The Taoiseach: This dispute is not a consequence of the Minister's decision.

Deputy Micheál Martin: It is not a dispute.

An Ceann Comhairle: Sorry, please, Deputy.

Deputy Micheál Martin: Sorry, it is not a dispute. The Taoiseach said to take 6% off and they are doing it through pensions. The Taoiseach should tell the truth.

The Taoiseach: It is an internal management decision of Permanent TSB. Yesterday Deputy Martin wanted the Minister for the Environment, Community and Local Government to intervene in the planning process. Today, he wants the Minister for Finance to intervene in a Labour Court hearing.

Deputy Eric Byrne: Deputy Martin is the Leader of the Opposition now.

Deputy Micheál Martin: Deputy Byrne is a great representative of the working classes.

Deputy Dinny McGinley: It is back to the old ways again.

An Ceann Comhairle: Deputy Adams, please.

(Interruptions).

An Ceann Comhairle: Settle down, please. Deputy Adams, please. Thank you.

(Interruptions).

An Ceann Comhairle: I called Deputy Adams, please. Will you respect the Chair? Thank

you.

Deputy Gerry Adams: This State is often described as a republic. My understanding of the term “republic” is a state in which citizens have fundamental rights.

Deputy Emmet Stagg: We do not shoot them.

Deputy Gerry Adams: Yet every day we hear of citizens whose rights are being trampled upon. Who by? By the Government. This week the Government’s target is the carers and those they look after. The respite care grant has been slashed by one fifth for some 77,000 carers and their loved ones. Cén saghas poblachta atá againn anseo?

The Taoiseach must know that this latest austerity cut will cause real hardship. Beidh bille crua eile le híoc ag na daoine seo, atá ag streachailt leis an saol cheana féin. The citizens, these carers, save the State over €4 billion every year. They have no legal entitlements to a holiday or a day off. Let us think about it. It does not even make economic sense because the Government cuts could force some of these people who are currently cared for at home into residential full-time care, and that would cost the State several times more than the Government is saving. Even at this late stage, will the Government change tack? Does the Taoiseach accept that if we really are a republic then the Government has a responsibility to protect the living standards and welfare of our most vulnerable citizens? Will the Taoiseach reverse this most unfair and unjust cut to the respite care grant?

The Taoiseach: In respect of services for older people, until 2011 in the republic of which Deputy Adams speaks there was no national approach to the procurement of home care providers to supply indirect services through the home care package scheme. Therefore, different standards and approaches were being taken throughout the country in different locations and this left the HSE vulnerable to challenges of anti-competitive behaviour and inefficient service. Most important, as Deputy Adams is aware, it left people in a vulnerable position because different practices had different standards applied to them throughout the country. In some areas of the country where there was no direct HSE provision for carers or where the HSE direct provision had not been sufficiently used, procuring services from what we call external providers was the only viable option to provide services and supports for older people who chose to remain at or return to their homes.

Some €392 million was allocated in 2013 to provide these services to approximately 100,000 older people. Approximately 20% of the population over 65 years received some element of home care or day support service annually. There is an obvious need to provide high-quality services that are flexible to address the needs of these people such as long-term residential care needs or acute hospitals needs.

The programme for Government commits to developing and implementing national standards for home support services because, as Deputy Adams is aware, people generally want to be able to stay in their own homes for as long as possible before it becomes necessary to have them move to a longer-stay institution. There will be, however, a need for primary legislation here and for the introduction of a statutory regulation system that will apply across the board. In the meantime, the standardisation of services, the promotion of access to services and quality and safety are matters of concern to the Minister. This means the procurement framework for home care services national guidelines for the standardised implementation of the home care package system. It also means dealing with the specific issue raised by Deputy Adams about

12 June 2013

respite care and the extent and range of it. We also need the provision of the new national health guidelines for the home help service which includes elements of respite care such as those Deputy Adams mentioned. These issues are constantly under consideration by the Minister and will be reflected in his budget Estimate for 2014.

For the information of Deputy Adams, there are approximately 10,800 home care packages for 2014, approximately 5,000 new home care packages for clients, more than 10.3 million home help hours and some 50,000 people in receipt of home help hours. There are 21,500 day care places, some 22,000 people funded under the nursing home support scheme and approximately 2,500 new elder abuse referrals, all of which are being considered in the context of these services for this year.

Deputy Gerry Adams: I am disappointed but not surprised by the Taoiseach's answer. The question I put was very direct and straightforward. There was no need for all the fog that the Taoiseach created around it. The fact is that this is the first month when 77,000 citizens who look after loved ones in their homes will feel the effect of a cut which gives them one fifth less than they had up until now. That is the reality. I asked the Taoiseach to reverse that cut because it is unfair and also because it is bad economics. If these people cannot be cared for at home and end up in institutional care it will cost the State even more.

The Taoiseach referred to elderly people. Naturally, some of these people who are cared for, these loved ones, are elderly people, but some are children or young adults who have severe disabilities as well. The Government has no problem protecting big bankers or giving its special advisers way over its set ceiling for pay. Clearly, the Government does not have a problem taking money from people who can least afford it. Will the Taoiseach just answer directly? Will he not consider, even now as the cut kicks in, reversing this? It will cost approximately €26 million. That is what it will cost. I ask the Taoiseach directly to stand up and say: "Yes, we are trying to be a republic, we do look after citizens who need our help and we will restore this cut."

The Taoiseach: This is the implementation of last year's budget. The decision was to reduce the annual respite care grant by €325 from €1,700 to €1,375 for new and existing recipients. The savings were to be €26.15 million in 2013 and the implementation date is June of this year. Nobody denies that this has not been an easy budgetary decision to make, but it has been a necessary step as part of our country's economic renewal. While it is difficult to have to implement these decisions-----

Deputy Peadar Tóibín: Not for the Taoiseach.

The Taoiseach: -----it is important to bear in mind that the half-rate carer's allowance was maintained. The grant is still considerably higher, even after the reduction, than it was in 2006, before the economic crisis, when the rate was €1,200. The rate has increased from €635 in 2002 to its current level. The number of respite care grant recipients increased from 75,000 in 2010 to over 80,000 last year. Those who give their care, attention, time and love to their loved ones obviously receive significant income supports from the Government. This country's rate is among the highest rates of income support in Europe. The income disregard and the means test for carers is the most generous in the social protection system.

Deputy Gerry Adams: The Government has cut it.

Deputy Brendan Howlin: What does Sinn Féin do in the North?

The Taoiseach: A couple under the age of 66 with a joint annual income of up to €35,400 can qualify for the maximum payment of carer's allowance while such a couple earning €59,000 will qualify for the minimum rate.

Deputy Gerry Adams: The Taoiseach should reverse the cut.

The Taoiseach: These are high rates.

Deputy Brendan Howlin: They are multiples of what is available in the North.

The Taoiseach: Carers will receive additional supports in the form of free travel.

Deputy Peadar Tóibín: The Taoiseach should answer the question.

The Taoiseach: Carers who live with those for whom they care will receive house benefits.

Deputy Patrick Nulty: What is the Taoiseach's opinion?

Deputy Dara Calleary: The Government has cut the house benefits.

Deputy Mary Lou McDonald: Is that a "No" from the Taoiseach?

The Taoiseach: An annual respite care grant is also paid in respect of each person who is cared for.

Deputy Dara Calleary: It has been cut.

Deputy Róisín Shortall: Why does the Taoiseach not answer the question?

The Taoiseach: People who are getting qualifying social welfare payments, and also providing full-time care and attention to another person, can keep their main social welfare payment and get the half-rate carer's allowance as well.

Deputy Gerry Adams: Come on, Taoiseach.

Deputy Peadar Tóibín: That is a disgrace.

Deputy Róisín Shortall: Does the Taoiseach have any opinion?

The Taoiseach: They can also receive an extra half-rate carer's allowance if they care for more than one person in the same house.

Deputy Peadar Tóibín: That is disgusting.

Deputy Mary Lou McDonald: Shame on the Taoiseach.

Deputy Mattie McGrath: Ar an gcéad dul síos, ba mhaith liom comhghairdeas a dhéanamh leis an Teachta Tom Hayes. I would like to compliment my colleague and thank the Taoiseach for appointing him to the high office of Minister of State. I look forward to working with him.

Deputy John Deasy: That has got to hurt.

Deputy Dara Calleary: He will look after Tipperary.

Deputy Mattie McGrath: That is from my heart.

Deputy Simon Coveney: The farmers of Tipperary are safe.

Deputy Mattie McGrath: Last Saturday, an estimated 40,000 people attended a march in peaceful opposition to the proposed protection of life Bill 2013. They included people of all ages from all sections of society. They included people of all faiths and none. What they had in common was a peaceful determination to highlight the dangerous cultural shift that will inevitably take place if the Bill as it currently stands becomes law. A strongly worded and uncompromising statement emerged from the Irish Catholic bishops' conference yesterday. The bishops said in no uncertain terms that they believe the people of this country are being actively "misled" about the true nature of this Bill. Their statement continued:

The right to life is the most fundamental of all rights; it is the foundation of all other rights. No individual has the right to destroy life and no State has the right to undermine the right to life. Yet the Irish Government is proposing abortion legislation that will fundamentally change the culture of medical practice in Ireland. For the first time legislation will be enacted permitting the deliberate and intentional killing of an unborn child. This represents a radical change. Every citizen, not just people of faith, should be deeply concerned.

Deputy Jerry Buttimer: Who wrote the Deputy's speech?

Deputy Mattie McGrath: They also raised the issue of freedom of conscience and the need for the State to respect the principles of its citizens, including politicians, on the issue of abortion. It is not too late for the Taoiseach to take note of these concerns, which reflect the worries of a significant proportion of our population, including most mental health professionals. It is not too late for him to reverse his decision to deny the members of his own party a free vote on this most contentious of issues. Will he do so? How can he continue to stand over the decision to apply the Whip to this issue and to force through a Bill that is legally flawed, medically unsound and constitutionally unnecessary? As recently as last summer, the Taoiseach's party mounted a campaign to reassure Oireachtas Members that the Government was not planning to introduce abortion. What a farce that has turned out to be.

An Ceann Comhairle: Thank you, Deputy.

Deputy Mattie McGrath: I am nearly finished, a Cheann Comhairle. Does the Taoiseach understand why a growing number of people simply do not believe his repeated claim that this Bill is pro-life? Nothing could be further from the truth.

Deputy Paul Kehoe: Time, a Cheann Comhairle.

Deputy Mattie McGrath: In light of the mass demonstrations against this Bill that we are witnessing, does the Taoiseach accept that he is acting contrary not only to the best medical practice but also to the expressed wishes of the people who gave his party its mandate? They innocently believed he would stick to his pre-election promise not to introduce abortion.

The Taoiseach: I have made it perfectly clear that Governments are elected to govern in compliance with their constitutional responsibilities. Equally, I have made it clear that the members of the Government parties will not have a free vote on this matter. I remind Deputy McGrath that the Bill has not been published yet. He is talking about a Bill he has not actually seen. Last year, the Government set out the process it intended to undertake in this regard. As this has been a very sensitive and divisive issue in this country for over 30 years, I do not propose to play politics with regard to it. The Government set up an expert group which reported

on a number of options. There were hearings before Christmas. The Government approved the heads of a Bill on 30 April last. That Bill was sent to the Oireachtas committee that is chaired by Deputy Buttimer. It held three days of hearings from expert groups, expert witnesses and people who wanted to give their views. Today, the Government is considering the response from the committee and finalising the explanatory memorandum and the Bill itself. The Bill will be published immediately after the Government concludes its work.

It is important for Deputy McGrath to understand that the legislation regarding abortion, or “illegal miscarriages” as they were called in the 1861 Act, has been around for a long time. The law that applies in respect of the approximately 30 terminations that took place in Irish hospitals last year is the same law that continues to apply. The protection of life in pregnancy Bill gives clarity for medical personnel and for women who are involved here. It is a requirement of the Government to govern. This is being done in respect of the X case and in respect of providing legal certainty arising from the verdict of the European Court of Human Rights in the case of A, B and C v. Ireland. It is not a case of the Government introducing legislation about abortion. It is a case of the Government providing legal certainty and clarity about a law that has been around for a long time. It has been adjudicated on by the Supreme Court, which found that the people have given pregnant women in this country the constitutional right to have a termination in certain very specific circumstances; that is, where their life is in danger.

This is about women. This is about saving lives. This is about understanding the requirement in the Constitution to give an equal right to the life of the unborn. It is also about ensuring the clinicians and medical personnel involved have a duty and a responsibility to see that everything practicable is done to save the life of the unborn child in cases where there are complex issues with particular pregnancies. The Government is finalising the Bill at the moment. It will be published as soon as the Government has deliberated on it. The legislation will come before the House before being sent back to the committee to be processed in the normal way. I have told Deputy McGrath that I have no wish to play any politics about this. Everybody in the country is entitled to have their opinion. Many people express their opinions in different ways.

Deputy Mattie McGrath: I am not playing politics. I am speaking on behalf of people with sincerely held views.

Deputy Eric Byrne: If the Deputy rejoins Fianna Fáil, he can have a free vote.

(Interruptions).

Deputy Mattie McGrath: The Deputies can laugh if they like. I can tell them that this is no laughing matter. The right of the unborn is a basic human right. It is the most fundamental right of all.

Deputy Mary Mitchell O'Connor: What about the woman?

Deputy Mattie McGrath: I am not sure if the Taoiseach really believes we have to legislate on foot of the X case. Perhaps he is trying to convince himself that we do. I am not sure.

Deputy Jerry Buttimer: Who wrote that for the Deputy?

Deputy Mattie McGrath: Either way, the Labour Party has certainly succeeded in moulding the Taoiseach in its image. That is a sad day for this country.

Deputy Jerry Buttimer: Who wrote that for the Deputy?

12 June 2013

Deputy Mattie McGrath: I reiterate that contrary to what the Taoiseach has insisted, in fact there is no legally compelling reason for us to legislate in this manner.

Deputy Noel Coonan: Where did the Deputy get the script?

An Ceann Comhairle: Would you please allow the Deputy one minute to ask a question?

Deputy Mattie McGrath: Thank you, a Cheann Comhairle.

An Ceann Comhairle: Would you please put your supplementary question?

Deputy Mattie McGrath: I am trying to. I would like to refer to what Dr. Maria Cahill of the faculty of law at UCC said before the recent Oireachtas hearings.

Deputy Derek Keating: Can we have a copy of the Deputy's speech?

Deputy Niall Collins: The Deputy can circulate it with the *Lucan Gazette*.

Deputy Mattie McGrath: I sat through those hearings.

11 o'clock

Deputy Niall Collins: Tommy Morris will circulate it for him.

Deputy Mattie McGrath: What the Bill asks us to do, as legislators, is to set aside entirely the medical knowledge we have and to legislate instead in defiance of science, and explicitly to contradict the best medical practice in the absence of legal justification for legislation. I hope the Taoiseach read the transcripts. I know he had not time to attend the hearings as he has been all over Europe and elsewhere, but it is very important that the listens to this advice.

An Ceann Comhairle: Thank you, Deputy.

Deputy Mattie McGrath: I put it to the Taoiseach that, for all his warm assurances, we can have absolutely no confidence that the State will act in the best interests of the unborn child-----

An Ceann Comhairle: Thank you.

Deputy Mattie McGrath: -----especially when the State has a litany of historical failures already existing regarding the lives of unborn children.

Deputy Frances Fitzgerald: Like saving the mother.

Deputy Mattie McGrath: From start to finish, this so-called debate has been a sham and a charade.

Finally, we saw the Minister for Health last night on "Prime Time"-----

An Ceann Comhairle: A question, please.

Deputy Mattie McGrath: I am finished. We saw him last night. My question is this. Will the Taoiseach listen to the people? Will he give a free vote? Will he not go to the country, ask the people for their opinion and allow the ultimate democracy?

Deputy Bernard J. Durkan: The Deputy should circulate his script.

The Taoiseach: First, the Government takes its legal advice from the Attorney General, who is the legal adviser to the Government in a formal sense. That is where the Government takes its advice from.

Deputy Mattie McGrath: It is a form of words.

The Taoiseach: Second, the Government is required to legislate for the X case. The Government does not have a requirement to legislate arising from the A, B and C case but it does have a requirement to provide legal clarity from that.

Deputy Mattie McGrath: Guidelines.

The Taoiseach: That is what Government will do. I want Deputy McGrath to understand that on two occasions in the past the people were consulted. The people are the masters here, and they confirmed-----

Deputy Mattie McGrath: Why not give them the chance again? Third time lucky.

The Taoiseach: They confirmed and re-endorsed the constitutional rights of women in this country to have a termination of a pregnancy in specific circumstances. Those specific circumstances are where there is a threat to the life of the mother. The termination of a pregnancy running to full term, as the Deputy is well aware, can mean the birth of the child. Obviously, once the foetus becomes viable-----

Deputy Mattie McGrath: The Minister, Deputy Reilly, could not answer as to what happens then.

The Taoiseach: -----the termination of a pregnancy will mean the birth of that child and the saving of both lives - the mother and the child.

I want the Deputy to understand that this is a sensitive issue. I am now being branded by personnel around the country as being a murderer, and that I am going to have on my soul the death of 20 million babies. I am getting medals, scapulars, plastic foetuses, letters written in blood, telephone calls all over the system-----

Deputy Finian McGrath: We are all getting those.

Deputy John Halligan: That is correct.

The Taoiseach: -----and it is not confined to me.

I want to say this clearly. Everybody in this country is entitled to have their say. I saw the response from the meeting at the weekend. I do not agree with many of the statements that have been made - I do not agree with them. My job, as Taoiseach, is to lead the Government in governing for the people of our country.

Deputy Mattie McGrath: What about his campaign promise?

Deputy Michael Healy-Rae: That is forgotten about.

An Ceann Comhairle: Would the Deputies please be quiet?

The Taoiseach: That is not confined to any sector of the people - it is for all of the people.

12 June 2013

Deputies: Hear, hear. Well said.

The Taoiseach: Therefore, I am proud to stand here as a public representative, as a Taoiseach who happens to be a Catholic but not a Catholic Taoiseach. I am a Taoiseach for all of the people - that is my job, while I have it. I am proud to lead the Government in governing for all our people - all our people - irrespective of the sector of society that they come from.

Deputy Robert Dowds: Especially the women.

The Taoiseach: That is my duty; that is my responsibility. The Government that I am proud to lead will act strictly in accordance with our constitutional responsibilities and inside the law. What we are doing here is a requirement to provide certainty and clarity for medical personnel and for women who are involved. As I said before, this is about saving lives, not ending them.

Deputies: Hear, hear.

Business of Dáil

An Ceann Comhairle: I would like, on behalf of us all, to welcome to the Distinguished Visitors Gallery, Mrs. Mary Morley, the widow of the late P.J. Morley, her daughter, Cathy, and sons, Patrick, Enda and Brian. I understand the Taoiseach wishes to change the Order of Business so we would have the Expressions of Sympathy now. Is that agreed? Agreed.

Death of Former Member: Expressions of Sympathy

Deputy Micheál Martin: Táimid bailithe anseo chun comhbhrón a dhéanamh le clann P.J. Morley agus, mar aon le sin, léiriú do chách an méad measa a bhí againn go léir air agus an méid oibre a rinne sé ar son muintir na tíre, go háirithe ar son mhuintir Mhaigh Eo. Nuair a fuair P.J. bás i mí Dheireadh Fómhair seo chaite, bhí sé soiléir do gach éinne ag an tóramh an méid measa a bhí ag muintir Chnoc Mhuire agus ag muintir na dúiche mór-thimpeall air. Is léir go raibh P.J. ar a shuaimhneas i measc na ndaoine agus go raibh na daoine ar a suaimhneas le P.J. Fear mór na dúiche ab ea é. Bhí sé ina mhúinteoir agus ina pholaiteoir den scoth. Bhí tionchar faoi leith aige ar chúrsaí eacnamaíochta, soisialta agus cultúrtha i Maigh Eo agus san tír. D'oibrigh sé go dian dícheallach ar son ghnáth mhuintir a dháilcheantair agus na tíre. Cuirim fáilte go háirithe roimh a bhean, Mary, a iníon, Cathy, agus Patrick, Enda agus Brian, agus le John Carty, a comhghleacaí, agus an tIar-Aire, Sean Calleary, atá anseo inniu.

P.J. Morley was a decent, modest man, who committed his life's work to public service to his country and, in particular, to the people of Mayo. I would again like to offer my sincere condolences to P.J.'s wife, Mary, his daughter, Cathy, his sons, Patrick, Enda and Brian, and, of course, his beloved grandchildren.

I met P.J. when I was first elected to Dáil Éireann in 1989. In trying to come to grips with this tumultuous House, and the difficulties that a new Deputy can encounter, I found P.J. a calming influence who showed us the ropes of Leinster House and who gave quiet guidance in the

early years of my own political career. Many of us were thankful to him for that kind of guidance in a period which was quite exciting for different reasons, and where there were significant personalities about the place - on all sides, may I say.

He was a man with quiet determination. He went out and got the job done. It is fair to say he was very well liked across the political divide and he had great time for people, with his natural, quiet warmth of character. Starting out, this was a strength he carried with him as a teacher. From his home in Mayo, he brought that into the corridors of Leinster House and beyond to the halls of the Council of Europe at Strasbourg.

Beneath that unassuming nature and distinctive good fun, however, there was a driving commitment to public service and to looking after people. That commitment saw him first elected to Mayo County Council in 1969, a position he held for three decades before he retired. During that time, he also had the honour of serving as Cathaoirleach of the county and distinguished himself in that office. This was a commitment to public service that led him to fight nine gruelling general elections. As some will remember, these represented some of the fiercest electoral campaigns this country has ever seen. He was first elected in 1977, with the landslide victory of then Taoiseach, Jack Lynch, and beginning, as we know, a fairly turbulent period in Irish politics. However, throughout the turbulence and controversies, he managed to serve the people with characteristic dignity and modesty.

The infrastructural benefits of his work in the Dáil and the council are still to be seen in Mayo today in road and water projects across the county. They, in themselves, represent a lifetime of hard work and effort on behalf of the people of Mayo to secure vital investment for the west. He never lost sight of why he was here. He was in Dáil Éireann, he was a man of the people and he wanted to achieve for his people.

We do not have to look far to find what P.J.'s most remarkable achievement was. People often say that politics is the art of the possible but with Knock Airport, P.J. may have proved people wrong. In the teeth of opposition from a significant Dublin 4 set - I see the Minister for Public Expenditure and Reform smiling - which said this would never work, P.J. had the vision, commitment and belief to drive the project forward. His close working relationship with the late Monsignor Horan helped to bring to fruition a bold project that defied and continues to defy the critics. P.J. played a vital role in persuading the then Taoiseach Charles J. Haughey to come on board for the project and securing what Monsignor Horan called "the greatest day in the history of Connacht for a hundred years". When that first plane taxied up the freshly paved runway and took flight for Rome in 1985, P.J. Morley clearly played his part. The people of the west and the entire country enjoy the lasting benefits of Knock Airport, a major infrastructural boost to the region that accommodates hundreds of thousands of passengers year on year. As we reflect on the energy and difficulty involved in getting such a massive project over the line in politics, we can see that P.J.'s work contributed to what is truly a remarkable achievement and is a real inspiration to those of us committed to bettering our country through public service.

P.J. had that kind of quiet commitment to public service that toils away not for profit or glory but for the common good. His cause was the ordinary people he represented and their fight was his fight. In a time of much cynicism about public life, the quiet, modest, unassuming but profound commitment of P.J. Morley to public service stands out as a shining example. That fire of commitment towards the ideal of public service was clearly the guiding light of his life. Those are the best traditions of Irish politics and P.J. embodied those principles. The Ireland into which he was born in 1931 was clearly a vastly different place to the one he left last Oc-

tober and it is perhaps difficult for contemporaries today to imagine the Mayo that P.J. Morley grew up in - the hard times people endured then and the stark challenges they had to overcome. Over his 81 years, P.J. saw immense transformations across this island but he was not content simply to be an observer in life. He wanted to better the world around him and played his part in shaping it. He knew that progress does not just happen but is driven by men and women who strive tirelessly towards it.

His legacy is greater and more enduring than any piece of infrastructure. His family can genuinely look at a life that has been well lived and see every day the impact he has had on their county and country. His overall legacy, however, is one of deep commitment to public service - a humble and understated desire to build on the work of those who gave up so much for us and to bequeath to the next generation the things the generation before us could not give. As long as that spirit is resilient to the test of time and as long as men and women of the calibre, integrity and modesty of P.J. Morley take up that cause, our future, even in these very difficult times, will be a bright and better one. *Ar dheis Dé go raibh a anam dílis.*

The Taoiseach: P.J. Morley was a lovely man. He was a most genuine personality and I regarded him as a great friend in politics although he came from a different political persuasion. I served with P.J. as a councillor and Deputy over many years. He was a man driven by loyalty to his party, his native county of Mayo and, above all, to his family. I am glad that Mary and members of her family - Patrick, Enda, Brian and Cathy - are here.

P.J. served as a councillor and Deputy for over 40 years. When I mention his name, I can hear his infectious laugh and his understanding of the humour in Irish life at all times. He was always foremost in the pursuit of what was good for his county and constituents. He began his working life in my *alma mater* of St. Patrick's College in Drumcondra and went on to serve a wider community with great loyalty and distinction as a member of Mayo County Council, the Western Health Board and the County Mayo Vocational Educational Committee. He was a member of the Irish National Teachers Organisation, Muintir Na Tíre, the National Farmers Association, the Oireachtas Committee of Public Accounts and the Council of Europe.

Deputy Martin is right. He will always be remembered for his loyalty and consistent and persistent discussions about the development of the miracle at Knock. Monsignor Horan was a great friend of P.J. I agree that P.J. Morley was foremost in bringing the first eitleán to land at Barr na Cáóige when people could not understand what had happened up there.

I know that in his retirement, he reflected on his politics and life in general. The Ceann Comhairle will remember P.J. Morley as a Member of this House. I saw him flower when he became chairman of the Western Health Board. P.J. Morley had a really sharp mind on complex issues, be they capital budgets or health issues, and was able to segment the arguments like a good judge and lay out in sequence the plan and strategy to be followed. He was not above Machiavellian tactics inside his own party. In those days when there was no money in the Western Health Board, a most vociferous former Deputy who passed away, Seán Doherty, who was a member of the same board had a great rivalry in County Roscommon with his colleague, former Deputy Terry Leyden, who was exalted to the high office of Minister of State at the Department of Health. When things got very rough at the Western Health Board, as they often did, and there was no money for anything, P.J. Morley always had the answer. He would say "we'll summon the Minister of State to the next meeting." I am quite sure that had been arranged in advance.

I would like to say to Mary and all the family that I regarded P.J. as a great friend, a gentle-

man and someone who was exceptionally loyal to his family, party and people. I agree fully with Deputy Martin. He is a loss to our society and I hope he wrote down many of the stories he came across over his 40 years because the thread in there was one of understanding of human nature, the characteristics of the people of the west and the evidence of great humour in Irish life irrespective of the difficulties we might have faced. Ar dheis Dé go raibh a anam dílis.

The Tánaiste: Thar mo cheann féin agus thar ceann Pháirtí an Lucht Oibre, ba mhaith liom cur leis an méid atá ráite ag ceannaire Fhianna Fáil agus ag an Taoiseach faoin iar-Theachta PJ Morley. Bhí aithne agam air anseo mar Theachta Dála, bhí an-mheas agam air agus ba mhaith liom mo chomhbhrón a dhéanamh lena bhean Máire agus lena chlann. On my behalf and that of the Labour Party, I extend our sincerest sympathies to P.J. Morley's wife Mary and his family, those living at home and abroad and his extended family. P.J. had a long and illustrious career in public life that spanned over three decades, from his work as a school principal through his work on Mayo County Council and then his election to the Seanad in 1973 and the Dáil in 1977. I know he is fondly remembered by all who worked with him. He had the ability to make and retain friends regardless of political persuasion. He was a proud Mayo man and an Irishman who served his constituents and the people of Ireland and Mayo to the best of his abilities. He worked hard at both local and national level in a very determined way. He delivered many projects during his career. Deputy Micheál Martin referred to many of them, but the one for which he will be remembered most was securing Government support for Knock Airport during the 1980s at a time when many said it should not be done, that it was not a good idea, to put it mildly. It was a major accomplishment for him.

I got to know P. J. Morley when I was elected to the Dáil in the middle period of his time in this House. He was not one of the better known names in national politics at the time, but I got to know him very well in working with him on committees and here in the House. I was always struck by the very thoughtful way in which he approached issues. I noted the serious consideration he gave to legislative proposals, the way in which he held Ministers to account, his ability to work with Deputies, irrespective of their political persuasion or affiliation. He was very much a strong example of somebody who had public service running through his veins, from his time as a teacher and in the extension of that experience into his work as a public representative. It is an ethic that is sometimes forgotten in the modern day. There is such a thing as public service; there is such a thing as a public service ethic, and there is such a thing as a belief in public service. In my case, certainly, I recall being very impressed by the degree to which that made him tick, that it was what motivated him, what made him come here every day to work on behalf of his constituents. This is what impressed me when I came to the Dáil as a new Deputy. It was a privilege and a pleasure to have known him. I know that in the past 15 years or so he had more of an opportunity to spend time with his family. I have no doubt that the memories his family hold of that time will be greatly treasured. He was a man who was greatly respected in the Dáil and across the west he is a man who is very much remembered and respected. I express my sympathy to his wife, Mary, and his family. He will be fondly remembered in Leinster House.

Deputy Gerry Adams: Ní raibh aithne agamsa ar P.J. Morley, ach ó bheith ag éisteacht le ceannaire Fhianna Fáil, an Taoiseach agus an Tánaiste táim fíor-bhrónach faoi sin. Fear iontach a bhí ann de réir na scéalta. Ba mhaith liom, ar son Shinn Féin, fáilte mhór a chur roimh a bhean chéile Mary agus a chlann. Táim brónach agus ba mhaith liom mo chomhbhrón a dhéanamh lena theaghlach ar fad.

I extend sympathy on behalf of Sinn Féin to P.J. Morley's family; his wife, Mary; his daugh-

12 June 2013

ter, Cathy; and his sons Patrick, Enda and Brian, as well as his grandchildren and extended family circle. I did not know P. J. but listening to the tributes paid by the leader of Fianna Fáil, the Taoiseach and the Tánaiste, that was my loss. I also extend sympathy to the Fianna Fáil Party which has lost a diligent party activist who contributed much to it during his decades of public service. As we have heard, he was a member of Mayo County Council for more than 30 years, a Member of Seanad Éireann for five years and a Teachta Dála for 20 years. Although I never knew him, from all that I have read and been told about him, I know he was a committed public representative who worked diligently on behalf of the people of County Mayo and the Fianna Fáil Party. The big project with which he was associated was the airport at Knock. I do not know whether this is myth or fact, but I am advised that the airport project was cleared by the then Taoiseach, C. J. Haughey, on the understanding that it would have a grass runway. I do not know whether that is just one of the stories in County Mayo, but the fact that the airport is where it is says a lot for P.J.'s skills and Monsignor Horan.

Aside from the public service which we have noted and to which we have paid tribute, P. J. Morley was a husband, a father and a grandfather. We do not know about the private personal life of the man in the way that his wife does and the way his children and grandchildren do. However, his death will leave a huge gap in all of their lives. I am sure they take great comfort from knowing that throughout his long years of political activism he made a real difference to the lives of citizens and particularly the people of County Mayo. Go ndéanfaidh Dia trócaire ar a anam dílis.

Deputy Mattie McGrath: On behalf of the Technical Group and Independent Deputies, I offer a fíor fáilte den clann Morley. I express our sympathy on the passing last October of former Deputy P. J. Morley. I welcome his wife, Mary; daughter, Cathy; sons, Patrick, Enda and Brian; grandchildren and friends. I also welcome two former colleagues, Mr. John Carty and Mr. Sean Calleary. I also see one of his former colleagues in the Visitors Gallery, Senator Terry Leyden.

Like other speakers, I did not know P. J. Morley, but I have heard much about him and it was all about his good humour, hard work, honest endeavour and keen intellect. He served the public for 40 years. I do not think we will see the likes of this again. People gave service in difficult times without any of the support facilities we are fortunate to have available today. As with all families, this service will have taken its toll on his wife and family. Like the Taoiseach, he was a múinteoir. He went all the way from the corridors of Mayo County Council to the corridors of Strasbourg and Brussels as a member of the Council of Europe. He had a long life. As Deputy Micheál Martin noted, he was happy to help and provide assistance for new Teachtaí Dála. It is very important for new Deputies to have a role model who is willing to assist them. P. J. Morley was well liked on all sides of the political divide, whether in Mayo County Council or in this Chamber or during the five years he spent in Seanad Éireann. That says a lot for any man or former Member. He fought nine general elections and I am old enough to remember all of those elections. It was no mean feat to be returned to this House on so many occasions, having come in on the tide that brought Jack back. I hope the tide will bring the other Corkman back in days to come. It will be a different tide, that is, if the Taoiseach leaves us any House to come back to.

I can say to P. J. Morley's family that there are many monuments to his achievements in County Mayo, but, in particular, there is the testament of Knock regional airport, with which he was associated in company with the late great Monsignor Horan and Charles J. Haughey. I remember the opposition at the time from his colleagues on the other side of the political divide.

However, the airport project was delivered and it is a lasting memorial to the three of them but, in particular, to the ground work done by and the sheer persistence of P. J. Morley, with some help, I am sure, from colleagues in County Mayo at the time. It gives me great pleasure, on behalf of the Technical Group, to heartily welcome his wife and family and wish them well. I am confident that they cherish the wonderful legacy he has left them. This is an emotional time for them. Ar dheis Dé go raibh a anam dílis.

Deputy Dara Calleary: It is an honour for me to rise to pay tribute to the late Patrick J. Morley, who was not just a predecessor in the Dáil but a family friend for as long as I can remember. I welcome Mary, Patrick, Brian, Enda, Cathy and the members of his extended family who are in attendance today. They will want me to thank all party leaders for their very kind tributes to P. J. this morning.

For as long as I knew him, P. J. Morley represented decency, integrity and public service. He was a man with a great sense of humour and commitment. Every person who votes No. 1 for any Member on any side of the House has with that Member a unique bond of trust and expects to be represented. As a teacher, P. J. had an extra-special bond of trust through being in charge of the futures of so many people in his village. He exercised that trust to the utmost and with integrity and dignity throughout his life.

Many people have associated P. J. Morley with the airport at Knock. There were other Members who claimed it, but it was he who delivered it. That is there for him along with many other smaller capital projects. There were many things we did not see, however, including the interventions he made on behalf of people who faced difficult personal circumstances and the difference he made in the lives of many, quietly, efficiently, without pride and without prejudice over many years of public service. I said at the time of his passing that the Irish phrase “Ar dheis Dé go raibh a anam uasal” had never been more appropriate. A anam uasal; P.J. Morley was a noble man right to his core. That is what we remember here today. It is my pleasure and honour to be able to rise as his successor and, most importantly, as a friend, to put that on the record of the House.

Deputy Michelle Mulherin: I am also honoured to be able to rise to pay tribute to a fellow county person and Deputy who served here. P. J. Morley was also a member of the local authority on which I served. I express my sympathies to his wife, Mary, and his family on their loss. I acknowledge also the attendance of former Deputy John Carty, who succeeded him in the House, and former Deputy Sean Calleary. I did not know P. J. personally, but knew him from election posters, the newspapers and through the local Fine Gael gang who served on Mayo County Council, particularly my mentor, the former Senator and councillor Ernie Caffrey.

I have heard a great deal about P. J. from his colleagues who served with him on the local authority and the Western Health Board and in Leinster House. Truthfully, I have heard only good about him. He had a long and successful political career, beginning with election to the local authority in the early 1960s and, by all accounts, was an excellent chairman of both Mayo County Council and the Western Health Board. I understand he did not have the weakness to which many politicians are subject, as he never felt he had to speak unless he had something real to say. When he did speak, he demonstrated his sharp mind by getting straight to the point and being very decisive. He was a great supporter of Knock Airport. I have no doubt that when Monsignor James Horan came up with the idea of Knock Airport, he knew he needed political backing to realise the great dream and the success it has come to be. He had a great ally in P. J. Morley. I am glad to be associated with the fine tributes in the House to his life, his legacy

12 June 2013

and the service he gave to his county and his country throughout his political career. May his soul rest in peace.

Deputy John O'Mahony: I wish to be associated with the tributes paid this morning to the late P. J. Morley. I welcome and convey my sympathy to his family, Mary, Patrick, Enda, Brian and Cathy, and his colleagues, Sean Calleary and John Carty. I did not serve with P. J. on any of the bodies on which he served but was very aware, as someone from Mayo, of the work he did, which has been well articulated this morning, on the health board and on Knock Airport. I am not sure what the Taoiseach at the time, Charles Haughey, sanctioned, but I assure everyone that Knock Airport has progressed well from being a grass runway.

I got to know P. J. Morley in recent years after I came into the House, having met him at various functions and funerals. His few kind words to those of us who were new to the game demonstrated his great empathy with any public representative from the constituency. The best tribute I can pay to him is to note that he was a gentle man. I would like to be associated with all of the tributes that have been paid this morning and thank the Chair for the opportunity to express myself.

Members rose.

Order of Business

The Taoiseach: It is proposed to take No. 11a, motion re ministerial rota for parliamentary questions; No. 19, Housing (Amendment) Bill 2013 - Order for Report, Report and Final Stages; No. 20, Health Service Executive (Governance) Bill 2012 [*Seanad*] - Order for Report, Report and Final Stages; and No. 21, Further Education and Training Bill 2013 - Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10 p.m.; that No. 11a shall be decided without debate; and, in the event that a division is in progress at the time fixed for taking Private Members' business, which shall be No. 46, Finance (Local Property Tax Repeal) Bill 2013 - Second Stage (resumed), Standing Order 121(3) shall not apply and Private Members' business shall, if not previously concluded, be brought to a conclusion after 90 minutes.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. tonight and adjourn at 10 p.m. agreed to? Agreed. Is the proposal for dealing with No. 11a agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed.

Deputy Micheál Martin: There was a commitment in the programme for Government to introduce child care legislation and to prioritise child care services and the inspection of such services. I want the Taoiseach to indicate to me when the Children First legislation will be published, given that the HSE has confirmed that funding for childminding officers is no longer in place in most areas. This is a service that was created ten years ago with 30 staff. We read reports recently about senior advice to the Government not to increase the pupil-teacher ratio in early child care settings and not to cut back on allowances to child care providers. In light

of the disturbing revelations on crèches and child care, it is extremely important the legislation is accelerated. I ask the Taoiseach for the timeframe for the Children First legislation and the child and family agency legislation. Perhaps the Taoiseach can provide a timeframe for the introduction and delivery of legislative proposals.

The Taoiseach: Work on the child and family agency legislation has progressed well and it is expected to be taken this session. The child care Bill, Children First, is also listed for this session but the committee produced a 700-page report which must be taken into consideration by the Minister in the preparation of the legislation. It was a detailed, comprehensive and extensive report. The legislation is listed for this session and I hope it can make it through but there is a great deal of work involved in the consideration of the committee's report.

Deputy Gerry Adams: Ba mhaith liom ceist a chur faoi reachtaíocht atá forógraithe, ach sular leanann mé ar aghaidh le sin, ba mhaith liom cúpla focal a rá faoin Iar Theachta Dála, Ruairí Ó Brádaigh a fuair bás an mhí seo fosta. Before I come to promised legislation, with the indulgence of the Ceann Comhairle I would like to mark the death of a former Deputy who died recently. Ba mhaith liom mo chomhbhrón a dhéanamh le clann Ruairí Ó Brádaigh. Rory would not appreciate his name being mentioned in this institution but, at the same time, this institution should not ignore the fact that he was elected as a Deputy for Longford-Westmeath while in prison. He was one of four Sinn Féin Deputies elected in 1957. I thank the Ceann Comhairle for the opportunity to place this on record and extend the sympathy of Sinn Féin, and I hope of the Dáil, to his wife Patsy and to his family and friends. Go ndéanfaidh Dia trócaire ar a anam dílis.

Regarding promised legislation, the programme for Government includes a commitment to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation in a manner that protects the victims. Women's Aid showed that threats, intimidation and violence are a daily reality for thousands of women and children across the State and across the island. The organisation has called for round-the-clock access to legal protection for vulnerable women and children and that a court be available for women to seek interim barring orders outside of normal court hours. When will the Government bring forward legislation to provide 24-7 protection for vulnerable women and children?

The Taoiseach: Some work has been done on this but I cannot provide an accurate date. Recently, I attended the launch of the ManUp programme, which is to deal with the so-called macho men who beat up women and children. I was happy to be associated with the strategy that has been worked out. I will come back to the Deputy with a more accurate fix on the work that has been done and when it is likely to come together in the form of the heads of the Bill.

Deputy Mattie McGrath: We had a discussion earlier on Leaders' Questions on the protection of life during pregnancy Bill. What is the timescale for its passage, which the Taoiseach said would involve the Bill going back to the committee, through the House? With regard to the Social Welfare and Pensions (Miscellaneous Provisions) Bill, the Minister made an announcement last week that had a devastating effect in south Tipperary. While the rental allowance rates went down in north Tipperary, which I welcome, they went drastically down in south Tipperary. Clonmel is hugely affected, as are other towns. I do not know the criteria being used.

An Ceann Comhairle: This sounds like a parliamentary question.

12 June 2013

Deputy Mattie McGrath: I will ask them as well but this is a pressing issue. The Minister had a presentation while we were here but hopefully the anomalies will be straightened out.

The Taoiseach: I understand the Social Welfare and Pensions (Miscellaneous Provisions) Bill passed the Dáil last night and will go to the Seanad tomorrow. With regard to the protection of life during pregnancy Bill, the Government is considering it today. It will then be published and will come before the Dáil.

Deputy Mattie McGrath: When will it be published?

The Taoiseach: We will publish it as soon as we finalise the wording of the Bill. It will probably be today or tomorrow. It will come before the Dáil and it is an issue I do not want to rush so that we give everyone the opportunity to have their say on it. We will deal with it in the normal way as normal business-----

Deputy Mattie McGrath: It will be guillotined again. That is the normal way.

An Ceann Comhairle: Deputy Mattie McGrath asked questions and he should let the Taoiseach give replies.

The Taoiseach: This is an issue not to be flippant about.

Deputy Mattie McGrath: I am not being flippant.

The Taoiseach: The Bill will receive proper and thorough consideration from Members of the Oireachtas.

Deputy Bernard J. Durkan: With regard to promised legislation, when is it proposed to bring before the House the legislation to provide for the disestablishment of the HSE board, the funding of the HSE through the Vote of the Minister for Health and the establishment of the new statutory financial accountability framework for the HSE? This is to come in on 1 January under the health (amendment) (No. 2) Bill. Have the heads of the Bill been cleared and will it be possible to indicate when the Bill will pass through the House?

Fourteen bills have been promised in respect of justice-----

An Ceann Comhairle: We will not go through the 14 Bills.

Deputy Bernard J. Durkan: I decided to refrain from naming the 14 Bills in deference to the patience of the Taoiseach and the Ceann Comhairle. In view of the reports of the Law Reform Commission, with reference to mandatory sentencing in the past few days and previously in respect of the proposed court of civil appeal, would it be prudent to introduce a consolidated Bill that would incorporate many of the segments mentioned in specific legislation in an effort to overcome the long backlog the Minister inherited from the previous Administration? Is it possible, particularly with regard to bail and criminal activity, to introduce as a matter of urgency a consolidated Bill that would deal with the most pertinent issues?

The Taoiseach: There is no date for the publication of the bail Bill. The Minister for Justice and Equality has done some work on it and I will ask him to communicate directly with the Deputy.

With regard to the disestablishment of the HSE, the heads of the Bill have not been cleared by the Government. I expect the Bill will be produced before the end of the year. It is not due

to come into the House until early next year.

Deputy Michael Healy-Rae: On promised legislation, there is an urgent need to strengthen the regulatory framework for social housing to provide for a new tenant purchase scheme for existing local authority houses, along with incremental purchase lines, the right of household members to succeed to the local authority tenancy of a deceased household member, and the refinement of the housing assistance payment. I am referring to the housing (miscellaneous provisions) (No. 2) Bill.

Following a programme on TV3 that highlighted illegal puppy farming in this country, what proposals does the Government have to deal with and regulate the sector? It is disturbing. I commend the people who made the programme and I compliment Kerry SPCA, which deals with this problem on a day-to-day basis.

The Taoiseach: The Housing (Amendment) Bill 2013 is going through the House and will be followed by another general housing Bill, in which the Minister of State, Deputy O'Sullivan, hopes to include a tenant purchase scheme. It will be taken shortly in the Dáil.

The Animal Health and Welfare Bill was signed into law in May. That referred to and dealt with puppy farms and the microchipping of pups and dogs. I did not see the programme last night, but I will ask the Minister for Agriculture, Food and the Marine or the Minister for the Environment, Community and Local Government to advise the Deputy.

Deputy Peter Fitzpatrick: When can we expect the publication of the adoption (tracing and information) Bill which is to provide for an information and tracing service to applicants seeking information about adoption?

The Taoiseach: The heads of the Bill have not yet been cleared but the Bill is due to be published this year.

Deputy Michael P. Kitt: I have a similar question to that of Deputy Healy-Rae, but it relates to the tenant purchase scheme. People are in a dilemma. The current scheme is due to conclude at the end of June. People are under the impression that a better scheme is due to be introduced and they do not know whether to opt for the present scheme or the new scheme. It is urgent that a new scheme is put in place and that the terms are outlined.

On a second issue, the motorised transport scheme and mobility allowance, when will legislation on that scheme be brought to the House?

The Taoiseach: With regard to the current scheme, people would have to have applied for it by now for it to take effect by the end of June. In the next general housing Bill the Minister of State, Deputy Jan O'Sullivan, hopes to include a new tenant purchase scheme. The current scheme concludes at the end of June so people will have to have applied by now to avail of it.

The Government decided yesterday on the mobility allowance question. The moneys are in place but the scheme was deemed to be illegal. The Minister of State, Deputy Kathleen Lynch, is moving on this. What is required is a framework to allow payments to continue to recipients and also to define a new structure for a new scheme which will have to take account of where responsibility actually lies for this. That work is being undertaken now by the Minister of State, Deputy Kathleen Lynch.

Deputy Catherine Murphy: The programme for Government commits to enhancing the

democratic process by involving public representatives at an earlier stage in the legislative process. It also refers to the over-use of the guillotine with regard to legislation. Under the last Government, 74% of all the legislation was scheduled for the guillotine. Last night there was a guillotine and we did not get to discuss all of the Bill. I am sure the Taoiseach is aware of that and is not comfortable with it. This issue was raised yesterday but I did not hear any commitment to the programme for Government's intent to deal with the heavy over-use of the guillotine or that there will be a more normal approach to dealing with business. Is that commitment still in place? What measures will be put in place to deal with the over-use of the guillotine?

The second item I wish to raise relates to a motion I tabled. I do not wish to have a situation where I and other Members must try to raise things on the Order of Business and I am sure that is not the Taoiseach's intention. Could a change be made to Standing Orders to permit one Member of the Technical Group to speak at the time business is ordered?

An Ceann Comhairle: That is not a matter for the Order of Business.

Deputy Catherine Murphy: Can time be provided? The Whips have said they will not permit that change. We are a third of the Opposition and this is not right. If we are to do our jobs, please permit us to have time to deal with that.

An Ceann Comhairle: That is a matter for the Committee on Procedure and Privileges.

Deputy Catherine Murphy: I am sure it is a glitch, but it must be changed.

The Taoiseach: The commitment in respect of the guillotine stands. As I said yesterday, on a significant number of occasions there were no speakers where debates on Bills were listed to be shortened. I would be most willing to have a structure in the House whereby there would be breaks between Second, Committee and Report Stages and, if the people decide to abolish the Seanad later this year, there would also be a pre-enactment stage and a break between Report Stage and that stage. Other parliaments publish a full list of legislation for the year, but that would create many difficulties here because of the way things actually happen.

However, the Chief Whip will shortly bring forward a number of recommendations which will hopefully improve how the Dáil does its work. The Ceann Comhairle has many years of experience here and he had a number of very practical suggestions about this also. Many things have been tried over the years. Some have been good for a while but have then changed and not been as effective as people would have thought. The commitment in respect of having a more effective structure for dealing with legislation stands. The Chief Whip will bring forward a proposal on that in the not too distant future.

Deputy Dessie Ellis: We have all received complaints regarding unruly and noisy residents and the lack of power the Garda and other enforcement agencies have to tackle this. The noise nuisance Bill that is due to be published should allow for fines and mediation between neighbours. It is embarrassing that the gardaí are obliged to call to these houses and use peer pressure to get people to turn down the noise. When will this Bill be brought forward? It is extremely important.

Also, will the Taxi Regulation Bill be back before the House before the summer recess?

The Taoiseach: No, it is not listed for before the recess. Some work has been done on it but I cannot give the Deputy an accurate outline on it now. The Deputy has raised it on a number

of occasions and I will ask the Minister to respond to him with a timeline.

Deputy Dessie Ellis: What about the noise nuisance Bill?

The Taoiseach: I am talking about that Bill.

Deputy Caoimhghín Ó Caoláin: The Dáil recently unanimously facilitated the passage through Second Stage of the Statute of Limitations (Amendment) Bill 2013. It is designed to facilitate access to the courts for all victims of symphysiotomy, a significant number of whom are currently unable to progress their cases because of the Statute of Limitations. This is a cohort of very elderly women. When will Committee Stage be facilitated in the Oireachtas Committee on Justice, Defence and Equality? It was signalled for two weeks ago but it was deferred because it was indicated that the Minister would be out of the country. As it happened, he was not. As the mover of the legislation I have received no clear indication of how quickly it will be facilitated, although I am advised that the committee is anxious to accommodate Committee Stage. Mindful that the clock is ticking for so many of these unfortunate women, will the Taoiseach help to ensure the earliest facilitation of Committee Stage, with the hope of concluding the Bill's passage through the Houses before the summer recess?

The Taoiseach: That is a Private Members' Bill. I cannot answer the Deputy's question now, but I will advise him later.

Deputy Patrick O'Donovan: There is promised legislation on valuations for businesses in the commercial sector. This has been an ongoing issue for a number of years, including under the previous Administration. At what stage is the legislation and when can we expect the Department of Public Expenditure and Reform to bring forward a new valuation Bill? As the Taoiseach knows, businesses throughout the country regularly ask us when the legislation will be before the House.

The Taoiseach: That Bill is currently before the Seanad. I cannot say when it will deal with the Bill but the Bill will come to this House as part of the normal progress of legislation. I will ask the Minister to respond to the Deputy as to when it is expected to come from the Seanad to the Dáil.

Deputy Joe O'Reilly: I have questions about legislation in two areas. First, in the justice area, there is the Criminal Justice (Miscellaneous Provisions) Bill and the legislation to amend and strengthen the Criminal Assets Bureau in respect of tackling the proceeds of crime. These two measures are urgently required, given that communities continue to be threatened by criminal gangs. The gangs come into the communities, particularly those in isolated areas, and carry out a sequence of robberies in a single night. It is urgent to bring forward both legislative measures in this context.

On a different area, many of our subcontractors have had a very bad experience in the aftermath of the Celtic tiger economy and have been the victims of larger contractors. In that context, when will the Construction Contracts Bill be coming before the House to be passed and enacted?

The Taoiseach: Deputy O'Reilly has expressed an interest in the criminal justice (miscellaneous provisions) Bill and the criminal justice (proceeds of crime) Bill on previous occasions, as has Deputy Bernard Durkan. Both Bills are listed for later this year but the criminal justice (proceeds of crime) Bill is still being discussed with the Criminal Assets Bureau, CAB.

12 June 2013

The Construction Contracts Bill is on Committee Stage and obviously it is a matter for the members of the committee as to when they conclude their deliberations, at which point the Bill will come back to this House for Report and Final Stages.

Deputy Frank Feighan: There is enormous concern that our national monuments and heritage are being vandalised and, in some cases, stolen. There was an incident recently in Lake Garadice in County Leitrim, where a 600 year old church window was stolen. Thankfully, it has been found again, due to the vigilance of the local people. In that context, when will the monuments Bill be published?

The Taoiseach: The Bill is not due until the middle of next year but given the Deputy's keen interest in the matter, I will ask the relevant Minister to update him on whether it can be expedited.

Deputy Ray Butler: When is publication expected of the trusts Bill, to reform and consolidate the general law relating to trustees so as to deal better with and protect trust assets?

The Taoiseach: That Bill is due for publication later this year and I assume it will be considered in the session beginning in September.

Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach(Deputy Paul Kehoe): I move:

That, notwithstanding anything in the Order of the Dáil of 9 March 2011, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Health, shall be set down to Ministers in the following temporary sequence:

Tánaiste and Minister for Foreign Affairs and Trade

Minister for Transport, Tourism and Sport

whereupon the sequence established by the Order of 9 March 2011, shall continue with Questions to the Minister for Finance.

Question put and agreed to.

Housing (Amendment) Bill 2013: Order for Report Stage

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I move: "That Report Stage be taken now."

Question put and agreed to.

Housing (Amendment) Bill 2013: Report and Final Stages

An Ceann Comhairle: Amendments Nos. 1 to 3, inclusive, are related and may be discussed together.

Deputy Richard Boyd Barrett: I move amendment No. 1:

In page 3, to delete lines 10 to 16 and substitute the following:

“(a) in subsection (3) by deleting paragraphs (a) and (b) and substituting:

“(a) charges such as rent as is set down in a national rent scheme established by the Minister.”,

(b) by deleting subsection (4),

(c) in subsection (5) by substituting the following paragraphs for paragraphs (a) and

(b):

“(a) A housing authority shall, in accordance with regulations made for the purposes of this section, not later than the date prescribed by the Minister for the purposes of this subsection make a scheme (in this Act referred to as a ‘rent scheme’) in line with the national rent scheme as referred to in subsection (3).

(b) A housing authority may, from time to time, as the Minister directs, revoke the rent scheme and make a new rent scheme.”.”.

I have tabled these amendments because I believe that rents should be set according to people’s means and ability to pay. If one is on a social welfare payment in Donegal, Dún Laoghaire or west Cork, one’s payment is the same. If one is earning the minimum wage in Kerry, Kilkenny or Westmeath, one’s wage is the same. Social housing rents should be set on that basis, namely on what people are able to pay, given their income and no other factors should be taken into consideration.

At one level, this Bill suggests that the Government is moving in that direction because it refers to removing certain considerations that should not be included in the setting of rents. That is welcome because it is wrong, for example, for property prices to be in any way influential in the setting of rents for social housing. In my area of Dún Laoghaire, and I suspect it is true of Dublin generally and other major urban centres, social housing rents have been heavily influenced by local property prices, which is completely unfair. Property prices should have no bearing whatsoever on social housing rents. I have compared the differential rent scheme in Dún Laoghaire with schemes elsewhere and found that - for no apparent reason other than the fact that private rental rates in the area are high in general - social rent rates for the area are higher than the average, even though the income of people who depend on social housing is no higher in Dún Laoghaire than elsewhere. This situation is grossly unfair and the Minister of State seems to be trying to address it with this legislation, at one level at least. However, while it is fair enough to take market prices out of the equation, the Minister of State is still giving the power to local authorities to vary rents. The Bill refers to issues such as the cost of maintenance of the social housing stock, for example, as something which can influence the rents local authorities can charge. I do not believe that is right, particularly against the background where budgets for local authorities and the money being made available for the provision of

12 June 2013

social housing are being cut, year on year, because there will be major, if not irresistible, pressure on local authorities to increase rents in order to maintain their housing stock. Therefore, significant variations in rent levels between one location and another will continue, based on the financial health or otherwise of the relevant local authority.

We need social housing because there are 100,000 families on the social housing list. We must provide for such families right across the country in a major way, which has not been done for the past ten to 15 years. I hope this Government will address the urgent social housing need that exists. That must be done and the rents for that social housing must be based solely on people's ability to pay, now more than ever, as so many in our society are struggling financially. There should be no question of rents for social housing being increased because of financial pressures on the local authorities.

While there are elements of this Bill that are progressive, there are other aspects that are very retrograde. The way to address that is to have a national differential rent scheme, to be applied right across the board, rather than giving local authorities the power to vary rents, depending on what pressures they are under. That is the logic behind my amendments and I hope the Government will seriously consider accepting them. I believe they are fair. The Department seems to be acknowledging, in this Bill, that there is an unjustified variation in rents across the country. If the Department accepts that, then the best way to address it is to devise a national differential rent scheme, based purely on people's ability to pay. I look forward to the Minister of State's response.

Deputy Dessie Ellis: I support Deputy Boyd Barrett's amendments. The setting of rents across local authorities is very important and there must be consistency. One of the main problems is that different local authorities apply different rent rates. Differential rent rates should be based on the income of tenants, which is the fairest way to determine them. Ability to pay should be taken into account. It is very unfair, for example, that people on social welfare pay different rents, depending on the local authority area in which they live.

In the context of the LPT, we have already had indications from Cork County Council and others that they intend to add the LPT onto the rents. Will there be variations in this across local authorities too? There has to be consistency. That is the only problem I have. In general, what the Minister of State has laid out is okay. These amendments would give us the consistency that is needed across local authorities, and I support them.

Minister of State at the Department of the Environment, Community and Local Government(Deputy Jan O'Sullivan): I do not propose to accept Deputy Boyd Barrett's amendments. We are moving towards a harmonisation of rent under HAP. It is intended that there would be model rents for different families around the country and harmonisation would be developed under the HAP legislation which we will introduce later in the year. It is a fairly technical amendment to ensure we can have rent schemes during the course of the transition period.

I did not think Deputies Boyd Barrett or Ellis had a Stalinist approach to socialism. I am a democratic socialist and I thought both Deputies were as well. In effect, they are saying there should be a diktat from the Custom House that would take away all local democratic decision making with regard to this. There is very limited democratic input in terms of the role of councillors, but that was widely welcomed across the House when we dealt with Second Stage of the Bill.

The Deputy proposes that the national rent scheme should be absolute across the country from the beginning. For example, the rent for a one person household in one part of the country might be €20 per week but can be over €30 in another part of the country. We want to set a model for a general scheme around the country. We want to give local authorities time to get to that point. I propose a graduation towards model rents.

In other words, a local authority which is now charging €20 would have time to come to a model rent and one which charges a higher rent would suffer a loss if rents were reduced. We need to give councils and councillors a certain amount of time to get to a model rent. I assure the House that the intention is to move towards a harmonised rent scheme. We have not had a centralised rent scheme since 1986.

Section 31 of the Housing (Miscellaneous Provisions) Act 2009 facilitates significant harmonisation of local authority rents while providing locally elected members with some discretion in deciding rent policy for their areas. The section will bring local authority rent policies more in line with each other, while retaining some scope for variation for local circumstances. The Deputy's amendments go to the other extreme and would involve diktats from the Custom House that must be implemented without question by every housing authority.

This approach not only runs counter to the Government's approach to local government reform but also flies in the face of the approach to social housing reform set out in the 2009 Act which involves local authorities exercising their statutory functions within broad parameters set down at national level, but in a manner which reflects local circumstances.

At various times during debates on housing and local government we have all talked about the need to give more power and function to local authority members. Amendment No. 3 proposes the deletion of subsection (7) from section 31. This enactment gives elected members a policy making function in regard to rents for the first time. As I said, Members on both sides of the House welcomed that on Second Stage.

I am somewhat surprised that the Deputy thinks so little of local democracy that he wishes to take away a policy making power from councillors before they have even had an opportunity to exercise it. Section 31, as it stands, strikes the right balance between national and local policy making in regard to local authority rents and I do not, therefore, propose to accept the amendments.

I want to reassure Deputy Boyd Barrett that the intention is to have harmonisation right across the country. We want to give a small amount of discretion to local councillors in terms of policy making. We also want to give councils some time to get to that point. This will facilitate the transfer of long-term rent supplement to local authorities, but in order to do that we need to have model rents for the different types of households around the country.

The intention is to get close to the position the Deputy is taking, but I do not propose to have the Custom House or any centralised government authority take away powers we propose to give to local councillors, albeit a relatively limited power in terms of rent policy.

Deputy Richard Boyd Barrett: Power, particularly now, is money. Everything else is just decoration. If the Government is cutting budgets for local authorities to provide and maintain social housing while at the same time saying it is empowering local councillors that is frankly a bit disingenuous, to put it very mildly. It has power over an ever-diminishing cake. In that situation only one pressure will come on those councillors.

12 June 2013

There will be no pressure on them to reduce rents; let us be clear about that. The only pressure will be to increase rents. That is what will happen. The logic is very similar to what is being done with regard to the property tax. Many others think it is unfair and unjust, and a burden imposed on people who own their own homes. Then, in an act of empowerment, supposedly, the Government is giving local authorities the right to vary that property tax by 15%. The Minister of State and I know which way it will go. It will go up.

Deputy Jan O’Sullivan: I do not agree.

Deputy Richard Boyd Barrett: It will. There is no question but that it will go up. The pressure on local authorities who are having their central funding reduced will increase. That will also happen with rents. Talk of Stalinism and centralisation is a bit ironic. Without getting into history, more people on the other side of the House had previous associations with Stalinism than those on this side.

Deputy Jan O’Sullivan: The Deputy cannot talk about-----

Deputy Richard Boyd Barrett: If the Minister of State is concerned about having the input of local authorities on the setting of rents it could be done at a national level. We could have inputs from all local authorities on a national differential rent scheme. The end result would be a national scheme where there would be input from all stakeholders, including anti-poverty groups, housing NGOs and so on as to what rents would be fair and reasonable to charge people in a harmonised national differential rent scheme.

Acting Chairman (Deputy Olivia Mitchell): I am afraid the Deputy has exceeded his two minutes. Would the Minister of State like to respond?

Deputy Richard Boyd Barrett: Without that rents will increase, which is unacceptable. I will press the amendment.

Deputy Jan O’Sullivan: I do not agree that the 15% variation in property tax will always vary upwards. In the Deputy’s local authority area 80% could be retained. Given the valuation of houses on the east coast there will be considerable scope in that area generally to vary the tax. Many local authority members will not agree with the Deputy. In fact, the entire Sinn Féin membership said yesterday it would campaign and say it would reduce rents by 50% if it was in government next time. I have no doubt other candidates for local elections will say exactly the same thing. They will have to fulfil that promise when they are elected.

If the Deputy is making the point that because of financial pressures local authority members will somehow want to increase rates in their areas, I do not agree. If it is decided at a national level it is probably more likely to increase than if it is decided at local level. I do not see why deciding it at national level will automatically make it less likely that rents will be higher or lower. This is essentially about protecting an element of local democracy while at the same time having statutory guidelines in place to ensure there is harmonisation across the State. Transferring the rent supplement is an important element of that in the context of the difficulties, pointed to by many Deputies, that people are experiencing. The application of a differential rent scheme to tenants who are currently on rent supplement will be of great benefit to large numbers of people. In order to achieve that, we must have model rents. We will be setting a model rent framework for different types of household at national level, but it will facilitate a certain level of variation for local authorities. It is a good balance and I do not propose to accept the amendments.

Deputy Catherine Murphy: We have had some of this discussion on Committee Stage. I completely agree with the Minister of State's comments regarding the housing assistance scheme and the move to a single-tier administrative function for local authorities. The rent caps were changed very recently, with increases in some areas, including my own. They remain, however, below market rents throughout the country and people are struggling to secure accommodation. I do not disagree with the Minister of State's approach, but I share some of the concerns expressed by Deputy Richard Boyd Barrett.

The Minister of State indicated that a business case will be undertaken in respect of the transferring of rent caps. The problem is that, if the money does not come across from the Department of Social Protection, it is inevitable that there will be a conflict between people in local authority housing and those in receipt of rent assistance through the local authority. There will be a mismatch in terms of the amount of funding available. How does one square that circle? People in local authority housing will be on a differential rent and that same differential rent model will apply to persons in the private rented sector, yet there will not be the kind of funding available to source accommodation in some parts of the country at the rent levels that the Department of Social Protection seems to believe can be sourced. This will inevitably place an additional burden on people through rent increases. Will the Minister of State comment on that?

Deputy Jan O'Sullivan: This is essentially a technical Bill which paves the way for the larger debate. When I introduce the legislation on the housing assistance scheme, the economic assessment will have been completed. I hope to bring a memorandum to Cabinet before we break for the summer setting out our plan for implementing the transition. There is a great deal of work to be done before then, including co-ordination of the information technology systems of the Department of Social Protection and my Department. Nobody disagrees with the principle of what we are trying to achieve, namely, moving people to a fairer system of paying rent on the basis of their income and removing the poverty trap whereby individuals in receipt of rent supplement who obtain a full-time job lose their entire payment. That is a terrible impediment to seeking work.

I am not minimising the reality that there are serious financial issues we must address in the meantime, but I am determined that we will address them. The objective is to have a model of the level of rent that each different type of household would be expected to pay under a differential scheme. The type of variation about which Deputies Richard Boyd Barrett and Catherine Murphy are concerned would arise only on the basis of income. We will introduce detailed proposals in that regard. However, in advance of the completion of that element of the work, I cannot give definitive answers to the Deputies' questions.

Deputy Noel Greally: My experience in Galway is that local authorities are advising people, because there is so little social housing available, to apply for the long-term leasing scheme or the rental accommodation scheme. I dealt with a case recently in which a young blind woman was seeking a house with a garden for her guide dog but none of the available local authority houses was suitable. The scheme is capped at a certain level, as specified by the Department, for single people, couples and families. What I am finding, however, is that individuals are going back and doing separate deals with landlords whereby they agree to pay an additional €200 per month, for example, out of their own resources in order to secure a property. This is probably outside the remit of the Bill but I ask the Minister of State to consider how it might be dealt with in other legislation. It is very unfair that people are obliged to pay money out of their own pockets, unknown to the local authorities, via side deals with landlords. We must ensure there is adequate funding available to enable people to rent a house on the open

market. There is also an issue of staffing in that local authorities do not have sufficient personnel to deal with the volume of applications. Will the Minister of State comment on these issues?

Deputy Dessie Ellis: I acknowledge the Minister of State's intention in this legislation of moving towards a fairer system with more consistency across the board in terms of rents. Action must be taken as a matter of urgency to bring rents into line across the country. The Minister of State seems to be working towards that objective, but the pace of progress is too slow. There are massive differences in rents across the country and that will continue when the rent supplement scheme transfers to local authorities. County and city councils are already coming under huge pressure to cope with the demand for properties under the rental accommodation scheme. Large numbers are not being housed because there is no social housing available. We had an incident in Bray in which residents were locked into the local authority premises because of a failure to provide housing under the rental accommodation scheme. That type of thing will happen more and more in the future. The commitment given under RAS was that people would either be given local authority housing or a continuation of RAS. I have spoken to a person who ended up homeless as a consequence of the local authority's failure to fulfil that obligation.

How is it proposed that the rent supplement scheme will be administered when it is taken over by the local authorities? How, for instance, will we deal with situations in which a property is put up for sale by a landlord or lending institution and the RAS tenant is evicted? The rules are too lax in this regard, with many contracts being cut short because the landlord wants to sell. We must tighten up the provisions in regard to these contracts because the current situation is very unfair.

Deputy Jan O'Sullivan: We are straying a little from the Bill, but there is a priority question today on that issue which I think Deputy Dessie Ellis tabled.

Deputy Dessie Ellis: I know.

Deputy Jan O'Sullivan: Deputy Noel Grealish's point has been raised many times in this Chamber, on Second and Committee Stages of the Bill and in various other contexts. Strictly, it is a matter for the Minister for Social Protection. I do not deal with rent caps and rent supplement, but the issue came up in this context because this and the next Bill will facilitate the transfer of the long-term rent supplement scheme to the local authorities.

On Deputy Dessie Ellis's point, there is a working group that consists of representatives of the Department of Social Protection, my Department and the City and County Managers Association because, in the context of preparation for HAP, it is of concern to all of these authorities. I will inform the House as we progress and we will certainly have an opportunity to discuss these issues again. This is a very narrow, small, technical Bill to facilitate the charging of rent during the transitional period, but I appreciate the genuine interest of all the Members who have spoken today and on Second and Committee Stages on the issues raised. Unfortunately, I cannot accept Deputy Richard Boyd Barrett's amendments because I want to keep the minor level of flexibility in respect of the local democratic element and the powers of local councillors.

Deputy Richard Boyd Barrett: The main arguments have been made. I am glad that the Minister of State accepts the general thrust of the argument, if not the actual amendments, in stating her own commitment to a harmonised and fair scheme. I seriously worry that she is leaving the door open for things to move in the opposite direction. The logic behind the amendment is to have harmonisation and I do not really think it is that difficult to achieve. To back up

the logic of my proposal, there is a serious rent arrears crisis in many local authorities, certainly in my area which I suspect is replicated around the country. Many people are not able to pay their rent.

Deputy Noel Grealish: It is a major problem in Galway.

Deputy Richard Boyd Barrett: Therefore, it has been confirmed in Galway and Kildare. Deputies are nodding in agreement. This is evidence that we need to move urgently to a harmonised and fair system. If the Minister of State said the level of flexibility would be specified and limited to a 1% or 2% variation, I could accept her argument that the transition is acceptable. This, however, is open-ended. She is proposing that there be wide scope for local authorities to increase rents significantly, depending on the financial pressures they are under. If that is the choice available to us, I suggest my proposal is the better solution.

Deputy Catherine Murphy has pointed out that in her consultations the Minister of State mentions the Department of Social Protection, her own Department and county managers. Where are the public representatives? Where are the representatives of NGOs dealing with housing issues on the front line? Where are the representatives of anti-poverty groups to consider these matters? They need to be involved in consultations.

Deputy Jan O’Sullivan: We engaged in considerable consultations with Threshold, in particular.

Deputy Richard Boyd Barrett: There should also be consultation with public representatives on local authorities, as well as managers. I will press the amendment on the grounds that the Minister of State is not limiting the discretion of local authorities to increase rents upwards significantly from the model rent she suggests. We need harmonisation. It has to be fair, but the Minister of State’s provision leaves too much flexibility for injustice and to increase rents.

Question put: “That the words proposed to be deleted stand.”

<i>The Dáil divided: Tá, 91; Níl, 29.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Browne, John.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Crowe, Seán.</i>
<i>Byrne, Eric.</i>	<i>Daly, Clare.</i>
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>
<i>Cannon, Ciarán.</i>	<i>Ellis, Dessie.</i>
<i>Carey, Joe.</i>	<i>Ferris, Martin.</i>
<i>Coffey, Paudie.</i>	<i>Flanagan, Luke ‘Ming’.</i>
<i>Collins, Áine.</i>	<i>Fleming, Tom.</i>
<i>Conaghan, Michael.</i>	<i>Healy, Seamus.</i>
<i>Conlan, Seán.</i>	<i>Healy-Rae, Michael.</i>
<i>Connaughton, Paul J..</i>	<i>Higgins, Joe.</i>

<i>Conway, Ciara.</i>	<i>Keaveney, Colm.</i>
<i>Coonan, Noel.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>McGrath, Finian.</i>
<i>Cowen, Barry.</i>	<i>McLellan, Sandra.</i>
<i>Creed, Michael.</i>	<i>Nulty, Patrick.</i>
<i>Daly, Jim.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Deasy, John.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Deering, Pat.</i>	<i>O'Brien, Jonathan.</i>
<i>Doherty, Regina.</i>	<i>Pringle, Thomas.</i>
<i>Dowds, Robert.</i>	<i>Ross, Shane.</i>
<i>Doyle, Andrew.</i>	<i>Shortall, Róisín.</i>
<i>Durkan, Bernard J..</i>	<i>Stanley, Brian.</i>
<i>English, Damien.</i>	<i>Tóibín, Peadar.</i>
<i>Farrell, Alan.</i>	<i>Wallace, Mick.</i>
<i>Feighan, Frank.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Flanagan, Terence.</i>	
<i>Grealish, Noel.</i>	
<i>Griffin, Brendan.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Hayes, Brian.</i>	
<i>Hayes, Tom.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kelleher, Billy.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Maloney, Eamonn.</i>	
<i>Martin, Micheál.</i>	
<i>Mathews, Peter.</i>	
<i>McCarthy, Michael.</i>	
<i>McConalogue, Charlie.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Mattie.</i>	
<i>McGrath, Michael.</i>	
<i>McHugh, Joe.</i>	

<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Catherine.</i>	
<i>Murphy, Dara.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Fearghail, Seán.</i>	
<i>Ó Riordáin, Aodhán.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>O'Sullivan, Maureen.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Ring, Michael.</i>	
<i>Smith, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Richard Boyd Barrett.

Question declared carried.

Amendment declared lost

12 June 2013

Amendments Nos. 2 and 3 not moved.

Bill received for final consideration.

Acting Chairman (Deputy Olivia Mitchell): As all the amendments have been disposed of, I ask the Minister when it is proposed to take Fifth Stage.

Deputy Kathleen Lynch: Now.

Question proposed: “That the Bill do now pass.”

Deputy Caoimhghín Ó Caoláin: The Minister of State has wide skills.

Acting Chairman (Deputy Olivia Mitchell): She multi-tasks.

Minister of State at the Department of Health (Deputy Kathleen Lynch): On behalf of the Minister responsible, I thank the Deputies for their contributions. While this is a short Bill, the Minister has a particular interest in it, as do those who contributed. I thank all those who contributed, which always adds to the value of any item of legislation.

Question put and agreed to.

Health Service Executive (Governance) Bill 2012 [Seanad]: Order for Report Stage

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move: “That Report Stage be taken now.”

Question put and agreed to.

Health Service Executive (Governance) Bill 2012 [Seanad]: Report Stage

Amendment No. *a1* not moved.

Acting Chairman (Deputy Olivia Mitchell): Amendment No. 1 is in the name of Deputy Ó Caoláin and arises out of committee proceedings. Amendments Nos. 1 and 21 are related and may be discussed together.

Deputy Kathleen Lynch: I think amendment No. 1 is in the name of Deputy Boyd Barrett but it was ruled out of order.

Acting Chairman (Deputy Olivia Mitchell): Amendment No. *a1* was ruled out of order.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 1:

In page 5, between lines 8 and 9, to insert the following:

“(3) Before specifying priorities or performance targets under this section the Minis-

ter shall consult with the Joint Oireachtas Committee on Health and Children.”.

Amendment No. 1 is good to go; it was amendment No. a1 to which the Minister of State referred. I have every confidence she will adopt amendments Nos. 1 and 21.

We are proposing this amendment in order to enhance accountability and the role of Oireachtas Members. Having been a Member of this House for 16 years, I believe this is something that needs to be achieved, particularly with regard to the committee system and to that committee on which I currently serve, the Oireachtas Joint Committee on Health and Children.

The executive is being abolished and the proposition in the Bill is that more power and responsibility be vested in the Minister. I will refrain from blessing myself at this point but that is something that I might have been tempted to do. There needs to be a balance and there also needs to be openness and transparency. The explanatory memorandum to the Bill, which I appear to have left behind me, states that it is essential that the HSE be properly accountable to the Minister for its performance, and I agree with that. My question, as I highlighted on Second Stage, is this: what about the accountability of the Minister for Health to the Oireachtas, in the first instance, and to the people of this State?

The engagements we have not only in this Chamber but on a quarterly basis at the health committee and during Dáil questions - including recent occasions on which Deputy Kelleher and I both strongly objected when, as Opposition voices, we were seriously curtailed in the opportunity to perform our role of holding this Minister to account - are all after the fact. Policies, priorities and performance targets are already set and, as we have discovered only in the recent past, these performance reports by the HSE have been somewhat dickied up in order to present a more favourable picture of performance on the part of the HSE and the services over which it is responsible, as exposed earlier this year in correspondence between the offices of the Secretary General and the director designate of the HSE. We are playing catch-up as elected Members in terms of actual performance and trying to see behind the PR smoke-screen that is often put up by the Department and the HSE, of which we have had ample experience. With respect to the Minister of State, Deputy Lynch, she noted all of that when she was an Opposition voice in this Chamber over many years, and, sadly, the situation has not changed one iota since this Government took up office and the Minister, Deputy Reilly, took the helm of the health services.

The health committee should have a direct input. It should be consulted. The members of the Oireachtas Joint Committee on Health and Children, as it is designated, work very well together in an earnest effort to address issues collegially and in the interest of the wider public whom we are elected to serve, and, as best as we can, we leave our respective political differences aside in seeking to address matters in the most serious and effective way.

Amendment No. 1 contains a very simple formula and its purpose is as I have described - to provide that “[b]efore specifying priorities or performance targets under this section the Minister shall consult with the Joint Oireachtas Committee on Health and Children”. It is simple but appropriate, and worthy of the Minister of State’s support. I commend the amendment to the Minister of State.

Minister of State at the Department of Health(Deputy Kathleen Lynch): I thank the Deputy for his amendment. The Bill provides for the abolition of the board of the HSE - not the HSE itself - and the establishment of a new governance structure, namely, a directorate,

12 June 2013

which will be headed by a director general. Second, it provides for further accountability arrangements for the HSE. The Bill is a transitional measure and it is intended to help prepare the health system for the changes ahead. It does not provide for the abolition of the HSE and I am sure the Deputy fully understands that.

The Minister appreciates the views expressed on Committee Stage on the value of real engagement between public representatives and the HSE. He does not, however, believe that amendments No. 1 and 21 reflect an appropriate approach to such engagement. He remains of the view expressed on Committee Stage in regard to these amendments. The purpose of section 10A is to enable the Minister to specify priorities, to which the HSE must have regard in preparing its service plan, and also to establish performance targets in respect of those priorities.

1 o'clock

Amendment No. 1 seeks to amend section 10A of the Health Act 2004 to give a role to the Joint Committee on Health and Children where the Minister is determining priorities and setting performance targets for the HSE. However, as the Minister stated on Committee Stage, priorities and target-setting for the HSE are issues for the Minister in line with Government policy, not matters for the joint committee, the role of which, in the Minister's view, is to monitor how Government policies affect people using the health service and bring concerns to the attention of the Minister. Accordingly, therefore, the Minister does not propose to accept the amendment.

I have seen it now from both sides of the fence. It is not as if the quarterly review or scrutiny that takes place with the joint committee does not have an impact on policy; clearly, it does. Deputy Caoimhghín Ó Caoláin's contribution on the cochlear implants issue is recent proof of this. That will be taken into account and impact on what we intend to do on that issue. I would not dismiss those engagements in any way. However, we could not possibly have a committee of the Oireachtas setting the priorities of all new Governments. It may change as time passes, but all new Governments come with a clearly stated policy on health issues.

Deputy Billy Kelleher: I support the amendment. The difficulty we have is that we adjudicate retrospectively. Let us consider the service plan. It is published and often consultation takes place after the event. Although we have quarterly meetings with the Minister, the HSE and the Minister of State, they are often on the basis of reaction. The purpose of the amendment is clear. It would not force the Minister to comply with what the Joint Committee on Health and Children suggested, but it represents a consultation process. We often refer to the need for transparency and accountability and involving as many people and stakeholders as possible in the decision-making process. This would be an ideal platform, whereby the priorities the Joint Committee on Health and Children believes should be included in the service plan could be presented in advance of its completion. That is really what it is about.

I accept that the Government has the right to set policy and that the Minister has the right to pursue and implement that policy. However, giving the Oireachtas committee an opportunity to have an input into the process prior to decisions on the service plan being cast in stone which we subsequently scrutinise is something worth considering. Let us broaden the debate to include Dáil reform and the discussion on committees being involved in the detailed scrutiny of legislation prior to publishing the heads of a Bill. This amendment would represent another positive step to ensure Oireachtas committees would play a meaningful role in advance of decisions being taken, as opposed to reacting to decisions already made. It is a worthy amendment from that point of view.

I have no wish to labour the point, but we oppose the Bill because of our concerns about it vesting vast powers in the Minister directly. The Minister will argue that this provides for greater democratic accountability. I have no wish to personalise the issue, but affording any Minister such authority is not good. Health issues should be de-politicised. We saw what happened in the case of primary care centres and, let us be clear, they were political decisions. The decisions on the funding of accident and emergency services in various places were also political. That is the right and entitlement of the Minister, but I do not believe health issues should be politicised to that extent.

Section 7 confers supreme authority on the Minister of the day not only in the context of accountability but also in the context of decision-making. This is a matter of concern to me. It is the reason we opposed the Bill on Second Stage and why we will be opposing it at the end of Report Stage. If the amendment were to be accepted, it would at least allow some opportunity for a meaningful input from the elected Members of Dáil Éireann and Seanad Éireann, for the time being. The Minister could decide to accept, reject, amend or ignore any input, but at least it would give us an opportunity to advocate on behalf of stakeholders in advance of decisions being made. On the cochlear implants issue and many others there are a plethora of stakeholders who are keen for their views to be put forward. Ultimately, it is up to the Minister to accept or reject them, as is his right, but at least we would have had the opportunity to present cases made by advocacy groups and political parties that might have a particular view on how health services should be delivered.

I have no wish to labour the point, but in the case of the reconfiguration of hospitals, the Higgins report was presented to the Cabinet and published. All the discussions since have been on the basis of reaction and there was no input from elected Members in discussing policy. Ultimately, the Minister will make the decision, but having an input in advance could be better than the Minister deciding that accepting arguments made by elected Members about reconfiguration or any other policy would be seen as a climb-down. However, if a matter is discussed in advance of a decision being made, it could be included in the decision rather than have us claim the Minister has done a U-turn on policy. That would be good for democracy and would bring decision-making nearer the people. Oireachtas committees meet advocacy groups day in, day out and highlight issues. Groups come to discuss their needs and wants and deficiencies in services. All of this should feed into the process before a decision is made, as opposed to hounding the Minister of the day afterwards for not including things and then, if the Minister makes a change, there are the usual political shenanigans in claiming he has done a U-turn. This is a worthy amendment which could avoid all of this.

From the point of view of my party, the Bill will confer absolute power on the Minister, in whom we proposed a motion of no confidence last year. I cannot say I have confidence in him now when I did not have confidence in him last September. I have no wish to personalise the matter, but the Minister has given me no reason to believe anything has changed. We are now proposing to confer considerable powers on him without any accountability, other than asking him questions in the Dáil. As Deputy Caoimhghín Ó Caoláin noted, this limits the ability of the Opposition to have meaningful engagement or to hold the Minister to account.

Deputy Caoimhghín Ó Caoláin: The Minister of State has referred to seeing it from both sides, but the lessons from this side should be brought into the Government experience and they have not been. The lead Minister has totally and absolutely set aside all of what he learned as an Opposition voice and adopted the same approach as his predecessors, whom he condemned consistently from these benches.

What are we asking? We are trying to improve the workings of this institution and its various component parts and the Government suggests it is also seeking to improve them. The committee system needs to have its game upped, about which there is no question. We are not asking that members of the Joint Committee on Health and Children have a veto, a right to direct or a final say but to consult. The Minister will appoint advisers by the new-time and consult all and sundry. The only people with whom there is little consultation, or none in some instances, particularly on the service plan, are the elected members who act as health spokespersons for the various parties. The Minister of State may find herself in such a role again at some point in the future. It is an investment for any of us to make political interaction in the House better, with an eye on results. We should always try to reach the best possible place with legislation and measures to be introduced and implemented and service plans et al. Consultation does not strap the Minister at any point.

In amendment No. 21, as in the case of amendment No. 1, we are seeking a role for the Oireachtas Joint Committee on Health and Children. There is no question that the HSE service plan requires serious scrutiny; of course, it does. The 2013 service plan was short on detail - I have never seen anything like it - compared to the plans for all previous years I have known. Many of the cuts contained in it are coming to light as the weeks and months go by.

Acting Chairman (Deputy Olivia Mitchell): I will come back to the Deputy after the Minister of State has responded. He will have the right to wrap up the debate.

Deputy Caoimhghín Ó Caoláin: The 2013 service plan was a plan to slash services. That is what it has been. The health committee could have offered better advice, guidance and steering and such efforts can always be rejected. Surely the word “consult” should be embraced. I commend both amendments to the Minister of State.

Deputy Kathleen Lynch: I would like to respond to Deputy Billy Kelleher by referring to my experience on the Opposition benches. Any of us who comes back into this House is very lucky. I have always viewed being elected or not being elected in that way. The voice of the people is genuinely supreme. Fianna Fáil is opposed to the Bill because it vests too much power in the Minister. For ten years we said the Minister of the day was putting the health service at arm's length. I did not personalise the matter when the Minister in question was in office and do not intend to start now. Her hands-off approach meant that every time we asked a question, she said she was not responsible. We were told the matter in question was the responsibility of the HSE. We have changed that approach entirely. The Minister is assuming these powers for himself because he is determined to be the accountable person for the health service. In opposing this Deputy Billy Kelleher is saying he wants the old regime to return. As we all know, the old regime was not very successful, even though enormous amounts of money were thrown at it. The Deputy really needs to think about this issue and I am a little surprised he has made that argument.

I will respond to Deputy Caoimhghín Ó Caoláin's suggestion that the role of the committee with regard to the service plan is reactive. I look at it on the basis that we consult the committee four times a year. I have referred to my time in opposition. The introduction of the Breast-Check and cervical screening programmes resulted from contributions made at meetings of the Joint Committee on Health and Children. It is a matter of persuading Ministers that certain matters should be included in service plans. If we were to consider putting the service plan before the committee, rather than engaging in serious consultations on them in advance, that would be a reactive measure. I remind the Deputy that the cochlear ear implant issue is a clear case in

point. It is not included in the current service plan, but it will be included in the next one. We most definitely listen to health spokespersons because we know they have acquired a degree of expertise along the way.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister of State's acknowledgment of our persistent-----

Acting Chairman (Deputy Olivia Mitchell): I apologise for interrupting the Deputy, but Deputy Billy Kelleher wants to come in. I will come back to Deputy Caoimhghín Ó Caoláin to wrap up.

Deputy Billy Kelleher: Amendment No. 1, in the name of Deputy Caoimhghín Ó Caoláin, calls for consultation with the Joint Committee on Health and Children. I will explain why I oppose the Minister of State's position. While the Minister of the day is obliged to set policy, its implementation is clearly a different issue. As we are aware, ministerial decisions on hospital funding, for example, can be influenced by lobbying at the Cabinet table. The Minister decides where resources are allocated for capital projects, etc. I do not accept that such decisions should be fully vested in the Minister without some accountability to an agency. A project should not be considered a priority just because it is in the Minister's or somebody else's constituency. The allocation of our scarce resources should be based on need rather than on political lobbying at Cabinet level. There was clear evidence of such lobbying in the case of the funding of hospitals in Kilkenny and Wexford. The Minister will set policy and will be accountable in the Dáil, but there must be some oversight to ensure he or she does not politicise the delivery of health care. This clearly is the issue. We have grave concerns about the Bill because it gives absolute power to the Minister of the day. A small brake could be put on this by requiring the Minister to come before the health committee and listen to the various views of members before a service plan is fully adopted.

Deputy Kathleen Lynch: He goes to the committee four times a year.

Deputy Billy Kelleher: I accept that the Minister for Health attends the quarterly meetings and we welcome that engagement very much. The point I am making is that the service plan is cast in stone in January every year. It is traditional for the Minister to refer it back to the HSE after scrutinising it. He will issue a press release saying it has been amended before the final plan is published. It is cast in stone at that stage. It is very hard for the Oireachtas committee to have an input in the delivery of services in that calendar year. The Minister might listen to what it has to say in advance of the following year's report. The committee's role in the delivery of health services in the current year does not extend beyond scrutinising how the plan is being implemented. There is no discussion about what should be in it in the first place. Clearly, that is the issue about which we are concerned.

Deputy Kathleen Lynch: The consultation takes place in advance. It has taken place by the time the report is drawn up. It is not the case that we do not listen. We have quarterly meetings with the committee and it is clear that we listen and take note. The things on which we agree with the committee appear in the service plan. Is the Deputy suggesting the service plan should not be set in stone and that it should be a flexible document that may change as the year goes on?

Deputy Billy Kelleher: No.

Deputy Kathleen Lynch: One cannot plan a health service on that basis. A health service

has to be planned in a clear way. The Minister is not supreme and has to account to his Cabinet colleagues. Equally, he has to account to this Chamber. I find it difficult to take a lecture from the Deputy on political manoeuvrings.

Deputy Billy Kelleher: I have not lectured the Minister of State. It is not in my nature to lecture.

Deputy Caoimhghín Ó Caoláin: I will restore order. I acknowledge the Minister of State's recognition of the important contributions made by Opposition Deputies on a variety of issues, including the cochlear implant issue. We look forward to the provision of funding for its introduction in the 2014 programme, as that is hugely important. This is about consultation. I could cite many other instances in which we hope to excite interest in what more we might have to say. Consultation could be very useful. If Deputy Billy Kelleher or I have an opportunity to serve as Minister or Minister of State in the future, I hope we will appreciate the experience and listen to the views of other elected representatives. We are all elected and have the same mandate when we come here to give service. We are dealing with issues with the Government after the fact, which is not the best way to do business. I appreciate and understand how the system works, or does not work as the case might be. These amendments are about consultation. The role of the Dáil committee system needs to be upgraded as part of the reform of the Houses of the Oireachtas. I do not believe the single opportunity we have every quarter is enough because, therefore, much has to be addressed. The Minister of State and her colleagues in the Department have set their minds against what we are proposing, which I regret very much. I suspect that members of all parties and none who serve on the Joint Committee on Health and Children would welcome the acceptance of these common-sense amendments. They would provide for a greater purpose for the committee and, as a consequence, increase the potential to achieve better results. It is regrettable that they are not being accepted.

Amendment put and declared lost.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 2:

In page 6, line 26, after "Act" to insert the following:

“, one of whom shall be a Director of Mental Health”.

I note this is being taken as a stand-alone amendment. I would have foreseen it being taken in the context of amendment No. 4 but, as amendments Nos. 3 and 4 are being grouped together, I will speak just to amendment No. 2 at this stage.

The amendment is proposed in order to emphasise the importance of the role of director of mental health. When I raised this first on Committee Stage, we did not then have such a designated office holder. I know Mr. Stephen Mulvany going back a number of years and this is not in any way reflective on him as a person who now has this responsibility, given that happened after the fact in this instance. That said, I believe the Bill still needs that address in terms of future consideration of appointments and it is a view that is shared by many who have a concern in regard to mental health. I know the Minister of State herself will be very strong on this given she has a proven record of concern in regard to mental health issues.

I welcome the Government's intention to improve accountability of the HSE, which I have already reflected. However, the organisation Mental Health Reform has stated that - as it sees it and I am also of such a mind - the Bill does not ensure that a director of mental health has the

competence to drive implementation of mental health policy. The Bill is not specific in regard to this position. Mental Health Reform is concerned that the Bill limits the recruitment of new directors of the HSE to those who already hold the position of national director within the HSE. Mental Health Reform, I and other voices believe it is vital to have the opportunity to appoint the best person, whether that person is serving within the HSE or is external to it. It is about somebody coming in, not only with the competence and drive but, in regard to the catch-up that is necessary in mental health, the person also has to have something else, something very special indeed, that voices here in this Chamber, and the Minister of State, have certainly demonstrated in the past.

While I again wish Mr. Stephen Mulvany well in his new position as director of mental health, as I did at the recent quarterly hearing of the health committee, I believe what Mental Health Reform, I and other voices have argued for should still be written into the Bill in order that this is clearly understood into the future. I commend amendment No. 2 to the Minister of State for all of the reasons I have explained.

Deputy Kathleen Lynch: When performing their functions as members of the directorate, appointed directors will act collectively as part of the governing body of the HSE. This is distinct from their individual responsibilities as senior employees in the grade of national director relating to a particular service area. As the Minister indicated on Committee Stage, therefore, it is not feasible for him to accept this amendment with the specificity it involves in singling out one service area, however vital. I am sure the Deputy will agree with that.

On behalf of the Minister, I am of course happy to put on the record today that his intention is to appoint the new national director of mental health as a member of the HSE directorate. As the Minister said in committee, he fully understands the good intention behind this amendment and he and I both share the Deputy's view on the importance of mental health services. However, for the reasons which have been explained, the Minister will not be in a position to accept the amendment and would ask the Deputy to consider withdrawing it.

The process that ensued in order to get these four directors was a very open one. The Bill clearly states it has to be an employee of the HSE but anyone who gets the job will then naturally become an employee of the HSE. The Bill is not stating that in order to apply for or get the job, one has to be an employee of the HSE. It does not rule that out, but it most definitely does not demand that in the first instance.

As the Deputy will know, I listen very carefully to various mental health groups, particularly groups outside the Houses. They have a particular view and, while I do not always agree with them, I always listen. The point I have noticed is that various groups that have an interest in mental health, and I would include Mental Health Reform in this, have pushed out the boat in regard to mental health and have forced us to think of it in a different way. I believe this is all very good. I would never dismiss anyone that has the experience of any of the four people who have been recruited as the new directors of the HSE. They are very competent people, they know the system and the service, and I know they will all bring to the table very unique qualities. We will be making significant progress and we need someone very specific to carry forward that progress.

I understand that when the amendment was put down, it was not very clear whether a director of mental health was about to be appointed or would have been appointed as quickly as has happened. However, I know we are all of one mind on this, and I know the Deputy, the Minister

12 June 2013

and I would wish the new director in this area only the very best. Whatever help any of us can give him, I am sure we will be prepared to do that.

Deputy Caoimhghín Ó Caoláin: In any other situation, I would accept the view that one would not be making a special case, but I make no apology at all for being that particular in regard to mental health. It requires every support and assistance to catch up after decades of abject neglect. I do not attribute that only to those in government over the years as I think it is a reflection of society that there was not an appreciation of how fundamental and important to each and every one of us was the requirement for best practice in regard to mental health services. I again hold very strongly to the view that there is a special and necessary case to be made in regard to the director of mental health.

There was a vote earlier on the housing legislation. I was 16 years in the House last week and I can remember when I first came in. It was wildly difficult to follow how this House worked when I was the only member of my party and the first to be here. The proposition on the last piece of legislation turned around the proposal from what the mover of the amendment sought, which was that the word would remain. It was very confusing to follow and one was actually voting “Níl” when one thought one should have been voting “Tá”.

This is where the language becomes incredible. With respect to what the Minister of State has just said, she tried to tell us that the Bill does not seek to limit those who will be appointed to these roles to those who are already in the service of the HSE at either national directorate level or in another comparable grade within the HSE. Yet, that is exactly what it says. The Bill, under section 7, at section 16A(3), states, “A person may not be appointed as an appointed director unless he or she is a person who is an employee of the Executive holding the grade of national director or other grade in the Executive which is not less senior than the grade of national director.” It is clear a person cannot be appointed unless he or she is an employee. I expect this was a requirement before the event of his or her consideration and appointment-----

Acting Chairman (Deputy Olivia Mitchell): I must interrupt. I can see this debate will continue but we have reached 1.30 p.m. and I ask the Deputy to move that consideration of the Bill be adjourned.

Deputy Caoimhghín Ó Caoláin: Perhaps the Minister of State will acknowledge that the Bill is quite specific in regard to what it requires.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna - Questions

Dáil Éireann
Priority Questions

Water Services Provision

1. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if he will provide a county breakdown of the number of local authority staff engaged in water services; the future plans for those staff under Irish Water; and if he will make a statement on the matter. [28195/13]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan)(Deputy Phil Hogan): The independent assessment of the establishment of a public water utility undertaken by PricewaterhouseCoopers in 2011 estimated that there were just over 4,000 whole-time equivalent staff directly engaged in water services. A breakdown of this figure is not available in my Department. The local authority water services transition office is gathering this information on a water services authority basis to inform the implementation of the water sector reform programme.

A fundamental underpinning of the water reform programme is to ensure that the skills and experience built up over many years in local authorities are put to the best use for the long-term benefit of the customer and that there are no negative impacts on services to customers during the transition. It is intended, therefore, that the legislation to transfer statutory responsibility for water services to Irish Water will provide for local authorities to act as agents for Irish Water, with this relationship being expressed through service level agreements. The majority of the existing staff will remain employees of local authorities working under such arrangements.

A specific structure, the Irish Water consultative group, chaired by Mr. Kevin Foley of the Labour Relations Commission, was established last year to facilitate engagement between unions and management on the water sector reform programme. The group meets regularly to work through the issues concerned and has agreed principles for the secondment of local authority staff to the Irish Water programme. Discussions are ongoing in respect of the proposed service level agreements, addressing issues such as their scope and duration and the protection of the terms and conditions of employees in various circumstances.

Deputy Barry Cowen: The Minister is right in saying that the PricewaterhouseCoopers report produced prior to the setting up of Irish Water identified more than 4,000 jobs in the area. It also suggested that there would be job losses. Despite the Minister's statement that when the Department went through the figures it was not done on a county-by-county basis, the Minister should seek to have that information provided to the House.

In respect of the service level agreements being sought under the stewardship of Mr. Foley, what progress has been made? Can the Minister confirm that those agreements will only bring us to 2017? What indication can he give the House regarding permanency for staff beyond that date? It is important that we and, more importantly, the staff are aware of the long-term role they have. Will service level contracts between local authorities and Irish Water continue and will staff have incremental contracts rather than the permanency they now enjoy? Does the consultative body contain a public representative or someone who could act as a conduit between local authority members and the staff under their control, who will not be under their control in the future?

12 June 2013

Deputy Phil Hogan: There are a number of questions. Ultimately, there will be an increase in employment relating to water provision. What we are seeking to do is to generate an efficient implementation programme that will mean that the processes we have at the moment between local authorities and the Department of the Environment, Community and Local Government will be rationalised to the extent that we will be speeding up the investment programme. We anticipate that in two or three years' time we will have doubled the amount of money in contracts available through Irish Water for water and wastewater service provision. We need to do that if we are to keep pace with the level of economic activity that is required and the fundamental issue of providing adequate water and wastewater facilities for inward investment.

I am not in a position to give the Deputy exact figures about the outcome of those discussions that are ongoing at the moment about who and how many will be seconded. I will inform the House or the committee on the environment, culture and the Gaeltacht to keep it briefed on jobs on a county-by-county basis. At the end of the day, Irish Water is charged with the responsibility for delivering on behalf of the taxpayer an efficient and effective service and ensuring we have additional investment through the private capital programme in the future to assist Irish Water in achieving the aims of our water services programme.

Progress is being made on service level agreements. They are not concluded yet. I expect we will go beyond 2017 in respect of the relationships between Irish Water and local government, but there is a two-year review clause we are seeking to examine in two years' time to see how far beyond that we have to go. It will be up to the people around the table to decide many of these issues with Irish Water.

There is no public representation on the in-house management-union structure that is in place at the moment to work out these issues, but I envisage public representation on the board of Irish Water.

Deputy Barry Cowen: I welcome the Minister's commitment to having public representatives on the board of Irish Water. However, I again ask him to seek to have similar representation at the table for consultation on service level agreements. As the Minister said, the initial period is to 2017, with the arrangements to be reviewed thereafter. I hope a commitment will be given at this stage that any such review would look at the much longer term to safeguard and protect the jobs of existing staff within local authorities. I welcome what has been said in recent weeks in respect of the call centre and the jobs that will emanate from that. However, as I have told the Minister on many occasions in the past, there are many call centres throughout the country in which we have faith. Nowhere were they shown to be more effective than during the winter freeze a few years ago, based on the local knowledge, experience and professionalism of those concerned. How the new regime works will be measured in time against that performance. I am anxious for a place at the table to be given to some representative of local authorities and their members to make further progress in this area.

Deputy Phil Hogan: I do not agree with Deputy Cowen that it is appropriate to have public representation at the management-union talks that are ongoing under the chairmanship of Mr. Foley from the Labour Relations Commission. There are many technical issues to be resolved. Public representatives are in charge of policy and will effectively be the board of directors in respect of local authorities in the future. Management and unions should get on with the job of working out the details about how matters will be implemented, including staff arrangements.

Hundreds of people have expressed interest in secondment to Irish Water from local au-

thorities. They must see career opportunities in Irish Water in the future, or they would not be interested in doing that. I hope we will be able to get agreement on service level agreements in the near future. I announced 400 jobs in the call centre dealing with customers but there will be about 1,600 jobs involved in the metering programme. Three regional contracts will be announced around 10 July.

Local Government Reform

2. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government in view of the new municipal districts proposed by the Local Boundary Commission, noting that some of these cover large geographical areas and in view of his stated intention to devolve further powers and functions to councillors, his views on whether councillors in the new municipal districts will be able to properly represent all their constituents. [28200/13]

Deputy Phil Hogan: I am confident that the new governance arrangements within counties will enable councillors to represent their constituents more effectively than under current arrangements. While the recommendations of the local electoral area boundary committee involve an overall reduction in the number of local electoral areas, the level of representation across local authorities will be more proportionate to population while maintaining a higher ratio of members to population in counties with lower populations. An important benefit of the new system is that different functions will be performed by members at county and district levels. This will result in greater effectiveness than the current parallel town and county system, which involves a significant element of duplication of functions as well as other weaknesses and anomalies. The division of functions between county and district levels under the relevant legislation will be determined on the basis of what is most relevant to each level. Local matters will be dealt with at municipal district level, while those of wider strategic application will be decided at county level, without duplication between county and district jurisdictions. The elected members will perform a range of important reserved functions at district level on a fully devolved basis, subject to certain requirements for consistency with overall local authority policy.

Deputy Brian Stanley: This is a practical problem for councillors who are to be elected next year. Their electoral areas will be 50 km or 60 km in length with very large municipal districts. Sinn Féin supports reform, and certainly local government needs reform, but care needs to be taken with regard to the type of reform. We support the devolution of powers and functions but if the Minister carries this through - I have not seen any great signs yet - this will also mean an extra workload for councillors.

I have some information about practices in other jurisdictions. In France there is one councillor for every 118 people; in Germany there is a councillor for every 315 people; in Finland there is a councillor for every 410 people; and in Belgium there is a councillor for every 811. Even in England there is one councillor for every 2,603 people. Under this proposal Ireland will have one councillor for every 4,830 people, and the electoral areas will be very large. My concern is about part-time councillors. We want more people to get involved in politics. However, women with families - and also men, because they too have families - will have difficulties doing the work after 6 p.m. They have family and work commitments and I ask how they will carry out their functions as councillors.

Deputy Phil Hogan: I subscribe to the general principle-----

12 June 2013

Deputy Brian Stanley: I include Fine Gael councillors, who have raised this concern with me.

Deputy Phil Hogan: I have an idea what they are thinking. I will tell the Deputy what Sinn Féin was thinking in advance.

Deputy Brian Stanley: The Minister should not mind that.

Deputy Phil Hogan: I agree in principle with the Deputy that councillors will be covering a wider geographical area and we will have a look at resource supports to ensure that the people in local government are able to do the job for which they are elected. They will have a lot more responsibility and devolved functions, as the Deputy will see when the legislation is published.

The Deputy is making the case about the size of the areas. I draw his attention to the Sinn Féin submission to the local electoral area boundary committee, which proposed 123 local electoral areas. This is 14 fewer than the 137 local electoral areas that would arise based on the committee's recommendations, which were published recently. The smallest local electoral area that the boundary committee could recommend had six members. Following the review there are to be 67 such areas. Had the Sinn Féin proposal been accepted, there would have been only 14 of these six-member local electoral areas. Most of the recommended local electoral areas in the boundary committee's report have six and seven members, which is in contrast to Sinn Féin's proposal.

Deputy Brian Stanley: We had to respond on the basis of the criteria and terms of reference of the committee. We were in a straitjacket in that regard. If the Northern model was followed there would be 1,180 councillors, 230 more councillors than the Minister is proposing. I welcome the fact that the Minister will examine the issue of resources, considering the number of meetings, the category of each council and the fact that representatives will attend monthly municipal authority meetings and also county council meetings.

The Minister has set out a menu of possible provisions for the devolution of powers. However, the only ones to which he is giving serious consideration are to do with tourism and economic development, the realignment of local development and the establishment of an economic development officer. Sinn Féin supports the establishment of the position of economic development officer for local authorities. However, I ask the Minister to give serious consideration to other areas. A menu is in existence and power must be shifted out from the centre. It must not be a power grab. There are signs of this, including the Minister's reduction of the number of councillors who will sit on the regional authorities to only two per authority. This rules out everyone bar the bigger parties. I have a real concern about that and I ask the Minister to address my concern.

Deputy Phil Hogan: I am disappointed at Deputy Stanley's negativity about a legislative proposal for local government reform which he has not seen yet.

Deputy Brian Stanley: It is in the book: two per council.

Deputy Phil Hogan: I will be delighted to deal with Deputy Stanley's amendments on Committee Stage. I will be very open with anyone who brings forward suggestions. I remind the Deputy that the local government system has not been reformed for a long time. I am doing what I can to devolve more functions from central government and agencies to local government. I have abolished half the agencies in my Department which are no longer required. I

want to devolve as many functions as possible at the lowest level to be as near as possible to the citizen. We have introduced a local property tax - with which Sinn Féin has a problem in this jurisdiction but no problem in Northern Ireland - which gives councillors an opportunity to have a say in the priorities for their own local areas and how they can access the funds. The proof of the pudding will be in the eating with regard to the legislation. We look forward to a constructive approach when the legislation is published and put before the House. It is hoped it will be enacted between now and the end of the year if everyone co-operates. This will ensure we have a body of powers at the lowest possible level to assist in giving our people a better and more effective service with fewer councillors.

Water Charges Administration

3. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government if he foresees a reduction in commercial water rates under Irish Water in view of the fact that the local authorities have been operating the polluter pays principle in relation to commercial water rates for many years and full cost recovery for the supply of water to commercial users; and if he will make a statement on the matter. [27066/13]

Deputy Phil Hogan: The water sector reform implementation strategy, which is published on my Department's website, is focused on ensuring that appropriate policy and legal frameworks are put in place for Irish Water and the water sector. A key objective is to rationalise the cost of the current service delivery and ensure more efficient operation of water services by moving from 34 water services authorities to a single body. Following enactment of comprehensive legislation later this year, Irish Water will, therefore, become the water services authority from 1 January 2014.

The Government has decided to assign responsibility for the economic regulation of the water sector, including the setting of charges, to the Commission for Energy Regulation. It will be a matter for the Commission for Energy Regulation in due course to satisfy itself on the appropriateness of costs incurred in the operation of Irish Water as part of the process of setting the tariffs for both the domestic and the non-domestic sector in the future. It is envisaged that the commission will engage in public consultation as part of this process. A key role for the regulator will be to protect the interests of all customers and to drive efficiencies in the water services sector.

Deputy Thomas Pringle: It is very difficult to divine whether there is an answer to the question in that reply. I asked whether the Minister foresaw a reduction in charges to commercial water users under Irish Water. The message is being given that commercial users will see a reduction because domestic users who have had water free for so long will now be paying. I do not believe this will be the case. As the Minister knows, the local authorities have been operating for many years on a full cost-recovery basis in the charging of commercial users and have also operated under the polluter pays principle in certain water charges. This means that the supply of water to commercial users in local authority areas is fully paid for by those commercial users, and therefore it will have no bearing on the cost of providing water to domestic users or related charges. In my view, the commercial users will not see a significant reduction. I am interested to hear the Minister's views.

Deputy Phil Hogan: I know that Deputy Pringle has a very detailed knowledge of this work arising from his former employment. It will be a matter for the Commission for Energy

12 June 2013

Regulation to assess charges and to examine what is happening in the water-in, water-out system and whether it is being implemented by the local authority system, which will become part of Irish Water. Therefore, I am unable to answer Deputy Pringle's questions. However, I hope that all people currently being charged for water, whether in the commercial sector or the group sector, will be able to pass on to all other sectors in the domestic area the sense of urgency that is required in order to show how we can achieve a reduction in water consumption. We must realise that water is a finite product and that the cost to local government is high. We must reduce the cost to local government and be able to reduce commercial rates and lower costs for business. Equally, there is a requirement for additional capital investment and, in my view, this will not be available from the public capital programme in the next few years. We do not have the money, so it will need to be sourced from the private sector. This can only happen when we have a stream of investment income.

Deputy Thomas Pringle: Given that the Commission for Energy Regulation will be setting the tariffs in the future, one of its roles will be to look at the cost-effectiveness of the service level agreements. Will it be within the remit of the Commission for Energy Regulation to consider the liberalisation of the provision of water services across the country?

Deputy Phil Hogan: Will the Deputy clarify to what liberalisation he is referring?

Deputy Thomas Pringle: When service level agreements come up for renewal, will the Commission for Energy Regulation seek to tender them?

Deputy Phil Hogan: No. Water services will continue to remain the preserve of the public utility company, Irish Water. We have learned from the previous experience with Eircom and the difficulties its sale created in service provision. Certainly, the Government does not intend to do anything other than to enshrine in legislation the need to keep public resources such as water, an essential resource, in public ownership. The liberalisation of services under service level agreements does not come into play in relation to this as far as the Commission for Energy Regulation is concerned.

Leader Programmes Funding

4. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the total revised amount of funding available under the LEADER programme for projects; the amount of this funding allocated to the integrated companies to date; the total commitments entered into by the companies to date; the total spend to date; and if he will make a statement on the matter. [28197/13]

(Deputy Phil Hogan): The Leader elements of the rural development programme 2007 to 2013 commenced in February 2009 after a delay of more than two years, which reduced the time available to allocate funding to less than five years from the normal seven. During 2010 and 2011 it became evident that a significant number of local development companies, LDCs, contracted to deliver the programme were not committing funds at the level required to ensure all funding would be allocated by the December 2013 deadline in line with EU regulations. Similarly, it became clear to me that a number of LDCs were more than capable of allocating additional funding if it were made available to them. In this regard, in January 2012 my Department notified all LDCs that the original LDC allocations awarded in 2009 were no longer valid and that the programme was being opened up on a first come, first served basis to all LDCs to

ensure all available funding would be allocated to eligible projects within the timeframe allowed. All LDCs were encouraged to maximise the opportunity this created for them. Some companies availed of the opportunity more than others.

During 2011 the European Commission approved a change in the maximum co-funding rate from 55% to 85% for the Leader elements of Ireland's rural development programme but only for expenditure incurred in 2012 and 2013. This had the effect of reducing the available funding under the programme from €427 million to an estimated €370 million. In addition, in late 2012 and early 2013 and after repeated requests from many LDCs, I agreed to allow significant additional programme funds of more than €19 million to be assigned to the basic services measure. In the light of all the changes to the programme, it became necessary in January 2013 to carry out a comprehensive review of the level of commitments and expenditure across its various measures in order to apportion the remaining funds among LDCs taking into account the level of commitments already entered into. As a first step, I released €42 million worth of projects which had been approved by the boards of LDCs, asking them to progress projects that were in a position to proceed. Unfortunately, only €25.5 million worth of projects in that category had all of the necessary approvals in place to proceed to contract.

Additional information not given on the floor of the House

Using an estimated final programme allocation of €370 million, the total spend to date and outstanding contractual commitments were established and deducted from the €370 million. A total of €6 million was provided for the former MFG legacy files, new Gaeltacht projects and associated administration costs. Funding was also provided for projects greater than €150,000 in value that had been submitted to my Department for assessment. The original percentage of the programme which was awarded to each LDC in 2009 was then applied to apportion the remaining funding among all LDCs. Where an LDC would receive less than 80% of its original allocation, bearing in mind that the overall programme complement had been reduced by approximately 13%, an adjustment was made to maintain the revised allocation at 80% of the original. The total funding of €370 million has now been allocated to all LDCs. To date, they have committed some €228 million on projects and spent €54 million on administration and animation.

Deputy Éamon Ó Cuív: I predict that the Minister will woefully underspend under this programme. Does he accept that if he wanted a total spend under the programme, the amount for projects approved by the end of the year would have to be 10% to 20% higher than the amount of money available? For many reasons, many of the projects which will be approved may not be completed within the very tight timeframe involved in the programme. Does he further accept that it will not be possible to sanction further projects under the regulation if he finds that there are projects going ahead after the end of the year? The regulation requires all projects to be completed by the end of this year.

Deputy Phil Hogan: More than anyone else, the Deputy knows that we are in a difficult financial position. I do not expect to receive approval from the Department of Public Expenditure and Reform to allocate additional moneys over and above what is included in the programme. I have already received the co-operation of the Department to make a great many changes to the funding for the programme to help to draw down 100% of what has been allocated. I draw the Deputy's attention to the fact that only 43% of all that has been committed has been drawn down under the current programme which has six months left to run. I am monitoring every local development company on a monthly basis and have given them until 31 August 2013 to

12 June 2013

state what they are going to do on projects to which they have already committed. If I believe a company is not in a position to draw down the money between now and the end of the programme, I will recommit the money to other Leader or local developments companies which are in a position to spend it.

Deputy Éamon Ó Cuív: If I understand the Minister correctly, the number of projects sanctioned at the end of the year will match exactly the amount of money available under the programme, which will mean that 100% of projects sanctioned will have to be completed for a full draw-down. If one considers all capital programmes across Government, particularly where there is a time limit for completion, one sees that never happens. I was looking at comparative programmes and that was quite obvious. The Government is setting about leaving money in the European Union which it could draw down. When does the Minister expect the Leader programme 2014-20 to commence? Does he expect it to commence in 2015 or 2016? Many of the larger projects require the Minister's permission to proceed, presumably before the end of the year. Does he accept that, unless it is at an advanced stage of the planning process, any project that needs planning permission will not be ready for approval? Is the Minister limiting the spend by companies under the basic services measure and the countryside and rural development measure?

Deputy Phil Hogan: I have already allocated an additional €19 million for the basic services measure and each of the Leader companies was told last December that no more money was available other than what had already been committed. We have earmarked and committed a substantial amount of money in 2009, 2010 and 2011, which will not be drawn down. I will reallocate this money after 31 August 2013. I expect that some projects committed to in 2012 may not go ahead and accept that we will not reach 100%. Inevitably, there will be projects which will not obtain the local funding or bank loans required to draw down the money. We will do everything we can to draw down as close to 100% of the money as we can. Given his own comments, Deputy Ó Cuív knows it is not possible to hit 100%. If we hit 99%, we will have done exceptionally well.

Deputy Éamon Ó Cuív: It is possible. We did it the last time.

Deputy Phil Hogan: The Government of which the Deputy was a member did not do it.

Rental Accommodation Scheme Administration

5. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the problem that many tenants are having finding suitable accommodation under the rental accommodation scheme following the completion of their original RAS contract and that in some cases families with young children are being forced to enter emergency accommodation despite a local authority commitment that this would not be allowed to happen; his plans to rectify this issue; and if he will ensure that this will be rectified where it has occurred and not allowed to happen again. [27055/13]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan) (Deputy Jan O'Sullivan): The grounds on 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 the operation of the Private Residential Tenancies Board. It

provides for security of tenure and specifies minimum obligations for landlords and tenants under a tenancy. In addition, it 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 the Government and stability of tenure is fundamental to that goal.

As the rental accommodation scheme, RAS, is deemed to be a social housing support, local authorities retain the responsibility to source further accommodation for a RAS household should the dwelling that the household is living in become unavailable through no fault of its own. There is no prohibition on households sourcing alternative accommodation themselves if they so desire, as long as the local authority is satisfied that the accommodation meets the needs of the household and conforms to standards for rented accommodation which are set out in the Housing (Standards for Rented Houses) Regulations 2008. Statutory responsibility for the provision of accommodation and related services for persons requiring accommodation rests with housing authorities. My Department has no function in regard to, nor is it involved in, decisions on specific cases.

Deputy Dessie Ellis: The first thing we must do is recognise that there is a major problem with the rental accommodation scheme. Many landlords are now saying they must sell the houses which have been available for rent, with the result that people are ending up homeless or looking for new rental accommodation which is not forthcoming. Rents are rising and it is more attractive in some cases to move into the private market. It is a significant problem for residents. Local authorities have the responsibility to house people who have been housed under the residential accommodation scheme and they must live up to it.

3 o'clock

In several instances across the country they have not done so. In an incident in Bray, tenants barricaded themselves into the local council because they had to go into homeless accommodation due to the removal of the rental accommodation scheme tenancy. Their children are being forced into homelessness and it is unacceptable. That is not what this was about, according to the rules laid down. We are seeing this more and more. Landlords are using the excuse that they must sell their houses. The rules are too lax and we are allowing them off the hook too easily.

Deputy Jan O'Sullivan: There have been difficulties where, for various reasons, the rental accommodation scheme landlords end tenancies. There are various conditions under which landlords can end tenancies. Then, the local authority works with the tenants to try to find suitable accommodation. Ultimately, the local authority has the responsibility and if it cannot find an alternative in the area where a person or family wants to live, there may be cases where people are offered accommodation they consider unsuitable. However, the local authority has an obligation to offer something.

The rental accommodation scheme tenant has the protection of the Residential Tenancies Act and is entitled to the normal notice period required in any private residential tenancy. It presents difficulties where there are supply issues, particularly in areas of high demand and where it is difficult to find suitable accommodation. Although I am aware of the case to which Deputy Ellis refers, I cannot comment on individual cases. My Department will provide any assistance it can but, ultimately, the local authority must fulfil its obligations in so far as it can and meet the requirements of the tenants.

12 June 2013

Deputy Dessie Ellis: It is unacceptable that some contracts are for three and four years but landlords are saying properties must be sold six months into the contracts because the banks are forcing them to do so. Under the forthcoming insolvency system, I can see this increasing because banks are putting more and more pressure on landlords to meet their obligations. The families pay the price and it is unacceptable.

In one case, ten people are in a hotel because they cannot receive rent supplement. It is totally unacceptable. It is difficult to get rent supplement for ten people but setting a level of €950 for ten people allows no flexibility in terms of the number of people. If they are going for a three-bedroom house, they are entitled to €950, irrespective of whether there are three or ten people. Even that would not be sufficient to deal with the problem. There are major problems and when the local authority takes over the role, the problems may get bigger because we are not building enough social housing. We need to bring these people into more permanent housing. In the recent past, the Minister of State said she was looking at the matter of more social housing. I would welcome that.

Deputy Jan O'Sullivan: We must try to address people's needs in the various ways available to us. As soon as we can do so, that will include the direct provision of more local authority houses. Deputy Ellis had raised this case with me at a meeting of the committee. The Minister for Social Protection recently announced revised caps, which in the case of the Dublin area are an improvement on the current situation. There are different rules for different types of housing, whether it concerns rent supplement or the rental accommodation scheme. That is why we are working towards having a system whereby people with a housing need, apart from short-term needs, are catered for under the local authority system. Then, we will get rationalisation. There is a supply problem partly as a result of the fact that, despite the Celtic tiger era, waiting lists increased consistently over a number of years and are now very high. We must address that in whatever way we can.

Other Questions

Water Meters Installation

6. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government the schedule for the installation of water meters in the different local authority areas. [28077/13]

7. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the number of sub-contractors that have been appointed to implement water metering roll-out; and if he will make a statement on the matter. [27988/13]

17. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if his Department has estimated the cost of fixing leakages that may be discovered in the course of the installation of water meters; and who will bear the cost of paying for the fixing of these leakages. [28078/13]

30. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government the estimated number of jobs from the roll-out of water metering; the estimated length of employment; and if he will make a statement on the matter. [27990/13]

Deputy Phil Hogan: I propose to take Questions Nos. 6, 7, 17 and 30 together.

The programme for Government and the memorandum of understanding with the EU, the IMF and the ECB both provide for the introduction of domestic water charges. The Government considers that charging based on usage is the fairest way to charge for water and has decided that water meters should be installed in households connected to public water supplies. The Government has also decided that Irish Water, a new State-owned water company to be established as an independent subsidiary within the Bord Gáis Éireann Group, will be responsible for the metering programme. The Water Services Act 2013 provided for the establishment of Irish Water. The Act assigns the necessary powers to allow Irish Water to undertake the metering programme. The installation of meter boxes and domestic water meters is scheduled to commence in July 2013 and will be rolled out nationally as quickly as possible thereafter.

The procurement process for the metering programme, which is being managed by Irish Water, is at an advanced stage. The criteria for the procurement process were developed by my Department, in consultation with Bord Gáis Éireann, to ensure SMEs have an opportunity to compete for contracts. No subcontractors have yet been appointed to implement the national water metering programme but tendering for acceptance onto a panel of subcontractors established by my Department remains open until the end of this month. Some 158 eligible subcontractors have already been accepted onto the panel. Regional management contractors, to be recruited by Irish Water through public tendering procedures, are due to be selected later this month. These contractors will have responsibility for appointing subcontractors and it is expected they will be utilising the resources of the subcontractors from the pre-qualified panel created by my Department.

I expect 1,600 jobs will be sustained through the national metering programme. The contracts for the installation programme have been prepared to ensure that 25% of the jobs generated will be for people from small businesses, the unemployment register, school leavers, graduates and apprentices. These jobs will be sustained over a two to three year period while the installation programme is being rolled out.

Irish Water recently announced that it has awarded a contract to Cork-based company Abtran to set up and run a customer support call centre for the service. The call centre will employ up to 100 people initially to support roll-out of the national metering programme, with 400 jobs to be created by the end of 2014.

Measures to address leakage will be complementary to the water metering programme. The Department, in consultation with Irish Water, is developing proposals for customer side leaks detected as a result of the metering programme. With regard to water mains rehabilitation, significant investment has been made in recent years in water management systems and active leakage control has provided the platform for more intensive water mains repair and replacement contracts under the current water services investment programme. Over €247 million has been spent on water conservation projects in total over the past decade, with €39.9 million spent in 2011 and a further €39.25 million in 2012.

Deputy Joe Higgins: What is the anticipated cost of the water metering programme na-

12 June 2013

tionwide? A figure of hundreds of millions of euro has been mooted. I call on the Minister to agree that the drive for water meters at people's homes is a misapplication of those funds. It is incredible that, when 50% to 60% of water treated by taxpayers' funds is leaking into the grounds in many local authorities, the Minister does not apply the funds at that point to amplify the inadequate spending on rehabilitation. Is it not obvious where the funds should go? Is it not obvious the Minister could create thousands of jobs in construction and plumbing for a fruitful outcome rather than what he is undertaking?

Is it not clear the Government's agenda is not primarily conservation but the establishment of yet another local tax? Along with property tax, water charges will increase to over €1,000 per household, an intolerable burden for many families. I call on the Minister to change policy in this regard.

Deputy Phil Hogan: Deputy Joe Higgins prefers to pick figures off the top of his head. The sum of €1,000 per family is way off the mark and he knows it. People are paying, through their taxes, for the treatment of good quality water at a cost of €1 billion. It comes from ordinary working people, as Deputy Joe Higgins call them. They are already paying through their taxes. I am not in a position to tell Deputy Higgins what funds will be made available to the water metering programme because we are in the final stages of a tendering programme for regional contracts, which will roll out the metering programme to 1.1 million households. Plumbing jobs will be created under the water metering programme. We will also create more jobs through further investment in the water sector which the country is not in a position to afford at present. In the contracts that have been put out to tender I have provided that 25% of the employees should be persons assigned to complete their apprenticeships or come from the unemployment register. They particularly target people and skills that were available in the construction industry in the past that we can use for the water metering programme.

I do not subscribe to the Deputy's negative connotations in this matter. We have very important work to do in ensuring a plentiful supply of good quality water for job creation, investment and households in the future.

Deputy Barry Cowen: As Deputy Joe Higgins said, we still do not know what the exact cost of metering will be. We still do not have a countrywide audit to further determine the cost of repairs to put the system right before we start charging for water. The Minister has said 1,600 jobs will be created in the installation of water meters. That is commendable, if the actions match the rhetoric. The Minister has said regional contractors are about to be appointed. These regional contractors must have a minimum turnover of many millions of euro to be considered for the regional contract. The Minister went on to say 158 local contractors were on a register. They are placed on a Department register from which the regional contractor can employ them. What compulsion is placed on the regional contractor to employ local plumbers and contractors where the service will be put in place? The Minister has said 25% of the people who will get jobs installing water meters must come from the local live register and so forth. What mechanisms and training programmes are in place? How specific can he be that provisions are being put or are in place for people on the live register to receive training in order that they can obtain some of these jobs?

Deputy Phil Hogan: It might sound like pie in the sky to the Deputy that there will be a substantial amount of economic activity and job creation under this programme.

Deputy Barry Cowen: I did not dispute that.

Deputy Phil Hogan: Many people have been in touch with the Deputy, me and others in the last while about where to send curricula vitae, CVs, to get work. I hope that will continue and that people will be able to send their CVs to Irish Water and the firms that will win the regional contracts as part of this major investment. I cannot give the cost today for commercially sensitive reasons.

With regard to the subcontractors' panel, the normal rule of the Department of Finance for subcontractors is that they must have a turnover of €1 million. I reduced the figure to €400,000 to allow as many people as possible from the small and medium enterprises, SME, sector to be placed on the panel, but that does not stop others from going onto it between now and the end of the month. In fact, it is an indicative list. People can be put on it afterwards and considered by the regional contractors. People are waiting to know who are the winners of these contracts in order that they can apply for subcontract work. In every county there will be economic activity and people from the plumbing and the electrical industry will be involved in this work.

I am conscious of what the Deputy has said about ensuring we get the Department of Social Protection to compile lists of all the people who are in need of employment and have the necessary old skills from the construction days, when matters were going well, and to submit these names to the subcontractors. I am working with the Minister for Social Protection to ensure this happens.

Deputy Joe Higgins: Is it not incredible that weeks before the Minister's metering programme is due to start, he can provide no figures for the cost of the programme? I suggest the Minister, even at this late stage, carry out a cost-benefit analysis. He will find that if the investment were made in water conservation and rehabilitation of the network and so forth, it would be far more beneficial. Far more real jobs would be created as a result. I am glad that he recognises that taxpayers have funded our water supply up to now. That gets us past the rubbish that comes from him when it suits him and the media that we have free water, which is a ploy to justify water charges. When one considers property tax and the water charges which the Minister intends to apply very soon, talking about a figure of €1,000 per household is very realistic, even if it is completely unaffordable and a huge burden. In fact, what the Minister is planning is not a programme for water conservation primarily but a programme for the commodification of water, bringing this crucial, natural resource into a situation where it will eventually be a product for the capitalist marketplace and privatisation in the water corporations he supports. He supports that philosophy, but it is not in the interests of the majority of the people.

Deputy Barry Coven: We are teasing out some answers, which I welcome. The Minister mentioned the creation of 1,600 jobs in installing meters; a couple of weeks ago he mentioned the creation of 400 jobs in the call centre. However, there is no commitment for those employed by local authorities in this area, other than a statement that many of them have sought jobs with Irish Water. As the consultations on service level agreements are not yet complete, we cannot give certainty to those who have not applied about what their role will be in the future.

Despite the aspiration that 25% of the people taken on to install water meters will come from the live register, there is no certainty about this. It is time we were given some certainty and specifics to match the rhetoric and spin regarding the creation of jobs and so forth. When will the Minister devise a mechanism through which his Department and the Department of Social Protection will provide training programmes for people on the live register who wish to avail of the opportunities that might arise in this sector? When can they receive adequate training to have them placed on a proper register that will give them the opportunity to avail of jobs

that might become available through local plumbers and contractors? The Minister said he had reduced the turnover cap from €1 million to €400,000. Did he also say he would reduce this further in order that there will be an opportunity for other local contractors and plumbers to be placed on a register?

Members on all sides of the House have asked that the Construction Contracts Bill be brought through the House and passed to ensure protection under contracts such as these. Will the Minister confirm that this legislation will be in place prior to the commencement of the programme?

Deputy Phil Hogan: The Construction Contracts Bill is an important one and being brought through the House by the Minister of State, Deputy Brian Hayes. I understand it is due to go through Committee Stage. I can get the Deputy more information on when it is due to be brought before the House. I would like to see it enacted as quickly as possible, as it is important for subcontractors.

As I said earlier regarding training programmes, we are working with the Department of Social Protection to ensure people who already have skills and are on the unemployment register, people who are waiting to complete their apprenticeships and people who are in need of employment, particularly young people, will be in a position to have their names put forward for consideration by those who wish to participate in the programme. We are working closely with the local employment offices to achieve this. This is a €4.7 billion project, the largest since the ESB was established. One will not get answers immediately as it will require a great deal of work. It has taken one and a half years to get to this stage. However, we are now in a position where all the processes are in place and we are ready to roll them out.

In response to Deputy Joe Higgins, the top-of-the-head figure of €1,000 per household is ridiculous.

Deputy Joe Higgins: It is not.

Deputy Phil Hogan: The Deputy was wrong about the local property tax figure and the bin charges figure in the past and he is wrong now.

Deputy Joe Higgins: No, they have gone up consistently.

Deputy Anthony Lawlor: I welcome the initiative and the job creation aspect. I wish the Minister would reduce the €400,000 figure, if possible, because there are many small companies that will not be able to tender for this work or become involved in it. Many small operators got involved in this area at the height of the boom.

Second, do any of the regulations deal with the fact that some people have stopcocks a long way from their houses? If the meter is located there, the distance between it and the house might not be under their control. Could the regulations state the stopcock should be put as close to the entrance to a person's house as possible? Otherwise, they may incur costs as a result of a leakage on council property, for example.

Deputy Brian Stanley: I wish to be positive, as the Minister wants us all to be in a positive frame of mind today. If the Minister wants to stop water leaks and reduce costs, why has he not looked at district or block metering? I checked the price of this since I last discussed it with the Minister here. A district meter catering for 1,000 households costs between €3,000 and €4,000

to install. There is a computerised system going back to headquarters. Leaks are spotted within one minute and can be found within one hour with a detector. I have checked this with engineers who work in areas where such meters are installed. District metering works out at a cost of between €3 and €4 per household. Has the Minister looked at that?

On the question of the cost to the householder of Irish Water, the Minister says he does not know because that will be the responsibility of the regulator, which I accept. However, the Minister is being somewhat evasive on the issue. The figure can be obtained by adding the €330 million in capital to the €0.9 billion in current expenditure, which comes to €1.2 billion, and dividing that by the number of households, which is slightly below 1.3 million. I ask the Minister not to reply with lectures about charges in Northern Ireland. That is what the figure will be - I know what the total is, as does the Minister, without even having to take a calculator out of his pocket.

Deputy Phil Hogan: I am delighted to see that Deputy Stanley has done his sums.

Deputy Brian Stanley: I always do.

Deputy Phil Hogan: I will certainly convey the Deputy's suggestion on block metering to those involved in the implementation of this programme. I am sure they have thought of it already but in case they have not, I will pass it on. The Deputy might be able to give them the benefit of his wisdom-----

Deputy Brian Stanley: The Minister did not know anything about it the last time I asked him.

Deputy Phil Hogan: I do not know everything.

Deputy Brian Stanley: I have been asking the Minister about it for some time now.

Deputy Phil Hogan: I know Deputy Stanley has a lot of experience of these matters in Northern Ireland-----

Deputy Brian Stanley: And down here too.

Deputy Phil Hogan: I am learning from him all the time with regard to the charges and what they provide in terms of public services in Northern Ireland. I am also learning that he is against all of that in the Republic of Ireland. However, I will convey the positive suggestion he has made.

I will not be in a position to micro-manage the metering programme.

Deputy Brian Stanley: Block metering costs €4 per household.

An Leas-Cheann Comhairle: Please allow the Minister to speak.

Deputy Phil Hogan: I say to Deputy Stanley that if he has queries or suggestions about implementation, he should write to the managing director of Irish Water, Mr. John Tierney, who will be in a position to take them on board if appropriate. I say the same to Deputy Lawlor with regard to the surveying that is being carried out at the moment in each local authority area. Approximately 350,000 households are being surveyed, in co-operation with local authority staff, whom I thank. They are doing that work on behalf of Irish Water, which demonstrates the partnership approach being taken by Irish Water and local government. That partnership will

continue for many years to come - perhaps for even longer than we think.

With regard to the turnover threshold of €400,000, I am not in a position to reduce that. It will be a matter for those who are under the threshold to liaise with others in the same business to see if they can reach it by combining their turnovers.

Dormant Accounts Fund Administration

8. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the amount of money sanctioned from the Dormant Accounts Fund for projects in the past three years 2011, 2012 and 2013; and if he will make a statement on the matter. [28056/13]

(Deputy Phil Hogan): Under the dormant accounts legislation, balances in dormant accounts with banks, building societies and An Post and the net encashment value of certain life assurance policies are paid into the Dormant Accounts Fund, which is managed by the National Treasury Management Agency.

I know that Deputy Ó Cuív is familiar with this reply from a previous occasion, so I will cut to the chase. From its establishment in April 2003 to the end of April 2013, transfers to the Dormant Accounts Fund have totalled some €716 million, which includes interest earned of approximately €39 million. Funds reclaimed in that period by account holders amounted to around €257 million. Disbursements to a total value of €278 million have been approved, with €251 million already spent on projects designed to benefit the community over the same period. The amount of funding disbursed from the Dormant Accounts Fund by the National Treasury Management Agency for existing projects was €8.4 million in 2011, €4.16 million in 2012, and to date in 2013, just €37,556. However, I have allocated €6.385 million for dormant accounts measures this year, which includes €2.835 million to be used to support labour activation measures in local authorities in 2013.

Deputy Éamon Ó Cuív: I was wondering for a while there if the Minister was answering the question asked, because I did not ask for the history of the Dormant Accounts Fund.

Deputy Phil Hogan: I did not give the Deputy the history. I cut all of that out. I spared us all.

Deputy Éamon Ó Cuív: The Minister could have cut all of it out.

Deputy Phil Hogan: I did cut it out.

Deputy Éamon Ó Cuív: He did not.

An Leas-Cheann Comhairle: Can we have a question for the Minister, please?

Deputy Éamon Ó Cuív: Can the Minister tell me how much he approved for projects in 2011, 2012 and 2013? He gave me the 2013 figure of €6.385 million, but-----

Deputy Phil Hogan: I gave the Deputy the figures.

Deputy Éamon Ó Cuív: The Minister only gave me the disbursement figures for 2011 and 2012. I am asking how much was approved for projects in 2011, 2012 and 2013. The question

was very specific and simple.

Further to that, would the Minister accept that he is sitting on a fund of almost €100 million, excluding the reserve, that was specifically taken from financial institutions to assist programmes tackling social and economic disadvantage, educational disadvantage and disabilities? By not allocating that money, the Minister effectively has his hand in the pockets of dormant account holders, because he is taking their money from the financial institutions but not giving it to the groups involved. He is actually robbing them of this money.

Deputy Phil Hogan: Due to decisions Deputy Ó Cuív made when he was a member of Government, it is part of the general Government debt, which has a ceiling set by the EU, the IMF and ECB. It is counted as part of our national debt and we cannot breach the ceiling because of the activities of Deputy Ó Cuív's party when in government. Unfortunately, for accounting purposes, as the Deputy well knows, it is deemed to be a liability on the State.

I have actually disbursed the moneys that I spoke about in my reply. I have approved and disbursed those funds. All of the money was spent - a total of €8.4 million in 2011 and €4.16 million in 2012 - including in five areas to which Deputy Ó Cuív promised to extend dormant accounts funding when he was in power, although he did not allocate any money to them. I allocated the money, unlike Deputy Ó Cuív. I have allocated an even higher figure for this year, of €6.385 million.

Deputy Éamon Ó Cuív: The allocations, of approximately €8 million, €4 million and €6 million, total €18 million over three years. I am glad the Minister raised the issue of the general Government balance because when the Bill was going through the House and in parliamentary questions since its passage, I asked him whether he intended to change the law so that there would not be a liability on the State for all of this money. This year, again, the money coming in exceeds the disbursements. I ask again, therefore, if it is the Minister's intention to free up this money by making a simple change to the law. Such a change would provide that only the reserves and the money coming in are a liability for the State and that all of the other moneys, back to the point at which the dormant accounts process started, would not continue to be a liability for the Exchequer. If the Minister made that simple change, he would be able to free up €100 million.

Deputy Dessie Ellis: The Dormant Accounts Fund has been very good to many areas of the country, including my own. The Minister made reference to the fact that the Dormant Accounts Fund comprises a number of different accounts. Are prize bonds included at all? I know there are countless bonds sitting in drawers and elsewhere for many years. Nobody seems to know what is happening in this regard and there is no paper trail, as such, for many of the bonds. Has that ever been examined in terms of a potential source of funding or is there some legal impediment involved?

Deputy Phil Hogan: I am not sure about prize bonds, but I will check that out for the Deputy. If there is a pot of gold there, I would be glad to avail of it. However, on the Dormant Accounts Fund, it is not a simple matter of €100 million being available, as Deputy Ó Cuív is trying to imply. I can assure all Deputies that if €100 million were available to me, I would be spending it.

Deputy Éamon Ó Cuív: The Minister can make it available.

Deputy Phil Hogan: I cannot make it available and the Deputy knows that.

12 June 2013

Deputy Éamon Ó Cuív: He can make it available.

Deputy Phil Hogan: The Deputy knows that better than most, given the time he spent in government. He knows it must have the approval of the Department of Finance and the Department of Public Expenditure and Reform, but he chooses to ignore that now that he is in opposition. This is not unusual for Deputy Ó Cuív. He has changed his mind on many issues in opposition.

Deputy Éamon Ó Cuív: I know exactly what I would do.

Deputy Phil Hogan: It cannot be done without the approval of the Department of Finance and the Department of Public Expenditure and Reform. It is counted as part of the general Government debt and I am not in a position to amend that.

Pyrite Remediation Programme Issues

9. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the portion of the surplus held by the HomeBond fund, so far denied to householders with HomeBond structural guarantee and suffering major structural damage due to pyrite induced heave that will be provided to the pyrite remediation fund. [27975/13]

22. **Deputy Mick Wallace** asked the Minister for the Environment, Community and Local Government the criteria that will be used to decide who will carry out remedial works on houses damaged by pyrite; and if he will make a statement on the matter. [27983/13]

27. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the role which will be played by HomeBond and HomeBond employees in the pyrite remediation works to be organised by Pyremco. [27974/13]

Deputy Phil Hogan: I propose to take Questions Nos. 9, 22 and 27 together.

HomeBond is one of the construction stakeholders which has agreed to set up a not-for-profit entity to implement a programme of remediation in accordance with the pyrite remediation scheme drawn up and published by the Pyrite Remediation Board, PRB, on its recently launched website. Work is progressing on the establishment of the entity and it is intended that this will be completed shortly. The stakeholders are finalising nominations for the board of directors and are agreeing the appropriate legal format for the entity, including the articles and memorandum of association. HomeBond will nominate two of the six directors proposed.

The PRB is in discussions with representatives of the stakeholders with a view to finalising its contribution to the pyrite remediation process. HomeBond's contribution will take the form of providing management, administration and technical services towards the implementation of a remediation programme and will also contribute towards the cost of establishing laboratory facilities for testing for pyrite.

Detailed modalities that will provide for open and transparent processes, including the procurement of building services, are being discussed between the PRB and the representatives of the construction stakeholders but are not yet finalised. The remediation programme for home owners who have no other viable option to have remediation works undertaken will be carried out under the direction and supervision of the PRB.

I am confident that the PRB will ensure that the procedures put in place will adhere to best practice in terms of fair competition and will require compliance with standard procurement procedures. The PRB will have oversight of the various stages of the remediation process and will ensure that all works will be carried out in accordance with Irish standard 398-2:2013 - reactive pyrite in sub-floor hardcore material - methodology for remediation works.

Deputy Clare Daly: I welcome the fact the board is up and running and that the process is under way. We do not know whether it will be a success but I will not prejudge it. I accept a lot of the problems being flagged are a result of the fact that this is unknown territory. While acknowledging that and accepting the bona fides of the Minister in that regard, he has failed to answer a huge part of the questions I asked.

The contributions and involvement of HomeBond in this matter is of huge concern for residents. It walked away from home owners with claims a number of years ago, and has now been resurrected from the dead and re-involved in the process. The Minister referred to it being involved in management and having technical services. It has already tested some houses, but the benefit of those tests cannot be passed onto home owners now to avail of remediation schemes.

The Minister has not answered the fact it has €25 million in a bank account which will not be drawn on for any other purposes because it is now a properly constituted insurance scheme. The moneys collected under the old scheme will not be drawn on anything other than pyrite. Why has the Minister not requested that money be brought to the table? Many of the measures seem to be restricting participants and home owners in accessing the fund and are dictated by money or lack thereof. Surely HomeBond should put that money into this kitty.

Could the Minister comment on the fact that HomeBond has been in a number of estates with pyrite with developers and has minimised and talked down damage which residents believe to be caused by pyrite? They have been told not to worry because it is not pyrite. Will that not be a problem if they will be involved in the process later on?

Deputy Phil Hogan: I share a lot of the concerns of Deputy Daly in regard to HomeBond. The fact it did not assist customers when they had problems with pyrite in their homes is disappointing. It is a private company which was set up in 1978 for the purpose of giving structural guarantees. Deputy Wallace will be familiar with its role, as will others who have been involved in the CIF. It did a reasonably good job for what it was set up to do initially.

However, when it came to pyrite it worked on the small print and did not come good in dealing with customers. It is a private company and I cannot confiscate its assets or money in its account. We are not in a communist state. We will not allow it to walk away from engaging with the process and dealing with its responsibilities to people who have pyrite in their homes.

I was not legally obliged to do anything, but I set up the independent pyrite panel and established the facts, rather than going on top of the head remarks about the vast numbers of people involved in the process. We established the facts in a very credible panel and have set up a process to help customers. I will make sure that, as far as is humanly possible and in as legal a manner as possible, the process set in place will help those people who regrettably have pyrite in their homes. HomeBond, which is a private company, will have to step up to the plate better than it has done to date.

Deputy Mick Wallace: With regard to the Minister's point on HomeBond being a competent company, my experience is very different. Generally, I found it left a lot to be desired.

12 June 2013

My question concerned which builders or companies would get the opportunity to carry out remedial work. From what I can see, the chairman of the PRB comes from Roadstone-----

Deputy Clare Daly: Jim Farrell comes from Pyremco.

Deputy Mick Wallace: This would worry me.

Those who were involved in the process in any form should not have any say in selecting who does the work. We need an independent body to set up a panel of construction companies from which home owners can pick. If it is left in the hands of people connected to Roadstone, the CIF and HomeBond the bigger players will be involved. If one looks back on the poor work that was done over the last ten years in the city, the majority was done by bigger rather than smaller players. We need an independent group to decide who gets the work otherwise we will not have the fairness to which the Minister referred. I give the Minister credit for setting up the panel. Let us do it right.

Deputy Phil Hogan: I set up the PRB to do things right. I have put people on the board who have expertise and credibility to make sure the job is done right. We have to set up a special purpose vehicle to draw down money from the banks, on which stakeholders are represented. I have to establish a private entity in order to bring money into the system to use for remedial work on houses.

I want to see those in the industry who are responsible for the problem sharing the responsibility of solving it on behalf of the people who, through no fault of their own, ended up with this problem. For Government accounting purposes it has to be done in a certain way. The PRB and this work will be legally underpinned in the House when we introduce legislation which, it is to be hoped, will be enacted before the summer recess. I have every confidence that Mr. O'Connor and the PRB will do a good job on behalf of the people, ensure the money is spent on the remediation process and people can resume normal life again, arising from the activities of people who have let them down.

Deputy Clare Daly: HomeBond was not just a private company, rather, it was a figleaf created by the CIF to pose as a structural guarantee when in reality it was not. In fairness, we have debated the issue many times here. The Law Society and others warned it was underfunded as early as 20 years ago. It is a fact that it has resources in its coffers. The Minister will propose legislation which will be passed. It will put levies on quarries and people who pay ordinary insurance fees will foot the bill. Yet, he cannot introduce legislation to make HomeBond pay its share. I do not accept that.

Another huge issue for home owners is who does the work. The idea that some of those who were responsible for this problem would be asked to fix it is something that home owners do not want. The idea of an efficient panel which would be accessible to people, possibly in a similar manner to how local authorities have a pool, companies tender for a job, are on a panel and the same team of local builders can be wheeled out, is desirable.

Deputy Mick Wallace: If the members of the Pyremco group which consists of representatives of HomeBond, the Construction Industry Federation and Roadstone choose their friends to do the work, will the Pyrite Remediation Board have an overruling say in the matter or will it let them off with it?

Deputy Dessie Ellis: I am not sure how matters are generally arranged in the sequencing of

questions, but I had assumed I would have a chance to speak before colleagues were allowed to ask supplementary questions.

An Leas-Cheann Comhairle: The Deputy is getting his chance now.

Deputy Dessie Ellis: Thank you, Leas-Cheann Comhairle.

In regard to HomeBond, that company refused even to meet the committee or engage in any way in its deliberations, which was disappointing. There was a certain arrogance in its position. I have heard a figure of €25 million in regard to it. Perhaps the Minister might indicate whether that is correct.

The major issues with the proposed scheme are how it will be funded and how quickly it can deliver results. I recall that either the Minister or one of his spokespersons indicated some time ago that legislation to introduce the proposed levy would be brought to the Dáil before the summer recess. There is no sign of that important Bill being brought forward before the end of July. In the meantime, people's homes continue to deteriorate. Of the homes affected, at least 800 are in very serious condition and require urgent remediation. The situation should not be allowed to drag on any longer. I understand the proposal is to levy the insurance companies and quarry owners, but there have been suggestions the latter intend to initiate a court challenge. Will the Minister comment on this? Representatives of the industry have made representations to Members, arguing that these additional costs would be unjust. I am not sure whether that matter can be dealt with in the legislation.

Deputy Phil Hogan: Any work carried out under the scheme will be certified by the Pyrite Remediation Board to ensure it meets the highest possible standards. Deputy Mick Wallace can be assured that the days of jobs for the boys are over. That type of carry-on is what caused the problems in this country in construction, including the shoddy workmanship we have seen. I am depending on Mr. O'Connor and his board to ensure the work is done properly. Contracts will not be awarded on the basis that certain people have undertaken work in the past. Mr. O'Connor will have an important role in overseeing the whole process. He and his board should be allowed to deal with these matters. I have great confidence that they will ensure an effective policy of oversight in everything that is done.

Applications will be sought in July from persons who wish to participate in the scheme. The financial institutions are finalising the manner in which they can transfer their loan to the special purpose vehicle for the purpose of drawing down the moneys allocated. The final draft of the Bill will go to the Government very shortly and I intend to have it enacted before the summer recess. The pyrite levy and the insurance levy will be part of the repayment capacity of the loan in due course. I expect we will see some activity over the summer months in getting the scheme up and running.

Deputy Dessie Ellis: Will the banks be contributing an upfront sum, as the Minister initially indicated?

Deputy Phil Hogan: Yes.

Written Answers follow Adjournment.

12 June 2013

Message from Select Committee

An Leas-Cheann Comhairle: The Select sub-Committee on Public Expenditure and Reform has completed its consideration of the Construction Contracts Bill 2010 and has made amendments thereto.

Topical Issue Matters

An Leas-Cheann 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) Deputy Derek Keating -

dog control laws;

(2) Deputy Paschal Donohoe - the effects on part-time workers of the inclusion of Sunday as a working day for persons on social protection payments;

(3) Deputies Mary Mitchell O'Connor and Mary Lou McDonald - domestic violence, with specific reference to the latest Women's Aid report;

(4) Deputy Jim Daly - the need to introduce new schemes in respect of employment assistance;

(5) Deputy Joan Collins - the need for a temporary protection mechanism to be invoked by the European Commission to deal with the problem of refugees from Syria;

(6) Deputy Michael McNamara - using the Finance Act as a blueprint for the regeneration of small towns and villages;

(7) Deputy Denis Naughten - the need to provide additional staffing resources for the acute psychiatric unit at Roscommon County Hospital;

(8) Deputy Dan Neville - the number of deaths by suicide in 2012;

(9) Deputy Catherine Murphy - ambulance services in the Naas area of County Kildare;
(10) Deputy Brendan Smith - the need to progress to construction stage the proposed building project at St Kilian's national school, Mullagh, County Cavan;

(11) Deputy Michael P. Kitt - the reduction in community project funds and Leader funding in County Galway;

(12) Deputy Noel Harrington - the impact on energy security of the proposed sale of the oil storage terminal on Whitty Island, Bantry Bay, and the oil refinery at Whitegate, County Cork;

(13) Deputy Thomas P. Broughan - the need to provide additional resources for An Garda Síochána and review legislation on the sale of alcohol in seaside resorts, including Portmarnock and Howth, County Dublin;

(14) Deputy Willie Penrose - proposals for the implementation of new rules and provisions

relating to the distribution of the assets of a pension scheme on its wind-up;

(15) Deputy Simon Harris - the need to review DART fares to Greystones;

(16) Deputy Ciara Conway - child protection and child welfare reporting practices at RTE;

(17) Deputy Thomas Pringle - the need to keep open St. Agnes special needs preschool in Donegal town;

(18) Deputy Mary Lou McDonald - the need to put in place additional child protection and domestic violence supports and services following the figures from the Women's Aid helpline;

(19) Deputy Mattie McGrath - the proposed new rent allowance limits and the risk of homelessness;

(20) Deputy Robert Troy - the need to put in place proper strategies for a quality childminding sector;

(21) Deputy Michael Moynihan - the implications for the privacy rights of Irish citizens of the gathering of digital information by the United States National Security Agency;

(22) Deputy Charlie McConalogue - the recently published Educational Research Centre study, National Schools - International Contexts;

(23) Deputy Luke 'Ming' Flanagan - mental health services within County Roscommon;

(24) Deputy Joe Higgins - the response of the Turkish authorities to protests in Istanbul;

(25) Deputy Richard Boyd Barrett - fatal foetal abnormalities and the Protection of Life during Pregnancy Bill;

(26) Deputy Mick Wallace - the recent revelations regarding American surveillance of private citizens and the possible impact on Irish citizens;

(27) Deputy Clare Daly - the operation of the United States surveillance system, Prism; and

(28) Deputy Billy Kelleher - future plans for the mobility allowance and the motorised transport grant schemes.

The matters raised by Deputies Mary Mitchell O'Connor and Mary Lou McDonald; Willie Penrose; Charlie McConalogue; and Michael P. Kitt have been selected for discussion.

Topical Issue Debate

Domestic Violence Incidence

Deputy Mary Mitchell O'Connor: I recently visited the family courts in Dolphin House where I witnessed at first hand the archaic buildings, lack of basic facilities and long queue of people seeking to access the courts. Women who are already in extremely stressful situations

are being forced to make sensitive decisions about their lives and those of their children in corners, hallways and empty doorways because there are only three consultation rooms serving the three courts. Victims of domestic violence are often left in what can only be described as holding pens, with the perpetrator eyeballing them in a very confined space. That is a very intimidating experience. Compare this to the state-of-the-art facilities available at the Central Criminal Court where suspects are treated royally, with 22 courtrooms, 27 lifts and 450 rooms. Will the Minister undertake to find a more suitable building for the family courts? Surely there is something appropriate in the National Asset Management Agency's portfolio.

It can take eight to ten weeks to obtain a barring order after a protection order has been issued to the victims of domestic violence. Victims, the vast majority of whom are women, often have no place to go other than home and are, therefore, obliged to continue residing with their abuser during this time. That is potentially exceptionally dangerous for the women concerned and their children. Domestic violence is often not taken seriously in this country, being passed off as something that happens within a relationship. It is about power and control and often overlaps with child abuse. In many instances, even if a child does not see his or her mother being shouted at, threatened, kicked, beaten or raped, he or she will see physical evidence in the form of bruising, black eyes, damaged windows and broken furniture. Make no mistake, children in this situation are being emotionally abused. The statistics released today by Women's Aid indicate that elderly women make up a significant group among those experiencing domestic violence, often for many years and decades.

The Minister has done tremendous work in the past in the area of family law. Will he consider the points I have raised today? Women and children deserve better.

Deputy Mary Lou McDonald: The facts revealed once again in today's Women's Aid annual report are shocking. They are not just shocking; they are depressing, because annually Women's Aid and other organisations release statistics which lay bare the reality of domestic violence in this State and the brutality that women and their children experience in their homes. We know that one in five women in Ireland will experience violence and abuse from an intimate partner at some stage in their lives. Women's Aid revealed that over the course of 2012, there were 3,230 disclosures of direct child abuse to its aid helpline. That is a 55% increase on last year. The helpline receives 32 calls each day and has had more than 16,000 disclosures of emotional, physical, sexual and financial abuse.

When one reads the report and moves beyond the statistics to the human experiences of these victims of abuse, the detail is quite harrowing. Women have given disclosures of being locked in and prevented from leaving their houses, being drugged, assaulted and hospitalised, being beaten while pregnant or breast-feeding, being gagged to stop screaming, being raped and sexually abused, including being pinned down and assaulted, and being forced to have sex in return for money to feed their children. These are not the kinds of scenario that I take any joy in reading into the record of this House but it is important that we understand the true, harrowing human suffering endured by large numbers of women and their children behind the statistics. Deputy Mitchell O'Connor quite rightly pointed out in her contribution that children witness these violent episodes in their homes and are damaged by that.

The programme for Government promised consolidated domestic violence legislation. I am very disappointed that the Minister has put that on the back burner in favour of other legislative priorities. Women's Aid has called, very reasonably, for an on-call system for accessing emergency barring orders to give women and their children at risk 24-7 protection. It has also

called for the removal of the strict cohabitation criteria to extend eligibility for protection under the domestic violence legislation to women who are abused in dating relationships. I was disappointed in the Minister's response to a parliamentary question that I put to him in respect of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which cited Article 52 of that convention, a provision for emergency barring orders, but set it against the property rights defined under the Irish Constitution, offering that as a rationale for this State's not signing, or indeed ratifying, the convention. The time for action is now.

Minister for Justice and Equality (Deputy Alan Shatter): I thank my colleague Deputy Mitchell O'Connor for raising this matter, and Deputy McDonald, who seems to be consistently disappointed about everything. I regard this as an issue of particular importance and have always done so.

The report released by Women's Aid today shows that domestic violence continues to be a blight on the life of many women, children and indeed men in Ireland and shows the importance of the community and voluntary sector in the provision of appropriate responses to social problems in Ireland. The community and voluntary sector, which includes organisations such as Women's Aid, comprises no fewer than 60 domestic violence services in this country, offering helplines, emotional support, information, court accompaniment, onward referral and refuges. A key support offered to those who avail of these services, including male victims who contact Amen, is safety planning. This supports the person in planning a safe and speedy departure from his or her home at a predetermined time or when the situation demands. This is a sensitive area, as violence can intensify where a victim gives signs of leaving the home or the relationship.

The domestic violence sector in Ireland spent €31.2 million in 2011, according to annual accounts. The sexual violence sector spent an additional €7.8 million in that year. In 2012, the HSE, the main State funder of the sector, contributed €14.5 million to the domestic violence sector and granted a further €4 million to the sexual violence sector. The Department of Environment, Community and Local Government also provides significant State funding, primarily to fund voluntary sector refuges.

The issue of domestic violence is one that I and this Government take very seriously. Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, is continuing to coordinate the implementation of the National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014. The remit of the strategy covers men and women, including older people. One of Cosc's key objectives on its inception in 2007 was to improve awareness of the issues and the services available and to encourage family and friends of victims to recognise the problem and help them to get appropriate assistance from the State and from organisations such as Women's Aid. In that sense, it is encouraging to note that more people are seeking help in dealing with these problems.

After coming into office, I did in fact at a very early point take action to reform the law. I was able to bring through important amendments to the Domestic Violence Acts 1996 and 2002 through the Civil Law (Miscellaneous Provisions) Act 2011, one of the first Bills enacted during my term as Minister. The net effect of these changes has been to extend the protections of this legislation to a wider range of people and circumstances. The first amendment allows for a parent to apply for a safety order against the other parent of his or her child, even where those parents do not live together and may never have lived together. This amendment ensures that

12 June 2013

the protection of the law is available where access to a child is an occasion of intimidation or even violence between disputing parents. The second amendment extends the protections of the Acts to same-sex couples who have not registered a civil partnership, on the same basis as had previously been available to unmarried opposite-sex couples “living together as husband and wife”. These same-sex couples are no longer required to have lived together for at least six of the last 12 months before one of them can obtain a safety order against the other.

In addition, during its Presidency of the European Council, Ireland successfully negotiated an agreement with the European Parliament on the European Protection Order, a civil law measure which will ensure that victims of domestic violence and other forms of violence, harassment and intimidation can avail of national protections when they travel to other EU member states. I was particularly pleased to be able to effect an agreement on this very important measure in my position during the Presidency as Chairman of the Justice and Home Affairs Council, which sends an important signal that domestic violence, harassment and intimidation are unacceptable throughout the EU.

Work to develop further responses to help children affected by domestic violence is expected in the context of the new child and family support agency, which will replace the HSE as the core funder of domestic and sexual violence services and which will fall under the remit of the Department of Children and Youth Affairs. Work is also being undertaken on the consolidation of domestic violence legislation and further reform. As Deputy McDonald, who complains about this matter, well knows, there is a substantial legislative programme and I prioritised immediate issues relating to domestic violence at an early stage. I hope in 2014 to bring the further legislation required in this area before the House.

Finally, I wish to address the particular issue raised by my colleague Deputy Mitchell O'Connor. I absolutely agree with her that there is a need for new and better family court facilities in this State. One of the reasons for the proposal to have a constitutional referendum to provide for a unified system of family courts is that we need an integrated family court structure with the necessary back-up services and with judges who have the special skills necessary to deal in a sensitive and appropriate way with family cases. The Deputy may be interested to know that in early July a consultative seminar will take place involving members of the legal profession working in this area to feed into the process of developing the proposals necessary to create a new, unified family court structure. In that context, one of the issues I am exploring is the identification of funding that will be necessary to improve the court structure that administers family law.

4 o'clock

I believe it is crucial in the context of the family courts that there are adequate consultation and in-house mediation facilities such as those operating on a pilot basis in Dolphin House. It is important that when there are issues between estranged parents they are encouraged to deal with matters relating to the welfare of their children and resolve these issues through mediation without the necessity for court proceedings. We must put in place a careful and sensitive approach, one that is already reflected in the family courts system in Australia. The House may be interested to know that we have arranged for the president of the Australian family court to speak at the seminar taking place in early July.

Deputy Mary Mitchell O'Connor: I was delighted to hear the Minister's plans for this area and that he agrees the family court system needs a radical overhaul. Behind each of the

figures released today by Women's Aid is a woman or a child living in fear of being beaten, ridiculed, abused and emotionally battered. While the Government has plans to hold a referendum to provide a unified system of family courts, there is no doubt that the family court structure is falling apart and many women involved are in great need of help. I know the Minister is holding a consultation forum in the next few months, on which I commend him.

The Women's Aid report has given us an idea of the scale of the abuse being suffered in this country. It is up to the Minister and to us in government to offer these women the protection they deserve and to facilitate them in rebuilding their shattered lives. I do not want to attend the Women's Aid annual report event again next year to hear the same or worse statistics. Let us make a real difference.

Deputy Mary Lou McDonald: The Minister claims I am consistently disappointed. I will remain disappointed so long as Women's Aid produces reports that reflect such statistics. Not only I but many women and citizens will remain disappointed if the Minister continues to delay the introduction of consolidated domestic violence legislation. Will the Minister take the opportunity today to give a date for the introduction of this legislation? Will he also respond to the call from Women's Aid for an on-call system for accessing emergency barring orders that would afford women and children 24-7 security? Will he elaborate on his reluctance to sign the European Convention on Preventing and Combating Violence against Women and Domestic Violence? I cited the Minister's reply to a parliamentary question that I tabled in which he referred to concerns about emergency barring orders and property rights as his rationale for not ratifying the convention.

I do not want to be disappointed on this issue. Instead, I want to be encouraged and optimistic that the Government will take the right actions and not drag its feet on these matters. Will the Minister set out his concrete plans for introducing the consolidated legislation and on-call emergency barring orders and signing the European convention? Offering concrete dates for these three items will give some sense not just to Women's Aid but to the women who rely on its services that they are being heard and, when their experiences are recounted in this Chamber and elsewhere, that their stories are not falling on deaf ears.

Deputy Alan Shatter: Again, I thank the Deputies for their contributions. There is no one in this House who does not share the concern to ensure we have the best possible legal architecture to deal with domestic violence issues, as well as the necessary social and other supports for victims of such violence. As in other areas, however, we are constrained by the State's financial difficulties. We do not have an open pot of money so we must make judgments as to what is necessary and what can be done in the context of our limited financial capacity.

In other countries there are not, as far as I know, 24-hour court services for accessing emergency barring orders. Here, if someone is forced to leave his or her home because of domestic violence, it is possible in emergency circumstances to seek a protection order in the courts within 24 hours.

Deputy Mary Lou McDonald: There is no capacity. The current services cannot cope.

Deputy Alan Shatter: A protection order can be sought, whether or not Deputy McDonald is aware of it, at District Court level by way of an *ex parte* application by a wife who is a victim of domestic violence. By simply attending the District Court, a wife in such circumstances is afforded every assistance by the District Court clerks and these applications are dealt with *in*

12 June 2013

camera before District Court judges. As a family lawyer, on many an occasion I have made that type of application on behalf of a victim of domestic violence. In that context, a protection order is helpful.

I am an enthusiast for the European Convention on Preventing and Combating Violence against Women and Domestic Violence and would very much like Ireland to be a party to it. There is an issue, however, surrounding it. Where an individual is the sole and only owner of a home, an issue arises of whether that individual can be barred from the home under our Constitution. Successive Attorneys General have advised the Government that this is the only barrier to our signing the convention. I am not happy about this. Instead, I would very much like to be in a position to enact legislation that prescribes that where someone is the victim of domestic violence and resides with the perpetrator, then the perpetrator, even if he or she is the sole owner of the home, can at least be temporarily barred from it. There are difficulties, however, arising under Article 43 of the Constitution in this regard and I cannot ignore the advices on this.

I do not want to make any promises that I cannot deliver upon, but these are issues that we will explore further when consolidating legislation in this area as best we can. I cannot give the Deputy a definitive date for the publication of the Bill, but it is my aspiration that we publish it in 2014. Behind the scenes, a substantial amount of work has been done on a whole rake of reforms in family law which I hope will see the light of day in the coming months. I earlier referred to the proposal to provide for a separate and unified system of family courts that will inevitably result in our having to hold a constitutional referendum. Substantial work has been undertaken in my Department on a family, relationship and children Bill. There will be engagement with other colleagues in government on this. This Bill will bring about substantial reforms in family law and will be of great benefit to children and couples in a variety of different circumstances.

It is my aspiration that we will make substantial progress in these areas as we go through 2014. I look forward to the constructive contribution to the development of this legislation from Members. Indeed, I look forward to their constructive engagement in what I anticipate to be discussions and debate on the final structure of a new family court system and the constitutional provisions that should apply to it, as well as the manner in which we should deal with a whole range of family law issues, from child abuse to marriage breakdown to gay partnerships breaking up to custody and access disputes that occur between both marital and non-marital parents. There is an agenda of work on which I look forward to engaging with colleagues.

I thank the Deputies for raising this important and appropriate issue on the day Women's Aid has published its annual report.

Pension Provisions

Deputy Willie Penrose: I thank the Ceann Comhairle for selecting this most important topic for debate, and I thank the Minister, Deputy Burton, for her presence here, which indicates clearly that this is an issue to which she attaches significant importance. This is a very sensitive and complex issue, which requires detailed analysis, focus and consideration, as undoubtedly there will be impacts as a consequence of any proposed change, but it must be tackled and addressed. The last thing we should do is to adopt an ostrich-type stance, with the wish that the circumstances relating to pension fund wind-ups, deficits arising and employer exposure will go away. Clearly, that will not suffice because of the pressing nature of events surrounding

defined benefit schemes.

We are all aware that currently, when a defined benefit pension scheme is wound up, pension legislation and the trust deed require that the scheme's assets be applied to provide for members' benefits after payment of the expenses incurred necessarily in the wind-up, in the following order: first, benefit entitlement relating to members' additional voluntary contributions, AVCs, or relating to a transfer of rights from another scheme; second, the continued payment of pensions currently in payment, excluding any future increases; third, deferred pension entitlements for members who have not already retired, including statutory revaluations up to retirement age but excluding future increases post-retirement age; and fourth, post-retirement pension increases on the above benefits, in so far as they are required under the rules. It is possible, therefore, in the context of these priorities, that some people will receive 100% of their benefits while others will receive much reduced benefits or no benefits.

Prior to the Waterford Crystal case, in which judgment was delivered by the European Court of Justice, ECJ, in April 2013, the 1980 directive, which was updated in 2009, required the State to provide appropriate protection in the event of a double insolvency - that is, where both the employer and the pension scheme are insolvent at the same time. The insolvency protection scheme introduced in the 1980s provided for cover for contributions payable in respect of the last 12 months prior to wind-up, but in the current environment this can represent a small fraction of the deficit on a scheme.

Following on from the Carol Robins case in 2007, in which the ECJ ruled that the UK Government was not compliant with the directive, the then Government introduced the pension insolvency payment scheme, PIPS, for a limited three-year period, which I believe will expire in February 2013, with an initial budget of €100 million. This facility is subject to a number of stipulations and conditions; in particular, it is limited to pensions at the date of insolvency, so it provides no relief for active and deferred members. That is the area on which we are trying to focus our attention, particularly with regard to those who are active members and nearing the end of their lives. They are particularly worried and concerned about this matter and great stress and anxiety are caused to many people in these situations.

The structure of PIPS is designed to ensure cost efficiency and to provide pensions in a more cost-efficient way than through the purchasing of an annuity contract. It can reduce the cost of an annuity purchase, which ensures there is more cash available, but it is still possible that a significant deficit can arise.

We are all aware of the most recent decision in the Waterford Crystal case, and I understand that it has gone back to the High Court for consideration. As it is before the courts, we cannot comment too much on it until it is finalised, and I appreciate the Minister's dilemma in that regard. The ECJ ruled that the Irish legislative mechanisms do not provide sufficient protection in these situations.

I am deeply concerned about this matter and it is one I feel very strongly about. I have raised it in parliamentary questions to the Minister. It is important that an appropriate scheme be put in place to protect workers' pensions rights - workers who are paying into pensions are deeply concerned about this matter - when an employer becomes insolvent and the relevant pension fund to which contributions have been made is in deficit. There is no doubt that consideration of an adjustment of the priority order to ensure that significant funds will be available to active and deferred members will have to be confronted and addressed and appropriate

alleviating measures introduced.

I genuinely wish the Minister well in her efforts to devise an appropriate scheme. I know she has received a report, which I hope addresses this matter, and I hope the decision of the High Court in the Waterford Crystal case will feed into her consideration.

Minister for Social Protection (Deputy Joan Burton): I thank Deputy Penrose for raising this extremely important issue. The Pensions Act sets out the order in which the assets of a pension scheme are distributed in the event of the wind-up of a pension scheme. The statutory order of priority is of no consequence, as the Deputy knows, where a scheme winds up with sufficient assets to meet all of its liabilities. In the event of the wind-up of a pension scheme, all pensioner benefits except provision for post-retirement increases are given the highest priority after wind-up expenses and additional voluntary contributions made by individuals. Any remaining assets are then divided according to the accrued liabilities among active and deferred scheme members.

If a scheme is underfunded, the assets remaining after the distribution of assets in respect of payments to pensioners may not be sufficient to meet the liabilities pertaining to active and deferred members. In some cases, they may receive much less than the promised benefit after the commitments to existing pensioners have been satisfied.

The Government decision dated 4 October 2011 approved the drafting of legislation to change the current 100% priority given to existing pensioners on the wind-up of a deferred benefit pensions scheme in deficit by introducing a threshold on the amount and percentage of the pension payment. However, this is a complex and difficult issue which directly affects a group of people who are about to retire and those who are already retired and have little opportunity to increase their incomes. Given the significance of the proposed change, I have requested that the legislation not proceed for the moment pending broader consideration of some of the issues to which Deputy Penrose referred. A consultation process was completed in the last quarter of 2012. The process involved engagement with representatives of older people, the pensions industry, employers and trade unions. In addition, the Department engaged external expertise to assess the impact of possible changes on how the assets of a scheme are distributed on the wind-up of a scheme.

When I published the Social Welfare and Pensions (Miscellaneous Provisions) Bill 2013, I pointed out that I would not be proceeding at this stage with a change to the manner in which the assets of a scheme are distributed on the wind-up of a scheme. It must be remembered that while people are very conscious, as Deputy Penrose has said, of the impact that the wind-up of an underfunded pension scheme can have on a scheme member who is close to retirement, any change to the current arrangements is likely to involve a reduction in current payments to pensioners. It is a challenging issue and one which requires a determination of the fairest outcome for all beneficiaries, bearing in mind that the level of pension for many pensioners of such schemes, as the study shows, is relatively low. This is an important factor to bear in mind. The matter is under active consideration and, in light of the recent decision by the European Court of Justice in the Waterford Crystal case, the Government recognises the need for a comprehensive policy and legislative response that addresses the range of issues involved.

The Deputy may also be aware that the Pensions Act provides a procedure - that is, the funding standard - for determining whether a scheme has sufficient assets to meet its liabilities. The funding standard was suspended following the downturn in financial markets in 2008 until it

was reinstated in June 2013 by me. Following the reintroduction of the funding standard, defined benefit pension schemes have until the end of June this year to submit funding proposals to the Pensions Board. It is considered prudent to await the submission of funding proposals by the trustees or plan sponsors of underfunded defined benefit schemes, as these will give a more comprehensive, in-depth picture of the funding position of defined benefit schemes. It will also allow for the impact of the many measures already introduced by the Government to be assessed, including the potential benefits to schemes, for instance, of the use of sovereign annuities or annuities. As such, I am keeping the situation under intense review and I will report back to the Government in the coming months. A wider package of legislative proposals and additional reforms will be considered at that stage.

Deputy Willie Penrose: I thank the Minister for her comprehensive reply. This is a very complex issue which needs to be addressed with great care, and consideration needs to be given to all of the various elements. There will be an impact on people who are currently in receipt of various pensions. That must be spelled out in the overall context the Minister outlined. Defined benefit schemes are under pressure to submit funding proposals by the end of June and it will be quite difficult for them to reconcile this aspect and examine how it will affect benefits in terms of how they will proceed. How will they reconcile this particular aspect of matters? How will it impact on benefits in respect of how they will progress? A good deal of company restructuring taking place in defined benefit schemes now is designed to keep the employer in existence and in operation. The net effect of employers agreeing to such restructuring is that their schemes do not come within the ambit or terms of the directive and this raises certain issues. Unless the matter is addressed an unusual conundrum could arise whereby, purely from a pensions perspective, pension scheme members may be better off if the employer goes into liquidation. A clear conflict can arise between the demands of the scheme and the survival of the employer and these need to be addressed quickly. It is an unusual conundrum and a difficult situation for everyone concerned, including those operating the schemes, the employers and the people who are making contributions to the schemes. There is a triangle of relationships in place and including the Department it is a four-sided stool or relationship. It is important that everyone gets together to ensure that the best outcome is available to all those concerned, especially those who are coming close to retirement and who have made contributions over a substantial period. These people are concerned about events and this is why it is important to bring finality and a way out of the significant difficulties that have arisen in this important area of people's existence.

Deputy Joan Burton: I appreciate the comments of Deputy Penrose, who clearly has a wide knowledge of this area. I am aware how worrying this is for the type of people Deputy Penrose has referred to who are coming close to retirement. Many defined benefit pension schemes have been contributed to by employees and, it must be said, employers in good faith. It is unfortunate that what has happened on the financial markets has delivered for several schemes the worst of all worlds.

It is important to get the indications from the submission of funding proposals with regard to where schemes stand. A great deal of work has been done in several schemes to provide for re-funding of schemes with contributions from workers and employers. My objective is to provide for the maximum protection for as many as possible. There have been discussions with the various stakeholders. As Deputy Penrose noted, this is a quadrangle or a stool of four legs, one of which is existing pensioners. The Deputy will be aware that many pensioners in defined benefit schemes are on pensions of below €12,000 and below €24,000. The pensioners

on relatively high pensions are in the minority in many schemes.

We can all agree that people who have handsome pensions should contribute, but in many cases their contribution alone would be insufficient. Therefore, we need to consider where the balance should lie. We must consider the interests of current pensioners, many of whom are on a fixed income. Some have a supplementary State pension, depending on the type of employment they were in, but not all. There are deferred members as well. There are current members, paying in now, some of whom may be coming close to retirement. As Deputy Penrose stated, these are the people for whom this is a serious concern and I recognise and acknowledge that. There are the scheme trustees and the various advisers to schemes. The Government has a strong interest in providing the maximum protection in so far as it is possible to all the various parties. We need to consider the situation of the employers and the nature of the contributions they should make to ensure the survival of schemes and the best possible outcomes. I acknowledge the work good employers have done in this respect and it is important for that work to be understood. Promises were made in many cases but only when we see the funding proposals will we have a better picture of the extent to which those promises are capable of being fulfilled.

Deputy Penrose's question primarily relates to an insolvency situation. The Waterford Crystal case relates to a double insolvency situation, which is currently before the Irish courts. It will be interesting and important to see what view and approach the Irish courts will take in respect of the judgment of the European Court of Justice. The workers involved won their case comprehensively on all seven points put forward. I assure the Deputy that this issue has the highest priority in my Department. By the end of this month we will have a significant level of information on funding proposals submitted by the various schemes, as required by the regulator, and we will have a clearer picture of the situation of various schemes at that point. The regulator has undertaken to work with the various schemes to ensure the best possible outcomes in what is a difficult situation.

Educational Research Centre

Deputy Charlie McConalogue: I thank the Minister of State at the Department of Education and Skills, Deputy Cannon, for taking this Topical Issue. I wish to be clear from the outset that I am raising this matter in a non-adversarial manner. Yesterday, the Educational Research Centre released National Schools, International Contexts: Beyond the PIRLS and TIMSS Test Results. The 2011 progress in international reading literacy study, PIRLS, and the trends in international mathematics and science study, TIMSS, are the world's most comprehensive studies of academic achievement in primary schools. The ERC report examines how Irish schools, teachers, classrooms and pupils compare with their counterparts in other countries. The ten themed chapters address a diverse range of topics, all of which have policy relevance for the Irish education system.

There is much to welcome in the report. Irish pupils are more likely to feel safe in school and less likely to experience bullying. Irish parents almost universally agree that their child's school provides a safe environment and that those responsible care about their children's education. However, the report had several findings which raise concerns and pose challenges. There has been a great focus on social inclusion in schools in the past decade and that is to be welcomed. However, it seems that at a personal level compared to most other countries Irish children, specifically boys, are less inclined to like or feel they belong in school. While Irish

pupils are generally less likely to experience bullying, within Ireland being bullied is more common among boys and pupils in large urban and DEIS project schools.

There is an ongoing debate about the future of rural schools in Ireland and there are some interesting findings in the document published yesterday. The report states that the demographic context within which fourth class pupils in Ireland attend school has some unusual features. Ireland has a relatively low population density among countries that took part and a considerably higher proportion of pupils in Ireland compared to other participating countries live in remote rural locations. At 279 pupils, the average size of primary schools in Ireland is approximately half the international average, with almost one fifth of primary schools in Ireland having fewer than 50 pupils. Small schools in areas of low population density are not uncommon. The report points out that for pupils in other countries with sparsely populated regions this feature of enrolment is not typical. In all the comparison countries with lower population densities than Ireland the average school size was generally a good deal higher than here. Nonetheless, the report says that “fourth class pupils in Ireland living in smaller rural areas did better on average in reading, mathematics, and science than those attending schools in more populated urban centres, whereas the opposite is true internationally”. It would appear that the Irish experience bucks the international trend in this regard. The report also noted that the higher level of bullying in DEIS schools does not apply in rural DEIS schools.

The report also poses challenges with regard to science and maths. Irish pupils spend considerably less time than the international average in science lessons, regardless of whether the official curriculum or the curriculum as implemented by teachers is considered. In maths, the report found that insufficient time is devoted to teaching problem-solving, that the curriculum is out of date and that Irish pupils are not learning essential skills that are being taught in other countries. This may be a contributory factor to Ireland’s below-average international standing in maths at second level. I would be interested to hear the response of the Minister of State and of the Department to this wide and extensive report, which provides us with much food for thought.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):

I agree with Deputy McConalogue that this report presents us with much food for thought. I welcome the research published by the Educational Research Centre on Ireland’s performance in PIRLS and TIMSS. Such international studies enable us to benchmark the achievement of our pupils with those in other developed countries. They are invaluable as we roll out our strategies and plans for the future. That is why participation in the PIRLS and TIMSS international assessments was one of the key actions identified in the national literacy and numeracy strategy. It is good to note that Irish pupils performed very well in PIRLS and TIMSS. Our performance in English was excellent. Pupils in just five countries performed significantly better than our pupils in English reading. Irish pupils scored significantly above the international average in both mathematics and science. The new report provides more detailed analysis of the home and school environment factors that impact on teaching and learning in these areas.

The report identifies main positive elements in our educational system. As Deputy McConalogue mentioned, our pupils feel safer in school. There are very few discipline issues in our schools, compared to other countries. Irish pupils also have more positive attitudes to reading and science than the international average. We have a relatively young cohort of teachers, and they report high levels of career satisfaction. The report recognises that Irish parents are actively involved in their children’s education. Nevertheless, the report also identifies a number of areas for improvement. We spend significantly less time on science than the average in other

12 June 2013

countries. Our teachers report below average confidence in their ability to teach science. In maths, while our pupils rate well on number and knowing, they do not rate as well on shape and space, measures and problem solving. While the incidence of bullying is lower than in other countries, there are differences in this regard between genders and types of school. Pupils with English as an additional language tend to report more incidents of bullying. Our teachers also report significantly lower levels of professional collaboration than their peers internationally.

We need to bear in mind that these assessments were administered in 2011 prior to the publication of the literacy and numeracy strategy. In line with that strategy, we have increased the time available for the teaching of English and mathematics. We have taken steps to enhance initial teacher education and continuing professional development for teachers in these areas. Some colleges are providing for additional specialisms in science education. While the report notes that our curriculum predates that of many other countries, both our mathematics and science curriculums have been mapped very well against international benchmarks. Work is well under way to revise our languages curriculum with the integrated language curriculum from junior infants to second class, which is due for publication in 2014.

Other developments have taken place. A new reporting system has been introduced in primary schools to ensure parents get meaningful information about the progress and achievement of their children. In line with the action plan on bullying, we hope the roll-out of new anti-bullying procedures to all schools this September will see further progress made against bullying in our schools. With regards to enhanced collaboration among teachers, the recent introduction of school self-evaluation is designed to promote teacher collaboration as they review current practice, identify strengths and areas for development and implement actions for improvement. Clearly, much work has been done since these assessments were administered in 2011. We have to do much more to achieve a world-class education system. This comprehensive and interesting report should help us considerably in mapping the way.

Deputy Charlie McConalogue: I thank the Minister of State for his response. As he suggested, this report reminds us of the importance of participating in international studies, benchmarking where we are at with where other countries are at and trying to learn from other countries. I asked the Minister of State for some feedback on the finding that Ireland bucks the international trend with regard to rural schools. The report mentions that “nearly one-fifth of primary schools in Ireland [have] fewer than 50 pupils”. The educational outcomes from such schools are quite strong, which is in contrast with the international experience. That useful finding needs to be taken strongly into account when the upcoming value for money review of smaller schools is published. I would like the Minister of State to give us an update on that review in his response.

There are things we need to continue to address. The Minister of State mentioned the importance of feedback from schools to parents as we try to ensure parents are as involved as possible in their children’s education. Too often, our schools use parents primarily for fundraising purposes, as opposed to considering them as a key part of the education system and the experience of schools. If we are to maintain the positive aspects of the report, we need to ensure we protect educational funding. The lesson we should take from this report is that the upcoming budget should not affect the pupil-teacher ratio in any way. I ask the Minister of State to give the House an assurance in that regard. It is crucial for us to ensure schools continue to focus on the development of the education product. We need to support them in that regard. I am concerned that as a result of some of the policies we have seen in recent budgets, schools are having to focus more of their energies on how they are run. As we are not supporting them

sufficiently, fund-raising has become a key concern. Approximately half of the schools in this country were in the red last year. I thank the Minister of State for his reply. I ask him to address the points I have made.

Deputy Ciarán Cannon: As the Deputy has pointed out, this is a valuable and thought-provoking report. I noted with interest his specific reference to the educational outcomes of smaller rural schools. I think the information in the report in this respect will feed into our overall assessment of how we deliver education, not only in smaller rural schools but indeed across the whole school population. The Deputy and I share the aspiration of ensuring outcomes of the very highest quality are achieved in all school settings, regardless of whether a child attends a rural school with ten pupils or a school of 700 or 800 pupils in a large urban centre. I understand that the value for money report on small rural schools, to which the Deputy specifically referred, will be presented to the Cabinet quite shortly.

As I said at the start of this debate, it is important to note that Irish students scored remarkably well in the TIMSS and PIRLS assessments. We should be proud of that. I want to pay tribute to teachers, schools and, in particular, parents for this achievement. It is also heartening to read of the many strengths in Irish schools that are identified in the report. On a personal level, one of the things I took most heart from was the positive experience that children glean from attending our schools. They feel comfortable in our schools. It is a credit to our teachers, in particular, that such a safe, protected and caring environment is provided to students on a daily basis. Nevertheless, I accept that this report provides enormously important detail about aspects of the system that can be improved. There is no doubt about that.

It is good to recognise that since this research took place in 2011, many of the issues that were identified have been addressed and plans are in place to tackle others. The effects of initiatives such as improvements in teacher education and curriculum reform will take some time to manifest themselves. Other initiatives are already in place, for example, we are already providing better information to parents through better school reports. It is possible that this Government has taken the issue of standards in the school system more seriously than any of its predecessors. The improvement of outcomes for learners has been and will continue to be a central plank of our actions. My Government colleagues and the officials in the Department of Education and Skills intend to glean much useful information and many insights from an in-depth examination of the report. That will help us to monitor our current initiatives and inform and develop future policy.

Leader Programmes

Deputy Michael P. Kitt: I thank the Ceann Comhairle for allowing me to raise this matter and the Minister for coming to the House.

There has been some confusion on the question of community project funds through the Leader programme. While this issue was raised briefly at Question Time, I seek further clarification. A headline in the *Connacht Tribune* three weeks ago read, “Galway takes an €18 million hit in community project funds”, while it was stated in the article that “Leader groups face a race against time for sanction of schemes as EU deadline looms”. There was great concern that, if this was to be the case, it could be another four years before projects could be considered for funding under a new Leader programme. There was also a feeling that not all of the European moneys would be drawn down. While that is one view, another from the people in the east Gal-

12 June 2013

way rural development office was that while they had a budget of €12 million which was agreed to by the Minister and while there was funding towards enterprise and community measures, there were 40 existing applications for projects which would cost close to €5 million, with only €1.5 million to allocate. Of course, there are many other community groups which wish to apply and cannot do so if that is the position.

This has been a very successful scheme. I can point to a project in my own parish of Caltra where the community centre is almost complete and where there is a very successful relationship with the Leader company. The project has involved a lot of fundraising which is still ongoing and I hope we will be able not only to develop the community centre but also to have a sports field and other facilities when the centre is complete.

The article in the *Connacht Tribune* went on to discuss not only the situation in east Galway but also that of Comhar na nOileán in the Connemara Gaeltacht area which only has €4 million to allocate by the end of the year. Forum Connemara has an allocation of €7.7 million, of which it has spent €1.9 million, leaving it with a balance of approximately €5 million to allocate. Meitheal Forbartha na Gaeltachta which shut last year had only paid out €1.9 million of its €4 allocation. This raises many questions. The same newspaper contained another article in which it was stated, "Development groups claim centralisation of Leader programmes will put rural communities back 30 years".

These concerns are coming to a head. I ask the Minister to clarify these issues and assure rural communities that the good work being done will be allowed to continue. I hope he will be able to sanction other projects and, most importantly, allow other groups to make applications where they believe funding will be made available for either enterprise or community measures.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Leader elements of the rural development programme 2007-13 commenced in February 2009 after a delay of more than two years which reduced the time available to allocate funding to less than five years rather than the original seven. Two main issues have impacted on the revised allocations notified to local development companies last month. The first relates to overall programme performance. During 2010 and 2011 it became evident that a significant number of local development companies which had been contracted to deliver the programme were not committing funds at the level required to ensure all of the funding would be allocated by the December 2013 deadline. Any funding not committed by the end of this year will be lost to the programme. Similarly, it became clear that a number of local development companies were more than capable of allocating additional funding if it was made available.

In this regard, in January 2012 my Department notified all local development companies, including Galway local development company, that the original allocations awarded in 2009 were no longer valid and that the programme was being opened up on a first come, first served basis to all local development companies in order to ensure all the available funding would be allocated to eligible projects within the timeframe allowed. All local development companies were encouraged to maximise the opportunity this created for them. All local development companies had an equal opportunity to maximise funding in their respective areas and some companies were better than others at availing of this opportunity.

The second issue relates to the change in co-financing rates. During 2011 the European Commission approved a change in the maximum co-funding rate from 55% to 85% for the Leader elements of Ireland's rural development programme but only for expenditure incurred

in 2012 and 2013. This had the effect of reducing the available funding under the programme from €427 million to an estimated €370 million, which is still a lot of money.

In January 2013, in the light of all the changes to the programme, it became necessary for me to carry out a comprehensive review of the level of commitments and expenditure across the various measures of the programme in order to apportion the remaining funds among the local development companies, taking into account the level of commitments already entered into. Using an estimated final programme allocation of €370 million, the total spend to date and outstanding contractual commitments under the programme were established and deducted from the €370 million. Some €6 million was provided for the former MFG legacy files, new Gaeltacht projects and associated administration costs. Funding was also provided for projects greater than €150,000 in value that had been submitted to my Department for assessment. The original percentage of the programme awarded to each local development company in 2009 was then applied to apportion the remaining funding. Where a local development company would receive less than 80% of its original allocation, bearing in mind that the overall programme value has been reduced by approximately 13%, an adjustment was made to bring the revised allocation up to 80% of the original.

For the Galway local development companies - Galway Rural Development, Forum Connemara and Comhar na nOileán - this represented a decrease from their original allocation. The redistribution of available funding was conducted in as fair and equitable a manner as possible, with many local development companies experiencing similar reductions. If my Department had not adjusted the allocations to ensure all local development companies received at least 80% of their original allocation, a number of companies, including Galway Rural Development and Forum Connemara, would have experienced even higher reductions and, in that context, the allocations were calculated in the fairest possible manner.

Deputy Michael P. Kitt: I am glad to hear the Minister believes he is being fair in the allocations, but I make the point made in the *Connacht Tribune* headline that Galway was to take an €18 million hit on community projects.

Deputy Phil Hogan: I cannot be responsible for the *Connacht Tribune*.

Deputy Michael P. Kitt: It is fearless, like the *Irish Farmers' Journal*. I am glad that the *Connacht Tribune* is highlighting this issue as it is an important one. The Minister did not refer to the fact there were many people who wanted to make applications, as any representative from Galway would tell him. I would feel very sorry for them if they were unable get their applications in on time.

A concern was raised by Pat the Cope Gallagher, MEP, about a possible reduction in rural development funding if, for example, management of the Leader programmes was moved away from the local development companies. Again, I would like the Minister to deal with this point. If people are trying to provide community facilities or undertake enterprise projects and the Leader companies are not involved, where is the alternative source of employment in rural areas? There will be serious ramifications if rural development funding is reduced. I hope the Minister will keep his mind on this issue and perhaps even rethink the plans for the future of the Leader programme, if that were to be the case. My attitude has always been that the programme is working well, certainly in the case of the east Galway projects about which I know more than the west Galway projects. Is there a need, therefore, to change something that is working well? I would say no and if the Minister has other ideas, I would certainly like to hear from him. I

12 June 2013

hope he will give attention to the funding problems being encountered in the case of the east Galway projects.

Deputy Phil Hogan: The rationale behind the alignment of community projects and local government is to reduce administrative costs and provide more money for front-line services and projects for individuals and communities. I am sure the Deputy shares my objective in doing this. Some €32 million has been requested by local development companies out of a total of €90 million to be allocated this year and next year. That amounts to 30% of all monies available. It is an enormous amount of money in administrative funding and I would love to see some of it diverted to ensure local development company projects in Galway could be considered. Such a heavy administrative burden is not sustainable when CAP funding is being reduced, the rural development aspect will be reduced and we are trying to give as much money as possible from the Exchequer to local development companies. As a result of this administrative burden, projects and communities are being deprived of necessary funding.

Approximately 2,000 people are employed in the various programmes in the community sector. A total of 250 people are employed under the rural development programme. It is only the administrative part that is affected by this alignment. There will be no change in employment for local community development projects, Tús and rural social schemes. What is at issue is how we can maximise the opportunity for the rural development programme under the CAP. The Minister for Agriculture, Food and the Marine will have a role to play in that regard by the end of the month.

I understand and accept the frustration of local development companies at the reduction in the rural development programme allocation, as the overall size of the programme has reduced by approximately 13%. As a result of this and in the manner I have outlined, I did my best to ensure the Galway Leader companies and other companies such as Comhairle Ceantar na nOileán and FORUM Connemara would be underpinned. If the Galway Leader companies had heeded my request in January 2012 when the scheme was opened up on a first come, first served basis, like so many other companies, they could have gained access to more funding, but they chose not to do so. Therefore, I have rewarded the companies that did and have had to cut back for companies that did not subscribe to the letter sent in January 2012.

We have received approval from the European Union for the alignment of community development and local government to streamline our structures and maximise the opportunities for projects. We have provided that opportunity in the context of a working committee in place to implement that decision. At the end of August I will review the available funding again. I am monitoring on a weekly basis the funds coming in and how we can secure the maximum drawdown. I have an interesting figure for the Deputy. Of the moneys committed to date since 2009, only 43% has been drawn down by the Leader development companies and project promoters. There are only six months left between now and end of the year; therefore, I have to question what people have been doing in the past four years in committing and drawing down funds to ensure the sum of €370 million is actually spent. The last thing we want to do is to allow money to remain in the fund to be handed back to the European Commission. That is not our objective. In taking this decisive course of action we are maximising the opportunity to spend. If money is not drawn down, the Galway rural development company and other Leader companies will have an opportunity at the end of August to have it reallocated. The drawdown has been disappointing. I ask the companies involved to work more constructively with the Department to ensure the full amount will be committed by the end of the year and that the moneys can be drawn down as quickly as possible thereafter.

Health Service Executive (Governance) Bill 2012: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 2

In page 6, line 26, after “Act” to insert the following:

“, one of whom shall be a Director of Mental Health”.

-(Deputy Caoimhghín Ó Caoláin).

Deputy Caoimhghín Ó Caoláin: The focus of this amendment is the designation of the role of director of mental health. I know an appointment has taken place since the amendments were tabled and wish the appointee good luck in his new role. However, the core issue is one that I and others, particularly those concerned with mental health reform, share and wish the Minister to consider at this time.

There is a difference of opinion. The note the Minister of State read prior to the recess suggests my arguments do not stand up in respect of the requirement of the Bill that appointees to positions at directorate level be employees of the HSE at a specific or comparable grade within the HSE. The note states that to be eligible, one must be an HSE employee. At least we agree on that point. However, it goes on to state the competition to fill the new posts was open to HSE employees and other public service employees. It might have been, but the use of the word “was” is particularly relevant because we are now talking about a Bill that will apply to the situation that will obtain in the future. Presumably, it did not apply to the particular appointment or appointments made heretofore.

I have linked amendment No. 4 with amendment No. 2, even though, regrettably, they have not been grouped in the groupings presented. Under Part 3A, inserted by section 7, section 16A(3) states:

A person may not be appointed as an appointed director unless he or she is a person who is an employee of the Executive holding the grade of national director or other grade in the Executive which is not less senior than the grade of national director.

It is very clear from that language used that the intention of the Bill is that those who will be considered for such positions must be within the service of the HSE and holders of a post with a particular level of responsibility, that is, national director or other grade that is not less senior than the grade of national director. My argument has been that we should not reserve the opportunity, particularly in the case of the director of mental health, to such a restricted cohort. It is not to say the competency would not be found within their number, but we should leave it open to ensure the widest possible access and competition to ensure the very best person is considered for appointment to fill this post. I make no apology for making a particular case for the area of mental health. The Minister will know from his years here, including his time on these benches, that the mental health service has been the poor relation within the overall configuration of the health care sector. It is critically important that the individual who will take up the

12 June 2013

position not only has the competency but also a particular feel for the role and the importance of bringing mental health issues to centre stage in the consideration of all health care matters. This is no reflection on Mr. Mulvany who, no doubt, will demonstrate these skills.

I again appeal to the Minister to accept amendment No. 2 and await his response.

Deputy Billy Kelleher: I support Deputy Caoimhghín Ó Caoláin's amendment. This issue was raised on a few occasions on Second and Committee Stages. I referred to it when representatives of the HSE recently appeared before the Oireachtas Joint Committee on Health and Children. I am not casting aspersions on those who have been appointed. We wish them well in the very onerous and challenging tasks that lie ahead of them.

5 o'clock

However, this legislation will be very restrictive as to who can be appointed. The issue was raised by various advocacy groups who campaign for a better awareness of mental health issues and better mental health supports and services. The groups were concerned that the person best placed to be appointed is the person with the best experience and ability. This legislation confines the number of people who could be considered for this post or any of the other directorates. The specific area of mental health was raised with us by advocacy groups across the country. I do not understand why it is necessary to have a provision in legislation as to how appointments should be made. The Public Appointments Service is an appropriate body and there are other ways of interviewing and vetting candidates in order to choose the most suitable applicant. That process should be available to any person who wishes to put forward their credentials, undergo the scrutiny process and be appointed on merit as opposed to being appointed by virtue of the position he or she holds and that this is enshrined in legislation. I do not understand the logic of this being enshrined in legislation. Is it designed to enable the metamorphosis of the HSE into some other organisation by protecting those who have now been appointed? This is my concern. I am sure those individuals who have been appointed would not be afraid to go through an appointments system in which the applicant is assessed on his or her qualifications and experience and other criteria normally used in an interview process so that they could fill the posts when this legislation is passed. That is the issue that needs to be addressed.

On the issue of mental health, it should be stipulated in the Bill that there would be a director for mental health and that the selection process would be open to anyone. This is not to cast any doubt on the ability, or integrity or capability of those appointed under the current system. I do not agree with enshrining the process in legislation.

Minister for Health(Deputy James Reilly): I thank the Deputies opposite for their contributions. On the amendment, when performing their functions as members of the directorate, appointed directors will be acting collectively as part of the governing body of the HSE. This is distinct from their individual responsibilities as senior employees in the grade of national director relating to a particular service area.

As indicated on Committee Stage it is not feasible for me to accept this amendment with the specificity it involves which means singling out one service area, however vital. I am very happy to place on the record of the House that it is my view and it has been my view for many years that mental health services have been the Cinderella of the health services. I have often remarked upon the fact that the institution known as St. Ita's was put at the end of a peninsula and the original design was for it to be put on Lambay Island but this proved too expensive. It

was a case of out of sight, out of mind. All of our health policy is aimed at destigmatising the issues around mental health and ensuring that the treatments take place in the same locations as all other health care provision, in primary care centres and in hospitals. These large institutions from the Victorian era should be closed.

I am happy to state that my intention is to appoint a new national director of mental health as a member of the HSE directorate. As I said on Committee Stage, I fully understand the good intentions and the reasons for this amendment and I share the Deputy's view on the importance of mental health services. However, as I have explained, I will not be in a position to accept the amendment and I ask the Deputy to consider withdrawing it.

Deputy Caoimhghín Ó Caoláin: I ask if the Minister could clarify something that is not a small matter. I pointed out the difficulty at times in understanding - perhaps the use of language is part of the problem. In my view, language has to be clear and understandable so that we know exactly what we are dealing with because otherwise we are talking at cross purposes.

I made reference to page six of the Bill, subsection (3), lines 31 to 36, which are the subject of amendment No. 4 in which I seek their deletion. My understanding of this in the context of amendment No. 2 is that it absolutely restricts the appointments of directors to those who are employees of the executive holding the grade of national director or other grade within the executive of not less seniority than the grade of national director. Yet the Minister of State has responded already on this amendment stating that the filling of this post, or other posts perhaps, was open not only to HSE employees but also to other public service employees. Am I correct in saying that the prompt note which the Minister read into the record of the House earlier was particularly built around the fact that it is in the past tense - was open? Therefore, it is a distraction from the fact that we are dealing with legislation yet not enacted nor even passed as a Bill. It is important that we have absolute clarity and understand exactly what is being said and exchanged across this Chamber. I believe that what is in the Bill is much too restrictive. I seek an amendment No. 2, "In page 6, line 26, after "Act" to insert the following:", one of whom shall be a Director of Mental Health". This has been filled and has actually become a fact and this is welcome. I think it could be in the Bill which would give significant comfort to the many people who, like the Minister, have shown a concern for how mental health has been treated historically.

We will deal with amendment No. 4 presently. In subsection (3) on the same page there is a very defined limitation of access to compete for such appointments. I believe it should be open to the widest possible scope of expertise, both within the health service and externally. I do not think it is enough to say if they are successful and if they are appointed, then they will surely be part of it. That is not what this subsection requires; it requires that they are already in the service of the health service and that they already hold the position of a national director or a comparable grade. I think that is much too restrictive.

I would be disappointed that we are not able to make progress with some of these amendments for the very good reasons that we have argued. I think that the effort we have employed both on Committee Stage and now on Report Stage merits careful analysis and a weighing up of the arguments by the Minister. In this particular instance it would signal a mighty positive towards not only mental health reform but also the many other NGOs and those who are concerned about mental health services in our health service. These are concerns that have not been lessened over these two years of the Minister's stewardship. He should make no mistake about it that the €35 million just rings in our ears. We need a certainty for the future. There is

12 June 2013

a chance to do that in this legislation and I would hope that the Minister would reconsider and perhaps also explain what I see - if I am missing something, so be it and let me become aware of it - but from what I hear I believe there are conflicting messages with regard to what the Bill proposes and what the Minister of State has already responded regarding said appointments.

Deputy James Reilly: I am sorry the Deputy does not agree. We are in complete agreement on the need to send a strong message on mental health. This is the first time there will be a separate and distinct post of national director of mental health in the HSE. The person who has been appointed on a director-designate basis will be responsible to the director general for the budget and resources applied to mental health and for advancing the Government's stated policy of implementing A Vision for Change.

I remind Deputy Ó Caoláin that a key purpose of the Bill is to abolish the board structure and replace it with a directorate model. The directors are to be employees to ensure that their focus is on operational responsibility and accountability. Any new employment competition will be run in accordance with Public Appointments Service processes. The past tense to which the Deputy alludes is of no particular significance. I am not prepared to accept the amendment and, respectfully, I ask the Deputy to withdraw it.

Deputy Caoimhghín Ó Caoláin: I will not persist in addressing the matter. Certainly, I will have an opportunity to address some of the salient points in the next grouping, which includes amendments Nos. 3 and 4. I am not happy to withdraw the amendment, however. I welcome wholeheartedly and without hesitation that a director of mental health appointment has been confirmed, which is hugely important. The other steps, however, would have been hugely important and that importance is not lessened by the fact of the director of mental health appointment. The need is for certainty into the future, which is always important. As one never knows who might be in office at any point in the future, let us guarantee it now. It is a legacy the Minister could leave by taking on board amendment No. 2.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 3 and 4 are related and may be discussed together.

Deputy James Reilly: I move amendment No. 3:

In page 6, line 30, to delete "greater than 6" and substitute "greater than 8".

Currently, the Bill provides that the directorate, which will be the governing body for the HSE, will consist of the director general and not more than six other members, who are referred to in the Bill as "appointed directors". Only HSE employees at the grade of national director or no less senior grade will be eligible to be appointed as directors. The decision to include employees in no less senior grades was the result of a Committee Stage amendment I introduced. Amendment No. 3 will give practical effect to that provision by making provision in respect of the size of the directorate. The HSE has recently appointed people to head up key service areas, including a national director of mental health, a national director of hospitals, a national director of primary care, a national director of social care and a national director of health and well-being. I have always made it clear that my intention is that employees in charge of key service areas will be members of the directorate. It is also my intention that the person heading child and family services will be a member of the directorate pending the introduction of the new child and family support agency. As I stated on Committee Stage, however, the governing

body of the HSE should have scope to encompass other very significant people in the HSE. I propose amendment No. 3, therefore, to increase the maximum number of appointed directors from six to eight. This will allow relevant service heads and a small number of other key senior employees such as the chief operations officer and the chief financial officer to form the governing body of the HSE. I assure Deputies that there will be no additional cost associated with the making of this amendment.

Having set out my reasons for increasing the maximum size of the directorate, I turn to amendment No. 4, proposed by Deputy Ó Caoláin, which is grouped with amendment No. 3. However, I do not want to second-guess what the Deputy may say. While amendment No. 4 relates to the composition of the directorate also, its effect would be to have no requirement that members of the directorate be drawn from among employees in senior management positions in the HSE and no requirement that the directorate need necessarily have any HSE employee on it. This would not fit with one of the central policy objectives underpinning the Bill, which is to abolish the board structure of the HSE, the members of which are traditionally drawn from outside persons, and replace it with a directorate the members of which come from senior management in the executive. The directorate structure reflects the need for greater operational management focus on the key delivery of services and greater transparency in the funding of service delivery and accountability. Deputy Ó Caoláin's amendment envisages outside persons being appointed to the directorate, which is consistent with a board structure rather than a directorate model. I hope the Deputy understands why I do not propose to accept the amendment.

However, I make clear that the intention is that appointed directors are drawn from HSE employees irrespective of when the person was appointed to his or her grade. Separate from the Bill, but as part of the overall policy underpinning it, new senior HSE posts were approved. A Public Appointments Service competition was held to fill the new posts. The director general designate of the HSE announced on 17 May 2013 that the Public Appointments Service had concluded a recruitment process on behalf of the HSE for five new national directors and a chief financial officer. It is my intention that people recruited under the competition will be appointed to the directorate.

Deputy Caoimhghín Ó Caoláin: I record my support for amendment No. 3.

Deputy James Reilly: I thank the Deputy.

Deputy Caoimhghín Ó Caoláin: We get off to a positive start on the grouping, at least. The words used in the amendment are "not greater than" which means the Minister is not locked into making eight appointments. He is not locked in to a maximum of six appointments either but has flexibility in other areas of importance which must be reflected in the make-up of the envisaged directorate. That is good to go and I will support it.

Amendment No. 4 is not about demanding that the membership of the directorate is made up of people outside the Health Service Executive. It is about having the option of appointing - I repeat - the best possible people to take on these roles of responsibility. I emphasise that these are responsible roles. Next to the Minister's own role, the members of the directorate will have the responsibility of oversight of the single largest swathe of public moneys expended annually. It is a phenomenal responsibility. While I have no issue at all if all appointments are made from within the service and expect that many if not all will be, I am concerned that the door is closed. It is strange because only in the last number of days, we have heard that serious consideration is being given to the idea of ministerial appointments from outside the elected make-up of the

House. The issue has been reflected on over the course of the weekend gone by and in other fora. There is precedent for it. This is about circumstances in which someone presents who can bring an expertise to bear. Clearly, he or she is not going to come from a background which is not associated with or reflective of the roles and responsibilities with which he or she would be entrusted as a member of the directorate. He or she would come from a background in health. There are many precedents, including precedents in other Departments, where appointees have not come through the respective departmental strata but have been brought in from within the citizenry of the State and beyond. It is something we should always leave open to consideration, which is all the amendment seeks to do. Removing the restrictive language of subsection 3 on page 6 allows flexibility. That is all it does. It does not lock in the Minister to anything. It is worthy of support for that reason. It is important to those who have given advocacy to this argument. I acknowledge the efforts of Mental Health Reform, which is the backdrop to the argument in this instance. However, amendment No. 4 is not confined to mental health considerations. It could apply to any of the directorate roles within the make-up of the new directorate.

I appeal to the Minister to reconsider his position on amendment No. 4. It is not at variance with the Minister's amendment, No. 3, and the two can work well in tandem. I am supporting No. 3 and the Minister is due to support No. 4.

Deputy Billy Kelleher: We are dealing with this issue again. I have not heard a reason for the Minister's placing of such restriction on a panel of people who are to take on very important roles in the delivery of health care. It is narrowing it to a few people. In recent years, the Government and others have placed emphasis on looking beyond the Civil Service in the delivery of public services and seeking outside expertise and competence. This ties the hands of the Minister drastically in terms of an independent appointments system to assess the criteria of an individual's application so that he or she can be appointed on merit. It cannot be done if the legislation goes through as it is. The provision is in place for no other reason than to provide security and straightforward passage to those who will be appointed to the transformed HSE in a number of years' time. I cannot see the logic of enshrining this measure in legislation as it ties the hands of anyone making a determination on the most suitably qualified person to deliver the onerous task of health care.

From the point of view of the Minister and - I do not mean this in a dismissive manner - whoever is Minister in the years ahead, the purpose should be to appoint the best person on merit. The legislation will not allow that to be done, regardless of who is there at present. These are the only ones who will qualify, although they may be exceptionally bright and talented people. The provision ties the hands of the Minister for the next number of years in terms of appointments. I cannot understand why the Minister would do that.

Deputy James Reilly: I thank Deputy Ó Caoláin for supporting amendment No. 3. I cannot accept amendment No. 4 because that brings us back to something more akin to a board than to what is intended. The purpose of this legislation is to establish a directorate that is directly involved in, and focused on, service delivery.

I listened to what Deputy Billy Kelleher said and he is right that we are trying to bring in fresh blood across the system. It is important to remember that this is a temporary structure to get us to the health care commissioning agency, which will be advertised publicly. There is no question of smoothing the way for people to get into that organisation using this route. The Deputy is aware of my criticisms of the formation of the HSE and the amalgamation of 11 health boards, when everyone was promised they could not only keep their jobs but keep

the same jobs. We got none of the savings or efficiencies that would normally be expected when amalgamating organisations. One expects greater efficiency through a reduction in staff numbers as there is duplication of function across 11 organisations. This is one of the reasons the hospital groups will be effective. They will do away with much of the fragmentation in the health service and duplication in management and administration, with human resources and management across 49 hospitals decreasing to a system that has management across six hospitals. In addition, there will be a new national paediatric hospital group. I hear what is being said but I regret I cannot accept amendment No. 4.

Deputy Caoimhghín Ó Caoláin: It looks as though we do not have a deal. There is no point in dragging this out unnecessarily. I have not heard an explanation of why the Minister of State, Deputy Kathleen Lynch, suggested earlier that the situation was other than what subsection 3 seeks to lock us into, namely, restriction to those in the service and those at particular grade levels. What she put on record in regard to other public service employees is in the past tense and will not be the case once the Bill is enacted. Her contribution was unhelpful and I am concerned at what it intended to do. Whether it was to confuse or to distract I do not know, but I am not happy with it.

Amendment No. 4 is very reasonable and does not take from the legislation. Many people have director roles in different aspects of our public service and the different agencies of government and they were appointed from outside the structures of the entity. There are examples aplenty I could cite that are not akin to boards, as the Minister suggests. The directorate the Minister seeks to put in place will not be weakened by opening it up to the best possible expertise and the greatest energy and enthusiasm, which is necessary. This is particularly true in driving forward reforms in the area of mental health and driving forward the implementation of A Vision for Change, which I acknowledge we are all committed to.

Deputy James Reilly: I have covered all the points and, as the Deputy pointed out, we covered this on Committee Stage. No more than the other Deputies, I do not wish to delay the passage of the Bill.

Amendment agreed to.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 4:

In page 6, to delete lines 31 to 36.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Acting Chairman (Deputy Robert Troy): Amendments Nos. 5 and 12 are related and may be discussed together.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 5:

In page 6, line 41, after "determine" to insert the following:

"but the total annual remuneration for each director shall be no more than €100,000".

I have consistently argued, as I do in amendments Nos. 5 and 12, for a cap to apply at the highest pay levels of the public service. That is hugely important in these economically strait-

ened times. These amendments are consistent with my and my party's approach to this matter. Such a step together with the reductions in Deputies' and Senators' pay, which we have argued should continue, would save approximately €4.3 million per annum.

Rather than targeting pay at the lower end of the scale, which has been the case under this Government's austerity approach, the Minister's colleagues in Cabinet who are making these decisions should look at the top end and tax at a higher level those who are on the highest income streams, as well as taxing wealth. Sadly, the Government has chosen to punish average and lower paid public servants, with which I strongly disagree. Of course, the Government has also breached, as has the Minister in his Department, the guidelines regarding the pay of ministerial advisers. The guidelines appear to be an *à la carte* option in that Ministers can take them or leave them. Most of them have left them and allocated very generous pay terms to a number of ministerial advisers in their employ.

I do not expect the Minister to accept these amendments. I have argued for them, as have colleagues in my party as well as other Members in the House, across all the portfolios. It is critical that we revisit this matter time after time to make the point that the only way we can properly show leadership in these times is if those on the most generous pay terms are prepared to take the greatest pain, and not the reverse as is currently the case. That is not to suggest that we are hoping to penalise people or make life any more difficult for them than it is for anybody else: far from it. I tabled amendments Nos. 5 and 12 because I believe the capping of pay at €100,000 at the highest levels of the public service in the current economic circumstances is not unreasonable. It is fair and is a generous return for anybody's labours. I hope the Minister is prepared to give it serious thought and not ignominiously dismiss these propositions.

Deputy Billy Kelleher: This amendment is worth discussing in broader terms in respect of the health service. Figures provided by the Health Service Executive to Deputy Finian McGrath in response to a parliamentary question show that two top earners shared a pay pot of €882,694 last year. The breakdown of the earnings of the two shows that they earned €358,566 in salaries and an additional €450,000 in various allowances. The two also received an additional allowance of €74,000. It is a short reply but it sums up the point Deputy Ó Caoláin is making.

The overall figures reveal a pay bonanza for thousands of HSE high earning staff, with the majority being consultant doctors. Last year, 2,571 consultant doctors received €476 million, an average of €185,000. The figures show that one employee was in the earning band of between €300,000 and €400,000. The information shows that a further 22 staff earned between €250,000 and €300,000, receiving a total of €5.79 million in pay. The figures show that 1,034 staff earned between €150,000 and €200,000 last year. A total of 32,616 staff, or 34% of the HSE workforce, received pay of less than €30,000, while 20,000 or 21% were in receipt of between €30,000 and €40,000 per annum.

There is a great disparity between the low pay scales and the very high pay scales. The consultants are often easy targets, and the Minister did not spare them when he sat on this side of the House, but we must see a readjustment. Governments will always claim they have a progressive tax system in place but the last two budgets have been regressive. That has been acknowledged independently. The higher earners have not contributed as much in terms of tax deductions across the workforce. We can argue over the figure of €100,000 and what the figure should be, but there is certainly a big disparity between the very high earners in the HSE and those who are contributing on the lower pay rates. It should be borne in mind that even the nurse graduate scheme that was proposed provided that qualified nurses would be recruited at

a lower pay scale. That was proposed by the Minister previously, so I believe there is merit in the amendment.

This is a broad debate that must take place. If we want a fairer society, as was promised, the figures outlined to Deputy Finian McGrath show that we have a long way to go to make our society fairer and more equitable, where everybody carries a fair share of the burden. Those figures are very revealing. In the context of the amendment, they outline why people at the lower pay rates feel aggrieved. I realise it is a broader debate but this amendment highlights that there is a disparity between the vast majority of the workforce in the public sector and those in the high echelons of that sector. Politicians are often criticised, often quite correctly, but there has been a big reduction in the pay scales for politicians. The Taoiseach's salary has been reduced, as have the salaries of Ministers, Ministers of State, Deputies and Senators. That is fine and we accept that we must make our contribution too, but there still appears to be a cohort that seems to be almost exempt from doing its fair share. When one sees people in the HSE still earning more than €300,000, one must question why that is the case.

Deputy James Reilly: I could say a great deal in response to the last speaker. First, however, I know of no official in the HSE being paid at the level the Deputy mentioned. If he is alluding to academic appointments, that might be a separate matter. Certainly, no official is being paid at the level the Deputy mentioned.

The pay of the Taoiseach is €100,000 less than when the Deputy's party was in power. We have reduced the pay for new entrants to the consultant grade. I still consider the rates fair at €116,000 to €121,000 when the starting figure in the UK is £80,000, which is less than €100,000. There are new controls being introduced in the insurance area as well to ensure we have audit and particularly clinical audit and that there is a review of what we pay for the procedures being performed. Some of them that used to take two hours now only take 20 minutes.

The Deputy mentioned a fairer society and that is an aspiration of this Government. However, it takes time to undo the damage that was done by the previous Government over the long period of time it was in office. Of course, it was the Deputy's Government that introduced the new consultant contract, which I welcomed only on the basis that it took consultants off the pitch in terms of being blamed for all the problems of the health service and not that it was a good deal for the taxpayer.

In respect of the substantive issue here, it is useful and important to repeat the point I made on Committee Stage, that an appointed director will not receive any additional remuneration by virtue of his or her appointment to the directorate. An appointed director will be remunerated on the basis of his or her substantive post of national director or other senior grade. These substantive posts are very senior positions within the organisation and the salary levels set reflect the responsibilities undertaken. In the case of the director general, we must remember the difficult and very significant responsibilities attached to the job. As well as chairing the directorate, the director general will be responsible for managing the HSE, ensuring that Government policies are met and delivering on reform. The remuneration being offered for these posts reflects the demands of the posts and is consistent with Government pay policy. I would further point out that the HSE has 100,000 employees and is responsible for delivering an extremely complex health care system across the entire lifespan of our people and across multiple settings, including care in the home, in the community, in hospitals and in long-term care institutions. The remuneration reflects the serious responsibilities placed on the individuals concerned. Furthermore, the director general's salary is over one third less than that of the previous incumbent,

the CEO of the HSE. In fairness, the moneys that are on offer here are commensurate with the nature and responsibilities of the job. It is important to note that being appointed a director does not increase that pay.

Deputy Caoimhghín Ó Caoláin: The Minister used the phrase “commensurate with the responsibilities” of the job. As a Deputy, I know the extent of the reductions we have taken over recent years, in terms of both salary and expenses. I am still willing, even though I know it stretches me with a young family and college responsibilities, to give that leadership and to face further reductions. It is not about what we do here. I would say that the reality is, for the vast majority of Deputies and Senators, that were we in other walks of life, what we actually get paid would not at all be commensurate with the huge number of hours that we work on a daily basis. However, we have roles and responsibilities and we are here to fulfil them. Many people in the public service are very highly motivated, no less than those in elected public life. I believe that there is a further responsibility on their shoulders to give the very best leadership and that can be demonstrated best by a willingness to do, as the Minister would argue, more for less. That is a phrase the Minister uses *vis-à-vis* so many other aspects of what he hopes to achieve in his role as Minister for Health.

He regularly talks about getting more for less. That is something we can all practise. I am indicating a willingness to do that and I believe those at the highest echelons of the health services and the HSE should also show that example. The members of the directorate and the director general, who do indeed have significant roles and responsibilities, just as we all have in our roles here, can do their work for a much reduced level of remuneration than is currently being offered. I believe that is the example that must be given. Then we must look at all the other areas where the shoulders that can bear it best will start to seriously take the weight of the current challenge and not those at lower to middle income levels within the public service, who have been much too over-burdened.

Deputy James Reilly: I must point out again that earlier Deputy Ó Caoláin argued that we should open this up to wider public opportunity but the reality is that if I was to offer the remuneration to which the Deputy refers, there would be little or no interest. It is difficult enough as it is, with the Government cap, to attract the calibre of people that we need to bring into our services to deliver for our people. The current director general designate will be on a salary of €195,450 per annum, as director general. The previous incumbent was on €300,000 per annum, plus additional benefits. This is a substantial reduction. The posts of national director, level two, have been approved with a salary of €158,000. The chief financial officer and the chief operational officer will be at national director, level one, with salaries of €172,000. These are substantial salaries but these are jobs that have huge responsibility associated with them.

I have already made my point with regard to the generality to which the Deputy alludes. I do not believe it is reasonable to ask what the Deputy suggests in his amendments and I do not propose to accept them. However, I will confirm to the Deputy that I am certainly doing an awful lot more for an awful lot less remuneration and I know that most politicians are, but so be it. We put ourselves forward and asked the people to give us the honour and privilege of serving them and are delighted to do it. It would not be appropriate, however, to try to lay our own personal choices down as absolutely mandatory for all others who work in the public sector. I believe these salaries are set at a level that reflects the huge responsibility that the people who occupy these positions will have. If they deliver, as I expect they will, we will have a much improved health service.

Deputy Caoimhghín Ó Caoláin: We are in times of great economic strain and in those circumstances, an argument still stands for further reductions in pay at the highest levels, rather than continuing with the burdening of those who are very clearly already beyond affording the hits they are taking. I rest the case. I have made it and the Minister has responded as I expected. I am pressing the amendment.

Amendment put and declared lost.

Deputy James Reilly: I move amendment No. 5a:

In page 6, between lines 41 and 42 to insert the following:

“(5) For the purposes of subsection (3) and section 16B (4), a person shall be considered as holding the grade of national director or other grade in the Executive which is not less senior than the grade of national director, where that person stands appointed to a post at such grade on a temporary or acting basis for so long as that appointment subsists.”.

The rationale for this is that the Bill provides that members of the HSE directorate are referred to as appointed directors and that only HSE employees in the grade of national director, or other not less-senior grade, are eligible to be appointed to be directors. We must, however, allow for all eventualities, including where an employee may be acting in the relevant grade on a temporary basis but his or her substantive grade is less senior. Amendment No. 5a addresses this, in line with legal advice. I hope the Deputies can accept this amendment, which is technical in nature.

Deputy Caoimhghín Ó Caoláin: I ask for a little elaboration on this. The amendment states that a person shall be considered as holding the grade of national director or other grade which is not less than that, where that person stands appointed to a post to such grade on a temporary or acting basis. Where is that appointee coming from? This is relevant in terms of some of the questions I posed earlier.

This amendment only appeared today, as far as I understand it. It is not on the original list of Report Stage amendments but is on an additional list. I also saw a1 as a sole amendment on an earlier substitute amendments list, in the name of Deputy Kelleher. Would the Minister like to elaborate on that? I do not think it is as simple as he suggests. In the context of the questions I posed regarding the earlier exchange with the Minister of State, Deputy Lynch, on amendment No. 4, which was defeated, an elaboration is required.

Deputy James Reilly: I will happily do that for the benefit of the Deputy. This situation has already arisen in that the interim national director for child and family services in the HSE is in an acting position in the context of the transfer of child and family services to the new child and family support agency. I have previously signalled my intention that the national director for child and family services will be a member of the directorate, pending the establishment of the new agency. Amendment No. 5a will facilitate this. In order to act up one must be an employee of the HSE.

Deputy Caoimhghín Ó Caoláin: In my earlier comments I had the same gentleman in my mind, among others. I recognise that. The Minister will recall I talked about appointments from outside the jurisdiction in regard to other areas. Where does this fit in regard to subsection (3)? I sought its deletion. What is the net effect of the amendment? It is open to interpretation

12 June 2013

and I am asking for certainty. I understand somebody is being appointed to a post. Is this what the commentary from the Minister of State earlier referred to? Somebody can be appointed to a post even though he or she is not a national director or holding a grade of comparable seniority, and by appointment he or she is thereby viewed retrospectively to have had that qualification.

This issue is complex and its outworking is difficult to envisage. Things seem to be pulling in two different directions, one of which is locking us in. Deputy Kelleher and I have argued against that with reference to subsection (3). I may be missing the point, but this amendment suggests that some flexibility and imaginative application of the status of appointees may be considered. Maybe the Minister could help me with that.

Deputy James Reilly: I would be very pleased to help the Deputy with that. He might recall that during earlier Stages of the Bill I pointed out that it was possible to bring in new people from outside who can be promoted upwards. Equally, it is important to point out that the original recruitment in these areas would be through an open competition by the Public Appointments Service and it is an open and transparent process.

The fact that people have to act up on occasion, as is currently the case, speaks for itself. It is quite clear why we need this amendment, and we are introducing it on the legal advice of the Office of the Attorney General because we have a real-life situation to address. The issue is not purely theoretical. It does not pull in any opposite direction but does *de facto* allow for greater flexibility, which is something about which the Deputy and Deputy Kelleher are concerned.

Deputy Caoimhghín Ó Caoláin: I do not want to be so bold as to suggest that it almost confirms the points Deputy Kelleher and I argued heretofore. At this point in time we have had limited sight of the amendment. To my knowledge it was only published today and I have not had any opportunity to evaluate the language involved. That is becoming quite a task in itself in regard to legislation in these times.

In a spirit of flexibility, I am inclined to say “Okay.” However, the Minister should appreciate that it is not appropriate that we have not had prior sight of the amendment nor an opportunity to evaluate it in the context of all we have discussed.

Deputy James Reilly: I appreciate flexibility and support, and given that the Deputy is inclined to support the amendment I am inclined to thank him.

Amendment agreed to.

Acting Chairman (Deputy Robert Troy): Amendments Nos. 6 to 11, inclusive, and amendments Nos. 13 to 18, inclusive, are related and may be discussed together.

Deputy James Reilly: I move amendment No. 6:

In page 8, to delete lines 1 to 3.

Section 16(b) sets out in detail the term of office of an appointed director. The term of office of a member appointed to the directorate is three years and he or she may be reappointed by the Minister for a second or subsequent term.

In the select sub-committee Deputy Kelleher drew attention to the provisions of the Bill that disqualify a person from being an appointed director or director general where he or she has made a composition or arrangement with creditors. Deputy Kelleher queried what this meant

and whether it was in keeping with the stated position of the Government in regard to how arrangements under the Personal Insolvency Act should not impinge unnecessarily on a person's life or activities. I undertook to revert to the select sub-committee on what a composition or arrangement with creditors meant before Report Stage and I have recently written to its Chairman. The legal advice is that a composition or arrangement with creditors, as used in the Bill, means something done under legislation. This has traditionally been the bankruptcy Acts and will now encompass the Personal Insolvency Act.

Having consulted with the Minister for Justice and Equality, who has responsibility for the legislation, and having considered the matter in the context of Government policy on personal insolvency and the Committee Stage debates, I am now moving the necessary Report Stage amendments to delete the references in the Bill to disqualification from being an appointed director in the HSE or being director general of the HSE where the person involved has been adjudicated bankrupt or has made a composition or arrangement with his or her creditors. These are amendments Nos. 6 to 11, inclusive, and 13 to 18, inclusive.

Deputy Billy Kelleher: We had this debate on the pharmacy legislation. Pharmacists cannot practise once they are deemed to be bankrupt. A commitment was given that the issue would be examined in the context of legislation in that area. I welcome the amendments. We are living in a very different world from that of a number of years ago. As I said, we can have a debate, as we often do, on how we arrived at this point. It is important that we never include in legislation something that would inhibit an individual who, for whatever reason, has been declared bankrupt or has made a composition arrangement with creditors from participating in an activity. That would undermine the capacity of such people to earn a lawful salary. I welcome the clarity that has been brought to the matter and I hope the issue will be examined in any other legislation that is introduced. As a nation we are trying to move to a situation in which people who have been burdened with debt, for whatever reason, and have filed for bankruptcy or come to a composition under the Personal Insolvency Act are not thereby ineligible for particular posts. It shows we do not always waste our time on Committee Stage. I thank the Minister.

Deputy Caoimhghín Ó Caoláin: I join Deputy Kelleher in his comments. We addressed this issue in regard to pharmacists. There was acceptance across the board that in the circumstances it was an inappropriate penalty to apply to those practising as opposed to owning a business. I ask the Minister to give us a further indication of the intention of these amendments in regard to the holding of positions by those who are adjudicated bankrupt.

6 o'clock

Deputy Róisín Shortall: It is difficult to understand, if it was deemed appropriate at drafting stage to include these provisions, why they are now being deleted. The provision in paragraph (c) that a person who has been adjudicated bankrupt is disbarred from appointment as a director of the Health Service Executive seems absolutely sensible. There might be less to say for paragraph (d), which provides that a person who has made a composition or arrangement with his or her creditors is likewise disbarred, but the same concerns arise. These provisions were initially considered necessary to include in the Bill. In fact, I understand it is standard practice for such provisions to apply in respect of appointments to senior positions. I was not party to the discussions on this matter at Committee Stage, so I hope the Minister can offer a good explanation as to why it is now considered necessary to remove these safeguards.

Deputy James Reilly: The new personal insolvency legislation has broad-ranging impli-

cations for all such legislative provisions. Having consulted with the Minister for Justice and Equality, who has responsibility for that legislation, having considered the matter in the context of Government policy on personal insolvency, and having taken on board the points raised by Deputies Billy Kelleher and Caoimhghín Ó Caoláin on Committee Stage, I am now moving the necessary Report Stage amendments to delete the provisions disqualifying a person from being an appointed director in the HSE, or indeed director general of the HSE, where he or she has been adjudicated bankrupt or has made a composition or arrangement with his or her creditors. Such persons, in other words, are no longer automatically disqualified from membership of the directorate. The original provisions, which, as Deputy Róisín Shortall rightly observed, tend to be standard, now require amendment in the context of the insolvency legislation. I thank the Deputies opposite for their contributions on this point on Committee Stage.

Deputy Róisín Shortall: The Minister did not explain why these provisions were considered necessary at one point but are now required to be deleted. Safeguards such as these are very important in respect of very senior public positions. It would be completely acceptable to impose some type of time limit, for example, in respect of persons who have been adjudicated bankrupt at some point in the past. My reading of the proposal, however, is that it could lead to a scenario in which a director of the HSE who was adjudicated to be bankrupt could continue in the job. That seems wholly unacceptable given the types of pressure to which a person in that situation would be subject. There is an undesirability in the prospect of such an individual being responsible for a very significant budget. The Minister has not referred to the potential dangers of such a scenario. I am concerned about the basis for his decision to delete this section, given that it was deemed necessary in the first instance.

Deputy James Reilly: I accept the Deputy's bona fides in articulating her concerns. The historical view would have been that a person who was bankrupt was not suitable to be in a senior position. As we all know, however, life in this country has changed inexorably in recent years, with large numbers of people now finding themselves in financial difficulty, in negative equity and so on. As a result, there is a new view abroad. I wrote to the Minister for Justice and Equality, Deputy Alan Shatter, seeking advice on this issue. He indicated that any restrictions on employment consequent on a bankruptcy adjudication or composition are contained in legislation and codes of practice for particular sectors. He referenced the Electoral Acts and the Pharmacy Act 2007 by way of example, to which Deputies opposite also alluded, and to codes of conduct for solicitors, gardaí and so on. In the Minister's view, it is a matter for the Minister responsible in each sector to examine the position and make any necessary changes, and he is already making arrangements to address such restrictions in the broad justice sector. The Minister further indicated that while policy in this regard will be a matter for each Minister, he is of the view that such restrictions should be abolished to the greatest extent possible.

In terms of the stresses to which a person who has been adjudicated as bankrupt would be subject, I cannot imagine how those stresses would be relieved or in any way reduced by the loss of his or her job.

Question, "That the words proposed to be deleted stand", put and declared lost.

Amendment declared carried.

Deputy James Reilly: I move amendment No. 7:

In page 8, line 4, to delete "(e) has been convicted" and substitute "(c) has been con-

victed”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 8:

In page 8, line 6, to delete “(f) has been convicted” and substitute “(d) has been convicted”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 9:

In page 8, to delete lines 20 to 22.

Question, “That the words proposed to be deleted stand”, put and declared lost.

Amendment declared carried.

Deputy James Reilly: I move amendment No. 10:

In page 8, line 23, to delete “(g) is convicted on” and substitute “(e) is convicted on”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 11:

In page 8, line 25, to delete “(h) is convicted of” and substitute “(f) is convicted of”.

Amendment agreed to.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 12:

In page 9, line 24, after “determine” to insert the following:

“but the total annual remuneration of the Director General shall be no more than €100,000”.

Amendment put and declared lost.

Deputy James Reilly: I move amendment No. 13:

In page 9, to delete lines 37 to 39.

Question, “That the words proposed to be deleted stand”, put and declared lost.

Amendment declared carried.

Deputy James Reilly: I move amendment No. 14:

In page 9, line 40, to delete “(f) has been convicted” and substitute “(d) has been convicted”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 15:

12 June 2013

In page 9, line 42, to delete “(g) has been convicted” and substitute “(e) has been convicted”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 16:

In page 10, to delete lines 8 to 10.

Question, “That the words proposed to be deleted stand”, put and declared lost.

Amendment declared carried.

Deputy James Reilly: I move amendment No. 17:

In page 10, line 11, to delete “(g) is convicted on” and substitute “(e) is convicted on”.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 18:

In page 10, line 13, to delete “(h) is convicted of” and substitute “(f) is convicted of”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 19 and 20 are related and may be discussed together. Members should note that the correct version of amendment No. 19 is on the additional list of amendments and is a substitute for the corresponding amendment on the principal list dated 22 May 2013.

Deputy James Reilly: I move amendment No. 19:

In page 11, to delete lines 22 to 40 and substitute the following:

“(4) Where the Director General is absent the functions of the Director General referred to in subsection (1) may be performed by such appointed director as may be designated by the Director General from time to time, with the consent of the Minister, and where no such designation has been made, and the Director General is unable by reason of his or her ill health to make such a designation, by the Minister.

(5) If the office of Director General is vacant, the functions of the Director General referred to in subsection (1) may be performed by such appointed director as may be designated by the Minister for the purposes of this subsection.

(6) For the purposes of subsections (4) and (5), where in this Act or in any other enactment functions are assigned to the Director General or provision is made in this Act or in such enactment as to the manner in which a function so assigned is to be performed by the Director General any such reference to the Director General shall be construed as including a reference to the appointed director designated by the Director General or the Minister under subsection (4) or, as the case may be, the Minister under subsection (5) for so long as that appointed director stands so designated and entitled to perform the functions of the Director General.

(7) Where the Director General resumes duty the person designated under subsection

(4) shall cease to perform the functions of the Director General.”.

As outlined on Committee Stage, the Bill currently provides that in the extended absence of the director general, or if the office of director general is vacant, the functions of that office may be performed for a period not exceeding six months by an appointed director - that is, a member of the directorate designated by the Minister. There is currently no provision in the Bill to deal with short absences of the director general. I introduced a Committee Stage amendment to deal with that. The other change I proposed in committee was to allow the director general rather than the Minister to designate the appointed director to cover absences. This seems to me the most efficient operational arrangement. The designation would, however, require the consent of the Minister. The situation is different if the office of director general is vacant. In those circumstances, the Minister can designate and appoint a director to fill the gap pending the recruitment of a new director general.

The amendment I introduced also removed the maximum period during which cover could be provided on a temporary basis during an extended absence or when the office was vacant. Deputy Caoimhghín Ó Caoláin voiced concerns that removing this time limit could lead to unsatisfactory circumstances in which an acting situation was allowed to continue indefinitely. Moving this time limit could lead to unsatisfactory circumstances where an acting situation was allowed to continue indefinitely. I therefore withdrew the amendment and undertook to give it further consideration. Deputies will see that amendment No. 19 addresses absences of any duration and provides for the director general to designate and appoint a director to stand in for him or her during any absence. Some role is, however, retained for the Minister to take account of unforeseen circumstances where the director general is absent but had not made such a designation and is unable to do so due to ill-health as when taken suddenly ill or perhaps involved in an accident. With an organisation of national importance such as the HSE it is, I think we would all agree, essential that there is always someone with clear authority to perform the functions of the director general.

The reference to a maximum of a six month duration for cover is not included. I appreciate the point Deputy Ó Caoláin made on this matter on Committee Stage and have given it some thought. The difficulty is that we have to try to anticipate various scenarios. It is possible, for instance, that the officeholder could be seriously ill but expected to be fit enough to return to work after treatment and recuperation and indeed could be well on the way to recuperation and suddenly suffer a relapse. With a serious illness this could take longer than six months and to deal with such circumstances we should not specify a maximum period for which someone can stand in.

Turning to circumstances where a designation by a Minister is to fill the gap when the post is vacant I should clarify that this would always be a temporary arrangement. The Bill makes it clear that the Minister must take steps to fill the vacancy as soon as may be. This is covered in section 16L. I hope, therefore, that the Deputies accept the rationale behind amendment No. 19 and support it. The Bill currently provides in section 16K(5)(b), as a result of an amendment tabled at the Select Sub-Committee on Health and Children that the appointed director designated by the director general for the purposes of his or her absence or, in the case of a vacancy, the appointed director designated by the Minister if any has to be so designated, will, if present, chair meetings of the directorate.

Amendment No. 20 maintains the situation and is consequential on amendment No. 19. The Bill already provides that the appointed director designated to stand in for the director general

should chair meetings of the directorate when the director general is absent or the office is vacant. Amendment No. 20 is a technical amendment to cover the situation in which the director general is absent, and he or she has made no standing in designation and is incapable of doing so by reason of illness.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister's commentary following on from Committee Stage. I note that in the addendum amendments to amendment No. 19 he has twice changed the word "delegation" in sub-section (4) to "designation". I think those are the only changes in the subsequent amendment. The Minister has taken on board the arguments. What can and cannot be done will present in time and I accept that amendment No. 20 is technical as he describes it so I have nothing further to say on these amendments.

Amendment agreed to.

Deputy James Reilly: I move amendment No. 20:

In page 15, to delete lines 3 to 11 and substitute the following:

"(b) if and for so long as the Director General is not present, or if that office is vacant, the appointed director designated by the Director General or the Minister under section 16G(4) or, as the case may be, the appointed director designated by the Minister for the purposes of section 16G(5) shall, if present, chair the meeting, or".

Amendment agreed to.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 21:

In page 19, line 45, after "Executive" to insert the following:

"and the Joint Oireachtas Committee on Health and Children".

Amendment put and declared lost.

Deputy James Reilly: I move amendment No. 22:

In page 26, to delete lines 10 to 26 and substitute the following:

"(2) In any legal proceedings, a certificate that—

(a) states that a specified function was on a specified day delegated or subdelegated to an employee of the Executive,

(b) states that the delegation or subdelegation of the function concerned remained in force on a specified day,

(c) specifies the limitations, if any, imposed on the delegation or subdelegation of the function concerned, and

(d) is signed by the Director General or an employee of the Executive who has subdelegated a specified function of the Executive delegated or subdelegated to him or her under section 16H,

shall, unless the contrary is proved, be evidence of the matters stated in the certificate.".

This amendment relates to section 20 of the Bill which itself amends section 77 of the Health Act 2004. This deals with certificate evidence regarding delegation and subdelegation of functions within the HSE in legal proceedings. The amendment is a drafting one to ensure that the subdelegation of functions is properly covered.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

An Leas-Cheann Comhairle: I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: I have no problem with speaking first but Deputy Kelleher has precedence because of his party's numerical strength. It is only a temporary matter but we will let it be.

Deputy Billy Kelleher: We are larger in numerical strength but equal in weight of argument.

To be consistent I have to oppose the passage of this Bill in view of the concerns that I have outlined previously. I believe it vests significant power in the office of the Minister and that is not a healthy situation. We can argue over the rights and wrongs of the establishment of the HSE, the amalgamation of the health boards and whether it was done in a way that brought about cost savings. It did not. Nobody was made redundant. I accept that it is the Minister's right and duty to set policy but my concern is that implementation of policy could be decided for political reasons. I know he argues that he wants to be accountable to the Dáil and he wants to make the health services accountable to the Dáil through the office of the Minister. That accountability could remain the case but I have concerns about decisions on the allocation of resources and the delivery of health care because it vests such huge power in him, in terms of his influence over the directorate, that it could politicise the health service. We have had this debate and I do not want to go back over it but we put down a motion of no confidence last year on that specific issue, with regard for example to primary care centres, Wexford Hospital and St. Luke's Hospital in Kilkenny and the prioritisation of funding to these hospitals.

The Minister can argue and can say, with justification, that it is his right to make representations to, or to receive representations from, other Ministers but when resources are scarce the fundamental principle of their being allocated based on need must surely apply and there is no check in this legislation that will guarantee that. That is my concern. I know that the Minister is talking about going through a transformative programme of taking the HSE and establishing hospital groups and moving to universal health insurance and all that flows from that. They are all policy decisions. It is the Minister's right and entitlement and duty to make policy decisions. I may oppose those policy decisions but he has an obligation to make them. At the same time I am very concerned that the delivery of and decisions as to where health care would be resourced and where funding would be allocated would be solely within the gift of the Minister of the day.

We have had difficulties in the past across all hues and colours of political parties in government where resources were concentrated and directed for political gain and advantage. I do not think that is acceptable. Yes, the Minister should be accountable in the Dáil in respect of policy and its delivery but surely there must be some separation so that key decisions with regard to provision of resources and the primary care centres are not made for political reasons.

I hate bringing this up again and again but I feel very strongly about it. I did not lightly table a motion of no confidence in the Minister but it was based on the principle that we cannot have a situation in which resources are scarce and other areas may need them and their allocation is decided on for political reasons. This is public funding and there should be some way of ensuring the policy decisions the Minister outlines are implemented at arm's length when it comes to resourcing, allocation and implementation. For that reason, I have to be consistent and oppose the passage of the Bill. I thank the Minister for listening to our suggestions on Committee Stage, but the principle of vesting overarching power in the hands of the Minister of the day is unacceptable. It will politicise the delivery of health care which will undermine the public's confidence in believing scarce resources are allocated on need as opposed to political considerations. This is clearly unacceptable. We talk about the dawn of new politics, a democratic revolution and all that will flow from it. This legislation is the exact opposite as it concentrates power, decision-making and influence in the hands of the Minister of the day which will lead to difficulties. Previous Ministers were scourged in the Chamber, accused of passing responsibility for the allocation of health resources to the board of the Health Service Executive. However, during the unseemly time when the allocation of primary health care centres was an issue, we had the Minister with his logarithmic and logistical progressions and his theorems. I still have not received answers on that matter. Accordingly, I have concerns with the actual principle of the Bill which is handing the health service, policy and its implementation to the Minister for Health.

Deputy Caoimhghín Ó Caoláin: I would not expect many to lament the passing of the HSE board which is long overdue. I do not oppose this development, but section 12 gives the Minister of the day significant and increased powers to amend HSE service plans. In principle, that is not objectionable. However, I am deeply concerned that while the Bill makes the directorate of the HSE more accountable to the Minister, there is nothing, as I said earlier, in this legislation that makes the Minister more accountable to the House and, in turn through us, the people. That is a fundamental flaw.

All along the way with the Minister of State, Deputy Kathleen Lynch, earlier, and the Minister there has been solid opposition to engaging with Opposition Members on their carefully worded amendments which have tried to enhance and strengthen the democratic process and the consideration of legislation in these Houses and, particularly, at the Oireachtas health committee. However, it was all to no avail. The Minister did not even consult Opposition Members, but he will consult whomsoever he chooses outside the House. Members on this side have an equal mandate to the Minister's and share a responsibility to help shape the most efficient and effective health service. However, Opposition Members are only consulted afterwards when all is decided. We are always told last what the Minister has agreed to do, which is wrong. That is not the way it should be. I believe strongly in consultation and that Members who have a long-track record of interest in health services issues have something more to give than just a reaction to what the Minister and his colleagues wish to drive forward. Consultation should be a very important part of a reformed Houses of the Oireachtas.

It causes me considerable disappointment that this has not been facilitated in the amendments we have brought forward, amendments which would not take from or emaciate the Bill. I am not happy that the Minister will have the powers provided by the Bill, but he remains aloof from all the voices the people have sent here. For that reason, I regret that I will not be supporting the passage of the Bill. We have brought forward amendments to improve the Bill's outworking. We have argued for ministerial accountability to the Oireachtas and the people.

We have outlined the need for fundamental reform in how health services are structured and funded. Savage cuts have been imposed by the Minister and his Government colleagues in the past two years. I accept that they inherited an already difficult economic situation, but this legislation makes a bad situation worse. I will be opposing the passage of the Bill.

Deputy Róisín Shortall: I have serious concerns about the impact of this legislation. It has been presented to us under the guise of reform when, in fact, it is a fig leaf to deal with a corporate governance mess created by the Minister for Health. It shows scant regard for the elements required for corporate governance in the health service, the premier public body, with a staff of nearly 100,000 and a budget of €13 billion. It is incredible that the Minister is moving to remove checks and balances which have applied in the past in this organisation.

It is very easy to denigrate the HSE. Goodness knows, we are all too well aware of the flaws in its establishment. However, it is much more challenging to reform an organisation. It is easy to say we will abolish it, staking a claim to the swashbuckling approach to health reform never having thought about what will replace it. It may be slow going, dull and boring, but at this stage in the country's development people have come to realise the importance of good standards in corporate governance, as well as the importance of having checks and balances to ensure transparency and accountability in public organisations. I am concerned that this message does not seem to have got through to the Administration.

The standard practice in a public body is that an independent board operates at arm's length, provides oversight and accountability for the spending of public money and is accountable to the taxpayer for the spending of that money. However, unfortunately, in 2011 one of the early steps the Minister took, to make some kind of name for himself, was to abolish the board of the HSE, a board which was made up of very well respected public people, in the guise of doing something about the problems in the health service. As a result of that, a legal difficulty was created and this "makey-up" board was put together to tide the Minister over as a vacuum was created in the governance of the health service. Rather than now admitting that was a mistake and putting in a proper independent board, a convoluted structure is being proposed under this legislation to create a directorate where there will be no division between senior management and what is supposed to be the oversight body, which is the directorate. In corporate governance terms, that must raise very serious questions and concerns. I am surprised this legislation has got to the point it is at given the lack of proper procedure and given the fact that a type of circular arrangement is proposed under the legislation where the director general outside of the boardroom will be in charge of the other directors but when they go into the boardroom that position will be reversed and the director general will be answerable to his senior management team because they are directors in effect.

This is an extraordinary model for corporate governance. It is hugely problematic and does not provide the independent oversight that is required. This kind of lazy and unacceptable approach runs through the Bill. It also comes to the fore with the appointment of the first director general where there is no requirement to have a public open competition. The Minister will decide who will get that job, just as he decided who was going to be brought into the Department of Health to head it up both in terms of the Secretary General and the new layer he created with the special delivery unit. People were again brought in without there being a public competition and under very unusual remuneration arrangements where two people were paid through a UK company. It is quite extraordinary and incredible that a Minister with little political experience can get away with this kind of thing. I believe that we will pay a price for that in the future.

12 June 2013

It is also quite indicative of certain disregard for proper corporate governance that when I raised the issue of the possibility of a person who has been adjudicated to be bankrupt continuing as a director or director general of the HSE and said that it would be wrong for a person with those kinds of pressures to continue in that job, the Minister said that it would not help the pressure if they lost their job. That is not the point, rather the point is that a person in that situation is required to be accountable for the spending of large amounts of public money and there is a legal and moral responsibility on Ministers to protect the public purse and ensure proper procedures are in place.

I continue to have serious concerns about this measure and the fact that far too much power is vested in one person, namely, the Minister and that there are none of the normal checks and balances required under modern day corporate governance standards. It seems incredible that this convoluted structure is being put in place for a very short period, as it has been stated that the HSE will be abolished completely by 2014. I challenge anybody on the Government side of the House to tell us what will replace the HSE. Who will deliver the services? I repeat my concern that this is part of a plan to dismantle the public health service and that we will end up in a situation, as the Minister has stated in replies to parliamentary questions, where insurance companies will be the principal purchasers of health care in hospitals and in primary care. It is not in anybody's interest that we have a health service that is determined and effectively run by insurance companies that become the principal purchasers of care at primary and hospital care level. That is the reason I have serious concerns about where the Minister is headed in regard to our public health service, and this legislation adds to those concerns. I am completely opposed to it.

Minister for Health (Deputy James Reilly): I regret that the Deputies opposite feel they cannot support the Bill. However, I will address some of the issues raised by them. Regarding the way the directorate will work, it will have collective responsibility as the governing authority for the HSE. In practice, the directorate model will involve a combination of a senior management team working together on major corporate issues but with the usual operational line of reporting to the director general for the specific service functions.

Regarding accountability, the HSE has responsibility for the organisation and delivery of health services and the directorate will be accountable to the Minister for the performance of the HSE functions. It will have to explain its decisions. As chairperson, the director general will account to the Minister on behalf of the directorate in regard to the way the HSE's functions are performed. He or she will do this through the Secretary General of the Department of Health.

The Bill builds on existing accountability provisions in the Health Act of 2004. It allows the Minister to issue directions to the HSE on the implementation of ministerial and Government policies and objectives relating to HSE functions where the Minister believes that the HSE is not having sufficient regard to such objectives or policies in performing its functions. The Minister will also be empowered to specify priorities for the HSE, to which the HSE must have regard in preparing its service plan. The Minister may establish performance targets for the HSE in regard to these priorities. Directions, priorities and targets will not be made in regard to individual patients or service users.

Comments were made about the Secretary General who was appointed in the normal way that all Secretaries General were appointed, namely, through the public appointments system and through competition and, ultimately, I, as Minister, am presented - as are all Ministers - with a choice of three different individuals to appoint.

Deputies spoke about protecting the public purse. Regarding the Department, we have seen our budget cut by €3 billion. We have reduced the number of staff by more than 10,000 in recent years, and there is still not just a safe service but an improved service. That is an improvement that is measurable and reproducible, as in the emergency department figures which show a 24% reduction in the number of people who have to endure long trolley waits at the end of last year-----

Deputy Róisín Shortall: That has nothing to do with protecting the public purse.

Deputy James Reilly: -----and inpatient figures which show that we met our target of one year a year ago and our target of nine months last year, and we will meet our target of eight months this year.

Deputy Timmy Dooley: That will be a first.

Deputy James Reilly: Deputy Dooley finds this highly amusing but he should be aware that we have measured for the first time the number of people waiting on an outpatient waiting list. That is something from which his Government ran away, would not acknowledge, examine or count and did not want anyone to know about.

Deputy Timmy Dooley: The Minister changed the parameters to make it look good.

Deputy James Reilly: It is 386,000, which is an awesome number but when put in perspective is one with which we will deal-----

Deputy Timmy Dooley: Just like he dealt with the accident and emergency departments.

Deputy James Reilly: -----because we see 200,000 patients in our outpatient clinics every months. We will deal with this in the way we have-----

Deputy Timmy Dooley: The trolley count.

Deputy James Reilly: -----in regard to those who are urgent cases. Cancer cases are being dealt with first and other cases are being dealt with in chronological order. The real scandal is not the 386,000 people who are waiting but rather the 16,800 who wait longer than four years.

We have brought in hospital groups, which I believe will allow hospitals to make better use of their resources; reduce fragmentation and duplication; have greater autonomy locally; and give them greater control over budgets and recruitment and, to a large extent, procurement. In the area of community care, the integrated service areas are being reviewed with a view to bringing them into line with what is taking place in local government and the hospital groups.

It seems that, on the one hand, I am criticised for taking too long to make the changes and clear up the mess we were left with, but, on the other, I am accused of going too fast. On the issue of governance at the hospital in Tallaght, we were fortunate to have the services of Sir Keith Pearson who, arising from the HIQA report, has developed a new model of governance throughout our hospitals and hospital groups. While I regret that the Deputies believe they cannot support the Bill, I thank them nonetheless for their contributions.

I wish to address the comments of Deputy Caoimhghín Ó Caoláin. We have an Oireachtas committee dealing with health issues and there is consultation. However, the Government cannot be expected to accept all Opposition suggestions on policy when the people have voted for

12 June 2013

the Government's policy, not the Opposition's policy. In fairness, we have-----

Deputy Caoimhghín Ó Caoláin: They certainly did not vote for the policies the Minister is now pursuing.

Deputy James Reilly: I did not interrupt the Deputy and will not stop to listen to his interruption. I have accepted several amendments from the Deputy and Deputy Billy Kelleher and incorporated them into the Bill. The Health Service Executive (Governance) Bill flows from the programme for Government and is part of a series of legislative and other changes which are intended to bring about radical reform of the health service and which will see the introduction of universal health insurance. The programme also envisages that eventually the HSE will no longer exist as its functions are moved elsewhere under the health reform plan. While the Bill is a transitional measure and only one element of the wider legislative and administrative reform process aimed at achieving a better health service, our debates have shown that we all agree that it is nonetheless an important element.

It seems appropriate to end by emphasising that the reform programme is ultimately about doing the best for the patient. The Bill, with the new management arrangements, will help to place a greater focus on service delivery and ensure more accountability during the time the HSE continues in existence. It is about ensuring better outcomes for patients and if this remains our focus, we will not stray too far wrong. I will take the Bill back to the Seanad to report on the changes made in this House.

Question put: "That the Bill do now pass."

<i>The Dáil divided: Tá, 88; Níl, 41.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Barry, Tom.</i>	<i>Broughan, Thomas P.</i>
<i>Breen, Pat.</i>	<i>Calleary, Dara.</i>
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>
<i>Burton, Joan.</i>	<i>Colreavy, Michael.</i>
<i>Butler, Ray.</i>	<i>Cowen, Barry.</i>
<i>Buttimer, Jerry.</i>	<i>Crowe, Seán.</i>
<i>Byrne, Catherine.</i>	<i>Daly, Clare.</i>
<i>Byrne, Eric.</i>	<i>Doherty, Pearse.</i>
<i>Cannon, Ciarán.</i>	<i>Dooley, Timmy.</i>
<i>Carey, Joe.</i>	<i>Ellis, Dessie.</i>
<i>Coffey, Paudie.</i>	<i>Ferris, Martin.</i>
<i>Collins, Áine.</i>	<i>Flanagan, Luke 'Ming'.</i>
<i>Conaghan, Michael.</i>	<i>Fleming, Tom.</i>
<i>Conlan, Seán.</i>	<i>Grealish, Noel.</i>
<i>Connaughton, Paul J.</i>	<i>Healy, Seamus.</i>
<i>Conway, Ciara.</i>	<i>Healy-Rae, Michael.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Kelleher, Billy.</i>
<i>Creed, Michael.</i>	<i>Kirk, Seamus.</i>
<i>Daly, Jim.</i>	<i>Mac Lochlainn, Pádraig.</i>

<i>Deering, Pat.</i>	<i>McConalogue, Charlie.</i>
<i>Doherty, Regina.</i>	<i>McGrath, Finian.</i>
<i>Donnelly, Stephen S.</i>	<i>McGrath, Michael.</i>
<i>Dowds, Robert.</i>	<i>McLellan, Sandra.</i>
<i>Doyle, Andrew.</i>	<i>Moynihan, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>Murphy, Catherine.</i>
<i>English, Damien.</i>	<i>Nulty, Patrick.</i>
<i>Farrell, Alan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Feighan, Frank.</i>	<i>Ó Cuív, Éamon.</i>
<i>Ferris, Anne.</i>	<i>Ó Fearghail, Seán.</i>
<i>Fitzpatrick, Peter.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Flanagan, Charles.</i>	<i>O'Brien, Jonathan.</i>
<i>Flanagan, Terence.</i>	<i>O'Sullivan, Maureen.</i>
<i>Griffin, Brendan.</i>	<i>Pringle, Thomas.</i>
<i>Hannigan, Dominic.</i>	<i>Ross, Shane.</i>
<i>Harrington, Noel.</i>	<i>Shortall, Róisín.</i>
<i>Hogan, Phil.</i>	<i>Smith, Brendan.</i>
<i>Howlin, Brendan.</i>	<i>Stanley, Brian.</i>
<i>Humphreys, Heather.</i>	<i>Tóibín, Peadar.</i>
<i>Humphreys, Kevin.</i>	<i>Troy, Robert.</i>
<i>Keating, Derek.</i>	<i>Wallace, Mick.</i>
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Mattie.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mathews, Peter.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Nash, Gerald.</i>	

12 June 2013

<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Shatter, Alan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghail.

Question declared carried.

An Leas-Cheann Comhairle: The Bill, which is considered to be a Bill initiated in Dáil Éireann in accordance with Article 20.2.2° of the Constitution, will be sent to the Seanad.

Further Education and Training Bill 2013: Order for Report Stage

Minister of State at the Department of Education and Skills(Deputy Ciarán Cannon):
I move: "That Report Stage be taken now."

Question put and agreed to.

Further Education and Training Bill 2013: Report Stage

An Leas-Cheann Comhairle: Amendments Nos. 1 to 3, inclusive, 5, 6, 21 to 23, inclusive, 32, 39 and 40 are related and may be discussed together.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I move amendment No. 1:

In page 5, between line 27 and 28, to insert the following:

“ “education and training board” means an education and training board established by section 9 of the Education and Training Boards Act 2013;”.

This drafting amendment defines an “education and training board” within the meaning of the Education and Training Boards Act 2013. This amendment replaces the existing holding definition of a “training body” in the Bill, which was used pending the passing of the Education and Training Boards Act 2013, which took place recently.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 2:

In page 6, to delete lines 4 to 12.

This is a drafting amendment that deletes the definition of a training body.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 3:

In page 7, line 13, to delete “training bodies” and substitute “education and training boards”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 4 and 7 to 10, inclusive, are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 4:

In page 7, line 17, to delete “training” and substitute “training and retraining”.

This is a drafting amendment to align SOLAS training functions with that of FÁS to ensure seamless continuity of service delivery following the establishment of SOLAS.

Deputy Jonathan O’Brien: I welcome amendment No. 4, which recognises the importance of retraining and not just training, which is an important addition. Amendment No. 7 inserts into the functions the promotion of equality of opportunity in regard to the provision of further education and training, which is an important addition. It is an issue we discussed on

12 June 2013

Committee Stage and we did a lot of work with other Members and with the advocacy groups in this regard. It is an important amendment, which I welcome.

I also welcome amendment No. 8, which will ensure an enhanced level of co-operation with the Department of Social Protection in terms of the people who will be able to avail of training and retraining. It is another important amendment, and, coupled with amendment No. 7, greatly enhances the functions of “An tSeirbhís” and the overall Bill.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 5:

In page 7, line 20, to delete “training bodies” and substitute “education and training boards”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 6:

In page 7, line 31, to delete “training bodies” and substitute “education and training boards”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 7:

In page 7, between lines 33 and 34, to insert the following:

“(i) promote equality of opportunity in relation to the provision of further education and training.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 8:

In page 7, between lines 47 and 48, to insert the following:

“(2) An tSeirbhís shall, upon a request from the Minister, provide the Minister with information, in such form and manner as the Minister may specify, as respects persons placed in further education and training programmes to which *paragraph (g) of subsection (1)* applies.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 9:

In page 7, between lines 47 and 48, to insert the following:

“(3) An tSeirbhís may, for the purpose of defraying any expense incurred by it in the provision of any service, charge a fee to the recipient of the service provided that any such fee shall not exceed the cost to An tSeirbhís of providing the service.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 10:

In page 7, between lines 47 and 48, to insert the following:]

“(4) An tSeirbhís may, for the purposes of any further education and training that it is, for the time being, providing in the State to persons who are ordinarily resident in the State provide, or arrange for the provision of, a service to those persons outside the State.”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 11 to 14, inclusive, are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 11:

In page 8, line 32, to delete “in the course of” and substitute “for the purpose of”.

Amendment No. 11 is simply a drafting amendment replacing the phrase “in the course of” and substituting “for the purpose of” in section 9(4). With regard to amendment No. 12, Deputy O’Brien spoke of the significant collaboration and discussion that has occurred at committee level on this legislation. The learning and community education sector are very much part of the provision of further education and training. Following discussion on Committee Stage of that Bill and again at a subsequent informal meeting with the select committee, I am bringing forward this amendment to highlight the role of these groups in the development of the further education and training strategy. Amendment No. 12 provides that, in addition to other named bodies, SOLAS may consult community education providers and learners.

In recognition of the need to improve literacy and numeracy in the country, and following similar discussions on Committee Stage of the Bill and again at a subsequent informal meeting with the select committee, I am bringing forward this amendment to ensure the inclusion of a literacy and numeracy strategy as part of the development of an overall further education and training strategy. Amendment No. 13 provides that the national further education and training strategy developed under section 9 shall include a strategy aimed at promoting, developing and encouraging literacy and numeracy.

With regard to amendment No. 14 in the name of Deputy Boyd Barrett, I believe the substantive issue raised is dealt with in the context of amendment No. 13. We have now made a commitment, which is provided for in the legislation, to secure the inclusion of a literacy and numeracy strategy as part of the development of a further education and training strategy under SOLAS.

Deputy Richard Boyd Barrett: On a minor point of order before I make my substantial comments on the amendment, why are amendments Nos. 11 and 12 grouped with amendments Nos. 13 and 14? They are separate issues, are they not? It does not matter much but I wonder why they are grouped.

An Leas-Cheann Comhairle: I understand they are grouped by the Bills Office.

Deputy Richard Boyd Barrett: They seem to be distinct issues.

An Leas-Cheann Comhairle: It is designed to avoid repetition so there must be something linking them.

Deputy Richard Boyd Barrett: I am curious about that. I welcome the Minister of State’s

12 June 2013

acknowledgement of the issue that is the subject of my amendment No. 14. Like his amendment probably is, my amendment is a result of lobbying by people active in the area of adult literacy. They were keen that a specific commitment be included in the Bill on the need for a strategy on literacy and numeracy, given it is such an important issue. One in four people in the country - a very high figure - has literacy or numeracy problems of some degree. It is welcome that the Minister of State has included this and well done to the organisations that have pushed and lobbied for this inclusion.

I hope this commitment in the legislation will also be backed up with resources and with the implementation of such a strategy. It is an important issue. In passing, I note that the cuts or changes to the pupil-teacher ratio in further education colleges will potentially have an impact on this area and on the ability of the State and the Department of Education and Skills to have a strategy that really works and develops our literacy and numeracy campaign. The organisations that are campaigning on these issues and that advocate on behalf of those who have literacy issues have said a lot more needs to be done than is being done currently. We need outreach strategies and we need to have more hours of tuition for those, given the average is currently two to three hours and these organisations suggest it should be up to six hours. They also suggest more one-to-one tuition is needed for people with literacy and numeracy problems.

All of those issues require resources. While it is a welcome step that this is included in the Bill, I hope the Government and the Minister of State can assure us it will be backed up with resources. As we discussed in other contexts, we need some sort of assurance that this area will not be adversely affected by the cuts and changes in the pupil-teacher ratio in the further education colleges, which I and people in that sector fear it may be.

Deputy Jonathan O'Brien: I welcome amendments Nos. 12 and 13. There was considerable discussion on Committee Stage. The inclusion of the community education providers was a very important issue for which there was cross-party support. I know there were many difficulties about how we would draft that to include community education providers. Thankfully, we have been able to do it.

The inclusion of these amendments cannot be overstated because they are so significant in terms of how further education will develop from the moment this legislation passes. The fact that for the first time, it will be enshrined in legislation that community education providers and adult learners will be consulted about the strategy that will be developed for the next five years will have a knock-on effect on every strategy that follows. I know we had a minor disagreement about the words “may” and “shall” but I understand that it is a drafting matter. We have received a commitment from the Minister of State that groups like NALA and Aontas will be consulted about and make a significant contribution to the development of the strategy.

Amendment No. 13 states that the strategy shall include a plan for the provision of further education and training programmes in the State aimed at promoting, developing and encouraging literacy and numeracy. That is a very significant development in this legislation. It may not be picked up by many members of the media but its importance will be felt for many years to come and will enhance the ability of many citizens, mostly those who have been disenfranchised and who have suffered because of lack of resources in this area. I would have preferred Deputy Boyd Barrett's amendment because it is more concrete in terms of what it sets out to achieve. Having discussed the legislation with the Minister of State on Second Stage and Committee Stage and in private meetings and with groups advocating for the literacy and numeracy strategy who deal with adult learners and community education providers, I have no doubt that

there is a real commitment by the Department and Government to include these issues. This legislation has been greatly strengthened as a result of the inclusion of these amendments.

I also congratulate the Minister of State on the way he took on board views and gave a commitment to Deputies from all parties on Committee Stage that he would go away and try to come up with wording that would satisfy all of us. That is the way we should be discussing and formulating legislation in here. It was done on the basis of partnership. The Government not only listened to what was being said; it went away and tried to include the views of all the Members in this House and the legislation is all the better for it. I thank the Minister of State for his contribution from Committee Stage to Report Stage. We look forward to the passage of the Bill.

Deputy Noel Grealish: I will be very brief because Deputies Boyd Barrett and O'Brien have touched on the same issue about which I wrote to the Minister. This was to make SOLAS responsible for developing an adult literacy and numeracy strategy. That is included in the Bill. It is very seldom that one hears Opposition Members of the Dáil praise the Minister but it is great to see that the Minister of State has accepted this. We were all lobbied on this. I wrote to the Minister of State who wrote back to say that he would consider accepting this and I thank him for doing so.

Deputy Charlie McConalogue: I apologise for missing the passing of the first few amendments. I was delayed. Like the previous speakers, I commend the Minister of State for his co-operative and engaging approach to this Bill and for discussing the various issues raised with him. One very important amendment he has agreed to is that relating to the need for an adult numeracy and literacy strategy and the obligation on SOLAS to develop that and ensure it is a core rationale behind the work it carries out.

I also welcome the fact that the Minister of State has explicitly included an obligation on the part of SOLAS to consult with the various actors within adult literacy and community and further education in developing them. It will be very significant for the work carried out by SOLAS and will ensure that the need for continuous development of adult literacy and numeracy is a key part of its work.

Deputy Ciarán Cannon: I have always firmly believed that legislation, particularly in its draft form like this Bill, is a living, breathing and evolving document. If we are to have faith in the democratic process, as we should, innovative ideas as to how we can improve legislation, irrespective of the quarter from which they emanate, should be genuinely discussed and, if at all possible, taken on board. The Minister and I were intent on engaging with and taking on board the concerns of all members of the committee and the further education and training community across the country.

That is the strength of the committee system. Rather than engaging in an adversarial approach to policy and legislative development, we should instead work together using a collaborative and collegiate approach to produce the best possible legislation. I am convinced that as we come towards the end of this process, that is exactly what we have done. I thank all the members of the committee in particular for their engagement and collaboration and the wisdom they expressed during the debate, particularly on Committee Stage. I hope that together we have created a model that might be adopted in other areas of legislation. If we are to stand over the quality of our democracy, we need to be able to show that this kind of deliberation and intense and forensic analysis of all legislation, to ensure the best possible outcome, should be

the norm rather than the exception in the future.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 12:

In page 8, to delete lines 36 to 40 and substitute the following:

“(5) An tSeirbhís may, for the purpose of preparing a strategy under this section, consult with—

(a) An tÚdarás um Ard-Oideachas, Enterprise Ireland, Teagasc or Quality and Qualifications Ireland,

(b) such education and training boards as it considers appropriate, or

(c) such—

(i) other providers of further education and training programmes

(including community education providers),

(ii) persons in receipt of further education and training,

(iii) employers, or

(iv) other persons,

as it considers appropriate.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 13:

In page 8, between lines 40 and 41, to insert the following:

“(6) A strategy under this section shall include a strategy for the provision of further education and training programmes in the State aimed at promoting, developing and encouraging literacy and numeracy.”.

Amendment agreed to.

Amendment No. 14 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 15 to 20, inclusive, are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 15:

In page 9, line 10, to delete “10 ordinary members” and substitute “12 ordinary members”.

Again, these amendments have emanated from the discussion we had both formally and informally. In view of the wide-ranging and diverse nature of the provision of further education and training, I have decided to increase the size of the board from 11 to 13, including the

chairperson. This will ensure we have the relevant expertise in policy matters relating to further education, training and corporate governance matters and that they are adequately represented on the board of this type of organisation. Amendment No. 15 increases the number of ordinary members on the board from ten to 12.

An Leas-Cheann Comhairle: Are we discussing amendments Nos. 15 to 20?

Deputy Ciarán Cannon: Shall I continue? Amendment No. 16 is a drafting amendment arising as a result of the size of the board. It increases from seven to eight the number of appointments that are subject to consultation with the Minister for Social Protection and the Minister for Jobs, Enterprise and Innovation. Amendment No. 17 is a drafting amendment that arises as a result of the insertion of a new subsection in section 10(3). Following discussions on Committee Stage and at a subsequent informal meeting I am bringing forward amendment No. 18 to include a provision in the Bill for the Minister to appoint a representative of learners' interests to the board of SOLAS. This is in keeping with a number of pieces of legislation in the education sector in recent times and bearing in mind that the ultimate aim of SOLAS is to provide the very best possible experience for our learners in the future. It is only appropriate that those learners would have a representative on the board of SOLAS. Amendment No. 18 provides for the appointment of that representative to the board of SOLAS by the Minister. Amendment No. 19 is a drafting amendment that arises due to the increase in the size of the board. It provides that the number of board members to serve for four years in respect of the initial board is increased from three to four. Amendment No. 19 is again a drafting amendment that arises due to the increase in the size of the board. It provides that the number of board members to serve for five years in respect of the initial board is increased from three to four.

Deputy Charlie McConalogue: I endorse the amendments. I note the importance of taking the steps to expand the board slightly in order to cater for additional members and particularly the specific amendment to ensure a representative of the learners and those in the further education and community sector can be included on the board.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 16:

In page 9, line 20, to delete "7 shall be appointed" and substitute "8 shall be appointed".

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 17:

In page 9, line 30, to delete "and".

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 18:

In page 9, line 35, to delete "*paragraph (a).*" and substitute the following:

"paragraph (a),

(c) one shall be appointed by the Minister from among persons who in his or her opinion are representative of the interests of persons who are, for the time being, in receipt of further education and training."

12 June 2013

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 19:

In page 10, line 4, to delete “3 members” and substitute “4 members”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 20:

In page 10, line 7, to delete “3 members” and substitute “4 members”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 21:

In page 15, line 3, to delete “a training body” and substitute “an education and training board”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 22:

In page 15, line 7, to delete “a training body” and substitute “an education and training board”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 23:

In page 15, line 20, to delete “a training body” and substitute “an education and training board”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 24 and 25 are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 24:

In page 18, line 9, to delete “any” and substitute “a”.

This is a technical drafting amendment relating to the transfer of staff from FÁS to SOLAS. Amendment No. 25 is also a technical drafting amendment relating to the transfer of staff from FÁS to SOLAS.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 25:

In page 18, line 14, to delete “beneficial” and substitute “favourable”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 26 arises out of committee proceedings.

Deputy Ciarán Cannon: I move amendment No. 26:

In page 18, to delete lines 29 to 37 and substitute the following:

29.—(1) As soon as may be after the establishment day, An tSeirbhís shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of—

(a) persons who were accepted into its employment in accordance with *section 28*,

(b) such other members of its staff (including the chief executive but not including persons to whom the Single Public Service Pension Scheme applies by virtue of Chapter 2 of Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012) as it considers appropriate, and

(c) former members of the staff (other than those who were accepted into the employment of An tSeirbhís in accordance with *section 28*) of the dissolved body, including those who are deceased.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

“Superannuation.

(3) An tSeirbhís may at any time prepare and submit to the Minister a scheme amending or revoking a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by An tSeirbhís in accordance with its terms.

(5) (a) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit pursuant to a scheme under this section, such dispute shall be submitted to such person and determined in such manner as may be specified in the scheme.

(b) A scheme under this section shall make provision for an appeal from a

determination of a person referred to in *paragraph (a)* to such other person as may be specified in the scheme.

(6) A superannuation benefit shall not be granted by An tSeirbhís to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section and no other arrangement shall be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Public Expenditure and Reform.

(7) (a) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a scheme under *subsection (1)* shall, as respects—

(i) a person accepted into the employment of An tSeirbhís in accordance with *section*

28, or

(ii) a former member of the staff of the dissolved body referred to in *paragraph (c)* of *subsection (1)*, provide for the granting to or in respect of him or her of superannuation

benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions in relation to the grant of such benefits that applied to him or her immediately before the establishment day.

(b) Any period of service by a person as a member of the staff of the dissolved body which was a period of reckonable service for the purposes of a scheme for the granting of superannuation benefits to or in respect of members of the staff of the dissolved body shall be regarded as a period of reckonable service for the purposes of any scheme under *subsection (1)*.

(8) (a) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was accepted into the employment of An tSeirbhís in accordance with *section 28*, the benefit shall be calculated and paid by An tSeirbhís in accordance with such scheme, arrangements or enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with An tSeirbhís shall be aggregated with his or her previous pensionable service.

(b) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person (including a person who is deceased) who was a member of the staff of the dissolved body but was not accepted into the employment of An tSeirbhís in accordance with *section 28*, the benefit shall be calculated and paid by An tSeirbhís in accordance with such scheme, arrangements or enactments in relation to superannuation, as applied to the person immediately before the establishment day.

(9) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.”

This amendment is a revision of the superannuation provisions currently set out in the Bill. It reflects the standard provision for this type of organisation. It takes account of the provisions of the Public Services Act 2012 and it also takes account of the current policy provisions in relation to superannuation in the public service generally. The amendment provides that SOLAS shall prepare and submit to the Minister a superannuation scheme for the staff of the organisation. The scheme is subject to the approval of the Minister with the consent of the Minister for Public Expenditure and Reform and each scheme shall be laid before both Houses of the Oireachtas.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 27:

In page 21, line 34, to delete “to a fine not exceeding €5,000” and substitute “to a class A fine”.

This is a technical drafting amendment to take account of the Fines Act 2010 which will future-proof the level of the fine.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 28:

In page 22, to delete lines 21 to 24 and substitute the following:

“(c) References in any enactment or instrument under an enactment to An Foras Áiseanna Saothair (howsoever described) shall be construed as references to An tSeirbhís save where other provision is made as respects the construction of the first-mentioned references by any enactment passed before the passing of this Act.”.

The amendment is a standard provision in legislation and provides that references to FÁS in other primary and secondary legislation will be construed as references to SOLAS.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 29 is a drafting amendment arising out of committee proceedings.

Deputy Ciarán Cannon: I move amendment No. 29:

In page 23, line 50, to delete “associations” and substitute “association”.

This is a technical drafting amendment correcting a word in section 43(3).

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 30, 41, 42 and 43 are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 30:

In page 24, between lines 34 and 35, to insert the following:

45.—In this Part “property vesting day” has the meaning assigned to it by *section 46**.”.

Amendment No. 30 provides for the definition of “vesting day” in respect of the transfer of property for SOLAS to the education and training boards. FÁS training centres will be transferred initially to SOLAS and then to the appropriate education and training board. Amendment No. 41 provides that the Minister may, from time to time, transfer SOLAS property to the education and training boards. All functions relating to this property shall be transferred to the education and training boards. Amendment No. 42 provides that all rights and liabilities in respect of the property transfer from SOLAS to the education and training boards will also be transferred. Amendment No. 43 provides that anything commenced by SOLAS prior to the vesting day shall be completed by the appropriate education and training board. This will provide again for the continuity of service following the transfer of training centres to the education and training boards.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 31, 33 and 37 are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 31:

In page 24, to delete lines 35 to 37 and substitute the following:

“45.—(1) The Minister may designate for employment by an education and training board specified by him or her a person who is a member of the staff of An tSeirbhís.”.

Amendment No. 31 is a technical drafting amendment relating to the transfer of staff from SOLAS to the education and training boards as set out in section 45 of the Bill. Amendment No. 33 is a technical drafting amendment that relates to the transfer of staff from SOLAS to the education and training boards as set out in section 45 of the Bill. Amendment No. 37 is a technical drafting amendment relating to the transfer of staff from SOLAS to the education and training boards as set out in section 45 of the Bill.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 32:

In page 24, lines 38 and 39, to delete “a training body” and substitute “an education and training board”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 33:

In page 24, lines 39 and 40, to delete “immediately before the transfer day”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 34 to 36, inclusive, and 38 are related and may be discussed together.

Deputy Ciarán Cannon: I move amendment No. 34:

In page 25, to delete lines 1 to 4 and substitute the following:

“(3) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, an education and training board shall accept into its employment on the employment transfer day in accordance with this section any person who immediately before that day is a member of the staff of An tSeirbhís and is designated by the Minister for employment by that education and training board, on such terms and conditions of service relating to remuneration as are not less favourable than the terms and conditions of service relating to remuneration to which the person was subject immediately before that day.”.

Amendment No. 34 is a technical drafting amendment providing that the terms and conditions for a person transferred from SOLAS to the education and training board shall be no less favourable than the terms and conditions of service relating to remuneration to which the person

was subject immediately before the transfer date. Amendment No. 35 is a technical drafting amendment that provides for the deletion of section 45(4). These provisions have been replaced by the provisions contained in amendment No. 34. Amendment No. 36 is a technical drafting amendment that provides that the terms and conditions relating to superannuation as applied to the person immediately before the employment transfer day shall apply following the transfer to an education and training board. Amendment No. 38 is a technical drafting amendment to amend “transfer day” and substitute “employment transfer day” in section 45(7).

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 35:

In page 25, to delete lines 5 to 14.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 36:

In page 25, to delete lines 15 to 25 and substitute the following:

“(5) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the

Minister for Public Expenditure and Reform, the entitlement to any superannuation benefit of a person who was—

(a) accepted into the employment of An tSeirbhís in accordance with *section 28*, and (b) subsequently designated under this section and accepted into the employment of an education and training board, shall be determined, and the benefit shall be calculated and paid, by the education and training board in accordance with such scheme, arrangements or enactments in relation to superannuation, as applied to the person immediately before the employment transfer day and, for that purpose, his or her pensionable service with the education and training board shall be aggregated with his or her previous pensionable service (including his or her pensionable service with An tSeirbhís).”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 37:

In page 25, lines 26 and 27, to delete all words from and including “transferred” in line 26 down to and including “section” in line 27 and substitute the following:

“who were accepted into the employment of an education and training board in accordance with this section”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 38:

In page 25, line 34, to delete “transfer day” and substitute “employment transfer day”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 39:

12 June 2013

In page 25, line 35, to delete “a training body” and substitute “an education and training board”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 40:

In page 25, lines 37 and 38, to delete “training body” and substitute “education and training board”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 41:

In page 25, between lines 39 and 40, to insert the following:

46.—(1) The Minister may, from time to time, by order, appoint a day (in this section referred to as a “property vesting day”) for the purposes of this section and different property vesting days may be so appointed in relation to different education and training boards.

(2) An order under this section shall designate such land or other property of An tSeirbhís and such education and training board as the Minister may determine for the purposes of this section.

(3) On a property vesting day any land designated by the order and all rights, powers and privileges relating to or connected with such land shall, without any conveyance or assignment, stand vested in the education and training board designated by the order for all the estate or interest therein that, immediately before that day, was vested in An tSeirbhís, but subject to all trusts and equities affecting the land continuing to subsist and being capable of being performed.

(4) On a property vesting day all property (other than land), including choses-in-action, designated by the order that immediately before that day, was vested in An tSeirbhís shall, without any assignment, stand vested in the education and training board designated by the order.

(5) Every chose-in-action vested in an education and training board by virtue of *subsection (4)* may, on and after the property vesting day concerned, be sued on, recovered or enforced by the education and training board in its own name, and it shall not be necessary for the education and training board or An tSeirbhís to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(6) All functions of An tSeirbhís connected with any land or other property standing vested in an education and training board by virtue of this section shall, from the property vesting day concerned, be performable by that education and training board in relation to such land or property.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 42:

In page 25, between lines 39 and 40, to insert the following:

47.—(1) All rights and liabilities of An tSeirbhís—

(a) subsisting immediately before a property vesting day, and (b) arising by virtue of any contract or commitment (expressed or implied)—

(i) relating to any land or property designated by the order under *section 46** that appointed that day, or (ii) for the provision of a service that immediately before that day was provided on land so designated, shall on that day stand transferred to the education and training board designated by that order.

(2) Every right and liability transferred by *subsection (1)* to an education and training board may, on and after the property vesting day on which the right or liability stood transferred, be sued on, recovered or enforced by or against the education and training board concerned in its own name, and it shall not be necessary for the education and training board or An tSeirbhís to give notice to the person whose right or liability is transferred by that subsection of its transfer.

(3) Every lease, licence, wayleave or permission granted by An tSeirbhís in relation to land or other property vested in an education and training board by or under this Act, and in force immediately before the property vesting day concerned, shall continue in force as if granted by that education and training board.”.

Amendment agreed to.

Debate adjourned.

Finance (Local Property Tax Repeal) Bill 2013 [Private Members]: Second Stage (Resumed)

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

Deputy Luke ‘Ming’ Flanagan: I support the Sinn Féin Bill. Not for the first time, the Government has introduced a tax which does not do what it says on the tin. We have PRSI that does not provide one with anything and does not do what it says on the tin. The Government has introduced a carbon tax, the proceeds of which will not be spent on insulating people’s homes or creating circumstances in which carbon emissions can be reduced. The proceeds of the tax which is the subject of the Bill before us do not go where they are meant to. Far from providing more money for local authorities, all the tax will do is fill the hole the Government has created by paying off debts we never accrued in the first place.

Even if that were not the case, there would be a problem in terms of accountability. If one spends money, there should be accountability in respect of what happens to it. Under the current local authority system and the one the Government plans to introduce, local authority members have and will have no power. They have the power to bow down to the Executive and keep quiet about waste, after which they might get a few crumbs. How can one back a system like that? Even if the money was not being taken from local government, it would simply be going into a bucket with a hole in it. Fix the hole first, please.

Deputy Thomas Pringle: I support the Bill. Many people have seen through the tax. They saw that the only reason it was introduced was to allow the Government to pay off debts to the IMF, ECB and European Commission. The tax is not about improving services to people in local authority areas. For every cent it raises, a cent will be removed from local authority funding. No additional services will be provided nor will it sustain the services that are there already. Across local authorities, people see services being removed and closed.

We must acknowledge that the registration rate has been very high. The Government should clap itself on the back for that. It has frightened, harassed and threatened people to the effect that it was coming after them and will get the money anyway. People recognised that and through fear and gritted teeth, they signed up to pay the tax. As the tax starts to be deducted from people's wages and incomes, their anger will get deeper and deeper. The Government has created that anger by introducing this completely unfair tax and imposing it on people solely to pay off debts to the troika.

I pay tribute to all those who resisted the household charge and the property tax as it was introduced. In particular, I pay tribute to the people of Donegal who resisted these unfair taxes tooth and nail right the way through. They have seen what the tax is doing and will do in future. It is sad to say, but if Sinn Féin had openly supported the campaigns over the last year and a half outside the House rather than opposing the tax inside the House only, we might have been able to build a movement that would have rejected the tax outright and forced the Government to climb down.

Deputy Clare Daly: The local property tax is misnamed. It is a home tax and a further burden on people who are already struggling and it should, of course, be abolished. I support the motion on that basis. It should never have been implemented in the first place. It is an absolute insult to homeowners struggling with hefty mortgages and people who have sacrificed all their lives to put a roof over their heads to find that taxation is being foisted on their shoulders when an alternative marginal increase in income tax on high earners could have yielded a similar amount of money. It is more insulting when one considers the sacrifices those people are making to pay the tax but that it will not be used to benefit local services. The dogs in the street know local services are under attack. Instead, this is a bondholders' tax.

We have listened to the Minister for the Environment, Community and Local Government, Deputy Hogan, and his Government colleagues bragging that they have brow-beaten people into registering for the tax. They may think they have convinced people but methinks they do protest too much. The tax is hated. The fact that the Government had to introduce such draconian legislation to brow-beat people into registering is proof not of its success but of its weakness. We do not know how many Mickey Mouses and Donald Ducks have registered for the tax but I would think it is quite a few. Many more registered who indicated that they will pay cash, but will not when it comes to the time. One way or another, people will resist this. The Government may succeed in squeezing it out of them in this way because of the Revenue Commissioners, but people will only end up failing to pay their mortgages and not being able to buy goods in the shops. The legacy of what the Government has robbed from them will be the price the Government will most definitely pay in the next election.

Deputy Joan Collins: I support the Bill to repeal the unfair family home tax legislation which should never have been enacted in the first place. Last year, more than 1 million households boycotted the household tax and thousands and thousands of households held off from registering until the very last minute, which is indicative of the opposition of ordinary people to

the draconian legislation. It is not a wealth tax as the Labour Party has stated. Less than 2% of the revenue which will be collected will come from homes worth more than €1 million. People registered in anger, dismay, anxiety and distress. I had elderly people in my office who were crying as they asked what the hell was going on and why the Government was breaking them like this. The Minister for Finance, Deputy Noonan, says the public believes the tax is fair, to which I reply “codswallop”. What is fair about draconian taxation that imposes penalties. if one cannot pay, of 4% simple interest? People were bullied and threatened and they could not afford not to pay. We saw the overvaluation of homes, issues with tax clearance certificates and the absence of an organised fight-back through the trade union movement, even though hundreds of thousands of workers put down motions at their conferences.

What is happening is exactly what we said would happen. VAT returns are already down by €250 million. I was in a local DID shop yesterday and was told that in January, February and March things seemed to be turning around whereas in the last three months trade has been as dead as a dodo. People are really getting frightened now as one sees when one talks to people on the ground. Tesco, which is one of the largest supermarket retailers in the country, has linked the fall in its sales of 3% directly to the announcement of the local property tax. This is a hated tax and this is a hated Government.

I will continue to oppose the family home tax. I agree with Deputy Pringle’s point that it is well for Sinn Féin to come out and launch a national campaign to repeal the tax when it should have been out on the streets to oppose it before.

Deputy Seamus Healy: I support the Bill. The Taoiseach said “it is morally wrong, unjust and unfair to tax a person’s home”. He has reneged on that promise as he has reneged on many another policy during his period in government.

This is a form of double taxation as we have already paid these taxes. It pays no regard to ability to pay. As other speakers have said, not a single extra cent will go to local authorities for local authority services. In the last four years, more than €534 million has been taken out of local authority budgets. This is a rip-off to pay the banks and the bondholders. We know that because the Minister for the Environment, Community and Local Government himself has told us. Speaking in the House on 21 February 2013 on the Motor Vehicles (Duties and Licences) Bill, the Minister, Deputy Hogan, stated:

In 2012, €46.5 million of motor tax income was transferred from the local government fund to the Exchequer. This year, an amount of up to €150 million will be similarly transferred. These are necessary measures towards the reduction of the national debt.

Motor tax income is part of the local authority fund. We are paying banks and bondholders from the local government fund and replacing that fund with the hated local property tax.

Local authority tenants will also have to pay the tax through their rent and lower and middle-income families who own their house, even if it is in huge negative equity and mortgage arrears, are compelled to pay this tax. It is a shameful item of regressive legislation, introduced with the support of the Labour Party. It is certainly not a property tax, it is a family home tax and is called a property tax to attempt to fool the population. It is a hated tax and the public are waiting for the opportunity to give the Government parties a bloody nose. They will do so in the local and European elections in 2014.

The Labour Party has played a despicable role in this and I call on members of trade unions

12 June 2013

affiliated to the Labour Party to instruct their unions immediately to stop taking the political levy from contributions. This is a method of sending a strong message to the Labour Party.

Deputy Ciarán Lynch: This is nothing but a populist Bill with no credibility and it reflects the type of Darby O’Gill economics we have become used to from Sinn Féin. In the last budget, the Sinn Féin budget proposals were not costed by the Department of Finance, the first time in the history of the State an Opposition party has submitted proposals that were not costed. If this was a meaningful debate, we would discuss the legitimacy of property tax. It is bizarre that so-called left-wing Members of the House are opposed to the principle of property tax. They can argue about its construction and its progressiveness-----

Deputy Joan Collins: It is a family home tax.

Deputy Ciarán Lynch: -----and other matters but left-wing parties opposing the principle of a property tax beggars belief. In a meeting of the Joint Committee on Finance, Public Expenditure and Reform before Christmas, every economist from the left and the right spoke about the progressive nature of property tax as opposed to income tax. Even spokespersons invited before the committee by Sinn Féin agreed with the concept of a property tax.

The Labour Party has made a mistake on property tax and it made it in 1997. Back then, a property tax was introduced on the market value of houses over £101,000, which is what we were dealing in at the time. It equates to just under €130,000 today. A further requirement was an income in excess of £30,000, which equates to just under €40,000. The average industrial wage at the time was some €17,000, so this was a benign tax. However, following massive media pressure headed by Gay Byrne, which Fintan O’Toole referred to during the presidential campaign, the Government backed away from the tax. What a pity. The type of gatekeeping that would have been in place, if the tax had held, would have caused the abatement of the bubble. At the time, mortgages were issued at a ratio of 2:1 or 3:1 with regard to household income. If people had seen house values approaching €100,000 but wages remaining static, they would realise that something was wrong and that the property sector was getting out of control. In terms of normalising and managing a housing market, which is something the Government is doing through the insolvency legislation and other ways because of the need to have a housing market, the property tax is a critical part.

Who does the tax apply to? There are 1.6 million households in the country. Some 129,000 households are living in local authority houses, according to 2011 figures. Some 25,000 are in rent free accommodation, 15,000 are living in voluntary housing co-operatives, and 300,000 people are renting in the private sector. When talking about hardship, we are referring to the mortgage sector, people whose principal residence is their home. Some 1.1 million people are in that sector and the amazing thing is that half of the people who own their homes do not have a mortgage. In fact, they have not had a mortgage for years and the percentage is now greater than it was in 2011 because new mortgages have been at an all-time low since 2011 but people who entered mortgages in 1993 are now exiting. The proposal by Sinn Féin is not to tax people who can afford to pay a property tax. Half of the homeowners in the country do not have a mortgage and Sinn Féin does not want to tax them.

There is an issue of hardship and it is regrettable that the Bill did not look at equity and progressiveness. In that case we could talk about people in real difficulty rather than the approach of wiping the slate clean and finding €250 million elsewhere. That debate did not happen this evening and that is why we have Darby O’Gill politics coming from our colleagues in Sinn

Féin.

The Fianna Fáil contribution last night was very interesting. It appears the Fianna Fáil finance spokesperson does not understand the deferral system. The deferral system is based on simple interest, so that people defer the sum and it runs for ten years. We are now arriving at the point where housing inflation is beginning to return. Even at a rate of 2.5%, if someone defers for ten years, the house will be worth more in ten years time than it is now and the sum deferred will be one third of the value added based on a 2.5% rate. It makes sense for an elderly person to defer because he or she is not leaving a debt but leaving an asset that acquires value at a modest rate of 2.5% over the next ten years.

Deputy Joan Collins: It is a family home.

Deputy Ciarán Lynch: That shows the nonsense of the proposal because the asset is being left to someone with a value. The person is not leaving behind debt but an asset that is increasing in value over the next ten years.

The goal is to get Ireland into a position of recovery. We have commenced work on it. One of the significant areas of the Irish economy that needs recovery is the normalisation of the housing market. We do not need a return to the days of boom and bust but a structured recovery built upon a sustainable model. Property tax is part of that and it is regrettable that Sinn Féin has taken this position. It did not even have the bottle to call for a boycott of the property tax. The earlier press release by Sinn Féin did not call for a boycott of the property tax because if it entered government, it would have to deliver on that promise and would not do so. I recommend the Bill is opposed in the strongest terms.

Deputy Anthony Lawlor: Let us talk about the chameleon known as Sinn Féin. Let us look at what the chameleon known as Sinn Féin is calling for, a repeal of the Act enacted last year. What about the five members of the chameleon known as Sinn Féin in the North of Ireland, who are members of the House of Commons? Have they ever tabled a Bill before the House of Commons looking for repeal of the district home tax in the North of Ireland? No.

Deputy Peadar Tóibín: We are abstentionists.

Deputy Anthony Lawlor: Let us look at what the chameleon known as Sinn Féin has done here with regard to councils. What have they asked council candidates for the next election to do? Council candidates will stand on the platform of reducing the local property tax rate in this country. What did the candidates for the chameleon known as Sinn Féin do in the 2011 election in the North? Did they mention they would reduce the district home tax in Northern Ireland, where they have control?

I would like to live in Castlereagh. It has the lowest district home tax in Northern Ireland because not one Sinn Féin member sits on the district council of Castlereagh. Where Sinn Féin has dominated, in places such as Newry, there has been a 50% increase in the value of the district home tax over the rate in Castlereagh.

Deputy Peadar Tóibín: Why does Deputy Anthony Lawlor not stand for election in Castlereagh? He would not get one vote.

Deputy Anthony Lawlor: The chameleon known as Sinn Féin operates on two levels. It does not tell the truth about what is going on down here.

Deputy Dara Murphy: Any well-run economy requires taxes to pay for its expenditure.

Deputy Peadar Tóibín: And emigration.

Deputy Dara Murphy: We have three of the main four types, including a tax on spending, VAT and excise; taxes on transactions, which have been severely hit because stamp duty receipts are a quarter of what they were in the boom; and a tax on work, namely, income tax. The Government has joined the well-run economies by broadening the tax base for the future and introducing a property tax targeted at providing community services. I can tell the Minister of State at the Department of Finance, with regard to the measures already introduced, including the reduction in VAT, that there is a clear benefit in encouraging spending and domestic demand for the future, and hopefully for the near future, by continuing to reduce the tax on spending and, more importantly, by lowering the cost of work through reductions in income tax. However, in a time of crisis, income tax, VAT and excise can be changed up or down as an economy or people require. A property tax is a far more difficult thing to put in place. Notwithstanding the excellent compliance of people in this country, given that 90% have signed up, and while people want to pay as little tax as possible, there is an understanding that the reduction should come through taxes on work and spending.

I congratulate the people of our country on their intelligence and patriotism in seeing that this tax is an effort to recover our economic sovereignty in the short term and, in the long term, to establish a fair and broad tax base that is fit for purpose and that can adapt to the way an economy can fluctuate at any time. I reject the Bill and I question whether the so-called socialists have really looked at the ideological position.

Deputy Tony McLoughlin: Like many Deputies, I am amazed but not surprised that Sinn Féin has put a Bill to repeal the property tax before the House. It has been said on a number of occasions that Sinn Féin, in introducing this Bill, is speaking out of both sides of its mouth. Sinn Féin supported a property tax in Northern Ireland but vehemently opposes it in the South where, thankfully, the party is not in government.

The constant Sinn Féin rebuttal to this argument is that the property tax paid in Northern Ireland pays for school transport, refuse collection and some other school services, unlike here where none of these services is covered. That is true, and it is the message Sinn Féin is anxious to convey. However, the cost differential is enormous. In my constituency of Sligo-Leitrim, the average tax band is band 2, which is €224 in a full year. In County Fermanagh, the cost set out by the local council is £790, which is equivalent to €916. For the collection of refuse and the transportation of their children to school the good people of Fermanagh pay almost £700. The reality is that the property tax here is far less than the property tax in Northern Ireland which is defended by Sinn Féin.

The Taoiseach has constantly stated that this Government will not increase personal taxation or, as it is quite correctly described, tax on work. Clearly, this is the alternative. I oppose scrapping this tax, as is suggested. Clearly, we cannot return to the system of the 1980s, when I and many other people paid up to 65 pence in the pound in personal taxation. This country continues to run a current budget deficit of over €1 billion per month. The receipts from the LPT will ensure that the Government has a tax income that corresponds to our property prices, which may rise in prosperous times and remain low during difficult times for our people. This tax presents an opportunity for us to ensure that all users of our services, libraries and public amenities pay something, rather than almost always depending on the PAYE or self-employed

sector.

Deputy Paul J. Connaughton: I am grateful for the opportunity to speak on this Bill. I agree with much of what Deputy Dara Murphy said in his contribution. When one considers the level of the deficit we faced when we came into Government, there were no easy choices. This certainly is not a popular tax, as has been stated. There is no point in saying otherwise. However, the decision was either to take this option or to increase income tax. As a commitment was given not to increase income tax, this is the option that had to be taken.

A number of people have approached me about the property tax over the last number of months. Instead of looking at what happened in the past, they are looking at what will happen in the future. People tell me that if they are going to pay a property tax that will go to their local authority, they want to see how it will be spent. Accountability in that regard will be very important. At present, local authorities simply cannot provide all the services they are required to provide. We must devise a transparent taxation system whereby we can point out to people where their taxes are being spent. The Government was correct to stay away from increasing income tax in so far as it could.

There is one matter among the concerns people have raised with me which we could examine in the next budget and, perhaps, tweak the system and make it fairer. I have been contacted by a number of people in estates in County Galway who are paying management fees. There is concern about that. Management companies have different levels of fee and some provide different services to the people who pay them. This is causing a great deal of anger, confusion and upset. People in those estates say they are getting as much as they can from the local authority. Perhaps we could work out a deal with them and their management companies to make it fair for them as well, because many of those people feel left out in this regard at present.

Deputy Michelle Mulherin: I do not wish to rehash the reasons we are in a situation that requires a property tax. Who wants to have a property tax? Who wants to impose rates on people and so forth? We should park those arguments. We had them not so long ago and we spent a long time talking about it. Tonight, we are spending more time on it.

Are we being asked to suspend reality here? The Chair has asked us to speak on the Bill, but the Bill is two pages in length. It states that we will cancel what has happened previously, because that is the populist thing to do, but what happens then? We have gone through the Bill. There is nothing constructive in it. I do not believe this is constructive opposition or that it contains anything to address the issues facing people. In fact, the more than 80% of people who have paid their property tax to date see that this Bill is a load of whitewash. It is catering only to a certain element of people - not all people - who do not want to pay for anything and do not think that anybody should have to pay for anything. However, that is not how things work.

What is being created in this Bill is something fantastical, as if we will suddenly change our minds. It is absolutely ridiculous. It is in the same vein as a previous Private Members' motion from Sinn Féin which sought to create a stimulus package that would spend the pension reserve once again and which contained another proposal to approach the European Investment Bank. The same party said we should not have paid the promissory notes. It has no credibility whatsoever. It is what I call the republic of fantasyland. That is all Sinn Féin proposes when economics are involved. I urge people not to go near it unless the party can come up with something a little more constructive.

In that context, there are many compliant people who do not like the tax but who understand the requirement for balancing books and understand that the tax must be levied in that spirit. The people who have paid their tax are apprehensive about one thing and that is the value of their property. They are apprehensive because they do not know if they are competent to value it. Who can value property at present, given the way things are? My request is that people who have valued their property and complied with the notice of estimate provided to them in their region will be afforded the comfort of knowing that they will not be audited or investigated by the Revenue Commissioners for the next three years until property prices recover and the country gets into a better position.

Deputy Paudie Coffey: I am glad to have the opportunity to contribute to this debate. Regardless of whether we like it, the property tax is needed to maintain essential local services in our communities. This Bill is an opportunistic, populist move by the Opposition. The same Opposition regularly calls for improved services in every local authority in the country and insists on more funding for communities in those same local authority areas, with no regard for where the money will come from or how it is raised. This is not the political leadership or responsibility that is required in this country at present. It is just scaremongering, peddling misinformation and encouraging people not to pay taxes that are passed by the democratic institutions of this State.

Fianna Fáil, the party that ran our economy onto the rocks, signed up for a property tax as part of the bailout terms it agreed with the troika. Now it is doing a U-turn for populist reasons. It is vote-gathering in a disingenuous way. Sinn Féin opposed the household charge and now opposes the property tax but in its so-called alternative budgets it did not make provision for the resulting shortfall of over €160 million.

Deputy Peadar Tóibín: We did.

Deputy Paudie Coffey: How would it pay for local services? It does not tell us. This is the great economic black hole that Sinn Féin has created. In the North it is happy to collect an average of £1,000 per household for spending on local services.

8 o'clock

Of course, Sinn Féin points the finger of blame up there at Westminster, while here it points it at the Irish Government. The party always puts it on the other hand and the other finger. This is real populism at its very worst. Regarding the Independents and the independent socialists, I always thought that socialism promoted and supported the idea of progressive taxation, but not the unique group that we have, the motley crew in Dáil Éireann. They, and indeed Sinn Féin representatives, went around this country encouraging people, at marches and public meetings, not to pay the household charge.

Deputy Sandra McLellan: We did not do that.

Deputy Paudie Coffey: What was the result? They were competing with each other. Sinn Féin was competing with the independent socialists, going into communities and telling people not to pay their taxes. Where are they now, when those people have to pay more? They have coddled the people and now they have deserted them. That is what Sinn Féin was doing - going around the country, cod acting and leading people astray.

Deputy Peadar Tóibín: Earth to cuckoo land.

Deputy Paudie Coffey: That is the ill-judged, populist politics in which Sinn Féin is engaging.

Acting Chairman (Seán Kenny): The Deputy is over time.

Deputy Paudie Coffey: The Sinn Féin Deputies come back in here and table parliamentary questions to Ministers in this House, encourage their local authority members to demand and insist on services and so forth, but they never demand to know where the money will come from.

Acting Chairman (Deputy Seán Kenny): The Deputy must conclude.

Deputy Paudie Coffey: That is the populism and the lack of leadership that Sinn Féin has and always will have.

Deputy Peadar Tóibín: That was a fact-free contribution.

Deputy Mary Mitchell O'Connor: On a quieter note, Deputy Doherty seems to have overlooked the fact that this property tax was voted for in here, in this Chamber, democratically only a few months ago. Why is the Deputy wasting our time putting forward such a Bill at all? It would be great-----

Deputy Peadar Tóibín: The Deputy should ask her constituents.

Deputy Mary Mitchell O'Connor: I will answer that point shortly. It would be great if we could get on with more pertinent matters such as-----

Deputy Aengus Ó Snodaigh: We could go on about private schools, for example, as the Deputy did yesterday.

Deputy Mary Mitchell O'Connor: -----how the taxes are returned to the constituencies. Dún Laoghaire constituency had one of the highest compliance rates for the household charge at 89%. By comparison, Donegal, represented by Deputy Doherty, had the lowest rate of compliance, at 65.8%. It is unthinkable for my constituents to be forced to subsidise Deputy Doherty's flock.

Deputy Aengus Ó Snodaigh: We have been subsidising the private schools in Deputy Mitchell O'Connor's constituency for long enough. The Deputy was crowing about them yesterday.

Deputy Mary Mitchell O'Connor: I will be insisting that 79% to 80% of the constituency's moneys be returned to Dún Laoghaire, to match the compliance rate. The distribution of local authority funds must be fair and proportionate to revenues collected. I will not countenance some counties paying for everything while others pay for nothing. As my constituents in Dún Laoghaire are paying huge property taxes-----

Deputy Aengus Ó Snodaigh: The constituents of Dún Laoghaire are some of the wealthiest in the country, is that not so?

Deputy Mary Mitchell O'Connor: -----I will be seeking a further lowering of parking charges and commercial rates as a result of this money reverting back to the constituency. At a small-business meeting in Dún Laoghaire last week, the resounding cry from the SME representatives and traders present was that commercial rates were killing their business. This

cannot continue. If Dún Laoghaire pays the most, then by God, they will get the most back to fund their roads, cemeteries, parks and so forth. Unlike Deputy Doherty, who is not in the Chamber at the moment, we in Government are more concerned with how we can improve this country rather than wasting time. If the Deputy had any real and relevant solutions as to how he would improve the country, I would love to hear them. He should stop wasting time, stop being populist and stop his antics.

Deputy Peter Fitzpatrick: A property tax is necessary to restore our public finances. We cannot continue to spend more money than we raise in taxes. We are borrowing approximately €1 billion per month and we still have to reduce the general Government deficit to below 3% of GDP by 2015. A property tax is a responsible way to reduce this deficit. The OECD commission on taxation and the ESRI agree that a property tax is less harmful for the economy than other forms of tax. It is a tax on assets rather than employment and, therefore, will not negatively affect job creation. The rate of the property tax will not be increased in the rest of the term of this Government, after it becomes fully operative in 2014. The Government property tax is fair and progressive, as more expensive properties are liable to more tax in cash terms. This is because the tax is a percentage charge of 0.18% of the value of the property. A further progressive feature is the higher rate for houses worth €1 million or more, which are liable to a rate of tax of 0.25%. This higher rate allows for a lower standard rate for everybody else.

A property tax is a form of wealth tax. Property is the main form of wealth for most people in this country and the best one to tax, as property cannot be moved abroad. A system of voluntary deferral arrangements for owner-occupiers will be implemented for cases where there is an inability to pay, where gross income does not exceed €15,000 for a single person and €25,000 for a couple. For income-stressed owner-occupiers who have an outstanding mortgage, an adjustment to gross income will apply such that 80% of the mortgage interest can be subtracted from gross income in determining an inability to pay. There are some exemptions from the LPT such as for houses in unfinished estates. There is also a three-year exemption from property tax for buyers of new homes and first-time buyers.

Sinn Féin's opposition to a property tax in the South does not appear to be shared in the North. While sitting in government in Northern Ireland, Sinn Féin agreed to an increase in household rates of over 10% from 2011 to 2014. This is on top of the existing high levels of tax. A house worth £200,000 in Derry is liable to household rates of over £1,500 per annum. Fianna Fáil would keep the household charge which this Government's property tax replaces. Therefore, Fianna Fáil would actually have a property tax but it favours a flat rate where everyone pays the same amount regardless of the value of the house.

Deputy Áine Collins: I welcome the opportunity to speak on this Bill. No one here wants to increase the tax burden for anyone. All of us would like to be in a position to improve the lives of our constituents. All politicians want to be in a position of announcing and implementing good news again for our constituents. However, some of us live in the real world and we have seen many examples of irresponsible attitudes in politics in the past. These have landed our country, our people and many of our families in an awful mess. Sometimes it is easy for us to forget that just two and a half years ago there was a real possibility that we would run out of money. There was a huge concern about how we would pay for essentials like social welfare payments and salaries for public servants such as nurses, doctors, teachers and gardaí. The money we needed to support our health and education services was under threat. We needed new taxation measures to raise revenue. Unpopular measures were needed in order to maintain basic services. This Government has had the courage to implement these measures and we have

restored the financial integrity of the State by doing so.

It is internationally accepted that a property tax is one of the fairest and most effective ways of raising revenue. However, doing what is right is not always popular. It will cost the parties which implement such measures dearly in popularity terms. This Government is simply putting the country and our people first. There is no easy political gain in any of this. However, this Private Member's motion from Sinn Féin is nothing more than political expediency. Sinn Féin constantly tells us that it accepts the figure for the overall fiscal adjustment that is needed but it knocks every measure proposed by the Government to meet the adjustment targets. We must have a sustainable balance between our income and our expenditure, like any good household.

We have come a long way over the last three years. We can provide services, while at the same time sowing the seeds of recovery in our economy. That is exactly what is happening. It is wonderful to see that unemployment is finally decreasing - this is the fourth successive quarter in which the numbers are falling. I personally would like to thank the 80% of Irish householders who have paid their property tax to date.

Minister of State at the Department of Finance(Deputy Brian Hayes): I will start by taking up the point just made by Deputy Collins. On my behalf and that of the Government, I wish to thank the Irish people for their extraordinary patience and compliance. Had anyone suggested at the introduction of this new tax that we would obtain a compliance rate of about 90% within a short number of months, he or she would not have been believed. That is an extraordinary sign of the compliance and the support of the people for this Government. They know the direction in which we want to go. Shouting, roaring and screaming about things will not solve our problems.

Deputy Brian Stanley: Hear, hear.

Deputy Brian Hayes: As a society, a Government and a people, we need to chart a way forward. The point has already been made about the need to have a sustainable tax base. In that context, we should not forget one simple statistic. Under Fianna Fáil, in a 12 month period in 2008, tax revenues went from €51 billion to €37 billion. They collapsed because of the collapse of the property market. The task of this Government or indeed any Government, even one involving the Communist Party of Ireland or Sinn Féin, is relatively simple. The task of the Government is to broaden the tax base and take in more taxes. In reducing the deficit we are doing that.

Any party, including Sinn Féin, whatever about the nonsense of the debate yesterday and today, which proposes the abolition of a property tax will be laughed out of court. This country needs to move away from its obsession with the taxation of income and work. We still have 1.8 million people working in our economy, rather than the 2 million at the top of the boom. The best way to keep those people at work and create the conditions for more people to enter the labour market on a sustainable basis is not to increase tax on work.

We already have tax on work of approximately 52%, comprising a 41% basic top rate and 11% between USC and PRSI, on quite small amounts of income, namely, anything over €32,500. Are we seriously suggesting that we can create a jobs rich economy by continuing to tax the hell out of people which, ultimately, is the Sinn Féin proposal? It is inevitable that we have to have a property tax and that it will be part and parcel of our taxation system into the future if people are honest.

12 June 2013

The Deputies opposite claim some of my colleagues never read their documents. I read them very closely and keep a very close eye on what they have to say. I would like to talk about what they have to say because it is the nub of the debate. The Deputies opposite should answer three simple questions.

At his Ard-Fheis, Deputy Doherty proposed the abolition of USC. Is that still the position of Sinn Féin? If it is, it will have to find another €985 million to make sure the figures stack up. Of course it will not do that. We need to hear whether that is still its position. Is it still its position to reduce VAT, which we had to increase from 21% to 23%? If it is, it will have to find another €500 million. Sinn Féin would be €1.5 billion in deficit, irrespective of what it would do about wealth tax.

On 12 November last Deputy Doherty published an explanatory memorandum rather than proposed legislation. Today I asked the Bills Office for a copy of his wealth tax Bill and was told it did not have it because there are no details. It is just a speech which can be transposed and says a wealth tax will solve all our problems. On 12 November last Deputy Doherty told us: "It is our intention to table a Private Members' motion on the issue at the soonest opportunity." Let us have it now.

When Sinn Féin produces its pre-budget submission it does not start from what it said the previous year, rather, it starts from the hard measures the Deputies on this side of the House advocate and back which it then opposes. It does not compensate for that in its pre-budget submission the following year. At the heart of the Sinn Féin alternative is a fundamental lie. It knows it, we know it and the country knows it. That is why it is going down in the polls and why the comeback for Sinn Féin is nowhere near.

Deputy Pat Deering: I am delighted to have the opportunity to speak. The reason we have a property tax is because the economy has collapsed and we need to broaden our tax base. The problem began in 1977 when, for cheap political reasons, Fianna Fáil abolished rates. Sinn Féin proposes them in the North on a regular basis and is afraid to reduce them.

What Sinn Féin proposes is quite simple. Repealing the property tax and repaying the money, which has been paid by the generous people of this country at a substantial rate, would mean we would automatically, as Deputy McGrath said, need an emergency budget to find an extraordinary amount of money. I listened to the leader of Sinn Féin this morning, Deputy Adams, speaking about cuts to respite care, carers and so on. There would be even more serious cuts in those areas if we paid back the money that has been collected. We need a solid base to have fairness in society.

There has been ongoing reluctance of on the part of Opposition parties to buy into this position. Sinn Féin was initially reluctant to get involved but some of its members suggested they would not pay and provided a lot of misinformation. An extra €7 million in penalties have been paid by the decent people of the country as a result of that cheap political stunt.

The people of Donegal, Deputy Doherty's area, have paid €337,000 in penalties so far. The people in Meath, Deputy Tóibín's county, have paid €236,000 in penalties so far. The people in my county have paid €100,000 as a result of Sinn Féin's misinformation. That is the result of the cheap political stunt Sinn Féin has proposed time and again.

Yet again, its hypocrisy knows no bounds. It is not afraid to go up to the North and propose rates of up to £1,500 on average per house. The tax in the South is a fraction of that. All we

have are cheap political stunts.

Deputy Brian Stanley: Sinn Féin never advocated a no pay campaign. We were very scrupulous about that. It is another lie which needs to be nailed, along with others I heard in the past 15 minutes.

Deputy Deering obviously has a problem with the truth. We have actively campaigned against the tax and offered costed, reasonable alternatives. If we fail in our endeavours today we will continue to campaign against this tax at every opportunity. We have given a commitment that if we are ever in government we will repeal it.

To put the family home tax into context, Fianna Fáil came up with the bright idea of taxing people's homes, regardless of ability to pay. In its national recovery plan 2011 to 2014 it committed itself to an interim site value tax of €100. Page 92 stated Fianna Fáil's national recovery plan would introduce an interim site value tax in 2012, applicable to all land other than agricultural land and land subject to commercial rates. The interim measure would involve a fixed local service contribution of about €100. The final site value tax would be introduced in 2013 when valuations were completed.

It goes on to commit Fianna Fáil to doubling the tax at an average of just over €200 per dwelling or site which would raise €530 million. It is roughly the same as what the Minister, his party and the Labour Party are doing in government. I raise this issue to remind the public that there is no difference between the coalition of Fine Gael, the Labour Party and Fianna Fáil on this issue. If one votes for one of them one gets them all.

There is some confusion in the coalition. Fianna Fáil was in favour of the property tax but no longer is. Fine Gael was against it but now supports it. The Labour Party flip-flopped all over the place but the Tánaiste, Deputy Gilmore, told us three years ago it would be perverse to tax people's homes. Now it is doing that in government. Any crocodile tears from Fianna Fáil are opportunism. In power it too would champion the family home tax.

Not only is the tax an attack on low-income families, it also serves to undermine local democracy. Local authorities raise almost 60% of their funding, but the Government has continued to slash funding. The public pay motor tax to fund local services, in particular roads, but the Government grabbed €150 million to pay debts. Households will not receive one extra service from the tax. People pay income taxes, motor tax and local authority charges. Now they are obliged to pay an additional tax for the very same services. Some households will also pay separately for fire services and so on, while every household is now paying separately to private companies for waste collection.

The Minister for Finance, Deputy Michael Noonan, is not in the Chamber tonight. He took over the management of this tax from the Minister for the Environment, Community and Local Government, Deputy Hogan, last year, but he has sent the latter in here tonight as a backstop for the Government. Deputy Noonan has disappeared, along with the Minister of State at his Department, who made false accusations before running out of the Chamber. The Minister for Finance must have woken up dizzy this morning after all the spinning he did yesterday. He claimed that Sinn Féin presided over domestic rates in the North, which he equated to a local property tax. He neglected to outline the services covered by that payment. He also forgot to mention that, unlike the family home tax in this State, the provision in the North includes a clause whereby people who have an inability to pay are exempted. People on disabled person's

12 June 2013

allowance, for example, pensioners and those in receipt of housing benefit do not have to pay.

Deputy Phil Hogan: What about the principle of the tax?

Deputy Brian Stanley: The Minister stuck it to all those categories of people in this State. I am not here to defend the Six Counties.

Deputy Phil Hogan: Yes; I thought the Deputy was in favour of a united Ireland.

Deputy Brian Stanley: We want to see an end to the Six Counties state. Republicans in Sinn Féin are committed to abolishing it. If the Minister, Deputy Hogan, is talking to his British counterpart at one of their many meetings he should say that to him.

Deputy Phil Hogan: The Deputy's party talks to him too.

Deputy Brian Stanley: The Minister for Finance failed to acknowledge that the rates in the North cover such services as education, including school books, transport and meals, fire services, emergency services, health care, social services, roads with no tolls, waste collection, water, sewerage, including septic tank desludging, and leisure and recreational facilities. In this State, on the other hand, householders have to pay up to three times for some of these services, first through income tax, then through the family home tax and finally through local charges.

The Government is intent on forcing people, particularly low and middle-income families, to pay for this recession. It has failed utterly to ensure the pain is shared, instead heaping it on those least able to bear it, people who played no part in causing the economic crisis. After two and a half years in office, the Government's mantra of blaming the Fianna Fáil Party is beginning to wear thin.

Deputy Phil Hogan: The Deputy was blaming Fianna Fáil a few minutes ago.

Deputy Brian Stanley: I assign that party the blame it is due. The family home tax is simply a tax too far. Yet people will also face bills for water next year, those charges being introduced, rather conveniently, after the local elections are out of the way. Is there no threshold below which the Government is not prepared to stoop in order to ensure the rich in our society do not have to pay?

The Minister of State at the Department of Finance, Deputy Brian Hayes, spoke in his contribution about taxation. He did not even have the relevant figures. I have them in my hand, direct from the Minister's senior officials in response to a parliamentary question. The figures show that people earning between €100,000 and €125,000 paid income tax of 21%. This information is on the public record, yet the Minister of State is not even aware of it. That is disgraceful. He does not have the information but he sees fit to make a false accusation before running out of the Chamber.

I understand that Michael O'Leary of Ryanair, who lives in a huge mansion in Westmeath which is reportedly valued at millions of euro, allegedly falls into category three of the property tax, which means a payment of €157 this year. That is amazing. The tax makes no distinction between rich and poor. Whether at the behest of Fianna Fáil, Fine Gael or the Labour Party, it is an imposition that punishes the poor and those on low incomes. It is they who are feeling the pain, not Michael O'Leary and others like him.

There are far more equitable ways of raising the money that will be taken through the prop-

erty tax. We accept that moneys must be raised for the State so that services can be funded.

Deputy Paudie Coffey: There was no sign of that in the party's budget.

Deputy Brian Stanley: We put forward a host of suggestions for cutting the cost of local government, as the Minister, Deputy Hogan, is well aware. Reform in that area requires cutting out some of the deadwood and reducing the salaries of those at the top and the numbers of directors of services and other senior staff, while at the same time increasing the number of front-line staff. That will save money in both the short and the long term.

There must be a reform of the tax system. We are calling on the Government to do what other countries do, such as introducing a wealth tax or a 48% tax rate on incomes over €100,000. These are some of the same proposals put forward by the Labour Party before it went into government. The Minister for Finance said last night that the family home tax has reference to ability to pay. In truth, there is no such clause or provision, which means the Minister either did not read his own Bill or misled the House. He went on to claim yesterday evening that he was satisfied that the poor and vulnerable would be protected under the terms of this tax. That simply is not true. Payment can be deferred but there is no waiver. Moreover, people who opt to kick the can down the road will be penalised to the tune of 4%. People are terrified of that situation. The poor and the vulnerable will pay the exact same as the Taoiseach and the millionaires in our society. The only option for households that cannot afford to pay the tax is to defer and suffer the 4% charge or ignore it and pay the 8% penalty thereafter.

This is an unjust tax which should be scrapped. What is required instead is a system of progressive taxation. In the meantime, however, the family home tax must be repealed. People cannot wait until the next general election before that is done. I appeal to Deputies on the other side of the House to put their feelings of loyalty to the Government to one side and to vote for our Bill to progress to Committee Stage.

Deputy Peadar Tóibín: The first rule of any tax should be the ability to pay. Some weeks ago I spoke to a man who is at breaking point. He has debts of some €20,000 arising from a collapsed business and a mortgage which was approximately €160,000 several years ago and on which he has been unable to make repayments. His business debts have increased to €30,000 while the mortgage has gone up to €190,000 as a result of his failure to make payments. When he purchased his home, which is in negative equity, he paid tens of thousands in stamp duty. He and his wife are unemployed and he has two children who are students. This individual is faced with a debt mountain which he has no prospect of clearing. Yet the Government's response to people like him is to impose yet another charge they cannot hope to pay on top of existing unsustainable debt.

Deputy Phil Hogan: If that individual is in receipt of mortgage interest supplement he would have been exempt from the charge last year.

Acting Chairman (Deputy Seán Kenny): Order, please.

Deputy Peadar Tóibín: I met a couple last week, of whom one has lost his job and the other is working 15 hours per week. For one week out of every month they have absolutely no money. In the winter, for example, they cannot afford heating for one week in every four. One of their children has asthma and each month they have to beg and borrow the money to bring the child 15 miles up the road.

12 June 2013

Deputy Phil Hogan: Those people are fortunate they are not living in Northern Ireland.

Deputy Sandra McLellan: If they did they would have access to free prescriptions and transport.

(Interruptions).

Acting Chairman (Deputy Seán Kenny): Deputy Tóibín, without interruption.

Deputy Peadar Tóibín: Some 180,000 mortgages in this State are in distress, the home owners in question living in terrible fear of repossession. Credit unions have indicated that 1.8 million people in this State are scraping for less than €100 at the end of the month. Hundreds of thousands are in negative equity and imprisoned by the unsustainable debt created by a collapsed market. What is the Government's solution to all of these issues? It has imposed an unaffordable property tax on people who simply cannot afford it.

Deputy Paudie Coffey: What is Deputy Tóibín's solution?

Deputy Peadar Tóibín: I am happy to outline it if the Deputy will be patient. Some 400,000 people who had no job were given one in order magically to conjure up enough money to pay the property tax. People living in ghost estates who are obliged to be vigilant every day in ensuring their children do not fall into the holes where the paths should be are obliged to pay the tax. People who built houses on sites and paid €15,000 for services that were never provided are liable for the charge. People in local authority housing are obliged to pay it. Even if one accepts the principle of a property tax, it makes no sense to impose it at a time when earnings and incomes are completely ruptured from the collapse in property values. People are already dealing with cuts in child benefit, increased motor charges, carbon taxes, excise duties, prescription charges and VAT imposed by this Government, as well as the imminent introduction of water charges.

After affordability, the second rule of any tax is that individuals should only pay their fair share. Many people in this country have paid stamp duty on their homes. Anybody who paid €20,000, for example, has already contributed a multiple of the annual property tax charge. The third rule is that every tax should serve to improve society. The property tax, however, will make no difference to the provision of public services and will add nothing to the ability of local authorities to serve citizens. A good proportion of the tax will go to pay unguaranteed, unsecured debt. The Fine Gael and Labour method of collecting this debt is actually brutal. The Government is prepared to loot salaries, social welfare payments and pensions. If the payment is deferred until the death of the individual, Fine Gael and Labour will come knocking on the door looking for the money from the struggling family. Contrast that method with the method that the Government has arranged for struggling families waiting for years for maintenance due to them. The cant we hear from the Government is that there is no alternative, this is the only way it can be done. Year on year, Sinn Féin has costed alternative budgets for this Government to take into consideration. Wealth taxes are successful in Europe. We have put forward a third rate of tax standardisation, discretionary taxes and many other suggestions.

The Government talks about the North. There is a book in Easons entitled, *The Idiot's Guide to Constitutional Politics* which explains clearly at Junior Certificate level the difference between the situations in the North and South of Ireland. We do not have fiscal powers in the North of Ireland. We are doing our damndest to get them back and it would be great if the Minister got off his arse and helped us as well.

Deputy Paudie Coffey: Has Sinn Féin introduced any Bills up there to repeal rates?

Deputy Peadar Tóibín: In conclusion, what happened to the alter ego of Deputy Enda Kenny?

Deputy Paudie Coffey: It is happy to spend them and claim the credit.

Deputy Peadar Tóibín: The Opposition alter ego of Deputy Enda Kenny said “It is morally unjust and unfair to tax a person’s home and by so doing grind him into the ground.” We are seeing a flip-flop Taoiseach who makes a habit of saying one thing in opposition and doing the opposite in government.

Deputy Sandra McLellan: Sinn Féin is absolutely opposed to taxing the family home and when in government we will repeal this draconian and blatantly unfair tax. The idea of taxing the family home is, by any stretch of the imagination, bad economic policy. In the current climate where almost 500,000 people are out of work and one in four mortgages is in distress, this tax makes no sense. Indeed, this tax is further evidence of the lengths that Fine Gael and Labour, and Fianna Fáil before them, will go to in order to keep their monetary masters in the ECB and the IMF happy.

The real import of this tax is that it imposes even more hardship on ordinary people who are already stretched to the limits of their financial capabilities. The policies of austerity and the neoliberal political project that accompanies it have destroyed the economic and social fabric of this country. This Government responds with even more savage cuts to welfare, cuts to mobility allowances, cuts in home-help hours, cuts to youth services in already disadvantaged areas, cuts to special needs assistants and cuts to vital educational services for Travellers who already experience institutional discrimination. We are now in a situation where the policies of austerity so beloved of this Government mean that we have an entire public service, be it health, public housing, transport or education, that is being dismantled at a time when now more than ever ordinary people depend on the State for the provision of public goods and services. A state that cannot provide for its own people, that cannot and will not invest in its own society is by any standards, a failed state.

This Government has led us down a cul-de-sac and only a dramatic shift in policy will alter this situation. Yet we are told repeatedly that there are no options, that banks have to be bailed out and that austerity is the only show in town in terms of economic recovery. Sinn Féin rejects this flawed analysis as do the vast majority of people in Ireland and right across Europe. There are alternatives - it does not have to be like this.

That, however, would mean putting the people first and making political decisions that this Government that operates in the interest of the wealthy and the business classes has repeatedly refused to take. For example, by just clamping down on black market and false declarations the Government would raise €100 million. A 1% tax on wealth over €1 million would raise €800 million. The Government could, if it wanted to, apply PRSI to rental income and this alone would raise €20 million for the Exchequer. A 5% tax on shop, course and on-line gambling would raise a further €243.5 million. In terms of education, Fine Gael and Labour could raise €22 million over a five-year period by simply bringing an end to the State subsidy of private education. It is not right, just, or fair that the State is propping up an elitist system with public money that is urgently needed for children in State schools. In terms of health the Government could and should apply the full cost of private care in public hospitals. This would produce a

12 June 2013

saving of €432.5 million. It could deliver further savings by implementing generic substitution of branded medicines. The list goes on and on. It could cap Government salaries at €100,000, cap the pay of hospital consultants and introduce an emergency pay cap of €100,000 in the civil and public services for three years. This alone would produce a saving of €22 million. All of this requires political will and a genuine belief in the value of its own people and society.

More importantly, it requires a commitment to the health and well-being of all the people, not just the wealthy and the influential classes. It means that it has to have a genuine interest in the future prosperity of the young people who today have no other option but to emigrate in their thousands to Australia and Canada. In the final analysis it means putting Ireland's interests before the interests of faceless European bureaucrats and a pampered and well-connected home grown business class. Fine Gael can blather on all it likes about Sinn Féin in government in Stormont, an entity which does not control its own purse strings, but the fact remains that the policies of this Government are wreaking havoc on the lives and futures of people in every corner of the country.

Deputy Seán Crowe: Many people, not just Sinn Féin Deputies or supporters, believe this tax is regressive, unfair and wrong and that it will create genuine hardship among people in the community. We know this crippling tax was the brainchild of the Fianna Fáil-Green Administration which crashed our economy, but this Government has passionately advocated in favour of this new tax and determinedly pushed ahead with its implementation. This tax is being pushed even though it makes no economic sense and hurts those on low incomes. There is common agreement that one in four mortgage holders are in mortgage distress and many others are stuck in homes whose value has dropped and on which they all paid large sums in stamp duty to the State and this Government wants more.

Our domestic economy is in stagnation. This tax will reduce disposable incomes and have a negative effect on consumer spending and, in turn, jobs. Many people will pay this tax, have paid this tax, but not because they agree with it. They have no choice. Revenue now has the power to raid pensions, social welfare payments and PAYE workers' incomes directly. That is a fact. How are individuals and families going to pay this tax? We know that elderly people are already going to bed earlier to reduce bills, families are skipping a meal or buying cheap cuts or no meat or fish on certain days, turning the heating on later or not turning it on at all. If this tax is implemented families will spend less on their weekly shopping because they have less. That is the concern I have.

The wealthy can afford to give more but we know from Government budgets that this is unlikely to happen. The wealthy are destined for more rewards. We hear Ministers on radio saying that they must reward the entrepreneurs and the wealthy but at the same time they are cutting the means of people who are at the end of their tether because they have no more money. Intimidated people will be forced to skip other bills because of this tax. The organisations that deal with people in these situations believe this new tax will lead to a deepening of fuel and child poverty. In 2012 a total of 20,000 people had their gas and electricity cut off because they could not pay. This figure will rapidly increase if this tax is pursued. We believe that there are alternatives to this tax. The lack of realistic exemptions shows the arbitrary and cruel nature of this tax. The Minister for Finance referred to income thresholds of €15,000 and €25,000, but this is just kicking the can down the road, as Deputy Brian Stanley said.

The Government claims it has no choice but to place the blame at the door of Fianna Fáil and the troika. The troika wants this money, but it has told my party that ultimately this is the

Government's choice. There are alternatives. A 1% tax on net wealth could bring in €800 million. The Minister for Finance estimated the yield would be €500 million, but the Government has turned its back on these alternatives. It is only interested in implementing austerity at all costs.

Deputy Aengus Ó Snodaigh: It was interesting tonight to be lectured by Blueshirts about not being socialists. It was very funny.

Deputy Paudie Coffey: Is that now the level of the Deputy's debate?

Deputy Phil Hogan: He should go back to the ink bottle. Go back to the ink cartridges.

Deputy Aengus Ó Snodaigh: It is bizarre to have the right wing in this Parliament lecturing us about bringing forward alternatives such as wealth taxes.

Deputy Phil Hogan: The Deputy is a funny guy.

Deputy Aengus Ó Snodaigh: What is even funnier is that those in the Labour Party who believe they are socialists also lectured us for not coming up with alternatives when we brought forward a more fair and progressive tax, a wealth tax. It is also very funny that those who call themselves the United Ireland Party, that is, Fine Gael, just in case Members opposite have forgotten.

Deputy Phil Hogan: As opposed to the united Ireland for the slow learners opposite.

Deputy Aengus Ó Snodaigh: One of the component parts of the Fine Gael Party when it was set up was Southern Unionists. It was interesting to hear the honourable Member for Kildare North, Deputy Anthony Lawlor, speak about the North. It is great to see that Fine Gael and the Labour Party are beginning to take an interest in the Six Counties that have been occupied.

Deputy Paudie Coffey: As if Sinn Féin has a monopoly.

Deputy Aengus Ó Snodaigh: They, with Fianna Fáil, have ignored the Six Counties since the foundation of the State. If they had the courage of their convictions, they would contest every single seat on the island. However, they will not because they are chicken. They are not willing to bring forward proposals at local authority or Assembly level.

An Ceann Comhairle: Will the Deputy, please, deal with the property tax Bill?

Deputy Aengus Ó Snodaigh: Yes, but we are asking if they will come to the North to introduce some taxes that their Unionist colleagues might want to support.

Sinn Féin has brought forward a reasonable proposal with the Bill, but it has been rejected, without even an examination taking place. The silliness of this Parliament is that one is restricted in publishing Bills that could involve a charge on the Exchequer. That is why we cannot have our wealth tax proposals in the Bills Office. They are available on the Sinn Féin website, if anyone is interested in seeing the alternative.

I am not just going to have a go at Fine Gael and the Labour Party. Last night I admired the brass neck of Fianna Fáil in giving out about property tax when it wanted to introduce it in the first place.

12 June 2013

Deputy Phil Hogan: That is the first true statement the Deputy has made all night.

Deputy Aengus Ó Snodaigh: Then it had the gall to accuse Sinn Féin of having its figures wrong. Look at the legacies that party has produced from the abuse of figures in the past. In fact, our figures were not wrong. The figures quoted by Deputy Michael McGrath were correct, as they had come from the Minister for Finance. If he has a problem with them, he should talk to the Minister, not us.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I can assure the House that no one wants to pay taxes.

Deputy Gerry Adams: Hello.

Deputy Peadar Tóibín: I want to pay my taxes.

Deputy Phil Hogan: I am sure that is a big surprise to Deputy Gerry Adams. One can table any motion one likes about abolishing taxes, but it is human nature that no one wants to pay taxes, least of all a new tax.

Deputy Gerry Adams: No.

Deputy Peadar Tóibín: No, I want to pay my taxes.

Deputy Sandra McLellan: We want a fair tax.

Deputy Brian Stanley: The Minister is wrong.

Deputy Phil Hogan: The options are very limited when one is in a troika agreement and our economic sovereignty was ceded by our predecessors. It is not easy to ask the people for a further contribution to bail us out, but that is what we have to do to retrieve the economic situation we inherited. I would have expected Sinn Féin to, at least, show some consistency on taxation. It is asking us to abolish a tax on this part of the island which it is imposing on the people of Northern Ireland. That is hypocrisy. It wants more taxes on work in this jurisdiction, but it does not want to broaden the tax base.

Deputy Pearse Doherty: Of course, we do.

Deputy Phil Hogan: That is so-called socialism. Members opposite must be the only ones who call themselves socialists who do not want to impose taxes on property.

Deputy Peadar Tóibín: Earth to Minister Hogan - please come in.

Deputy Phil Hogan: Sinn Féin wishes to abolish taxes in this jurisdiction that it is prepared to stand over in the North of Ireland.

Regarding the household charge, to Deputy Brian Stanley's credit, he did not tell his constituents not to register for the charge. However, some of his colleagues did.

Deputy Peadar Tóibín: No, that is not the case.

Deputy Sandra McLellan: That is not correct.

Deputy Brian Stanley: The Minister is wrong.

Deputy Martin Ferris: He is wrong again.

An Ceann Comhairle: Will Members opposite please restrain themselves?

Deputy Phil Hogan: I must compliment Deputy Mary Lou McDonald as she said that at least people should pay the property tax as it was the law of the land.

I am surprised the other so-called socialists, Deputies Joe Higgins and Richard Boyd Barrett, are not in the Chamber. In the Dún Laoghaire-Rathdown County Council area 90.53% of those liable for the household charge paid it. I am not surprised Deputy Richard Boyd Barrett is not supporting the Sinn Féin Bill. In the Dublin City Council area, where Deputy Aengus Ó Snodaigh has campaigned heavily against the household charge, up to 80% have paid it.

Deputy Aengus Ó Snodaigh: Up to 20% of them are living in local authority houses.

Deputy Phil Hogan: Sinn Féin is out of sync with the electorate. In spite of their personal financial difficulties, the people have rejected the Sinn Féin campaign and have instead registered for the household charge. They have signed up as real patriots.

Deputy Sandra McLellan: That is not right.

(Interruptions).

An Ceann Comhairle: Will Members opposite please quieten down? There are three more Sinn Féin speakers and they can have their say then.

Deputy Phil Hogan: These are the people who want to make a real contribution in a modest way towards getting us out of the financial difficulties in which we find ourselves. These are the real patriots who want to restore our economic sovereignty which our predecessors, Fianna Fáil and the Green Party, frittered away, particularly Fianna Fáil. Thanks to the responsible approach taken by a great majority of householders, I consider the experience people have had to be a significant success, particularly as the charge was introduced from a standing start and without a database. Deputy Brian Stanley will agree that it is important to have an independent source of income at local level to meet the priorities of all local authorities in the same way one has in Northern Ireland.

Deputy Brian Stanley: Do not speak for me.

Deputy Phil Hogan: I expect the local property tax to have multiple benefits, including providing a more sustainable and resilient system of funding for local government. Sinn Féin and Fianna Fáil want to impose more income taxes on ordinary workers.

Deputy Aengus Ó Snodaigh: No, we want to impose them on rich workers.

Deputy Peadar Tóibín: We mean people in the Minister's salary range.

Deputy Phil Hogan: They do not want to broaden the base, including income tax. Sinn Féin and other socialists should not be hypocritical. In opposing the local property tax they are leading unfortunate low-paid individuals and unfortunate persons on social welfare payments into penalties and fines through advocating non-compliance with the law and non-payment of a tax. Meanwhile, on their salaries, they will have the local property tax deducted at source. They have the luxury of not having to worry about that which ordinary folk do not have. Deputy Mary Lou McDonald has taken the responsible approach in telling people to comply with

the law and not to be hypocritical.

Deputy Mary Lou McDonald: I am asking the Minister to repeal his lousy tax.

An Ceann Comhairle: Can we have silence for the leader of Sinn Féin, please?

Deputy Gerry Adams: Go raibh maith agat, a Cheann Comhairle.

An Ceann Comhairle: I do my best for the Deputy.

Deputy Gerry Adams: If the matter were not so serious, it would be very funny.

The Finance (Local Property Tax Repeal) Bill is about lifting the burden of this unfair family home tax from families and households and replacing it with alternative measures to raise taxes, including a wealth tax. It is about undoing one of many bad policy decisions taken by Fine Gael and the Labour Party in the past two years. Fine Gael and the Labour Party were elected to undo the damage caused by Fianna Fáil, but they have instead chosen to implement Fianna Fáil policies. This has led to greater inequality, poverty and disadvantage. This week the cuts to the respite care grant will hit 77,000 of our most vulnerable citizens. Emigration and unemployment are at record levels, especially among young people. Public services, particularly health, are in crisis, with further cuts to be imposed this year.

The economy, particularly the domestic economy, is flatlined and, on top of all that, the family home tax is being imposed on citizens.

I listened last night and tonight to Fine Gael and Labour Deputies trying to defend this tax on the family home. They sought to do it, if we could believe this, and I do not believe that they believe this, by comparing-----

Deputy Anthony Lawlor: With the district home tax in the North.

Deputy Gerry Adams: -----it with the domestic rates system in the North. They must know this and if they do not-----

Deputy Anthony Lawlor: We have it here.

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

Deputy Anthony Lawlor: Sorry, Ceann Comhairle.

Deputy Gerry Adams: -----they should take a run up the road and they will see, for example, that rates in the North cover a range of public services, including education - those who live there do not pay for school books, emergency services or the public health service. There are no prescription charges, no private bin collection charges, no road tolls, and water and sewerage services and even septic tank services are provided.

Deputy Paudie Coffey: The Deputy's party blames Westminster for collecting it but it is happy to spend it.

Deputy Gerry Adams: The Deputies opposite also know that Sinn Féin blocked water charges in the North for which the rates in the Six Counties pay. Of course there are inefficiencies in the services but the rationale the Minister gave for this family home tax was that the big boys made us do it-----

Deputy Anthony Lawlor: The Deputy is saying that.

Deputy Gerry Adams: The Minister is noting the people with school books, emergency services and prescription charges. He said the troika-----

Deputy Anthony Lawlor: The Deputy is saying that.

An Ceann Comhairle: Did Deputy Lawlor not hear me?

Deputy Gerry Adams: -----made us do it.

Deputy Paudie Coffey: The Deputy is saying that Westminster is saying that. He is blaming Westminster for doing that.

Deputy Phil Hogan: Westminster is a bit like the troika.

Deputy Gerry Adams: Before the Government parties came into office they said that they opposed this property tax. It takes no account of ability to pay or of those in negative equity; and it ignores the fact that one in four mortgage holders is in mortgage distress or the many others stuck in homes whose value has dropped and on which they have paid huge stamp duty.

It is a tax that was proposed by Fianna Fáil and now, as we see, it is being implemented by their brothers and sisters in arms, Fine Gael and Labour.

Deputy Anthony Lawlor: In arms?

Deputy Phil Hogan: You would want to watch that one, Gerry.

Deputy Gerry Adams: The Government has also ensured that Revenue has the means to take this tax irrespective of the individual or family circumstances. Let the big bankers, the big developers and the speculators off free, award its policy advisers exorbitant, high salaries-----

Deputy Paudie Coffey: Priory Hall is not-----

Deputy Gerry Adams: -----but deduct the tax from people's social welfare benefits, from their wages, their bank accounts and even from their credit union accounts. This is the most despicable type of going after-----

Deputy Phil Hogan: Stay away from the banks.

Deputy Gerry Adams: -----those who cannot afford it. What we have seen - it will continue to be the case, and I take no satisfaction in saying this - is that more and more people are being driven further and further into debt.

There are alternative measures that the Government could have taken, including the introduction of a wealth tax on all property, liquid and assets, above a certain net wealth. Why could they not do that?

Deputy Phil Hogan: Sure the Deputy does not want property tax.

Deputy Gerry Adams: Why could it not levy a 1% wealth tax on all net wealth over €1 million with certain exclusions?

Deputy Phil Hogan: The Deputy does not want a property tax.

12 June 2013

Deputy Gerry Adams: It would be based on net wealth which takes into account mortgages and loans and it protects struggling families.

An Ceann Comhairle: Thank you, Deputy.

Deputy Gerry Adams: Sin é. Fine Gael and Labour had a choice and once again they made the wrong choice and the people will pay.

Deputy Jonathan O'Brien: I am glad Deputies Coffey and Lawlor are present. I listened to their contributions earlier and in every second sentence of his contribution Deputy Lawlor said the clowns-----

Deputy Anthony Lawlor: No. I said the chameleons.

An Ceann Comhairle: The Deputy had his say and he should let the Deputy in possession reply. It is a debating Chamber.

Deputy Anthony Lawlor: Let him tell the truth.

Deputy Jonathan O'Brien: The comedians? That is fair enough.

Deputy Anthony Lawlor: It might be the first time.

Deputy Jonathan O'Brien: I would not blame the Deputy for using the term because sometimes this place is a bit of a circus and perhaps they are clowns in here. There are puppet masters and puppets and we all know who the puppet masters and the puppets are.

I was very interested in Deputy Coffey's contribution. He described this tax as a progressive measure. I do not know what planet he is living on but he is not living on planet earth if he thinks this tax is progressive. The State recognises that people who have lost their jobs do not have the financial means to support themselves and it steps in with financial intervention through social protection and assists those people. The State, with one hand, gives assistance over the counter to the most vulnerable people in society because it recognises they are unable to provide for themselves but it dips the other hand into their pockets to take back that assistance through a property tax. There is nothing progressive about that. That is regressive, disgraceful and despicable.

Deputy Coffey also said that this legislation was populist and Deputy Mitchell O'Connor criticised our tabling this legislation as being a waste of time. This is the place one tables legislation. She said that six months ago legislation was brought in to impose a property tax on the family home and that this Bill was a waste of time. I do not consider any legislation that is brought in and debated in this House as being a waste of time. That is what this institution is supposed to be for.

Deputy Coffey also said that it was easy for us in opposition to produce legislation like this. It was easy for us to be populist, to say what was popular because we would not have to back it up. He, as a backbench Government Deputy and his colleagues in Cabinet have to take the hard decisions, but that is the wrong debate. It is not about easy decisions and hard decisions, it is about right decisions and wrong decisions. The right decision in terms of regaining our economic sovereignty is to ask those who can pay more to do that. The wrong decision is to ask those who have nothing else to give to give more.

Deputy Áine Collins in her contribution said that two and half years ago when this Government came to power this State was on the verge of running out of money and thankfully, according to her, through the initiatives, policies and the legislation that this Government has brought in the State is now in a better financial position. What she failed to say is that every single week and month families across this State are indeed running out money. It is not something that may happen or will happen, it does happen.

A report published today on the education sector showed that 20% of our children go to school hungry. That is the reality. There is nothing progressive about this taxation. There is nothing easy about tabling legislation to repeal it. This measure is regressive and the legislation to repeal it is the right thing to do. Perhaps Deputy Coffey needs to look in a mirror and ask himself who he is representing. Is it the people who elected him-----

Deputy Paudie Coffey: Do not worry about me at all.

An Ceann Comhairle: The Deputy is over his time and he is taking time from his colleague.

Deputy Jonathan O'Brien: -----or is it the person who is looking back at him?

Deputy Paudie Coffey: I represent working class people as well and I represent them well in government.

Deputy Jonathan O'Brien: Working class people - that is fair enough.

Deputy Pádraig Mac Lochlainn: Remember the moment the Members opposite sat down on the Government benches at last after all the years out in the wilderness. At last they got their chance. The people had rejected with gusto Fianna Fáil for its bankruptcy of this State. They would have felt that was a moment of hope, a moment of great change. That was the rhetoric and that was the language that was used. Of all the cuts they brought in and all the promises they broke, what I find particularly unforgivable, as they sit on the Government side, is the intentional strategy they have to tell the people that there are no choices, no alternatives, no hope and no way other than this austerity that they have chosen.

9 o'clock

Deputy Phil Hogan: Nonsense.

Deputy Pádraig Mac Lochlainn: The Government will not fool us because we have sat with the troika and asked them what the challenge is. The troika has said it is only interested in deficit reduction in the coming years, but how we get there is entirely in our hands. The Government makes choices. It chooses every time to let the very wealthy in this State and those from overseas who come to this State off the hook. They say to the highly paid every time to stay where they are because everything is hunky dory. That is the choice the Government has made. It has decided against all economic logic to take €500 million, mostly through cuts, from low to middle-income people who spend money in the economy.

I do not think those on the Government side are stupid. They talk to businesses in their communities. They must see that the economy desperately needs a lift, stimulus, hope and positivity, yet they continue to take more. Where is the logic? There is a crazy situation whereby the Minister for Social Protection, Deputy Joan Burton, gives speeches about an end to austerity and our President, Michael D. Higgins, goes to Europe and says things that are absolutely right,

12 June 2013

and those on the Government side all say he is absolutely right. What the hell are they at? One minute they tell us that we have to go through austerity, that we must have the household tax and that we cannot tax the wealthy because, God forbid, they would run a million miles if we ever asked them to pay their fair share, while on the other hand they talk about an end to austerity. It is almost like two different people or mindsets. When will we see an end to austerity?

Then they come to us and talk about alternatives. We give the Government alternatives budget after budget, fully costed by the Department of Finance. What does the Government need? Some €365 million could be saved by implementing a third rate of tax on the highly paid. The Government could raise hundreds of millions from a wealth tax on the assets of the very wealthy who are here. It could raise hundreds of millions if it brought in standardised discretionary tax rates. I could go on and on. The Government makes choices. In the case of those in Fine Gael, it is no surprise. They always represented the big house and always looked after those in it. Now they have followed Fianna Fáil and sucked the hope out of our people again, but the people are waiting for them in the long grass.

Deputy Phil Hogan: We are taxing them.

Deputy Pádraig Mac Lochlainn: The Government can be sure of this: it may have forced the hound-dogs of Revenue onto the people and brought in the legislation, and the people might be paying the tax reluctantly now, but they will not be fooled.

Deputy Anthony Lawlor: How does one call a hound-dog?

Deputy Pádraig Mac Lochlainn: They will have their say, and the smirks will be wiped off the Government faces something beautiful. I look forward to that day.

Deputy Phil Hogan: Tiocfaidh ár lá.

Deputy Pádraig Mac Lochlainn: I look forward to the day of retribution when all the hope and all the lies those in government told and all the promises they broke come back to kick them in the backside. They have it coming to them in a big way.

Deputy Paudie Coffey: Sinn Féin would send the troika home.

Deputy Pádraig Mac Lochlainn: Here is the final mix.

An Ceann Comhairle: You are over time, Deputy.

Deputy Pádraig Mac Lochlainn: I understand Fine Gael, and we know all about those in Fianna Fáil who say that we cannot pay this tax now but they have no alternatives and no commitments.

Deputy Paudie Coffey: The Deputy has all the bluster but no solutions.

Deputy Pádraig Mac Lochlainn: Anyway, what the hell is going on with the Labour Party? A documentary has been made called “Labour’s Way”. It reminds every Labour Party member of the great mistakes they made in the past, including being the buttress to right-wing Fine Gael Governments that imposed austerity. Here they are again making the same mistakes. Those in government have choices. They should stop the nonsense, stop trying to suck the hope from our people and do the right thing. If they do not, they should have no doubt: they will meet the same fate as Fianna Fáil.

Question put:

<i>The Dáil divided: Tá, 49; Níl, 81.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barry, Tom.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Burton, Joan.</i>
<i>Calleary, Dara.</i>	<i>Butler, Ray.</i>
<i>Collins, Joan.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</i>	<i>Byrne, Catherine.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Eric.</i>
<i>Cowen, Barry.</i>	<i>Cannon, Ciarán.</i>
<i>Crowe, Seán.</i>	<i>Carey, Joe.</i>
<i>Daly, Clare.</i>	<i>Coffey, Paudie.</i>
<i>Doherty, Pearse.</i>	<i>Collins, Áine.</i>
<i>Donnelly, Stephen S.</i>	<i>Conaghan, Michael.</i>
<i>Dooley, Timmy.</i>	<i>Conlan, Seán.</i>
<i>Ellis, Dessie.</i>	<i>Connaughton, Paul J.</i>
<i>Ferris, Martin.</i>	<i>Conway, Ciara.</i>
<i>Flanagan, Luke 'Ming'.</i>	<i>Coonan, Noel.</i>
<i>Fleming, Tom.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Grealish, Noel.</i>	<i>Daly, Jim.</i>
<i>Halligan, John.</i>	<i>Deasy, John.</i>
<i>Healy, Seamus.</i>	<i>Deenihan, Jimmy.</i>
<i>Healy-Rae, Michael.</i>	<i>Deering, Pat.</i>
<i>Keaveney, Colm.</i>	<i>Doherty, Regina.</i>
<i>Kelleher, Billy.</i>	<i>Donohoe, Paschal.</i>
<i>Kitt, Michael P.</i>	<i>Dowds, Robert.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Doyle, Andrew.</i>
<i>McConalogue, Charlie.</i>	<i>Durkan, Bernard J.</i>
<i>McDonald, Mary Lou.</i>	<i>English, Damien.</i>
<i>McGrath, Finian.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Mattie.</i>	<i>Feighan, Frank.</i>
<i>McGrath, Michael.</i>	<i>Fitzpatrick, Peter.</i>
<i>McGuinness, John.</i>	<i>Flanagan, Charles.</i>
<i>McLellan, Sandra.</i>	<i>Flanagan, Terence.</i>
<i>Moynihan, Michael.</i>	<i>Griffin, Brendan.</i>
<i>Murphy, Catherine.</i>	<i>Hannigan, Dominic.</i>
<i>Nulty, Patrick.</i>	<i>Harrington, Noel.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Hayes, Brian.</i>
<i>Ó Cuív, Éamon.</i>	<i>Hogan, Phil.</i>
<i>Ó Feargháil, Seán.</i>	<i>Howlin, Brendan.</i>

12 June 2013

<i>Ó Snodaigh, Aengus.</i>	<i>Humphreys, Heather.</i>
<i>O'Brien, Jonathan.</i>	<i>Humphreys, Kevin.</i>
<i>Pringle, Thomas.</i>	<i>Keating, Derek.</i>
<i>Ross, Shane.</i>	<i>Kehoe, Paul.</i>
<i>Shortall, Róisín.</i>	<i>Kenny, Seán.</i>
<i>Smith, Brendan.</i>	<i>Kyne, Seán.</i>
<i>Stanley, Brian.</i>	<i>Lawlor, Anthony.</i>
<i>Tóibín, Peadar.</i>	<i>Lyons, John.</i>
<i>Troy, Robert.</i>	<i>McCarthy, Michael.</i>
<i>Wallace, Mick.</i>	<i>McEntee, Helen.</i>
	<i>McGinley, Dinny.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mathews, Peter.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Neville, Dan.</i>
	<i>Noonan, Michael.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Quinn, Ruairí.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Shatter, Alan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies Aengus Ó Snodaigh and Pearse Doherty; Níl, Deputies Emmet Stagg and Paul Kehoe.

Question declared lost.

Further Education and Training Bill 2013: Report Stage (Resumed) and Final Stage

An Ceann Comhairle: Amendment No. 43 has already been discussed with amendment No. 30.

Minister of State at the Department of Education and Skills(Deputy Ciarán Cannon): I move amendment No. 43:

In page 25, between lines 39 and 40, to insert the following:

“48.—Anything commenced and not completed before a property vesting day by or under the authority of An tSeirbhís may, in so far as it relates to a function transferred to an education and training board on that day under *subsection (6) of section 46*, be carried on or completed on or after that day by that education and training board.”.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 44:

In page 25, to delete lines 40 to 48 and substitute the following:

“46.—The Freedom of Information Act 1997 is amended by—

(a) the insertion, in subparagraph (2) of paragraph 1 of the First Schedule, of “An tSeirbhís Oideachais Leanúnaigh agus Scileanna”, and

(b) the insertion—

(i) in column (2) of Part I of the Third Schedule, of “the *Further Education and Training Act 2013*”, and

(ii) in column (3) of that Part opposite the mention in the said column (2) of the *Further Education and Training Act 2013*, of “*section 18*”.”.

This is an amendment to the Freedom of Information 1997 which provides that SOLAS will be subject to the Freedom of Information Act.

Amendment agreed to.

Deputy Ciarán Cannon: I move amendment No. 45:

12 June 2013

In page 25, after line 48, to insert the following:

“47.—Section 52 of the Qualifications and Quality Assurance (Education and Training) Act 2012 is amended, in subsection (2), by the insertion of the following paragraph:

“(aa) an education and training board established by section 9 of the Education and Training Boards Act 2013;”.

This is an amendment to the Qualifications and Quality Assurance (Education and Training) Act 2012. It provides that an education and training board established by section 9 of the Education and Training Boards Act 2013 may request Quality and Qualifications Ireland for delegation to make an award under the Qualifications and Quality Assurance (Education and Training) Act 2012.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 13 June 2013.