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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

DÁIL ÉIREANN

Dé Máirt, 3 Nollaig 2013

Tuesday, 3 December 2013

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

Paidir.
Prayer.

Business of Dáil

An Ceann Comhairle: Before proceeding to Question Time, I invite the Minster of State at the Department of the Taoiseach, Deputy Paul Kehoe, to move a motion.

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

That, notwithstanding anything in Standing Orders, Oral Questions to the Taoiseach shall not be taken today and Leaders' Questions shall be followed by the Order of Business.

Question put and agreed to.

Ceisteanna - Questions

Priority Questions

North-South Implementation Bodies

1. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht the reason the Ulster-Scots Agency spent more than €480,000 of public funds over 12 months without proper authority in 2010; the reason there is a delay of two years in the publication of the agency's annual report; and if he will make a statement on the matter. [51571/13]

Deputy Seán Ó Fearghaíl: The question is posed in the context of our strong support for the work of the Ulster-Scots Agency, but we are conscious of the fact that the agency has not published-----

Deputy Dinny McGinley: I have not yet answered the question.

Acting Chairman (Deputy Robert Troy): The Deputy has 30 seconds to introduce the question under new Standing Orders.

Deputy Dinny McGinley: Is that something new?

Deputy Seán Ó Fearghaíl: Yes.

Deputy Dinny McGinley: I did not realise that. When did this come in?

Deputy Seán Ó Fearghaíl: Under Standing Orders that the Government parties imposed upon us some weeks ago.

Deputy Dinny McGinley: More reform.

Deputy Seán Ó Fearghaíl: The question is posed in the context of our support for the Ulster-Scots Agency, but we are conscious of the fact that we have not seen the publication of the annual accounts since 2010 and of the report that over €400,000 of public money has been spent by the agency, which has joint funding from North and South of the Border, apparently without proper approval.

Acting Chairman (Deputy Robert Troy): For the benefit of the Minister of State, under new Standing Orders the person proposing the question has 30 seconds to introduce the question and the Minister of State has two minutes for the initial reply, after which there is one minute each for the questioner and the Minister of State.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): I thank the Acting Chairman for the explanation. The Ulster-Scots Agency is an agency of the North-South Language Body, An Foras Teanga, with responsibility for promoting the Ulster-Scots language and culture within Northern Ireland and throughout the island of Ireland. As a result of legislative requirements, the annual report and accounts of the Ulster-Scots Agency form part of the annual consolidated report and accounts of An Foras Teanga. In regard to the 2010 accounts, the certificate of the Comptrollers and Auditors General indicates that the agency incurred expenditure totalling £372,523, or €432,124, in connection with which the procedures employed did not comply with those laid down in the language body's financial memorandum. The Comptrollers and Auditors General have noted the actions taken by the agency to improve its financial controls surrounding grants in general, which include additional staff training, revision of internal processes, revision of claim forms and enhanced requirements for documentation in support of claims for payment. I understand that the matters referred to in the 2010 accounts relate to legacy issues which have since been addressed by the agency.

In regard to the publication of annual reports and accounts, it is worth noting that the production of consolidated accounts is particularly complex in this case, arising from the unique organisational structure of An Foras Teanga as a North-South body comprising two distinct agencies, and from the particular legislative requirement that the annual report and accounts of the agencies be published as a single consolidated document. It is also important to note that the delays that have arisen in recent years in publishing the annual reports and accounts of An Foras Teanga may be seen, in many ways, to have their origin in issues that arose with regard to the 2000 and 2001 accounts, which were not published until 2005. In accordance with a direction from the North-South Ministerial Council, a high level of priority has been given to tack-

ling the backlog in recent years, as a result of which 11 annual reports and accounts have been published since 2005 for An Foras Teanga. It is envisaged that the annual report and accounts for 2011 will be certified by the Comptrollers and Auditors General and laid before the Houses of the Oireachtas and the Northern Ireland Assembly in the very near future. Finally, I should point out that the Ulster-Scots Agency is up-to-date with the submission of its own individual draft annual reports and accounts up to and including 2012.

Deputy Seán Ó Fearghaíl: I welcome the Minister of State's response, to some extent. This is really unfortunate in the context of the valuable work that the organisation does, and we all wish it well as it faces fairly major challenges. The public, both North and South of the Border, want to be absolutely certain that every cent of public money being devoted to causes such as these is being properly expended, with proper approvals in place. The difficulty is that it appears the agency spent £126,000 on rent and service charges for its Great Victoria Street offices in Belfast city centre without getting formal business approval. In addition, the audit revealed that £176,000 was paid in 2009 and 2010 for the production and distribution of the agency's newspaper, *The Ulster-Scot*, again without the proper procedures being in place. The Minister of State told us the publication of the annual accounts was a complex issue, but we have not seen accounts since 2010. It is time, irrespective of the complexity of the issue, for the accounts to be published and dealt with in a normal and transparent manner, as is expected of these bodies.

Deputy Dinny McGinley: As I stated, there are legacy issues, and the 2000 annual report was not published until 2005. I am sure the Deputy agrees that major progress has been made, and the 2011 report will be published in the very near future. It was discussed at a meeting of the North-South Ministerial Council the week before last. I am glad the Deputy recognises the excellent work engaged in by the Ulster-Scots Agency, which is a significant part of our cultural history in Northern Ireland and the Border counties, including my own constituency. I have had the pleasure and privilege of attending a number of functions organised by the agency in recent weeks and as recently as last Saturday night.

There have been legacy issues. Ms Carál Ní Chuilín MLA, our opposite number in the Northern Ireland Assembly, the Minister, Deputy Deenihan, and I have given top priority to ensuring the accounts are brought up to date. Major progress has been made. The Deputy identified areas where procurement was not as it should have been in the past, including the office space and the newspaper. These matters have been addressed. The draft report for 2012 has already been prepared by the Ulster-Scots Agency but we cannot have the 12th before the 11th.

Deputy Seán Ó Fearghaíl: The Minister of State said legacy problems exist which date back to 2001 and 2005. In 2013 we should not be talking about legacy issues from that period. If there were problems then they should have been solved by now. I am not trying to score political points because there are no political points to be scored in this situation. It is simply a requirement that the business would be transacted in a professional manner.

Could the Minister of State outline the engagement he has personally had with his Northern counterpart on the matter? Could he assure the public that the legacy issues to which he referred have been resolved and that in future the documents will be published in a smooth and effective manner on an annual basis?

Deputy Dinny McGinley: I reiterate that major progress has been made. There were legacy issues but we are not dealing anymore with 2001 or 2005, we are dealing with 2011. The

report will be published in the near future, certainly before the next round of ceisteanna in the House on this matter. We now have the utmost confidence in the approach taken to these matters. I do not deny there were problems in the past but I am satisfied that there is now adherence to acceptable and normal procedures.

Commemorative Events

2. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht his views on the current status of plans to commemorate the centenary of 1916; if key historical projects such as Teach an Phiarsaigh, the Moore Street Monument, and Kilmainham Courthouse, will be ready in time for that centenary; and the way he intends to support the arts sector in commemorating the centenary. [51470/13]

Deputy Sandra McLellan: I wish to ask the Minister for Arts, Heritage and the Gaeltacht the current status of plans to commemorate the 1916 centenary and whether he could give us an update on whether key historical projects such as Teach an Phiarsaigh, the Moore Street Monument and Kilmainham Courthouse will be ready in time for the centenary. The monuments must be renovated and developed prior to 2016. Could the Minister also outline the way he intends to support the arts sector in commemorating the centenary?

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank the Deputy for raising this matter. It is my objective in relation to the 1916 centenary programme to bring forward a programme of commemorative events and projects that is comprehensive, authentic and inclusive. Having regard to the time remaining for preparations, my priority attention has been oriented towards the preparation of a number of capital projects that I believe would provide a significant and enduring acknowledgement of the Rising and the birth of the Irish Republic. Plans relating to key historical locations, including those mentioned by the Deputy, are under consideration. A capital allocation of €6 million for 2014 was announced in the recent budget to fund a number of commemoration projects including the GPO inner courtyard interpretative facility, the Military Archives, Teach an Phiarsaigh, and other projects.

Work has commenced on the Kilmainham Courthouse project, while I understand that the preparation of the military service pensions archive has progressed to enable the inaugural online launch of material to proceed at an early date, hopefully in January. Further announcements will be made on a continuing basis over the coming months on the several other capital projects relating to the Easter Rising.

The Deputy will also know that on 16 July last I made a determination in relation to a consent application and related environmental impact statement on the Moore Street National Monument which provides for the creation of a 1916 commemorative centre involving the full repair and conservation of the four buildings. The consent is conditional on a revised project design being submitted to me for approval within nine months of that decision date.

Other initiatives to excite interest and encourage participation are being carried forward. The online reporting of contemporary news continues with Century Ireland and attracts a wide audience. That was recently recognised with an award. Special arrangements such as the issue of commemorative postage stamps are being planned. The Department of Education and Skills recently announced a competition, organised in association with its counterpart in Northern Ireland, to encourage research and the study of history at primary and secondary level. Exhibi-

tions, lectures and presentations are being prepared by the national cultural institutions, academic centres and by community groups throughout Ireland. The Abbey Theatre is currently staging a new production of James Plunkett's "The Risen People". The commemoration of the 1913 Lock-out was marked by a spirit of sincere co-operation between groups, not only ICTU and the national cultural institutions, but also local authorities, artists and communities. It is my intention that commemorative arrangements for the centenary of the Easter Rising will build on this model.

Deputy Sandra McLellan: I thank the Minister for his answer. I note that work has commenced on many projects, but I stress again the need to ensure the sites in question will be ready. The arts have a substantial role to play in the commemorative events. I note the great success of the selection of *Strumpet City* by Dublin City Public Libraries through the Dublin: One City, One Book project. This drew great attention to the Lock-out commemoration. Has the Minister had many engagements with the Arts Council and will any additional funding be provided to this end?

Deputy Jimmy Deenihan: I have had engagements with all the national cultural institutions and the Arts Council. I am really very encouraged by their approach to and enthusiasm for the decade of commemoration, especially the focus on 1916. The centenary of the Proclamation of the Irish Republic will be a most important anniversary. I anticipate that the special arrangements for the location will be of interest internationally also.

As always, I welcome the views of the Members, including those of Deputy McLellan. The Deputy has engaged very positively since she assumed her position. The anniversaries of Home Rule and the Dublin Lock-out and the ceremony to mark the foundation of the volunteers were all very respectfully carried out. I am very happy that we have made a very promising start in the spirit of inclusiveness, tolerance and mutual respect.

Deputy Sandra McLellan: The Minister mentioned Moore Street in his reply. The decision of 16 July was very welcome. Time is moving on and I stress again the importance of engaging with all the stakeholders and using whatever ministerial powers exist to ensure the historic site will be developed prior to the centenary of the 1916 Rising.

Have there been further developments regarding Moore Street? Has the Minister been notified by Chartered Land and has it submitted any further plans to date?

Deputy Jimmy Deenihan: The major development, which I read recently in the newspaper, is that NAMA has committed a huge sum of money for the restoration of the monument. I was not directly notified of that by NAMA but it was in the national newspapers. I am waiting for another proposal from the developer about its intentions regarding the national monument. That is my responsibility, as I have pointed out so many times in the House. I have responsibility just for the national monument. We rejected the previous proposal concerning part of the site. I am awaiting a proposal by the developer as to what it now intends to do, having had that rejection. When I receive that proposal from the developer, I will make a determination. I hope the proposal will be submitted as soon as possible.

The remainder of the site, which is often referred to in the House, is a matter for Dublin City Council and An Bord Pleanála. It is their responsibility, whereas mine is for the national monument. I certainly welcome the report in the newspaper that a large sum of money has been committed. I await the proposal of the developer as regards the remainder of the site, apart from

the houses.

National Archives

3. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the reason 70,000 boxes of archives held by the National Archives are at present uncatalogued and in need of archival and preservation processing; if this backlog means that the National Archives is not being facilitated with the necessary resources to allow it to fulfil its statutory obligation to preserve State records; his plans to assign more staff and resources to the National Archives to help process this backlog; and if he will make a statement on the matter. [51626/13]

Deputy Catherine Murphy: I tabled this question because I received a response to a parliamentary question on the extent of uncatalogued records in the National Archives. There are 70,000 boxes, which is more than I believed were in the archives. Obviously the National Archives has a statutory function, but that function can be properly put into effect only if there are sufficient resources to catalogue and preserve records properly. Essentially, I seek to know whether resources will be allocated to deal with the extraordinary backlog of uncatalogued records, which I am sure comprise quite a treasure trove.

Deputy Jimmy Deenihan: As the Deputy is aware, the National Archives is responsible by law for the acquisition of records of permanent value from Departments of State, the courts and 61 named bodies. The National Archives can also acquire archives from other sources, such as businesses, hospitals, charities and voluntary bodies, where it is considered that the archives are of outstanding quality and value. This can, on occasion, entail the rescue of archives that are in danger of destruction.

I understand that the National Archives has a historic backlog of approximately 70,000 boxes of archives which need archival and preservation processing to varying degrees. These documents are held in safe and secure conditions but, in light of the pressure on resources, progress on the historic backlog is likely to be slow. As each archival collection will require different levels of work, it is not possible to estimate accurately the funding implications arising. I would like to make it clear that the National Archives statutory annual intake of official records does not generate any backlog in cataloguing work and is catalogued within existing resources each year.

The historic backlog largely comprises records of national significance rescued by the National Archives in order to secure their preservation, where there is no legal requirement on the agency that created them to implement an archival preservation programme; and records acquired by the former Public Record Office of Ireland and State Paper Office of Ireland from Government Departments and offices prior to the enactment of the National Archives Act 1986, in order to secure the preservation of these records in the absence of a legally mandated institution to perform this preservation work.

Cataloguing is one of the core professional duties of archivists in the National Archives, requiring specialist knowledge and in-depth understanding of the content and historical and administrative context of the archives. Unfortunately, due to the moratorium on recruitment, it has not been possible to increase the number of archivists in recent years. Consequently, while the annual intake is catalogued and managed within current staffing resources, the backlog of 70,000 boxes cannot be dealt with at present, other than on an incremental basis as resources

permit. I would like, in that context, to acknowledge here in the House the high level of work and commitment by the director and her staff.

Deputy Catherine Murphy: I do not doubt the high level of commitment of the very limited number of staff at the National Archives. The National Archives appears to be the poor relation in terms of allocation of staff while at the same time we have archivists who are unemployed and in receipt of social welfare payments. It does not stack up that we would have such a monumental job of work to do.

Will the Minister consider seeking a relaxation of the moratorium on recruitment, given the extent of the backlog? I am concerned that there are some people with valuable records which they might want to place in a national institution so that they become publicly available - particularly in the context of the forthcoming centenary celebrations - but they are getting the wrong signals from us because the National Archives is not capable of dealing with the large volume of historical records already in its possession. This may mean that records are not put into public ownership which should rightfully be publicly owned.

Deputy Jimmy Deenihan: Records of historical significance are being prioritised and that will continue to be the case. On the question of the moratorium, we recently appointed archivists to the National Archives, not to deal with the backlog but to work on other projects. The National Archives succeeded recently in securing some philanthropic donations which will also help. There is also a problem with space, unfortunately. When we had the resources in this country to provide adequate space it was not provided. The Minister of State, Deputy Brian Hayes, and I visited the National Archives recently and the OPW is now drawing up a proposal for additional accommodation which I hope to bring to Government soon. I know there is strong support among my Government colleagues for the National Archives. Indeed, the Taoiseach has a particular interest in the National Archives and visited there recently. Within the current constraints, I am very confident that we can make progress.

Deputy Catherine Murphy: It is welcome that there will be some proposal regarding the accommodation of the boxes. There is also the prospect of using the Internet to display records and a catalogue of the boxes' materials. However, a catalogue will have to be fully compiled first. The destruction of the Public Record Office of Ireland in 1922 was a terrible act of vandalism and a significant loss. This has led to the fragmentation of the public records sets. While not questioning the National Archives accommodation, one must ask about the quality of the locations where some public records are kept. Are we committing the same destruction in a different way? Do we have any respect for the written heritage of this country when we cannot even catalogue our public records in a timely way so they can be fully used for research?

Deputy Jimmy Deenihan: The records contained in the 70,000 boxes in question are kept in a secure place and will be available to the public in the not-too-distant future. Since 2008, the National Archives has experienced a 41.64% reduction in its operational budget. If the Deputy checks the Estimates from the past three years, she will see how I have done my best to arrest that decline in funding. Last year and this year, the budgetary reduction was minimal. I have tried my best, within the constraints of the overall reductions to my departmental budget, to minimise the reduction in funding for the National Archives.

There has never been more interest in archival material, principally because it is the decade of commemorations. Some really interesting projects are under way both inside and outside the National Archives. Any archives of historical importance will be made available during the

decade of centenaries.

Air Strips

4. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht the current status of the airstrips at Inishbofin and Cleggan in Connemara; the way his Department plans to ensure that the airstrips are successful in their operations; and if he will make a statement on the matter. [51572/13]

Deputy Seán Ó Fearghaíl: This question focuses on the interconnectivity between Cleggan and Inishbofin Island, Connemara, County Galway. Up to €8.6 million in public funding was allocated to the provision of two runways at the two sites. The intention of providing an air service between the two sites was that economic activity on Inishbofin, with 160 inhabitants, would be enhanced through tourism. It appears now the runways are not in use, other than for emergencies by the Air Corps. What does the future hold in respect of these airstrips?

Deputy Dinny McGinley: My Department does not intend to engage in any further development at the airstrips on Inishbofin and at Cleggan in County Galway. A decision has been made to dispose of the airstrips. This decision was made in view of the economic downturn, the ongoing cost of maintaining the airstrips and the unlikelihood that my Department will, at any time in the near future, have the resources to subsidise a regular air service between the island and the mainland. My Department is assessing the disposal options available to it and a decision in this regard will be announced in due course.

Deputy Seán Ó Fearghaíl: I am disappointed and horrified by the Minister's response. My understanding was that the Minister appointed a firm of consultants to carry out a detailed design and costing in order to prepare tender documents for the construction phase of the terminals at Cluain Leacht, Cleggan, and at Inishbofin. Planning permission was granted for these two terminal buildings. Funding required at this point to complete the project is approximately €500,000. I stand to be corrected by the Minister if he has more up-to-date information on that.

Is the Minister saying the population of Inishbofin will not be served by this air interconnector, that the economic development of the area is being abandoned and that the Government is powerless to do anything about this?

Deputy Dinny McGinley: My priorities are to maintain the existing level of access services currently available to the island, and I conveyed that to the Irish Islands Federation when I met its representatives shortly after being appointed to office. I am glad to say that so far, we have succeeded in doing that for passenger service access, cargo access, air service access or transport to the mainland to people who want to visit Galway and other areas.

As the Deputy has pointed out, the air strips at Cleggan and Inishbofin were developed at a cost of €8.6 million at a time when we thought we had unlimited economic resources in this country, although later we found out that we did not. My entire budget for maintaining the services for the islands is €6 million. I think we did very well, in spite of the cutbacks brought in across the board in every other Department, to maintain that €6 million last year, this year and next year to keep providing the services that are already there. Unfortunately, at this stage, due to the economic downturn and the cutbacks, we cannot afford to develop and maintain further air services. That is the economic reality of the position in which we find ourselves.

Deputy Seán Ó Fearghaíl: It is also a reality that the Minister of State commissioned consultants to design the next phase of the development and that the €8.6 million of public money which has been invested appears to be abandoned by him and his Department. I plead with him not to do that. I ask him to give us some indication of what his Department intends to do to ensure that the money already spent is not rendered useless, and to ensure that the airstrips are maintained so that when the economy improves, these strips can be used by the public, as well as for the development of Inishbofin. We are all committed to seeing the islands along our western coast developed, and this is an essential part of the infrastructure that is necessary and has been deemed necessary to see the proper development of Inishbofin.

Deputy Dinny McGinley: We have just initiated a process on whether to sell or lease or whatever. No decision has been made yet. We are in touch with the island community as well. I was there during the summer and I took the very efficient ferry from Cleggan out to Inishbofin and back, and had a very pleasant day on the island. What we want is in the best interest of the islanders. Perhaps an interest may be expressed locally in operating that service. We are wide open to suggestions. The Department is providing services to 24 inhabited islands, and in an ideal world I would like to have an airstrip in every island of the country, but that is not possible. We have airstrips in Inishmore, Inisheer, Inishmaan, Inishbofin, Cleggan, Spiddal and Galway itself. There is quite a number of airstrips in the area. We are maintaining the existing services and we are not just in a position to incur the extra costs, but in anything that is done, we will certainly consider the needs of the islanders. The process is only beginning.

Irish Language

5. **Deputy Luke 'Ming' Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if he will consider Irish text only day; if he or his Department officials have examined this idea in the past; and if he will make a statement on the matter. [51695/13]

Deputy Luke 'Ming' Flanagan: The purpose of my question is to encourage the Minister of State with responsibility for the Gaeltacht to do something innovative to save the Irish language. I know he is doing many things, but much of these would appear pretty similar to what has been done in the past. We know that if we keep doing something that has failed over and over again, it is time to start looking at a new way of doing it. What I am proposing is that we make use of technology. Unfortunately, I have limited use of the Irish language, but I make an effort to text a couple of my friends in Irish. It is a good way to employ the language, whatever one's ability. Will the Minister consider promoting a national text-in-Irish day?

Deputy Dinny McGinley: My Department has overarching responsibility for co-ordinating the implementation of the 20-Year Strategy for the Irish Language 2010-2030. The strategy promotes a holistic, integrated approach to the language, which is consistent with international best practice. It is an ambitious and challenging strategy covering nine areas of action, including education, the Gaeltacht, the family, public services, the media and legislation. The implementation of the strategy is being progressed in collaboration with key stakeholders, including agencies directly funded by my Department.

In that context, Foras na Gaeilge has a key role in regard to the provision of resources and supports for the Irish language on an all-island basis. The strategy notes that Foras na Gaeilge will continue to deliver on its statutory responsibilities in respect of the language, which include funding projects and grant-aiding bodies and groups to support Irish, as appropriate. A

comprehensive list of apps available through Irish may be found at *www.nascanna.com*, for which funding was provided by Foras na Gaeilge. The website is a directory which provides information on computer facilities that are generally available in Irish. These facilities encourage the daily use of Irish, especially among young people. Another useful site which provides assistance and advice on various aspects of using Irish in modern technology is *www.anseo.net/category/projects/gaeilge-apps*.

I commend the Deputy on his innovative suggestion of introducing an Irish language texting day. While my Department has no direct function in such a matter, it is an initiative that might be pursued by one or more of the various voluntary Irish language organisations. I will be happy to bring the Deputy's suggestion to the attention of Foras na Gaeilge.

Deputy Luke 'Ming' Flanagan: I thank the Minister of State for his positive response. The thinking behind my proposal is that one can go into complexities in a text message, even though it is short, that one might be embarrassed - the word náire comes to mind - to attempt in the spoken word. There is the option with texting of checking a dictionary, which is not available in spoken conversation. Texting gives the opportunity to consider and develop one's reply. I intend to write to the various mobile service providers to ask whether they will accommodate this initiative. If they are amenable, I hope the Department will do its best to promote it. It is essential that we save the language, and any new initiative in that regard is worth pursuing.

Deputy Dinny McGinley: The Deputy has put forward a creative and imaginative idea and, as I said, I certainly will convey it to the relevant authorities, including Foras na Gaeilge and perhaps some of the voluntary language organisations. I agree that social media represent a vital and influential element of social intercourse. This is particularly so for young people, who are the people we want to target for the future of the language. Cuirim fáilte roimh an mholadh seo. I recall that one of the Deputy's first contributions was during Question Time, when I was answering questions, when he recalled his own school days. A dhroimeann donn dílis, a shíoda na mbó, cá ngabhann tú san oíche is cá mbíonn tú sa ló? I will be happy to pass on his proposal.

Acting Chairman (Deputy Robert Troy): The time for Priority Questions has expired. The remaining questions will be taken in ordinary time.

Other Questions

Turf Cutting Compensation Scheme

6. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht if he will review the content and conditions of contracts issued to turf cutters under the cessation scheme; the number of contracts issued and the numbers returned to date; the number under each compensation or relocation category; and if he will make a statement on the matter. [51402/13]

Deputy Denis Naughten: My question relates to the binding agreement that was issued by the Department to bog owners and turf cutters regarding the cessation of turf cutting. The difficulty is that if people do not have a relocation site in place within the time period, the Department can provide them with an alternative, which might be just a €1,500 compensation

package, without access to bog relocation.

Deputy Jimmy Deenihan: I thank the Deputy for raising this matter this afternoon.

Under the cessation of turf cutting compensation scheme, three types of legal agreements have been and are being issued by my Department. First is a legal agreement for qualifying turf cutters who are signing up to the annual payment of €1,500, index-linked, for 15 years. Second is a relocation interim legal agreement for qualifying turf cutters who have expressed an interest in relocation, but where no relocation site is currently available for them to relocate to. This relocation interim legal agreement provides for the payment of €1,500, index-linked, or a supply of 15 tonnes of cut turf per annum, while these applicants are awaiting relocation to non-designated bogs. Third is a relocation final legal agreement. This agreement has been issued to qualifying turf cutters where a site has been assessed as suitable for relocation and is ready, or can be made ready, for use for domestic turf cutting. Turf cutters who sign and return the applicable legal agreement to my Department will also receive a once-off incentive payment of €500.

The interim legal agreement is required in the case of relocation sites because, for the majority of raised bog special areas of conservation, the relocation site and the terms and conditions applicable to those sites will take time to finalise. Turf cutters are being asked to sign the interim agreement, on the understanding that when a relocation site is sourced, assessed and agreed, they will be asked to sign a final legal agreement at that time. If it is not possible to find a suitable relocation site, for example, for reasons of quality or quantity of turf, planning requirements or issues relating to the purchase or lease of a site, my Department will consult with turf cutters as to the best option to take at that time. I am satisfied that the legal agreements as set out are appropriate to the circumstances in these cases.

It is the aim of my Department to secure a relocation site for every person who has applied for one and progress is being made in that task. However, relocation is a complex process that takes time to deliver. The agreements being issued reflect this reality. The interim agreement is designed to give all stakeholders the time to deliver relocation options that work for turf cutters. The clear directions that I have given my officials is to examine all relocation options with a view to securing alternative cutting locations for as many turf cutters as possible within the shortest timeframe.

Additional information not given on the floor of the House

Some 1,689 legal agreements have been issued and my Department is continuing to issue agreements to qualifying applicants. Applicants have been requested to return the completed legal agreements within four months of the date of issue. Some 1,151 legal agreements have been returned to my Department thus far. To date, in the region of 700 once-off incentive payments of €500 have been made to applicants in respect of these legal agreements. The numbers of legal agreements by type issued by and returned to my Department are not available at this time because the Department is prioritising the making of payments and the finalisation of contracts.

Deputy Denis Naughten: I thank the Minister for his response. The difficulty is that the officials in the Department are supposed to have been looking at relocation options since 1996. How much more time are they to be given? In regard to the interim legal agreement, the contract as it stands allows for compensation to be paid only for a maximum of six years.

What happens after the six years if an alternative bog is not available? The contract is heavily weighted in favour of the Department and during the period of the contract the Department has access to the individual's bog and could carry out works that would make it impossible for the bog owner to start cutting turf there again. Is it the intention of the Department to do that? Does the Department intend to ensure other alternatives are put in place or does it intend to close the door after the six-year period.

Deputy Luke 'Ming' Flanagan: Will the Minister confirm that not a single SAC bog issue has been completely resolved to the satisfaction of the turf cutters?

Deputy Jimmy Deenihan: In response to Deputy Naughten's, this is a very complex issue. The Deputy has been raising this issue in the Dáil for a number of years and has been very consistent on the issue. Given the location of the bogs, I would hope it will be possible to find relocation sites for the 700 or so turf cutters who have expressed an interest in relocation. As the Deputy knows, the majority of turf cutters have accepted the compensation and significant numbers are signing up to the contracts daily. Approximately 1,151 legal contracts have been returned to the Department and we are going through the process. I agree these people are entitled to relocation since they have expressed an interest in it. Unfortunately the quality and quantity of turf of some of the bogs the Turf Cutters and Contractors Association, TCCA, identified for possible relocation sites do not measure up, which means we must consider other alternatives. I am very hopeful we can satisfy the 700 people on the special areas of conservation within the six-year period. I will respond to another question which has been tabled on bog relocation later. Progress has been made in Clara bog and in Curraghlehanagh and Carrownagappul bogs in Galway, and I hope they will be ready for relocation next year. It is not an easy process but I am confident we are making progress.

Deputy Denis Naughten: My understanding is turf cutters on Clara bog did not have to sign away their turbary rights but under the contracts before turf cutters throughout the country at present they are signing away their turbary rights. How many times has the Department issued either letters of clarification or letters of comfort to facilitate the signing of the approximately 1,200 legal agreements which have been signed? The Minister may not have the figure to hand but if he could come back to me on the issue I would appreciate it.

Deputy Luke 'Ming' Flanagan: Will the Minister specify which bogs identified by the TCCA as possible relocation bogs have turned out not to be suitable for turf cutting? Will he also tell me how just over 1,000 of the more than 9,000 turbary rights holders on the so-called special areas of conservation signing something is majority? My understanding is even at the round figure of 9,000 turbary right holders a majority would be 4,501.

Deputy Jimmy Deenihan: I am not aware there is a difference between Clara bog and other bogs. As Deputy Naughten knows, we are not taking ownership of the bog from people. They still own the bog and all we are doing is ensuring they do not cut the bogs. With regard to the letters of clarification and comfort, there is a continuous process between the Department and turf cutters. It is a very busy office as the Deputy can imagine. I do not have the information here but I can certainly find out for the Deputy. The contractual arrangement is quite complex. Deputy Naughten has been very helpful in the past in trying to find a solution to this and if he has any suggestions I will certainly hear them. From the very beginning my door has always been open for discussion, even to those who criticise me at times.

I will certainly come back to Deputy Flanagan with the clarification he seeks on the bogs

the TCCA recommended for relocation which did not measure up with regard to quality and quantity. Unfortunately, when some of the bogs which we thought were the ideal solution were examined it was discovered they do not have the quality or quantity of turf to satisfy the number of people seeking relocation.

Acting Chairman (Deputy Robert Troy): I ask Members to try to adhere to the time limits in the interests of fairness. Other Members would like their questions to be reached.

Appointments to State Boards

7. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht when he intends to fill the current vacancies on the board of the Arts Council; his views on the length of time for which those vacancies have been in existence; and the process for filling the relevant positions. [51467/13]

Deputy Sandra McLellan: In reply to a recent parliamentary question, the Minister indicated that there was just one vacancy on the Arts Council board. Will he indicate whether this is still the case and whether other vacancies will arise in the near future?

Deputy Jimmy Deenihan: At the time there was one vacancy, and that has been filled. However, other vacancies are due to arise and I will now outline how it is proposed to deal with them.

At present, there are no vacancies on the Arts Council. Section 11 of the Arts Act 2003 states that the Council shall consist of a chairperson and 12 ordinary members appointed by the Minister for Arts, Heritage and the Gaeltacht to serve for a term of five years. Details and biographies of the members, along with the dates on which they were appointed and their respective terms of office, are available on the website of the Arts Council at *www.artscouncil.ie*. The Arts Act 2003 specifies that no fewer than six of the members of the council shall be men and no fewer than six shall be women. The Act also states that council members, "shall, in the opinion of the Minister, have a special interest or knowledge in relation to the arts or matters connected with the functions of the Minister or the Council under this Act."

Last June my Department advertised for expressions of interest from suitably qualified and experienced persons to fill vacancies that might arise on the Arts Council during the following 12 months. The advertisement specified that, as Minister, I will not be restricted to considering only those who have responded to the invitation. In the near future, a number of positions will become vacant on the Arts Council. Those people who have expressed an interest in becoming members of the council will be considered for those vacancies in conjunction with other suitable people. The vacancies in question will arise during the course of this month.

Deputy Sandra McLellan: I thank the Minister for his reply. When I visited the website it came to my attention that a number of vacancies would arise in the coming weeks. I understand one of those vacancies is the position of Ms Pat Moylan, the current chair of the council. Has Ms Moylan expressed an interest in reappointment and, if not, is there a process in train to appoint her successor? It is clear that this particular vacancy will have to be dealt with very quickly. Are the remaining members of the board interested in reapplying for their positions? In the current climate it is vital that there be transparency, and we must ensure there are no conflicts of interest in respect of any new appointees. We do not want a situation to arise in which

colleagues on the board could vote in favour of top-up payments for one another.

Deputy Jimmy Deenihan: The chairperson has given the Arts Council almost her full-time attention for the past five years. I met Ms Moylan recently and we had a conversation. Contact will continue until the position is filled. A number of people have expressed an interest in both the chairmanship of the Arts Council and the other vacancies that will arise. We will consider those expressions of interest and make a decision shortly. We will certainly take the issue of conflicts of interest into consideration. Obviously, it facilitates the work of the Arts Council if the people making decisions in respect of huge grants are not directly involved themselves. At the same time, however, it is important to have people on the council who may have practical day-to-day experience of running organisations, etc. It is vital to ensure that a balance is achieved.

I will take what Deputy McLellan has said into consideration. To date, my appointments to the Arts Council have been generally welcomed. The individuals involved have a high level of competence when it comes to the arts. I will certainly continue to appoint people along those lines.

Deputy Sandra McLellan: I previously highlighted the fact that appointments by the Department - particularly those to Údarás na Gaeltachta - were not made in an ideal way. However, I also commended the move to publicly advertise for expressions of interest in positions on the Arts Council and a number of other bodies. There are 13 members on the board of the Arts Council. It is clear that there will be a regular turnover in the membership of this extremely important body, which is responsible for spending substantial amounts of money across a wide variety of organisations and bodies. It is essential, therefore, that the board of the council should operate as close as possible to full capacity.

Deputy Jimmy Deenihan: The profile and competency of the current membership of the board of the Arts Council is extremely impressive. All of its members are arts practitioners with a long history of contributing to the development of the arts. My policy on appointments will be similar. However, in appointing new members of the Arts Council I will be very much aware of the need to strike a balance between experience of the visual and performing arts and governance. As a result, the council will acquire certain expertise which current members may not have. I concur with the Deputy that the allocation of funding to the Arts Council is substantial. In assessing applications for funding, the Arts Council must deal with all applicants fairly, properly and in a balanced manner and ensure all sectors of the arts community are recognised.

Acting Chairman (Deputy Robert Troy): As Deputy Adams is not present, we must proceed to Question No. 9.

Question No. 8 replied to with Written Answers.

Turf Cutting Compensation Scheme Relocation Options

9. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the number and location of turf cutters affected by SACs, NHAs or other conservation measures who have so far been offered and have accepted alternative turf cutting facilities; the number and location of those yet to be resolved; the extent to which progress is reported in respect of such negotiations over the past 12 months; when it is expected that full and final agreement is

likely to be reached in all cases; and if he will make a statement on the matter. [51459/13]

17. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the number of bog relocations that have been completed; the number where an alternative location has been sourced that will meet the demand for relocation; the number where alternatives have yet to be sourced; and if he will make a statement on the matter. [51401/13]

206. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht notwithstanding his reply to previous parliamentary questions in this regard, the extent to which his Department has engaged with traditional turf cutters at the various locations mentioned that have been affected by special areas of conservation and natural heritage areas throughout County Kildare; the extent to which agreement has been reached in each case; those still outstanding; his expectations as to when final agreement will be reached; and if he will make a statement on the matter. [51910/13]

Deputy Bernard J. Durkan: The questions relate to the extent to which the Department has entered into arrangements with traditional turf cutters at various locations who have found themselves displaced by virtue of the application of special areas of conservation and natural heritage areas arrangements.

Deputy Jimmy Deenihan: I propose to take Questions Nos. 9, 17 and 206 together.

Some 2,839 applications for compensation under the cessation of the turf cutting compensation scheme have been received and acknowledged by my Department. Of these, 797 applicants have expressed an interest in relocation to non-designated bogs.

Deputies will appreciate that relocation is a very complex process in terms of investigating suitable sites for turf quality and quantity, the infrastructure and drainage works required, establishing the number of turf cutters who can be accommodated on the site, the cost and feasibility of land purchase or lease and possible planning and environmental impact assessment requirements. Notwithstanding this complexity, progress in relocating turf cutters to non-designated bogs is being achieved in a number of cases.

A group from Clara Bog special area of conservation in County Offaly commenced turf cutting at a relocation site in Killeranny, County Offaly, in June 2012, where 23 qualifying turf cutters have now been accommodated. Turf cutting for the 2013 season took place on this site in April last. Qualifying turf cutters from Carrownagappul Bog and Curraghlehanagh Bog special areas of conservation in County Galway are expected to be able to commence turf cutting in a relocation site from the 2014 turf cutting season. Relocation of seven qualifying turf cutters from Ballynafagh Bog special area of conservation to Timahoe North, County Kildare, which is in the ownership of Bord na Móna, is progressing, with the expectation that qualifying turf cutters will be able to commence cutting in the relocation site during the 2014 turf cutting season. Relocation of two qualifying turf cutters from Ballynamona Bog and Corkip Lough special area of conservation to Togher, County Roscommon, which is in the ownership of Bord na Móna, is also progressing, with the expectation that qualifying turf cutters will be able to commence cutting in the relocation site during the 2014 turf cutting season. Lattins Bog, also known as Mouds North Bog, in County Kildare has been identified as a potential relocation site for turf cutters from Mouds Bog. Bord na Móna has undertaken a full suitability assessment for the site and my Department has provided a copy of the assessment report to the secretary of the committee of the Kildare Turf Cutters Association.

I am advised that of the remaining 49 raised bog special areas of conservation, potential relocation sites have been identified for a further 33 bogs and work is ongoing on identifying and investigating sites. Relocation is unlikely to be required or is likely to be small-scale for another 16 raised bog special areas of conservation due, for example, to the small number who had been cutting turf on these sites during the relevant five year period and would qualify for the relocation option available under the cessation of turf cutting compensation scheme.

Bord na Móna has been contracted by my Department to assist the process and has so far assessed in the region of 100 potential relocation sites. It has also entered into negotiations with landowners on the purchase or long-term lease of number of sites. A payment of €1,500, index-linked, or a supply of 15 tonnes of cut turf per annum is available under the cessation of turf cutting compensation scheme to applicants while awaiting relocation to non-designated bogs.

On raised bog natural heritage areas, my Department is finalising a review of the position in accordance with the programme for Government. This review will provide clarity for turf cutters and landowners in advance of the 2014 turf cutting season. My Department will contact individual landowners and turf cutters on these sites in due course.

3 o'clock

Deputy Bernard J. Durkan: Has it been noticeable the extent to which agreement can readily be reached between the bog owners who have traditionally had a right to cut turf but have not exercised that right for a number of years and those who have traditionally exercised their right and have found the relocation to be a considerable inconvenience? Has the Minister examined the possibility of offering alternative special areas of conservation, SACs, or natural heritage areas, NHAs, in cases in which it is possible to determine that the hardship being created for those who are traditional existing turf cutters is significant?

Deputy Jimmy Deenihan: The conditions for compensation and relocation were set out quite clearly. It was for those who had exercised their right for the previous five years. That has been quite clear, unless there were other reasons those concerned did not cut turf. For example, if they were in a REPS plan, consideration was given to that.

As regards the substitution of SACs by NHAs or anything else, there are three plans coming out shortly. There is a national plan for SACs, as requested here in March 2012, a plan for the NHAs which was committed to in the programme for Government, and a national strategy for all peatlands regarding how people will cut turf and look after their peatlands for the future. That is how people can manage their bogs in the future while, most importantly, continuing to cut turf. The plans will be going out for public consultation. They will not be a *fait accompli*. That will open a major debate on the peatlands strategy of this country. The debate has been ongoing for a number of years, but it will open the debate on those three critical areas. Some of the questions Deputy Durkan asked here will be answered in these reports, which will be published shortly.

Deputy Denis Naughten: I am aghast at the last comment of the Minister. It is bad enough that SACs have been designated and we are trying to deal with that headache, and that the issue of NHAs will arise next year, but now the Minister is telling us that there will be issues regarding every other bog in the country. Has he not got enough on his plate without looking for more trouble?

On the designated bogs, my understanding is that, out of a possible 800 turf cutters who are

looking for relocation, to date 32 have been relocated. In the context of the report on NHAs that is due out, can relocation to NHAs be considered where there are no alternatives available? That is the particular problem in my part of the country. As the Minister is aware, the Department designated special areas of conservation, SACs, and then went back and designated all the alternatives as natural heritage areas, NHAs. Will the new plan regarding the non-designated bogs have an implication for the possibility of relocating some of the turfcutters?

Deputy Jimmy Deenihan: The proposed plan will be out shortly. The national peatlands strategy was part of an agreement with Europe to address the court case but people have nothing to fear about it. It is very important for the continuation of turfcutting in the future. When Deputy Naughten sees it I am sure he will appreciate that there has been input from several agencies. The Peatlands Council has had been working on this for some time. There is an input from all the relevant agencies and from the non-governmental organisations. It is a comprehensive discussion document.

Deputy Denis Naughten: I will hold my breath.

Deputy Jimmy Deenihan: The focus will be on SACs and NHAs but there is a broader discussion to be had here. The plan will be available to the public and everybody will get an opportunity to discuss it.

The NHA plan to which our Government gave a commitment in the programme for Government will be announced shortly. It will go out for consultation. It will contain solutions to some of the existing problems; obviously, I cannot announce what is in the plan today. I can, however, assure the Deputy that it is completed and it will go out for consultation.

Deputy Luke 'Ming' Flanagan: I do not know if the Minister heard himself say this but he said people have nothing to fear. Three years in prison is a lot to fear. The families of contractors could be dragged before the courts on Christmas week, and he claims there is nothing to fear. How can that be if there is the potential that a person could be jailed for three years for trying to make a living. The Minister said that when the document is published we will start the debate. With whom will he have the debate, with himself and the National Parks and Wildlife Service, or will he have it with the people? If it is the people with whom he will have the debate, perhaps before he starts it he should call off the hounds. He cannot bring people to court on Christmas week and threaten them with imprisonment for three years. One would get less time for rape, in some cases, in this country. There is nothing to fear, is there not? There is nothing to fear if one is in the Minister's position in that he has money to put oil in his tank. There is plenty to fear because the number designated is moving from 53, to 128 and, as Deputy Naughten said, to a position where they will be all up for grabs. When the Turf Cutters and Contractors Association, TCCA, said this originally we were put down as exaggerating the position, but, guess what, we have been proven right again. It is getting boring at this stage.

Acting Chairman (Deputy Robert Troy): If it is okay with the Minister, I will bring in Deputy Durkan and then the Minister can wrap up the discussion.

Deputy Jimmy Deenihan: Yes.

Deputy Bernard J. Durkan: In view of the general debate that is to take place on the SACs and NHAs over the next few years, will it be possible to review the ongoing debate that is taking place and to identify those areas of contention about which traditional turfcutters feel aggrieved at being asked to relocate, given that the State's agency, namely Bord na Móna, does not have

to comply with the same relocation and given that in the North and in the UK it has been found possible to accommodate the needs of the traditional turfcutters? Will the Minister encourage the possibility of engaging with all concerned with a view to achieving a final resolution on a broader playing pitch which that would present?

Acting Chairman (Deputy Robert Troy): I will take a brief supplementary from Deputy Naughten.

Deputy Denis Naughten: Why are we replacing turbary rights on the original bogs with a generation contract on the relocated bogs in that the turfcutter will not receive turbary rights on the new relocated bog?

Deputy Jimmy Deenihan: The national peatlands strategy has been discussed by the Peatlands Council for a number of years and, unfortunately, the TCCA decided to withdraw from the Peatlands Council after it had signed up to an agreement that it would not cut any more turf on the SACs. That was a signed agreement back in June 2011-----

Deputy Luke 'Ming' Flanagan: These are fantasies.

Deputy Jimmy Deenihan: -----and then they withdrew, which was unfortunate. They should have been discussing whether it was the SAC, the national heritage areas or a strategy for the future. There is nothing to fear about the national peatlands strategy. The law is very clear. European law, transposed into Irish law, states clearly that we have 53 SACs that we promise to protect and allow no damage to. This was in place long before I was in this job. There was a postponement of the decision by the previous Government. It was unfortunate it did not go ahead at the time but it did not have the guts to do so or perhaps the issue was too political. If it had, the matter of the SACs would be solved and we would not be discussing it today. In response to a Private Members' motion, which I accepted and was passed in the House, we carried out a review of the 53 SACs. Unfortunately, the Deputy's organisation, the TCCA, did not involve itself after calling for it in the Dáil and after we all accepted it. It then withdrew from it. What was the reason for the motion at that time?

Deputy Luke 'Ming' Flanagan: The Minister is making things worse.

Deputy Jimmy Deenihan: Deputy Luke 'Ming' Flanagan does not want any settlement of this issue. He has made no effort to arrive at a settlement and it is in his interest to create mayhem in rural Ireland. Deputy Luke 'Ming' Flanagan has been totally disruptive and does not want to recognise European law or Irish law.

Deputy Luke 'Ming' Flanagan: It is against the law.

Deputy Jimmy Deenihan: The Deputy was in Europe and it was clearly stated to him that these bogs must be closed. He does not want to accept it.

Acting Chairman (Deputy Robert Troy): Deputy, please.

Deputy Luke 'Ming' Flanagan: I will be cutting next year and the Minister can arrest me if he wants.

Acting Chairman (Deputy Robert Troy): Deputy Flanagan, please.

Deputy Jimmy Deenihan: As regards any contravention of the law, it was obvious that this

is breaking the law and people must be brought to justice the same as anyone else breaking any law.

Deputy Luke 'Ming' Flanagan: They could be imprisoned.

Deputy Jimmy Deenihan: There were other issues raised by Deputy Denis Naughten and Deputy Bernard Durkan, including an issue of Northern Ireland.

Acting Chairman (Deputy Robert Troy): The Minister should be allowed to speak without interruption. Deputy Luke 'Ming' Flanagan has not been called to speak. The Minister has been asked to speak.

Deputy Jimmy Deenihan: Deputy Luke 'Ming' Flanagan is not interested in listening.

Deputy Luke 'Ming' Flanagan: The Minister is only interested in throwing back comments.

Written Answers follow Adjournment.

Topical Issue Matters

Acting Chairman (Deputy Robert Troy): 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 Ciara Conway - the need to fill vacancies in the speech and language therapy services to the rehabilitation centre St. Patrick's hospital and community care in Waterford city; (2) Deputy Michael Healy-Rae - the issue of people using the Internet anonymously; (3) Deputy Peadar Tóibín - the need to improve upon current structures and funding to meet the fast-growing demand for Irish medium education throughout the country; (4) Deputy Patrick O'Donovan - the need for measures to be introduced to ensure proper country of origin labelling; (5) Deputy Dominic Hannigan - the procedures in place where fees are requested by doctors for medical letters; (6) Deputy Dan Neville - the establishment of a rehabilitation adult mental health service; (7) Deputy Patrick Nulty - the need to restore the Christmas bonus for carers, pensioners, and those on long-term social welfare payments; (8) Deputy Michael Creed - the need to upgrade the N22 Kerry to Cork road; (9) Deputy Brendan Griffin - the need to upgrade the N22 Kerry to Cork road; (10) Deputy Simon Harris - the need for the development of a leaving certificate course in computer programming and information technology; (11) Deputy Jim Daly - the lack of new routes announced by Cork Airport despite the recent abolition of the airline travel tax; (12) Deputy Finian McGrath - top-up payments at the Central Remedial Clinic in Clontarf, Dublin 3; (13) Deputy Denis Naughten - the need to investigate the sale and reuse of HSE braces by a dentist employed in the Galway orthodontic department; (14) Deputy Éamon Ó Cuív - co-funding under Pillar 2 of the Common Agricultural Policy 2014-20; (15) Deputy Willie Penrose - the upper service limits that apply post 1 January 1994 to enlisted personnel of the Permanent Defence Force; (16) Deputy Gerald Nash - the need to deliver funding commitments from the Irish Government and the Northern Ireland Executive for the Narrow Water bridge project; (17) Deputy Tony McLoughlin - the over crowding of the Sligo-Dublin train; (18) Deputy Michelle Mulherin - the need to make adequate provision for nursing staff in special needs schools; (19) Deputies Dessie Ellis and Richard Boyd Barrett - the rising problem of rough sleeping; (20) Deputy Mary Mitchell O'Connor - the issue of Wi-Fi access for staff or

service users, creating a digital divide for people with disabilities; (21) Deputy Timmy Dooley - the increasing cost of public transport in Ireland; (22) Deputy Clare Daly - the loss of 570 jobs at MSD Pharmaceuticals in Swords; (23) Deputy Mick Wallace - the continued use of Shannon Airport by the U.S. military; (24) Deputy Niall Collins - the recent resignation of the deputy state pathologist; and (25) Deputy Michael McNamara - explosive hazard in Shannon.

The matters raised by Deputy Éamon Ó Cuív; Deputies Dessie Ellis and Richard Boyd Barrett; Deputy Mary Mitchell O'Connor; and Deputy Dominic Hannigan have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: I put it to the Tánaiste that the Government's policy on discretionary medical cards is hitting hardest people with disabilities and children with special needs. In a survey, Down Syndrome Ireland, estimated that up to 100 people children with Down's syndrome have lost their discretionary medical cards. Up to half of the children with that syndrome have heart defects, gastrointestinal conditions and many other conditions attached to the syndrome. It is hitting them very hard. Children with very rare syndromes and conditions ordinarily had a medical card and have lost the discretionary medical card as a result of the change in policy. The Disability Federation of Ireland has raised serious concerns about the Government's medical card policy, particularly its impact on those currently receiving discretionary medical cards who have disabilities and multiple conditions. The federation makes the point that, for many people with disabilities, the costs associated with their conditions, including general medical services, therapies, transport and expensive medical aids and appliances, compromise their capacity to meet other basic costs of living. It says that removing the medical card from these people will cause their families undue hardship and stress. The Jack and Jill Children's Foundation deals with chronically ill children and works hard with them and is at the end of its tether with the struggles of many of the parents of children who attend services provided by the Jack and Jill Children's Foundation to get medical cards they lost. The director of the HSE wrote a seven-page letter to the Minister for Health about the health service plan and the Government decision to take over €100 million out of medical card services next year as a result of the budget, saying that such cuts to medical card services are being taken "against the advice of the HSE and the Department of Health". Does the Tánaiste accept the medical card policy is hitting hardest the sickest children, children with multiple conditions, children with very rare medical syndromes and medical conditions of all in the changes to the discretionary medical card system? Will he publish the letter sent by the director of the HSE to the Minister for Health in respect of the health service plan 2014?

The Tánaiste: The number of people with medical cards and access to free GP care is the highest ever in the history of the State. Almost 2 million people have a medical card or access to free GP care. Since the beginning of this year, the HSE has awarded 100,000 medical cards, of which over 20,000 are on a discretionary basis. The Minister for Health wants people to be clear on their entitlements and to reassure anyone entitled to a medical card that the person will continue to hold the medical card. With regard to discretionary cards, when Deputy James Reilly became the Minister for Health he instructed the HSE to establish a clinical panel to assist in the processing of applications for discretionary medical cards. This was to ensure medical professionals with expertise and knowledge have an input into the granting of a medical card to people who exceed the income guidelines but face difficult financial circumstances. This

ensures the specific circumstances of a person with a particular diagnosis can be considered on a case-by-case basis. The discretionary medical cards are granted on the basis of financial hardship, not on the basis of a particular condition.

The long-term illness scheme covers people with certain conditions regardless of income. Down's syndrome is one of the conditions covered under the long-term illness scheme.

As Deputy Martin knows with regard to the health service plan, there is a procedure for its consideration. It is submitted by the HSE to the Minister for Health, and that was done on 25 November. He has 21 days within which to consider that plan, running to 16 December, and between now and then the Minister will bring the health service plan to the Government. It is with the Minister and he is considering it.

Deputy Micheál Martin: The Tánaiste has not really dealt with the core point of the question. Today is International Day of Persons with Disabilities, which is why I focused on the impact of the Government's policy for children and people in general with disabilities who have lost their discretionary medical cards. The general increase in the number of medical cards is related to the economic position, unemployment and so on, but a policy change has been implemented by the Government in respect of discretionary medical cards, with a devastating impact on many people with disabilities. These are the people who are most sick; they have multiple conditions or very rare syndromes. I mentioned in the House the case of Katie Connolly, a five-year-old girl with Down's syndrome who is asthmatic and who has juvenile arthritis and a heart condition. We have also raised the case of an 11-and-a-half year old child who is one of six in the world with a particular syndrome that brings very serious issues.

An Ceann Comhairle: Can we have a question, please?

Deputy Micheál Martin: That child lost a medical card as a result of the Government's policy change. The Minister of State with responsibility for these matters, Deputy Alex White, acknowledged in a reply to a parliamentary question that 10,000 such people have lost their medical cards in 2013 to date. By definition, a discretionary medical card is for people with special needs, multiple conditions or a range of other issues. These are the people who by any yardstick need a medical card the most.

An Ceann Comhairle: Put a question, please.

Deputy Micheál Martin: The Government's policy is hitting these people the hardest. Does the Tánaiste acknowledge and accept that specific point on this, the International Day for People with Disabilities? Will the Government change that policy and approach, intervening to reverse what has been happening in order to restore medical cards to people with chronic and life-threatening conditions who have lost them?

The Tánaiste: There has not been a change in policy. The Deputy has said that a number of times and it is part of the distortion which he has continued.

Deputy Micheál Martin: It is not a distortion. How dare you?

The Tánaiste: There are criteria for the issuing of medical cards. More medical cards have been issued by this Government than by any previous Government.

Deputy Micheál Martin: That is not answering the question.

The Tánaiste: It is. The Deputy has come in here and argued that there are fewer medical cards and that the numbers are being reduced because the policy is being changed. That is simply not true. Let us deal in facts. First, more medical cards are being issued now than at any other time. Since the beginning of this year, an additional 20,000 medical cards have been issued on a discretionary basis. That is the fact of the matter.

Deputy Micheál Martin: It is not the fact. The Tánaiste is bluffing. What about the 10,000 that have been lost?

An Ceann Comhairle: Deputy Martin should stop shouting down the speaker.

Deputy Micheál Martin: I am seeking the truth.

Deputy Finian McGrath: He is not answering the question.

The Tánaiste: One euro out of every €8 of public expenditure in the State is now spent on disabilities. This Government is spending more on disability services now, in difficult times, than was spent in 2008, when Fianna Fáil was in Government at the height of the boom.

Deputies: Hear, hear.

Deputy Micheál Martin: That is not true. The Tánaiste is being sneaky with the figures.

The Tánaiste: I have the figures here.

Deputy Robert Troy: What about the mobility allowance?

The Tánaiste: Everybody in this House knows that there have been problems in some cases with regard to the issuing of discretionary medical cards. The Minister for Health has made it very clear that the issue is being addressed. Somebody with a need for a medical card ought to have one. There have clearly been some cases in which medical cards either have been withdrawn or have not been issued when the person concerned should have had one. The matter is being addressed. It does not follow that because there are individual cases in which the wrong decisions have been made in the issuing and administration of medical cards, there is an overall change in policy. The Deputy should not come in and slap that contention in front of a Government that has issued more medical cards than at any time in the history of the State.

Deputy Micheál Martin: The Tánaiste is wrong.

Deputy Gerry Adams: Tá an ciorcal órga beo fós. Tá sé tagtha chun cinn arís go bhfuil íocaíochtaí ollmhóra á dtabhairt do dhaoine le poist ardleibhéil. Tá an rud seo ag tarlú fad is atá daoine eile ag streachailt, ina measc iad siúd nach bhfuil cártaí leighis acu. The Central Remedial Clinic, CRC, is currently the focus of ongoing controversy over so-called top-ups to senior executives, and there are contradictory claims between the HSE and the CRC about who knew what and when issues were known with regard to the topping up of payments. At a time of widespread cutbacks, it is grossly unacceptable that money donated to charity be used to line the pockets of already very highly paid senior executives. The latest revelations have deeply angered citizens across the State and there is a crisis of confidence about how donations to charities are being used, despite the fact that 95% of charities are not affected by this scandal.

Charities still need our support, not least because of the devastating effects of the Government's austerity policies. Charities also need regulation, and the Government must move with

speed to create a regulatory authority, as promised in July. Does the Tánaiste accept that a full independent inquiry is needed to get the facts of the scandal? Will he factor into that the effect, arising from the culture of privilege and corruption, on the Government's credibility when it is itself in breach of its caps on the pay of special advisers? On the one hand it has railed against what is happening with these top-ups, but at the same time it has allowed top-ups in the pay of special advisers.

The Tánaiste: I agree that people who donate to charities are to be commended for their generosity, even in difficult times. That work should not be undermined by what has happened in some agencies and issues relating to the pay of senior executives. We have to bear in mind that this issue has come to the fore because the HSE has undertaken a study of the different agencies and levels of pay. It is operating on the basis of consistent application of Government pay policy.

I do not agree that we need some kind of full-blown public inquiry on the levels of pay in the different agencies, as that is quite easily established, and the HSE has sought to establish that from each of the agencies to which it provides funding. There is a dispute between the HSE and the CRC, for example, with regard to what happened and whether a level of payment was approved. I am glad the CRC has issued a statement on that and it has agreed to co-operate with the Oireachtas committee on the issue.

The process started by the HSE is continuing and it is important that it be completed. There should be transparency around levels of pay, and this is particularly important for confidence in the charitable sector and bodies in receipt of donations from the public to be restored. I believe it will be.

Deputy Gerry Adams: Could I hazard a guess that if this happened on Fianna Fáil's watch the Tánaiste would call for a fully independent inquiry?

Deputy Dinny McGinley: It did.

Deputy Pat Rabbitte: It did happen on Fianna Fáil's watch.

An Ceann Comhairle: Deputy Adams should be allowed to contribute without interruption.

Deputy Gerry Adams: I see no rationale in the Tánaiste rejecting this simple, straightforward request because there is a culture of privilege and it is continuing on the Tánaiste's watch. We must be alert to the fact that this could go beyond the CRC. If I understood the Tánaiste correctly, he said the CRC is in breach of Government pay policy. However, the Government is in breach of Government pay policy and that creates a difficulty.

People are most charitable. I agree entirely with the Tánaiste's commendation of those who give to charities but nobody who gives money for equipment to help a child or elderly person or for research into the ailments that affect sick citizens want it to be used to top up already extravagant salaries. In 2011 the Minister for Public Expenditure and Reform, Deputy Howlin, a member of the Labour Party, cleared the payment by the Minister for Health, Deputy Reilly, a Fine Gael Minister, of a salary of €195,000 to the then acting chief executive of St. Vincent's University Hospital in Dublin to take over HSE hospitals in the west.

An Ceann Comhairle: Could the Deputy ask a question please? He is over time.

Deputy Gerry Adams: Is that why the Tánaiste will not agree to a full, independent inquiry into this scandal, because two of his Ministers have breached the Government's pay policy and two Ministers have also agreed on a huge salary in defiance of all that he has just said?

The Tánaiste: There is a difference between those who cause a problem and those who solve it. There has been a problem about levels of pay in the section 38 organisations. The Government is addressing it. As Deputy Adams will recall, the issue came to light when a HIQA report was carried out on Tallaght hospital in 2012. Following that, the Minister for Health requested the HSE to carry out a complete analysis of the section 38 bodies to find out what levels of pay are being paid and whether they are compliant with pay guidelines. That is the exercise that is now under way. It is as part of the exercise that the information that has now come into the public domain about the levels of pay paid to various agencies has come to the fore. The issue is being addressed. We are determined to resolve it. To suggest that somehow something is being continued when it is being addressed is quite perverse. The problem is being addressed. It is important in so doing, in particular for charitable organisations which raise a lot of money from voluntary donations, that the confidence of the public in such organisations is not undermined but is maintained in terms of where money that has been donated goes. The Minister for Health is determined that pay in those organisations will be addressed. The issue is being dealt with, and that is why the HSE carried out the exercise in the first place. The process will continue until it has been completed.

Deputy Seamus Healy: Up to 30,000 families face eviction due to the failure of the Government to protect them. They are distressed mortgage holders who have fully engaged with the banks. They are not strategic defaulters. Their only property is their family home. They do not have buy-to-let properties. In most cases they have modest mortgages. In all cases their incomes have collapsed due to the recession. The Insolvency Service of Ireland has set out living expenses for personal insolvency arrangements. Under those guidelines a family of two adults and two children must have minimum living expenses of €24,780 per year to qualify for insolvency arrangements. Such a family on jobseeker's benefit or allowance has an annual income of €19,364, which is significantly less than the minimum living expenses under the guidelines. A similar family with one person in employment at a wage of €9 per hour - in excess of the minimum wage - and including FIS, has an income of €23,193 per year. Again, that is less than the minimum living expenses set out under the insolvency service. Those two families have no net disposable income, as calculated by the Insolvency Service of Ireland. They have no money to give to the banks. They do not and cannot qualify for the insolvency arrangements. There are up to 30,000 such families. Paul Joyce of the Free Legal Aid Centres told us this morning that thousands of such families have had their proposals vetoed by the banks. I have letters from constituents who have been given the option of having a voluntary sale, making a voluntary surrender or being evicted. They are banks which the public has bailed out.

Last week the Taoiseach refused to answer my question on the issue but he repeatedly stated that there is a solution for everyone. Does the Tánaiste regard bankruptcy and repossession of the family home as a solution for those blameless families? Is that the reason the Government removed the legal ban on repossessions? One could ask whether that is the reason the indefensible situation has arisen whereby the Government has allowed the Central Bank to reduce the moratorium on repossessions from 12 months to two months. Will the Government ensure that the families which have fully engaged-----

An Ceann Comhairle: The Deputy is well over time.

Deputy Seamus Healy: -----and have modest mortgages that are not buy-to-let properties, who are not strategic defaulters-----

An Ceann Comhairle: The Deputy should put his question please. He is way over time.

Deputy Seamus Healy: Will the Tánaiste ensure that these families will be allowed to remain in their homes?

The Tánaiste: I do not agree that 30,000 families face eviction. However, 30,000 families would face eviction if the Government had not taken the steps it is taking to deal with the mortgage arrears problem. That is why today, for example, the new personal insolvency legislation will come into effect that will reduce from 12 years to three years the period of time for bankruptcy. I also agree that the solution to the mortgage arrears problems experienced by many families is neither bankruptcy nor losing their home. The cornerstone of the Government's approach to mortgage arrears is to ensure that families are able to continue living in their home. That means solutions must be found where families and households are in mortgage difficulty. The solution will vary from case to case. We have now put in place a range of measures to help families in mortgage distress. The personal insolvency legislation strengthens their hand in their discussions with the banks. The Insolvency Service of Ireland has been put in place. A range of non-judicial debt settlement arrangements have been built into the legislation. A range of measures is also in existence which will allow for engagement between mortgage holders and their lenders. To date, more than 45,000 permanent mortgage restructures have been completed. There is still more to be done. Far too many families are in mortgage difficultly and work must continue on a case-by-case basis with them to resolve their mortgage difficulties in a way that ensures they can continue to live in their homes. The whole point is that we do not want to see people losing their homes. The very approach of Government policy is to avoid that. Probably the biggest fear people have had during the recession, which has been even greater than the fear of losing their jobs, has been the fear of losing a home. That is why we have taken the approach we have taken. We have put in place legislation and the personal insolvency service and we have set targets for the banks to engage with borrowers and to reduce the number in mortgage distress. That work must continue. There are still many families whose mortgage arrears have not yet been resolved, and work must continue to ensure this is addressed.

Deputy Seamus Healy: The Tánaiste has refused to answer the question. I have asked about a specific group, comprising families, that will not qualify for the insolvency arrangements about which the Tánaiste has spoken. He may not accept it but it is accepted widely, both within this House and outside it, that thousands of families do not qualify for the insolvency arrangements. New research by Grant Thornton Debt Solutions has found that many people seeking insolvency arrangements do not have enough income to qualify. Mr. Michael McAteer of Grant Thornton said recently on Newstalk that the only solution for these families is bankruptcy.

The Icelandic Government announced today that it will defy the banks by writing off up to €24,000 of household mortgages. Iceland obviously has real sovereignty.

An Ceann Comhairle: I ask the Deputy to put his question.

Deputy Seamus Healy: Will the Government exercise sovereignty by preventing reckless bailed-out banks, some owned by international vulture capitalists, from evicting 30,000 families in this country?

The Tánaiste: We want every family and householder in mortgage difficulty to have that difficulty resolved and to avoid up losing their home. There is no family that we want to see excluded from the arrangements we have put in place to resolve mortgage arrears difficulties.

There is not a single solution that fits every case.

Deputy Seamus Healy: There is a particular group.

The Tánaiste: If the Deputy has a particular case in mind, he should let me know.

Deputy Seamus Healy: There is a group of 30,000.

The Tánaiste: There is not. At the beginning, the Deputy said there were 30,000 families facing eviction. There are not.

Deputy Seamus Healy: There are.

The Tánaiste: There are not.

An Ceann Comhairle: Deputy Healy has had his say. I ask the Tánaiste to speak through the Chair.

The Tánaiste: There are not 30,000 families facing eviction, nor will there be. However, there are 30,000 families who would be facing that prospect if we had not put in place the measures we have put in place to deal with the issue of mortgage arrears.

Deputy Seamus Healy: The group does not qualify for the arrangements, as the Tánaiste knows.

An Ceann Comhairle: We have exceeded the time allowed.

The Tánaiste: There is no question of their not qualifying. Every single case of mortgage arrears difficulty must be resolved, and issues must be resolved on a case-by-case basis.

Order of Business

The Tánaiste: It is proposed to take No. 9, proposed approval by Dáil Éireann of the Horse and Greyhound Racing Fund Regulations 2013, back from committee; No. 9*a*, Credit Reporting Bill 2012, motion to instruct the committee (on supplementary Order Paper); No. 18, Credit Reporting Bill 2012 - Order for Report, Report and Final Stages; and No. 5, Assisted Decision-Making (Capacity) Bill 2013 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that in the event that a division is in progress at the time fixed for taking Private Members' business, which shall be No. 128, motion re electricity infrastructure, the Dáil shall sit later than 9 p.m., and Private Members' business shall, if not previously concluded, adjourn after 90 minutes; No. 9 shall be decided without debate; the proceedings on No. 9*a* shall, if not previously concluded, be brought to a conclusion after 60 minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 15 minutes in

each case; and the next fortnightly Friday sitting for the purposes of Standing Orders 21(1)(*a*) and 28(3) shall be Friday, 24 January 2014; the business to be taken on that date shall be the items already selected by lottery to be taken on Friday, 6 December 2013; and there shall be no further lottery for Friday, 24 January 2014. Tomorrow's business after oral questions shall be the Finance (No. 2) Bill 2013 - Order for Report, Report and Final Stages.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for dealing with Private Members' business agreed to? Agreed. Is the proposal for dealing with No. 9 agreed to? Agreed. Is the proposal for dealing with No. 9*a* agreed to? Agreed. Is the proposal for dealing with the sitting and business of the Dáil on Friday, 24 January 2014 agreed to? Agreed.

Deputy Micheál Martin: With regard to a number of commitments made under the health section of the programme for Government, could the Tánaiste indicate to me when the hospital insurance fund will be established? When will the legislation for the patient safety authority be brought before us, and when will the authority be established? Regarding the section of the programme for Government dealing with the care of older people and community care, could the Tánaiste indicate when we will see more residential places, home care packages, home help and other professional community care services? We have seen a reduction in such services thus far, not an increase. People are looking for the additional services committed to. When will the integrated care agency be established and when will we see the relevant legislation?

With regard to the area of bio-ethics, could the Tánaiste indicate when he intends to legislate for stem cell research, as committed to? When will he legislate for post mortem procedures and organ retention practices, as recommended in the Madden report? The Government said it would legislate to change the organ donation system to an an opt-out system for organ transplantation rather than an opt-in system? When will this legislation be introduced?

With regard to the wider issue of charities, will the Tánaiste indicate when the Government will commence the charities legislation and establish a regulator under that legislation? The legislation has been passed by the Oireachtas but it has yet to be commenced.

The Tánaiste: The Deputy asked quite a lot of questions. If he bears with me, I will go through the Bills we intend to publish. The health (general practitioner medical service) Bill is expected this session. The heads of the Health and Social Care Professionals (Amendment) Bill have been approved by the Government. I do not know the date for the publication. The health identifiers Bill will be in 2013. With regard to the Health Information Bill, the Minister for Health will be bringing forward a revised scheme in view of policy developments. The health insurance (amendment) Bill is expected at the end of the year. The Health Service Executive (Financial Matters) Bill is expected this session. With regard to the human tissue Bill, work is ongoing. A public consultation process on the introduction of an opt-out system of consent was launched in July, with a closing date for submissions of 20 September. It is not possible at this stage to give a date for the publication. The draft heads of the licensing of healthcare facilities Bill are being progressed with a view to having a public consultation process shortly. The Medical Practitioners (Amendment) (Medical Indemnity Insurance) Bill is expected this session. I do not have a date for the Medical Practitioners Act 2007 (Amendment) (No. 2) Bill. Work is progressing on the national paediatric hospital development board (amendment) Bill. On the public health (alcohol) Bill, preparation of the heads was approved by Cabinet on 22 October. I believe that covers all of the issues raised by Deputy Martin.

Deputy Micheál Martin: It does not. The Tánaiste has just re-announced those Bills that are committed but I asked about commitments in the programme for Government, for example, legislation on a hospital insurance fund, a patient safety authority and the provision of more residential places and home care packages through an integrated care agency. These are three specific commitments in the programme for Government, namely a hospital insurance fund, a patient safety authority and an integrated care agency. In the bioethical field, I asked about legislation that the Government committed to on stem cell research and changing the organ donation system to an opt-out regime.

The Tánaiste: I answered those questions. I will go back to what I said on the opt-out issue.

Deputy Micheál Martin: What about stem cell research?

The Tánaiste: A human tissue Bill is in preparation and I have already told the Deputy that I am not in a position to give him a-----

Deputy Micheál Martin: That Bill will not deal with stem cell research.

The Tánaiste: The long-standing practice is that Deputies wait to see a Bill before discussing what it does or does not contain.

Deputy Micheál Martin: It will deal with post mortems.

The Tánaiste: All of the issues in the programme for Government are being progressed. Some of them will be covered by the legislation to which I have already referred but all of the issues are being progressed by the Minister for Health.

An Ceann Comhairle: I now call Deputy Adams.

Deputy Pat Rabbitte: Fianna Fáil must have a fierce amount of policy work going on.

Deputy Dara Calleary: There is a lot going on.

Deputy Pat Rabbitte: Some Fianna Fáil Deputies must be preoccupied with policy preparations.

Deputy Micheál Martin: I have simply been reading the programme for Government, that is all.

An Ceann Comhairle: Allow Deputy Adams, please.

Deputy Micheál Martin: I accept that it is fantasy more than reality. I accept that point.

An Ceann Comhairle: Would the Deputies mind-----

Deputy Bernard J. Durkan: Deputy Martin would know all about fantasy.

An Ceann Comhairle: Would the Deputies mind if I chaired the session?

Deputy Micheál Martin: The Tánaiste's response illustrates that the programme for Government is fantasy now and not reality.

(Interruptions).

An Ceann Comhairle: If the Deputies do not mind, I would like to continue chairing this session. I ask the Deputies to stay quiet, please. I have called Deputy Adams.

Deputy Micheál Martin: It reads like something from another planet.

An Ceann Comhairle: That applies to Deputy Martin. He has had a fair run, at eight minutes.

Deputy Micheál Martin: I apologise, a Cheann Comhairle, but clearly when I read out the programme for Government commitments, it sounded like something from another planet to the Tánaiste.

(Interruptions).

An Ceann Comhairle: Deputy Martin has had eight minutes, which is more than adequate.

Deputy Gerry Adams: At least when he is attacking Deputy Rabbitte, he is leaving me alone. At last month's meeting, the North-South Ministerial Council issued a statement which was very supportive of the Narrow Water Bridge project. The Tánaiste will be aware that this project also enjoys widespread support across all political sectors in Louth, south Armagh and south Down, as well as across civic society, including Unionist communities. It has the potential to be a massive economic driver for-----

An Ceann Comhairle: To what is the Deputy referring?

Deputy Gerry Adams: This concerns the North-South Ministerial Council.

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

Deputy Gerry Adams: I have raised this before on the Order of Business.

An Ceann Comhairle: I would suggest a parliamentary question be tabled on this matter.

Deputy Patrick O'Donovan: The Deputy ran away with it before.

Deputy Michael Healy-Rae: He will not get away with it today.

An Ceann Comhairle: We will not have speeches, just ask the question, please.

Deputy Gerry Adams: The Tánaiste has acknowledged that the Border region is the most disadvantaged region so, for this to work, the Government must act upon the North-South Ministerial Council commitment. It must become a champion of this project. I am asking, before the opportunity passes, whether the Government will become a champion for the Narrow Water Bridge project.

The Tánaiste: I have even better news for Deputy Adams - the Government has been a champion of the Narrow Water Bridge project for quite some time.

Deputy Gerry Adams: When will the Government close on the project?

The Tánaiste: Deputy Adams knows the position on this. The position is that a value-for-money issue arose. The Government and the Northern Ireland Executive continue to support the project. Work is now being done at a technical level which I hope will be completed reasonably soon. That will then enable the issue to be examined again. As far as the Government is

concerned, we support the Narrow Water Bridge project.

Deputy Gerry Adams: Can the Tánaiste give us an estimate of when the technical work will be completed?

An Ceann Comhairle: Sorry, Deputy Adams, but this is totally out of order. If I let Deputy Adams in again on this, I will be plagued by everybody else. The rules must be applied equally. The Deputy got his answer. Deputy Calleary is next.

Deputy Dara Calleary: The Tánaiste made commitments at the weekend regarding mandatory collective bargaining. I ask him to outline the legislative schedule for that or to detail when the Government plans to introduce the industrial relations (amendment) Bill. Does the Minister for Jobs, Enterprise and Employment plan to introduce that to the House in this session?

The Tánaiste: I expect the Minister for Jobs, Enterprise and Innovation to bring proposals to Government shortly.

Deputy Michael Healy-Rae: I wish to ask about two items of promised legislation. In light of recent very worrying events, what legislation does the Government propose to introduce to provide for a regulator for charitable associations?

An Ceann Comhairle: Is the Deputy referring here to promised legislation?

Deputy Michael Healy-Rae: I thought there was legislation promised.

Deputy Micheál Martin: We are awaiting the commencement order.

An Ceann Comhairle: Deputy Healy-Rae has the same list as most other Deputies. I suggest he reads it.

Deputy Micheál Martin: We are waiting for the commencement order.

Deputy Michael Healy-Rae: Where is the commencement order?

Deputy Micheál Martin: The legislation has been passed but not commenced.

Deputy Michael Healy-Rae: Exactly.

An Ceann Comhairle: I think the Tánaiste answered that question earlier.

Deputy Michael Healy-Rae: No, he did not.

Deputy Micheál Martin: He did not answer any of my questions.

Deputy Michael Healy-Rae: No, I was listening and he did not answer it.

Deputy Tom Hayes: Deputy Martin is recruiting now. He is on a recruitment drive.

Deputy Micheál Martin: We are watching very carefully.

An Ceann Comhairle: What is the Deputy's second question?

Deputy Michael Healy-Rae: My second question concerns a very sensible proposal to bring forward good Samaritan legislation.

An Ceann Comhairle: Good Samaritan legislation?

Deputy Michael Healy-Rae: Yes and I am sure the Tánaiste knows what I mean by that.

An Ceann Comhairle: Perhaps Deputy Healy-Rae will translate it for us.

Deputy Michael Healy-Rae: As the Ceann Comhairle said the other day, I will decode it. There was a proposal for legislation to protect good Samaritans, that is, people who might be performing a life-saving act, for example-----

An Ceann Comhairle: We will have to check that out for the Deputy.

Deputy Michael Healy-Rae: The Ceann Comhairle is aware of it himself. He knows what I am talking about.

An Ceann Comhairle: I do not really, to be honest.

Deputy Michael Healy-Rae: The legislation was to protect good Samaritans who were assisting in a situation-----

An Ceann Comhairle: Is the Deputy referring to a Private Member's Bill?

Deputy Michael Healy-Rae: -----and thereby exposing themselves to the risk of being sued.

Deputy Micheál Martin: That is very foreign to the Labour Party, that kind of talk. It is short of good Samaritans at the moment.

Deputy Patrick O'Donovan: Is Deputy Martin one himself?

(Interruptions).

Deputy Micheál Martin: We live the Gospel.

Deputy Patrick O'Donovan: We saw where that led his party before.

An Ceann Comhairle: I ask the Tánaiste to do the best he can.

The Tánaiste: I think the legislation to which Deputy Healy-Rae refers was a Private Member's Bill and there is no Government commitment in that regard. On the Charities Act and issues relating to commencement, I will seek a reply for Deputies Healy-Rae and Martin.

Deputy Micheál Martin: Deputy Burton made a statement on it last week.

Deputy Bernard J. Durkan: I wish to ask about two items of promised legislation, the first of which is the Garda Síochána (compensation) Bill and the second of which is the housing (miscellaneous provisions) Bill. The latter deals with local authority shared-ownership loans, which is of pressing urgency. I ask the Tánaiste if the heads of both Bills have been approved by Cabinet and when they are expected to be brought before the House.

The Tánaiste: The heads of the Garda compensation (malicious injuries) Bill have been approved by the Government and it is expected to be published early next year. The heads of the housing Bill are expected by the end of the year.

Deputy Sandra McLellan: The programme for Government commits to ending long-term homelessness and the need to sleep rough. Following the recent tragic death of a man in Dublin's Phoenix Park, it is clear that tackling homelessness remains a key challenge for Irish society. There are reports of huge increases in homelessness in Dublin and Cork but the Government has cut €233 million from the social housing budget since taking office.

An Ceann Comhairle: Thank you Deputy. We cannot have speeches now. The Deputy is asking about the homeless Bill.

Deputy Sandra McLellan: Local authorities do not have sufficient housing to prevent people from becoming homeless. When will adequate funds be released to meet the programme for Government target to ensure that nobody is forced to sleep rough?

The Tánaiste: The Government has a target to end homelessness. Nobody should have to sleep rough. It is very tragic that anybody has to sleep rough. On the issue of public housing, the Government has, in this year's budget, recommenced a public housing programme.

Deputy Seamus Kirk: That will build only 300 houses.

Deputy Ray Butler: When is publication of the consumer and competition Bill expected, which will make provision for a statutory code of conduct for the grocery goods sector. I raise this in the context of food labelling because a lot of multinationals in this country are putting "made and packed for" on labels, whereas people wanted to know where goods are "made in"? This is having a hugely negative effect on Irish companies, the economy and jobs.

An Ceann Comhairle: Thank you Deputy Butler.

Deputy Ray Butler: People want to see what country the items are made in, not for whom they are made.

The Tánaiste: The consumer and competition Bill is expected to be published this session.

Deputy Seamus Kirk: It is generally accepted that the regeneration of the rural economy will benefit from the expansion and development of the dairy industry post-2015. The targets that have been set out in Harvest 2020 are part and parcel of that. A number of issues have arisen, including for instance, land leasing regulations, although the primary legislation is already in place and is fine. The leasing of land has been incentivised to encourage-----

4 o'clock

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

Deputy Seamus Kirk: The Finance Bill. It relates to a proposed relief to be made available for non-active farmers who rent land to active farmers. The category of people-----

An Ceann Comhairle: Deputy, we cannot have a speech on this. You know that yourself, having sat in this Chair for long enough.

Deputy Seamus Kirk: I know that, but it has been pointed out that the incentive does not extend to companies that own agricultural land. Will the Tánaiste encourage the Minister for Finance to look at this anomaly in the legislation?

An Ceann Comhairle: The Finance Bill will be discussed tomorrow. I have to apply the

rules fairly and equally. That question is not in order.

Deputy Seán Ó Fearghaíl: Ireland's ratification of the Antarctic treaty has been raised on several occasions with both the Tánaiste and Minister for Foreign Affairs and Trade and the Taoiseach. More than 40 countries have signed up to the Antarctic Treaty System. The Government cannot claim to be very strong on matters environmental. In a recent response from the Tánaiste-----

Deputy Patrick O'Donovan: Fianna Fáil took a man out of Antarctica today.

Deputy Gerald Nash: Siberia, more like.

Deputy Seán Ó Fearghaíl: -----he stated that the administrative costs associated with signing the treaty would be problematic. I have tabled parliamentary questions to various Departments on this, only to be informed that no cost-benefit analysis was carried out.

An Ceann Comhairle: Where are we going here?

Deputy Seán Ó Fearghaíl: I was just wondering-----

An Ceann Comhairle: We do not wonder on the Order of Business. We ask questions.

Deputy Patrick O'Donovan: Is it about the South Pole Bill?

Deputy Seán Ó Fearghaíl: The Antarctic treaty is an important international treaty. When does the Tánaiste propose to introduce legislation and sign up to it?

Deputy McLellan raised the important point that we have seen in the last week in the capital city two acts of utter depravity.

An Ceann Comhairle: I know that, but we have dealt with the matter.

Deputy Seán Ó Fearghaíl: There was the burning of a horse following by the burning of a human being two days later.

An Ceann Comhairle: Please, Deputy; I need your co-operation.

Deputy Seán Ó Fearghaíl: You have it, a Cheann Comhairle. Will the Tánaiste assure us that the Garda will have sufficient resources to tackle those two acts of utter depravity?

An Ceann Comhairle: There are other ways of raising this issue. Not on the Order of Business.

The Tánaiste: They were two acts of utter depravity which everyone condemned. As far as Garda resources are concerned, the Minister for Justice and Equality has secured approval from the Government for the recruitment, for the first time in a long time, of additional gardaí. The advertising for this recruitment process will be proceeding shortly.

The question of the Antarctic treaty is not so much an issue of administrative costs but the range of legislation that would need to be introduced. Signing up to any treaty requires quite an amount of legislation. I am examining this. It is not about administrative costs but about the body of legislation that will have to be put in place across several Departments.

Deputy Micheál Martin: I worked on the legislation to sign up to the treaty when I was in

the Department.

Deputy Patrick O'Donovan: A Eurovision entry.

The Tánaiste: Deputy Martin was there a while but he did not get around to signing it either. I am working on it and I am happy to answer any questions Deputy Ó Fearghaíl might have on it.

Deputy Pat Rabbitte: Deputy Martin must be wanting to get out the huskies. Does Fianna Fáil have a base down there in the South Pole?

Deputy Patrick O'Donovan: The "March of the Penguins".

Deputy Micheál Martin: According to the *Sunday Independent* last weekend, Deputy Rabbitte will be on his way to Antarctica soon.

An Ceann Comhairle: Will those who wish to have a chat go out to the lobby? I call Deputy Feighan.

Deputy Frank Feighan: When will the regulation and valuation of land Bill, which will merge the Property Registration Authority, the Valuation Office and Ordnance Survey Ireland, be introduced?

The Tánaiste: It is intended to introduce that Bill next year.

Deputy Mary Lou McDonald: We have been waiting for Report Stage of the Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013 for several months now. It appears the reason for the delay is the Government's decision to piggyback legislative changes to public sector certified sick leave arrangements, due to be implemented in the new year. This matter was the subject of a Labour Court recommendation. However, the court did not recommend that the new arrangements be applied retrospectively to 1 January 2010, as I understand the Government is seeking to do. When will we see the sick leave legislation? Will the Tánaiste confirm whether is the Government's intention to apply this legislation retrospectively?

The Tánaiste: My understanding is that Report Stage of the Bill in question is to be taken before the recess.

Deputy Pearse Doherty: There has been much talk about the recent top-up payment scandal in the Central Remedial Clinic and possibly in other charities. The first function of the Charities Regulatory Authority is to increase public trust and confidence in the management and administration of charitable trusts and organisations. Will the Tánaiste agree that the commencement order for the Charities Act 2009 must be made as soon as possible? Will he clarify when it will be signed? Has the board of the regulatory authority been populated, as the Minister for Justice and Equality suggested in July would happen before the end of the year? If the Government is dealing with this matter, why has the board not yet been established to restore public trust and confidence in the management and administration of charitable trusts and organisations across the State?

Will the Government allow for the scheduling of a debate, with accurate information provided, on the recent asset quality test of the banks undertaken by the Central Bank? More questions than answers seem to have arisen because of this exercise.

An Ceann Comhairle: Is the Deputy seeking a debate?

Deputy Pearse Doherty: We know that when the banks did not provide detailed information in the past, they got this State into serious trouble. It is important to reassure every Member that the review shows that the banks are adequately capitalised.

An Ceann Comhairle: What is the Deputy looking for?

Deputy Pearse Doherty: A debate on the information contained in the asset quality review of the banks.

An Ceann Comhairle: Will the Deputy ask his party's Whip to raise it at a Whips' meeting? This is the Order of Business.

Deputy Pearse Doherty: I am asking under the Order of Business that Government time be used to schedule such a debate.

Deputy Emmet Stagg: Sinn Féin has a very good and effective Whip.

The Tánaiste: Earlier, I told Deputies Martin and Healy-Rae that I will get an answer for them on the commencement of the Charities Act. I will include Deputy Pearse Doherty in that.

There are several ways in which the Deputy can pursue the other issue he raised. I am sure the Minister for Finance would have no difficulty in responding on the issue.

Deputy Pearse Doherty: What about the board of the charities regulatory authority?

An Ceann Comhairle: Thank you, Deputy. I call Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: The report that the number of people sleeping rough in Dublin has doubled in the last while is a shocking indictment of the failure of the Government's policy in homelessness and housing.

An Ceann Comhairle: Deputy, this matter will be dealt with on Topical Issues after the Order of Business.

Deputy Richard Boyd Barrett: When will the housing Bill come before the Dáil? I have raised this on numerous occasions but I just get vague answers. Given the current housing crisis, will the Tánaiste bring forward the housing Bill so we can have a policy for the area as well as a proper debate about this most urgent of crises?

The Tánaiste: The housing Bill will be taken early next year.

We are not awaiting any legislation with regard to provision for homeless people. The Government has already provided additional beds for the homeless. The situation of those sleeping rough needs to be dealt with. It is not an issue of legislation but of dealing with a problem.

Deputy Sandra McLellan: Not enough has been done.

Horse and Greyhound Racing Fund Regulations 2013: Motion

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I move:

That Dáil Éireann approves the following Order in draft:

Horse and Greyhound Racing Fund Regulations 2013,

a copy of which Order in draft was laid before Dáil Éireann on 12 November 2013.

Question put and agreed to.

Topical Issue Debate

Common Agricultural Policy Negotiations

Deputy Éamon Ó Cuív: I thank the Minister of State for coming into the House. I am disappointed that his senior colleague is not here, but no doubt there is a good reason for that. I presume he is not in the country and if he is not, I fully accept that he cannot be here. However, it is a pity he is not here because we now face a huge crisis in farming. The last Pillar 2 funding for the period 2007-2013 amounted to €4.8 billion, between State funding and European funding. Pillar 2 funding has been co-funded, with 53% coming from the EU and 47% coming from the Government. Under the rules negotiated by the current Minister, the small print shows that the new Pillar 2 could be as little as €3 billion. That is a potentially huge 40% cut in funding.

This is amazingly poor negotiation by the Minister. When he was talking about the great job he was doing on the CAP, one would have thought that the Minister would have been to the forefront during these negotiations, ensuring that national governments could not get away without adequate co-funding of Pillar 2, especially since Pillar 1 is 100% European funded, and these are the big payments. Instead of that, the Minister has signed off on a deal that will cost European farmers dearly. Governments across Europe, including the Government in Ireland, can reduce their input even though the European Union input is down 11% already. On top of the 11% across the board cut in European money, we now have the potential for a huge further cut by reduced rates of co-funding. Put in simple terms, what was €4.8 billion the last time could end up being as little as €3 billion this time. It is very difficult to understand how this was negotiated without it being brought to the attention of farmers.

When the CAP was announced, the Minister said that the general rate of co-funding is 53%, that is to say, 53% from Europe and 47% from the Government. Of course he did not stress that the environmental payments can be as low as 25% and that these environmental payments - including the DAS, which is considered to be an environmental payment under European terms - amount to 90% of Pillar 2 in Ireland. When we add in the measures that can be funded as low as 20%, we are at the stage where around 94% of the payments can now be funded at a lower rate of 25%. There is huge concern now that the full enormity of the sell out of the farmers of Ireland by the Minister has become apparent.

I need an assurance from this Minister of State this afternoon that, notwithstanding the ability of this very poor agreement to allow national governments to reduce their contribution to farmers enormously, the Government will actually co-fund Pillar 2 at a rate of at least 47%, against 53% from the European Union.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes): I thank the Deputy for allowing me the opportunity to come in here and explain exactly where we are on this. I apologise for the absence of the Minister. The Deputy quite rightly pointed out that he was on other business. He is in Japan, where he has succeeded in opening up the trade for beef in that country, which is hugely welcome right across this country.

In June 2013, political agreement on CAP reform was achieved under the Irish Presidency. It was also hailed as a great success by all European Heads of State and the Commission. This agreement marked the first time that three main European institutions came together to agree the framework for the development of the European agriculture sector, which has enabled the sustainable development of the sector up to 2020 and beyond.

A key step in the implementation of the reformed Common Agricultural Policy will be the design and introduction of a new, rural development programme for the period 2014-2020. The development of a new rural programme under Pillar 2 will be a key support in enhancing the competitiveness of the agrifood sector, achieving more sustainable management of natural resources and ensuring a more balanced development of rural areas, which we all want and need. The new rural development programme will be based on the provisions of the draft regulation on support for rural development by the European Agricultural Fund for Rural Development. This draft regulation was originally published by the European Commission in October 2011. Discussions at Council working group level took place under the Polish, Danish, Cypriot and Irish Presidencies of the European Union prior to reaching a Common Position in June 2013.

While the draft regulation has not been formally adopted, its provisions represent the framework for the work carried out to date on the new rural development programme. It is expected that this programme will be formally adopted before the end of this year. The new programme must be based on six priority areas for rural development, as set out by the Commission. These priority areas are fostering knowledge transfer and innovation; enhancing competitiveness; promoting food chain organisation and risk management in agriculture; restoring, preserving and enhancing ecosystems; promoting resource efficiency and supporting the shift towards a low carbon and climate resilient economy; and promoting social inclusion, poverty reduction and economic development in rural areas. In addition, through addressing at least four of these six priority areas, the new rural development programme must also contribute to the cross-cutting teams of innovation, climate change and environment. The challenge in designing a new rural development programme is to take all of these considerations into account, while also ensuring that the measures chosen to form part of a new programme are clearly in line with the smart, green growth objectives of the Food Harvest 2020 strategy.

Deputy Éamon Ó Cuív: With the replies I am given sometimes, I do not know whether to cry or to laugh at the total effort to not answer a simple question. In the committee today, the Department statement highlighted that the draft rural development regulation refers to a general co-funding rate of 53%, but went on to clarify that not all measures within the rural development programme will be co-financed at that rate, as there will be a number of derogations from the general rate. The impression given was that different rates would be applicable to perhaps 5% or 10% of measures. In fact, the derogations cover more than 90% of the spend, which means that fewer than 10% of measures will be eligible for the 53% rate. Since the Minister trumpeted his great achievements in Brussels in June, for which, we are repeatedly told, the whole world is grateful, the story was that there would be a general co-funding rate of 53%. That is bunkum. In reality, that rate applies to fewer than 10% of measures; for the other 90%, the applicable rate will be either 20% or 25%. Irish farmers are not grateful for that.

I am asking a simple question today. Can the Minister of State confirm whether it is the intention of the Government to co-fund the European money of €330 million per annum at a rate of 53%? If the Government chooses to hedge its bets the second time around, the logical conclusion must be that the intention is to avail of the very low co-funding rates, which were negotiated by the Minister in the full knowledge that his colleague, the Minister for Public Expenditure and Reform, would take advantage of them and, in so doing, take more money out of farmers' pockets. That will have a particular impact on people farming poor land, which is 75% of the land in this country, and those dependent on agri-environment schemes.

Deputy Tom Hayes: I assure the Deputy that no time or effort will be spared in negotiating for as much as can possibly be achieved in the coming months. Consultation is ongoing with all stakeholders. The Deputy should not believe everything he reads in the newspapers. To be clear, no decision has yet been made on these matters. As we speak, departmental officials are talking to colleagues in other Departments in an effort to maximise the funding we can obtain for rural development. It is important, moreover, that whatever funding we obtain we keep. The Government of which the Deputy was a member dropped the schemes it had negotiated halfway through their cycles, including the rural environment protection scheme, the young farmers' installation scheme, the early retirement scheme and the suckler cow and fallen cow schemes. We do not want to announce something that we cannot maintain. That is why we are engaged in a consultation process. Officials in every relevant Department are working with the farming organisations to ensure we have schemes that will assist people living in rural areas and ensure the agricultural industry can survive and prosper. An important element of this is the Leader programme, in which the Deputy has had a special interest for many years. The Minister is very supportive of the ongoing efforts to establish that scheme, together with the other schemes.

As I said, negotiations are ongoing and no decision has been made. I would greatly appreciate the Deputy's help in this regard. I hope he will propose ideas, which we will be happy to take into consideration. The Minister and I want to be constructive, as does the Department. We are receiving great support from many rural and farmers' organisations, including people in the Deputy's party. In fact, some of those people have advised us not to listen to what he is saying in regard to Pillars 1 and 2. Some of the Deputy's views are not going down too well with his own people and he would be well advised to check with members in constituencies such as Kilkenny and Wexford. When he brings that consultation to the table, we will be happy to listen to him.

Homelessness Strategy

Deputy Dessie Ellis: I take this opportunity to express my sympathies to the family of Paul Doyle, who died of exposure in November while sleeping rough in Bray. I also convey my sympathies on the death of the man who was sleeping rough in the Phoenix Park. His death might well lead to a murder investigation.

Some 139 people were sleeping rough in Dublin on 12 November 2013, an increase of 45 in just six months. The figure does not include the hundreds in emergency accommodation, including the 265 given shelter by the Peter McVerry Trust. In fact, approximately 1,400 people are in emergency accommodation every night in Dublin, and the homelessness rate has increased by 18% in a year. Staff members at the Dublin Simon Community recently told me

that they are operating at absolute capacity. It is having a damaging effect on the morale of the very good people who dedicate their time to that organisation and to the fight against homelessness. People are sleeping rough in cold and dangerous conditions, at risk of exposure and vulnerable to assault. The additional beds put in place as part of the cold weather initiative are not sufficient to meet demand, as the number of homeless people has risen since the count that took place after last winter's initiative had ended.

The incidence of homelessness and rough sleeping is increasing at an alarming rate. It is the consequence of budget after budget which went for the easy targets, cutting the most basic services and having the greatest impact on the most vulnerable. The programme for Government referred to alternative funding models for housing, such as social housing bonds. The latter have been very successful in other countries, raising billions across Europe. The Government, however, has taken no action in this regard. Instead it continually restates the promise of NAMA housing and rehashes old announcements and spin as new funding. The Minister must consider establishing semi-independent housing trusts through the local authorities, which would allow the latter to raise funds separately from the national debt. This has worked well elsewhere when capital funds were not available. I urge the Minister to consider it.

Deputy Richard Boyd Barrett: Any Government that cannot put roofs over the heads of its citizens and ensure they are not obliged to sleep on the street is not worthy of the name. For the two and a half years I have been in the Dáil, the issue I have raised most consistently is that of the housing and homelessness crisis. I have said repeatedly that the policies of the Government are leading directly to homelessness because they not only fail to address the problem but are, in fact, making it worse. The reduction in rent caps, the failure to mount a serious emergency social housing programme and the introduction of such measures as real estate investment trusts and property-based tax incentives for speculators are combining to produce the disastrous consequences we have seen this week, where the number of people sleeping on the street has doubled.

Every week people come into my clinic who are facing homelessness as a direct result of the Government's policies. Ann Heffernan, a mother of two children who worked all her life but lost her job last year as a result of the recession, will be evicted tomorrow because her rent has gone up to €1,300 while the rent cap is €1,000. She cannot find anywhere to live. Paul Verburgt will be evicted next week because he cannot find any accommodation within the rent cap. At the same time, people are waiting ten years or more on the housing list. What are these people supposed to do? Platitudes about ending homelessness and pie-in-the-sky plans will not cut it. Cathal Morgan was clear that what is needed is direct provision of social housing. Given that we will pay €9.1 billion in interest to bondholders next year, the Minister of State cannot tell me that we could not hold back a couple of billion for housing. Action must be taken to put roofs over the heads of people sleeping rough and those waiting on housing lists for ten or 12 years.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): It may have escaped Deputy Boyd Barrett's notice, but a couple of days ago, I announced the provision of funding of €100 million for social housing next year. I am glad to say we are back into mainstream provision of social housing, something which was not possible up to now, not because of our policies, but because of the economic collapse of the country. I cannot comment on the specific circumstances surrounding the death of the man in the Phoenix Park as referred to in the issue raised, but I share with Deputy Ellis in offering sympathy to the family of Paul Doyle and of the man who lost his life in the Phoenix Park.

The growing number of people sleeping rough on the streets of our capital city is unacceptable. The figures released today, showing a marked increase in rough sleeping in Dublin are troubling. Those in need of an emergency night's shelter must be provided for. I have noted the expansion of bed spaces under Dublin City Council's cold weather initiative, which has provided additional bed spaces since 1 November. Cathal Morgan was mentioned, and he has said that more than 80 beds have been provided in the Dublin area since 1 November. I have been in contact with the city council to ensure more beds are made available to tackle the situation and I will provide any support needed in this immediate task.

Homelessness is an affront to the dignity of the person and a stain on our society. It is a complex problem, but rough sleeping is the most extreme manifestation of it. The figures released by Dublin City Council show that 139 people are in this category, up from 94 in the spring of this year. This situation is unacceptable, but providing secure, warm accommodation on an emergency basis for 139 people is a problem that housing authorities should be able to address in conjunction with my Department and the voluntary bodies working in this area. Almost €23 million was spent on emergency accommodation in the Dublin region in 2013. Therefore, considerable money is spent on this problem and a considerable number of beds is provided. The statement from the Dublin Region Homeless Executive today informs us that on the night of the winter count, there were 1,461 temporary beds in the Dublin region.

Emergency accommodation is not a viable long-term solution to homelessness. The Government's homelessness policy statement, which I published earlier this year, emphasises a housing-led approach to homelessness, which is about accessing permanent housing as the primary response to all forms of homelessness. My priority is to ensure homeless people have access to secure, stable, appropriate accommodation. In Dublin last year, more than 870 people moved from homeless services to permanent housing. This year we anticipate the figure will be more than 900.

The Government is committed to innovative, practical solutions to resolve long-term homelessness. These include initiatives such as the social impact initiative announced in budget 2014, which will see 136 families moved from extremely expensive long-term emergency accommodation to permanent homes supported by a voluntary body. The Housing First pilot in Dublin has placed 24 entrenched rough sleepers in permanent housing, where they are offered the necessary services to maintain their housing. Also, a rent supplement initiative, in conjunction with the Department of Social Protection, offers homeless households in Dublin an additional opportunity to avoid or to escape homelessness.

I would like to stress that some community welfare officers are assigned specifically to deal with homeless people and to address the issue raised by Deputy Boyd Barrett about the caps. We are also working very closely, with the Dublin authorities in particular where the problem is most acute, to address the issues. The issues are complex and require a mixture of responses. Deputy Ellis has made a suggestion we are open to considering. There is nothing to impede local authorities from setting up their own housing associations. We work closely with bodies like those mentioned, such as the Peter McVerry Trust and Simon. They are doing tremendous work and I commend them on the work they do in this area.

Deputy Dessie Ellis: Does the Minister of State accept at this stage that the plan to end homelessness by 2016 is a fairy tale? The current rate of homelessness suggests this is the case. Does she also accept that the rental supplement and RAS policies are not working and that building and providing proper social housing is the only answer?

There are a number of reasons we are seeing this huge increase in homelessness, one of which is the lack of private rented accommodation. Also, landlords who are renting to people on rent supplement are seeking to evict tenants, through charging rents that are €50, €100 or whatever higher than the supplement. This is pushing people into homelessness as they cannot find other private accommodation covered by the rent supplement. People in the RAS are in the same boat. We were told that people in the RAS were as good as housed and would not be put out, but these people are not reporting homelessness. These are two good reasons the homelessness figures are going through the roof. This will continue unless something changes radically.

Deputy Richard Boyd Barrett: There were no answers in the Minister of State's response for the two people I mentioned, or to be honest for the huge number who are being forced into or threatened with homelessness every week. The Government does not seem to grasp how bad this problem is and how quickly it is worsening.

I spoke with Peter McVerry a couple of weeks ago and he said clearly that the rent cap reductions were a disaster. He said they were driving people into homelessness and that emergency measures were needed to provide tens of thousands, not a few hundred, council houses. At the Focus Point conference this week, it was stated that only 1.2% of all the available private, rental accommodation in Dublin is within the rent caps. The policy is a joke and cannot work. The cap is driving people into homelessness. As Cathal Morgan said, this does not affect just the traditional categories, of people with drug addiction or mental health problems. People, as a direct result of not being able to pay the rents demanded, are being driven into homelessness. What does the Minister of State propose to do about this?

Deputy Jan O'Sullivan: I do not know whether the Deputy heard me, but I said-----

Deputy Richard Boyd Barrett: The Minister of State's €100 million is only a drop in the ocean.

An Ceann Comhairle: Stop shouting. Take it easy please.

Deputy Jan O'Sullivan: The Deputy will not solve the problem by shouting at me. I do not know if the Deputy heard me, but I gave him the statistics-----

Deputy Richard Boyd Barrett: Can we at least have a proper debate in the Dáil on the issue?

An Ceann Comhairle: Will the Deputy please behave himself.

Deputy Jan O'Sullivan: I already gave the Deputy the statistics on the number of beds that are available for emergency purposes. There are an extra 80 beds available since 1 November. I told the Deputy how many people have moved on into permanent accommodation and I told him that at the weekend I announced the provision of €100 million for the construction of social housing next year.

With regard to the rent supplement, my colleague, the Minister for Social Protection, improved the rent caps in the Dublin area earlier this year. We have a commitment in the programme for Government which we will implement next year, to transfer to a payment called HAP, housing assistance payment, which will get us away from rent supplement, except when used in the short term. All long-term rent supplement people will transfer to a system of payment whereby they will pay the same as if they were a local authority tenant. We are making

progress on this and will start the transition in 2014.

I have provided the Deputy with statistics on what we are doing. We are also working closely with the voluntary sector and they are helping us provide accommodation. They particularly support the housing-led approach, which is the ultimate solution. If people continue to stay in emergency accommodation when they are ready and should move on into long-term accommodation, there are no beds available for the real emergencies that arise daily. We have a programme and an implementation plan and we are supporting people to move into homes. This is a housing-led approach, which has been shown to be the right way to go.

I am committed to reaching the goal of ending long-term homelessness by 2016. We will not do this by continuing to do things as we have always done them. This is why we are changing the way we are doing things. An oversight group will report to me in the next week with specific proposals regarding what we need to change to achieve this goal. One of the things we need to do is to move people out of emergency accommodation into homes and to provide the supports they need to deal with their addiction problems or whatever problems they have. Then, when there are emergencies, there will be spaces available in the emergency hostels.

We are working on a variety of solutions to this issue. None of us wants to see anybody sleeping rough or out in the cold weather. I pay tribute to the Dublin Region Homeless Executive which is taking strong action on this issue. It is successful in what it is doing, but there is more to do. The provision of housing is an area in which we want to see an increase now that the economy has started to turn around. We have already started on work to increase the supply of social housing.

Services for People with Disabilities

Deputy Mary Mitchell O'Connor: Today is international day of persons with disabilities. I thank the Ceann Comhairle for the opportunity to raise the important issue of Wi-Fi access for staff or service users, which creates a digital divide for people with disabilities.

Earlier today, I attended an eye-opening briefing from Inclusion Ireland where I heard first hand about the difficulties experienced by persons with disabilities. To quote one speaker, Mr. Adrian Noonan, people must look at their ability not their disability. The Convention on the Rights of Persons with Disabilities was signed by Ireland and is due to be ratified following the enactment of the Assisted Decision-Making (Capacity) Bill 2013. I welcome the Government's approach to ensure this key reform will be in place shortly. However, having listened to persons with disabilities today, I fear we are still not actually listening to the voices and needs of people with disabilities.

Persons with disabilities have a vote but many still do not feel equal. They want to be included not excluded. They want to have more input into decisions. To repeat what Sam O'Connor stated today, they want us to talk to them and not about them. We must ensure the Assisted Decision-Making (Capacity) Bill is written in language people can understand so they can contribute to it. Simple English should be a prerequisite for the Bill and language that is difficult to understand should not be used.

We must ensure the service we provide fits the person and not require the person to fit the service, and I will elaborate on this point. Today I heard from one particular person with a

disability about attending a particular learning centre with no access to Wi-Fi This year's UN international day theme is "Break Barriers, Open Doors: for an inclusive society and development for all". I therefore ask the Minister of State how he plans to break such barriers and create an inclusive society when several service providers and users are still unable to access Wi-Fi. Does this not instead reinforce a digital divide and barrier for people with disabilities?

The Internet is an invaluable education tool, providing an enormous amount of educational information and is a great reference source for educators and students. Some staff, and the majority of service users, are unable to access Wi-Fi and beneficial interactive learning and teaching tools. Access to the Internet can provide a wealth of opportunity for persons with disabilities, opening up avenues for e-learning, independent learning, entertainment, self-expression and socialisation. With regard to self-expression, the Internet also affords an opportunity for people with disabilities to present themselves outside their disability. Another major benefit of the Internet is its ability to minimize distances and provide communication services efficiently and with very little cost. At present, service users have to travel to local libraries to access the Internet. Unlimited opportunities for training and learning are being lost. Internet use has become an integral part of daily life. Realising the full and equal participation of persons with disabilities in society should include full online inclusion at the very least.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): In responding to Deputy Mitchell O'Connor's question I will outline the measures being adopted by the Department in addressing what she quite rightly describes as the digital divide. It is also important to note the very important work being done by the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, in rolling out the national digital strategy and the serious ambition on his part to provide a minimum of 30 Mb broadband connection to every community in the country. This is something I applaud and am confident will become a reality in the lifetime of the Government.

The ICT in schools programme supports the integration of ICT in teaching and learning in primary and post-primary schools. Centres for adults with intellectual or other disabilities do not fall within the immediate remit of Department of Education and Skills. Wireless networks have the potential to deliver educational benefits to support teaching and learning in a number of ways in our schools. It can help to facilitate classroom situations which are more supportive of a student-centred active learning model.

Facilitated by the 100 Mb fast broadband programme for post-primary schools, there is a significant shift in terms of ICT, where computing devices being introduced by schools for learning are increasingly mobile wireless devices and not fixed or desktop computers. At the launch of the consultation phase of the Department's digital education strategy yesterday a number of excellent examples were outlined by school principals where wireless technology is playing a major role in the provision of learning in schools throughout the country.

In October 2012 a working group on wireless ICT in post-primary schools was set up in the Department with a remit to develop a guidance document for wireless ICT systems in new schools. Its priority was to focus on post-primary schools initially arid then primary schools, to include special schools. The remit further expanded to developing a more comprehensive guidance document with enhanced guidance for all schools. The guidance document provides advice and direction regarding wireless networks in post-primary schools in Ireland, including on infrastructure, design, procurement, management, technical support and pedagogical guidance on wireless systems. The target audience includes school principals and management, ICT

co-ordinating teachers, boards of management, design teams and other parties involved in the planning, provision and support of wireless in schools. The document includes non-technical and technical sections and will be published in the very near future. Work has commenced on the development of an advice document for primary schools.

At present in the case of a post-primary building project, such as a new school or an extension to an existing school, the school is given the option to have wireless installed, and the network will be provided as part of the building contract. Wireless is the preferred option of the Department of Education and Skills but ultimately the decision is made by the school itself. In the case of an existing school where no building project is being undertaken, the installation of wireless is an operational matter for the board of management of the school. Funding for the installation is provided by the schools themselves. It is of utmost importance that consultation should take place prior to the decision being made. The cost and other implications must be fully considered by the boards of management.

The assistive technology scheme provides funding to schools towards the purchase of equipment for pupils who have been assessed as having a special educational need which requires specialist equipment to access the curriculum. I have seen at first hand the power of the equipment and the software one can access. It certainly empowers students with special needs to learn in the very unique way required as a result of their needs. Grant aid is available for this specialist equipment. It is pupil-specific, as it should be, and is based on the pupil's needs as determined by an associated professional. There is no upper limit to grant aiding this assistive technology.

Deputy Mary Mitchell O'Connor: I welcome the response of the Minister of State and I appreciate the good work done in primary and post-primary schools. However, I was referring to learning centres for persons with disabilities over the age of 18. Given the ongoing revelations about the generous remuneration and top-up payments of senior managers, some of whom are working with services for people with disabilities, I would like to be assured that money is allocated to those who need it most in these learning centres. Finland has become the first country in the world to make broadband a legal right for every citizen. Is this something we should consider?

Deputy Ciarán Cannon: I agree with Deputy Mitchell O'Connor's final remark. It is something we should at least contemplate. Perhaps we should examine the significant body of experience, learning and wisdom amassed throughout our primary and post-primary school system in recent years with regard to the use of technology in education, and then use this wisdom to determine how best we serve the needs of the learners referred to by Deputy Mitchell O'Connor. I am more than open to discussing the matter with her in the future and perhaps engaging with my colleagues at the Department of Health on making it happen.

General Practitioner Services

Deputy Dominic Hannigan: I thank the Ceann Comhairle for allowing me to raise this matter. This is not the first occasion on which I have raised the issue of GPs charging medical card holders for service to which, I understood, they were entitled free of charge. In July 2011, I brought to the attention of the House the fact that some GPs were charging medical card holders for blood tests. At that time I received a strong commitment from the Minister of State's predecessor to the effect that the Department would ensure that any GP charging medical card

holders for blood tests would be investigated. I understand the Department also wrote letters to all GPs advising them that blood tests are covered under the General Medical Services, GMS, contract. I am now seeking clarification from the Minister of State in respect of another service GPs provide to their patients which, I also understand, is covered under that contract.

I recently met one of my constituents from County Meath who has mobility issues. As a result, she is obliged to use a mobility scooter. She lives in a House that is not suited to her needs or to the use of said scooter. This makes it difficult for her to enjoy a good quality of life in her own home. The woman in question does not have the money to have her house refurbished so she has applied to Meath County Council for a house that would be more suited to her needs. The housing section of the council is helping the woman to find a new home. However, in accordance with the rules under which the latter operates, she was obliged to obtain a letter from her GP outlining her medical condition and the impact living in her current home is having on that condition. The woman concerned went to her local GP and obtained the following letter. Obviously, I will not read the names of either the woman or her GP into the record. The letter states:

To whom it may concern

This is to certify that the above mentioned is under our care. She has background history of osteoporosis and degenerative bone disease. She needs constant medical care and attention. She has recently been recommended use of a mobility scooter by the HSE's services which enables her to mobilise for longer distances. She also needs to have modifications made in her home, such as railings and ramps, to enable her to move more easily within her home environment.

I feel these adjustments would be of huge benefit to this lady with her disabling conditions. I would be grateful if you would take this into consideration on her application for housing. Many thanks for your help in this matter.

Yours sincerely

Dr. X

That is great and it is just what the council wanted. However, the woman - who is in her 70s and who has a medical card - was presented with a bill for €50 in respect of the letter, which contains only nine sentences. This is simply astonishing. It is not unusual for GPs to be asked to provide letters outlining the nature of people's illnesses to councils or other State bodies. These are very routine requests.

With respect, this is happening on the Minister of State's watch. That to which I refer is unacceptable and we need to do something about it. I ask the Minister of State to clarify whether there are circumstances in which GPs can charge medical card holders for services. If not, will he advise as to how this woman and others who have been asked to pay for the routine service to which I refer can obtain refunds? Will he also make it clear to GPs that this type of behaviour is not acceptable?

Minister of State at the Department of Health (Deputy Alex White): It might be useful to quote the relevant section of the GMS contract. In that regard, section 11 states:

The medical practitioner shall provide for eligible persons, on behalf of the relevant

Health Board, all proper and necessary treatment of a kind usually undertaken by a general practitioner and not requiring special skill or experience of a degree or kind which general practitioners cannot reasonably be expected to possess.

In the context of the issue raised by the Deputy, the section also states:

> The medical practitioner shall:
>
> ...furnish to a person whom he has examined and for whom he is obliged to provide services (or, in the case of a child, to his parent) a certificate in relation, to any illness noticed during the examination which is reasonably required by him or by the parent as the case may be. Such examinations as the doctor may carry out on a patient prior to the issue to him of first and final Social Welfare certificates are comprehended by the capitation payments. Payment under this contract is not made in respect of certain other certificates required, e.g. under the Social Welfare Acts or for the purposes of insurance or assurance policies or for the issue of driving licenses.

Under paragraph 27 of the GMS contract, a medical practitioner shall not demand or accept any payment or consideration from a GMS patient for services provided by him or her which are covered by the contract. Any alleged instances of eligible patients being requested to pay for a service covered by the contract, such as the provision of a sick certificate as outlined in the quotation, is viewed as a serious matter by the HSE and the Department. The HSE's local health offices will fully investigate any reported incidents of eligible patients being charged for services covered by the GMS contract.

The Deputy may also wish to note that the Department of Social Protection pays fees to medical certifiers, who are mainly general practitioners, for the completion and issue of medical certificates for illness benefit and the completion of medical reports for various social welfare schemes. The fees are paid for the provision of medical opinion which is furnished on an official certificate or report form. Consultation fees charged by general practitioners to private patients and to GMS patients outside the terms of the GMS contract are a matter of private contract between the clinicians and the patients. While I have no role in respect of such fees, I would expect clinicians to have regard to the overall economic situation in setting them.

Deputy Dominic Hannigan: I thank the Minister of State for his reply, in which he set out the position very clearly. He stated that a medical practitioner shall furnish to a person services which are reasonably required by him or her. Does this revolve around what is deemed to be reasonable and what is not? I am of the view that it is very reasonable to provide to someone with osteoporosis and a degenerative bone disease - and who, under the contract, is eligible to avail of such a service free of charge - the required letter. It is clear that this is a case where the GP acted outside the terms of the contract. If I furnish the name of the GP involved, can I expect that the Department will take the necessary action?

Deputy Alex White: I cannot comment specifically on an individual case. I can, however, assure the Deputy that there are certain types of letters and certificates which are comprehended by the contract and in respect of which fees should not be sought or charged. The Deputy was correct to focus on the use of the term "examination which is reasonably required" in the contract in the context of the certificate or letter to which he refers. It might be advisable to consider raising this matter with the HSE's local health office in respect of any investigation he might consider appropriate in this case. If he requires my assistance in that regard or in respect

of progressing matters further, I will be more than willing to provide it.

Sitting suspended at 5.09 p.m. and resumed at 5.15 p.m.

Credit Reporting Bill 2012: Instruction to Committee

Minister of State at the Department of Finance (Deputy Brian Hayes): I move:

That, pursuant to Standing Order 177, Standing Order 131 is modified to permit an instruction to the Committee to which the Credit Reporting Bill 2012 may be recommitted in respect of certain amendments, for which it has power to make provision in the Bill in relation to an amendment to the Central Bank (Supervision and Enforcement) Act 2013 to change the reference in section 5(2) and 5(3) from Parts 1 to 3 to Parts 1 to 4 in each case to reflect the fact that there are four Parts in each of Schedule 3 and Schedule 4; and to change the title of the Bill to take account of this provision.

It is proposed to recommit the Bill to correct a mistake in the cross-referencing of two sections. We would appreciate the opportunity to make the relevant amendments on Committee Stage to ensure the text is correct when the Bill comes before the Seanad.

An Leas-Cheann Comhairle: Does the Minister of State propose to speak to the motion?

Deputy Brian Hayes: In pointing out that we made a cross-referencing mistake in the Bill, I have made the argument for accepting the motion. If the Bill is to advance to Report Stage, we must recommit it.

Deputy Michael McGrath: As this is a technical motion to correct a drafting error, I do not have any difficulty with it.

Deputy Pearse Doherty: Similarly, we received clarification on the matter from officials in the Department whose co-operation is appreciated. They informed us of the effect the error would have on procedures. While it is not desirable that the House amend other legislation through the Credit Reporting Bill, Sinn Féin does not propose to stand in the way of a technical amendment to the Central Bank (Supervision and Enforcement) Act. As the Minister of State is aware from the Committee Stage debate on the former Bill, we do not have a significant problem with it. I will, however, raise a number of minor issues on Report Stage.

Deputy Brian Hayes: I thank the Deputies opposite for agreeing to the motion.

Question put and agreed to.

Credit Reporting Bill 2012: Order for Report Stage

Minister of State at the Department of Finance (Deputy Brian Hayes): I move: "That Report Stage be taken now."

Question put and agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 1 and 10 form a composite proposal and may be discussed together. The Minister of State must move the motion for recommittal.

Minister of State at the Department of Finance (Deputy Brian Hayes): I move:

That, in accordance with Standing Order 130(1), the Bill be recommitted in respect of amendments Nos. 1 and 10.

Question put and agreed to.

Bill recommitted in respect of amendment No. 1.

Deputy Brian Hayes: I move amendment No. 1:

In page 5, line 16, after "1942;" to insert "AND THE CENTRAL BANK (SUPERVISION AND ENFORCEMENT) ACT 2013;".

Amendment No. 10 provides for the insertion of a new section into the Bill, which is section 35. The reasoning behind this provision is to correct a drafting error in the Central Bank (Supervision and Enforcement) Act 2013. Sections 5(2) and 5(3) of the Central Bank (Supervision and Enforcement) Act 2013 both erroneously referred to Parts 1 to 3 of Schedule 3 and Schedule 4, respectively. The insertion of this new provision will have the effect of rectifying the error by inserting the correct reference in each case to Parts 1 and 4. Should this amendment be accepted, it will result in a consequential technical amendment being required to make reference in the Long Title of the Bill to the Central Bank (Supervision and Enforcement) Act 2013.

Amendment agreed to.

Bill reported with amendment.

Deputy Michael McGrath: I move amendment No. 2:

In page 12, between lines 20 and 21, to insert the following:

"(2) The cost of amending any inaccurate or incomplete information detected in the Register shall be borne by the relevant financial institution and not the individual about whom the information concerns.".

This amendment is to ensure that the cost of amending any or incomplete information detected in the register shall be borne by the relevant financial institution and not the individual whom the information concerns.

I note that in section 26 the Central Bank has the power, with the consent of the Minister, to make regulations prescribing fees for access to certain information. It does not make reference to the correction of the register where errors occur. We are aware, for example, that when Ulster Bank had technical difficulties last year it may have resulted in certain cases where the formal credit register, which will now be set up on a statutory basis, contained errors. What I am trying to get at here is, where an individual seeks access to his or her credit history - I note the Minister has a subsequent amendment proposing that he or she will be allowed to do so free of charge, essentially, once every year - and identifies any errors in the record which are not of his or her making, if any costs arise in connection with the correction of that record, the costs

would not be borne by the individual.

Deputy Brian Hayes: Amendment No. 2 specifies that the cost of amending any inaccurate or incomplete information on the register will be borne by the credit information provider and not the credit information subject. I do not propose to take this amendment on board as the provision is not necessary. The Bill does not make provision for charges to be imposed on individuals who seek to amend inaccurate or incomplete information on the credit register.

Section 9 provides for an application process to correct personal information that is comparable to the process under the Data Protection Acts. I am advised by the Data Protection Commissioner, DPC, that data subjects do not have to pay a fee to request the correction of personal data held by the data controller.

An application in relation to the correction of information held on the credit register will, first, be made by the Central Bank. The Central Bank must rectify the credit register as appropriate where it is found that the information held on the credit register is inaccurate or incomplete. There is no resulting charge on the individual about whom the information concerns.

It is not necessary because of the existing provisions. For the information of Deputy Michael McGrath who spoke of section 26, my understanding is that section 26 does not allow fees to be imposed on individuals to apply in order to correct errors.

Deputy Michael McGrath: Essentially, the Minister of State is giving an assurance that he does not envisage any circumstances where individuals would be charged for corrections having to be made to their record. If that is his understanding of the Bill, I would be happy to withdraw the amendment.

Deputy Brian Hayes: It is important that Deputy Michael McGrath, in putting down this amendment, gets clarity on it. As I have always stated on Committee and Report Stages, the transcript of the debate helps to inform the decision-making that follows. Let it be clear, my understanding is exactly that of the Deputy. Let everyone outside this House who is implementing this understand that.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 3:

> In page 13, between lines 46 and 47, to insert the following:
>
> "(2) Financial institutions that contribute to the Register shall be required to satisfy the Regulator that the procedures of such financial institutions, for cross referencing and verification of data, are fit for purpose.".

Amendment No. 3 requires that financial institutions contributing to the register shall be required - it places a legal onus on them - to satisfy the Regulator that the procedures of such financial institutions, for cross referencing and verification of data, are fit for purpose. This was an issue raised by the National Consumer Agency during the public consultation phase of the Bill. It requires the institutions to ensure that they have proper systems and procedures in place so that the information they provide to the register is up to date and accurate. It shifts the onus onto them to ensure that what is inputted onto the new register is bona fide and can form a reliable basis for those, both for borrowers and lenders, who are making important decisions.

Deputy Brian Hayes: We had a general discussion about how to correct the register on Committee Stage to which the Deputies opposite contributed. Deputy Michael McGrath stated at that point he would bring forward this amendment to reflect that discussion and he flagged that as part of his contribution.

I do not propose to take amendment No. 3 on board as it is my view that this is not necessary. Section 20 gives the bank the power to set the verification standards for personal data. Section 21 places an obligation on credit information providers in relation to the quality of the credit information provided. Furthermore, credit information providers have obligations as data controllers under the Data Protection Acts.

In addition, section 11 of the Bill allows the Central Bank to define the detail to be provided by way of regulations for both personal and credit information. That power exists for it in terms of the regulations that are to be provided thereafter. Failure to adhere to the regulations or standards can be addressed by the Central Bank through the extensive enforcement powers of regulated financial service providers.

The Central Bank has the necessary power in the Bill to set the rules and standards and has the power to take enforcement action if necessary. The amendment is not required because of the existing power that the Central Bank has in terms of regulations in this matter.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 4:

In page 15, between lines 24 and 25, to insert the following:

"**14.** (1) Licensed moneylenders shall be required to consult the Register before providing a loan in excess of €500.".

Amendment No. 4 requires licensed moneylenders in the State to consult the new credit register before providing a loan in excess of €500. This is an important amendment. The typical loan provided by licensed moneylenders in the State would be €500. The recent report by the Central Bank provided confirmation of the growth in activity by licensed moneylenders. By their nature, such loans are high risk. From the point of view of the borrower, a loan that starts off at €500, given the high interest rates that apply, can grow quite substantially over a period of months. If the liability remains outstanding for a year or more, the borrower can owe a considerable sum of money.

The current threshold is too high. Deputy Pearse Doherty tabled a separate amendment which is amendment No. 5. Given the specific and unique characteristics that apply to the licensed moneylending sector, it should be required to consult with the register because it is quite possible that individuals will have multiple loans from different licensed moneylenders across the system without any of the other moneylenders knowing that such money is owed. It is something that should be looked at to ensure that proper credit decisions can be taken by the moneylenders.

Deputy Pearse Doherty: The Minister of State will be well aware that I tabled a number of amendments on Committee Stage but I have decided to retable only a few of them on Report Stage, one of which is connected to this issue but is not being taken with this amendment. There is a deficiency in the legislation regarding the issue of moneylenders. I recall the Minis-

ter of State's remarks on Committee Stage in terms of getting the legislation up and running and then considering how it will affect moneylenders. While I note what Deputy Michael McGrath seeks to do in his amendment, and there is an argument that identifying moneylenders would involve a separate section in the legislation, which would be a good approach, I have an issue with the threshold of €500 because it would not capture lending by moneylenders. As I mentioned on Committee Stage, Provident, the largest moneylender in this State, advertises loans from €100 to €500 on its website. The wording in the amendment provides for a loan in excess of €500, but on Provident's website loans are offered up to €500 and it would not be possible to get one in excess of €500. Therefore, I would be cautious about that aspect.

The principle underpinning the amendment is the right one. Amendment No. 5 ties into this amendment. Even with the inclusion of my amendment or that of Deputy McGrath, the Bill would not deal effectively with the issue of moneylenders. The problem is that the providers have only to consult the register. There are moneylenders who want to lend and are willing to take the risk because the APR is very high. Also, they will call to the door of the borrower every week to collect the repayment of the loan. That is not intimidating in the sense of illegal moneylenders but when a provider calls to a borrower's door every week to collect the €5 repayment, the provider is likely to get back the money as against the borrower making a lodgement to a financial institution, be it the credit union or some of other institution. The issue is not only that the provider should check the register but that the other section should be amended in terms of the requirement to report loans. Even with the inclusion of these amendments, the provider would not have a loan that is less than €500. The problem is that moneylenders will want to lend money because they will believe they will get a good return and even if they check the register they do not have to do anything about it. They can note that the person is over-indebted but all they have to do is check the register, and that is where there is a weakness in the legislation. I support the principle of Deputy Michael McGrath's amendment. The threshold of €500 is too high and I will deal with that in my later amendment, but the principle is good in terms of identifying moneylenders as a unique area.

I know from Committee Stage that the Minister of State is unlikely to accept these amendments but I would encourage his officials to consider drafting a section that would deal with the issue of moneylenders. I had a conversation with a newly appointed Sinn Féin councillor to Donegal County Council, who was co-opted to the council last Monday, and one of the first issues about which he spoke in the council was that of moneylenders calling door to door in estates in Donegal and the burden that places on individuals. I would encourage the officials to draft a section dealing with the issue of moneylenders if the Minister of State is not willing to accept these amendments.

Deputy Brian Hayes: We had a discussion, not on this issue but on a similar one, on Committee Stage. The first point to make is one I made on Committee Stage that, principally, this Bill is not about moneylenders, rather it about trying to ensure there is a very clear decision-making process on prudential risk within the financial institutions and that we capture that by way of information, which previously was not in place in terms of the crisis that befell us all. That is an important point. I am also aware that the whole question of APR reflects the very significant risk - we discussed this on Committee Stage also - and that is the reason it attracts such a very high rate of interest. The point the Minister, Deputy Noonan, has repeatedly made is that the first priority is to have this in place for the banks and credit unions and we can then consider rolling it out for other aspects of the financial services industry, and as to whether this would make a difference, we would have to be clear on that.

The legislation that already regulates moneylenders, which is the Consumer Credit Act of 2010, sets the floor at €200 for its consumer protection rules. Those are consumer protection rules and whether they have the same impact the Deputy is suggesting in his later amendment is probably another matter. Licensed moneylenders fall within the current definitions of regulated financial service providers. The consent of the Minister will be sought when regulations are being made to phase in licensed moneylenders. The Minister will be cognisant of the need to ensure the threshold is set at an appropriate level. The Minister for Finance may review the threshold amount having regard to influences, including taking into account the effect of credit information subjects. It would not be the appropriate way to adopt the proposed amendment as it would be a case of treating credit information providers differently, which could be found to be discriminatory. We will also discuss that when dealing with the next amendment. To meet a claim of discrimination one must be in a position to objectively justify such differences in treatment. It would be more appropriate to determine if one could be justified after a period of practical operation of the credit register.

We are cognisant of the points both Deputies are raising, and specifically Deputy McGrath in this amendment No. 4, but we should wait and see where this goes. Importantly, the first priority, as we have given a clear obligation to implement, would be for banks and credit unions. We will then see whether this can be rolled out across the entire system. That appears to be the approach that would have the support of the entire system, given that the primary objective of this legislation is not about the question of moneylenders *per se* but about the quality and the collection of data surrounding borrowing decisions that are taken across financial institutions.

Deputy Michael McGrath: I do not think we will reach agreement on this issue. I agree with the Minister of State that the most important point is to get the register in place. It is a welcome development and an important step, both for borrowers and lenders, to have a register that has a statutory base and to which all creditors, essentially all financial institutions, are required to submit information. However, the substance of the threshold of €2,000, and we will get to the substance of it when dealing with the next amendment from Deputy Doherty, is excessive and has the potential to lead to bad lending decisions. In the example I have given, licensed moneylenders could give loans of approximately €1,900 - I am not suggesting they do; their loans are much smaller - without having even to access the register to see how indebted is the person to whom they are proposing to lend. That is a significant drawback in the legislation and I ask the Minister of State to revisit it at the earliest opportunity.

Deputy Brian Hayes: We had a good discussion on this on Committee Stage. We will keep a very close eye on this but I agree with Deputy Michael McGrath that the primary objective of the exercise is to get the register in place. That will be the new benchmark upon which decisions are taken, and there has been some verification on those decisions. Without the register we do not have a proper, robust system of making decisions and ensuring the risk is understood by all concerned but we will keep a very close eye on this issue.

Amendment put and declared lost.

Deputy Pearse Doherty: I move amendment No. 5:

In page 15, line 44, to delete "specified, €2,000" and substitute "specified, €125".

Deputy Brian Hayes: This is the amendment proposing the figure of €125.

Deputy Pearse Doherty: Yes, it is the one that proposes the figures of €125. As I said, there

may be justification to have a specific section in the legislation and not reduce the threshold to €125 for all credit institutions, and the Minister mentioned the question of a discriminatory approach in this respect. Moneylenders are included in the Bill, as are credit unions and financial institutions, but the Bill will have no effect on moneylenders because they lend sums smaller than the €2,000 threshold that forces them to check the register. Also, they make loans smaller than €500, meaning there is no obligation to report the loan to the Central Bank. While the legislation puts an onus on moneylenders if they exceed the threshold, in all almost cases the legislation will have no effect. The Minister of State is correct in stating that we must deal with the larger financial institutions in respect of the quantum of money being lent to customers. We should not adopt the approach of getting the Bill up and running with the intention of dealing with moneylenders at a later stage. We do not take that approach to legislation. If there is a credit reporting system, we must capture all credit institutions coming under the confines of the legislation.

On Committee Stage I referred to the National Consumer Agency. Although the figures may be outdated, it referred to moneylenders lending an average of €100. In exceptional circumstances, this increases to €1,000. Provident Personal Credit Ireland lends up to €500. I suggested the sum of €125 to acknowledge that the threshold of €2,000 or the €500 reporting threshold does not capture moneylenders. The Minister of State mentioned that there is nothing to prevent a moneylender from calling to someone's house and lending €499 to several members of the household. A family with three adults in the house may owe €1,500 to a moneylender, yet it would not appear on the credit history. There is a likelihood that they will pay back the moneylender because someone is calling to their house every week. If a credit union has a similar loan it must report it and, although it does not have to check the register, it is also likely to do so.

It is much harder to regulate moneylenders because they are not sitting behind a desk in high street banks or credit union offices. They call to people's houses and we hear stories about them appearing with Argos catalogues and asking what people want for Christmas, suggesting that they can provide loans. Recently, someone told me they could not offer a second loan to a person who already has a loan, but they could tell the person about a loan and the person could then apply for it. How can we regulate that? In a main street bank there is greater control, but this involves going into people's living rooms. I am not saying all licensed moneylenders are involved in this practice, but it is a difficult area to regulate. It is unfortunate that the Government has decided to exempt moneylenders from the legislation. The reduction of the threshold to €125 would capture moneylenders, although I acknowledge that it would put onerous restrictions on other financial institutions. A signal must be sent to moneylenders that they will not be exempt and that we need tighter regulations on moneylenders. We allow them to charge massive APRs of up to 187%, and the least we should do is say they must come within the confines of the legislation. While the legislation applies to them in theory, in effect it does not because the thresholds are too high.

Deputy Brian Hayes: I do not want the impression to go abroad that we are putting the legislation in place and seeing how it goes while it has no impact on moneylenders. Notwithstanding the small sums of money, there is an issue here. The Minister is being given power under this Bill to change the threshold, and there is a logic in that. The views of stakeholders on the value of the limit encompassed the upper end and the lower end; it was not a unanimous view. The establishment of the €2,000 threshold is a policy decision. It is at the lower end of European examples of credit registers of this nature. We must be cognisant of that. In every aspect

of the Bill, we are talking about the entire financial services industry and all institutions, big and small, risky and risk-averse. We must take a considered policy decision on the way to go.

The Minister, whoever is in that position in the future, has the power to ensure the thresholds can be altered based on an impact assessment. We do not want to make it so onerous for every credit union to report the cost of each and every transaction that follows. There is a broad consensus about the threshold. After the legislation is enacted we will see how it works, and if there are significant issues arising, as outlined by the Deputy, they can be dealt with through substantive change by a future Minister for Finance.

There would be additional requirements for credit unions if we reduced the threshold to the amount argued by the Deputy. Stakeholders had mixed views during consultation with the Department of Finance and the Central Bank in the advance of the publication of the Bill. We believe it is broadly right, but any difficulty can be resolved.

The risky business of moneylending is tied up with the rates of interest charged. For some people, who want small, insignificant amounts of money that are significant from their perspective, the money is available for a short period of time, notwithstanding the fact that we must be conscious of the activities of moneylenders. There is a regulated sector and a demand for their services. We must wait and see how we can meet that within the confines of the Bill. The Dáil is giving the Minister for Finance and any future Minister for Finance the power to amend the threshold if the issues outlined by the Deputy become a difficulty.

Deputy Pearse Doherty: Moneylending is a risky business. The APR set for each individual moneylender, as specified by the Central Bank, takes in the risk, but it is not the case that everyone is defaulting. The fact that someone is calling to the person's door on a weekly basis is the encouragement to repay. These high interest rates occur because of the administration end and the fact that someone must call to the house every week to collect the money. That is the big problem and the reason some of the rates are so high. It is a hugely profitable business.

There is no point in looking at how this will affect moneylenders, because we know it will not affect them. Is there a way of capturing moneylenders - through a hybrid of the suggestions made by Deputy Michael McGrath and me - which is unique to moneylenders so that we do not put a burden on credit unions? I am not suggesting doing it now. The Minister of State has indicated that the Minister has the power under section 11(7). My reading of the subsection is that the power extends to raising or varying the amount, or reviewing the rate, having regard to the changes in the consumer price index, CPI. It is written in a way that is supposed to reflect price changes. I am not sure it is written for the purpose of decreasing the rate. Scope may be provided to do that but, as I noted a moment ago, a different section may be required for moneylenders so that we do not put pressure on the likes of credit unions.

I am sure the Minister of State at the Department of Finance is well aware that as we impose restrictions and requirements on lending for financial institutions - credit unions in particular have had different lending caps imposed on them - some of these are very blunt instruments that do not take into account the individual borrower's circumstances. These blunt instruments mean that credit unions cannot lend above a certain amount. It is right that we ask credit unions to go to the register, but if I ask my credit union for a €2,000 loan it may find me overly extended on the register and refuse to give a loan. As the pressure is put on credit unions, people go to moneylenders and get smaller loans. The moneylenders take the risk as they call to the door every week, but they are exempt from this legislation. Although it is right that we force credit

unions and other financial institutions to do this, we must recognise there is a knock-on effect whereby people go to riskier lenders. If the moneylender does not give a loan, some people, out of desperation, will go to illegal moneylenders. That is the trickle-down effect.

If we apply the regulations to credit unions, we must ensure we realise what a desperate person will do when a credit union checks the register and finds that the person should not be given a loan because of his or her level of indebtedness. That person will turn to the moneylender, visiting the website of Provident or another legally registered and regulated entity in the State for the money. It may be provided by the moneylender without complying with this legislation.

Deputy Brian Hayes: We introduced an amendment relating to section 11(7), as Deputies recall, and originally the Minister's decision was based on the CPI. We broadened this provision to include the following: "The Minister may, from time to time, review the amount for the time being provided for by subsection (6) and may, following consultation with the Bank and having regard to changes in the consumer price index, the implications for the effective and efficient operation of the Register and the effect on credit information providers and credit information subjects, by order specify a different amount instead of that amount." This amendment broadened the definition of subsection (6) to have a more holistic review rather than something based on the CPI. Within that, there is an opportunity to capture the very issues referred to by the Deputy when it comes to moneylenders and the amounts involved.

Deputies raised an essential point. We are not saying that automatically there is to be a sunset clause and in two years there will be a review and some kind of impact assessment. There would have to be some review, which may come after two or two and a half years. We have to see, in a period of time, whether this will create new difficulties for people in appalling positions and who must go to these illegal entities - they are sharks - that raise extortionate amounts of interest on very small sums of money. It would be normal in this kind of environment for a review to occur, although I am not saying that provision is in the legislation. I am giving the commitment that a review will be complete within two years, and it would have to include an impact assessment across the industry, including the micro-issues raised by Deputies.

Section 11(7) captures the collective view of the committee in having a much broader definition of the Minister's assessment of whether to review thresholds. Previously, there was a provision related to the CPI, but we have now included, following the agreement of colleagues, subjects of financial services and their providers. It is a better approach and the Minister must have regard to the entire range of issues being brought to his attention. I presume that between now and the time of the review, probably in two years, there will be the opportunity to change the thresholds if difficulties arise in light of the Bill's operation.

Deputy Michael McGrath: Is there an anti-avoidance provision with regard to the application of the €2,000 threshold? If a licensed moneylender provides multiple loans of perhaps €500 in a short period with a cumulative value of more than €2,000, is there a measure to deal with it?

Deputy Pearse Doherty: I welcome the commitment to the review but I will be pressing the amendment.

Deputy Brian Hayes: My understanding is that when the register is operational, the bank will obtain statistics from each of the financial institutions and this will give a full picture. Currently we do not have that information but we will have it when the register is in place.

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

Amendment declared lost.

Deputy Michael McGrath: I move amendment No. 6:

In page 16, between lines 9 and 10, to insert the following:

"15. Information contained on the register in relation to a credit information subject who is an individual shall be accessible by such individual's spouse, guarantors and executors in circumstances where such spouse, guarantors and executors have a reasonable entitlement to such information.".

This amendment relates to certain circumstances in which information on the register concerning individuals would be provided to others. I accept that this is a very difficult and sensitive area, but the matter was raised by the National Consumer Agency during the public consultation phase, and it has a certain point. It considers that consumers should have limited access to the records of another individual held on the register if said individual is liable for a debt. For example, guarantors and spouses may be liable for the debts of another person. Although I fully respect the right of each individual to absolute confidentiality, if there is somebody else with a financial interest in a level of indebtedness, there should be a way of working that into the legislation. It would be in a person's interest to have access to information on the register about the amount of debt being carried by certain people if there is a direct financial interest in the case.

Deputy Brian Hayes: I do not propose to accept amendment No. 6, but I thank the Deputy for raising the issue on Committee and Report Stages in order to allow me the opportunity of putting on the record the specific advice we have. On Committee Stage I committed to take advice on the question of executors gaining access to the register. I am advised that the duties of an executor are specifically set out in the Succession Act 1965. An executor is obliged to distribute the assets of a deceased person within a reasonable time period in accordance with the will of a deceased person. From the date of death of the deceased, the whole estate devolves and passes to the executor. The executor has numerous duties under the 1965 Act, including ascertaining all liabilities of the deceased, establishing the identity of beneficiaries, gathering and protecting the assets of the deceased and ascertaining their value, and paying debts or taxes owed. I am advised that there is no need to make specific provision in the Bill to allow an executor to have access to the register as they will be entitled to such access until the estate of the deceased has been duly administered.

With regard to spouses and guarantors, this is a separate matter. Individuals themselves have clear legal entitlements to reports and may share them with whomsoever they chose. The Deputy has proposed access for these individuals where they have reasonable entitlement to such information. It is unclear as to what constitutes a "reasonable" entitlement. A guarantor does not currently have access to any other individual's record. It is for guarantors themselves to decide if they wish to give a guarantee and they are not forced to give a guarantee. It is for the borrower to decide if they wish to give their record to any party that is willing to undertake a guarantee on their behalf. We imagine any attempt to give "reasonable" access would be very difficult in practice. For example, who decides what is reasonable, and on what basis? Furthermore, it is difficult to see how such access could not be considered as encroaching on the individual data protection or privacy rights of the borrower concerned. For these reasons, I am unable to accept Deputy McGrath's proposal.

6 o'clock

Deputy Michael McGrath: I thank the Minister of State for his response. I accept the substance of what he said on executors. In essence, he said there is an absolute veil of confidentiality for every individual concerning the private record that is held on the register for guarantors and spouses. That could throw up potential issues down the line - for example, where a person incurs debts where there is joint liability and the other person concerned does not have access to the information. The matter must be examined should many such issues arise when the register is up and running, but it is important to flag it at this stage. The NCA made a valuable submission and the issue was well worth raising. I will not press the amendment but I will flag the matter as one to be watched closely once the register is operational.

Amendment, by leave, withdrawn.

Deputy Pearse Doherty: I move amendment No. 7:

In page 17, line 6, after "subject" to insert the following:

"in circumstances in which a credit information subject has made a request for such an evaluation to be made".

We had a lengthy discussion on this amendment on Committee Stage, when the Minister of State committed to reviewing the position, but he has not tabled an amendment. He said that when the section was taken in conjunction with other sections there was no need for a change. I believe there is a need for it, but I am eager to hear the reason provided. My concern is that information from the credit register could be used by a credit provider to offer credit to individuals who have not asked for it. I accept that it is difficult to utter such an idea at the end of 2013 because most people who are looking for credit from banks cannot get it, and issues arise in terms of freeing up credit. However, we will not always be in this space and we were not always in it. Many of us had the experience of credit being pushed on us by financial institutions. It was the decision of the individual to ultimately accept it, but one was encouraged to take it. We cannot return to such a situation and the register should not be used to allow it. I am concerned about section 16(*b*), which allows a credit institution to evaluate any risk arising from affording or extending credit to a person subject to credit information. I am worried that the information could be used for the purpose I have explained. I await the response of the Minister of State.

Deputy Brian Hayes: I thank Deputy Doherty for raising this matter, on which I gave him a commitment on Committee Stage. When I discovered I would be taking Report Stage the first question I asked of the officials was whether we had examined the issue and received advice on it. I am sincere about that.

Deputy Pearse Doherty: I know that.

Deputy Brian Hayes: We examined the issue. My officials sought legal advice and I am assured that the current wording in the Bill is sufficiently robust. Sections 14 and 15 specify the occasions on which a credit information provider must or may access the register, and these do not allow general trawls, for example, to look for "good" potential customers. Section 14 provides that a credit information provider must access information held on the register which relates to a person who has made a relevant credit application to the credit information provider. Section 15 provides that a credit information provider may make an application to access infor-

mation held on the register on those occasions, as outlined at subsections (1) to (3). Even where information has been accessed under either of those sections, subsection (4) of each of those sections restricts the uses to which the information may be put by the credit information provider for the purposes provided for in section 16. That is the all-important section mentioned by Deputy Doherty.

The purpose of section 16(*b*) is the evaluation of any risk arising from the affording or extending of credit to, or the taking of a guarantee or indemnity from, a credit information subject. Under paragraph (*b*) the information can be used for evaluating the risk of lending to someone. It appears that concerns have been raised about section 16(*b*) because it is claimed the wording is open-ended and too flexible. We do not see section 16(*b*) as allowing a credit information provider to pony up business. The provision under section 16(*b*) relates to an application already made by a credit information subject for credit or for the taking of a guarantee or indemnity from a credit information subject which is already under consideration by a credit information provider. The credit information provider would only get information on a particular credit information subject because of the scenarios outlined in sections 14 and 15. If, having been given access to the register for the purpose of section 16(*b*), a credit information provider were to use the information obtained to unilaterally seek entirely new business from the credit information subject separate to the business already under consideration between the credit information provider and the credit information subject, that would not be in accordance with section 16(*b*) and would be an offence under section 29(2). Nothing in section 16 permits the use of information for generating additional business.

Having examined the issue and obtained advice, we think the section is sufficiently robust. The objective of section 16(*b*) is to provide a framework for sections 14 and 15, and were institutions to use that as a means of generating additional business, as the Deputy has correctly highlighted, that would be a significant offence for which penalties are already provided in the legislation. I am grateful to the Deputy for raising the issue and clarifying it in the way he has, but our belief is that sections 14, 15 and 16(*b*) do as we expect rather than provide some kind of lacuna whereby institutions can generate additional business.

Deputy Pearse Doherty: I thank the Minister of State for his reply, but I am not convinced. I appreciate his sincerity in seeking to ensure the issue was addressed between Committee Stage and Report Stage. My concern is based on the situation that arose previously when people sought loans and some but not all of them were advised to take out an extra €10,000 when they wanted a top-up on their mortgage to buy a new car or to go on a holiday. We are all aware of those stories from times gone by. If a person sought a credit card limit of €2,000, it was suggested that he or she increase the limit to €3,000.

Sections 14 and 15 have tight restrictions and specify that a person must be a credit information subject. The person must themselves have applied for credit or must be a guarantor. The register can only be accessed if one such individual has made a request to an institution for credit. Once an institution has accessed the register, section 16 sets out the cases in which it can use the information. There are some provisions, for example, under which the credit information subject has asked for an evaluation, but section 16(*b*), which is the key one, allows financial institutions to evaluate any risk arising from the affording or extending of credit to or the taking of a guarantee or indemnity from a credit information subject. Therefore, the provision is limited. The use of the register must be based on the application of a credit information subject - namely, the individual who applied to the bank for credit or a person who is willing to be a guarantor, who is also a credit information subject - but this does not prevent the institution

from using the register and offering a credit information subject who seeks a loan of €1,000, for example, an increased loan of €2,000.

My amendment proposes to insert the words "in which a credit information subject has made a request for such an evaluation to be made" to ensure that the only purpose for which the credit information can be used is for the loan of the amount the person has sought.

Deputy Brian Hayes: The strong advice from the Attorney General is that the use of information generated under section 16(*b*) for an alternative purpose will be deemed an offence by the Central Bank. It is a matter for the Central Bank to regulate this and to ensure the system is working. As I said in my initial response to the Deputy, section 29(2) states, "A credit information provider who knowingly uses information to which access has been given under this Act for a purpose other than one permitted by this Act commits an offence." In this regard, consider the Deputy's point on general trawls and banks sending out letters encouraging people to take out hocus-pocus loans all over the place, which phenomenon was a reality in this country some years ago. If such activity became known in the brave new world we are all supposed to be trying to construct, it would be brought to the public's attention pretty smartly. An application could be made to the bank to investigate this issue. As far as we are concerned on the basis of the advice given to us by the Attorney General, the issue highlighted by Deputy Doherty involves the commission of an offence under section 29(2). We are now in a different place because we have the register in place. If the activity in question becomes part of a pattern of behaviour, the Central Bank will be on top of those concerned like a tonne of bricks. I very much hope so. More important, the legislation is framed in such a way as to provide the bank with all the authority to address this issue if it arises. More important still, the ultimate sanction will be penalties in the courts. I appreciate that the Deputy has given us the opportunity to raise this issue because it sets down a strong marker for the institutions that the kind of malpractice that obtained in the past will not be accepted in the future.

Deputy Pearse Doherty: I would agree with everything the Minister of State said if my point were in regard to the financial institutions doing a general trawl. That is not what I am talking about. Section 29(2) contains the phrase "uses information to which access has been given under this Act for a purpose other than one permitted by this Act". There is nothing under section 16(*b*) that does not allow the financial institution to evaluate any risk arising from affording credit to the person who makes an application for €1,000. It is permitted to use the register to afford credit to me, which is fine because I will have applied for €1,000, but there is nothing to stop the institution using information to examine whether more credit should be afforded to me, although I might not have asked for it.

The protection is not against unsolicited calls to individuals stating they were pre-approved for loans, including credit card loans, as referred to by the Minister of State. I am arguing that when somebody made an application to his or her financial institution, not only was he or she granted the credit applied for but also encouraged to take more. While the Minister of State's advice is 100% correct, I am not sure about the consequences of not addressing the small grey area I describe. Please God, we will not return to the days described. However, if we allow it in the legislation, there is nothing the Central Bank can do by way of regulation. By including the words proposed, the Bill would not be weakened. It would just clarify that the purpose of the information is not to push more credit on people who have applied for it but to actually determine whether the applicant should be afforded it.

Deputy Brian Hayes: The Deputy's question as to whether there is an issue we have not

captured is valid. My initial point was that section 16(*b*) is consequential on sections 14 and 15. One must read the latter two together to get a sense of the information that the applicant must actually give to the institution. I will not state it on the record again. I am convinced by the arguments I have heard that, within sections 14 and 15, the eventualities in question are properly addressed. Section 16(*b*) is really about the evaluation of risk arising from the information provided for under sections 14 and 15. Therefore, section 16(*b*) is really the all-important one in terms of making the evaluation on the risk that exists. It is our view that the eventualities outlined by the Deputy are addressed in sections 14 and 15, which precede section 16(*b*). This will allow us the robust approach that I believe I mentioned at the start.

Deputy Pearse Doherty: Section 16(*e*) contains the provision I want in section 16(*b*). Although one must read section 16(*e*) with sections 14 and 15, it is clearly stated that only circumstances in which an application of the kind in question has been made are covered. I have made my point and I hope I have provided food for thought. I ask for clarification. We are not fighting over the matter. It is just a question of whether what I describe is allowed for.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 8 and 9 are related and may be discussed together.

Deputy Brian Hayes: I move amendment No. 8:

> In page 21, between lines 28 and 29, to insert the following:
>
> "(3) Regulations under *subsection (1)* may not prescribe a fee for access to information by an individual under *section 15(5)* if the access is pursuant to the first application made by the individual in any year.".

I believe I have better news for the Deputy in this case. Amendment 8 arises out of a discussion on Committee Stage when Deputy Doherty proposed a similar amendment. He is aware that the Minister for Finance, Deputy Noonan, already publicly outlined his support for the intention set out in that amendment. On Committee Stage, I committed to proposing an amendment to take on board the broad thrust of providing individuals with a free copy of the individual's credit report. I recognise that it is necessary to ensure individuals recognise they are entitled to one free copy in a 12-month period. The Central Bank will carry out a public awareness campaign and will highlight this fact during it. The National Consumer Agency has indicted that it is keen to engage on this important consumer protection issue.

An obligation where the credit register authorities would be required to issue reports *en masse,* as proposed by Deputy Doherty, would be a serious concern for the Central Bank. This would place a significant operational burden on the register to issue records actively to all individuals. I would have concerns that if the Central Bank were obliged to issue records actively as suggested, there would be a greater risk that records containing personal and sensitive credit data might inadvertently be lost, intercepted or stolen. It is likely that many borrowers will have multiple addresses for legitimate reasons and it may not be clear to the Central Bank which is the most appropriate address to which such records should be sent. Interception of data of this nature is likely to increase greatly the risk of identity theft. The nature of transmission of any reports is uncertain, and both the Department and the Central Bank would be very concerned at such a requirement being put in place in advance of determining the most appropriate means of transmission from a security and data-protection perspective. A more appropri-

ate mechanism to enable individuals to receive a copy free and securely is to require them to apply after they have confirmed the most appropriate and secure mechanism for transmission of their confidential report. This is the substance of amendment No. 8, which I encourage the Deputies to support.

As I have just brought forward an amendment to provide for free access on a 12-month basis, I do not propose to take on board amendment No. 9, in the name of Deputy Doherty. I recognise that it is necessary to ensure individuals recognise they are entitled to one free copy in a 12-month period. The Central Bank will carry out a public awareness campaign and will highlight this fact during that campaign.

Deputy Pearse Doherty: I accept the fact that the information will be provided free of charge, arising from discussions on Committee Stage, and I very much welcome that. I also accept the Minister of State's argument regarding data protection, although I believe there are ways around it. It is not as if we are going to be plucking addresses from the sky, unlike the situation with the local property tax. These are addresses that will be given by the financial institutions which issue statements, which are also sensitive. That being said, the Government has gone further in terms of committing to a public awareness campaign. This credit register will simply not work and will have no effect on the public and how the public interacts with it unless there is an awareness that it exists.

I ask the Government to agree to two things before I withdraw my amendment. First, the Minister of State referred to an awareness campaign, but that can mean many things. We must accept the principle that we want to encourage as many people as possible to access this register. Second, the question of how people access the information is critical. There are ways to make access easier for people. I ask that the Government encourage the Central Bank to ensure that, for example, electronic access is made available. We should try to make getting this information as easy as possible for people. The more people who are aware of their credit status, the better we will be as a society in terms of accessing credit and knowing when access to credit will be available. This is a very good Bill and one that my party supports. However, unless consumers are made aware of this register, it will have very little effect on behaviour.

Deputy Michael McGrath: The principle that each person is entitled to one free copy of his or her credit history per annum is agreed. The only point of difference between the Minister of State and Deputy Doherty is whether that statement is issued automatically or on request, and I believe that on request is fine. I do not see a need for automatic issuing of a statement every year. I wish to ask the Minister of State whether the methodology for distributing and issuing information has been determined. I assume this will be quite an efficient process, whereby such information is issued electronically and people can receive a copy of their credit history by way of a PDF file sent by e-mail, or they will be able to access their statement online with a PIN. I ask the Minister of State to confirm the methodology that will be used.

Deputy Brian Hayes: On the latter issue first, it is the intention that if people seek this information electronically, they will obtain it electronically. The service providers will have to put a system in place to deal with that. Since the Committee Stage proceedings, when it was the unanimous view that the statement should be free and the information should be readily accessible, I understand the National Consumer Agency has said it is eager to work with the Central Bank in devising a national campaign. The NCA will bring a sharp focus on consumer-related issues to the bank. We must have a public awareness campaign that is in people's faces, informing them of this protection and their right, as citizens, to obtain this information, as a result of

the Oireachtas's decision to make sure this right was included in the legislation. As far as we are concerned, the fact that the NCA will work with the Central Bank on this is all to the good. On the question of e-mail, it is crucial that where individuals want to obtain the information in this way, they can do so.

Finally, on the issue of awareness, there must be a national campaign. Broadly speaking, it will encourage individuals to use this in a way that provides them with the maximum amount of information about themselves. It is entirely right and appropriate that people know exactly the state of their own creditworthiness and where they stand in that regard. We believe our amendment reflects the broad consensus that exists on all sides of the House and improves the legislation in a way that allows people to get this information once a year in the most user-friendly way possible.

Deputy Pearse Doherty: I accept what the Minister of State has said. The key issue is the fact that it is free. I am sure that the precise details of the user-friendly methods for issuing the information have not been figured out yet.

Deputy Brian Hayes: A campaign must be put together.

Deputy Pearse Doherty: Banks issue statements all the time, and perhaps information could be printed on such statements. We must look at as many avenues as possible for advertising this register to the public. A one-off campaign will not be sufficient. It must be-----

Deputy Brian Hayes: Ongoing.

Deputy Pearse Doherty: Exactly. Errors can be made. The credit bureau is already operating and we know that banks have given information to the bureau in error in the past. In that context, it is important that people are not refused credit as a result of misinformation on the credit register. We have allowed for corrections to be made in this legislation.

Finally, when does the Government envisage that the first applications for credit statements will be issued? When is it expected that this will come into effect?

Deputy Michael McGrath: On a related point, when the Government is embarking on the public information campaign, it is important that it make clear to people how long the information will be held for. A period of five is specified in the legislation but if a black mark is registered against people on the credit register, they must understand that it is not there indefinitely. This is related to the point about an automatic credit history statement being issued every year. Perhaps something could be built into the system or else included in the public awareness campaign, so that people know that after a certain period of time, irrespective of credit history, information is removed from the register and the people concerned have a clean slate again. That is very important for people who are trying to plan their financial future and who wish to make a loan application. It should be built into the awareness campaign.

Deputy Brian Hayes: I accept the point the Deputy has raised. An application to get the information could lead on to ensuring that the person concerned had a much broader understanding of the provisions of the Bill. That is entirely correct, and we need to build that into the campaign. On Deputy Doherty's question, it is expected that this Bill, with the agreement of the other House, will be passed by the end of this calendar year. This has gone on for a very long time and Deputy Doherty, more than most, is aware of the priority that our friends in the troika attached to this legislation. It is really important that we get this through by the end of

the year. My understanding is that once the legislation is in place the Central Bank will have to tender and outsource the work, and that will take some time. I do not have definitive timeframes but I will ask the Minister for Finance to revert to the Deputy on that. I suspect it will be at least a year, if not longer, before we see this in operation. The Central Bank will have to get its operations together. It will be the subject of a competitive tender process, as the work is to be outsourced to some external delivery agent. That all takes time. I will ask the Minister to give Deputy Doherty a more definitive timeframe if possible.

Amendment agreed to.

Amendment No. 9 not moved.

Bill recommitted in respect of amendment No. 10.

Deputy Brian Hayes: I move amendment No. 10:

10. In page 25, after line 14, to insert the following:

"Amendment of section 5 of Central Bank (Supervision and Enforcement) Act 2013

35. Subsections (2) and (3) of section 5 of the Central Bank (Supervision and Enforcement) Act 2013 shall be treated as having, and always having had, effect with the substitution of "to 4" for "to 3" in each place.".

Amendment agreed to.

Bill reported with amendment.

Deputy Brian Hayes: I thank Deputies Michael McGrath and Pearse Doherty, who have gone through all Stages of this Bill. I know from the Minister for Finance's engagement with them on Committee Stage that their comments, observations and proposals have greatly enhanced the legislation. There is a broad acceptance of what it attempts to achieve. This is an important milestone in improving the governance around borrowing requirements and prudential lending in this country. I hope it will be part of the new architecture that will lead to better decisions in the future. There was a unanimous view in the House that the legislation should be progressed. I thank the Deputies for their constructive engagement.

Bill, as amended, received for final consideration and passed.

Acting Chairman (Deputy Olivia Mitchell): A message shall be sent to the Seanad acquainting it accordingly.

Estimates for Public Services 2013: Message from Select Sub-Committee

Acting Chairman (Deputy Olivia Mitchell): The Select Sub-Committee on Finance has completed its consideration of the following Supplementary Estimate for Public Services for the year ending 31 December 2013: Vote No. 18.

Assisted Decision-Making (Capacity) Bill 2013: Order for Second Stage

Bill entitled an Act to provide for the reform of the law relating to persons who require or may require assistance in exercising their decision-making capacity, whether immediately or in the future; to provide for the appointment by such persons of other persons to assist them in decision-making or (subject to the approval of the Circuit Court) to make decisions jointly with such persons; to provide for the making of applications to the Circuit Court or High Court in respect of such persons, including seeking the approval by the Circuit Court of co-decision-making agreements or the appointment by the Circuit Court of decision-making representatives for such persons; to enable, in specified circumstances, informal decision-making to be done in respect of such persons by other persons who are not decision-making assistants, co-decision-makers, decision-making representatives or attorneys for such persons; to provide for the appointment and functions of the Public Guardian in respect of persons who require or may shortly require assistance in exercising their decision-making capacity; to provide for the amendment of the law relating to enduring powers of attorney; to provide for the ratification by the State of the Convention on the International Protection of Adults; and to provide for related matters.

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

Question put and agreed to.

Assisted Decision-Making (Capacity) Bill 2013: Second Stage

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move: "That the Bill be now read a Second Time."

I am delighted to present to the Dáil the much anticipated Assisted Decision-Making (Capacity) Bill 2013. It is fitting it should be debated today on the International Day of People with Disabilities. This Bill is the fulfilment of the Government's commitment in the programme for Government to introduce a mental capacity Bill in line with the UN Convention on the Rights of Persons with Disabilities. We specified that our aim was to "reform the law on mental capacity to ensure the greatest degree of autonomy for people with intellectual disabilities or suffering with mental illnesses".

The Assisted Decision-Making (Capacity) Bill proposes a fundamental reform of Ireland's laws on capacity. It has been framed to meet Ireland's obligations under the UN Convention on the Rights of Persons with Disabilities which requires State parties to eliminate barriers preventing people with disabilities from enjoying their human rights and fundamental freedoms. Accordingly, the existing wardship system, which supplanted the person's decision-making capacity, is being abolished. It will be replaced by a significantly less intrusive system which is focused on supporting decision-making capacity rather than on supplanting it.

All persons will be presumed to have legal capacity and the right to equal recognition before the law. The Bill proposes to remove the archaic legal architecture which governed this area for too long. The Marriage of Lunatics Act 1811 will be repealed. The Lunacy Regulation Act 1871 will cease to have effect. The Bill is designed to meet the needs of older people with degenerative conditions, people with intellectual disabilities and those with mental health issues.

The existing options, namely wardship and enduring powers of attorney, were not sufficiently attuned to their needs. These are diverse groups with very different needs. Accordingly, we have devised a range of decision-making support options to respond to a wide spectrum of capacity needs. A new decision-making assistance option has been designed for those who simply need support with sourcing and interpreting information.

There is a new co-decision-making option which will give those with greater capacity needs the possibility of making joint decisions with a trusted family member or friend. The enduring power of attorney option is being extended to encompass health care. This will enable those with degenerative conditions to undertake advance planning across a wider range of issues. As a last resort, where the person has serious capacity issues, the courts will be able to appoint a decision-making representative to take decisions on the person's behalf. However, in contrast to the current practice under wardship, the decision-making representative will be required to respect the person's wishes, where at all possible. We have underpinned the Bill with guiding principles that must be taken into account for all actions foreseen under this legislation. These are the heart of the Bill and will reach into every decision taken under it.

They require the actions taken under this legislation to reflect the person's will and preferences. They also require that any actions taken must intrude as little as possible onto the person's autonomy. We recognise that vulnerable people can be at higher risk of exploitation. Accordingly, the Bill provides for a series of safeguards. The office of the public guardian, the office proposed to manage this area, will have the duty of supervising those tasked with supporting others. It will be able to investigate complaints and to take action accordingly. We have decided that the agreements to appoint either a co-decision-maker or a decision-making representative must be approved by the Circuit Court. We consider that the courts-based system will allow the person to avail of these more intensive supported decision-making options, secure in the knowledge that these enjoy legal certainty and that any abuse of court orders will bring penalties. A court-based system will enable capacity-related disputes to be adjudicated and instances of exploitation to be prosecuted.

Part 1, sections 1 to 7, inclusive, provides standard provisions relating to citation, commencement and laying of regulations. Section 3 provides for a functional approach to determining capacity. This is a significant step forward from the current wardship model which removes the person's capacity totally to take decisions or to enter legal transactions. Instead, this new approach assesses capacity in a time-specific and issue-specific way. It allows for a person to have capacity in one matter but not in another, enabling the person to retain the possibility of taking some decisions even when needing support on more complex matters. The functional model of capacity represents the most widely accepted modern capacity model internationally and is fully consistent with the UN Convention. Section 4 confers jurisdiction on the Circuit Court to deal with determinations of capacity and to make consequent orders. Matters relating to non-therapeutic sterilisation, withdrawal of artificial life-sustaining treatment or organ donation are reserved to the High Court.

Part 2, section 8, sets out guiding principles which apply to every intervention under the Bill. They are intended to embed the ethos that the person's autonomy is to be safeguarded to the greatest extent possible. The first guiding principle is that a person is presumed to have decision-making capacity, unless it is proven that this is not the case. Legal capacity is, of course, presumed. The second guiding principle is that all practical steps have to be taken to support a person's decision-making capacity before a decision can be taken that he or she lacks capacity. The third is that a person cannot be deemed to lack decision-making capacity just because of

a risk that he or she might make an unwise decision. The fourth principle is that interventions should be made only if absolutely necessary. The fifth principle is that interventions, where necessary, must be made in a way that is least restrictive of a person's rights and freedom of action. They must respect the person's right to dignity, bodily integrity, privacy and autonomy. The sixth guiding principle is that the person must be permitted, encouraged and facilitated, as far as possible, to participate in these decisions. The next principle is that any intervention must give effect, as far as possible, to the person's current will and preferences. In situations where it is not possible to ascertain the person's current wishes, the intervention must give effect to the person's past will and preferences, where they are known. Interventions must take into account the person's beliefs and values where they are known. The penultimate guiding principle encourages consultation of anyone with a genuine interest in the welfare of the person, such as those involved in helping the person, a family member, carer or health care worker. The more that is known of the person, the greater the possibility of taking decisions in line with the person's wishes. Finally, no action should be taken if the matter is not urgent, or if the person is likely to recover capacity shortly.

Part 3, containing sections 9 to 12, provides a statutory framework for decision-making assistance agreements. These are formal agreements made by persons with capacity difficulties to appoint a trusted person to act as their decision-making assistant. Decision-making responsibility remains with the person, called in this case the "appointer". The decision-making assistant's task is to access information or to help the person to understand, make or express a decision. The form and formalities of decision-making assistance agreements will be set out in regulations to be made by the Minister. Section 12 proposes safeguards that prevent specified persons - such as nursing home personnel - from being appointed as decision-making assistants. Further safeguards are outlined in the provisions concerning the office of the public guardian.

Part 4, containing sections 13 to 32, outlines the provisions that apply when a person needs to avail of one of the court-approved support options. Section 15 gives the Circuit Court the power to make capacity declarations. There are two types of declaration that it may make: first, that a person has capacity to make a particular decision if supported by a co-decision maker; or second, that a person lacks capacity to make a particular decision even with the support of a co-decision maker. The latter declaration is made when the impairment of the person's capacity is such that it is necessary to appoint a decision-making representative. Sections 16 to 22 provide for co-decision-making agreements in which a person appoints a trusted family member or friend as a co-decision maker to make joint decisions with him or her. The form and formalities of co-decision-making agreements, and the range of personal welfare and property matters that may be included, will be set out in regulations to be made by the Minister. In situations where the person lacks capacity and cannot avail of the decision-making assistance or co-decision-making options, section 23 provides for a decision-making representative to be appointed to take specified decisions on a person's behalf. The court can specify whether the decision-making representative may take decisions on the personal welfare or the property and affairs of a person. A decision-making representative must abide by the guiding principles. The functions of decision-making representatives will be as limited in scope and duration as reasonably practicable. Section 29 provides that declarations of incapacity will be subject to regular review, as required under Article 12 of the UN convention. Section 32 makes it easier for those involved in capacity cases to access the civil legal aid scheme. The decision to grant legal aid will not depend on the likelihood of success in the proceedings.

Part 5, containing sections 33 to 37, sets out how the Bill's provisions will apply to exist-

ing wards of court. Each ward will be reviewed in accordance with the provisions of the new system and can be either discharged from wardship or migrated to the new decision-making support options. Part 6, containing sections 38 to 52, re-enacts the provisions of the Powers of Attorney Act 1996, but requires those vested with enduring power of attorney to comply with the guiding principles and subjects them to the supervision of the office of the public guardian. Section 41 extends enduring powers of attorney to include decisions on health care matters. Part 7, containing sections 53 and 54, provides informal decision makers with protection from civil and criminal liability if they need to take decisions on routine matters relating to the personal welfare or health care treatment of a person with capacity difficulties.

The Bill also allows an informal decision to be made without liability, pending a court decision, where this is needed for life-sustaining treatment or where the person's condition would seriously deteriorate if an action were not undertaken. However, the guiding principles apply in all instances. The wishes of the person must continue to be taken into account. These provisions are not to be used to circumvent the rights of people with capacity difficulties.

Part 8, containing sections 55 to 64, provides for the office of the public guardian to be established within the Courts Service and for a public guardian to be appointed. The public guardian will be independent and appointed for a renewable six-year term on terms and conditions determined with the Minister's consent and in consultation with the Minister for Public Expenditure and Reform, under section 57. The staff of the office of public guardian will be staff of the Courts Service. The functions of the public guardian, as outlined in section 56, will be to promote public awareness of the legislation and to provide advice and guidance to public and private sector bodies in this regard. The public guardian will supervise co-decision makers, decision-making representatives and attorneys appointed under enduring powers of attorney in exercising their duties. He or she will have the power to deal with complaints against them. The public guardian will prepare codes of practice under section 63 such as for health care workers or for financial institutions. Codes of practice are envisaged as a means of getting organisations to adopt practices that support vulnerable people and respect their rights.

Part 9, containing sections 65 to 69, provides safeguards to protect against the arbitrary deprivation of liberty of persons lacking capacity who are being treated for a mental disorder. Section 67 provides that the procedures set out by the Mental Health Act 2001 will apply to decisions relating to such treatment. Sections 68 and 69 aligns the provisions for review by the wardship court of orders detaining persons in approved and non-approved centres with those in the Mental Health Act 2001. The cases of persons so detained will be reviewed within three months and then within six months.

Section 104 of Part 11 ensures that there is no conflict between the Bill and the Mental Health Act 2001 with respect to the treatment of a patient for a mental disorder. These sections will be re-examined on completion of the review by the Department of Health of the operation of the 2001 Act which is currently under way. Part 10, containing sections 70 to 102, gives effect in the State to, and allows for the ratification of, the Hague Convention on the International Protection of Adults, which Ireland signed in 2008. The convention sets the legal framework for dealing with cases involving individuals with capacity difficulties where there is an international dimension to their situation. Part 11, containing sections 103 to 114, contains miscellaneous provisions. Section 103 prevents a third party from giving consent on behalf of a person with capacity difficulties to be a participant in a clinical trial. Section 106 retains the law in force concerning capacity in relation to marriage, civil partnership, judicial separation, divorce or non-judicial separation agreements, dissolution of a civil partnership, the placing of

a child for adoption, the making of an adoption order, guardianship, sexual relations, voting or serving on a jury.

Section 107 provides that applications relating to a person's capacity should be heard in the person's presence unless such attendance would have an adverse effect on the person's health or if he or she is unable or unwilling to attend for a good and substantial reason. Section 108 retains the existing law concerning the capacity of a person to make a will but allows the High Court to alter a will where exceptional circumstances have arisen since the person lost testamentary capacity and where the interests of justice so demand. Section 109 allows a decision of the Circuit Court under the Bill to be appealed to the High Court and for any decision made by the latter under the Bill to be appealed to the Supreme Court on a point of law only.

Section 110 provides that the Lunacy Regulation (Ireland) Act 1871 will cease to have effect from the commencement of the Bill except for ongoing cases. Subsection (2) preserves the validity of any existing decision under the 1871 Act but allows for such decisions to be reopened in certain circumstances. Section 111 allows the specialist judges appointed under the insolvency legislation to perform and exercise the functions, powers and jurisdiction conferred on the Circuit Court by this Bill in regard to capacity matters. Section 113 makes it an offence for a decision-making assistant, co-decision maker, decision-making representative, attorney or informal decision maker of a relevant person to ill treat or wilfully neglect a person with capacity difficulties, and sets out the penalties that will apply for such an offence.

Section 114 requires the Minister to review the functioning of the Act before the fifth anniversary of its date of enactment. In addition to the provisions contained in the published document, provisions on advance health care directives will be incorporated into the Bill on Committee Stage, in line with the Government's decision of March 2013.

This legislation has benefited greatly from the advice and expertise of many people. I thank the Joint Oireachtas Committee on Justice, Defence and Equality, in particular, for organising a call for submissions and holding hearings last year on the general scheme. Its report made an important contribution to defining our approach to the Bill. We have consulted a wide range of interest groups at each stage of the drafting process, as the needs we seek to address are so diverse. The consultation symposium held last September, attended by more than 175 people, gave us invaluable feedback on our proposals. What has been proposed in this Bill represents international best practice. Nevertheless, international legislation in this area is rapidly evolving and new approaches are being developed all the time. As such, we remain open to hearing new ideas and taking advice from stakeholders. We are prepared to work constructively with Members to improve the Bill when it goes to Committee Stage.

Most of us know someone with capacity difficulties or may ourselves experience capacity problems at some stage. This legislation potentially affects all of us. It is estimated that there are 200,000 people in Ireland with capacity issues and this figure is set to increase steeply over the next decades as the population ages. The Bill seeks to create a new world in which a person's right to make decisions is respected and safeguarded. It will involve a fundamental culture change. For too long, we have taken for granted that decisions should be taken on behalf of people with capacity difficulties. It will take time to get the supports precisely right and to change existing practices. The journey will not always be easy. The late American actor Christopher Reeve, who fought fiercely against the limits of spinal injury, once said: "So many of our dreams at first seem impossible, then they seem improbable, and then, when we summon the will, they soon become inevitable." It will be a proud day for me when it becomes inevi-

table that those with capacity difficulties are enabled to make their own decisions. We will all benefit from the flowering of self-confidence that comes to a society where everybody gets the chance to decide what is best for him or her. I commend the Bill to the House. It is about time we allowed people the right to make the wrong decision.

Deputy Niall Collins: Fianna Fáil supports this important Bill, which makes strides towards addressing a very sensitive area. It builds on and advances the 2008 legislation drafted by a former Minister, Dermot Ahern, and underlines the importance of moving towards a supportive legal framework for individuals with intellectual disabilities and impaired decision-making capacity.

According to the 2011 census, some 57,000 in Ireland people have an intellectual disability. The Bill must be strengthened by ensuring its provisions are open to all, in line with the UN Convention on the Rights of Persons with Disabilities, which was adapted in 2006. These proposals mark an important step towards Ireland fully ratifying that convention and consolidating the role of those with disabilities in society. However, there are broader issues at play beyond the wording of a legal framework. The Government must re-emphasise its commitment to the disability sector by bringing to an end the perverse situation where large numbers of people with disabilities are having their entitlement to a medical card reassessed. That exercise is causing massive fear and anxiety. At the same time, carers are being penalised by way of the savage 20% reduction in the respite grant implemented last year, which places them under even more pressure. Having a legal framework in place is a positive step, but it requires a coherent, comprehensive plan if laws are to translate into a positive impact.

The Bill aims to update and modernise Irish law in terms of assisting those with limited intellectual capacity and will, where possible, enable greater levels of autonomy for those individuals. The legislation updates the Lunacy Regulation (Ireland) Act 1871 and creates a new flexible approach which allows a hierarchy of decisions depending on importance, rather than a black or white binary division whereby all decisions must be entrusted. It achieves this by removing the current all-or-nothing practice which excludes the possibility of a hierarchy of decision making.

In order to be certain that the Bill has the impact envisaged, we need to ensure its provisions are open to all individuals affected. Several concerns relating to what is proposed have been raised with us, and we will seek to address them on Committee Stage. One of these is the lack of clarity as to how the new legislation will interface with the Mental Health Act 2008. Another issue of concern is that access to supports which assist in the decision-making process should be broadened to ensure full adherence with the underpinning principle of autonomy. The Irish Human Rights Commission has recommended that there be a specially tailored legal aid scheme for people dealing with capacity assessment or decision. The Bill must ensure effective access to the law by introducing such a scheme. Given the complex nature of these issues and the significant shift it marks in the current system, we are proposing that the legislation be reviewed after five years to ensure it is in keeping with best international practice. This is important in light of ongoing advances in the medical world. The Bill provides for the establishment of an office of public guardian within the Courts Service, with supervisory powers to protect vulnerable persons. This office must be properly resourced to ensure its role in expanding decision-making powers is effectively implemented.

In addition to the areas specifically dealt with by the legislation, there are other aspects that must be considered in the context of these proposals. Concerns have been expressed to me that

the wards of courts fund is being poorly invested and there is a lack of transparency around the fund. Some 2,650 wards of court are invested in that fund. A vital aspect of this discussion is the failure to bring forward a national disability strategy. To breathe life into the new legal framework, the Government must focus on developing a coherent strategy. The current systematic reassessment of medical card provision is generating massive fear and uncertainty among those struggling to cope with the high costs of disability. A new legal framework will mean little if it is not backed up by substantial resources that will empower people, such as family members who want to look after affected siblings or children. To date, however, the Government has failed to develop a coherent and effective strategy to integrate disabled people across a range of intellectual and physical limitations.

7 o'clock

The 2014 budget, and Government policy in general, fail to integrate people with disabilities coherently into public service reform. The most recent budget again fails to meet the legitimate ambition of people with disabilities to live in the community with dignity and independence.

The national disability strategy implementation plan published in July 2013 was heavily criticised by the Disability Federation of Ireland, which stated it lacked ambition and a genuine whole Government approach. The need for a broader strategy is vital, in light of the fact that some 600,000 people, 18.5% of the population, have some form of disability. Some 57,000 of these have an intellectual disability. In short, disability is a major social justice issue.

Since it came into power, the Government has overseen cutbacks that have had a devastating impact on people with disabilities, such as those with impaired decision-making capacity. The annual respite care grant has been reduced from a rate of €1,700 in 2012 to €1,375 for 2013. This massive cut hammered struggling carers and the vulnerable people they look after, such as those with profound intellectual disabilities. More than 70,000 carers will be affected by the cut, in particular 5,000 recipients who are solely reliant on the payment to support their assistance. Many of these carers are guardians for people with intellectual disabilities. The €325, or 20%, cut hits people who maintain the home as the centre of care. Such high level care brings substantial additional pressures on the household budget, in terms of increased energy and fuel, and often requires the transfer of patients across care settings, adding to transport costs. The Government is hitting these carers hard by removing their discretionary one-off annual payments, which are an integral part of their yearly budget. This impacts on the individuals they are entrusted with looking after.

The deep cuts to the household benefits package will directly affect people with disabilities, as they often have additional costs in the areas of electricity, gas and telephone. The prescription charge for medical card holders has quadrupled from 50 cent to €2 per item. This measure will greatly affect people with chronic conditions and disabilities in need of monthly medication. The drug payment scheme threshold has increased by 44% since 2010 when it was just €100. Budget 2013 announced another increase to €144. Families with a disabled child or adult not covered by the long-term illness scheme or medical card will be hardest hit. The incomes of people with disabilities will be greatly affected by the new HSE service plan, which strips almost €666 million from the HSE budget. Against the backdrop of these cutbacks, the legal changes heralded in this Bill will not have any real impact unless the resources are there to give them genuine effect.

An area of pressing concern that has been raised with me by several parents is the lack of

transparency around the investment of the wards of court fund. The Courts Service operates a fund for some 18,000 people, including some 2,650 wards of court. The total value of the fund is approximately €1.5 billion. Families are deeply concerned that investments have gone bad and that the money put aside, usually as a result of a court settlement, has been squandered by high risk investments and that the situation has been exacerbated by the volatility on the markets in recent years. Wards have no say in the kind of investment used by the fund. They also have no access to financial statements, beyond rudimentary facts which must be specifically sought rather than sent out as a matter of course as would happen with any normal investment fund. The lack of specific financial investment advice, as the process is mediated by the Courts Service, is a continual source of frustration for many families.

Wards are justifiably concerned that the losses sustained by the fund are not being regained, leaving them exposed to insurmountable financial burdens in the future. The wards themselves are unable to work due to the profound injures and intellectual impairments from which they suffer. They have also raised significant fears over the levels of professional fees being extracted from the fund and the lack of oversight and transparency in this aspect of the process. Will the Minister of State and her colleague, the Minister for Justice and Equality, Deputy Shatter, undertake a review of the highly lucrative court funds system to ensure it works for these most vulnerable of people?

This legislation is a positive step forward for the State. We can work towards enhancing it on Committee Stage, in keeping with the provisions of the UN convention. I trust the Minister will engage with the issue of the wards of court fund. Ultimately, the test for the Bill and the Government's impact on the disability sector will lie in what resources it is willing to commit to it.

Deputy Pádraig Mac Lochlainn: I welcome the Bill, although it has taken considerable time to get to the House. I acknowledge that much of this time has been spent consulting with stakeholders and the experts in the field. It is important to stress to all Deputies the importance of speaking with our partners in the NGO community and to the experts working in these fields. We may be the people tasked with legislating, but we are not the experts. We need to ensure we are speaking to the people who know what they are talking about.

Once again, we are here discussing rights. As a republican, I believe that all citizens are equal and that we need to work to ensure that all citizens on this island are afforded the rights they so justly deserve. The United Nations Convention on the Rights of Persons with Disabilities states that all persons with disabilities must have equal recognition before the law. This means that those with diminished capacity must be given the same legal rights as everyone else. As we all know, Ireland has signed this convention, but cannot ratify it until new capacity legislation is in place. This is because without legal capacity, other rights guaranteed by the convention cannot be achieved. The legislation in this area is old and archaic, dating back to 1871, and is much in need of reform.

The Bill as presented is much improved from its predecessor, the Scheme of Mental Capacity Bill 2008. There are a number of important changes included in this Bill which I and my party welcome. In particular, I welcome the fact that, at its core, this Bill affords the opportunity for an individual to make legally binding agreements with others to assist and support them in making their own decisions. I am firmly of the belief that everyone should have the right to benefit from assisted decision making. Therefore, we welcome entirely the provisions of this Bill, but we believe the positive support measures contained within it should be open to all as

well as being accessible, inexpensive, easy to use and flexible. We also need further clarity on the legally binding nature of assisted decision-making agreements.

Access to supports should not be based simply on a functional assessment of mental capacity. There has been a suggestion that the Bill could use a lower threshold for ability to make an assisted decision-making agreement that has been successfully adopted in British Columbia. This would make such support measures accessible to more people, while retaining safeguards to protect against abuse. We will try to develop this on Committee and Report Stages, but is this something the Minister of State and the Minister might consider? It is something I may seek to amend on Committee Stage.

There is no doubt individuals who currently have a good network of support will find this Bill beneficial. However, can we enhance it by introducing a positive obligation on State bodies to provide individuals with opportunities for developing natural supports which can be then used as the basis for creating legally binding agreements? Another important addition would be to give people more choice and control in deciding who will assist them with making these very important decisions. Many organisations involved in this area have argued that the substantive provisions dealing with decision-making representatives and informal decision makers should be amended to place a stronger emphasis on the will and preferences of the person.

The Bill provides a broad range of powers to informal substitute decision makers, who are not subject to the same scrutiny as other kinds of substitute decision makers under the Bill. This concerns me. Is there a risk the wide scope of powers given to informal decision-makers could undermine the positive support provisions of the legislation, such as the assisted and co-decision making agreements?

I concur with those who argue these powers must be significantly restricted in scope, and accompanied by a duty to explore assisted or co-decision making with the individual as an alternative. I have spoken to a number of organisations which argued that people should have a real ability to challenge decisions made under the Bill. In particular, people who are subject to more restrictive measures under the Bill must have a real ability to challenge the appointment of substitute decision makers as well as the decisions they make. This should include the right to independent advocacy for people subject to the Bill, including the immediate and full commencement of the personal advocacy service provided for in the Citizens Information Act 2007, and learning from the valuable experience of the National Advocacy Service. Further safeguards are needed to address conflicts of interest between the individual and substitute decision makers.

There should also be an obligation on State bodies to investigate cases where there may be a conflict between the person and the substitute decision maker. The legal aid provisions of the Bill must be strengthened to ensure an automatic right to legal representation, regardless of means, when an application is made to court for a declaration of an individual's mental capacity for a decision. This is essential to ensure effective access to justice for people affected by the Bill. The costs of court applications and expenses of decision making assistants, co-decision makers, and decision making representatives should not be automatically taken from the individual's estate. This will pose a significant financial barrier to people seeking to realise their rights under the Bill.

The Bill must interact with the Mental Health Act and other relevant areas of law. The lack of interface between the Assisted Decision-Making (Capacity) Bill and the Mental Health Act

2001 must be addressed, ensuring people treated in approved centres can benefit from the positive provisions of the Assisted Decision-Making (Capacity) Bill. The Mental Health Act should be amended to reflect the provisions of the capacity legislation.

A commitment to reform other laws relating to legal capacity excluded from the provisions of the Bill must be made by Government to ensure compliance with the UN Convention on the Rights of Persons with Disabilities. This includes laws on consent to sex, voting, jury service, marriage and civil partnership. The Bill must provide safeguards for people who are detained against their will, no matter where the detention happens. The Bill does not acknowledge that people who are not wards or detained under the Mental Health Act can be unlawfully detained, such as people *de facto* detained in residential services. Neither does it provide any safeguards or mechanisms for the individual to challenge this deprivation of liberty. This needs to be amended to comply with recent jurisprudence of the European Court of Human Rights.

Deputy Finian McGrath: I am grateful for the opportunity to speak on the Assisted Decision-Making Capacity Bill 2013 which finally will replace the lunacy Act of 1871. I welcome the publication of the Bill as it was the main impediment to ratification of the United Nations Convention on Rights of Persons with Disabilities. For me it is all about their right to make decisions about their lives, but more importantly it is about equality and respect for the person. It is very important to state this is human rights-based legislation. There can be no hedging, ifs or buts; one either believes in equality one does not. If one believes in equality one treats the person equally as one would like to be treated. We can have all the legislation in the world, but if the State and its citizens believe that equality it must be implemented. One must eat it, sleep it and talk it, but above all one must act on it, particularly with regard to legislation. I state this as a legislator and as the parent of a daughter with an intellectual disability. I know the positive view of the legislation parents have and it is important to state this in the debate.

The new Bill will replace the wards of court system and will introduce a number of new systems to support people when they need to make decisions. The principles underlying the Bill include the presumption of capacity, that no intervention will take place unless it is necessary, that any act done or decision made must be the least restrictive of a person's rights and freedoms, and that any actions under the Bill must give effect to the person's will and preferences. The Bill also proposes to change the law from the existing all or nothing status approach to a flexible functioning definition. This means capacity will be assessed only in the matter in question and only at the time in question, so if a person is found to lack decision-making capacity in one matter it will not necessarily mean the person also lacks capacity in another matter. These are the nuts and bolts of the Bill.

Let us not forget what is going on in the broader society and what is going on in the real world for many people with disabilities. We have seen the crisis and the row in recent days over the services in the Central Remedial Clinic in Clontarf in my constituency. Many of us were very annoyed and infuriated with some of the antics and carry on. We must also look at what the Government is doing. My problem is the Government talks about equality and makes smooth comments about it, but the reality is many cuts have been made in the disability sector. Almost 35,000 children are waiting for speech and language therapy. Those on the disability allowance receive €847 a year less since 2008. Only 5% of adults with an intellectual disability are in employment. Resource teaching hours have been reduced by 15% since 2011. I mentioned the Central Remedial Clinic which has had cuts of €3 million and St. Michael's House which has had cuts of €12 million. Cuts of €666 million will be made to the health budget. We can talk about equality and rights, but the Government should stop shafting people with dis-

abilities. It is not acceptable, it is not on and this side of the House will fight it. This is about human rights, the right to services and the rights of young adults and children in the State. As the Minister of State mentioned earlier, approximately 200,000 people will be directly affected by the Bill.

Although I strongly support the Bill, concerns exist and I want to mention some of them. Mental Health Reform raised a number of concerns in its submission which it asked me to raise in the debate. It wants to ensure individuals with a mental health condition can avail of the provisions in the Bill. It wants clarification on the interaction between the Mental Health Act and the Bill, on the position of persons subject to wardship, on informal decision-making, on the use of restraints and on the position of incapacitated but compliant patients.

Will the Minister of State consider my proposals in this area and the proposals of Mental Health Reform? It should be ensured that all individuals in approved centres as defined by the Mental Health Act 2001 can avail of the provisions in the Bill. I would like a timely review on the position of all persons subject to wardship. I would also like to ensure the legislation protects people who are incapacitated and compliant. I would like the scope of informal decision-making to be restricted, particularly with regard to restraints and persons in mental health services. I would also like concerns regarding the potential overuse of medication to be addressed. Advance directives should be introduced which would be binding with regard to mental health treatment apart from life-saving emergencies.

The Mental Health Lawyers Association has pointed out a number of flaws in the Bill which prevent it from being fully in line with the Convention on the Rights of Persons with Disabilities. In particular it seems the provisions of the proposed legislation may not be available to people suffering from a mental disorder with regard to their treatment under the Mental Health Act 2001. The convention expressly states people with disabilities, including mental health problems, should enjoy legal capacity on an equal basis with others in all aspects of life. I encourage the Minister of State to examine these issues.

Another category to which consideration must be given is that which comprises senior citizens. The Bill has the potential to affect three groups within this category. The first such group is made up of those who have a full decision-making capacity for most of their lives but who suffer impairments to this as a result of conditions, such as dementia, associated with the process of aging. Dementia is an irreversible and progressive disease. As the condition progresses, those who develop it may require differing levels of assistance with decision making. The Minister of State knows well that the numbers of those with dementia are on the increase. Nationally, the number of people living with dementia is due to rise from 41,447 in 2006 to between 67,500 and 70,000 in 2021 and to between 140,500 and 147,000 in 2041.

The second group is that which comprises people suffering from an acquired brain injury such as stroke. An injury of this nature may be amenable to treatment or those suffering from it may recover all or some of their decision-making capacity. The Irish Heart Foundation states that approximately 10,000 people in Ireland suffer from strokes every year. An estimated 30,000 people with disabilities resulting from strokes are living in the community. Cognitive impairment accounts for one third of acquired disability among stroke sufferers.

The third group is that made up of senior citizens who have had intellectual disabilities since childhood and who have now reached the age of 65. Currently, there are 3,538 people in this country who are aged 55 or over and who have intellectual disabilities. According to Professor

Mary McCarron of Trinity College Dublin, there is a growing population of such individuals as a result of an increase in longevity. Professor McCarron also states that in the next ten to 15 years, the largest proportion of adults with intellectual disabilities will be adults over the age of 55. I raise these issues because we must plan for those with disabilities and senior citizens.

I urge the Minister of State to consider a number of other important recommendations. In addition, I am seeking clarification form the Department of Justice and Equality on the position of persons currently in Irish nursing homes who have activated the care representative law. I ask that the Departments of Health and Justice and Equality work together to ensure that the same definitions and rules on restraint will apply to persons residing within the community as those which apply to those residing in nursing homes. The Department of Justice and Equality should consult the HSE on the practicalities involved with regard to the change to its policy on informed consent. I ask that the Minister of State and the Government examine the possibility of amending the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 to include carers as individuals who can report offences.

The suggestions I have made are positive. Overall, I welcome the legislation and I ask the Minister of State to take on board my views.

Deputy Clare Daly: I welcome the Bill and I am glad it will provide assistance - to a certain extent - to those who need it in terms of exercising their decision-making capacity. I am also glad that we are ratifying the Convention on the International Protection of Adults. I am sure we would all welcome the inclusion of the UN Convention on the Human Rights of Persons with Disabilities in the legislation, if that were possible.

I wish to deal with a couple of issues. A number of people have been in contact with me - I am sure the position is the same for other Deputies - about the legislation. Some of them raised concerns in respect of the power of attorney provision and the fact that the rights of the individual may be undermined. In fact, the legislation is actually designed to enhance the rights of individuals. How we will achieve a balance in this regard on Committee Stage will be important. Some very good points were made by organisations such as Age Action in respect of the issues of restraint, detention and deprivation of liberty, particularly in the context of elderly citizens. Of course, if we all live long enough, we will become elderly too and we will require the protections that will be available under this legislation.

The Bill is a step in the right direction in the context of protecting people when they are at their most vulnerable. However, there is a need for balance. It is not just a question of legislating, we must also examine the position with regard to the provision of the relevant resources. The idea of appointing public guardians is good, provided the process in this regard will be open to scrutiny and accountability. We must be honest and state that transparency and accountability are not things which we in Ireland do well. As a result, the necessary safeguards must be implemented in a rigorous manner. I welcome the change in language incorporated in the Bill. It is good that we are moving away from stigmatising people, which was the case with the language used in previous legislation.

Our guiding principle must be that decision making is not a straightforward issue. Degrees of assistance may be required at different times and the Bill must allow for flexibility in this regard. We must strive to support people in their decision making at each stage in their lives. Mechanisms such as advanced health care directives are very good and eminently sensible. Everyone thinks that it is totally logical to make a will in order to decide what happens to our

goods and property after we die. Deciding in advance what will happen to our bodies if our health deteriorates thereby leaving us in a position where we will not be able to make the necessary decisions is eminently sensible, as long as it truly reflects a people's actual decisions. The difficult issue is how to achieve a balance. In Britain, horrendous cases have been exposed whereby, in essence, patients were condemned to early deaths as a result of do-not-resuscitate orders being signed on their behalf but without their permission. Institutions in this country were shut down by the HSE as a result of a lack clarity in respect of the permission given in the context of such orders. There is a need to investigate this matter.

If we are serious about protecting vulnerable and elderly citizens, we must consider protecting them in the community and in their homes. In that regard, there is a discrepancy between some of the Bill's lofty aspirations and the cutbacks to home help provision, etc. There is a great deal of evidence which indicates that people's health and decision-making capacity can deteriorate when they are removed from their family homes and placed in care settings. People tend to do better in the family home so if we are to assist them in their decision making, we should begin by protecting them in their homes and facilitating them in remaining there for as long as possible.

Age Action has highlighted the disconnect between legislation and reality. This is an issue about which we must be extremely careful in the context of the Bill. Some existing legislation did not protect service users such as, for example, people in nursing homes. I refer here to the scandals relating to the Mulross and Leas Cross nursing homes. Many such nursing homes were found wanting. The HIQA report into Mulross nursing home cited persistent failings in respect of the Health Act 2007. The concerns of Age Action are, therefore, well founded. It could be stated that at least those who operated Mulross nursing home were found out and that the facility was closed down. However, there is a need for constant attention in respect of this matter.

One of the other issues I wish to highlight relates to restraints, etc. I was recently contacted by a constituent regarding the manner in which her elderly aunt was treated in a unit linked to the Mater Hospital. The woman in question is not mentally incapacitated and she was in possession of her full faculties at the time. However, she was placed in a locked ward and could not leave. In that instance her liberty was taken from her as a result of the fact that the control for the automatic door was located behind the nurses' station. She was obliged to ask permission to leave if she wanted to vacate the unit. Her family were of the view that this was demeaning to her dignity, that it limited her contact with them and that her liberty was curtailed. In essence, they were of the view that it was an environmental restraint. The woman made inquiries to the HSE about the matter and we did too. However, we did not receive a satisfactory response. We were informed that although a restraint-free policy is adhered to, as much as possible, at the Mater Hospital, the facility in question is not officially a nursing home and - although linked to the Mater - is not covered by that policy. Account must be taken of this issue. A restraint policy must cover all health care settings and not just care homes. The rules should also apply to persons residing in the community as well as to those residing in nursing homes.

Debate adjourned.

Deputy Michael Moynihan: I move:

That Dáil Éireann:

agrees that Ireland's electricity infrastructure and transmission capability be modernised, as well as expanded, to allow for a clean, sustainable and affordable supply to the public and to support all future economic and societal development; accepts that Fáilte Ireland has raised concerns about erecting overhead pylons in certain areas, and there is considerable concern amongst the public about the lack of consultation, as well as health and visual concerns on the proposals being put forward by EirGrid, that involve high voltage lines to a height of 135 feet being erected in many regions throughout the country; and calls for an independent international assessment of the EirGrid proposals to take place, so that the health and visual concerns held by the public are fully addressed, the cost and placing underground of the transmission cables are fully examined and a report on these matters to be published by the Minister for Communications, Energy and Natural Resources.

The Fianna Fáil Party introduces this motion at a key moment in the planning of electricity infrastructure which will ensure the nation's energy supplies for decades. We fully accept and agree with plans to upgrade the national grid. Ireland must ensure that its electricity infrastructure and transmission capability is modernised and expanded to allow for a clean, sustainable and affordable supply to members of the public. It must support all future economic and societal development and ensure we remain at the forefront of the renewable energy revolution.

My party has tabled this motion for three reasons. First, we are responding to growing concern among communities nationwide at the possibility that pylons of 135 ft. in height will be erected beside their homes. We seek to highlight the ineffective consultation conducted by EirGrid thus far in the process, which has caused great anger in many communities. Second, we are seeking clarification and justification for the decisions taken by EirGrid well in advance of the public consultation on the national grid upgrade plan. In particular, we seek to understand the reasons EirGrid ruled out any construction of lines underground and chose single high voltage lines over regional lines. Third, we are offering a credible solution to address the justifiable concerns of the communities in question. We urge the Government to support our call for an independent international assessment of EirGrid's Grid25 proposals for upgrading the national grid. Previous reports conducted on certain aspects of the Grid25 proposals in 2013 and 2012 were too narrow in their approach and did not take into account the impact on residential areas or areas of high tourism potential.

The consultation process associated with the Grid25 plan was supposed to herald a new era of transparency and openness in the planning of national strategic infrastructure. We have found that local communities feel neglected, uninformed and ignored in the planning of this massive project. As a result, trust between EirGrid and the local communities has broken down. The failure of the consultation process has resulted in citizens finding it necessary to form protest and representative groups to ensure their voices are heard in this debate. This is not acceptable and the only way to restore trust in the process and ensure the voices of local communities are properly heard is to establish an independent body to assess the EirGrid proposals. The motion sets out such a proposal.

The appointment of an independent assessor to conduct a full examination of EirGrid's

proposals is clearly required. For this reason, the Fianna Fáil Party urges the Government to support our call for an independent international assessment of EirGrid's plans. This assessment, unlike previous reports, should be allowed examine all possible options and seek out best international practice for the implementation of the Grid25 project. It could address all health and aesthetic concerns held by communities and thereby create local confidence in the planning process.

The concerns of residents about the implementation of EirGrid's plans are understandable. The planned pylons and transmission lines are of a huge size and scale. EirGrid has done little to correct fears surrounding the health and aesthetic impact of the planned overhead lines in rural areas. On the contrary, it has stoked these fears further through its refusal to engage in proper consultations. These concerns, it seems, are held by the new chairman of EirGrid, Mr. John O'Connor. Responding to questions from members of the Joint Committee on Transport and Communications this morning, Mr. O'Connor stated he would not like to live close to a pylon. He and EirGrid, as an organisation, must understand how communities that will live close to pylons feel on the matter. The company's plan to construct new grid lines in the north east, south east and west regions constitutes the most comprehensive upgrading of the national grid for more than two decades. For this reason, this investment must proceed correctly with the support of the communities which will be affected.

The Fianna Fáil Party is concerned with EirGrid's current plan to erect overhead pylons near residential areas and areas of scenic beauty. As I outlined, residents in a number of counties do not believe the company is listening to their concerns and have lost faith in the consultation process. One of the reasons for this lack of confidence was the fact that EirGrid made a number of key decisions in advance of any public consultation in planning the Grid25 project. The company decided that the capacity of the new power lines would be 400kV and the upgraded network would be carried in single routes. It also decided against underground lines due to perceived cost. These decisions need to be clarified as they have resulted in members of the public having little influence in the final planning decision of the project.

For these reasons, it is necessary to have an independent international assessment of the EirGrid proposals. An all-encompassing review is required to analyse the cost of placing the new transmission cables underground. It is vital that this option is considered. The report should also allow the proposed projects to be developed to the best international standards. In Denmark, for example, pylons are increasingly rare sights in the landscape because the country's policymakers have decided that underground cables are more sustainable and aesthetically pleasing. While this approach may result in increased costs in the short term, it would have incalculable long-term benefits.

The Government should support a review, especially in light of concerns expressed by Fáilte Ireland in response to a parliamentary question tabled by Deputy Dara Calleary in which the organisation stated the "character of the landscape" and "cultural heritage" of parts of the country close to the proposed electrical pylons could be at risk. The national tourism development authority indicated it had met with EirGrid to discuss the proposed schemes and outline its "objectives to protect the key tourism assets and amenities within the vicinity of these schemes". Fáilte Ireland has commenced working on a number of the schemes to ensure "key tourism assets and amenities are identified and considered appropriately within the planning process". This demonstrates that the concerns of residents about the impact of new power lines on the countryside are shared by the national tourism authority.

In its reply, Fáilte Ireland also stated, "It is considered that the character of the landscape and the various aspects of the cultural heritage of the area within the vicinity of the proposed [pylons] are the main tourism amenities that could potentially be at risk." We welcome the decision of the organisation to make a formal submission on the proposed schemes by the first week in January. It is also noteworthy that proposals to erect pylons have been accepted without restrictions as part of a planning process which imposes severe restrictions on other types of planning applications in sensitive areas and so forth.

Fáilte Ireland's concerns further highlight the need for proper and thorough consultation with communities and interest groups. The authority has clearly emphasised the need to consider alternative means of electricity transmission in certain areas where the landscape and tourism may be significantly damaged by overhead pylons. While the need to upgrade our electricity transmission system is clear and supported by Fianna Fáil, it must be done in a way that does not undermine other key strategic national assets. EirGrid must consider sustainable alternatives to overhead pylons in areas with high tourism potential.

Fianna Fáil's position is clear. We accept that the Grid25 projects are of national strategic importance and as such support the projects' construction. However, we believe that the public consultation needed to advance and best inform the planning permission being sought has not been conducted properly. The fact that residents in most counties affected by these plans have accused EirGrid of not engaging in proper consultation shows that such consultation is not working. These accusations should be investigated, addressed and properly resolved.

From listening to every group that has contacted me and that I have met, those involved have far more to be doing with their lives than forming groups that are concerned about health, visual impact, their residential areas etc. They have joined these groups because they are genuinely concerned about the future of their families and communities. In some of the scenic areas, there are significant restrictions on any kind of alteration, even in some places in changing the pier of a gate, through the normal planning process through the local authorities, and I cannot understand how we can foist these pylons on them.

We believe that the construction of these projects must not have any substantial impact on residential properties in the regions which are currently being assessed. EirGrid must consider the laying of these transmission cables underground where possible. There is a precedent for this course of action. In 2004, similar concerns were raised in Cork and an independent mediator was brought in to adjudicate. In the end, transmission lines were laid underground in a number of areas where pylons were judged unsuitable.

This is not an insurmountable challenge. There is a way forward which will be acceptable to both EirGrid and local communities. The only way is to appoint an independent international assessment body which would report impartially on the EirGrid proposals. In addressing the health, visual and economic concerns held by the public and examining best practice internationally, we can go forward together.

To date, consultation has been lacking. Communities are up in arms trying to protect what is theirs for generations to come. The motion asks that we take a step back and appoint an independent international assessor to look at all the options so the best informed decisions are made on how we progress with this project.

Deputy Sean Fleming: I welcome the opportunity of contributing to this debate.

In the motion, we in Fianna Fáil propose that Dáil Éireann, "agrees that Ireland's electricity infrastructure and transmission capability be modernised, as well as expanded, to allow for a clean, sustainable and affordable supply to the public and to support all future economic and societal development." My party's motion goes on to call, "for an independent international assessment of the EirGrid proposals to take place, so that the health and visual concerns held by the public are fully addressed, the cost and placing underground of the transmission cables are fully examined and a report on these matters to be published by the Minister for Communications, Energy and Natural Resources." I am pleased the Minister, Deputy Rabbitte, is here to hear this debate and I am sure he would agree with the general sentiments in the motion.

The reason we are here on this issue is to discuss the plans by EirGrid for its grid development over the next number of years. EirGrid is basing all its plans on its document Grid25, which was published in 2008. Grid25, lest people be confused, is not about meeting energy targets, renewable energy or generating electricity. Grid25 is about the grid transmission system for electricity across the island of Ireland. Some believe this is about matters such as wind energy, gas or coal. It is merely about the transmission system for electricity, from where it is produced in the power stations to where it is required, either in industry or in homes.

My essential difficulty here, as I discussed with the chief executive of EirGrid at one of the public meetings in Carlow two years ago, is why EirGrid is bringing all these pylons over the country, from areas where the electricity is being produced to where it is needed. In the interests of sustainable development, I asked would EirGrid seek to have the electricity produced closer to where it is required and it would not need to traverse the countryside with hundreds of kilometres of major pylons and 400 kV lines. I thought that was a most reasonable straightforward question. In reply, the chief executive stated he was prohibited by law from doing that and that his sole remit is to deal with transmission and, under the Competition Authority, he cannot engage with individual generating companies as to where they locate their generating capacity. I believe the separation of electricity generation from electricity distribution has led to a lack of proper integration in the production of electricity and its supply to homes. There were probably good reasons at the time to separate the two organisations but as time moves on this legal difficulty between the generators and the transmitters of electricity is causing a problem. On the east coast, in Dublin and the Leinster region generally, where a large proportion of the population resides, there is a need for more electricity generation. If that was the case, we would not need to bring power lines from the west and from Cork and every other region to the greater Dublin area where it is required. We must look at this in a more sustainable way and avoid the need for erecting all these pylons through the country.

There are different aspects to the grid project. The grid link project, which I have just mentioned, involves bringing electricity from the Cork region, up through Wexford and ending up somewhere in the north Kildare area close to the Dublin region where the electricity is required.

It is important to point out that there is no primary legislation backing up EirGrid. I asked the Taoiseach about this last week and he replied there are plans to publish primary legislation to deal with EirGrid in 2014. It is set up on the basis of a statutory instrument and as such it has no compulsory purchase order, CPO, powers. If a CPO is required, it must be done by the ESB on EirGrid's behalf. I ask the Minister to deal with primary legislation on this matter which, in itself, will provide a further opportunity to have a proper debate on EirGrid.

EirGrid approached this from the beginning on the basis that it is a question of pylons or nothing. The Ceann Comhairle does not like me showing documents in the House, but "The

Grid Link Project", dealing with linking the Munster and Leinster areas, published in autumn 2013, as recently as the other day, describes the next steps. EirGrid is looking at various corridors and within that, it will see where is the most suitable area to go. It states:

> Following this round of consultation, EirGrid will review and consider all feedback received from stakeholders [the company has now extended that to January] and identify the least constrained corridor and substation sites. The least constrained corridor will be the best option from a technical, environmental, community and economic perspective within which an overhead line can be routed.

Before EirGrid started this, it decided that this was a matter of pylons overground. There are pictures of pylons on the front, in the middle and at the end of its document. Before they ever started, they had a closed mind on this issue. Even if they ever get to lodge an application for planning, such planning will not stand up. It might stand up in An Bord Pleanála, but it certainly will not stand up in the courts because the company will not have considered all the options and it is essential in modern planning that one does so before coming forward with a planning proposal. Their documents have shown from the beginning that they are only dealing with pylons and overhead lines, and they do not consider undergrounding.

We are all aware there are proposals for a North-South interconnector and grid west. A major issue to be considered, and this is an argument trotted out by EirGrid - it uses glib wording in this respect because that is the type of wording required in an organisation such as this - is that a number of years ago EirGrid said the cost of putting the cables underground would be 15 times the cost of overhead pylons. A few years ago EirGrid officially stated that the cost would be nine times greater, and today it states it would be three times greater. The one thing I can say about EirGrid is that every time it produces a figure it is wrong. As time has passed, the figures have become more ridiculous on each occasion. We can be quite sure that its costing of the underground option as being three times greater than the cost of the overground option is also wrong. It cannot be trusted on that. That is one of the reasons we are asking for an independent international assessment to be carried out on the cost of undergrounding. We do not want to consider the issue of partial undergrounding and partial overgrounding because that would lead to additional costs.

With regard to EirGrid's documents, earlier this year the Minister published a document entitled "Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure", with which he will be very familiar. I agree with the document where it states, "Public acceptability requires public confidence that infrastructure adheres to the highest international standards of safety, health and environmental and visual impact, and technology choice." That document also states, "The Government does not seek to direct EirGrid and ESB Networks or other energy infrastructure developers to particular sites or routes or technologies." However, EirGrid does not seem to have got that message. In other words, the Minister is saying he has an open mind on this issue but EirGrid has not. The difficulty is that in 2008 when EirGrid produced its Grid25 document the cost of undergrounding, according to it at that stage, was about 15 times the cost of overgrounding and, therefore, it did not even contemplated the underground option. In the five years since that document was published the costings have changed. That document needs to be revisited right from the start in that context. EirGrid spoke about €4 billion of an investment on that occasion and the figure is now down to €3.2 billion. The cost has continually decreased as time has passed.

EirGrid started planning the North-South interconnector in July 2007, which was more than

six years ago and it is not even at the planning application stage yet. It put in a flawed planning application and withdrew it out of embarrassment at the oral hearing. EirGrid as an organisation is not competent to do the job the Minister would require it to do, namely, to deliver electricity throughout the island of Ireland where it is needed and let that be done underground rather than an overground route. If EirGrid were planning the motorways, there would no motorway opened in Ireland.

Let us consider its experience in planning 400 kV lines. There are two major 400 kV lines in the country which run from Moneypoint to Kildare. They were put up more than 30 years ago. There is no person in EirGrid today who was involved in constructing anything like that in Ireland or in dealing with people and communities throughout the country in the last generation. There is no experience or competence in EirGrid and it is proving that time and time again. If it had been given the task of planning the motorways, we would not be even at the planning permission stage yet.

In regard to a document published on the undergrounding of the network, RPS, the consultants hired by EirGrid, considered alternatives to overhead lines but its report did not favour proposals to bury the cables. RPS said this was because its research suggested underground cables were more prone to problems and it took longer to fix them when glitches arise. I will explain that to the Minister. Two weeks ago I, along with 100 other people, attended an oral hearing in Portlaoise involving EirGrid. The oral hearing continued for six days and I was able to attend on two days. EirGrid was asked about this issue and it falsely created the impression that undergrounding would be less reliable and if a problem arose it could take up to 21 days to fix the cable. It was asked by a local councillor if there would be outages or blackouts during that 21-day period and, after six days of an oral hearing and two tonnes of documents supporting its planning application, it eventually conceded that there would not be a single minute of electricity outage because it always lays two cables when it goes to the trouble of laying cables underground. If one cable breaks it just switches to the other one and there is no disruption to power supply. It is a bogus, false statement for EirGrid to say undergrounding is unreliable and to create the impression that it would lead to blackouts. It always puts down two cables just in case one breaks down. EirGrid has never publicly said that but it was dragged out of it at an oral hearing in Portlaoise two weeks ago. The argument about reliability and accessing the cables is bogus and the Minister should run out of his office anyone who puts such an argument to him.

The issue of public consultation by EirGrid is important. It has been running a consultation process on a project in Ratheniska substation in County Laois for the past year or two. In tandem with that, Laois County Council was drawing up its new county development plan and in it the council considered the issue of power supply and transmission of electricity. As part of the public consultation by Laois County Council, a large number of submissions were received indicating that the 400 kV cables in Laois should be placed underground. Ultimately, the elected members of Laois County Council, having considered all the submissions, including those from EirGrid which participated in that public consultation process, and those from the council's own planning department, decided to insert the following requirement into the Laois county development plan, namely, "to require that all future 400 kV lines be put underground in County Laois". That is a simple sentence and that was the requirement. It was included in the final county development plan, as adopted by the elected members in accordance with all legal procedures, less than two years ago. EirGrid did not like that and the reason it did not like it was that it could not control it. It was the people, the elected members and the council who put that requirement into the county development plan. EirGrid took Laois County Council to the High

Court to have that sentence deleted from its county development plan. The individual elected members of Laois County Council were informed by their legal advisers that they could be individually surcharged for any legal costs associated with a High Court challenge if they were not successful. In light of this financial threat to individual members of Laois County Council and to their family homes - that point was made clear to them - the council chose not to mount a defence. EirGrid succeeded in having this sentence deleted from the Laois county development plan by the High Court. That, to me, sums up EirGrid's attitude to public consultation. If it controls the process and can control the answer, it will go along with it but if the answer is put by somebody else and the process is carried out by somebody else and EirGrid does not like the answer, it will reject it and it will go to every court in the land to overturn what has been decided by way of public consultation. That is the most recent example in the past year or two of what it has done. That is not what it did in the case of an individual who it thought was difficult to deal with but what it did to a local authority. It took it to the High court because it did not like the development plan. That sums up EirGrid's attitude.

The Grid25 was probably drawn up at a time when it was considered absolutely impractical to consider the cost of undergrounding. That was five years ago. Time has moved on. EirGrid's costs have been always wrong on this topic. It is time to reassess that at this stage and the only way to do that is by getting a firm of international experts to examine best practice internationally because EirGrid does not have the ability or the competence to do the job. If the Minister wants Grid25 implemented, the way the EirGrid is going about it currently is certainly is not the way to do it.

Deputy John Browne: I welcome the opportunity to say a few words on the motion put forward by the Deputy Moynihan on behalf of the Fianna Fáil Party. During the past few weeks in Wexford, in particular, numerous public meetings have been called in every parish, and I am sure similar meetings have held in other counties in the south east. I am a long time in this House, probably as long as the Minister, and I have never seen the likes of the turnouts at those meetings, with people attending who never go to public meetings. They filled halls in Ballindigan, Rathnure and New Ross and right across the Wexford constitutency. They all have the one message that EirGrid has caused consternation by its plans to erect 45 m high pylons across County Wexford and they are up in arms about that. Every issue has been raised at the public meetings including the impact in terms of reducing land valuations, the severe impact on tourism, environmental damage to the countryside and concern that scenic views will be destroyed.

8 o'clock

The biggest worry of all is the effect the pylons will have on people's health. Despite politicians turning up to meetings and trying to explain the situation, people are very unhappy. They are unhappy with the attitude of EirGrid and feel EirGrid has not communicated with people on the ground. It announces that it will appear at a certain place at a given time but if it is invited to attend a public meeting, it refuses to attend. EirGrid has caused uproar in respect of the erection of pylons whereas the ESB was always able to negotiate and work in conjunction with the local people.

One of the issues is the number of grid lines EirGrid has put down. It is driving neighbour against neighbour and community against community. It has brought all of the communities together because we have the national pylon pressure group, pylon groups in the north east and pylon groups in the south east. They are banding together to work against the EirGrid proposals.

I have expressed concerns to EirGrid, verbally and in writing, that what they are trying to do will not work. People will not accept the idea of huge pylons erected across the countryside, doing particular damage to the environment and the aesthetics and devaluing land. No one seems to be able to give the assurance that this will not cause health problems. A significant body of research has been performed on the health effects of electric and magnetic fields associated with extra high voltage lines. Current scientific data confirm that exposure to electromagnetic fields above a certain percentage will create the risk of leukaemia, particularly in children. The issue has been constantly raised at public meetings. Increasingly, evidence shows it is associated with the increased risk of miscarriage, brain tumours, Alzheimer's disease and motor neuron disease. We are not, as public representatives, able to contradict this. The time has come for the issue to be sidelined for the foreseeable future, to have proper planning and independent international assessment, as Deputy Michael Moynihan called for, of EirGrid's Grid25 proposals for the upgrading of the national grid using overhead pylons. It is important, for both sides of the House, to have an independent assessment. People are very unhappy with the proposal at present.

Perhaps the Minister will outline why the line from Great Island to Meath, from Great Island to Dublin, and from Great Island to Cork, which is 200 kV, cannot be upgraded to meet the requirements EirGrid is talking about. People tell me at public meetings that we will spend a huge amount of money when lines could be upgraded. Most people are asking for undergrounding of the lines. From discussions with personnel on the ground, I know EirGrid deems this too costly. How costly is it if the current plans will affect the environment, tourism, farming and health-related issues? Having these lines underground seems to be the norm in European countries.

I read that the Minister said the underground option will add to the cost of electricity for the ordinary consumer. People tell me that if it adds a few per cent to the cost of electricity, they would rather that than have large pylons with no solutions from EirGrid in respect of health. They would rather pay extra money than have what is planned by EirGrid. This situation is causing major problems across the county and across the country. People seek answers they are unable to get. EirGrid cannot say there will be no health hazard, that it will not damage the environment, or that it will not devalue land. EirGrid provides the general answer that it does not expect these things to happen but, in this day and age in modern Ireland, that answer is not good enough. People seek real answers, real solutions and fairness from EirGrid and from the Government and politicians. They feel they are being sold a pup and asked to accept something that is not in their best interests or their long-term future interests or that of the country. They feel there are questions to be answered. The suggestion put forward by our spokesperson, Deputy Michael Moynihan, calling for an independent, international assessment of EirGrid's Grid25 proposals should be considered by the Minister. It may set back the situation by a few months but in the long term it will be more than worth our while to get the right way forward for production of electricity in this country.

It is not just Members on this side of the House who express concern or alarm at what is happening. Fáilte Ireland has expressed concern at the installation of overhead pylons throughout the country by EirGrid near areas of scenic beauty. Residents in various counties have also been angered by EirGrid due to its lack of proper consultation. Fáilte Ireland is concerned, the people are concerned, the farming community is concerned and the people creating jobs up and down the country are concerned. I accept the Minister has a job to do but we must do what is right by the people and by the country. We need infrastructure, which is important, but people's

views, concerns and interests must be listened to and considered. The right decision should be made. Ireland's electricity infrastructure and transmission capability must be modernised and upgraded but it must be done in a way such that people have a say in selecting, can voice their opinions and put forward suggestions. It is not as if people do not put forward suggestions; they made suggestions to put the lines underground and to have an independent assessment of the health issues. A number of ideas on how to deal with this have been made by a number of people from all counties.

I hope the Minister is listening. The Minister had dialogue with Labour backbench Deputies, who are getting the same onslaught from the public as us. I hope the Minister gave them the message that he will examine an independent assessment and put the project on hold until everyone has been consulted and every community has been asked for submissions and suggestions. I hope the Minister will decide to have most of the project underground as the people request.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"acknowledges the Government's commitment to retain the electricity transmission and distribution networks in public ownership as strategic infrastructure and to ensure they are developed and maintained in the national interest;

recognises that investment in the national grid is vital to ensuring a secure, reliable and safe supply of electricity and is critical to economic recovery;

supports a grid investment strategy that reduces our dependence on imported fossil fuels, helps us create less carbon waste and enables us to reach our 40% renewables targets by 2020;

recognises legitimate concerns about the impact of new transmission lines and other infrastructure on the landscape, the environment and on local communities;

notes the request of the Joint Committee on Transport and Communications to extend the period of public consultation;

confirms, as set out in the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure of 17 July 2012, that EirGrid must take account of all relevant national and international standards and follow best practice and that, in particular, grid development must:

- be taken forward on the basis of the best available knowledge and informed consultation and engagement on the impacts and costs of different engineering solutions;

- comply with every applicable national and international standard – on health, environment, biodiversity, landscape and safety;

- be based on the best available advice and expertise and must address and mitigate any human, environmental or landscape impact; and

- be delivered in the most cost efficient and timely way possible;

welcomes the decision to extend the current public consultation to 7 January 2014 and, acknowledging that the consultation should proceed without disruption, notes that the Minister for Communications, Energy and Natural Resources will, after that date, respond on behalf of the Government to the issues raised;

calls on EirGrid:

- to fully engage with potentially affected communities;

- to examine impartially the case for all achievable engineering solutions;

- to undertake and communicate a well-informed, objective and authoritative analysis, impact assessment and pre-planning consultation; and

- to build community gain considerations into its project budgeting and planning; and

encourages the public to participate fully in the consultation process."

I wish to share time with Deputies Ciara Conway, Áine Collins and Dominic Hannigan.

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

Deputy Pat Rabbitte: I say to Deputy Browne and his colleagues opposite that I am not opposed to independent assessment but we are in the middle of a public consultation. This motion prejudges the outcome before the public consultation has been completed, and for that reason I must oppose the motion, although I accept that it raises some very important issues. The motion does not adequately acknowledge existing Government policy, the planning process and the legislation, which together provide a framework for ensuring that comprehensive statutory and non-statutory consultation is built into the process for rolling out major infrastructure and that all necessary standards for health, safety and environmental protection are met.

Energy is the lifeblood of our economy and society. Electricity and gas demand for business and households must be met safely and securely on a continuous basis every hour of every day, 365 days a year. The backbone of the power system is the transmission grid. We need the grid to ensure reliability of supply to businesses and households. We need the grid to take the power from where it is generated to where it is needed. Grid25 represents an investment in the transmission system of €3.2 billion over approximately 15 to 20 years, and it is central to ensuring Ireland develops a power system that meets our future energy needs in a sustainable manner. Grid25 will reduce our dependency on imported fossil fuels by putting the infrastructure in place to enable us use our own natural resources, help us create less carbon waste and enable us to reach our mandatory 40% renewable electricity targets by 2020.

As colleagues opposite have noted, building major infrastructure is becoming more challenging, yet most people understand that Ireland cannot attract investment and provide jobs without a modern energy system. Energy supply is at the top of the priority list of those thinking of investing in Ireland and our ability to rebuild the economy, attract and retain foreign investment, sustain Irish enterprise, create jobs and growth and deliver regional development and ensure the well-being of our people all depend on excellent energy connectivity. The Grid25 programme will facilitate both conventional generation and renewable energy projects and it

will support future international interconnection. However, I emphasise that Grid25 is completely separate from the work under way in my Department on a possible intergovernmental agreement with the UK on wind export. As Deputy Sean Fleming pointed out, Grid25 was under way long before the notion of exporting renewable energy was conceived. Grid development is required to serve our own domestic energy needs and it will be still required regardless of whether any agreement with the UK emerges. The domestic grid will not be used to carry the energy we are contemplating exporting to Britain.

The Government established the statutory agency EirGrid to deliver a safe, secure and affordable electricity supply and although the Government will not direct EirGrid to particular sites, routes or technologies, as was made clear in the policy statement referred to by Deputy Fleming, the Government requires EirGrid to take account of all relevant national and international standards, to follow best practice and to ensure value for money. I want to reaffirm that it is Government policy and in the national interest - not least in current economic circumstances - that infrastructure investment programmes are delivered in the most cost efficient and timely way possible on the basis of the best available knowledge and informed engagement on the impacts and costs of different engineering solutions, including undergrounding.

With regard to the merits of an overhead or underground option, the House will know that the report of the international expert commission on the case for, and cost of, undergrounding all or part of the Meath-Tyrone line noted that there is no single "right" solution and that technical solutions must be project-specific. The commission estimated that the cost of a high voltage direct current, DC, underground cable would be three times the cost of a traditional overhead line. On the basis of the information available to me, I cannot say for certain that undergrounding other 400 kV lines in Grid25 would automatically be three times as costly.

In Europe, overhead is the norm for high voltage transmission infrastructure, although there is undergrounding of a small fraction of such infrastructure for various reasons. This does not obviate the fact that undergrounding remains the much more expensive option and it is considered to reduce system security. EirGrid is, under its licence, obliged to plan the transmission network in the most safe, secure, economic and reliable way possible. EirGrid has stated that underground cables are less reliable and more costly and can introduce technical difficulties. Moreover, underground DC cables are not the right fit from a technical perspective on major projects such as the 400 kV proposals. I have listened to Deputy Fleming challenging that assertion and it is clearly an issue that should be established beyond doubt.

Currently, short sections of underground alternating current, AC, cables would be considered by EirGrid where an overhead line solution is not practical or environmentally feasible. For example, this could occur in densely populated areas where no alternative exists; in congested areas of infrastructure where no alternative exists; where it is necessary to cross water and no alternative exists; or where no alternative exists except to route through an environmentally sensitive area and undergrounding is deemed to have less impact on the environment. Reference has been made to DC underground cable schemes in service in Europe today, including our own east-west interconnector, but these all involve submarine crossings. A few on-land schemes are planned, and Deputy Browne noted there will be a line from France to Spain, but these are not representative of the transmission system in Ireland because they will be interconnectors between two different grids as opposed to being part of a meshed backbone grid like ours. In Denmark, although there was a national desire and a willingness to pay for the undergrounding of the entire 400 kV grid, it was decided that this was not in fact achievable due to the technical difficulties, uncertainties and risks associated with installing long lengths of

400 kV underground cable, and the process would carry too high a risk for system security and stability. However, Denmark did agree to the undergrounding of lower voltage lines.

It is also important to realise that connecting any proposed new industry to an underground DC cable would cost in the order of five times to ten times more than would be involved in connecting to an overhead line because of the need to convert the power back to AC. This could act as a significant barrier to new industrial investment in areas along the route of an underground DC transmission system. Those areas would not benefit from the power lines they are hosting. This is a very important point with regard to regional development, as if somewhere along the line from Great Island to Dunstown a project was landed by IDA Ireland, the business of connecting the power supply from the DC underground system as opposed to the overhead system would be somewhere between five times and ten times as expensive, according to the professional advice I have. The thrust of reasoning for Grid West coming from Bellacorick in north Mayo to the midlands, or the line from Knockraha in County Cork through to Waterford and so on, is as a critical element of regional development and the capacity to use the transmission system to fuel that development.

I am however aware, as has been noted here, that many people are concerned about the impact that new transmission lines and other energy infrastructure can have on the landscape, the environment and on local communities. I have repeatedly stated that it is essential that Grid25 and other energy infrastructure plans be taken forward on the basis of the best available knowledge and informed, meaningful engagement on the impacts and costs of the various options. EirGrid must now undertake and communicate a well informed, objective and authoritative analysis, a thorough impact assessment and engage in pre-planning consultation in arriving at optimal routes, technology choices, design and costings. It is required to address and, where possible, avoid any human, environmental or landscape impact in delivering the best possible engineering solutions for our small and still isolated electricity system. It must adhere to national and international standards on health, the environment, biodiversity, the landscape and safety as an intrinsic part of the planning process. Factors such as population density, visibility, biodiversity, water catchment areas and areas of outstanding natural beauty all have to be taken into account in planning the route. In addition, EirGrid must comply with electro magnetic field, EMF, exposure limits set by the International Commission on Non-Ionising Radiation Protection guidelines and with associated EU recommendations and environmental, habitat and biodiversity national and EU legislation. I must point out that national and international health and scientific agencies have reviewed more than 30 years of research into EMFs. None of the agencies has concluded that exposure to an EMF from power lines or other electrical source is a cause of any long-term adverse effect on human, plant or animal health.

I am disappointed to hear colleagues on all sides of the House criticise the quality of engagement in the consultation process. The planning framework which includes the national spatial strategy, regional planning guidelines, the local development planning process and the strategic infrastructure Act, collectively, provides the necessary framework for extensive statutory and non-statutory consultation, which is key to public confidence in infrastructural development. EirGrid has stated it will fully consider the views submitted. Ultimately, it will fall to An Bord Pleanála to decide whether the views expressed have been listened to, understood and properly dealt with in the final project design. Contrary to the impression given by recent headlines, I understand EirGrid is working closely with Fáilte Ireland on Grid25 to ensure it can outline its objectives of protecting key tourism assets and amenities. I expect EirGrid to continue its engagement with Fáilte Ireland and that it will reflect its views in its planning for and roll-out

of Grid25 so as to minimise any impact the projects will have on tourism.

The decision to extend the current phase of public consultation on Grid Link until 7 January 2014 will provide EirGrid with an opportunity to reflect further on the valid concerns raised about various aspects of the project. EirGrid has set out the rationale for why overgrounding is preferred to undergrounding, both generally and in relation to Grid Link specifically, but it has also made clear that undergrounding at some locations will be considered in order to deal with environmental constraints and that this issue will be thoroughly investigated during the project development process.

Grid West, a €240 million project, is needed to connect the north west's huge renewable energy resources to the grid and also to facilitate significant job creation and investment. Grid West is being planned in accordance with a five stage roadmap. The timescale for stages 1 to 4, inclusive, is three years. All stages include opportunities for public feedback. Currently, Grid West has completed stage 1 of the roadmap, the information gathering stage. The project stage 1 report was published in March 2013. The report identified a number of route corridor options for the new line and the preferred route corridor was announced after full consideration of the report.

Grid25 will have positive impacts for local communities in underpinning regional and economic development and jobs, but any negative impact needs to be mitigated through the consultation process and also, where appropriate, community gain measures. My colleague, the Minister of State with responsibility for planning, Deputy Jan O'Sullivan, and I are agreed that a greater focus must be given to co-operative work with local communities and local authorities on the landscape, biodiversity and civic amenity benefits that bring long-lasting benefits to communities. We fully support a community gain approach in delivering energy infrastructure and underline the appropriateness for State companies to build community gain considerations into project budgeting and planning.

This House has not debated Grid25 since I became Minister. Therefore, I welcome this debate. This is the biggest energy network investment programme undertaken by the State since rural electrification. I hesitate to say Deputy Moynihan's motion is motivated by the controversy that has arisen surrounding the adequacy or otherwise of the public consultation process. He is entirely justified in raising the matter for debate. It is amazing that such a major investment plan has not been debated in the House. However, we should also debate the project's economic significance, as well as the need to deliver such an investment programme in the most cost-efficient and timely way possible in the interests of the energy consumers who need this investment and also pay for it. Once again, I urge citizens and public representatives to make their considered input before 7 January. As the amendment I propose sets out, I will return to the House to respond to the issues raised following the closure of the public consultation stage.

Deputy Ciara Conway: I thank the Minister for giving me some of his time to speak in this very important debate. He is correct; for such a significant infrastructural project it is of concern that we have not had an opportunity to discuss it heretofore. There is much opportunism in the House, in particular on the Opposition side because the reality is that one cannot dismiss the consultation process. Given that it is not even finished, I question how one could presume or guess what the outcome will be. The closing date for the receipt of submissions from the public is 7 January.

I welcome the amendment proposed by the Minister to the motion. Two points are of partic-

ular note. There is a reference to EirGrid fully engaging with potentially affected communities. In his response to the motion the Minister expressed disappointment with the grave concerns expressed by Members on all sides about the consultation process to date. I hope EirGrid and those watching the debate will take cognisance of this. The difficulty for public representatives and our constituents is that we believe we are not being heard. In his response the Minister has outlined how EirGrid has stated it will consider undergrounding cables where it is technically possible, taking into consideration population density, visibility, biodiversity and water catchment areas. However, this has not been explained to people and it is not their understanding. I call on those who are carrying out the consultation process to take cognisance of this. When I engaged with EirGrid on undergrounding cables, I was dismissed.

The Minister also referred to an impartial examination of the case for achievable engineering solutions. People would really like to see a cost-benefit analysis of the case for undergrounding cables. We have heard that it is potentially three and a half times more expensive to put cables underground where it is technically possible to do so. However, we do not know if that is the case. The Labour Party, in particular, will put a figure on the social cost and environmental impact. As a Government we have taken decisions to extend measures over months and years. If it is technically possible to do it, the Government should make the investment in the grid to ensure it is environmentally sound, does not impact on the landscape, the environment or communities. We should embrace a process that would allow us to examine such issues because that is what people seek. I join the Minister and other speakers in calling on people to ensure they engage with the process and make their submissions before 7 January. From engaging with communities along one of the proposed routes, stretching from the Blackwater near Lismore, where the pylons would be potentially disastrous, down through the Comeragh Mountains and up through Rathgormack, I noted their great concern is that not enough people knew about the matter. Concerned citizens engaged in a door-to-door information campaign to ensure engagement with the process. That community groups have taken this on shows us that the consultation process has not been successful. I welcome the communities' approach, however. I encourage communities and other groups to ensure that they make submissions to EirGrid on or before 7 January.

I was glad to hear the Minister say Fáilte Ireland is now engaging with EirGrid on the Grid25 programme. I was not aware of this. I was very concerned given that this is the year of The Gathering, which has been a great success. People have come to our shores to engage with us partly because of Ireland's natural beauty. I am glad of the Minister's statement and thank him for it.

Deputy Dominic Hannigan: I am thankful for the opportunity to speak on this motion. It is fair to say the Government, particularly the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, is very well aware of the concerns people have over EirGrid and the Grid25 plan. We know this because the Minister has agreed to extend the public consultation period to 7 January, thus giving every group and individual the chance to make their views known on this nationally important project. From my constituency, Meath East, I acknowledge there are many who want to make representations about the plans for the pylon network extending from Meath to Tyrone. People know we need a new interconnector but they have concerns about its impact. The preferred route in my constituency would see an additional 92 pylons, and up to 200 homes would be within 400 m of the wires.

People are concerned, largely for two reasons. First, there is concern over the perceived health risks attached to the pylons. Second, people are concerned about visual intrusion. With

regard to the health risk, the concerns are over electric fields and magnetic fields. I was interested, therefore, to read the Government's report from March 2007 on the health effects of electromagnetic fields. The report suggests that electric fields are stopped by the walls of a house, which is good news. The peak magnetic field from a 500 kV line at 100 m is the same as that from a colour television in a living room if one is sitting a couple of feet away. I hope we can maximise the distance between people's homes and the wires such that it will be more than 100 m. By doing so, I hope we will allay the health concerns that exist.

Another concern is that the pylons, once built, could be in place for generation upon generation and represent a blight on future legacies. We must be aware of the fact that technology changes and evolves. I hope that, within 20 or 30 years, we will have moved on and not need the pylons anymore. If this is the case, we need to be absolutely sure that we will have funding in place to remove them. We do not want them standing when there is no need for them any more. I suggest to the Minister – I have spoken to his office about this – that a levy be imposed so that when the pylons are no longer needed, there will be sufficient money to take them down. As part of granting permission for the project, I would like the Minister to insist that potential future removal costs will be paid for by an ongoing levy on EirGrid. This solution could help to allay people's worry that the pylons will stand for generations.

People feel their communities will not benefit from the proposals. They agree that there is a national benefit but envisage little benefit for local communities. I suggest a community fund to help local community groups. I was glad to hear the Minister mention this in his contribution. An example of the proposed fund is evident in Meath and it works very well. I refer to the Carranstown environmental community fund, which was set up as a result of the incinerator in the east Meath area. It is paid into by the operators of the incinerator. Funding is given to community groups for walking areas, community arts projects, playgrounds etc. A similar approach could be taken here in that a levy could be imposed to help fund community projects. It would help to give something back to the local community.

We need to be very careful and aware of what we do. People have very genuine concerns and we need to work towards meeting them as much as we can. People recognise that the infrastructure is needed but they want to ensure their concerns are taken into account. I welcome the extension of the consultation period and urge EirGrid to ensure it fully engages with local organisations and individuals. Where possible, their needs should be taken on board.

Deputy Áine Collins: I welcome the opportunity to speak on this motion.

As a nation, we import 90% of our energy. We are at the very end of the supply chain in Europe. Russia, to a large extent, controls the natural gas supply to Europe, and we have seen the problems this control is causing in Belarus. While there is still a possibility of gas and oil discovery around our coasts, any finds would, at most, have a minimal effect on the annual energy we import.

We have gone through five very difficult years and the signs are there that we are turning the corner. Unemployment has fallen, our banks have passed the recent stress test by the Central Bank and the public is regaining confidence. Energy security is central to this recovery, not only in terms of our domestic use but also in terms of commerce and industry. Investors will invest in this country only if they can be sure we will be able to supply the power to run their facilities.

In recent days, we have seen the reaction from the public, particularly shops and industry, on the possibility of threatened ESB action. The mere possibility of a few days or even hours of power outages scares the hell out of people. Certainty of energy supply is essential when we are on the cusp of a fragile recovery. Planning for our future energy needs is essential to the long-term growth of our economy. The Government not only wants to restore our current economy to some semblance of normality but also to ensure we have the groundwork done for sustainable growth. All the structural changes we have made during the three years of troika rule would be wiped away if we failed to meet our energy needs. We still have 400,000 unemployed. Many young people who have emigrated would like to return. This can only happen in an economy that can provide them with good jobs and a sustainable future.

The price of energy is important for the householder and industry but slightly cheaper prices are no good without security of supply. Wind energy provides us with a sustainable national resource that will help us increase our supply of energy nationally and also give us the opportunity to export. There will be continued advances in developing alternative energy, but today wind energy is the only answer. Economies that get involved in new technologies benefit early in all sort of ways from the growth and development of that technology. Germany has 40,000 jobs connected to the renewable energy sector alone.

There are issues to overcome. Naturally, people who live close to turbines and cables are anxious that their rights be protected. Every reasonable effort must be made to do that. All options must be costed and examined and compromises will have to be reached. With a reasonable approach on both sides – with some undergrounding in sensitive areas and overhead cables in more remote areas – problems can be overcome. However, undergrounding is four and a half times more expensive than installing overhead cables.

I come from a constituency where there are many wind farms and where planning permission has been granted for many more. I see a wind farm when I look out my window. We have had our problems as well but there are also many advantages. Many small farmers derive an income from wind energy that allows them to continue farming and live in rural communities, thus keeping schools open and GAA clubs operating. Many small community groups have provided community facilities in the villages with the help of funding provided by wind-farm developers. However, by far the most important consideration for the future is sustainable jobs and sustainable communities. As a nation, we cannot achieve this without energy security.

Deputy Michael Colreavy: It is at least ten years, and possibly a little longer, since, as a member of Leitrim County Council, I tabled a motion stipulating that a multi-service roadside duct that could be used for anything, including water pipes, gas pipes, electrical wires and broadband lines, be installed during every roadside development. I suggested that such a duct be constructed as part and parcel of road construction, development and improvement projects. I was told at the time that it would cost too much but consider the funding that would have been available to local authorities had they been in a position to rent out part of all of those ducts to companies. Talk about sustainable funding of local authorities. This was an opportunity identified by Leitrim County Council, passed to the then Government but rejected because it would cost too much. So much for costing too much.

Sinn Féin is not opposed to the Grid Link project: we support it. We recognise that the project will greatly enhance the security of supply and will assist us in reaching our targets for the generation of electricity from renewable resources. However, we share the concerns expressed in the motion before us tonight, concerns which are also shared by many communities with

regard to what appears to be a determination on the part of EirGrid to place the transmission cables above ground.

We are also concerned about the promised consultation process and I will be raising this again with the Minister tomorrow during Question Time. Is it really a consultation process if EirGrid, with the seeming support of the Minister, has already decided to place the cables over ground? Such railroading of decisions is, of course, facilitated, and indeed encouraged, by the Planning and Development (Strategic Infrastructure) Act which, ironically, was framed by the party proposing this motion tonight. While important developments should not be overly impeded, there must always be proper consultation with the communities affected. We should all remember Rossport. Such a process also needs to be genuinely open, with the proposers of projects willing to change their plans when required to do so or when common sense indicates that it is the right thing to do. We would argue, therefore, that the aforementioned Act must be amended and updated to ensure that proper and transparent consultation and planning takes place. That would go a long way towards addressing the genuine concerns of communities affected, in this instance by the pylons, and in others, by wind farms and other infrastructural projects. This country needs a landscape and land management strategy and policy, which this Government should develop. We should not always be responding to individual developments, fire-brigade style.

It is the scale of the proposed overhead pylons which is of most concern. We are talking here about 1 km corridors which will have a massive impact on the visual landscape, not to mention on those living in the vicinity, on agricultural land, property values, health and so forth. Apart from research proving the very real dangers to health, such as that conducted by Professor Draper of Oxford, there is also evidence that the cost of placing cables under ground may not be as prohibitive as is sometimes claimed. There are conflicting claims regarding the technical feasibility and the comparative costs of running cables underground. Costs must be considered in the context of the lifetime of the project, which is anything from 35 to 43 years and must not be viewed as a once-off capital sum. That is why Sinn Féin and others have called for a fully independent cost benefit analysis to be conducted into the pros and cons of overhead versus underground cables over the 40 to 50 year life span of the installations. There are also good precedents in other States for placing cables under rather than over ground. We should study what is happening in Denmark, for example, from which we could learn a lot..

It is for all of the above reasons that we are supporting this motion.

Deputy Sandra McLellan: Sinn Féin agrees that Ireland's infrastructure must be of the highest international standard and must continually be improved and upgraded to ensure we deliver electricity to those businesses and households who need it. This must be done in the most sustainable and cost-effective manner possible. Sinn Féin welcomes the enhancement of supply and expansion of the electricity grid and the stated aims of EirGrid to help secure future electricity supplies, to help Ireland meet its 40% renewable energy target and to provide a platform for economic growth and job creation. This is vital if we are to meet our international carbon emission targets, but we are concerned at the potential impact of the construction of the proposed high voltage power lines, most notably in the areas of agriculture, health and the environment, as well as on land and property values.

I have been contacted by numerous constituents about this issue and they are very concerned. East Cork will certainly be affected by this, whether it is one parish or the next. The K8 choice runs north towards Fermoy, just falling short of it; the K4 passes south of Castlelyons;

the K20 goes through Conna; and the K17 passes by Dungourney and Clonmult. Knockraha will almost certainly be affected as the southern terminus of the Grid Link. My constituents are very concerned about what this will mean for them, in terms of their health, their environment and their pocket.

Sinn Féin welcomes EirGrid's extension of the consultation period until 7 January 2014. I am happy to put on record that Sinn Féin made a comprehensive submission. We commend the community-based groups across the island that have been campaigning effectively on the issue. They have helped to inform communities and politicians of the projects and have been voicing the very many genuine and serious concerns that communities have about the proposed projects. We will continue to work with these campaigns until the outstanding issues are resolved to everyone's satisfaction.

The central issue is whether EirGrid should erect pylons to carry the high voltage cables or lay the cables underground. One argument put forward by EirGrid and others is that it is far more cost effective to use pylons but this is short termism at its worst. It was this sort of drive for short-term gain that brought the economy to near bankruptcy in the not so distant past. We need to take the long-term view. Having researched and consulted with experts, Sinn Féin's position is clear. While underground cables cost more at installation than overhead lines, they are low-maintenance, have lower transmission losses and have a longer lifespan. The initial additional outlay will be offset over time by their many advantages.

Underground cables have lower transmission losses than overhead lines because, due to thermal reasons, underground cables have a larger conductor and therefore significantly smaller losses. Studies on several 400 kV transmission grids show that the characteristics of underground cables can, in many cases, be beneficial to the overall performance of the network. Disturbance of underground cables occurs less frequently than for overhead lines. Overhead cables are affected by severe weather whereas only outside influences can disturb and damage underground cables. Underground cables are low-maintenance compared to overhead lines.

The Sinn Féin submission calls on the Government to direct EirGrid to proceed with the proposed projects only on the basis that the cables will be laid underground, as per its pre-election promises. In the case of the North-South interconnector, we propose that the lines be placed underground using ducts within the new A5/N2 road development. It is possible, reasonable and more cost efficient in the long run. Let us not be penny wise and pound foolish. We also believe the Planning and Development (Strategic Infrastructure) Act, which facilitated the forcing through of such projects, regardless of the expressed wishes of communities, should be repealed. Communities have a right to have their say. The communities in my constituency have legitimate concerns. They want to know what will happen if they are not, as a community, happy. What additional powers does Eirgrid have, beyond those enjoyed at present by Bord Gáis and the NRA, regarding access and entry rights to land? They are concerned as to whether they will be compensated for disruption during construction and for the presence of the pylons. They also have concerns regarding health and, in particular, the question of how close dwellings should be to such 400 kV power lines. Given that our health is so hugely dependent on our immediate environment, this is a very legitimate concern.

People are reasonable and are not opposed to improved power transmission but these are extraordinary constructions. The safest, most sensible and cost-effective thing to do is to lay the cables underground.

Deputy Caoimhghín Ó Caoláin: I welcome the opportunity to speak on this important issue tonight. It is an issue which affects thousands of individuals and families right across this island, from Tyrone to Cork and right through the heart of my own constituency of Cavan and Monaghan. My constituents are angered by the arrogance of the approach by this Government through its designated Minister, Deputy Pat Rabbitte and, more particularly, by the conduct of the State-owned electric power transmission operator, EirGrid.

I take this opportunity to commend the steadfast work of the Monaghan Anti-Pylon Committee and the North East Pylon Pressure Committee, which have led the way for the campaign of opposition. It has engaged in this process at every level and taken apart, piece by piece, the false arguments made by EirGrid. It represents communities along the proposed route of the North-South interconnector which is to connect counties Meath and Tyrone via counties Cavan, Monaghan and Armagh. These communities are, rightly, angered by the arrogant approach of EirGrid and successive Governments. More than that, however, they hold legitimate and earnest fears. They fear for their health and that of their children should they be forced to live in the shadow of massive pylons carrying powerful 400kV power lines. They hold the legitimate concerns that the value of their land and property will be decreased if they are unfortunate enough to lie in the path of these metal monsters. They also fear the impact such pylons will have on current and prospective businesses and the tourism potential of the areas in which they live. This concern is also shared by Fáilte Ireland.

These communities have been met by a wall of silence and a sea of indifference. The economic argument in support of overgrounding versus undergrounding, as presented by EirGrid, simply does not stand up to any thorough or robust scrutiny. I recall a time when EirGrid state undergrounding would cost 12 times that of overgrounding. Now, it publically states it is closer to three times the cost. I also refute this figure. I am confident in this regard because we in Sinn Féin commissioned an industry expert to advise us on the likely difference. The Minister of State, Deputy Ciarán Cannon, and EirGrid officials should have pen and paper at the ready. The industry expert we commissioned stated the real cost of delivering the North-South interconnector underground as opposed to overground would amount to 5p per household bill per year over the 40 year projected lifespan of the project. I invite EirGrid to prove him wrong. It needs to act on the instruction of the responsible Minister, Deputy Pat Rabbitte.

Communities have spoken, often in numbers and with a unity not seen in 100 years. It has united people of diverse opinion on the issue as reflected in this Chamber. They have gathered in hotels, GAA halls, community centres and local facilities in opposition to EirGrid's proposals as presented. They have sent the clearest of messages - they want the grid placed underground. More than that, they want the opportunity to show EirGrid, as well as the decision-making authorities and individuals, that undergrounding is a safer and better way, both economically and socially.

I support the motion tabled by Fianna Fáil.

An Leas-Cheann Comhairle: Deputy Seamus Healy is sharing time with Deputy Catherine Murphy.

Deputy Seamus Healy: There are significant concerns, anger and frustration at the Grid Link 25 proposal across the Munster counties of Cork, Tipperary and Waterford and the Leinster counties of Wexford, Kilkenny, Kildare and Carlow. Thousands have turned out at public meetings across the areas in question. I congratulate all of the various action groups involved

and the legendary cyclist, Sean Kelly, for his leadership on the issue. This is an intolerable proposal that will be resisted.

Everyone accepts that the country must have a top quality electricity infrastructure. What is at issue, however, is the manner of its delivery. The Grid Link proposal is monstrous, with 750 monster pylons over a route of 250 km, standing 45 m high, ten times the height of the average bungalow, and set at 330 m intervals. Residents will have to live with them 24 hours a day, 365 days a year. These monsters will blight the landscape for locals and visitors alike, destroying local tourism industries. Large scenic areas across south Tipperary and west Waterford are affected by this proposal.

EirGrid is engaged in a sham consultation process that does not include undergrounding or undersea options. It is also involved in a divide and conquer approach, setting residents along one route against another, as well as neighbours along individual routes against each other. There are concerns about the devaluation of lands, houses and properties, with the possibility of not being able to sell them in the future. Significant health issues are also at stake. National and international reports have failed to confirm that high voltage power lines are safe for humans. Some have pointed to significant health issues such as childhood leukaemia.

Best international practice involves the undergrounding of such lines. Denmark, the Netherlands, Japan, France and Spain are good examples of where this has happened. They have shown undergrounding is technically possible and financially feasible. I call on the Government to suspend the Grid Link project pending the outcome of an international independent feasibility study of the laying of these lines underground and underwater.

Deputy Catherine Murphy: This motion focuses on EirGrid's pylon proposals. However, the major wind energy proposals are, of course, linked. While wind and wave energy projects represent a major opportunity, the main question is how we develop them. The idea of a ring main around the island has not been given the consideration it deserves. Such a ring main would lie offshore, which would bring obvious savings in that there would be no need for a land take. It would only require short land connections to the main onshore wind farms in the west and County Donegal. Offshore wind farms such as the one at the Kish, as well as other future offshore wind farms, present a potential link with wave energy facilities. That is where the big export possibilities lie into the future and where our natural advantages can be found, particularly on the Atlantic coast. Such a ring main offers a potential link for wave energy facilities currently envisaged on the west coast, with the national testing centre offshore near Belmullet. Existing power stations such as Moneypoint, Aghada and Poolbeg are also on the coast, as are all of our cities and areas of high consumption. Accordingly, the ring main could solve many future planning problems.

When undertaking a cost-benefit analysis of any proposal, all aspects, including loss of visual amenity, potential health and safety implications, obsolescence and maintenance issues, must be fully considered. While undergrounding high tension cables will protect the visual amenity, it is also important to consider the environmental impacts which are not often highlighted with undergrounding such as the land take for the necessary corridor and buffer zones, as well as the need for more extensive protection for cables and the large concrete encasement required. While it may be more expensive in the short term to develop it in this way, in the longer term it must at least be explored from the point of view of future investment.

We urgently need a landscape policy that should be in place before such major schemes

are embarked on. I would have thought that would be self-evident. Industrial wind farms are proposed in the midlands, with many structures reaching 185 m. While I am in favour of developing wind and wave energy projects, the process cannot be developer-led or cannot ignore the obligations under the Aarhus Convention. It must find acceptance among neighbouring communities if it is to be a sustainable energy source. However, what is happening is that positions are polarising and a major rethink is needed. Will the Minster give more consideration to the ring main proposal which has not yet received the attention it deserves?

Debate adjourned.

9 o'clock

Messages from Select Committees

An Leas-Cheann Comhairle: The Select Sub-Committee on Health has concluded its consideration of the Health Insurance (Amendment) Bill 2013 and has made amendments thereto.

The Select Sub-Committee on the Environment, Community and Local Government has concluded its consideration of the Local Government Bill 2013 and has made amendments thereto.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Wednesday, 4 December 2013.