



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 26 Meitheamh 2014

Thursday, 26 June 2014

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Irish Airlines Superannuation Scheme

1. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the actions he will take to secure the pensions of members of the Irish airlines superannuation scheme; and if he will make a statement on the matter. [27418/14]

Deputy Timmy Dooley: In light of the publication of a report of the expert panel established by the Government to try to find a resolution to the aviation dispute, will the Minister set out the next steps in the process? How will the expert panel's report secure the pension entitlements of the various categories of pensioners in the Irish airlines superannuation scheme?

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Resolution of the funding difficulties in the Irish airlines superannuation scheme, where there is a deficit of more than €760 million, is primarily a matter for the trustees, the companies participating in the scheme, the scheme's members and the Pensions Board. The deficit in the scheme has arisen over many years as the companies and the members did not put sufficient funds into it to match the benefits that were expected or promised.

The problems with the scheme have long been recognised and there now exists an opportunity to resolve them at long last. An expert panel was established by my Department, the Department of Jobs, Enterprise and Innovation, IBEC and ICTU to find a solution to the industrial relations issues relating to the scheme. The panel presented its final report on 16 June and it has been published on my Department's website. I welcome the report and urge all parties to give it careful consideration. Its recommendations can be used by the parties as the basis for construc-

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tive engagement and to achieve a resolution in the best interests of all. While some of the decisions that will be required will be challenging, all parties should bear in mind the view of the expert panel that its recommendations represent the best possible outcome that can be achieved.

I have included provisions in the Shannon Group Bill 2014 to facilitate implementation of whatever proposals emerged from the recent discussions among the parties. There has been some concern about certain provisions in section 34 of the Bill, which was originally drafted to provide a fallback position. However, as I informed the House yesterday, on the basis of the expert panel's report and the views expressed in both Houses, I will table an amendment on Committee Stage to delete these fallback provisions. I urge all the parties involved to seize this opportunity to bring this issue to a final and fair conclusion.

As to the next steps in the process, the expert panel report will be discussed by the boards of Aer Lingus and the Dublin Airport Authority and the relevant trade unions. If the parties are open to its findings, they will subsequently engage with each other on the basis that the report offers a solution with which they will agree. Any agreement will then be the subject of ballots.

Deputy Timmy Dooley: Is it correct to conclude from the Minister's response that he believes the expert panel's report provides the best framework for finding a resolution to the dispute? If so, has the Minister commenced a process of engagement with the directors of the relevant boards, given that he appoints all the directors of the board of the Dublin Airport Authority and a minority of directors of the board of Aer Lingus? Has he met directors of the boards to communicate his desire to have the recommendations of the expert group implemented and to encourage both companies to engage?

The Minister stated that the resolution of the current difficulties is, in the first instance, a matter for the trustees and companies involved. He has a strong hand to play in this dispute, however, given that the State is the majority shareholder in the Dublin Airport Authority and has a significant shareholding in Aer Lingus. I encourage him to use this position to try to achieve a resolution as quickly as possible.

This is a difficult issue for workers, retirees and those in a deferred position. It is a matter of particular concern for members of the public and the tourism industry that a continuous threat of strike action hangs over them as a result of the legacy issues involved in the superannuation scheme. We see the damage being done in France as a result of strike action by certain aviation workers. The sooner the issue at Dublin Airport is resolved, the better it will be for all concerned.

Deputy Leo Varadkar: The expert panel's report is the best chance we have to resolve this long-standing problem. I am concerned that it may be the last chance, because if the Pensions Authority winds up the pension scheme, current pensioners may be protected but the deferred pensioners and active members of the scheme may lose almost everything, which would be a disaster. We have an opportunity to grasp the nettle and use the expert panel report as the basis for a solution. This would be good for current and former staff because it would finally give them certainty about their pensions. Individual staff will want to know exactly how much they will receive, and this will take time to work out, but in the vast majority of cases, if not all cases, the sum involved will be more than half their final salary, which is similar to or better than the position of public servants.

A solution would also be good for the companies involved as it would provide security and

allow their share prices to rise. Moreover, it would be good for the economy, taxpayers and the tourism industry because it would provide greater security against the threat of further industrial relations disputes.

I have been in touch with the chairman of Aer Lingus and at least one of the Government-appointed directors of the company's board. The Government appointees must put the fiduciary interests of the company first.

The shareholder vote in Aer Lingus will be difficult and a specific outcome cannot be guaranteed. Some people may believe the only ballot will be of staff, but that is not the case. Aer Lingus shareholders will also be balloted and it will be difficult to secure their agreement on any proposed solution.

While I have not yet had an opportunity to discuss the expert panel's report with the board of the Dublin Airport Authority, I will do so.

Deputy Timmy Dooley: The Minister has identified a potential problem of which all of us are aware. Has he had any discussions with the other shareholders of Aer Lingus and the Dublin Airport Authority with a view to trying to find a resolution? I have in mind one of the other large shareholders in Aer Lingus, namely, Ryanair. Has the Minister had an opportunity to discuss this particular matter with the chief executive or any of the directors?

Deputy Leo Varadkar: I have discussed some matters with Ryanair in the past week or two but I have not discussed this issue. It has made its position very clear. That may change but its position as of now is that it will oppose it. It thinks that the contribution being asked of the company and, indirectly, of the shareholders is too great. The Deputy will be aware that a vote took place some weeks ago on the CEO's remuneration package which was voted through, predominantly with the help of Ryanair. The Government was on the other side of that vote with notice to the staff, so it is something that needs to be taken account of in this dispute. Aer Lingus takes the view and believes it has legal advice to the effect that it is under no obligation to close the deficit or even necessarily contribute to it. That will be a difficult vote. It is not the only hump we need to get over but the role I play as Minister and shareholder is to try to assist all the different parties to come to a solution. The difficulty is there are many different parties involved in this dispute and they all think they are the only ones but they are not. It will require agreement across the board to get this through.

Tourism Industry

2. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the discussions he and his Department have had with their Assembly counterparts regarding the development of an all-Ireland tourist strategy. [27421/14]

Deputy Sandra McLellan: Tourism is an essential part of our economy. In fact, it continues to make gains despite the current global recession. What steps has the Minister and his Department taken to develop an all-Ireland strategy for tourism?

(Deputy Leo Varadkar): In the Good Friday Agreement, tourism is specifically designated as an area of cross-Border co-operation. Tourism Ireland was therefore established to market the entire island of Ireland as a destination in overseas markets.

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Co-operation on tourism does not take place directly with the Assembly. Rather, the tourism Ministers from the Government here and the Northern Ireland Executive meet regularly in the North-South Ministerial Council, NSMC, tourism sectoral format. The most recent sectoral took place in January. Among the items discussed were Tourism Ireland's Business Plan 2014 and Corporate Plan 2014-2016. Both these documents set out the strategies being employed to grow tourism to the island of Ireland in the next three years.

The Deputy and I may believe that a single tourism agency makes more sense than the three that are currently in existence. However any changes to this set-up would require substantive changes to the North-South framework and could only progress within a wider political and institutional agreement.

Deputy Sandra McLellan: I thank the Minister for his response. In 2011, Ireland was voted favourite holiday destination in the world by readers of Frommer's Guide. Lonely Planet listed Ireland as the world's friendliest country and the Irish Tourist Board's website, *Discoverireland.com*, as being the best tourist board website in the world. A ten-year review of the Irish tourism industry in 2003 anticipated that 10 million visitors would visit Ireland on an annual basis by 2014. The Northern Assembly aims to increase visitor numbers to that part of Ireland to 4.2 million and grow tourist revenue to €676 million by December 2014 and €1 billion by 2020. These are ambitious targets which can be further developed with the correct all-Ireland approach. Clearly, tourism makes a huge contribution to the economy. However, we have a problem with attracting repeat visitors. Does the Minister consider there are enough tourist attractions on the island? I think it would be beneficial if the Minister was to meet on a regular basis with the Department of Enterprise, Trade and Investment. Does he plan to have any such meetings?

Deputy Leo Varadkar: I am not sure we have a problem with attracting repeat visitors.

Deputy Sandra McLellan: We do.

Deputy Leo Varadkar: Clearly, the statistics indicate we get fewer repeat visitors than other tourist destinations but that may be, in part, down to the nature of Ireland as a tourism destination. People may well go the Costa del Sol and Portugal every other year. Coming to Ireland is a different proposition especially for people coming from America or from long haul flights. In many cases, it is a once in a lifetime holiday or something they may do twice. It is different from the south of France. The important issue is to increase the numbers coming in every year, whether they are repeat visitors is not the key issue. What I can say is that this is going to be another good year for tourism. Since the change of Government the number of international visitors coming to Ireland has increased by a million per year. I meet the Minister with responsibility for tourism in the Assembly, Ms Arlene Foster, regularly. The last such meeting took place on Friday week in Farmleigh. We have built up a good working relationship in recent years. There is an issue that might be considered by the party of which the Deputy is a member. Under the d'Hondt system Sinn Féin had the second pick of Ministries. The DUP chose finance and Sinn Féin passed over the opportunity to have enterprise, trade and investment which includes tourism, I am not sure why. Essentially, what Sinn Féin did in the North was to decide not to have anything to do with the economic Ministries and decided to go for others instead.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Leo Varadkar: Perhaps the Deputy's party might suggest getting that department in the next Executive.

Deputy Sandra McLellan: I thank the Minister for his comments. One project that I believe would be a huge asset to tourism in Ireland is Ireland's Eye TV. This has the potential to increase international visitation rates and showcase our nation's strong significance at a global level. Ireland's Eye TV will reach more than 30 million web users, some of whom will be high level business people and influential leaders. This initiative will also highlight Ireland's advancement as the Silicon Valley of Europe and global investment opportunities. Will the Minister discuss this project with his Assembly counterparts and facilitate a joint meeting?

Deputy Leo Varadkar: I am not particularly familiar with it. I have heard of it but I do not know very much about it and I have had no meetings about it. If the Deputy would pass on the details, I would certainly be happy to take a look at it.

Airport Development Projects

3. **Deputy John Halligan** asked the Minister for Transport, Tourism and Sport if he will provide an update regarding the €400,000 grant which his Department pledged towards a €150 million extension of the runway at Waterford Airport last August, subject to the airport itself raising a further €850,000 through private sources and local authorities; if all necessary monies have now been raised to allow work to proceed; if the departmental grant of €400,000 has already been drawn down, and used for the compulsory purchase order of 18 acres of land required to facilitate the extension; the timeframe in which he expects the extension works to be completed; what will happen to the departmental grant if the €850,000 is not raised by the airport; and if he will make a statement on the matter. [27416/14]

Deputy John Halligan: I seek an update on the €400,000 grant which his Department pledged towards a €150 million extension of the runway at Waterford Airport last August. Will the Minister clarify if the departmental grant of €400,000 has already been drawn down and used for the compulsory purchase order of 18 acres of land required to facilitate the extension?

(Deputy Leo Varadkar): Exchequer support for infrastructural projects at the regional airports is confined to safety and security related projects under the Regional Airports Programme 2011-2014. The projects being funded at Waterford Airport under the current programme, through the CAPEX scheme, include runway end safety areas, RESAs, which involve the purchase of land to facilitate this work, as well as boundary fencing and the installation of other safety related equipment. Other developmental projects, such as the extension of the runway, do not come within the remit of the CAPEX scheme.

I understand that the land purchase for the runway end safety areas has been delayed and that the CPO process has been referred for arbitration on 26 August 2014. Once the arbitration has been successfully completed the land purchase and the work can be undertaken later this year, but that is contingent on that arbitration being completed successfully.

Development projects, such as runway expansion, are entirely a matter for Waterford Airport. I understand that the board and management of the airport are engaged in a fund-raising exercise with local authority and private sector sources in relation to this.

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Deputy John Halligan: On countless occasions I have raised the IDA's abysmal record in attracting foreign investment into Waterford. It is widely recognised that one of the key deficiencies in the south east when it comes to companies locating there is the lack of a university and the underdevelopment of Waterford Airport. The Minister's Department pledged the €400,000 grant towards the extension in 2011 only to be frozen after Aer Arann's decision to pull out of Waterford. I understand the current funding is subject to a further €850,000 being raised by Waterford County Council and private investors. This infrastructure, while limited, could be vital to Waterford Airport attracting a direct service to London which was previously used by more than 80,000 passengers per year. As it stands Flybe has committed to Waterford Airport until the end of the year, at least, after which the airport's future is unclear. This infrastructure would pave the way for additional expansion into the future to bring all types of jet aircraft into Waterford, which can only be beneficial to a city already under tremendous economic pressure.

Deputy Leo Varadkar: We are all very keen that Waterford Airport should secure flights to London again. There are flights to Birmingham and Manchester. Deputy John Deasy told me yesterday that the load factors on those are improving considerably, which is encouraging. Whether the RESA will secure a flight to London is not clear. Some people say it is like a chicken and egg situation - which one comes first? We might find out when the development is complete that it is still not possible to get a London flight, which would be disappointing. The Department's commitment to the airport in Waterford remains strong and should it be able to sort out the CPO and come up with the agreed matching funds, we are prepared to assist it.

Deputy John Halligan: I do not need to remind the Minister of the critical nature of this infrastructure for the region. A major report prepared in 2010 found that Waterford Airport supports up to 560 jobs, with 85% of businesses in the south east stating that direct access to the region was crucial to their operations. The Minister for Jobs, Enterprise and Innovation recently admitted that the IDA is having trouble attracting foreign direct investment to Waterford. Our high unemployment rate underpins this. The lack of a proper runway and the absence of a London route is a pivotal factor in the difficulty in attracting investment. If the matching funds of €850,000 cannot be found - I am not saying that will be the case but it is important to get clarity - what position would the Government take in regard to its promise to provide €400,000 in funding? Would it be able to increase its funding?

Deputy Leo Varadkar: We are constrained in how we can support regional airports by EU state aid rules and by our own budget, which is capped at €12 million per annum for all of the regional airports. Waterford has received considerable amounts of money in recent years, particularly under the operational expenditure heading, because of the losses it has been making. I am advised that the airport is confident it can raise its share of the funds and I do not see any impediment to getting this done, other than dealing with the CPO.

Sports Capital Programme Administration

4. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he is satisfied that the distribution of taxpayers' money under the sports capital programme is carried out in a transparent manner; and if he will make a statement on the matter. [27419/14]

Deputy Timmy Dooley: The current round of sports capital funding is currently being discussed and distributed by the Department of Transport, Tourism and Sport. Is the Minister of State at the Department of Transport, Tourism and Sport satisfied that the money is being

disbursed in an upfront and transparent way, without any political influence?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I was delighted to be able to launch the 2014 round of the sports capital programme earlier this year, through which €40 million is available for allocation. The 2,036 applications received under the 2014 programme are currently being assessed by officials in my Department. Every application will be assessed by one official and reviewed by another. Given the number of applications received and the detail contained therein, this process takes a number of months to complete. I hope to announce allocations in the next number of weeks.

Applications are first checked to ensure eligibility. All eligible applications are initially assessed against the following five criteria: the likelihood of increasing participation and improving performance and sharing of facilities; the level of socioeconomic disadvantage in the area; technical merits of the project; the level of own funding available; and the level of sports capital programme funding received in the past. These criteria are designed to give higher scores to applications which increase participation, share facilities, are from designated disadvantaged areas, have not received substantial funding in the past or are ready to be progressed at the earliest opportunity.

In deciding the final allocations within each county, the Minister, Deputy Varadkar, and I may have regard to other criteria, such as the need to ensure a fair distribution across different sports and between rural and urban areas. I assure Deputy Dooley that I am satisfied the allocation process is fair and transparent.

Deputy Timmy Dooley: I am pleased to hear that the Minister of State has confidence in his own abilities, although it does not surprise me. On the previous occasion we discussed this issue the Minister, Deputy Varadkar, explained that the system of administration has changed since the Minister of State took office. Scoring and validation continue to be carried out by officials of the Department but the allocation of moneys has been transferred to the Minister of State, who will decide in consultation with his advisers who gets what. I am concerned that the system lacks accountability and transparency.

We also previously discussed the staffing of the Department. The Minister alluded to the fact that the Minister of State has a special adviser who is not being paid. Apparently he has offered his services free of charge. That is noteworthy. Does this individual have access to departmental files and has he signed a contract of employment, even if he does not get paid? Is he subject to the Official Secrets Acts? I ask the Minister of State to clarify the context in which he has benefited from the free services provided by a private individual.

Deputy Michael Ring: Fianna Fáil Members will find it difficult to understand why somebody would act for nothing because Fianna Fáil never did anything for nothing. They had plenty of their own advisers who cost a lot of money. When we came into government we were not lucky enough to be able to provide junior Ministers with advisers. I am honoured to have a man of the quality of Mr. Paul McGrath to assist me in the Department as my programme manager. It is great that somebody in this country is prepared to give State service for nothing and I compliment him on that. He is not on a State board and he does not get paid from a State board. He does not get paid for this job. He gives up his own time to assist me when I want him. I thank him for his work and commitment.

In 2007, when Deputy Dooley's party was in government, the then Minister for Arts, Sport

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and Tourism set the criteria and officials submitted the eligible applications. I will outline some of the figures, as follows: Glebe Sport Holdings in Letterkenny was allocated €250,000 - invalid; Baltinglass GAA club, €50,000 - invalid; Kilmanamagh Family Recreation Centre, €175,000 - invalid; St. Mary's GAA club in Cahersiveen, County Kerry - Deputy Dooley knows who was Minister at the time - €300,000 - invalid; Farranfore Maine Valley AC, County Kerry, allocated €5,000 - insufficient own funding, invalid.

In regard to *pro rata* rates, I do not know where the Deputy was when he was in government. At the time his county was receiving €114 *per capita*. When the Kerry Minister was in power, Donegal received €183 *per capita* and Wicklow was getting €102. During this round and the previous round, I increased funding to County Clare after strong representation from the Deputy's two colleagues in the county. I have increased the allocation to counties that previously did badly. Deputy Dooley's county is going to gain substantially from this. I am happy with the way the sports capital programme has been managed.

Michael Ring: We will return to the Minister of State. We have to watch the clock because supplementary questions and replies are allowed one minute each.

Deputy Timmy Dooley: I am pleased that the Minister of State answered the question in that way because he fell into the classic trap. I asked a simple question and rather than answer it he responded with the usual bluster about what Fianna Fáil did. I am not standing over the practices followed by previous Governments.

Deputy Michael Ring: I am glad to hear that.

Deputy Timmy Dooley: Of course, people had a right to do what they did back then but the position has since changed significantly. I asked the Minister of State straight questions about the people who advise him. Is the individual in question subject to the Official Secrets Acts? Does he have unfettered access to departmental files? Has he signed a contract of employment with the Minister of State or with the State, even if he is providing his services free of charge?

The Minister of State indicated that on the basis of political representation from two individuals in a constituency, he decided to change tack and increase the level of money to be *10 o'clock* disbursed. I would have thought that creates a rather chilling response among the many people who believe these funds should be disbursed in a fair and equitable manner, based on established criteria. The Minister of State is suggesting that if two individuals jostle him around a bit he will throw more money at them. That blows the whole thing open. He has been very revealing, and I thank him for that.

Deputy Michael Ring: The Deputy is not bad himself at making representations. He has seven or eight here.

Deputy Timmy Dooley: Absolutely.

Deputy Michael Ring: What do I do now? Should I not allocate money to the groups on behalf of which the Deputy made representations? Is that what he is saying? Before the recent elections he and his party sent election candidates to the officials in the Department. Does he think that is okay? Does he think it is okay for Fianna Fáil to do whatever it wants?

Deputy Timmy Dooley: I am asking the questions.

Deputy Michael Ring: I am very proud of the last round of the sports capital programme.

It was the only time the media, the Deputy's party and everybody else could find no fault with it because we allocated it on a *per capita* basis. Every county received what it was entitled to get. I picked the lowest counties and gave them an increase and I will do the same again because members of previous Governments allocated money to their own counties. I did not do this. My county, Mayo, received what it was entitled to get *pro rata*. I can stand over every decision I made in the last round of the programme.

Deputy Timmy Dooley: Will the Minister of State answer the question?

Deputy Patrick O'Donovan: Will the Deputy withdraw his representations?

Deputy Timmy Dooley: No. The Minister of State should answer the question.

Deputy Patrick O'Donovan: Therefore, there are representations.

Public Transport

5. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will provide an update on the privatisation of bus routes currently serviced by Dublin Bus and Bus Éireann; the rationale for this move; if an impact assessment was sought in relation to effects on current jobs and future pay and conditions for workers in public transport; and if he will make a statement on the matter. [27415/14]

Deputy Dessie Ellis: Will the Minister of State give an update on plans to put 10% of Dublin Bus and Bus Éireann routes out to tender and the rationale for this move? Has the impact on current jobs and future pay and conditions for workers in public transport been assessed? Will the Minister of State, please, make a statement on that matter?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The direct award contracts for the provision of public service obligation, PSO, bus market services held by Dublin Bus and Bus Éireann expire later this year. The awarding of subsequent contracts is the statutory responsibility of the National Transport Authority, NTA. All Dublin Bus and Bus Éireann routes will be included in the new five year direct award contracts which the NTA will enter into with the companies next December. However, the NTA has announced that up to 10% of publicly subvented bus services will only remain within the direct award contracts until the end of 2016, after which they will be operated under separate contracts that will have been competitively tendered for. The overall level of tendering is very modest. The contracts will go to the best competent tenderer and I expect both Dublin Bus and Bus Éireann to apply for such tenders. The NTA expects that the procurement process for the routes to be tendered will begin in December 2014, leading to the award of the contracts in March 2016, with the successful operator or operators commencing services in late 2016.

In the case of either Dublin Bus or Bus Éireann not being successful in the competitive process, staff would be protected under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003, TUPE. These issues need to be addressed by the NTA and the bus companies through constructive engagement with the unions in the course of the procurement process in the next two years. Following a meeting I, with the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, held with unions representing Dublin Bus and Bus Éireann workers last November we asked the NTA to put a structured engagement pro-

cess with unions in place. I understand the NTA met the NBRU and SIPTU unions in January and March this year and consultation continues.

Deputy Dessie Ellis: I am surprised that the Minister of State, coming from the Labour Party, would go along with this. I would expect Fine Gael to do this because it has been pushing a privatisation agenda for many years. In November 2013 the NTA, in spite of negative experiences of privatisation of bus services, went along with the idea of putting out to tender 10% of Dublin Bus and Bus Éireann routes and 100% of routes in Waterford. This was at a time when passenger numbers were increasing in the major cities. The privatisation of the routes will put 440 jobs at risk. Dublin Bus is increasing its employee numbers, but the Government will put jobs at risk by 2016. This will also undermine terms and conditions for workers. When routes are allocated to private companies, conditions are less favourable to workers. Will the Minister of State reconsider this issue and not blame the NTA? This is a Government decision. Using the NTA is not good enough. This is against the principles for which the Labour Party has stood.

Deputy Alan Kelly: This matter is governed by European and national legislation, as I am sure the Deputy knows. The NTA will continue to define the services that the successful applicants will be contractually required to provide. The tender is for up to 10% of routes and I expect both companies will submit robust bids. The NTA will apply the same level of control and centralised planning to the routes put out to tender as it does to the routes operated by the CIE suite of companies. It will predetermine the routes, schedules, vehicle types, standards, fares and customer service requirements. It is a modest change. In the past few months, even in the past week, Dublin Bus has been hiring. It is looking for 100 new workers. It is in a positive position. I expect issues which arise to be dealt with in the engagement with the NTA and the unions.

Deputy Dessie Ellis: The fact that Dublin Bus is hiring workers is a very good reason not to go down this route. Blaming the European Commission and saying its rules have been put in place-----

Deputy Alan Kelly: I am just pointing out the facts.

Deputy Dessie Ellis: Has the Department produced a proper impact statement on the effects of this process on workers and their conditions? The Minister of State knows as well as I do that the private sector will undercut. Will the Government give it public service obligation, PSO, services? I am sure that in recent years the PSO subvention has been reduced dramatically. It is one of the lowest in Europe and the service is moving towards profitability. I do not understand why we would facilitate going down this route. The Government is using the NTA or the European Commission as an excuse, but there is certainly a means to do this, as I believe the Minister of State knows. This is a policy decision, a drive towards privatisation. That is the problem.

Deputy Alan Kelly: The NTA will implement this change and define the services to be provided. I expect that when it engages with the unions, it will ensure all workers will be protected. It is a modest change. I expect that Bus Éireann and Dublin Bus will compete very strongly for these routes and have every possibility of being successful. I believe the workers will be protected. Public transport numbers are growing and the statistics are improving every month. We have regular meetings with all of the companies. As a result, I believe the workers who could be affected will be protected as part of this process. The controls in place will ensure

that will happen.

Other Questions

State Airports

6. Deputy Patrick O'Donovan asked the Minister for Transport, Tourism and Sport if he will provide an update on the progress being made to separate Shannon Airport as an independent State airport. [27099/14]

Deputy Patrick O'Donovan: Will the Minister for Transport, Tourism and Sport update the House on the progress made to separate Shannon Airport from the Dublin Airport Authority, DAA, to make it an independent, properly constituted airport?

Deputy Leo Varadkar: The Government decided to separate Shannon Airport from the Dublin Airport Authority, DAA, and form a new integrated Shannon entity in public ownership, Shannon Group, comprising the airport and a restructured Shannon Development. The assets, business and employees of the airport were transferred from the DAA to the Shannon Airport Authority, SAA, on 31 December 2012 following approval by both Houses of the Oireachtas of the Shannon appointed day order. The State Airports (Shannon Group) Bill 2014 which provides, *inter alia*, for the transfer of the SAA and Shannon Development to a public limited company is before the Oireachtas.

A major consideration for the Government in its decision to separate Shannon Airport from the DAA was the serious decline in passenger traffic at the airport in recent years. Shannon Airport was loss making from 2008 to 2012 and passenger numbers plummeted by over 60% from a peak of 3.64 million in 2006 to 1.39 million in 2012. A consistent decline on this scale was always going to be challenging to address.

The immediate priority for the new SAA board, which I re-established last year, and management at the airport was to halt this decline. The outturn for last year of 1.4 million passengers marginally exceeded that for 2012 and was a major achievement for Shannon in its first year as an independent airport. It is a tribute to its board, management and staff. With the commencement of new routes and increased services, Shannon Airport is looking forward to new and sustainable growth this year and beyond. Figures for the first five months of the year auger well, with passenger numbers up by more than 10% on the same period last year.

Deputy Patrick O'Donovan: I welcome the Government's decision to proceed with the legislation currently before the House. It has significant implications for my constituency, where a substantial landbank in County Limerick will be transferred to Shannon Group from what was Shannon Development. Our aspiration is that Shannon Group would, under the Minister's guidance and assistance, encourage the use of this landbank into the future. It is regrettable that it took so long for Shannon Airport to be separated from the Dublin Airport Authority, but it is better late than never. Shannon Airport experienced 14 years of continuous decline during which passenger numbers almost halved. In fairness to its new chairperson, Ms Rose Hynes, and the chief executive officer, Mr. Neil Pakey, it has turned a corner. My concern, from a Limerick perspective, is that the landbank to which I have referred and the broader asset base

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which is considerable and spread across the county should receive the same level of attention from the CEO and the chairperson. I realise they have other priorities, but I would like to see the focus moving to a consideration of how the asset base and landbank could make the airport even more viable.

Deputy Leo Varadkar: The strategy for Shannon Airport is two-pronged, namely, to develop air services and, second, to develop the landbank, particularly those assets located close to the airport. A great deal of interesting discussion is taking place on the asset base and announcements will be made once decisions are reached. I am confident of progress in this regard.

Since Shannon Airport was given its independence, air services have commenced to Malaga, Bristol, Berlin, Munich, Nice, Paris, Warsaw, Krakow, Faro and Fuerteventura. On 4 June Ryanair confirmed that five of these routes will continue through the winter period. In addition, capacity has increased on routes to Boston, New York, Chicago, Birmingham and Manchester.

Deputy Patrick O'Donovan: Will the Minister give a timeframe for when the legislative process will be concluded in its entirety? In terms of infrastructural improvements required to connect the airport to the wider region, will he provide some detail as to what plans the Department has to make Shannon Airport more accessible to people from the west and mid-west? One of the issues for many years has been the inadequate connectivity from the airport to the wider region. Shannon is not just the international airport for the mid-west but for the entire west coast. Our concern is that it should become the engine and driving force behind real change in the mid-west region. I am interested to hear plans the Minister may have in this regard.

Deputy Leo Varadkar: I appreciate that the Deputy is a major supporter of Shannon Airport. However, it is one of several airports in the west, including Ireland West Airport at Knock and Kerry, Cork and Donegal airports. They all have an important role to play. It is not the case, as people might have feared, that Shannon and Knock airports cannot both do well. It looks like this could be Knock airport's best year ever.

In regard to infrastructure, the Gort to Tuam scheme is under way and expected to be completed in 2018. It will improve access to both Shannon Airport and Ireland West Airport at Knock. The other major project in the region involves improvements to the M20, including the link between Limerick and Cork. That project will be in the mix for the next capital development plan which, however, will not be agreed to until next year.

Cycling Policy

7. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to a recent research project which finds that a large number of cycling accidents are unreported; the actions he will take to improve cyclist safety; if he is satisfied with the state of disrepair of many urban cycle lanes; and if he will make a statement on the matter. [27348/14]

Deputy Timmy Dooley: Research carried out by Trinity College College shows that cyclists are eight times more likely to die on the roads compared with other vehicle users. How does the Minister propose to address the situation where so many urban cycle lanes have fallen into disrepair? Will he outline any legislative or investment proposal he has to encourage people to make the shift away from individual motorised vehicles?

(Deputy Alan Kelly): I understand the Deputy is referring to a report entitled, *The Safety Challenge of Increased Cycling*, by Jack Short and Brian Caulfield of Trinity College Dublin. The current road safety strategy which runs from 2013 to 2020 contains a range of measures to ensure greater safety among cyclists. These include education to promote the use of personal protection equipment and high visibility clothing; developing a standardised road safety cycling proficiency training programme for schools; and evaluating the cost-benefit of reducing VAT on personal protection equipment. I will work with the Road Safety Authority, RSA, and the other appropriate bodies to ensure these recommendations are implemented. It is also important that cyclists, like all road users, take responsibility for their own safety.

The National Transport Authority, NTA, is responsible for the provision of public and sustainable transport infrastructure in the greater Dublin area and the regional cities. The NTA provides funding for local authorities for a range of schemes to benefit cyclists, including the provision of much needed infrastructure, and other measures to improve safety for commuters under the sustainable transport management grants programme. I have forwarded the Deputy's question to the NTA for a direct response. He should contact me if he does not receive that reply within two weeks.

The improvement and maintenance of regional and local roads, including urban roads and cycle lanes, are the statutory responsibilities of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993.

Deputy Timmy Dooley: There is a clear need for significant investment in cycleways, some of which are entering a state of disrepair, particularly in urban areas. In addition, there is insufficient co-ordination among the various parties when road construction projects are under way where, for instance, different contractors might be digging different sections of roadway. The cyclist is often forgotten. The NTA has responsibility for oversight and co-ordination, but the Minister of State must set out strong policy positions on the protection of cyclists, encouraging the use of cycleways and getting more people to use bicycles as a method of transit. The research clearly highlights the very real difficulties cyclists face on a daily basis. Moreover, it has found that many accidents and incidents go unreported. In other words, there is a problem that is identified and measured but also a greater problem that is not being identified in the statistics because of under-reporting.

Deputy Alan Kelly: This is a useful report which poses a range of questions. We must take an holistic approach to these issues. The numbers of people cycling are hitting record highs, which is fantastic to see. We are working to put the infrastructure in place across the country. The Dublin bicycle scheme has been expanded and schemes are being established in Cork, Limerick and Galway in the coming months. There has been substantial investment in cycling infrastructure in the Deputy's county, including an allocation for the Ennis active travel town initiative, the Ennistymon to Lahinch Road and the Ennis to Drumcliff cycleway. Within each area we are targeting the key locations where cycling infrastructure needs to be improved.

The RSA is undertaking a substantial public awareness effort to promote safety on the roads for cyclists. The major increases in the numbers cycling, particularly in urban areas, means that there is greater awareness among other road users of cycling lanes and cyclists. Safety equipment for cyclists, such as helmets and high-visibility jackets, has improved too. It is a case of intervening early and that is why we have programmes in schools and universities. We have just had a national bike week which promoted cycling. All in all, these measures are having an impact on cycle safety, but we need to keep monitoring them.

Motor Tax Collection

8. **Deputy Pat Breen** asked the Minister for Transport, Tourism and Sport if he will report on the progress of the working group considering the establishment of a road-charging regime for heavy goods vehicles; and if he will make a statement on the matter. [27225/14]

Deputy Pat Breen: As the Minister knows, I have been working with the Irish Road Haulage Association, IRHA, and making representations on its behalf to both him and the Minister for Finance. The haulage industry is an important sector to Ireland worth €1 billion a year and employing 50,000 people. We are an island nation and 95% of inward goods are transported by truck. The IRHA would like to see the current road tax regime changed in favour of a pay-as-you-go system, similar to those in other European countries. To add to that, our international fleet is paying on the double when carrying out international haulage work, paying road tax in Ireland and then paying a road-user charge while in Europe, as well as a £10 levy in the UK. There is a disparity in regimes which means it is now more financially rewarding for hauliers to base themselves in Northern Ireland, which has been happening over the past several months. Will the Minister give an update on the working group's deliberations in advance of the October budget?

(Deputy Leo Varadkar): I established an interdepartmental group last January to assess the implications of introducing a pay-as-you-go road tax system for HGVs, in response to concerns raised by hauliers about the cost of running a haulage operation in Ireland. In particular, the IRHA believes the current motor tax regime is unfair to hauliers with international operations, which have to pay road-user charges in certain other European countries, and would prefer a system based on time on the road or on distance travelled.

The group is made up of representatives from my Department, the Department of the Environment, Community and Local Government, the Department of Finance, the National Roads Authority, the Road Safety Authority, An Garda Síochána and Forfás. I hope to receive the final report from the group by the end of July. I do not want to anticipate its findings but I can give Members an update on the work to date.

The group has carried out a review of the current motor tax arrangements for HGVs, including the administrative procedures and the tax raised. The group has examined other charges levied on the domestic HGV operators, such as tolls and fuel costs, and other charges which hauliers face as business operators, including labour costs. The cost to haulage operators carrying loads outside Ireland has been considered. A full review has been carried out of the road-charging regimes in other European states, including the system introduced in the UK this year. The relevant European Union legislation in this area has also been examined. The group has identified various options for changes to the motor tax regime in Ireland to support the haulage industry and ensure transport costs do not have a negative impact on Irish businesses, particularly Irish exporters who are driving our economic recovery. I look forward to receiving this report later in the summer.

Deputy Pat Breen: I thank the Minister for his fair reply. Obviously, a comprehensive report is being compiled with the various bodies which will identify options and possible changes to the motor tax regime. Up to 25% of hauliers have already gone to Northern Ireland, with 4,000 registered vehicles in Northern Ireland, Bulgaria, Belgium and the UK. We have to stop this because it is causing real problems, with the Revenue Commissioners losing out and other associated costs. It costs €4,000 to tax a truck in Ireland, while in the North it only comes to

£850. I welcome the fact the working group will publish its findings by the end of next month and hope it will be positive for the hauliers, as the fuel rebate was.

Deputy Leo Varadkar: I thank the Deputy for his comments. The Government's objective from day one has been to support the haulage industry. It is essential to an island and an exporting economy that we have an efficient and competitive haulage industry that can get our goods to market, as well as transporting imports and other goods around the country. Several measures to support the industry have been introduced, such as increasing the speed limit for trucks on motorways, changes to the weights and measures regime and the fuel rebate. The industry has been very helpful and progressive when it comes to increasing safety standards, whereas other industries like that in principle but not in practice. The haulage industry has always been willing to embrace improvements to working conditions, tachograph times and improvements to safety. I do not want to prejudge the outcome of the report but I look forward to seeing its recommendations.

Deputy Pat Breen: That was a favourable reply, given the fact that the report will be published at the end of next month. We look forward to a favourable response to the issues in question.

Road Projects Status

9. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport his plans to provide funding to progress the proposals for the Bonagee link project, which will provide a new inner relief road and bridge across the River Swilly into Letterkenny; the current status of the proposals; the projected cost of delivering the project and the total amount which has been spent to date on this project; and if he will make a statement on the matter. [27381/14]

Deputy Charlie McConalogue: This question seeks an update on the status of Bonagee link road project in Letterkenny and the Minister's plans to progress it.

(Deputy Leo Varadkar): As I indicated in my response on 15 May to Questions Nos. 22 and 49 from the Deputy, I have responsibility for overall policy and funding of the national roads programme. The planning, design and implementation of individual road projects is a matter for the NRA under the Roads Acts 1993 to 2007, in conjunction with the local authorities concerned. The scale of the reduction in the allocations to the NRA under the Infrastructure and Capital Investment 2012-2016 framework has meant it has not been possible to progress a range of road development projects.

The key priority must be the protection of the existing investment in road infrastructure. The preferred route selected for the proposed N56 Letterkenny relief road encompasses the Bonagee relief road. However, given the reduced level of funding available for major schemes such as this, it has not been possible for the NRA to provide any additional funding to enable the scheme to progress further. The estimated cost of the total project is €45 million. Given the size of the project, it cannot be funded through a PPP, public private partnership, model but rather must be funded by direct Exchequer funding. In that context, €45 million represents a major commitment from central government, given the state of the public finances.

Work has started on the preparation of the next capital programme. As the Deputy will appreciate, I will have to prioritise the maintenance and upkeep of existing infrastructure. Ac-

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cordingly, the scope for progressing new projects under this programme will very much depend on the level of funding available. The Government is acutely aware of the need to improve the north-west region's transport links. The progression of improvements to the A5 is the most important aspect of that and the Government has committed £50 million to that project. Unfortunately, the A5 has been subject to planning delays, but I am hopeful that these issues can be overcome and the necessary improvements advanced quickly.

Deputy Charlie McConalogue: I agree with the Minister that the A5 is a key priority project and welcome the Government's continued funding commitment.

The Bonagee link road is a sizeable project, with an outlined cost of €45 million. I understand the scale of this and the difficulties in pulling the finances together. It is important, however, for the development of Letterkenny that there are sufficient transport links into the town as well as the one that exists currently. The need for another road into the town was highlighted recently when there were tailbacks for three to four hours because a traffic accident had blocked the one bridge that vehicles cross. Understanding the scale of the project and that it comes within the remit of the NRA, the funding of it is very much a responsibility of the Minister in terms of the amount allocated to it. I ask him to prioritise this project because of its crucial importance to the future development of the town. I would appreciate if he could give more of an indication of what prioritisation he would give this project and how he sees the future capital programme being rolled out.

Deputy Leo Varadkar: As I said in my reply, the priority when it comes to access to the north west, and Donegal in particular, is the A5. People living in Donegal will know why that is a priority. To put it in context, the National Roads Authority's budget peaked at €1.75 billion back in 2007 and fell to €371 million this year. From peak to trough, the cut in the NRA budget has been somewhere in the region of 70% or 80% which is enormous, but that was done for a reason. It was done to protect front-line services such as health services, education where there are more teachers than there were when the Deputy's party left office, and in the Garda where we did not reduce the number of gardai as his party had planned. Even though the roads and road developments have suffered for it, it was done for a reason.

The NRA allocation to Donegal this year, for example, was just over €9 million - €9.4 million to be exact - and that has gone into the improvement and the maintenance of the existing national road network in the county. A €45 million project is five times the cost of that and that is type of context in which we are operating. I will be making a very strong pitch for an increase in the roads budget in the next capital plan but until I know the details of that I cannot make any decisions.

Deputy Charlie McConalogue: The Minister has just outlined the decrease there has been in the roads capital budget. It is important that the finance committee tries to reverse that trend and I will certainly make a strong pitch and continue to emphasise the importance of prioritising the Bonagee link project. I know the NRA's responsibility in this respect but the Deputy has a role as the Minister for Transport, Tourism and Sport, I emphasise the importance of this project and urge him to engage with the NRA to put a timeline on how we take the project forward. As he said, the plans and costings are in place and it is now a question of how to move it forward to implementation. We need to ensure within the period of a short number of years that it is progressed and that the plans for it do not sit on the shelf for many years to come.

Dáil Éireann
Road Safety

10. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the further actions he will take to improve road safety here; and if he will make a statement on the matter. [27351/14]

Deputy Timmy Dooley: The Minister might update us on his position on road safety and on the work of the Road Safety Authority in particular. As he is aware, Gay Byrne, as the chair of that organisation, is about to leave that position. He might reflect on recent comments made by Bob Olsen, the head of the Garda Inspectorate, when he talked about the lack of investment by the Department of Justice and Equality in the Garda fleet of vehicles and the impact that was having on the ability of gardaí to do their work. Obviously that has a significant impact on the ability of the Road Safety Authority to do its work and the Minister might comment on that.

(Deputy Leo Varadkar): Road fatalities this year are similar in number to the same period in 2013. I am concerned, in particular, that the number of deaths among vulnerable road users such as pedestrians and cyclists is very high compared to previous years. The Garda and the Road Safety Authority continue to examine the causes of the collisions that result in deaths and serious injuries on our roads so that greater focus can be applied to any significant trends emerging.

In 2013, I launched the Road Safety Strategy 2013-2020 which identifies a total of 144 actions to be implemented by key stakeholders within the timeframes set. Implementation of these actions will lead to a further significant reduction in fatalities and serious injuries on our roads. I hold regular meetings of all the State bodies involved in implementing the actions to ensure that proposals are proceeding as planned.

The Road Traffic Act 2014, signed into law on 25 February 2014, provides for adjustment of penalty points for certain offences, introduces a concept of novice driver, assists the Garda in determining the presence of intoxicants in drivers through an impairment testing system and provides for the testing for intoxicants of drivers left incapacitated by a road collision. The provisions of the Act will assist in making our roads safer.

Work is under way on preparation of a new Road Traffic Bill, which will address a variety of further issues, including ones identified in the road safety strategy, to improve road safety. One of the key aspects of the Bill will be the enabling legislation for the introduction of roadside testing for drugs.

Deputy Timmy Dooley: In the Minister's response to my colleague, Deputy McConalogue, he talked about the strength of the Garda force and that it may be stronger than it might be if we had been in government. Notwithstanding his views in that regard, it is a fact that the level of enforcement of the law as it relates to road safety has been compromised in recent years. He spoke of the trends emerging this year in terms of deaths on our roads as being comparable in number to the same period last year. I have always made it clear that we must take these figures on a five-year average. It is the case that there was a significant increase of road fatalities last year and it appears that trend is continuing this year. While not wanting to get carried away with that particular metric, it is clear that a trend is emerging and it requires decisive action. It seems that road safety strategy is very well prepared and sets out all the right targets. Where we appear to be falling down is on the enforcement side. I trust that the Minister will engage, hopefully in a more favourable way, with the current Minister for Justice and Equality to achieve the

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appropriate level of investment in order that the road safety strategy, which we all support, can be implemented in full.

Deputy Leo Varadkar: I would be reluctant to describe an increase in one year as a trend. We had a downward trend certainly for seven years, last year there was an increase and this year it is flat. I do not think one move up or down constitutes a trend but, nonetheless, it is important to be vigilant. As the Deputy pointed out, I am glad he was willing to concede that had Fianna Fáil stayed in power Garda numbers would have been reduced by even more than they have been reduced. That was its plan and the election of this Government put a stop to that plan.

Deputy Timmy Dooley: The Government has starved them of resources.

Deputy Leo Varadkar: The number of gardaí peaked in the traffic corps in 2008 and road deaths were much higher in 2008 than they are now. I do not think it is correct to say there is a direct correlation between the number of traffic gardaí and enforcement.

Deputy Timmy Dooley: The Minister's description of a trend applies there too.

Deputy Leo Varadkar: I accept and agree that we would all like to see more Garda enforcement, more gardaí and their equipment upgraded. I have a very good and close working relationship with the new Minister, Deputy Frances Fitzgerald. Only yesterday we jointly met representatives of PARC, who as some of the Members will know, are campaigners on road safety. The Departments and the two Ministers have never been working better together.

Sports Events

11. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if he will provide an update on the proposed bid for the Rugby World Cup. [27316/14]

Deputy Eoghan Murphy: Will the Minister give an update on the proposed bid for the Rugby World Cup in 2023?

(Deputy Michael Ring): Last November the Government considered a memorandum on the discussions and examinations to date on a potential bid to host the Rugby World Cup in 2023. While the memorandum identified a number of challenges, the great potential of the event is also clear and I believe that hosting the Rugby World Cup on a cross-Border basis in 2023 would be a great opportunity for Northern Ireland and Ireland. In response to the memorandum, the Government expressed strong support for the proposal and for the conduct of further work to get to the stage of making a formal decision to bid.

To progress the matter further the Minister, Deputy Varadkar, and I met with Minister Arlene Foster and Minister Carál Ní Chuilín, who are the Ministers, respectively, responsible for tourism and sport in the Northern Ireland Executive, in Armagh on 22 January. We established a working group to examine some key issues further and to report back to Ministers in the summer.

The working group, on which the IRFU and relevant Departments from both jurisdictions are represented, has held a number of meetings to date and indeed is meeting again tomorrow. I look forward to receiving its report later in the summer.

Deputy Eoghan Murphy: The Minister of State has been doing a good deal of work on this exciting project and it is progressing very well from what we have heard. He said in his reply that he expects to receive a report in the summer. Does that mean we can expect to see it in July or is it more likely to be in August or September? Do we know what that report will look like? Will it be one that will say “Yes, we are going for the bid” or “No, we are not going for the bid” or can we assume that we are going for the bid and that this report will be something of a roadmap as to how we get there? Do we know what the next stages will be if that is the conclusion of the report? What will then happen to the committee that has been established? As the committee will have the knowledge about this, will it make the formal bid or will it be made by another body?

Deputy Michael Ring: I thank the Deputy for his questions. I know that he has a great personal interest in this matter. We would all love to see this happening. As the Deputy said, the committee will meet tomorrow, following which we will probably receive a further update on when its report will be available. As the Deputy is aware, a joint bid is being made by the Northern Ireland Executive and the Irish Government. When the report is received, it will be considered by both Governments and a decision made on whether to submit a formal bid. I thank the committee for the great work it is doing and I am sure it will produce a substantial report for us.

As announced by the International Rugby Board, the tender process for Rugby World Cup 2023 will be launched in 2016, including detailed timelines, hosting criteria, delivery structures and so on. We now have a timeline for the holding of the Rugby World Cup. This will be followed by the criteria to be met in hosting the event, following which a decision will be made on whether to submit a formal bid. The outcome of the bidding process will be known in 2017. There will be strong competition from countries such as South Africa and so on, but this is a great opportunity for Ireland. We have hosted many major events. One of the greatest things that could ever happen to the country would be for it to be successful in its bid to host this event. However, we must await receipt of the committee’s report. Both Governments are supportive of the proposal, but they must await details of the criteria, the costs involved and so.

I hope the committee will have a further role to play following completion of its report because, as the Deputy rightly said, it will have the expertise in this regard. I hope it will continue to have a role and that we will be in a position to make a formal bid.

Deputy Eoghan Murphy: We are well placed to make a bid. It is good to know that the International Rugby Board will publish the criteria in 2016 because we will have already completed the work and know if we are ready to make a bid. Has there been any discussion yet of funding or is it too early for it?

Deputy Michael Ring: It is too early yet for a discussion of funding. We must await receipt of the report, following which a decision will be made on whether to make a formal bid. If we do make a bid, the big issue will be from where the funding will come.

The Deputy is correct that much of the ground work has been done. The big decision was taken last year by the GAA at its congress in terms of its facilities being made available for the event. That was the most important decision. We have the required infrastructure, North and South. Major redevelopment of facilities is under way in Northern Ireland and the stadium in Cork is to be redeveloped. Croke Park would also be available to us. I hope we will have an opportunity to host this event. As the Deputy said, the committee has set out the roadmap for what

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needs to be done. We need to make a decision on whether to make a formal bid. I hope we will make it and that we will be successful. Ireland would be an ideal country in which to hold the 2023 Rugby World Cup. The country as a whole would buy into it. It would be a great occasion for the country and show to the world that we were able to host major international events.

An Leas-Cheann Comhairle: As Deputy Jerry Buttimer is not in the House to take Question No. 12, we will move to Question No. 13 in the name of Deputy Sandra McLellan.

Question No. 12 replied to with Written Answers.

Sports Capital Programme Administration

13. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the amount of sports funding that remains outstanding from previous rounds. [27091/14]

Deputy Sandra McLellan: The sports capital programme has been very successful, with many groups and organisations benefiting from it. What is the amount outstanding from previous rounds?

Deputy Michael Ring: At close of business last Friday the amount of outstanding sports capital commitments was €53 million, as compared with a figure of €71 million at the end of 2012. The corresponding figure at the end of 2008 was €191 million. For a variety of reasons, it can take grantees several years to draw down allocations. Some of the more common reasons include: delays in finalising the legalities required to protect the State's investment; delays in the planning process and-or construction and difficulties in raising the required matching funding.

Where delays are excessive or a project has ceased, the Department has sought to withdraw allocations. This is a labour intensive and time consuming process, although in 2011 it was possible to withdraw €2.8 million of previous years' allocations from 112 separate projects. Some withdrawals are of a complete allocation where projects are not going ahead, while others may only be for a small amount where projects have been completed and the grantees cannot draw down the remainder of the allocation. Owing to resource issues there was no withdrawals process in 2012 or 2013. However, one grantee was informed in 2013 that an allocation of €500,000 was being withdrawn.

I was delighted to be able to launch the 2014 round of the sports capital programme earlier this year, for which €40 million is available. Applications received under the 2014 sports capital programme are being assessed by officials in my Department. Every application will be assessed by one official and reviewed by another. Given the number of applications received and the detail contained therein, this process will take a number of months to complete. I hope to announce allocations shortly.

Deputy Sandra McLellan: Large sums of money remain buried under red tape, while groups wait in anticipation for funding to be released. An office of full-time accountants and lawyers would find it difficult to work its way through some of the red tape involved in this area. Money allocated to one particular club in 2007 has not yet been released, although I understand the Department is awaiting further documentation from Dublin City Council. What does the Minister of State propose to do to ensure money from previous rounds is released as soon as

possible?

I must give credit where credit is due. Consecutive sports capital programmes have been a lifeline for many clubs and organisations. Many clubs in my community have benefited from sports capital funding and are awaiting decisions on current applications. The Minister of State has said a decision on allocations this year will be made soon. Will it be made prior to the summer recess and can he ensure any money not drawn down for whatever reason will be freed and used for other projects?

Deputy Michael Ring: The Deputy is correct that having €53 million in grant aid outstanding makes it difficult for me to obtain funding from the Government for further rounds. I agree with her that this funding has been a lifeline for sports organisations. There was no scheme in place from 2008 to 2012. The new scheme introduced last year worked well.

On the moneys not yet drawn down, I appeal to those clubs and organisations countrywide that have been approved to receive grant aid and are not in a position to use it to communicate with the Department in that regard because in so doing they are not precluded from making future applications. Many organisations granted funding in the past were unable to secure matching funding because projects were too large. However, clubs are now more realistic.

Many are of the opinion that the staff complement in the sports section in Killarney is huge, but that is not true. There are only a small number of staff in the section and they work very hard. I compliment them on the excellent work they are doing and have great confidence in them. Following up on issues with clubs is very time consuming.

On the last round of funding, clubs and organisations approved to receive grant aid have been given two years from the date of approval - which runs to next January - within which to draw down the funding. Those clubs that do not draw down the funding by that date will have it withdrawn from them. Also, for those clubs undertaking extensive projects, a time extension may be granted. Where no work is done and funding has not been drawn down, it will be withdrawn. In the meantime my officials will examine how the €53 million outstanding can be reduced.

Written Answers follow Adjournment.

Housing (Miscellaneous Provisions) Bill 2014: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 44:

In page 72, after line 31, to insert the following:

“Provision of housing units

59. In the provision of housing units, a local authority shall give priority to persons that have been responsible tenants in leased accommodation under the Rental Accommodation Scheme.”

- (Deputy Seán Ó Fearghaíl).

Deputy Róisín Shortall: I would like to make two further brief points on this issue. The Minister of State, Deputy Jan O’Sullivan, said the issue about which we are speaking was not

raised on Second Stage. It was. I raised it, as I am sure other Deputies did. We queried it with the Minister of State and sought clarification on it. Also, whatever about the undertakings she is now giving, we have nothing in writing and certainly nothing in the legislation to support it. Two years down the road, when somebody finds they have lost their place on the housing list, there will not be much point in quoting what a Minister said about it in June 2014 unless the matter is covered in the legislation or secondary legislation we will have seen. That has not happened to date.

It is really unfortunate that there is a problem with these provisions. Unfortunately, what should be a very positive scheme and what has been welcomed in other respects is turning into a negative one. Even if what the Minister of State has described happens and people go on the transfer list, it will not be a solution. It may be sufficient for people who are very far down the housing list but anybody occupying a reasonable position on the existing housing list will simply not opt for HAP because of the negative impact it will have on his or her chances of getting a council house, which is the ultimate aim of those on the housing list. Although the legislation should be providing a positive short-term to medium-term solution, it will be seen as negative. That is very unfortunate. For this reason, I strongly urge the Minister of State to drop the section or at least include the word “not” so people will not be deemed to have had their housing needs catered for.

What should be have been positive is turning into a strongly negative arrangement. This raises concerns that there is a very strong private sector influence on what the Government proposes to do. It leaves it open to the allegation that it is in the process of effectively privatising the social housing programme. That is a very retrograde step.

Deputy Catherine Murphy: I do not know why the Minister of State would be introducing regulations or a statutory instrument when she could do what we desire in primary legislation. It does not make any sense at all.

The amendment on transfers is fundamentally about the policy on delivering social housing. I read the Fine Gael local election manifesto and noted that it matches completely what the Minister of State is doing. It states:

A new payment, the ‘Housing Assistance Payment’ (HAP), is designed to address three problems associated with the traditional approach to social housing, namely:

- Social housing waiting lists are unacceptably long.
- Rent Supplement has been identified as a ‘welfare trap’...
- Responsibility for social housing is divided between the Department of Social Protection - which administers the Rent Supplement scheme - and the Council - which is responsible for managing the social housing list and the Rental Accommodation Scheme (RAS).

Moreover, it states:

The Housing Assistance Payment will address these problems in three main ways as follows:

First, HAP applicants will source their own accommodation in the private rented sector and once they are accommodated they will be deemed to have their housing need met.

Essentially, the Minister of State is delivering on the Fine Gael local election manifesto.

I completely accept the positive step of removing the welfare trap. I listened to an interview this morning with the Minister of State at the Department of Health, Deputy Alex White. He was asked about his regrets and stated Irish Water was one. The Minister of State, Deputy Jan O'Sullivan should not allow this housing legislation to be a regret. Something can be done about it at this stage. She should not be the one delivering a really poor outcome for people who really require the Labour Party to stamp their authority on this matter. This is a very serious problem and what I propose really should be in the legislation. Anything less is only a con job and people will see it as such.

Deputy Dessie Ellis: I tabled an amendment stating tenants in the RAS should receive priority in the allocation of social housing by the relevant authority should they be evicted owing to unaffordable rent. It was said when the RAS was introduced that participants would get another property that would be deemed appropriate to the RAS, be on a contract or get local authority housing. This is the commitment to which the Minister of State referred the other day when she stated people would go onto a transfer list or continue on the housing list. What we need is legislation. Words mean nothing because local authorities will derive their policy from the legislation. It is not a matter of what the Minister of State and I believe the interpretation to be; it is a matter of what the local authorities believe based on the legislation. It is quite clear that one's new arrangement will be regarded as an adequate housing arrangement under HAP; that is the problem.

One of our amendments was to suggest the new housing arrangement would not be adequate. It was a simple, straightforward solution. I appeal to the Minister of State, even at this late hour, to re-examine our amendment. She should legislate in some way to address our concerns. It is not good enough to say that people can go onto the transfer list. In many cases, the transfer list does not even exist. Will the Minister of State legislate in some way to ensure people can go onto the list or continue on the list? That is the only way to proceed; otherwise the legislation will be read in different ways.

We are experiencing a major crisis at present. Ultimately, the Government needs to introduce proper solutions and demonstrate how we will build more social housing. I realise we will not be able to deliver it for a year or year and a half, for example, but we need to have plans. Our analysis this year suggested 6,000 units are coming on stream. Some 2,500 of these pertain to the RAS and 1,200 pertain to leases. This is not proper housing provision. It is a case of massaging figures to address the problem with the social housing list. There are now 89,000 people on the rent supplement list. How many of them will be whittled away when they go onto HAP? How will we address their concerns? Will we go to the landlords and establish one-year, two-year or three-year contracts, as happened under the RAS? That is not adequate housing and nobody can tell me it is. It will not solve the problems we have. If we do not start now with a major stimulus of some description to get moving on the building of large quantities of social housing, we will continue as we are. Fr. McVerry stated some days ago circumstances are getting worse and will continue to do so. We need to start looking at what we have, find other avenues for housing people and identify alternatives.

We have talked about NAMA for long enough. NAMA has not delivered. It has delivered approximately 500 units. There is still talk that it can deliver more but its current rate of delivery is not worth talking about. Therefore, we really are in a crisis. I know of people with children on the RAS who were put out of their homes and ended up homeless. We were told

this would not happen. This is exactly what will happen under HAP. We are in the midst of a crisis. Let us manage it in a fitting manner. We are not doing so.

Deputy Ruth Coppinger: Perhaps I missed something, but I am not sure if the Minister of State has circulated the wording for her statutory instrument. It seems she has
11 o'clock not done so. In an earlier debate she told me I was not long in the Dáil, which is true, but I do know we do not vote on the promise of something. The least that should be done is that the Minister of State provide the wording for which she was asked the other night and circulate it to Deputies to let them see what is about to be voted on.

I repeat my question about the housing assistance payment, HAP. What will happen if people refuse to move to the HAP scheme? There are people who are seriously thinking that if they are forced to move to this scheme, they will make themselves homeless rather than lose the benefit of having spent ten or 11 years, in some cases, on the housing waiting list.

My only consolation, if the Bill goes through today, as I assume it will, is that it might be the whip needed to get the 100,000 families on housing waiting lists nationally to mobilise and demand the political change needed. When it gets out what is involved, people will be incensed.

I have just come from a radio discussion about the housing bubble in Dublin. I am sure the Minister of State is aware that economists now recognise that we are either in a bubble or on the verge of one. What is fuelling it? It is the lack of social housing and housing generally, yet there is inertia on the opposite benches about moving to deal with the issue. It is the Government which dictates whether social housing will be built by funding councils and directing them to build.

On general house building, the private control of the construction sector is proving to be an impediment. For example, in the Fingal County Council area some 13,000 planning permissions have been granted and not taken up and there is adequate land zoned to build thousands of houses.

Acting Chairman (Deputy Seán Kenny): The Deputy's time is up.

Deputy Ruth Coppinger: All of the necessary things have been done by the council to facilitate this, but, unfortunately, developers and the banking sector are not interested. The Bill is a landlord's charter. I ask the Minister of State to withdraw it, allow discussion and debate-----

Acting Chairman (Deputy Seán Kenny): I have already reminded the Deputy that she has exceeded her two minutes.

Deputy Ruth Coppinger: -----and not to leave people in the hands of landlords.

Deputy Jonathan O'Brien: The Minister of State has heard all of the arguments about the HAP during the debate. We are not making up these scenarios or scaremongering. I presume the Minister of State, like many of us, served on a local authority. We know what the situation is when it comes to housing being provided by local authorities and how the transfer lists operate in our local authority areas.

I missed part of the Minister of State's contribution the last day, but I believe she said she would bring forward a regulation to force local authorities to have a transfer list. Let us do this, but the question is what the transfer policy will be because it varies from local authority to local authority. Even if there is a policy which states HAP tenants are put on a transfer list and retain

their priority rating in terms of the number of years spent on the waiting list and so forth, the reality is that we do not have the social housing stock to which to transfer people. What is going to happen? We are being asked to pass legislation to create a housing assistance payment to end poverty traps. While that is commendable, at the same time, we are being asked to take people off housing lists because they are deemed to be adequately housed. It does not make sense.

As I have said previously to the Minister of State, the rental accommodation scheme, RAS, is an absolute disaster and will form the next housing crisis. I deal with RAS tenants every week in my constituency office. When people come who do not have high quality housing, I contact the local authority and ask for the property to be reinspected as could be, say, two years since the landlord entered the RAS system. In many cases, the house is in dire need of repairs and the landlord is not carrying them out, but the local authorities state they do not have the inspectors to inspect properties.

The next question from constituents concerns whether they can come off the RAS and be housed by the local authority. While I do not know what the position is in any other council, if a person accepts a RAS property in the Cork City Council area, he or she will no longer be on a housing list. That is a fact. If a person wants to transfer from a RAS property, the local authority insists on him or her entering the private market because he or she will no longer be on the housing list. If a person applies to be put on the housing list, he or she is denied because, in the eyes of the local authority, he or she has come from a situation where he or she was adequately housed and voluntarily gave up the house. Therefore, the local authority will not put him or her on the housing list.

I know of people who were in RAS properties and, because the property was in such a poor state of disrepair, were forced to leave it and ended up registering as homeless. That is happening and it is what will happen in the case of the HAP. If people are not able to remain on a housing list, eventually, in some cases, they will register as homeless.

The Minister of State is an intelligent woman and I do not mean this to be patronising, but she must see that what we are saying has merit. I do not understand why she is not taking on board the concerns raised by various Deputies. I do not know why she is bringing forward a regulation, given that the Bill must yet go before the Seanad. She could easily bring forward an amendment to the primary legislation in the Seanad to ensure people remain on the housing list; she does not need to do this by regulation or statutory instrument. If the Bill is passed today, it is not as if that is the end of it, given that it must go before the Seanad next week, where it can be amended. I encourage the Minister of State to at least consider that option. Unless this is included in primary legislation, it will not have the same weight and value. By bringing forward a regulation, the Minister of State is leaving it open to any future Minister in her position to change it at the behest of one person. If it is included in primary legislation, however, at least it would have to be done by an Act of the Oireachtas.

There are genuine concerns in this regard and they must be taken on board, in particular for the 50,000 families who will transfer to the HAP scheme. The Minister of State has said a lot about trying to end homelessness, but this will just exacerbate the problem. I encourage her to at least give a commitment to look at the issue while the Bill is progressing through the Seanad and make provision for the change through amendments in primary legislation.

Deputy Barry Cowen: The Minister of State's response to the proposed amendment was that she had ministerial power to ensure local authorities allowed for those on transfer lists to

retain the option of obtaining a housing unit from the local authority. I do not doubt the Minister of State's bona fides and good intentions in that regard. However, like my colleagues and others, I fear that this is not enough. To quote a colleague of hers, we cannot expect her to micromanage each local authority on a regular basis to ascertain how its housing list is being managed and applicants are being dealt with if they are in the HAP system. That being the case, it is only right and proper and a fair proposal in the amendment that it be enshrined in legislation, that it would be in order for all local authorities to have such a list, with certain criteria attached, in order that we will not have the haphazard approach we have seen throughout the country. The different fiefdoms that exist in various counties are such that transfer lists are as good as irrelevant in most if not all counties. That being the case, the amendment and the support we have received for it from across the House show that there is a means and a method in our intentions. I ask the Minister of State to take it on board and insert into the Bill a provision so that her good intentions, bona fides and agreement with us in that regard are set down in legislation. We would then have no problem and would be able to assure people that there is no fear of retribution if they take up this scheme. I have seen examples in my constituency in which people who have not gone on the RAS scheme for whatever reason - and there are very good reasons not to accept the RAS scheme - have been penalised and lost points in their efforts to obtain a housing unit through other more appropriate means or means to which we have been accustomed.

Acting Chairman (Deputy Seán Kenny): I am informed that Deputy Boyd Barrett has already spoken twice on this amendment and that is the limit. I call on the Minister of State.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I think my time is limited as well. I am absolutely committed to social housing and house building. We will construct houses as soon as we can and are already exploring ways in which we can engage in some housing construction off the Government balance sheet. As soon as capital is available, I will be building houses in conjunction with the local authorities. I want to make that quite clear.

There is an obligation under the 2009 Act. There are social housing regulations, commenced on 1 May 2011, that local authorities must take into account when making their allocation schemes. All housing authorities were required to make an allocation scheme under these regulations. They must set out the manner in which they will allocate dwellings to households on the waiting list and households that have been approved for transfers. On the basis of the discussion to date in this House - and I have listened to what all of the Deputies have said - I will be asking my officials to follow up with any local authority that is not complying with these statutory instructions. I will also remind them of their obligations to RAS tenants, because they do have obligations to these tenants who are losing their homes.

I intend to revise these regulations to ensure that all social housing recipients, including those in receipt of HAP who wish to do so, will still be able to access other local authority housing options through the transfer system, whereby they can apply to transfer to other social housing options such as local authority housing or approved housing body housing.

In respect of the point made by Deputy Coppinger, the debates from last week are in the official record. For clarification, I want it recorded that I am committed to putting in place the statutory framework under section 22 of the 2009 Act that will provide for a robust transfer policy in every local authority, which would afford HAP recipients and other social housing tenants equal opportunity to access other forms of social housing support, including incremental

purchase schemes. While it is a transfer list, the list will reflect the specific priority or previous position that households had on the main waiting list within the authority area in which they are resident. They will, therefore, be placed on a transfer list with no less favourable terms than if they had remained on the main housing waiting list. They will keep their time accrued. That is more or less what I said last week, but I wanted to say it again very clearly. In response to Deputy O'Brien, when I go to the Seanad, I will be listening to any proposals made there. Today is not the end of the Bill. If there are amendments there, they will come back to this House.

I repeat that this is a positive measure. People come to see me who have an offer of a job and tell me that they cannot take it because they will lose all of their rent supplement. Those people will now be able to take the job and have some security with regard to being able to afford their rent. They will be able to keep their priority position on whatever local authority waiting list they are on, because I will put that in the regulations, which is the appropriate place to put it because that is where transfer regulations generally are under the 2009 Act. This Bill simply deals with the three issues - HAP, anti-social behaviour and tenant purchase. It sets up the HAP scheme, which is a major reform and improvement for people who are currently in an insecure situation whereby if they get work, they are in danger of losing their rent supplement.

Acting Chairman (Deputy Seán Kenny): Is it Deputy Cowen or Deputy Ó Feargháil who will be replying? Deputy Ó Feargháil.

Deputy Seán Ó Feargháil: How much time do I have?

Deputy Dessie Ellis: I also have an amendment.

Acting Chairman (Deputy Seán Kenny): That will be taken next.

Deputy Seán Ó Feargháil: Are we time-limited on this?

Acting Chairman (Deputy Seán Kenny): Under Standing Orders, the Deputy is free to speak as long as he wishes as he is replying in respect of the amendment.

Deputy Seán Ó Feargháil: I am not given to lengthy contributions so I will not detain the House unduly. The Minister of State has been talking about the positive aspects of this Bill. Undoubtedly, there are many very positive aspects to this legislation. Deputy Cowen and practically every other speaker has referred to them both on Second Stage and in addressing the multiplicity of amendments put before the House on Committee Stage. However, I must begin by saying that it seems inordinately disappointing that although we have reached the virtual conclusion of Committee Stage, the Minister of State has not accepted a single amendment from this side of the House. I see it as a sign of strength rather than weakness for a Minister to be able to listen to the Opposition and to take on board positive recommendations that are coming forward.

I made the point on Second Stage and in respect of some of the amendments, along with Deputy Cowen, that there are a number of lost opportunities in this legislation. Yet again, we have lost the opportunity to address the issue of the sale of voluntary housing units by voluntary housing associations to their tenants where the association is willing and has the agreement of the local authority to undertake such a sale. I must admit that this opportunity was lost when my own party was in Government, but the Deputy is the Minister of State now. This has not happened and is a missed opportunity. I hope it is something the Minister of State will address in the Seanad or in some future piece of legislation that she will bring forward at an early stage.

There has been some confusion emanating from the Department. However, it is my very clear understanding that it is not possible under the current legislation for voluntary housing associations to dispose of houses built under the capital assistance and capital loan and subsidy schemes where 100% of the funding came from the Department and where 100% of the people housed came from the local authority waiting list, although people are trying to argue that it is. It not possible for these people to purchase their houses under the current legislation. The 2009 Act made it possible under the incremental purchase scheme to purchase houses built after 2009 with the agreement of the voluntary housing association and the local authority. I do not know if any such houses were even built, never mind sold, under this scheme.

During a very lengthy debate, many Members have referred to the role of NAMA. There has been talk of the number of houses NAMA has offered to local authorities and the number of houses that local authorities have in turn taken up. What has not been addressed is the fact that, as I understand it, NAMA did not make the houses available to the local authorities free of charge. They had to be paid for. If the Department did not give the local authorities the funding in the first instance, they were not in a position to purchase the properties that had been identified and were being offered.

Perhaps the Minister of State will address one other issue in respect of these NAMA properties. I am told that when local authorities across the country looked at the range of properties offered, some were deemed suitable and others were deemed unsuitable. Could the Minister of State explain to us whether or not the suitability of the properties had anything to do with the people on the housing list who required housing or whether it had more to do with criteria laid down by the Department relating to the type of construction involved and the size of the particular units that might be purchased? Was it the case that the Department would not permit a local authority to purchase a house that was in excess of 1,100, 1,200 or 1,300 sq. ft. because such houses were considered to be too large to be used? Did that represent a problem in addressing the number of units offered by NAMA?

All of us focused on the importance of the building programme. When the country was in dire straits previously, there was a construction programme. I fully accept the Minister of State's commitment to house building, but she said she would work with local authorities to return to house building and that it would be off-balance-sheet.

Deputy Jan O'Sullivan: Some of it.

Deputy Seán Ó Fearghail: The Minister of State said it would be off-balance-sheet. I appreciate the role she foresees for voluntary housing associations, as they provide her with a vehicle for building off balance sheet, but Members, including those in her party, would say it is a central function of local government to be the housing authority, and local government should be the primary provider of social housing. We all want a return to building and we all want funding to be provided to voluntary housing associations to fulfil their remit, but the centrality of local authorities as housing authorities needs to restated and given effect to, and the only way to do that is for the Department to make the funding available to them to undertake that work.

I will return to section 35, which is addressed in the amendments, and the issues with regard to the housing list and the HAP scheme and the correlation between HAP and RAS. The Minister of State has rejected the attempt by Deputy Ellis and ourselves to place a requirement on local authorities to transition people who have a proven track record in RAS to local authority vacancies when they arise, whether through construction or as casual vacancies. We also

wanted to include a provision that the Minister of State instruct local authorities to give people on the proposed new waiting list priority and to give them credit for the time they have been on the current waiting lists - and, presumably, for the time they have been in the RAS or the HAP scheme - when local authority houses become vacant. However, she has refused to accept amendments that would give effect to these provisions. I was told as a child “Live horse, get grass.”

We are about the business of legislating. The Minister of State has set out a proposed course of action but the first step she has taken is to provide in primary legislation that 80,000 people should be taken off the housing waiting lists. She is then providing that they can go on to a transfer list, which is not formally provided for in legislation, although she referred to the 2009 Act. However, this legislation, for which she is responsible, states clearly, “The provision of housing assistance under this Part shall be deemed to be an appropriate form of social housing support for a household that is determined by a local authority under the said section.” I do not know a local authority that has transferred, or will transfer, somebody out of a house in which he or she is deemed to be appropriately housed. I accept the Minister of State’s bona fides in this, but this is right-wing Fine Gael legislation. There must be Labour Party people turning in their graves at the prospect of what she is doing in this legislation, because she is changing something that has been at the heart of national housing policy since we undertook the process of self-government. This will have an enormous social impact, which will, unfortunately, be negative.

It is clear that the Minister of State will not accept our amendments, but I hope our colleagues in the Seanad will be more animated by this issue. Given their connection to councillors around the country, they certainly should be. Where we have failed today and over the past number of weeks to convince the Minister of State of the merits of our arguments, I hope Senators will succeed. Opposition Members have made proposals about best practice and effective management of the housing stock we have and that we will, hopefully, build, and it is disappointing and regrettable that the Minister of State has refused to take our recommendations and advice on board.

Amendment put:

| <i>The Dáil divided: Tá, 32; Níl, 72.</i> | |
|---|-----------------------------|
| <i>Tá</i> | <i>Níl</i> |
| <i>Boyd Barrett, Richard.</i> | <i>Breen, Pat.</i> |
| <i>Calleary, Dara.</i> | <i>Burton, Joan.</i> |
| <i>Colreavy, Michael.</i> | <i>Butler, Ray.</i> |
| <i>Coppinger, Ruth.</i> | <i>Buttimer, Jerry.</i> |
| <i>Cowen, Barry.</i> | <i>Byrne, Catherine.</i> |
| <i>Crowe, Seán.</i> | <i>Byrne, Eric.</i> |
| <i>Daly, Clare.</i> | <i>Cannon, Ciarán.</i> |
| <i>Doherty, Pearse.</i> | <i>Carey, Joe.</i> |
| <i>Ellis, Dessie.</i> | <i>Coffey, Paudie.</i> |
| <i>Ferris, Martin.</i> | <i>Conaghan, Michael.</i> |
| <i>Halligan, John.</i> | <i>Connaughton, Paul J.</i> |
| <i>Healy, Seamus.</i> | <i>Coonan, Noel.</i> |

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| <i>Healy-Rae, Michael.</i> | <i>Corcoran Kennedy, Marcella.</i> |
| <i>Higgins, Joe.</i> | <i>Costello, Joe.</i> |
| <i>McConalogue, Charlie.</i> | <i>Deasy, John.</i> |
| <i>McGrath, Finian.</i> | <i>Deenihan, Jimmy.</i> |
| <i>McGrath, Mattie.</i> | <i>Deering, Pat.</i> |
| <i>McGrath, Michael.</i> | <i>Doherty, Regina.</i> |
| <i>McLellan, Sandra.</i> | <i>Dowds, Robert.</i> |
| <i>Mathews, Peter.</i> | <i>Doyle, Andrew.</i> |
| <i>Murphy, Catherine.</i> | <i>Durkan, Bernard J.</i> |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>English, Damien.</i> |
| <i>Ó Feargháil, Seán.</i> | <i>Farrell, Alan.</i> |
| <i>Ó Snodaigh, Aengus.</i> | <i>Feighan, Frank.</i> |
| <i>O'Brien, Jonathan.</i> | <i>Fitzgerald, Frances.</i> |
| <i>O'Sullivan, Maureen.</i> | <i>Flanagan, Charles.</i> |
| <i>Pringle, Thomas.</i> | <i>Flanagan, Terence.</i> |
| <i>Ross, Shane.</i> | <i>Griffin, Brendan.</i> |
| <i>Shortall, Róisín.</i> | <i>Hannigan, Dominic.</i> |
| <i>Smith, Brendan.</i> | <i>Harrington, Noel.</i> |
| <i>Tóibín, Peadar.</i> | <i>Harris, Simon.</i> |
| <i>Troy, Robert.</i> | <i>Heydon, Martin.</i> |
| | <i>Humphreys, Heather.</i> |
| | <i>Humphreys, Kevin.</i> |
| | <i>Keating, Derek.</i> |
| | <i>Kehoe, Paul.</i> |
| | <i>Kenny, Seán.</i> |
| | <i>Kyne, Seán.</i> |
| | <i>Lawlor, Anthony.</i> |
| | <i>Lynch, Ciarán.</i> |
| | <i>Lyons, John.</i> |
| | <i>McCarthy, Michael.</i> |
| | <i>McEntee, Helen.</i> |
| | <i>McFadden, Gabrielle.</i> |
| | <i>McHugh, Joe.</i> |
| | <i>McLoughlin, Tony.</i> |
| | <i>Maloney, Eamonn.</i> |
| | <i>Mitchell O'Connor, Mary.</i> |
| | <i>Mulherin, Michelle.</i> |
| | <i>Murphy, Dara.</i> |
| | <i>Murphy, Eoghan.</i> |
| | <i>Naughten, Denis.</i> |
| | <i>Neville, Dan.</i> |
| | <i>Noonan, Michael.</i> |
| | <i>Ó Ríordáin, Aodhán.</i> |

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| | <i>O'Donnell, Kieran.</i> |
| | <i>O'Donovan, Patrick.</i> |
| | <i>O'Sullivan, Jan.</i> |
| | <i>Penrose, Willie.</i> |
| | <i>Perry, John.</i> |
| | <i>Phelan, John Paul.</i> |
| | <i>Quinn, Ruairí.</i> |
| | <i>Reilly, James.</i> |
| | <i>Ring, Michael.</i> |
| | <i>Sherlock, Sean.</i> |
| | <i>Spring, Arthur.</i> |
| | <i>Stagg, Emmet.</i> |
| | <i>Stanton, David.</i> |
| | <i>Tuffy, Joanna.</i> |
| | <i>Twomey, Liam.</i> |
| | <i>Walsh, Brian.</i> |
| | <i>White, Alex.</i> |

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

Amendment declared lost.

Deputy Dessie Ellis: I move amendment No. 45:

In page 72, after line 31, to insert the following:

“Protection for RAS tenants

59. Tenants under RAS shall receive a priority with regard to allocation of social housing by the relevant authority should they be evicted due to unaffordable rent levels.”.

Amendment put:

| <i>The Dáil divided: Tá, 32; Níl, 72.</i> | |
|---|--------------------------|
| <i>Tá</i> | <i>Níl</i> |
| <i>Boyd Barrett, Richard.</i> | <i>Breen, Pat.</i> |
| <i>Broughan, Thomas P.</i> | <i>Burton, Joan.</i> |
| <i>Calleary, Dara.</i> | <i>Butler, Ray.</i> |
| <i>Colreavy, Michael.</i> | <i>Buttimer, Jerry.</i> |
| <i>Coppinger, Ruth.</i> | <i>Byrne, Catherine.</i> |

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| <i>Cowen, Barry.</i> | <i>Byrne, Eric.</i> |
| <i>Crowe, Seán.</i> | <i>Cannon, Ciarán.</i> |
| <i>Daly, Clare.</i> | <i>Carey, Joe.</i> |
| <i>Doherty, Pearse.</i> | <i>Coffey, Paudie.</i> |
| <i>Ellis, Dessie.</i> | <i>Conaghan, Michael.</i> |
| <i>Ferris, Martin.</i> | <i>Connaughton, Paul J.</i> |
| <i>Halligan, John.</i> | <i>Coonan, Noel.</i> |
| <i>Healy, Seamus.</i> | <i>Corcoran Kennedy, Marcella.</i> |
| <i>Healy-Rae, Michael.</i> | <i>Costello, Joe.</i> |
| <i>Higgins, Joe.</i> | <i>Deasy, John.</i> |
| <i>McConalogue, Charlie.</i> | <i>Deenihan, Jimmy.</i> |
| <i>McGrath, Finian.</i> | <i>Deering, Pat.</i> |
| <i>McGrath, Mattie.</i> | <i>Doherty, Regina.</i> |
| <i>McGrath, Michael.</i> | <i>Dowds, Robert.</i> |
| <i>McLellan, Sandra.</i> | <i>Doyle, Andrew.</i> |
| <i>Mathews, Peter.</i> | <i>Durkan, Bernard J.</i> |
| <i>Murphy, Catherine.</i> | <i>English, Damien.</i> |
| <i>Ó Fearghail, Seán.</i> | <i>Farrell, Alan.</i> |
| <i>Ó Snodaigh, Aengus.</i> | <i>Feighan, Frank.</i> |
| <i>O'Brien, Jonathan.</i> | <i>Fitzgerald, Frances.</i> |
| <i>O'Sullivan, Maureen.</i> | <i>Flanagan, Charles.</i> |
| <i>Pringle, Thomas.</i> | <i>Flanagan, Terence.</i> |
| <i>Ross, Shane.</i> | <i>Griffin, Brendan.</i> |
| <i>Shortall, Róisín.</i> | <i>Hannigan, Dominic.</i> |
| <i>Smith, Brendan.</i> | <i>Harrington, Noel.</i> |
| <i>Tóibín, Peadar.</i> | <i>Harris, Simon.</i> |
| <i>Troy, Robert.</i> | <i>Heydon, Martin.</i> |
| | <i>Humphreys, Heather.</i> |
| | <i>Humphreys, Kevin.</i> |
| | <i>Keating, Derek.</i> |
| | <i>Kehoe, Paul.</i> |
| | <i>Kenny, Seán.</i> |
| | <i>Kyne, Seán.</i> |
| | <i>Lawlor, Anthony.</i> |
| | <i>Lynch, Ciarán.</i> |
| | <i>Lyons, John.</i> |
| | <i>McCarthy, Michael.</i> |
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| | <i>McFadden, Gabrielle.</i> |
| | <i>McHugh, Joe.</i> |
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| | <i>Maloney, Eamonn.</i> |
| | <i>Mitchell O'Connor, Mary.</i> |

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| | <i>Mulherin, Michelle.</i> |
| | <i>Murphy, Dara.</i> |
| | <i>Murphy, Eoghan.</i> |
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| | <i>Neville, Dan.</i> |
| | <i>Noonan, Michael.</i> |
| | <i>Ó Ríordáin, Aodhán.</i> |
| | <i>O'Donnell, Kieran.</i> |
| | <i>O'Donovan, Patrick.</i> |
| | <i>O'Sullivan, Jan.</i> |
| | <i>Penrose, Willie.</i> |
| | <i>Perry, John.</i> |
| | <i>Phelan, John Paul.</i> |
| | <i>Quinn, Ruairí.</i> |
| | <i>Reilly, James.</i> |
| | <i>Ring, Michael.</i> |
| | <i>Sherlock, Sean.</i> |
| | <i>Spring, Arthur.</i> |
| | <i>Stagg, Emmet.</i> |
| | <i>Stanton, David.</i> |
| | <i>Tuffy, Joanna.</i> |
| | <i>Twomey, Liam.</i> |
| | <i>Walsh, Brian.</i> |
| | <i>White, Alex.</i> |

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

Amendment declared lost.

Question, "That the Bill be received for final consideration", put and declared carried.

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

The Dáil divided by electronic means.

Deputy Aengus Ó Snodaigh: As a teller, given the importance of the Bill and the changes it implements for people awaiting housing in the State, I propose under Standing Order 69 that the vote be taken by other than electronic means.

An Leas-Cheann Comhairle: As Deputy Ó Snodaigh is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

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

| <i>The Dáil divided: Tá, 70; Níl, 35.</i> | |
|---|-------------------------------|
| <i>Tá</i> | <i>Níl</i> |
| <i>Breen, Pat.</i> | <i>Boyd Barrett, Richard.</i> |
| <i>Butler, Ray.</i> | <i>Broughan, Thomas P.</i> |
| <i>Buttimer, Jerry.</i> | <i>Calleary, Dara.</i> |
| <i>Byrne, Catherine.</i> | <i>Colreavy, Michael.</i> |
| <i>Byrne, Eric.</i> | <i>Coppinger, Ruth.</i> |
| <i>Carey, Joe.</i> | <i>Cowen, Barry.</i> |
| <i>Coffey, Paudie.</i> | <i>Crowe, Seán.</i> |
| <i>Conaghan, Michael.</i> | <i>Daly, Clare.</i> |
| <i>Connaughton, Paul J.</i> | <i>Doherty, Pearse.</i> |
| <i>Coonan, Noel.</i> | <i>Dooley, Timmy.</i> |
| <i>Corcoran Kennedy, Marcella.</i> | <i>Ellis, Dessie.</i> |
| <i>Costello, Joe.</i> | <i>Ferris, Martin.</i> |
| <i>Deasy, John.</i> | <i>Halligan, John.</i> |
| <i>Deenihan, Jimmy.</i> | <i>Healy, Seamus.</i> |
| <i>Deering, Pat.</i> | <i>Healy-Rae, Michael.</i> |
| <i>Doherty, Regina.</i> | <i>Higgins, Joe.</i> |
| <i>Dowds, Robert.</i> | <i>Mathews, Peter.</i> |
| <i>Doyle, Andrew.</i> | <i>McConalogue, Charlie.</i> |
| <i>Durkan, Bernard J.</i> | <i>McDonald, Mary Lou.</i> |
| <i>English, Damien.</i> | <i>McGrath, Finian.</i> |
| <i>Farrell, Alan.</i> | <i>McGrath, Mattie.</i> |
| <i>Feighan, Frank.</i> | <i>McGrath, Michael.</i> |
| <i>Flanagan, Charles.</i> | <i>McLellan, Sandra.</i> |
| <i>Flanagan, Terence.</i> | <i>Murphy, Catherine.</i> |
| <i>Griffin, Brendan.</i> | <i>Ó Caoláin, Caoimhghín.</i> |
| <i>Hannigan, Dominic.</i> | <i>Ó Fearghail, Seán.</i> |
| <i>Harrington, Noel.</i> | <i>Ó Snodaigh, Aengus.</i> |
| <i>Harris, Simon.</i> | <i>O'Brien, Jonathan.</i> |
| <i>Hayes, Tom.</i> | <i>O'Sullivan, Maureen.</i> |
| <i>Heydon, Martin.</i> | <i>Pringle, Thomas.</i> |
| <i>Humphreys, Heather.</i> | <i>Ross, Shane.</i> |
| <i>Humphreys, Kevin.</i> | <i>Shortall, Róisín.</i> |
| <i>Keating, Derek.</i> | <i>Smith, Brendan.</i> |
| <i>Kehoe, Paul.</i> | <i>Tóibín, Peadar.</i> |
| <i>Kenny, Seán.</i> | <i>Troy, Robert.</i> |
| <i>Kyne, Seán.</i> | |
| <i>Lawlor, Anthony.</i> | |
| <i>Lynch, Ciarán.</i> | |
| <i>Lyons, John.</i> | |

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| <i>McHugh, Joe.</i> | |
| <i>McLoughlin, Tony.</i> | |
| <i>Mulherin, Michelle.</i> | |
| <i>Murphy, Dara.</i> | |
| <i>Murphy, Eoghan.</i> | |
| <i>Nash, Gerald.</i> | |
| <i>Naughten, Denis.</i> | |
| <i>Neville, Dan.</i> | |
| <i>Noonan, Michael.</i> | |
| <i>Ó Ríordáin, Aodhán.</i> | |
| <i>O'Donnell, Kieran.</i> | |
| <i>O'Donovan, Patrick.</i> | |
| <i>O'Sullivan, Jan.</i> | |
| <i>Penrose, Willie.</i> | |
| <i>Perry, John.</i> | |
| <i>Phelan, John Paul.</i> | |
| <i>Quinn, Ruairí.</i> | |
| <i>Ring, Michael.</i> | |
| <i>Ryan, Brendan.</i> | |
| <i>Sherlock, Sean.</i> | |
| <i>Spring, Arthur.</i> | |
| <i>Stagg, Emmet.</i> | |
| <i>Stanton, David.</i> | |
| <i>Tuffy, Joanna.</i> | |
| <i>Twomey, Liam.</i> | |
| <i>Walsh, Brian.</i> | |
| <i>White, Alex.</i> | |

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

Question declared carried.

Leaders' Questions

Deputy Robert Troy: I have been approached confidentially by a concerned citizen who has made some very serious allegations about the operation of State construction contracts

awarded and managed by the Department of Education and Skills. The whistleblower claims that a number of important State contracts have been awarded to legitimate operators but that the work is then being carried out by subcontractors who are ignoring basic terms and conditions for workers, facilitating wholesale social welfare fraud and failing to meet their statutory obligations.

One example is the refurbishment and extension of St. Patrick's College in Drumcondra, the contract for which was awarded to a major building contractor who operates legitimately in this State. However, the work is being done by a subcontractor registered outside this jurisdiction. The whistleblower claims that this subcontractor is paying rates which are far below the market rate and is facilitating workers to continue to receive a social welfare payment. This allows the subcontractor to undermine legitimate builders; it undercuts builders who are trying to employ people legitimately and who are making PRSI contributions; it takes money out of the social protection system that has already seen cuts to child benefit, the respite care allowance, the jobseeker's rate for those under 25; and, it flies in the face of the stated objective of the Action Plan for Jobs to help tradesmen to get back to work. Most important, however, the law is being broken and the contract is the Minister's responsibility.

The whistleblower also claims that this will come as no surprise to the Minister for Education and Skills because he approached him, in the first instance, to reveal this practice. He also went to the Minister for Social Protection, Deputy Burton, to alert her to the social protection fraud that was going on but nothing appears to have been done. Can the Minister confirm that the whistleblower came to him with this information? Can he outline what he has done about it? Will the Minister agree with me that this practice, which puts legitimate employers out of business and facilitates wholesale social welfare fraud, is completely unacceptable?

Minister for Education and Skills (Deputy Ruairí Quinn): I thank the Deputy for raising this matter. I am aware of the allegations relating to the specific case. I have asked those in the relevant sections of my Department to make investigations. I have instructed them to ensure that all of the claims the Deputy has put on the record of the House are fully investigated. Some years ago the Department employed a special agency to go on site to ensure that the terms and conditions of contracts are being properly applied. So far, I have been told that the alleged breaches which the Deputy has now put on the record of the House are not happening but I am still not satisfied that there is not some substance to the concerns of the whistleblower in question.

Deputy Robert Troy: My information is that Contractors Administration Services, CAS, has not entered the site at St. Patrick's College in Drumcondra to date. Indeed, that was the case when I checked an hour ago. The same whistleblower who came to me and to the Minister reported similar concerns with regard to a construction site in the midlands. That construction site was visited by a social welfare inspector who found that more than 19 people were working there while claiming social welfare. Earlier this week, a spokesperson for the Department of Education and Skills said on RTE radio that CAS would be inspecting sites during the course of the summer which is akin to telling a burglar that a house is vacant between 9 a.m. and 10 a.m. and to come on in. This is a very serious allegation and I want to know what the Minister is going to do to ensure that taxpayers' money is being well spent on State-funded projects, that workers' rights are not being infringed and that people will not be allowed to continue to claim social welfare illegitimately.

Deputy Ruairí Quinn: Obviously what the Deputy has just recounted is a clear instance of

the law being broken and blatantly so. This problem has persisted for many years with regard to some builders on some sites. I am absolutely determined, in so far as I can, to ensure that the sites in question are operating correctly and that money raised from taxpayers is properly spent, in accordance with the law. I was assured that the inspections that have taken place to date and the inquiries that were made did not reveal any substance to the allegations made by the Deputy. However, arising from what has just been said, I will make further inquiries and respond to the Deputy directly on this matter.

Deputy Mary Lou McDonald: It seems that reality has bitten in respect of the health budget. Finally the Taoiseach and the Minister for Health, Deputy Reilly, have come to their senses and are now accepting what we all have known for many months, that the Government will not meet its targets for proposed cuts to the health budget. Last year, the Minister and his colleagues, particularly those in the Economic Management Council, EMC, imposed €666 million of cuts on the health budget for 2014. This was despite the fact that there had been a €200 million overspend in 2013 and that everyone knew that demand for services was on the increase. In fact, in total the Government agreed to a cut of over €1 billion in health spending for 2014. Health professionals warned that this could not be done without hurting patients. They told the Government that fewer staff could not treat more patients, that people would suffer and potentially lose their lives as a result of this decision but the Government refused to listen. It pressed on, regardless of the human cost and week after week, in hospitals and communities across this State, we have seen that cost. The cuts imposed included €133 million from the medical card budget which was why parents with chronically ill children had their cards so cruelly snatched from them. Now, the cat is out of the bag.

An Ceann Comhairle: Can we have a question please?

Deputy Mary Lou McDonald: The HSE will need a supplementary budget again this year which will be even bigger than that of last year. If reports are to be believed, it appears that a further €500 million is going to be needed. Does the Minister accept that he, the Government and the members of the Economic Management Council got it wrong when they imposed an additional €666 million in cuts to the health budget? Will he, on behalf of the Government, commit to protecting the health budget from further cuts, either this year or in the budget for 2015?

Deputy Ruairí Quinn: The Economic Management Council consists of four people, two of whom previously held the position of Minister for Health and have some knowledge of how the Department operates. They were not in the Department when the HSE was established. That has been the cause of a great many difficulties as a result of the less than satisfactory way in which it was set up. Budgetary arrangements for this year and overruns in the health budget are matters for concern and will be considered by the Economic Management Council, the Minister for Health and the Cabinet.

Deputy Mary Lou McDonald: I thank the Minister for that less than illuminating response.

Deputy Ruairí Quinn: I answered the Deputy's question; I did not reply to her speech.

Deputy Mary Lou McDonald: Does the Minister accept that while the members of the Economic Management Council to whom he refers and who he says possess a level of expertise may have had some exposure to the Department of Health, it is clear that they got it very badly wrong? Does he also accept that, against the backdrop of overruns within the Department, incredible pressure on the system and rising demand, it was ill-conceived to suggest - much less

impose - cuts of the order of €666 million? The facts reflect that we are facing into another Supplementary health Estimate of the magnitude of €500 million. Will the Minister confirm that is the case? I asked him a straight question, namely, whether he would admit or accept that the decisions relating to the delivery of health services made in the context of the most recent budget were wrong. I then asked him to give a commitment that there would be no further cuts to the health budget this year or in the budget for 2015. Will he provide a slightly more comprehensive answer? Does he accept that the Government got it wrong and will he give a commitment that there will be no further cuts?

Deputy Ruairí Quinn: I cannot recall a time in the past 25 years when it was not necessary to introduce a Supplementary Estimate for the Department of Health. The Deputy sitting beside Deputy Mary Lou McDonald has been a Member of the House for some time and possesses wide-ranging knowledge of the health area. I am sure he will concur with what I am saying in this regard. As a result of the fact that the health service is demand-driven and because, unlike the position on the number of pupils who are going to attend school in any one year, that demand cannot be predicted in advance, it is simply impossible to achieve a balanced budget. What is at issue is the scale of the demand and what is required to meet it. In the first instance, that will be a matter for discussion by the Ministers for Health and Public Expenditure and Reform. I am sure that if the Deputy tables parliamentary questions to these Ministers when they have concluded their discussions, they will be able to inform her of the detail involved.

Deputy Mary Lou McDonald: Therefore, the Minister does not know the position.

Deputy Catherine Murphy: We have just watched - some of us in total frustration - the fundamentally flawed Housing (Miscellaneous Provisions) Bill 2014 being passed by the House. The Bill which contains major flaws is not the problem. The greatest flaw of all is the lack of a coherent housing strategy to take account of the bigger picture and focus on the economic and social consequences of how we plan and deliver housing in all its forms. Let us consider what we are doing. Spending on the housing assistance payment, HAP, scheme, the rental accommodation scheme, RAS, rent supplement and long-term leasing is going to amount to somewhere in the region of €400 million a year. If a similar amount is spent - there is no reason to believe this will not be the case - in each of the next ten years, the total amount involved is going to be €4 billion. In essence, that money is going to end up in the pockets of landlords. I accept that there is a short-term need, but what is being done will not result in good value for taxpayers and it is not good social policy.

Officials from the lead local authority charged with piloting the new HAP scheme came before the relevant committee of the Oireachtas and stated “once households are supported by HAP they will be considered to have their housing needs met and will be removed from the housing waiting list.” They went on to state, “At the end of December 2013 there were approximately 80,000 on rent supplement. Of these, 50,000 are long term RS [rent supplement] recipients that will migrate to HAP ... As they transfer to HAP, waiting lists will be reduced by 50,000.” What is being done is a temporary solution to a permanent problem. It involves massaging figures, rather than delivering real homes. It is clear that we need a housing strategy which is integrated with the public policies that obtain in areas such as transportation, finance and education. Such a strategy will not come about by accident. As a result of the outsourcing of responsibility to the markets and a return to a developer-led approach, we are moving back to the model which led to the economic crash.

Does the Minister accept that a housing strategy must be at the core of our efforts to rebuild

Ireland? Does he also accept that we must not replicate the boom and bust scenario which obtained in the construction sector in the past? Does he further accept that the HAP scheme will lead to housing list figures being superficially manipulated and prevent a transparent analysis of the real scale of social housing need?

Deputy Ruairí Quinn: I share the Deputy's concern about the housing issue. It has, in part, been aggravated by the collapse of the economy and the decimation of the construction industry caused by the previous Administration. At the height of the boom, some 25% of economic activity was related to construction. A more appropriate figure in that regard would have been between 10% and 12%. As the Deputy is aware, the level actually fell below 5% at one point, from which we are now trying to recover. An additional problem arises in the context of persons who cannot afford to pay the market rate for houses. The Minister of State with responsibility for housing, Deputy Jan O'Sullivan, is attempting to develop and improve the current response to the very grave crisis in housing provision.

Deputy Catherine Murphy: No one will benefit from a short-term or short-sighted approach to this problem. We need a coherent and multifaceted plan that will encompass several Departments. There are people in third level institutions such as the National University of Ireland, Maynooth, NUIM, and the Dublin Institute of Technology, DIT, who are doing excellent work on this matter and have written widely on it. Essentially, it seems that we are employing a piecemeal approach to what will continue to be a crisis, unless we develop a vision and a plan for the future. There is no one working in one in four households and we have an army of people who could be described as being working poor. Purchasing houses is not going to be an option for many of them. Given his political and professional background, I ask the Minister to see to it that the Government draws on the expertise to which I refer in order that we might develop a multifaceted model for the housing and construction sectors that will include an input from the necessary Departments. We should discontinue the piecemeal approach which obtains and which is going to give rise to further difficulties, including a number of significant social problems.

Deputy Ruairí Quinn: I agree with much of what the Deputy says, particularly in the context of the need to develop a long-term strategy for housing. It is clear that Part V - as an option to replace traditional local authority housing provision with social housing - has not worked for a host of reasons. Local authorities no longer possess the expertise required to allow them to provide housing and the budget in this regard is far less than what is required. There is no doubt that a new and integrated approach is required. The Bill the House has just passed is a partial response to the problem. It is not intended to be a comprehensive response. I will bring the Deputy's remarks to the attention of the relevant Minister and the Cabinet.

Order of Business

Minister for Education and Skills (Deputy Ruairí Quinn): It is proposed to take No. 9*b*, motion re membership of committee; the Housing (Miscellaneous Provisions) Bill 2014 has now been completed, so that will not be resumed; No. 9*a*, Health (General Practitioner Service) Bill 2014, motion to instruct the committee; No. 23, Health (General Practitioner Service) Bill 2014 - Order for Report, Report and Final Stages; and No. 2, Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013 [*Seanad*] - Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. 9*b* shall be decided

without debate.

An Ceann Comhairle: Is the proposal for dealing with No. 9*b* without debate agreed to? Agreed.

Deputy Robert Troy: Earlier today at a meeting of the Joint Committee on Health and Children there were several groups representing people who have been adopted, including the Adoption Rights Alliance and the Adoption Authority of Ireland, among others. One issue that came up among all contributors was the lack of progress in respect of the adoption (information and tracing) Bill. This legislation would give people a basic fundamental right, the right to an identity. This legislation was a top priority for the Government upon coming to office. The Government is now in three years in office and we are still awaiting publication of the Bill. Perhaps the Minister could advise the House of the progress of same.

My second question relates to the interdepartmental group which was set up following the report into the Tuam mother and baby home. I presume the Department of Education and Skills is central to that group. The group was to report back to the Government, I understand, at the end of this month - that is, Monday 30 June. Can the Minister confirm whether that report will be discussed at Cabinet on Tuesday morning?

Deputy Ruairí Quinn: Deputy Troy will probably be aware that we did not have legal adoption legislation in this country until the early 1950s.

Deputy Robert Troy: It was 1952.

Deputy Ruairí Quinn: I am told that because of the Constitution and legal constraints around privacy and access, the right of people who were adopted to trace their birth parents is still being considered, because there are legal implications and difficulties. These have, unfortunately, caused a delay in legislation that we all want to see enacted as quickly as possible.

In respect of Deputy Troy's second question, I will find out whether the relevant report is now ready. As Deputy Troy said, we were due to have it by the end of this month. I am not currently aware of any document that has been brought to my attention in my Department but I will find out and I will write to Deputy Troy directly on the matter.

Deputy Mary Lou McDonald: I wish to ask the Minister about legislation which, I understand, has come before the Cabinet in respect of the granting of medical cards to women who survived the Magdalen laundries. When will that legislation be published? When does the Minister envisage its being put on the Statute Book? I understand the legislation will not take account of women and survivors who live outside the jurisdiction. Can the Minister tell us what methodology will be employed to ensure that these women get their entitlements under the Quirke redress scheme?

On several occasions the Taoiseach has made a commitment to a joint party motion in respect of the families of the victims of the Ballymurphy massacre. Can the Minister tell us when it is proposed to bring forward the wording of the motion and when we might have sight of it?

Deputy Ruairí Quinn: Deputy McDonald should correct me if I am wrong, but I understand she will have a meeting next week with either the Minister or officials in the Department on the matter.

Deputy Mary Lou McDonald: On the scheme.

Deputy Ruairí Quinn: The Cabinet agreed earlier this week to the heads of the Bill and it is the intention of the Minister to try to enact legislation providing for medical cards for the survivors of the Magdalen laundries, with the co-operation of both Houses, before the end of this session. That is the intention. That is the information I currently have.

I do not have information with regard to the Ballymurphy massacre but I will get the Taoiseach's Department to write to Deputy McDonald.

Deputy Denis Naughten: I wish to raise an issue in respect of scheduling with the Minister. It relates to the Health (General Practitioner Service) Bill. A motion will be moved in the House which allows for an hour of contributions, but the "others" grouping cannot contribute. In the House yesterday the Taoiseach facilitated the "others" grouping in the pre-European Council debate. Will the Minister ensure that this is facilitated today? I have contributed to Second and Committee Stages and I have tabled Report Stage amendments, including an amendment to the relevant section that is being debated in the motion, yet I am excluded from contributing. I hope that the Minister can facilitate us in this respect.

Deputy Ruairí Quinn: I was not in the House yesterday when the Taoiseach responded, but I gather that, subject to the agreement of the House, if time is available it can be shared between the Technical Group and the others, if that is agreeable. However, it is a matter for the House to decide.

Deputy Denis Naughten: There is a difficulty. I am sure the Technical Group has allocated speakers on the motion. This was brought in. I spoke with officials in the Ceann Comhairle's office yesterday and they were unaware of the detail before it was moved in the House. I was unaware of the detail. I have actively participated in the debate and I have tabled amendments to the relevant sections that are being debated in the motion. I believe I should have a right to contribute, as do other Members. Deputy Shortall has also tabled an amendment.

Deputy Ruairí Quinn: That sounds reasonable to me. I suggest that Deputy Naughten bring the matter directly to the Whips to see if space, time and agreement can be found to do it.

Deputy Denis Naughten: The debate is to take place in 13 minutes. I am asking the Government to facilitate us.

Deputy Peter Mathews: He is looking for ten minutes, for God's sake.

Deputy Ruairí Quinn: I would like to see Deputies facilitated in this House. I understand that there is not an offer from the Technical Group, as we speak, for a speaking slot. Perhaps the Deputy present in the House could confirm that. There is no objection on our side to Deputies being able to speak.

Deputy Róisín Shortall: It is not fair.

Deputy Caoimhghín Ó Caoláin: On the same matter, if I can be of assistance-----

An Ceann Comhairle: No, we are not having a debate on this issue. An order was passed yesterday. If there is a problem and if I can assist in any way with the co-operation of the House, we will sort it out.

Deputy Catherine Murphy: A Cheann Comhairle, can I be helpful?

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An Ceann Comhairle: I think it is time people realised the purpose of this exercise. There is no point in our finishing early in the day if people are prevented from speaking. With a little co-operation we can work these things out, but we cannot do it on the floor of the House on the Order of Business. Can I ask that these discussions take place behind the scenes? The Chair will be only too pleased to facilitate any agreement reached.

Deputy Paul Kehoe: We will facilitate it.

Deputy Mattie McGrath: I want to thank you for your co-operation at all times in looking after us Independents.

An Ceann Comhairle: Are you not part of the Technical Group?

Deputy Mattie McGrath: I do not get any time. You look after me for time. Thank you. We will say nothing until we hear more.

Deputy Ruairí Quinn: Will Deputy Mattie McGrath slow it down so that I can understand what he is saying?

Deputy Mattie McGrath: I was thanking the Ceann Comhairle for his co-operation and help in all matters. I am sure the Minister appreciates that.

The Minister for Health is obliged under the Protection of Life During Pregnancy Act 2013 to lay a report before the House of the notifications he has received by the end of June each year. Will the Minister present indicate whether that report is ready? The end of June is approaching. It is a commitment in the Act under section 20(4). Will the report be laid before the Houses of the Oireachtas by next Tuesday, 1 July?

Deputy Ruairí Quinn: I do not know, but if Deputy Mattie McGrath tables a question I am sure he will get the answer.

Deputy Mattie McGrath: I have done that.

Deputy Ruairí Quinn: Then the Deputy should wait for the answer.

An Ceann Comhairle: We have only 11 minutes left and I have nine requests. Please be short and snappy.

Deputy Dessie Ellis: The Minister's colleague, the Minister for Transport, Tourism and Sport, Deputy Varadkar, has indicated on several occasions that he plans to bring in legislation to deal with mandatory testing of drivers for drug use. This is a major problem which needs to be dealt with on a scale similar to the way alcohol was dealt with - we know of the problems in that area. I believe the Minister intends to bring in the changes under the road traffic Bill. Can the Minister, Deputy Quinn, tell us when this will be brought before the House or if the Bill has been considered?

Deputy Ruairí Quinn: I am advised that it is next year.

Deputy Thomas P. Broughan: A couple of weeks ago, under the international tax agreement Bill that is on the floor, I raised an issue that Deputy Troy raised earlier today. It was brought to my attention and to the attention of the Minister, perhaps, by members of the south-east Dublin branch of the Labour Party originally. I understand that we have a hidden economy committee. Is there any intention to put that on a legislative basis? Has the Cabinet instructed

Revenue and the Department of Social Protection-----

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

Deputy Thomas P. Broughan: I did not get an opportunity to put the question previously.

An Ceann Comhairle: I know, but there are other ways of doing so. A Topical Issues debate would be ideal.

Deputy Thomas P. Broughan: As the Minister knows, it has been alleged that a major contractor and a recruitment company operating outside this jurisdiction are facilitating criminal behaviour-----

An Ceann Comhairle: I must ask the Deputy to resume his seat.

Deputy Thomas P. Broughan: -----in contracts for which the Government is responsible.

An Ceann Comhairle: I am sorry, but there is a time limit. Only nine minutes are left and other Deputies-----

Deputy Thomas P. Broughan: What is the Minister's response to-----

An Ceann Comhairle: The Minister cannot respond to something that is out of order on the Order of Business. We have had it on-----

Deputy Thomas P. Broughan: I asked about legislation.

An Ceann Comhairle: What legislation?

Deputy Thomas P. Broughan: On international taxation. I can see it on the clár. My question relates to Northern Ireland in particular.

An Ceann Comhairle: Please, I ask for the Deputy's co-operation.

Deputy Ruairí Quinn: I gather that the heads were cleared last March and are being worked on. I will bring the Deputy's point to the attention of the Minister.

Deputy Pearse Doherty: Tá ceist agam faoi dhá phíosa reachtaíochta atá fógartha. First, will the climate action and low carbon development Bill be debated in the Houses before the summer recess? Second, the Government made commitments under Construction 2020. Today, a State bank, AIB, began a social network campaign aimed at young people telling them not to wait until pay day to buy their Electric Picnic tickets and instead to use AIB credit cards. No terms or conditions were mentioned in the adverts.

An Ceann Comhairle: We cannot deal with this matter on the Order of Business.

Deputy Pearse Doherty: It is a throwback to the problems that got us to this point. Under Construction 2020, the Government is committed to introducing an insurance or guarantee scheme to increase to up to 95% loan-to-value ratios for new mortgage participants. Is it still the intention to continue with this hare-brained idea? Does the Government need to legislate to bring it about? If so, when will that legislation be published?

Deputy Ruairí Quinn: I am told there is already an insurance Bill, but I do not have an answer to the Deputy's question. If he submits a specific parliamentary question, he might get

more information.

An Ceann Comhairle: I call Deputy Ó Feargháil.

Deputy Seán Ó Feargháil: Media-----

Deputy Pearse Doherty: I apologise to Deputy Ó Feargháil, but I did not get an answer on the climate change Bill.

Deputy Ruairí Quinn: I am told the heads were cleared last April and the legislation will be ready later this year.

Deputy Seán Ó Feargháil: It has been reported that the Cabinet decided on Tuesday to assign additional duties to the Minister of State at the Department of Defence. Does the Government propose to amend the Ministers and Secretaries Act, given the speculation by some media outlets about the Department of Defence being assigned to-----

An Ceann Comhairle: We cannot deal with this matter on the Order of Business.

Deputy Seán Ó Feargháil: The Ministers and Secretaries Act is important legislation, certainly for people in the Defence Forces.

An Ceann Comhairle: I suggest that the Deputy try a parliamentary question.

Deputy Éamon Ó Cuív: Some time ago, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, gave a commitment in the House that any State body under his Department that had its name changed would be given an Irish language name. Recently, he published SI 287 of 2014 proposing to change the name of Bord Gáis Éireann to Ervia.

Deputy Mattie McGrath: Shame.

Deputy Éamon Ó Cuív: Is it intended to debate that order in the House? Can we have that debate? Many people believe State companies should have Irish language names and that this move is rowing back on a solemn commitment given on the floor of the House.

An Ceann Comhairle: Is regulation required?

Deputy Ruairí Quinn: I will make inquiries. I do not know whether there is an English translation for “Ervia”, let alone a Gaelic one. It might be a non-linguistic name. I will find out for the Deputy.

Deputy Éamon Ó Cuív: There is an English caint.

Deputy Brian Walsh: Will the Minister provide an update on the status of the technological universities Bill 2014?

Deputy Ruairí Quinn: Could the Deputy repeat the question, please?

Deputy Brian Walsh: Will the Minister provide an update on the status of the technological universities Bill 2014?

Deputy Ruairí Quinn: It has gone for drafting. I suspect it will not be ready until late this autumn.

Deputy Ray Butler: When is publication expected of the noise nuisance Bill to extend and improve the powers available to enforcement authorities to prevent, reduce and abate noise nuisance through on-the-spot fines? We all encountered this major issue when canvassing in estates recently. Three or four dogs could be kept in houses with no gardens or facilities. We must introduce laws, as this is an issue of cruelty. I am sure many Deputies would agree.

Deputy Denis Naughten: The Ceann Comhairle would anyway.

Deputy Ray Butler: It is a major cruelty issue.

An Ceann Comhairle: I thank the Deputy. Perhaps the Government might include the Houses of the Oireachtas in the Bill on governing noise.

Deputy Joe Costello: A lot of barking.

Deputy Ruairí Quinn: I share Deputy Butler's concerns and have been the victim of that sort of uncontrollable noise, which becomes irritating after a while. Unfortunately, I have no date as to when that legislation will be introduced.

Deputy Bernard J. Durkan: Is the higher education authority Bill due to be before the House shortly and have its heads been cleared?

Deputy Ruairí Quinn: It is at an early stage and the heads have not been cleared yet. I do not expect it to be published before the end of this year.

Deputy Bernard J. Durkan: I thank the Minister.

An Ceann Comhairle: Did Deputy Ó Ríordáin wish to ask a question?

Deputy Aodhán Ó Ríordáin: Mine was about the climate change Bill, which the Minister has already addressed.

Membership of Committee: Motion

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

That Deputy Thomas Pringle be appointed to the Joint Committee on the Implementation of the Good Friday Agreement.

Question put and agreed to.

Health (General Practitioner Services) Bill 2014: Instruction to Committee

Minister of State at the Department of Health (Deputy Alex White): I move:

That, pursuant to Standing Order 177, Standing Order 131 is modified to permit an instruction to the Committee to which the Health (General Practitioner Service) Bill 2014 may be recommitted in respect of certain amendments, for which it has the power to make provision in the Bill in relation to--

(a) amending the Nursing Homes Support Scheme Act 2009, by amending the defi-

26 June 2014

inition of ‘transferred assets’ to put it beyond any doubt that assets transferred after an application for financial support under the scheme is made, come within the definition of ‘transferred assets’; and

(b) amending the Opticians Act 1956 to change the election year for the purposes of that Act from 2014 to 2015 to remove the requirement to hold elections to *Bord na Radharcmhastóirí* (the Opticians Board) in 2014 and to extend the terms of office of the current members of the board beyond 31st December, 2014 for a period of up to one year until the board has been subsumed into the Health and Social Care Professionals Council; and

to change the title of the Bill to take account of these provisions.

I am tabling this motion to enable an urgent and important amendment to be made to the Nursing Home Support Scheme Act 2009 and the Opticians Act 1956. I will summarise what I have in mind.

The nursing home support scheme, commonly referred to as the fair deal scheme, is an important one that provides financial support for people who need long-term nursing home care. Under the scheme, an individual makes a contribution towards the cost of his or her care while the community in the form of the State pays the balance. This applies regardless of whether the nursing home in question is public, private or voluntary. The HSE administers the fair deal scheme within the resources available and in line with the nursing home support scheme legislation.

The scheme is predicated on the principle that applicants must contribute according to their means. The Act provides that assets transferred within the five years prior to applying for the scheme are taken into account in the financial assessment. This provision does not affect a person’s right to sell assets for full market value. Rather, it is intended to prevent people from depriving themselves of assets for the purpose of the financial assessment. If a participant in the scheme were to transfer assets immediately after an application for State support was made or at any subsequent point, the existing definition means that it may be possible for the asset to be excluded from the financial review.

The purpose of this amendment is to prevent a situation arising where an applicant could transfer assets immediately after an application for State support is made on the basis of an argument that such asset transfers are not definitively captured by the definition of “transferred asset” in Schedule 1 of the 2009 Act. Accordingly, this is a technical amendment to put it beyond doubt that assets transferred after an application for the scheme is made also fall within the definition of “transferred asset”. It is essential that there be no ambiguity in this regard.

The Optician Act 1956 provides that 2014 is an election year. However, the Opticians Board is due to be subsumed into the Health and Social Care Professionals Council in accordance with the Government’s programme of rationalisation of State agencies. The drafting of the Bill to rationalise the Opticians Board and the Health and Social Care Professionals Council is currently being finalised.

The proposed amendment will change the election year from 2014 to 2015. It will also provide that the subsequent election years will be 2019 and each fifth successive year after 2019. The purpose of this amendment is to have the practical effect of removing the requirement to hold elections to the Opticians Board this year, a matter of months before the board is due to

be subsumed into the Health and Social Care Professionals Council. It would also extend the terms of office of the current members of the board for up to one year until the regulation of the professions of optometrist and dispensing optician has been transferred to the amended Health and Social Care Professionals Act 2005 by the end of this year or early next year.

The amendment needs to be made before autumn of this year as the Opticians Act requires that the elections in an election year be under way by that stage. The alternative would be to hold elections and appoint a new board in 2014 to hold office for a very short period, if at all.

Deputy Seán Ó Fearghail: I apologise on behalf of Deputy Kelleher, who is unable to be here. Fianna Fáil will not be opposing the amendments, which appear to address certain lacunae in existing legislation. With regard to the changes proposed to the Nursing Homes Support Scheme Act, how much additional revenue does the Minister of State anticipate will accrue from them? It is a pity, however, that the Government is not amending other measures relating to the fair deal or nursing homes support scheme in 2014. As the Minister of State will be aware, great concern was expressed about the impact that changes to the scheme in the HSE's service plan for 2014 would have on the sickest and most vulnerable of older people. The 2014 service plan acknowledges the reality that waiting times for a nursing home bed under the fair deal scheme would increase in 2014. The 2014 service plan stated that 700 fewer beds - 22,061 beds - would be funded under the scheme in 2014 compared with the target for 2013. In reality, the 2014 target is 1,702 beds fewer than the 23,700-plus nursing home beds funded under the scheme at the end of October last year. In addition to these 23,000-plus people, a further 394 were on the waiting list in October for a nursing home bed. Now, according to figures given by the Minister, Deputy Reilly, to my colleague Deputy Barry Cowen, 1,265 are on the placement list awaiting funding.

Under the 2014 plan, the HSE is to allocate €23 million from the fair deal budget and earmark it for community care and home-based care initiatives, such as intensive home care packages, which will benefit 250 people; intermediate or transition beds, which will benefit 650 people; and beds for more complex cases, which will benefit about 130 people. However, as Age Action pointed out, there is a considerable gap between those who will benefit from these initiatives and those left waiting for a nursing home bed as a result of the changes. This will unavoidably lead to an increase in the number of older persons presenting at our already stretched and overcrowded acute hospitals. With inpatient and day-case waiting lists above 50,000 mark now, it is likely that the fair deal changes are having an impact.

Last year the Government also amended the nursing home support scheme through legislation. The fair deal scheme, as introduced, saw individuals contributing 80% of their incomes and 5% of their assets per year, fixed at a maximum of three years or 15%, and that included their principal private residence and, in some circumstances, farms or businesses. Last year the Government increased the maximum proportion payable from 5% to 7.5% per annum, with a cap at three years or 22.5% in the case of a principal private residence. Savings of €3 million for a half year were anticipated as a result of those changes to the contributions. I expect that at this point the Minister of State will be in a position to indicate whether those savings have been achieved.

Last year's Bill also abolished the requirement to backdate State support to the date of the scheme's commencement for those who were in nursing home care prior to that date. I would like the Minister of State to address an issue that also falls within his remit in primary care. Last week the Government announced that the HSE is to restore more than 12,000 discretionary

medical cards that have been lost since 2011. However, last October, when Fianna Fáil tabled a Dáil motion on discretionary medical cards, the Minister of State, Deputy White, who was present, basically told the Dáil that just 1,000 discretionary cards had been lost between the start of 2011 and the middle of 2013. That does not even bring us into the discussion on whether a discretionary medical card even exists. The Government amendment to a Fianna Fáil motion on the issue stated: “[O]f the 24,000 reduction in discretionary medical cards from the start of 2011 to July 2013 almost 23,000 of these persons have been awarded medical cards on the basis of their financial means”. In other words, just 1,000 people lost a medical card completely, as the other 23,000 were now qualifying for medical cards under the standard financial criteria instead of on a discretionary basis. The Minister, Deputy Reilly, agreed with the Minister of State, Deputy White, when he said:

The number of discretionary medical cards has fallen. As the Minister of State demonstrated clearly, this is because almost 23,000 people who would have had discretionary medical cards now hold full medical cards.

If that is the case, why is the Minister, Deputy Reilly, now pledging to restore more than 12,000 discretionary medical cards? Even if we add in the additional 6,000 or so discretionary cards lost after July 2013, only 7,000 cards would need to be restored if what the Minister of State, Deputy White, told the Dáil last autumn was accurate. The question is whether the Dáil was misled in this particular matter, even inadvertently, by the Minister. According to this morning’s edition of the *Irish Examiner*, the Department of Health explained last night that the response to the Private Members’ motion was “prepared by the HSE at short notice” and based on “preliminary analysis”. The question that arises is whether the Minister of State was aware that this analysis, which was the cornerstone of his rebuttal last October, was just preliminary and that it had been produced at short notice. Most of us are required from time to time to produce information at short notice, but this does not remove from us the absolute requirement to be accurate in the information that we produce. Did the Dáil vote for a Government amendment which was factually inaccurate? Did the Department subsequently advise the Minister that the preliminary analysis given to him was inaccurate? Does the Minister of State now accept that he, on the basis of the information that he had, inadvertently misled the Dáil? I know we have a short time for discussing these particular matters, as the Minister of State has been engaged in other activity - we wish him well in that endeavour - but the questions we have posed are none the less relevant and I hope he will be in a position to respond.

Deputy Caoimhghín Ó Caoláin: With reference the earlier mention of time, I am not precious about my time in this instance and I will not be using my full allocation. Having gone through each of the Stages of the Health (General Practitioner Service) Bill 2014, I view this motion as most unsatisfactory. The Minister of State is introducing matters that are wholly unconnected to the address and purpose of this legislation at a very late stage, with the grafting on of two totally unrelated amendments to this Bill, and we did not receive due notice of that intent, nor of what alternative methods could have been employed to facilitate the address of the matters that the Minister of State believes are of such an emergency nature. The amendments relating to the Opticians Act 1956 are straightforward and I have no difficulty with them.

I o'clock

Regarding the amendment to the Nursing Homes Support Scheme Act 2009, the Minister of State has given us little information on its full implications. Perhaps he will indicate if the situations which the amendment seeks to preclude have occurred? Is it the case that there have been incidents of people making the case that assets are not assessable because they were

transferred post the date of application? If so, how many? We are entitled to the information that has given rise to the amendments or to know if it is the case that legal opinion has flagged a deficiency in the legislation. If it is the case that this arises from experience, of which I have requested the details, what is the amount of money involved? Does the Minister of State have figures for the excluded accrued assets in whatever number of cases are involved under the fair deal scheme?

The motion presents us with an opportunity to address some long-standing questions about the Nursing Homes Support Scheme Act 2009, including how its financial elements have since worked in practice. I recall that a review of the so-called fair deal scheme was commenced in 2012 and, according to my notes, it was to be completed in 2013. I do not recall if it was completed. In the short time available between notification of the taking of the motion and it being addressed with related matters I could find no record of a published report post-conclusion of the review. I may have overlooked or failed to take proper notes on the matter. Perhaps the Minister of State might enlighten me on the current status of the 2012 review and the report promised on the conclusion of its work.

The so-called fair deal scheme is, as I described during the debate on the original Bill, flawed. It is long past time that there was a renewed Government and public focus on the care of older people, with older people being centrally involved in the process this time. The Minister of State may recall in the context of the publication in 2008 of the Nursing Homes Support Scheme Bill that organisations representing older people were kept out of the process. There was no consultation or engagement with them, in respect of which understandable anger was expressed by the various representative organisations to which I have referred. This must not happen again.

I take the opportunity to urge a renewed focus and re-evaluation of not only this identified deficiency but the Bill in its entirety, as originally drafted. I would appreciate receiving the information in response to the questions I have posed.

An Leas-Cheann Comhairle: The next speaker is Deputy Denis Naughten who is sharing time with Deputy Róisín Shortall.

Deputy Denis Naughten: I hope it can be ensured that, as happened earlier, we will not in the future have to raise on the Order of Business the issue of the allocation of speaking time in order for us to be facilitated in that regard.

I will not be opposing the motion which is technical in nature and provides clarity on the two issues outlined by the Minister of State. However, in addressing the nursing homes support scheme it does not go far enough. There are a couple of gaping holes, in respect of which I have tabled an amendment for discussion on Report Stage of the Bill.

Another issue that is causing huge problems within the health service is that of short-term nursing home support for persons in acute hospitals. I am aware that some hospitals are putting aside a dedicated fund in this regard. Under the old nursing home subvention scheme, a person being discharged from hospital who was too well to remain but too sick to be at home was facilitated by a short stay in a nursing home. Those involved are usually older people from isolated communities who have traditionally been branded bed-blockers. Sadly, I represent many such persons. Surely it makes financial sense to put in place a fund to meet the weekly cost of €850 or €900 of caring for such a person in a private nursing home for two or three weeks, rather

than paying €1,200 a day to keep him or her in an acute hospital bed, resulting in congestion in hospital wards, delays in and the postponement of elective surgery, congestion in accident and emergency departments and ambulances being parked outside accident and emergency departments rather than being available to respond to meet community needs. I hope the Minister of State will be able to revisit this issue.

Under the nursing homes support scheme, it takes up to four weeks for an application to be processed. The person concerned is then placed on a national waiting list. Currently, it takes 12 weeks from the time a person is placed on the list for his or her payment to kick in. One particular individual whose sibling was discharged from Portiuncula hospital in Ballinasloe and is now in a nursing home is facing a bill of €5,000 which is accumulating by the week because an application under the nursing home support scheme has not yet been approved. The objective behind the scheme was to ensure financial liabilities would not be placed on older people or their next of kin. It now appears that the policy of the HSE is to wait for two beds to become vacant before releasing a patient under the nursing homes support scheme. This is resulting in chaos in the health system because families are not willing to have their next of kin discharged to a nursing home when they are facing such significant financial liabilities. I ask the Minister of State examine this issue.

Another issue that arises is at the other end of the age profile, which issue I raised with the Minister of State during the Second Stage debate on the Bill and have raised previously with him, namely, children with life-limiting conditions. The Exchequer, through the HSE, is paying approximately €8.2 million per annum in supporting children with life-limiting conditions in their communities. These are children who were born with profound disabilities, many of whom will not live to be five years of age, never mind ten or 15. There is no co-ordinated approach being taken in regard to that and there is a piecemeal approach right across the country. By pooling resources into a national fund, there would be adequate resources to ensure provision would be made for the children in question. My proposal has been endorsed by LauraLynn and the Jack and Jill Foundation, which believe it represents a way of delivering better value for money within the existing budget.

Let me give the Minister of State an example of what I am talking about. At present, there are children trapped in hospital, costing approximately €147,000 per annum in a paediatric hospital bed. They could be put back into their own homes with their families, sometimes at a significantly lower cost. The Jack and Jill Foundation refers to a figure of approximately €24,000 per child. It refers to the PCCC community health figure of €47,000. It is still a small fraction of the money it costs to keep children in an acute paediatric bed in the three centres, but usually in Dublin.

There are families trying desperately to get beds in those hospitals; yet there are children therein who could be more appropriately accommodated in the community. Surely it is time to start joining the dots, particularly when we are not talking about additional funding but about spending existing money far more effectively.

My final point is on my amendment No. 3, that has been ruled out of order. This is the only opportunity I will have to raise the matter. During the Order of Business this morning, the Minister for Education and Skills said on behalf of the Government that new legislation would be introduced before the summer recess. It is to be rushed through so women who were in Magdalen laundries will actually get a medical card. If the Government had accepted my amendment today, it could have facilitated this process by statutory instrument.

My objective has been to ensure that, once the report on the review of medical need is published by the expert group at the end of September, the Government could introduce by statutory instrument an arrangement whereby children over the age of six would be automatically entitled to free general practitioner access based on medical need rather than having to wait for legislation to come through. We were told yesterday by the HSE that it will be at least 12 months before any additional provision will be made through the legislation process for medical cards for patients with chronic, long-term conditions.

As I stated on Second Stage, probably the most distressing thing public representatives have to do in their constituencies is battle through the bureaucratic system on behalf of distressed parents to obtain medical cards for children with terminal or serious chronic conditions. While the Minister of State has made some concessions in cases where discretionary medical cards issued prior to July 2011 were removed, the strict rules on discretionary medical cards that were in place last week, last month and last year are still in place for a child born today with a chronic, terminal or life-limiting condition. The family must still go through the same bureaucratic nightmare.

If the Minister of State accepted the amendment tabled by Deputy Shortall and me, he could, at the end of September when the expert group reports, introduce, at the very least, a doctor-only card for the families to give them some reassurance. It is disappointing that he has not been prepared to take on board the amendment. I ask him to reconsider that decision and table an amendment that would deal with the Magdalen laundry issue in the short-term and also with the very effective campaign by Our Children's Health seeking a medical card for children under 18 with a chronic and serious condition. There is strong merit in this argument. Our amendment does not go that far, sadly, because we tried to draft it in such a way that it would be ruled in order. Disappointingly, it has been ruled out of order but the Minister of State has the power to table his own amendment along the lines we have proposed to reassure affected families that, when the expert group reports by the end of September, the sickest children will at least be granted free general practitioner access.

Deputy Róisín Shortall: In the few minutes I have available to me, I want to make a small number of points. First, it is wrong that Members of this House who are not in parties or the Technical Group should have to fight for time. I very much recognise the fact that the Ceann Comhairle recognises that our group, the others, should have entitlements. I wish this principle were recognised by the Government Whips.

This morning we are debating proposed amendments by the Minister and an instruction to the committee. As a Member of this House, I have not been provided with any documentation relating to the procedure under way. There is a serious problem with that. It is believed everything is done through the Whips but it is not. My colleagues in the "others" group and I should be entitled to the same notice and documentation on proposed business in the House as everyone else.

I have no difficulty with the amendments being proposed and I am happy to support them. However, there has been and continues to be overemphasis on nursing home care. Many patients who are in nursing homes, at considerable expense to the State, should not be in them because their level of dependency does not warrant full-time nursing home care. This should not be happening. More important, we know the vast majority of older people want to stay in their own homes and do not want to be in institutional care. They want to be in their own surroundings and that is what we should be trying to facilitate because it is in their best interest

from both health and welfare perspectives. Of course, the difficulty is that there is not adequate financial support available to older people who want to stay in their own homes. Equally, there are insufficient services. This is where primary care is required. We should have a sufficient number of public health nurses. There are large numbers of vacancies in the public health nursing services at present. We also need the allied health professionals, including physiotherapists, occupational therapists and speech and language therapists, who help older people to make a recovery after an incident, return to the best state of health possible and continue to live as independently as possible. This should be the focus of health policy in this regard. I am concerned that we depend too much on nursing homes.

With regard to medical cards, it is regrettable that the amendment to section 6 that Deputy Naughten and I tabled was ruled out of order. I question that decision and wonder where the impetus for it came from. It was ruled out of order on the grounds that it constituted a potential charge on the Exchequer. There may have been a potential charge on the Exchequer but there would only be an actual charge if the Government in power decided to make it a charge. The charge is not something that the Opposition is proposing, therefore, nor is it something it or this Dáil would have any control over. There would be a charge on the Exchequer only if the Government decided to avail itself of the opportunity. The point of the amendment is to facilitate the Minister in extending access to general practitioner care as he or she sees fit. It was a mistake not to do what we propose. It indicates the absence of an overall plan. Despite the Government's statement that it intends to extend general practitioner care across the population within its term of office, there is clearly no phased plan to do so. If there were, the Government would welcome this opportunity to extend access by ministerial order rather than having to return with primary legislation on each occasion it wanted to extend care. It is very odd that the Government is opposed to that.

I would like clarity from the Minister in regard to what is happening to the proposed initiative for under-sixes. What happens when children who are now, say, five and a half reach their sixth birthday? They will be getting their birthday cards but will they be getting their GP visit card removed when they get to their sixth birthday? It is not entirely clear from the legislation. Is it the intention that, when a child gets to six, this entitlement will be removed? How exactly is it proposed to do that? It seems extraordinary that when somebody happens to reach the arbitrary age of six, he or she will no longer be entitled to free GP care. This needs to be clarified.

There are a couple of serious outstanding questions that need to be answered. I would also appreciate clarification on the decision by Government to reverse the withdrawal of discretionary medical cards. Why exactly does the initiative only go back to 1 July 2011? I would like an explanation of that because it is not clear why that date was selected. What about those who are in need of discretionary medical cards at this point, and from now until whatever date in the future that this or some future Government decides to introduce entitlement to a medical card based on medical condition? It would seem that the same kind of unfair treatment that was meted out to people in recent years in terms of the withdrawal of their discretionary medical card is now going to be meted out to people who will be seeking discretionary cards in the coming 12 months or more. It strikes me that it is not legally sound to treat people who are in similar circumstances in a different manner by virtue of the fact of an arbitrary date, before or after that date. There are many questions still outstanding in this regard.

Minister of State at the Department of Health (Deputy Alex White): With regard to Deputy Ó Fearghail's contribution, there are no revenue implications in respect of the proposed amendment dealing with nursing home scheme. It is a very limited amendment in terms of its

effect. It is really just placing a matter beyond doubt in respect of assets that are disposed of post the date of assessment or post the relevant date.

On that question, Deputy Ó Caoláin asked whether the issue had ever arisen. I am aware it has arisen in one instance, in circumstances where a question arose as to the disposal of an apartment post the relevant date. The apartment was being transferred from a resident who owned three properties. That answers the question as to whether it has arisen. Deputies have recognised that this is a change to the provision to put matters beyond doubt. It might have been assumed that the definition of transferred assets would, in any event, have comprehended assets disposed of postdate, but this is just to make it absolutely clear in the legislation that it does cover such assets.

Deputy Caoimhghín Ó Caoláin: The Minister of State has cited a single case that has triggered address of this matter. Was there an outcome to that particular endeavour?

Deputy Alex White: I do not know. Deputy Ó Fearghail also asked a question in respect of the discretionary medical cards, in particular the issues that arose in debate in the House last year. The statistical reporting of the medical card scheme, which covers 1.9 million individuals at a point in time, is complex and dynamic. Therefore, it can be difficult or problematic to make direct comparisons between different reports of slightly different criteria, dates and timeframes.

There were two reports, one in autumn 2013 and another in spring 2014, indicating that approximately 7%, or one in 14, of discretionary medical cards were being refused renewal. The first report was a preliminary analysis for a Private Members' motion debate prepared at short notice. The later report was a more detailed analysis. Different analytical reports on discretionary medical cards since last autumn produced a number of estimates of lost discretionary cards, that is, cards that were not renewed - 1,696 medical cards in the preliminary analysis, covering January 2011 to June 2013; 5,860 medical and GP visit cards in the May analysis, covering January 2013 to March 2014; and 15,305 medical and GP visit cards in the June analysis, covering January 2013 to May 2014.

The information from these reports was referred to in the Dáil on many occasions. There was no policy to deliberately focus on discretionary cards or cards awarded through the discretionary process, and there was no specific target to cut such cards. There was a budgetary policy of improving the accuracy and probity of the medical card scheme and eligibility for medical cards generally. The Government has never denied that discretionary medical cards were not being renewed, nor did it downplay the numbers involved. The analysis suggested that a refusal rate of approximately 7% did not indicate what was alleged to be a wide-ranging cull of discretionary cards, as suggested in the media and elsewhere. Nonetheless, the Government kept the situation under review given that this area related to a number of people with medical conditions.

Earlier this month, another analysis of discretionary medical card numbers was carried out. This analysis looked at all discretionary medical cards refused renewal throughout the period since the centralisation of medical cards was completed in July 2011. That is the answer to Deputy Shortall's question as to why July 2011 was identified as the bookend at the outset of the period, because that was the time when the centralisation of the process was initiated. The previous reports indicated what happened to discretionary cards held at a point in time, whereas the report I am talking about now was over a period. This final analysis indicated that, throughout a three-year period, the renewal of approximately 15,300 discretionary medical cards and

discretionary GP visit cards was refused as the person did not meet the eligibility criteria.

As the House is aware, the Government has decided to develop a policy framework for providing eligibility for health services on the basis of medical conditions, including new legislation as appropriate. This is a major change to eligibility for the health system, which has been based on means since the 1970 Health Act.

Deputy Ó Fearghail also raised an issue in respect of waiting times, which was also raised by another Deputy, and I will come to that. I welcome Deputy Ó Caoláin's acknowledgement that the election in regard to the Opticians Board is a technical matter. I recognise and acknowledge his support for that, or at least his non-opposition to it.

Deputy Naughten raised a number of different issues in respect of funding, of which I have taken note and which I understand. He also raised an issue with me before on Topical Issues in regard to paediatric palliative care and has raised the issue again today, perfectly legitimately. I am not in a position to deal with it in any detail today but I am taking careful note again of what he has said, at least by way of reminder to me. It is a fair point and is a matter I will seek to pursue for him. I will try to keep in contact with him in this regard.

An amendment was ruled out of order on Committee Stage, and Deputies Shortall and Naughten have raised this issue. I never know whether it is in order for me to talk about matters that were ruled out of order. However, I will talk about it-----

Deputy Denis Naughten: Deputy Ó Caoláin raised this issue earlier. We will not have an opportunity to raise it in the committee.

Deputy Alex White: I am in the hands of the Chair but I am very happy to deal with any issue I am asked about. I understand entirely where Deputies are coming from and, if I could, I would do in the morning what they are seeking to achieve. However, I do not agree that a simple amendment to the legislation to facilitate, in Deputy Róisín Shortall's words, the Minister in introducing new groups, persons or categories in respect of eligibility would either be appropriate or legally sound. Why do I say this? I say it because it is now very clear, if it was not clear in the past, that these decisions on the allocation of resources are ultimately ones for the Oireachtas to make. One cannot give a current or future Minister plenipotentiary powers to determine who receives particular services and who does not. If the House sees fit to pass the legislation, we will set out clear principles and policies that are straightforward - resident in the country and being aged under six years. The Oireachtas will determine what will qualify a person for GP services. It is not appropriate and would be fundamentally flawed for us to purport to give a current or future Minister the powers to introduce additional eligibility criteria not passed by the Houses, even where, as the amendment puts it, it is done with the approval of the Oireachtas. Its approval is provided for through the legislation. That is how we make decisions here; we do not approve things. If we are giving eligibility to certain categories, as I would love to do because I agree with what the Deputies are seeking to achieve, it is not appropriate to outsource that power to a Minister because the Oireachtas must maintain the basic policies and principles-----

Deputy Denis Naughten: We do it every year in the case of the Offences Against the State Act.

Deputy Alex White: I disagree. The principles-----

Deputy Róisín Shortall: If what the Minister of State says is true and the Government is going to extend across the population-----

Deputy Alex White: We will do it here in the Oireachtas.

Deputy Róisín Shortall: Why come back with primary legislation? That is nonsense.

Deputy Alex White: It is not. It is the complete opposite and absolutely straightforward, if the Deputy will bear with me. If the Houses pass the legislation, we will give eligibility to children aged five years and under. If and when we extend it, which I very much hope will be soon and substantially, it will be the Members of the Dáil and the Seanad who will do it, not the Minister. The Deputy may smile, but I think she knows I am right.

Deputy Róisín Shortall: It is the Government that needs to decide.

Deputy Alex White: If the Deputy was being fair, she would see that what I was saying was manifestly correct. It is a matter for the Oireachtas and cannot be something that is carved out, hollowed out and given to a Minister. That is the case and for the avoidance of doubt, that is the advice I have received. I accept that advice because it makes sense to do so.

In respect of what Deputy Róisín Shortall said about documentation, it is not within my remit to comment on it, other than to say I agree with her. As a matter of good practice in any parliament, all Members of the Dáil should have access to all documentation. I am not being dismissive, as I am agreeing with the Deputy. If Deputies believe they need or should have certain documentation and have been deprived of it or it has not been circulated to them, as a matter of good parliamentary practice, they should have access to any documentation being relied upon by a Minister, debated or put before the House. That seems to be an example of first principles.

I agree with Deputy Róisín Shortall in respect of nursing home care and the importance of transferring and realigning resources in the community as best we can. This has been done by the Government. A total of €23 million has been realigned, €10 million of which will be used to maintain short-term beds in the community. There will be 45 additional short-term beds at a cost of €3 million and 250 additional intensive home care packages at a cost of €20 million. The Deputy is absolutely right that the trend and emphasis should be on care in the community and that is what we are seeking to achieve. I do not disagree with her in that regard.

We are working on and have achieved much in respect of posts and various health care professional and staffing requirements. When the Deputy was Minister of State, she initiated some very important work in that regard which we have advanced.

What I have always said about the provision for the under-sixes is that this is an interim phase. It provides that all persons under the age of six years will be able to attend a GP free of charge. This service will not be available to a child who has turned or is over the age of six years, as stated clearly in the Long Title of the Bill. Of course, this is the first step in covering the entire population with a universal GP service. The Department is considering options for the next and further phases of this service. We indicated in the Government's statement last week that a paper would be put before the Government in September to guide the future implementation of this very important scheme.

Deputy Caoimhghín Ó Caoláin: The Minister of State did not respond on two matters I

had raised. I asked about a review of the nursing homes support scheme initiated in 2012 which was signalled for completion in 2013. What is the status of that review?

The other matter I raised concerned an overview of the financial elements of the Nursing Homes Support Scheme Act 2009. How have these elements worked in practice? I appreciate that it might be a little more complex than the reply the Minister of State might have to hand, but I hope the review about which I am asking might shed some light on it.

An Leas-Cheann Comhairle: I will take a question from Deputy Róisín Shortall, but we are nearly out of time and must proceed to the Bill.

Deputy Róisín Shortall: Is it proposed to withdraw GP visit cards from children when they turn six years of age? How will this happen in practice?

Deputy Alex White: A review is ongoing. When the nursing homes support scheme was introduced, a commitment was given that it would be reviewed after three years. The terms of reference for the review are:

Taking account of Government policy, demographic trends and the fiscal situation--

1. To examine the on-going sustainability of the Nursing Homes Support Scheme,
2. To examine the overall cost of long-term residential care in public and private nursing homes and the effectiveness of the current methods of negotiating/setting prices,
3. Having regard to 1. and 2. above, to consider the balance of funding between long-term residential care and community based services,
4. To consider the extension of the scheme to community based services and to other sectors (Disability and Mental Health), and
5. To make recommendations for the future operation and management of the scheme.

A consultation process took place in 2012 which included all of the various organisations involved. The review has not yet been completed, but we expect it to be completed in the autumn. Among other things, it will look at the balance of funding between community and residential care. As the scheme is statutorily based, the implementation of recommendations arising from the review may require amendments to the Nursing Homes Support Scheme Act 2009.

To answer Deputy Róisín Shortall's question, the Bill involves extending eligibility for GP services to children under the age of six years. When the legislation is passed, this will be initiated and established and all children under the age of six years will have access to these services. It follows that children aged six years and over will not have access to them, at least until we have an opportunity to extend the scheme. I very much hope there will be further legislation to allow us to do this, although no Government decision has been made in that respect. That is certainly my aspiration. Children under six years will have access to services, while children aged six and over will not. Some preparatory work has been carried out by the primary care reimbursement service, PCRS, and the precise details of the modalities in furnishing cards and the contacting and signing up of individuals will be provided if the legislation is passed by both Houses.

Question put and agreed to.

Health (General Practitioner Service) Bill 2014: Order for Report Stage

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

Question put and agreed to.

Health (General Practitioner Service) Bill 2014: Report Stage

An Leas-Cheann Comhairle: Amendments Nos. 1, 5, 8 and 9 are related and will be discussed together. Recommittal is necessary in respect of these amendments as they relate to the instruction to committee motion.

Bill recommitted in respect of amendments Nos. 1 and 2.

Minister of State at the Department of Health (Deputy Alex White): I move amendment No. 1:

In page 3, line 7, after “years” to insert the following

“; to amend a definition in the Nursing Homes Support Scheme Act 2009;”.

The inclusion of the amendment to the Nursing Homes Support Scheme Act 2009 in this legislation has necessitated a change to the Long Title. This is a technical amendment to provide for the Title to be altered in that regard. I, therefore, ask Members to support the amendment.

Deputy Denis Naughten: The Minister of State made a comment in response to the issues I raised during the debate on the instruction to committee motion. He said they did not come within his remit but that he would take note of them. When children with life-limiting conditions are discharged from acute hospitals back into the community, the cheque is paid by the local PCCC manager. Will the Minister of State clarify whether this comes within his remit, given that he is responsible for primary care? My understanding is it does, but I may be wrong. If it does not, does it come within the remit of the senior Minister or the other Minister of State in the Department?

The amendment I have tabled in this grouping is simple and straightforward. Where applicants have been approved under the nursing homes support scheme and it is financially possible to put a package in place to allow them to remain at home with home helps, physiotherapists, occupational therapists and so on attending to them in the community and with the use of technology, this should be facilitated under the scheme. The difficulty is that when a person is unable to remain at home or being discharged from hospital and not fit to return home, he or she should have the option of receiving supports in the community, rather than shoehorning him or her into a nursing home. I expressed this criticism when the 2009 legislation was going through the House.

The amendment is straightforward and would save the Exchequer money. If the supports required for people to remain in their homes when they have been approved under the scheme are available at a lower cost, this should be facilitated and allowed. The Minister of State will argue that the scheme is under review. That is all well and good, but this proposal would save

the Exchequer money and improve the quality of life of older people. There would be significant benefits across the board and this could act as a pilot project for the extension of such a service. A small cohort of people would be eligible and the objective of the amendment is to provide flexibility in this regard.

It is all the more relevant and appropriate now because technology has come on in leaps and bounds. Independent Living Ireland has an apartment on Connaught Street in Athlone. I encourage the Minister of State or any other Member to visit. Staff can demonstrate how they use different technological tools to appropriately monitor people with disabilities or older people in their homes to the extent required without going over the top. For example, a monitor could be placed on a kettle to ensure the person was up and moving about. If he or she flicks on the kettle, the monitor indicates that this has happened. Nothing more is needed because they now know the person is up and about. Naturally, such an individual would not be eligible under the nursing homes support scheme. However, if a more cost effective care package using technology to maximise the independence of clients in their homes can be put in place, surely that would make more sense from a financial perspective, as well as, more importantly, from a community and a quality of care perspective.

The scope of the amendment is limited in that a relatively small number of people would be able to avail of it, but, surely, we should explore such a proposal. It could act as a precursor for its expansion when the review of the scheme has been completed. I ask the Minister of State to accept the amendment now and not to kick the can down the road until the review has been completed. Deputy Willie O'Dea published legislation last week along the same lines as the principle I propose. I hope the Minister of State can accept the amendment which would benefit society as a whole.

Deputy Alex White: I overlooked the fact that we were dealing with grouped amendments and did not refer to amendments Nos. 5, 8 and 9.

We dealt with amendment No. 5 when we took the motion. The nursing homes support scheme is predicated on the principle that applicants must contribute according to their means. The Act provides that assets transferred within the five years prior to applying for the scheme must be taken into account in the financial assessment. This provision does not affect a person's right to sell assets for full market value. It is intended to prevent people from depriving themselves of assets for the purposes of the financial assessment. This is a technical amendment to put it beyond doubt that assets transferred after an application under the scheme is made also come within the definition of transferred assets. It is essential that there be no ambiguity in this regard and I, therefore, ask Members to support the amendment.

I do not intend to move amendment No. 9. The additional amendments to the legislation are relatively minor and, therefore, it would be useful for all concerned to continue to use the current proposed Title. Accordingly, I do not propose to move the amendment.

With regard to Deputy Denis Naughten's amendment, the nursing homes support scheme is being reviewed. The review is considering the balance of funding between long-term residential care and community-based services and the extension of the scheme to community-based services and other sectors. The outcome of the review will inform future policy on community services for older people. The amendment, regrettably, pre-empts the outcome. Timing of the review aside, the term "home care package" is not defined in legislation. The amendment proposes to put the service on a statutory footing, but it does not define the service or set out what it

encompasses. This would leave the composition of a home care package open to interpretation and could result in different models emerging.

A further difficulty is that the amendment seeks to amend section 14 of the Nursing Homes Support Scheme Act 2009 which relates to the calculation of the amount of State support under the scheme. At the point this is being calculated, the person concerned has been deemed to require long-term residential care services. Such services are defined in the Act and include 24-hour nursing care. This determination has been made following a care needs assessment and consideration by the local placement forum. The cost of a home care package to encompass 24-hour nursing would be substantially higher than that of an average home care package. If accepted, the amendment would create a new pathway for accessing home care packages, but would not remove the current mechanism for accessing the service. This would result in a two-tier system whereby people who access home care packages under current arrangements would make no contribution to the cost, while people who access them in the manner proposed by Deputy Naughten would pay a contribution at the same level as those in receipt of financial support under the nursing home support scheme. For those reasons I do not propose to accept the Deputy's amendment.

Deputy Denis Naughten: I am shocked that the Minister of State will not accept my amendment. This review has been going on for more than two years and it will be some time before we see movement on it. My amendment is balanced and fair. A very limited number of people would be able to avail of it, and the Minister of State raised some of the restrictions that will apply to it. If the Minister accepts the principle of this, he will table a re-drafted amendment that will clearly define a home care package. It galls me when Ministers come here and split hairs on the wording of amendments. While I have no difficulty when Ministers disagree with the principle of amendments, I object to their splitting hairs over the wording when they know in their hearts and souls that we on this side of the House do not have the access to the Office of the Parliamentary Counsel the Government side has. We are trying to raise the principle of the issue. I will press the amendment later, and I ask the Minister of State to reconsider his position on it.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 10 are consequential on amendment No. 6. Amendments Nos. 2, 6 and 10 will be discussed together.

Deputy Alex White: I move amendment No. 2:

In page 3, line 7, after "years" to insert the following:

"to repeal and replace section 8 of the Opticians Act 1956 to provide for the years which are to be election years for the purposes of that Act;"

The inclusion of the amendment to the Opticians Act 1956 in this Bill has necessitated a change to the Long Title. Amendment No. 2 is a technical amendment to provide for the Title to be altered and I ask Deputies to support it.

Amendment No. 6 relates to the Opticians Act 1956, which regulates the professions of optometrist and dispensing optician. The amendment is to change the election year of Bord na Radharcmhastóirí, the Opticians Board, from 2014 to 2015 and provide that the subsequent election years will be 2019 and each fifth successive year thereafter. The amendment would

have the practical effect of removing the requirement to hold elections to the board this year. It would also extend the terms of office of the current members of the board for up to one year until the regulation of the professions of optometrist and dispensing optician has been transferred to the amended Health and Social Care Professionals Act 2005 by the end of this year or early next year. The amendment must be made before the autumn of this year because the Act requires that the elections in an election year be under way by that stage. The alternative would be to hold elections and appoint a new board in 2014 to hold office for a very short period, if at all.

The background to the amendment is the well-advanced proposal to subsume the Opticians Board into the Health and Social Care Professionals Council in accordance with the Government's programme of rationalisation of State agencies. The drafting of the Bill to rationalise the Opticians Board into the Health and Social Care Professionals Council is being finalised and is expected to be published in the coming weeks with a view to its enactment by the autumn of this year. This will pave the way to allow the Opticians Board to be subsumed into the council by the end of this year or early next year. The Bill will provide for the repeal of the Opticians Act 1956, the dissolution of the Opticians Board and the establishment of a new optical registration board to regulate the professions of optometrist and dispensing optician under the 2005 Act. In the meantime, a non-statutory, interim optical registration board has been established to begin the necessary preparatory work, including the drafting of by-laws. The intention is that the members of the interim board will be appointed to the statutory board when it is established, and the statutory board will immediately publish the draft by-laws as part of the required consultation process.

The 2005 Act provides for the statutory regulation of the professions designated under the Act, namely, clinical biochemist, dietician, medical scientist, occupational therapist, orthoptist, physiotherapist, podiatrist, psychologist, radiographer, social care worker, social worker, and speech and language therapist. Regulation under the 2005 Act is primarily by way of the statutory protection of professional titles by confining their use solely to persons granted registration under the Act. The structure of the system of statutory registration comprises registration boards, the committee structure to deal with disciplinary matters, and the Health and Social Care Professionals Council with overall responsibility for the regulatory system. The proposed amendments to the Opticians Act are consequential to its proposed repeal during 2014 or early 2015.

As 2015 is an election year under the Opticians Act 1956, the terms of office of the current board will expire on 31 December this year, and an election will need to be held before 1 December 2014. The proposal is to amend section 8 of the Act to change the next election year from 2014 to 2015. While it is intended that the legislation to dissolve the Opticians Board will be enacted in time to allow the new registration board to be established and make the necessary by-laws before the end of the year, any slippage in an already tight timeline could cause the delayed transfer, possibly into 2015, of the registrants under the Opticians Act 1956 to the new registers to be established under the amended Act. This amendment, by removing the need to hold an election this year, would also ensure the current board would remain in place to continue regulating optometrists and dispensing opticians for as long as necessary into 2015 until the Opticians Board is dissolved and its functions transferred to the Health and Social Care Professionals Council and new optical registration board. Therefore, I respectfully ask the Deputies to support the amendment.

Amendment No. 10 is a technical amendment to provide for a collective citation for the

Opticians Acts following on from amendment No. 6, and I ask the Deputies to support it.

Amendment agreed to.

Bill reported with amendments.

Amendment No. 3 not moved.

Deputy Alex White: I move amendment No. 4:

In page 5, to delete lines 33 to 40 and substitute the following:

“(8) (a) The Minister may define the manner in which consultations under subsection (5) are to be conducted and, in doing so, shall have regard to any agreement entered into between the Minister and representatives of relevant medical practitioners relating to the conduct of consultations under that subsection.

(b) The Minister or, as the case may be, the Health Service Executive shall conduct consultations under subsection (5) in the manner defined under paragraph (a) and with such representatives of relevant medical practitioners or otherwise as the Minister or, as the case may be, the Health Service Executive considers appropriate, and nothing in the Competition Act 2002 shall prevent participation by the Minister, the Health Service Executive or any such representative in such consultations, or the communication and discussion of the outcome of such consultations by the representatives with the relevant medical practitioners they represent.”.

Section 5 provides for the insertion of sections 58B and 58C into the Health Act 1970. Section 58C provides that the HSE would be entitled to enter into a contract with any suitably qualified and vocationally trained general practitioner for the provision of GP services to all children aged five years and younger. Subsection (2) provides that the contract shall specify the services to be provided by the GP. Subsection (3) empowers the Minister for Health, with the consent of the Minister for Public Expenditure and Reform, to fix the rate of fees and allowances to be paid to GPs for services provided under these contracts. Subsection (5) obliges the Minister, before making or varying a regulation, to engage in such consultations as he or she considers appropriate. In setting a fee under a regulation, the Minister is required to consider any submissions made and views expressed in the consultations under subsection (7).

Subsection (8), as published, allows the Minister to define the manner in which the consultations are to take place and expressly allows the Minister to consult with representatives of GPs. I propose to amend subsection (8) to ensure the Minister, in defining the manner in which consultations are to be conducted, must have regard to agreements entered into with representatives of GPs relating to the conduct of such consultations. In proposing this amendment I wish to ensure that the framework agreement concluded with the Irish Medical Organisation last month, which I signed on 4 June, will have the benefit of being referenced in law. This agreement with the IMO sets out a process of engagement on all aspects of the general medical services, GMS, contract with GPs, with due regard to the IMO's representative role and within the context of legislation underpinning the introduction of GP care free at the point of access. That engagement with the IMO has begun regarding the draft contract for the provision of services to all children aged five and under.

Under the framework agreement, the IMO can fully represent its members in respect of

discussions around all aspects of this draft contract, including fees, and in relation to the GMS contract. As the IMO has stated, this agreement removes major obstacles to engagement between the IMO, the Department of Health and the HSE. The way is now clear for open and constructive discussions regarding primary care, which will lead to an enhanced GP service through universal GP care. The amendment, which I commend to the House, will further serve to facilitate this open and constructive discussion.

Deputy Caoimhghín Ó Caoláin: I understand the thrust of what the Minister is trying to achieve, the referencing to the Competition Act, and it is worthy of our support. It is crucial that such consultation take place.

I welcome the fact that it has finally got under way. It has been awaited for a long time. I wish the exercise every success. Although there is no difference with regard to what is already provided for in subsection (8) on page 5, the amendment says the Minister shall have regard to any agreement entered into between the Minister and representatives of relevant medical practitioners relating to the conduct of consultations under subsection (5). I am anxious to know if the IMO is the sole representative body with whom the Minister must engage. Does he expect to have to engage with any other representative bodies of medical professions on the matters provided for in the legislation?

2 o'clock **Deputy Alex White:** I thank the Deputy for the positive remarks at the outset of his contribution and for wishing the exercise success, which all Members desire. The framework agreement I signed was with the IMO. The IMO has been the primary representative body of general practitioners in the State. For that reason, it is proposed to continue that relationship. It is not a relationship in the traditional industrial relations sense which exists between employers and employees. However, it is an important relationship and one which has been in place for many years. It is appropriate that it should continue. Therefore, we had the so-called “talks about talks” with the IMO and have now reached the stage of substantive talks.

The IMO’s response to the draft contract that we published in January this year is well known. Its concerns about the nature of the engagement that was being proposed were expressed publicly and repeatedly. We have to a very considerable extent resolved those concerns and the IMO has co-signed the agreement. In fairness to the IMO, as well as expressing its concerns at the time, it made a substantive submission on the contents of the draft contract. Leaving aside the Irish College of General Practitioners, which is the professional body, the IMO was the only organisation that made a submission of substance on the draft contract, albeit objecting to much of its content. At least it engaged at that stage with a submission of substance which can form part of its deliberations with the HSE. That is the basis on which we intend pursuing the matter.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 5 and 6.

Deputy Alex White: I move amendment No. 5:

In page 7, between lines 1 and 2, to insert the following:

“Amendment of Schedule 1 to Nursing Homes Support Scheme Act 2009

6. Schedule 1 to the Nursing Homes Support Scheme Act 2009 is amended, in Part 3, in paragraph 1, in the definition of “transferred asset”, by inserting “, or at any time on or subsequent to,” after “5 years prior to”.”.

Amendment agreed to.

Deputy Alex White: I move amendment No. 6:

In page 7, between lines 1 and 2, to insert the following:

“Election years for purposes of Opticians Act 1956

7. The Opticians Act 1956 is amended by substituting the following for section 8:

“Election years

8. The year 2014 shall not be an election year for the purposes of this Act and the following years shall be election years for those purposes:

(a) 2015;

(b) 2019;

(c) each fifth successive year after 2019.”.”.

Amendment agreed to.

Bill reported with amendments.

Deputy Denis Naughten: I move amendment No. 7:

In page 7, between lines 3 and 4, to insert the following:

“7. (1) Information in the possession of the Health Service Executive shall be supplied, to such other Minister of the Government who requires and requests it, for the performance of his/her functions.

(2) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of information obtained by or furnished to the Department of Social Protection, the Minister for Social Protection shall, at such intervals as are specified by the Health Service Executive, supply to the Executive such information in the Minister’s possession which may be required by the Executive when considering eligibility for services under this Act.

(3) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of information obtained by or furnished to the Department of Children and Youth Affairs, the Minister for Children and Youth Affairs shall, at such intervals as are specified by the Health Service Executive, supply to the Executive such information in the Minister’s possession which may be required by the Executive when considering eligibility for services under this Act.”.

I should have noted at the outset on Second Stage that I have a vested interest in the legislation. Depending on when it is implemented, one or two of my children will be able to avail of its provisions. My older son is five years old in September. I hope that he and many more of

his cohort will be able to benefit for a substantial period of time.

Deputy Alex White: So do I.

Deputy Denis Naughten: My amendment is technical in nature. On Committee Stage, I felt there was a need to tie up some of the loose ends on the sharing of information by Government agencies and Departments. I have made an error in the amendment in that I have not included the Department of Education and Skills, which should be in there.

At issue is the sharing of information among the Department of Social Protection, the Department of Children and Youth Affairs and the Department of Education and Skills. The legislation sets out two tests for eligibility for a doctor visit card. First, the child must be under the age of six years, which information can be obtained easily through the GRO, which is under the remit of the Department of Social Protection. I presume the HSE already has access to that. The more important test is residency in the country. It would benefit PCRS in Finglas if it were able to link in with the database of the Department of Education and Skills to establish whether a child is in school or availing of the ECCE scheme and resident in the State. Of the cohort of children, 97% are availing of ECCE, and school attendance statistics are similar. The Department of Social Protection carries out tests on residency on an ongoing basis.

The Minister of State will probably make the argument that people will be attending their GPs. That is not the case, however. While some children will attend their GPs frequently, I suspect that many will not, particularly after they have had the required vaccinations, as they will not be sick. Children could have left the country. Private patients would not be on a GP's ongoing register for medical cards, which cover approximately 60% of the children we are talking about. The last thing any of us wants is a situation in which we are paying out money for children who are no longer resident in the State.

The Department of Social Protection spends €7.5 million to administer the child benefit scheme annually. It issues 600,000 letters a year, which is enough paper to cover the pitch at Croke Park two and a half times. That does not include postage stamps and envelopes. It costs money. Each year, the control section of the Department of Social Protection recoups €75 million in child benefit payments, a substantial amount of which relates to children who are not resident in the State. Their parents have PPS numbers and may be in receipt of other social protection benefits, but they have emigrated while the money continues to be lodged in a bank account. Under the child benefit scheme, once a child reaches school-going age, he or she must be attending school to be eligible for a payment. That is not enforced, which is a significant part of the problem. Another problem is that the letters must be issued in respect of children under the age of five. GPs must certify that the child is still resident in the State.

Rather than issuing 600,000 letters annually through the Department of Social Protection and having the Department of Health issue payments to GPs through the HSE and PCRS for children who are no longer resident in the State, I propose amendment No. 7. I propose the amendment to link the sharing of information between the Department of Social Protection, the Department of Children and Youth Affairs and the Department of Education and Skills so there is a sharing of data on the residency of the children. The information the PCRS has will assist the Department of Social Protection in ensuring child benefit is not paid to children not resident here. The same is true of information held by the three Departments, which will benefit PCRS in making sure it is not paying GPs for children in cases where the GPs may not know the children have left the country.

We had a problem in the past whereby the Exchequer paid GPs for people who were dead. It was a big scandal a number of years ago and we do not want to create another anomaly in legislation and another loophole that sees valuable resources and taxpayers' money being spent on children who are not resident in the country. I urge the Minister of State to accept the amendment and to ensure the sharing takes place.

Deputy Alex White: The furnishing of personal data to and by the HSE is adequately provided for by section 8 of the Health (Alteration of Criteria for Eligibility) Act 2013, which was passed by the Houses last year. The 2013 Act provides for the exchange of personal data between HSE, the Revenue Commissioners and the Department of Social Protection for specific purposes with a view to ensuring public services are delivered as efficiently as possible to those who have an entitlement to such services. Since implementation of the legislation, the HSE has exchanged relevant personal data with the Revenue Commissioners and the Department of Social Protection for the purposes of assessing or reviewing eligibility for services provided under the Health Acts.

The preparation of the 2013 legislation involved extensive consultation with the HSE, the Revenue Commissioners, the Department of Social Protection and, in particular, the Office of the Data Protection Commissioner. Under the legislation, the HSE is obliged to be mindful of its responsibilities to protect the rights and privacy of individuals in accordance with the Data Protection Acts 1988 and 2003. A primary objective of public service reform is to integrate services with a view to providing better services to citizens and greater efficiency for the State. Co-operation between public bodies at national and local level is one of the key pillars to the achievement of this objective. In this context, the Department will continue to support the HSE in its exploration of opportunities to exchange data with public bodies, with a view to ensuring public services are delivered as efficiently as possible and, with regard to what the Deputy seeks, to those who have an entitlement to such services. That includes the question of ordinary residence because a person who is not ordinarily resident in the State is not entitled to the service we are dealing with.

Consideration of proposals to include other relevant bodies within the legislation can be entertained in the future if it becomes necessary and if a case is made. The HSE can identify other agencies with which datasharing is appropriate but it has not done so as yet. If such circumstances arise and the HSE identifies another agency or body in respect of which it seeks data exchange, we can address that with legislation.

In those circumstances, I do not propose to accept the amendment. Adequate provision has been made in legislation introduced only last year in respect of the sharing of information and data. It is appropriate that there should be sharing and exchange of data although that has not been the case in the past. It is easier to do now in terms of developing technologies and it is appropriate to do so. In respect of children under six years of age, where there is a non-active medical card, and where the service has been extended to children under this legislation, the same processes apply. Where there is a non-active card for a period of time, it triggers a probity exercise by the PCRS in respect of searching out the circumstances of the non-active card. Deputies are aware that there is a probity exercise ongoing in respect of medical cards and querying the continuing eligibility of persons with medical cards. It is being assisted by the measures introduced last year with regard to data sharing. We are alive to the issue raised by the Deputy but it is not necessary or appropriate to amend the legislation in the manner proposed. We will keep the matter under review and the HSE should do likewise with regard to any necessity that may arise in the future to add any new agencies or bodies to those currently

comprehended by the datasharing arrangements.

Deputy Denis Naughten: I am disappointed by the response, which is basically suggesting that when we find there is a problem and when we find we are paying GPs for children who are not in the early childhood care and education scheme or not in school, we will return to the House for legislation. That is closing the door when the horse has bolted and I am trying to pre-empt that. There is an effective database within the Department of Children and Youth Affairs and an effective and comprehensive database in the Department of Education and Skills. The sharing does not take place with the Department of Social Protection. By linking the two Departments with the PCRS, one third of the children granted eligibility in this legislation can be monitored on an ongoing basis as to their residence in the country without having to go through a probity exercise and without having to send out 600,000 letters on an annual basis to see if the children are resident. We will not have to go through the probity exercise in respect of non-active cards because we will be able to check through the Department of Education and Skills and the Department of Children and Youth Affairs that the children are attending school and availing of the early childhood care and education scheme. Rather than all that we have done over the past number of years to close the door when the horse has bolted and where there are loopholes in respect of the nursing home Act, only when someone may be able to avail of the loophole do we decide to close the door rather than dealing with this at the initial stage and ensuring that the three databases are linked so that only eligible children and those legitimately entitled to cards receive them in the first place and retain them.

Deputy Caoimhghín Ó Caoláin: I have no objection in principle to the thrust of Deputy Denis Naughten's amendment. He proposes something we wanted to see, covering a range of areas. Rather than Departments operating in silo fashion, we should have joined-up Government. It is another practical example of an area with a myriad of benefits. It concerns not only the elimination of those who should not be entitled to what the Bill plans to provide. There might be any number of other areas in which positives could accrue. We should not be resistant to propositions. There are no defensible objections to what the Deputy is proposing to achieve. It merits the Minister of State reconsidering and, for those reasons, I record my support.

Deputy Peter Mathews: I support the amendment proposed by Deputy Denis Naughten. As Deputy Ó Caoláin stated, it makes good sense and what makes good sense is capable of being enacted in law. Where housekeeping arrangements are clear, unambiguous and fair in the context of what is being attempted to achieve, it should be introduced. As was said, the Department has excellent resources and people who can put the principle we are attempting to achieve in nice, clear and unambiguous terms. It is worth doing that at this stage.

Deputy Alex White: I do not propose to say much more other than that much of what the Deputies want to see in place is in place and was passed in the Houses last year in the first of the two pieces of legislation dealing with alterations to eligibility for those over 70 years. The Houses passed legislation then which broadly facilitates what the Deputies seek.

Deputy Denis Naughten has indicated that his amendment does not include the Department of Education and Skills-----

Deputy Denis Naughten: That was an error.

Deputy Alex White: I am not criticising the Deputy. I am simply saying his amendment would not achieve much of what is being argued for if we passed it in its current form, notwith-

standing its intent. Also, last year when the legislation was being passed, there was extensive contact and discussion with the Data Protection Commissioner because of the real concerns in respect of personal data and information. All Members will understand and appreciate this. Those concerns cannot always be the decisive issue, because public policy questions interact with the issue of protection of private data. I would not be in a position to proceed with this amendment in circumstances in which we had not at least gone through the process of engagement with the Data Protection Commissioner in respect of the implications under the Data Protection Acts, and for the other reasons I have given.

I understand and appreciate what the Deputies are saying, but I believe we are covered substantially by what we did in the legislation last year. However, this is not and cannot be a closed issue forever. The issue may well be raised again in future legislation. If we believe we need to improve the data protection systems we have in place, we can do so then.

Deputy Denis Naughten: I am disappointed that the Government is not prepared to accept the principle of my amendment, which is that the HSE, through its office in Finglas, should have, if required, access to the database held by the Department of Children and Youth Affairs and the Department of Education and Skills in regard to children under the age of six years who are attending either the education system or the preschool system. This covers one-third of the children who will be provided with eligibility under this proposed medical card scheme. The parents of some 60% of these children do not have a medical card. These children are not frequent GP attenders, because their parents cannot afford to fork out €50 or €60 on a GP. Many of these children will end up with non-active cards over a period. I know from my family - I have four small kids - that it is not often that I go to the GP with them; therefore, their cards could very well be non-active. Why, therefore, should we place a responsibility on the HSE to send a probity form which will need to be returned, either by the GP or by the parent, when a request could easily be made to the Department of Education and Skills seeking information on whether Johnny Murphy or whoever is attending school? Why can the Department not be given his age and PPS number and asked whether this five and a half year old is attending school? Then, at that stage, we could go through the probity process if required. This would be preferable to creating more paperwork such as that in the Department of Social Protection, where some €7.5 million is spent on administration of the child benefit scheme. Not all of that paperwork relates to control, but some 600,000 letters a year go out to parents in regard to this scheme, bringing in savings of €75 million a year.

There is a problem currently, but by sharing information across Departments, we can ensure those who are legitimately entitled to a service can get it. We can ensure children under the age of six years who are resident in this country can get the service and that we do not pay GPs for children who are no longer resident here because their families have been forced to emigrate. These families are now living in Australia, Canada, the United States or the United Kingdom, yet GPs in some parts of the country will still be paid for these children until somebody cops on that they are no longer resident in the country. This will then involve a paper trail to try to find out when they left the country and to try to recoup the payments from the GP. We are back to the old policy we had where we were paying GP fees for medical cards for patients who were dead.

We have an opportunity here to close off a potential loophole. I urge the Minister of State to think about this. His colleague gave a commitment this morning that another emergency piece of legislation relating to medical cards is to come before the House next month. I urge him to return to the House next month with an amendment that will deal with this issue. I ask him to

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commit to the House that he will do this.

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 8.

Deputy Denis Naughten: I move amendment No. 8:

In page 7, between lines 3 and 4, to insert the following:

“Amendment to the Nursing Homes Support Scheme Act 2009

8. Section 14 of the Nursing Homes Support Scheme Act 2009 is amended by the insertion of the following subsection:

“(4) Where a person is offered State support under subsection (1), such person shall, as an alternative to that support, be entitled to request and be offered a home care package if such home care package meets the person’s care needs and is less costly than the long-term residential care service.”.

Amendment put and declared lost.

Amendment No. 9 not moved.

Bill reported without amendments.

Bill recommitted in respect of amendment No. 10.

Deputy Alex White: I move amendment No. 10:

In page 7, between lines 7 and 8, to insert the following:

“(3) *Section 7* and the Opticians Acts 1956 and 2003 may be cited together as the Opticians Acts 1956 to 2014 and shall be construed together as one.”.

Amendment agreed to.

Bill reported with amendment.

Bill, as amended, received for final consideration.

Health (General Practitioner Service) Bill 2014: Fifth Stage

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

Deputy Caoimhghín Ó Caoláin: I support the Bill’s passage. However, we are against a very unhappy backdrop in dealing with this matter and it would be wrong of us to let this occasion go by without reflecting on some of the widely shared concerns in regard to medical cards. We are providing for GP-only cards for all children up to the age of six years. Also, we are advised that some 15,300 people who lost their medical cards since 2011 will receive notices by letter that these cards are being reinstated in the next two or three weeks. This, because of the criteria set down, is confined to former holders of medical cards on a discretionary basis, related to hardship caused by particular illnesses, conditions or disabilities. Those concerned must, as

criteria No. 2 states, have submitted documentation to the HSE when they were notified that their cards were being reviewed.

There is a significant discrepancy. The Minister of State has cited the figures, as have other Government voices in recent weeks. There is a huge discrepancy between the number of people in the category I have just described - some 15,300 - and the number of medical cards that have been removed under this heading. Somewhere in the order of 30,000 has been suggested by the director of primary care, Mr. Hennessy. I have no doubt that many people who had their discretionary medical cards taken from them looked at the situation, at what was happening and being reported and decided there was no point in proceeding with the review process. Others among them might not have been able to do so for a variety of reasons including issues of personal competency or ill health. I have already posed the question as to whether people who validly held medical cards under the discretionary heading but did not proceed with the review process will now be excluded from the restoration process just announced. If so, that will compound a very serious situation.

Will there be a process of appeal or review for those who have had their medical cards cut over the relevant period but who do not receive a letter in the coming weeks? What can they do? There are thousands of them - according to the numbers the Minister of State has reported to us, some seven odd thousand of the 15,000 referred to previously. What about those who applied for cards on discretionary grounds over the relevant period, 2011 to 2014, whose applications were refused? This is important, given that the same criteria of assessment were applied to such people over those years as to those who had their medical cards taken from them. Surely they are equally entitled to have their situation taken into account now. These are matters that will not go away. All of the wishful thinking in the world will not set those particular discrepancies aside.

There is also an issue with regard to recompense. The Minister of State has very strongly rejected appeal after appeal from Opposition Deputies. I have no doubt that such appeals are also coming from Government Deputies, albeit in a more hushed tone. It is absolutely essential that for whatever period of time we have to wait for the introduction of universal entitlement that-----

An Ceann Comhairle: I am afraid the Deputy is straying a little.

Deputy Caoimhghín Ó Caoláin: We cannot have a body of people, hurt and excluded, who have been doubly hurt by being further excluded, as in the cases to which I referred.

I indicated to the Minister of State before any and all of that presented that I would support the introduction of free GP cards for children up to the age of six years as an integral part of a programmed, timeframed introduction of universal entitlement to free GP care, itself a pillar of what I believed we all wanted to see, namely universal entitlement to health care across the board on the basis of need alone. I am still anxious to get to that point. I still need assurances from the Minister of State that such a timeframe is in his mind and those of his colleagues at the Cabinet table. It is very important that we do not park what this Bill now provides for and allow an inordinate period of time to pass during which we are looking after one body of children up to a particular age, with a very different picture presenting for everyone else. That simply would not be acceptable and I want to make that absolutely clear to the Minister of State. My support throughout has been based on the understanding that this was to be a first step; a replacement first step for earlier first steps which were set aside. I trust that we will hear from

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the Minister of State very soon how he intends to proceed to continue to roll out access to free GP care for others in the population, culminating ultimately in such access for everyone. That is where I want to arrive at.

In the context of the backdrop of the discretionary medical cards and all that we have had to contest across the floor of this House in recent months, I ask the Minister of State to take on board those particular sores that continue to fester. The fact that there are people who are to be excluded again is wrong. Recompense must be provided. I appeal to the Minister of State-----

An Ceann Comhairle: I am sorry, Deputy, but contributions must be confined to what is in contained the Bill, not what he would like to be in it.

Deputy Caoimhghín Ó Caoláin: In confirming my support for-----

An Ceann Comhairle: The Deputy is not listening to me.

Deputy Caoimhghín Ó Caoláin: I hear the Ceann Comhairle very clearly.

An Ceann Comhairle: I have been very liberal. Please do not spoil the party.

Deputy Caoimhghín Ó Caoláin: In confirming my support for the passage of the Bill I am asking the Minister of State to take on board the appeals I have just made.

An Ceann Comhairle: I call Deputy Denis Naughten and ask him to confine his comments to what is in contained the Bill, not what he would like to be in it.

Deputy Denis Naughten: I am sure the Ceann Comhairle will be as liberal in his interpretation of that as he was with Deputy Caoimhghín Ó Caoláin, but I will be brief.

All of us in this House, whether in opposition or government, are concerned that we are now going to create a huge discrepancy between the entitlements of children under the age of six years and those over that age, particularly with regard to children with chronic or ongoing conditions. That is the fear that we have *vis-à-vis* this legislation. The Minister of State has made it quite clear that this is only the first step on the road to universal entitlement and that it is his intention to progress this further. We are all taking him at his word. However, with the announcement that he made during the Second Stage debate on this Bill regarding discretionary medical cards, the Minister of State has created an anomaly which I have described as institutionalising discrimination. I will give one brief example of what I mean and will then sit down.

Take two teenagers attending school, for argument's sake, in Athlone. I use Athlone in my example because it crosses the old Midlands-Western Health Board boundary. These two kids are sitting side by side in school and their parents have the exact same income. One of them resides in County Roscommon and the other in County Westmeath. They are both diagnosed with cancer in June of 2011. The child in County Westmeath got a medical card automatically because of the cancer diagnosis. The child in County Roscommon applied for a medical card, was refused, appealed the decision on the basis of medical hardship but the appeal was not upheld. When the discretionary medical card of the child in County Westmeath came up for renewal under the PCRS, the card was withdrawn because the child did not meet the standardised criteria. With the Minister of State's recent announcement regarding the return of discretionary medical cards to those who had them withdrawn, the child in County Westmeath will get the medical card back. However, the child in County Roscommon who applies again for a medical card will still be judged on the current rather than the historical criteria and will be

refused again. That discrimination is continuing and what the Minister of State has now done has institutionalised that. The Minister of State has made a fundamental error in the context of his recent announcement and he needs to look again at the criteria for assessing entitlement to discretionary medical cards to ensure equality of treatment.

Minister of State at the Department of Health (Deputy Alex White): I thank Deputies for their contributions to the debates on the various Stages of this critically important legislation which incorporates a public health initiative, of which we can be proud. Despite the great financial constraints and retrenchment that have marked recent years, most notably in the health service, the legislation highlights the fact that we are taking a first step together to reform the health system and put in place, beginning with those under six years of age, universal access to GP services. I thank Deputies for taking in good faith my assertion that the legislation is, in accordance with commitments in the programme for Government, only the first step in the introduction of this necessary service.

Deputy Caoimhghín Ó Caoláin has stated what we are doing is taking place against an unhappy backdrop and I am inclined to agree with him in that regard. We have, to some extent, been struggling to address the issue of medical cards awarded on a discretionary basis and decisions made in that regard. I agree with the Deputy that this is not the context in which we would want to be discussing and deliberating on a universal system of health care. The first priority of the health service must be to deal with those who are ill and need immediate access to care and services. It must be stated that in trying to deal with the various anomalies, contradictions and injustices that arise and the real need among families with sick children and adults with particular medical conditions, we must also begin to consider how best we might introduce a universal system of health care. For many people, including me, the introduction of such a system is ultimately the only way to address the issues to which I refer. We are trying to operate on two fronts and I accept the Deputy's assertion to the effect that this is not the ideal backdrop to what we are seeking to do. However, that fact is not a basis for stating we will delay the introduction of a universal system of health care. Notwithstanding the contradictions, anomalies and injustices that have been thrown up in the context of the existing medical card system, I remain convinced that we are right to proceed with introducing the universal system.

In the context of appeals, those who have not heard from the PCRS by mid-July should contact the HSE about the return of their discretionary medical cards. The PCRS is working through the cases it has in hand in respect of individuals and families and I am advised that it is making good progress. It is anxious to expedite matters, but if people have not heard from it by the middle of July, they should seek to make contact.

What Deputy Denis Naughten said is true in many ways. He referred to institutionalising discrimination, but, as he acknowledged, there was already that discrimination. In that context and if I recall the figures correctly, the rate for the awarding of discretionary medical cards in Cork was 71% above the national average, while in County Meath it was in the order of 68% below the average. The position differed in all other counties in between. That simply cannot be right, fair or just. Some people have stated the rates differed so significantly as a result of, for example, the strength of the advocacy in various areas. I do not know whether that is the reason. No one is ever going to criticise a local health officer for helping a family. Why, in all humanity, would anyone do so? At the same time, however, we, as legislators, and the Government must ensure fairness and see to it that resources are allocated properly. I hope I am not interpreting her words incorrectly, but Deputy Róisín Shortall stated resources should be allocated in a fair and just way, not to the person who shouts loudest. I agree with her in that

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regard and, ultimately, that is what we are seeking to do.

Deputy Denis Naughten was right when he referred to the problem *vis-à-vis* people whose medical cards had been withdrawn and then returned and those who never had them in the first instance. That problem has been ongoing for some time, but it will ultimately be solved.

Deputy Denis Naughten: It is being copperfastened.

Deputy Alex White: It is not because we have signalled our intention to develop a policy which will ensure we can actually supply necessary services to people on the basis of their medical need. That policy will be standard throughout the country and it will mean that children in Roscommon and their counterparts in County Westmeath will be dealt with on the basis of their needs rather than, as was historically the case, on the basis of where they live, who is their local health officer, the strength of advocacy or anything of that nature.

I again thank Deputies for their extremely valuable contributions and input. I am delighted to see this landmark legislation being passed by the House.

Deputy Róisín Shortall: A Cheann Comhairle-----

An Ceann Comhairle: I am sorry, but the debate has concluded because the Minister of State has replied.

Deputy Róisín Shortall: I just wanted to ask him if he would consider correcting the record.

An Ceann Comhairle: We cannot enter into a debate on that matter. Unfortunately, the Deputy was not present before I called the Minister of State to reply and it is not possible for her to make a contribution now.

Question put and agreed to.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the Employment Permits (Amendment) Bill 2014 and has made amendments thereto.

Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013 [Seanad]: Second Stage (Resumed)

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

An Ceann Comhairle: As the Deputy who was in possession is not present and as no other Members are offering, I am obliged to call the Minister of State to reply to the debate.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank Deputies for their contributions to the debate on the Bill. It is clear that many of them have a significant interest in the co-operative sector, in particular, which is testament to the important role co-operatives have played in Irish society during the past century. The

Bill is designed not to solve all issues affecting the co-operative sector but rather to address the particular problems which have been identified by the sector as the ones of most pressing concern. There is a need to update the legislation which governs co-operatives. As matters stand, the legislation does not define what is a co-operative and does not even include the term “co-operative”. When the Companies Bill is enacted and the new arrangements for companies are up and running, the Government intends to turn its attention to the non-company forms such as co-operatives and friendly societies and put in place a new, modern structure for these entities.

I thank Deputies for their generally positive contributions and welcome for the general thrust of the Bill. While welcoming the Bill, Deputy Peadar Tóibín was somewhat critical of the Government’s role in the development of co-operatives. I remind Deputies of the significant reduction in fees charged by the Registrar of Friendly Societies introduced during 2012, the UN-designated International Year of Co-operatives. These reductions - up to 70 % in some instances – mean that the issue of financial cost as an obstacle to establishing a business as a co-operative rather than as a company has been removed. We viewed this as a first step in the process of assisting the development of the co-operative model.

Reference has been made to the active promotion of co-operatives. It is my Department’s role to provide the legislative framework within which business entities can operate. The co-operative model is one of several legal options available to those considering establishing in business and the various models have distinct characteristics. In the case of co-operatives my Department’s role is to facilitate their development, rather than actively encourage or promote them. We do not promote one co-operative over another. It is up to each individual operation to choose the model that best suits the nature of the business and the desired ethos of the entity. Other Departments, however, have more direct engagement with co-operatives and the co-operative movement and often have an interest in promoting the co-operative model in a particular area. For example, the Department of Agriculture, Food and the Marine deals with many of the larger agricultural and dairy co-operatives, while the Department of the Environment, Community and Local Government deals with housing and water schemes which make up one third of all co-operatives registered, as well as community-based co-operatives. The Department has been strongly supportive of the UN resolution on co-operatives in social development, indicating that it envisages a key role for the voluntary and co-operative sector in the delivery of social housing in the future.

Deputies Michael Moynihan, Peadar Tóibín and Finian McGrath all raised the issue of our intentions in respect of friendly societies. I reiterate our rationale for the changes proposed, principally the proposal to close the registration of new societies. The lack of demand for the friendly society model is evident. The nature of the activity carried out by these societies in recent years has, by and large, moved from the self-help and membership-based models to a more commercial field of mainstream insurance. The benevolent and charitable societies now fall under the regulatory wing of the Charities Act 2009 which was recently commenced, while social and recreational clubs in recent years are registering in greater numbers under the company model which allows them to avail of limited liability, an option which is not a part of the friendly society structure.

It is a fact that the current legislative regime does not provide for prudential supervision of friendly societies by any public authority. This is a source of concern in that there is a potential risk to the interests of certain members of the public where societies offer financial services. There seems to be some concern that we are treating friendly societies unfairly when they have been relatively stable versus some of the other financial institutions. The reality, however, is

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that we are simply recognising that where financial services are being offered to members of the public, there should be some prudential supervision of that offering. While we have been relatively lucky with our friendly societies in Ireland, some Deputies may recall that only a few years ago in Northern Ireland the Presbyterian Mutual Society collapsed at significant cost to its members and, eventually, the United Kingdom Government. No one can afford to be complacent about financial probity in these times.

The issue of a suitable prudential supervision regime has been considered and it is intended that it will be examined further with the Central Bank and the Department of Finance. The powers to exercise such supervision are not provided under either the friendly societies legislation or the Central Bank legislation; therefore, appropriate powers must be put in place - there are no existing powers which can simply be transferred. It is considered best to address this matter under the Central Bank Acts, in which the powers of financial prudential supervision already reside, rather than under the Friendly Societies Acts. In the interim, we have no wish to see new societies move into this unregulated area.

I thank Deputies for their time and attention and look forward to hearing their views in the future consideration of the Bill as it progresses through the House.

Question put and agreed to.

Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2013 [Seanad]: Referral to Select Committee

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I move:

That the Bill be referred to the Select Committee on Jobs, Enterprise and Innovation pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Gerald Nash - the number and variety of training courses offered by SOLAS in Drogheda; (2) Deputy Thomas Pringle - the need to maintain the shuttle bus service at Glenveagh National Park, County Donegal; (3) Deputy Shane Ross - the pupil-teacher ratio in fee-charging schools; (4) Deputy Helen McEntee - to ask the Minister of State at the Department of the Environment, Community and Local Government if a special provision could be made for a separated person who has applied for social housing and for whom legal separation is not a feasible option, either for the person in question or the other party, to the effect that while the applicants are waiting for free legal aid, they could remain in receipt of a rent allowance payment; (5) Deputy Terence Flanagan - the need for Irish Water to ensure water meters are fully accessible to those with disabilities; (6) Deputy Peadar Tóibín - the need to resolve the causes of the strike action at Roadstone Wood; (7) Deputy Frank Feighan - the need to address concerns

relating to pupil numbers and staffing levels at Drumboylan national school, County Roscommon; (8) Deputy Seán Crowe - the delays wheelchair users are facing when getting wheelchairs repaired; (9) Deputy Seán Kyne - the need to commence immediately insulin pump treatment for young persons with diabetes over the age of five years in the HSE west region; (10) Deputy Anthony Lawlor - the need for urgent funding to be secured for works to commence on the Osberstown interchange, the Sallins bypass and the upgrading of the M7 from two to three lanes from the Naas area to the M9 exit as soon as permission is granted by An Bord Pleanála to assist in the development of the Kerry Group research facility at Millennium Park, Naas; (11) Deputy Aodhán Ó Ríordáin - the need to discuss a renewed approach to tackling drug use, specifically the decriminalisation of personal use in particular cases, and to follow through on international examples of good practice in this area; (12) Deputy Eamonn Maloney - the need for credit unions to engage with small and medium-sized enterprises; (13) Deputy Regina Doherty - to raise the matter of a four-teacher school in Meath East, roll No. 17312M, which has lost a teacher, despite an appeal and although the roll numbers are rising and expected to rise for the years 2015-16 and 2016-17; furthermore, according to the number of children in the area on the parochial baptismal register, it is expected that the school will have an average class size in excess of the general average of 28:1 and although it is not in the failing-to-gain category, it is losing a teacher and will have a high average class size for one year, a scenario the appeal process was designed to avert; (14) Deputy Kieran O'Donnell - to ask the Minister for Health to extend BreastCheck to women aged between 65 and 69 years as set out in the programme for Government; (15) Deputy Martin Heydon - the need to retain three teachers at Scoil Naomh Lorcáin, Levinstown, Maganey, Athy, County Kildare; (16) Deputy Denis Naughten - the need to review the operation of the acute psychiatric unit at University Hospital Galway following the recent internal audit; (17) Deputy Dessie Ellis - to discuss the effects of the wind-down of the regeneration of Ballymun, in particular, the need to maintain important local services and employment; (18) Deputy David Stanton - to ask the Minister for Education and Skills to debate the urgent need to begin construction on a premises for the amalgamation of two primary schools in Carrigtwohill, County Cork, roll Nos. 17103E and 18000W, both of which are at their limit with respect to accommodation, and, furthermore, the urgent need to commence the provision of a new second level school in Carrigtwohill, County Cork which is also due to be progressed in 2014-15 in the Department's five year building plan; and (19) Deputy Jonathan O'Brien - to discuss the urgent matter of an industrial dispute between trade unions and the Department of Education and Skills regarding the schools building programme.

The matters raised by Deputies Frank Feighan, Shane Ross, Eamonn Maloney and Denis Naughten have been selected for discussion.

Business of Dáil

An Ceann Comhairle: It would be wiser to suspend the sitting for 20 minutes to be fair to everyone because we have finished rather early and I imagine some of the Deputies may not be aware of this. Is that agreed? Agreed.

Sitting suspended at 2.55 p.m. and resumed at 3.15 p.m.

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Topical Issue Debate

An Ceann Comhairle: Before we begin, I wish to let it be known how disappointing it is that, week in, week out for the past number of weeks, there have been requests for the deferral of Topical Issue debates because Ministers are unavailable. Today alone, I received 19 requests for debates, but I could only select four matters. If someone does not take up that slot because a Minister is not present, it means that only three issues are taken. It is wrong that people are being disappointed and that, because the issue is being deferred to a day next week, I can only select three other issues at that point. This is a double loss.

If we are to take these matters seriously, I ask that arrangements be made so that Ministers can be available for Topical Issue debates on a daily basis. If the main Minister is not available, Ministers of State should be. We cannot continue with deferrals being sought, particularly on a Thursday. For practically the past three Thursdays, deferrals have been requested. It is just not good enough, as it will diminish the importance of Topical Issues.

Having said that, and before I call Deputy Feighan, I understand that Deputy Naughten wishes to seek a deferral.

Deputy Denis Naughten: Sadly, I wish to seek a deferral, with the agreement of the House. The Minister is not available to discuss this complex issue. He is aware of much of what is involved. In fairness to the Minister of State, Deputy Costello, there is not much point in his trying to respond to the concerns that have been raised by patients.

An Ceann Comhairle: Okay.

School Staffing

Deputy Frank Feighan: There is a fear that the two-teacher Drumboylan national school in the parish of Ardcarne in north County Roscommon will lose a teacher. Eighteen or 19 pupils will attend it in September 2014. Under the September 2013 review, the requirement is for 20 pupils on the roll. Drumboylan had 17 at the time. In March, the school appealed its staffing schedule in the hope that it would have 20 pupils this September. Currently, there have been 18 enrolments, with strong interest from another family and even further afield, meaning that the school should have 20 enrolments by the end of September. The school has been notified that its appeal was successful, but it needs 20 pupils. It has done a great deal of work in this regard and while it will definitely have 18 or 19 pupils in September, there is considerable anxiety and fear among the teachers, the board of management, parents and the local community that a threat is hanging over it. The parents are finding it very difficult to remain positive as they face into a new school year. We need to be cognisant of that. The threat hanging over the school is causing huge anxiety in the community and it could undermine interest and confidence in the school unless there is certainty in this respect. Parents have already indicated that they are not interested in sending children to a one-teacher school. From a health and safety point of view, if an incident were to occur in the schoolyard or a teacher were to suddenly become ill, what would happen to the young children in the classrooms?

Unfortunately, in the past two years there has been a dip in enrolment in the school, but it is obvious from the number of births and the number of families and couples moving into the area that there will be 20 to 25 pupils enrolled in the school within a few years. I ask for some

leeway and personal intervention to ensure that this case is thoroughly investigated and everything possible is done to facilitate the teachers, parents and students in this close-knit rural area.

As many people will know, Drumboylan national school is the backbone of the local community in the area. It has a great track record. On this occasion we need some certainty. We need some flexibility to ensure that parents, teachers and the community reach their goal, which they are happy to do, and keep the school functioning in the area. I hope the Minister of State will be able to look favourably on this request.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I thank the Deputy for giving me the opportunity to outline to the House the position with regard to staffing in primary schools. The criteria used for the allocation of teachers to schools are published annually on the website of the Department of Education and Skills. The key factor in determining the level of staffing resources provided at individual schools is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September, as I am sure the Deputy is well aware. The staffing schedule is the mechanism used for allocating mainstream teaching posts to all schools. It operates in a clear and transparent manner and treats all similar types of schools equally irrespective of location. It currently operates on the basis of a general average of one classroom teacher for every 28 pupils, with lower thresholds for DEIS band 1 schools. The staffing schedule also includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent appeals board.

As part of the budget 2012 decisions, there is a phased increase in the number of pupils required to gain and retain a classroom teaching post in small primary schools with four teachers or fewer. The first phase of the budget measure took effect from September 2012. The final phase of the budget measure takes effect from September 2014. The Department has expanded the existing appeals process so that it is accessible to the schools that are affected by the budget measure. In this regard, small schools will not lose their classroom post if they are projecting sustainable increased enrolments in September 2014 that would be sufficient to allow them to retain their existing classroom posts over the longer term.

Drumboylan national school has two classroom teachers in the current school year based on an enrolment of 17 pupils at 30 September 2012. The enrolment at 30 September 2013 was 17 pupils, which entitles the school to one classroom teacher for the coming school year. The school is projecting an enrolment of 20 pupils for 30 September 2014.

The school submitted an appeal to the February 2014 meeting of the primary staffing appeals board under the small school criterion, seeking the retention of its second classroom post for the 2014-15 school year based on the projected enrolment of 20 pupils at 30 September 2014. A projected enrolment of at least 20 pupils at that date is required for the school to remain as a two-teacher school. Given that it projected 20 pupils, the appeal was provisionally upheld by the primary staffing appeals board. This retention of the second teacher in Drumboylan national school is conditional on the school achieving the projected 30 September 2014 enrolment figures. The board of management of the school has been notified of this decision. The appeals board operates independently of the Department and its decision is final.

The Government recognises that small schools are an important part of the social fabric of rural communities. They will continue to be a feature of our education landscape. In these extremely challenging times, all public servants are being asked to deliver our public services on a reduced level of resources, and teachers in small schools cannot be immune from this

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requirement. The Minister is mindful of the concerns of smaller schools and rural schools. Our overall primary school enrolment has been growing rapidly in recent years and this is going to continue. In managing the resource consequences of this, it is important that decisions on school provision and organisation are based on a rigorous evaluation of requirements and needs, not just at a local level but also at both regional and national levels.

Our current configuration of small primary schools has been examined by the Department in a value for money review. This review took account of the ethos of schools and the locations of small schools relative to other schools of a similar type. The Minister is currently considering the report of the value for money review of small primary schools and he is doing this in consultation with his Government colleagues. His intention is to publish the report on completion of this consideration process. I am not in a position to give a precise publication date at this time.

Deputy Frank Feighan: We need to recognise that small schools are an important part of the social fabric of rural communities. I recognise that, as, I believe, does the Minister. I understand that value for money must be secured across the board. On this occasion, I ask that deadlines not be written in stone and that flexibility be shown to the parents, teachers and the community, who are trying to ensure that the school will have more pupils to bring the number up to 20. The school needs only one more pupil to bring it up to that number. I hope that over the summer the school will be in a position to reach the required enrolment of 20 pupils. We are seeking some flexibility and understanding. We will continue to work with the Minister now and in coming few months to achieve that goal. I think the Minister of State for taking this topical issue.

Deputy Joe Costello: The projected number of pupils for Drumboylan national school, as I have outlined, is 20. If those numbers are maintained, the school will retain its second teacher. The school has a projected enrolment of 20, which is the minimum that is required for the retention of a second teacher post. Hopefully, that will remain the position, and if it does, the school will retain the second teacher post.

A value for money review has been carried out and the report of that review has been submitted to the Minister, Deputy Quinn, who is currently studying it. That review could have a bearing on the final outcome with regard to decisions. Therefore, it is important keep an eye on matters as they move along.

Pupil-Teacher Ratio

Deputy Shane Ross: This is the third time I have raised this subject in recent years. I do not do so on an ideological basis, although there is an ideology among those who for some reason wish to see the pupil-teacher ratio in fee-paying schools increase. There is a large body of opinion that the Government has simply got this wrong, because it sees private schools and fee-paying schools as an elite body who are determined to stay elite and somehow above other forms of education. That is not the case. What is wanted here is a degree of choice among people who save the State a large amount of money and who in many cases, although not all, make huge sacrifices to send their children to fee-paying schools. While some people spend their money on other luxuries, some of those parents who send their children to fee-paying schools are not able to do that because they have made a decision, which they are quite entitled to do, to send their children to fee-paying schools for all sorts of different reasons. What I am looking for today is an assurance from the Minister of State that the pupil-teacher ratio in private schools

will be reduced to ensure equality between fee-paying and non-fee-paying schools. This is a particularly sensitive issue among minority and Protestant schools. The Minister of State will be aware that parents wishing to have their children educated in the Protestant ethos or another ethos often have to send their children to boarding schools at great cost to themselves, in terms of the fees payable at those schools, and to the children, in terms of the pupil-teacher ratio therein, because often when the pupil-teacher ratio increases something has to give, and it is the children who suffer through a loss of facilities and so on, including extra-curricular facilities.

As the Minister of State will be aware, the pupil-teacher ratio in fee-paying schools was increased to 23:1 while that in the free education sector is 19:1. Parents are seeking an assurance that this trend has stopped and that it may well be possible in the next budget, given that times, we are told, are now more prosperous, to reverse it in order that the ethos of the Protestant schools and the rights of those who want to send their children to private schools are preserved. There is no reason there should be any difference between one type of school and another. Those who send their children to private schools, who may be misguided and should be allowed to be so misguided if they wish, are doing the State a favour in terms of the amount of money they save taxpayers. The result of the measures recently taken by the Government has been, as the Minister of State will be aware, the moving of several schools from the private to the public sector, again at great cost to the State. As a result of the increase in the pupil-teacher ratio, many schools, including Kilkenny College and St. Patrick's Cathedral grammar school, have moved against their will from one sector to the other at great cost to the State and great inconvenience to themselves.

Deputy Joe Costello: I thank the Deputy for the opportunity to outline to the House the position with regard to the pupil-teacher ratio in fee-charging schools. At post-primary level, the State pays the salary of one teacher for every 23 pupils in fee-paying schools, compared with one teacher for every 19 pupils in schools in the free education scheme. A ratio of 18.25 pupils to one teacher applies in DEIS schools.

Currently, 52 of 723 post-primary schools charge fees, ranging from €2,550 to €10,065 for day pupils. Fee-charging schools have the resources, through fees charged, to employ teachers privately, an option which is not available to schools in the free education scheme. A departmental report analysing the tuition income of fee-charging schools which was published last year showed that the schools in question have available to them €81 million in discretionary income which is not available to schools in the free scheme.

I am aware that there are some concerns within the Church of Ireland community about the pupil-teacher ratio affecting fee-charging schools. The Government recognises the importance of ensuring that students from a Protestant or reformed church background can attend a school that reflects their denominational ethos, while at the same time ensuring that funding arrangements are in accordance with the provisions of the Constitution. How best to sustain education provision for widely dispersed and small local communities presents a particular challenge, especially in a locality where enrolment is declining to single figures. The Government is intent on fostering pluralism in school provision. Supporting small communities, including minorities, in maintaining their schools forms part of that policy.

With regard to the fee-charging Protestant schools, an arrangement exists whereby funding is provided by the Department to the Secondary Education Committee, SEC, an organisation run by the churches involved in managing the Protestant secondary schools. The SEC then disburses funds to the Protestant fee-charging schools on behalf of pupils who would otherwise

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have difficulty with the cost of fees and who, in the absence of such financial support, would be unable to attend a second-level school of a reformed church or Protestant ethos. Funding in this regard amounts to €6.5 million annually. This fund ensures that necessitous Protestant children can attend a school of their choice. I can confirm that Minister, Deputy Quinn, and relevant Department officials will continue to engage with the relevant education sector stakeholders, including the Church of Ireland and boards of education, in relation to education provision for all areas.

The budget for education, including the number of teaching posts that we can afford to fund in schools, is a matter that the Minister, with his colleagues in Cabinet, will have to consider in the context of the forthcoming budget. The Government will endeavour to protect front-line education services as best as possible. However, this must be done within the context of bringing our overall public expenditure into line with what we can afford as a country. The challenge will be to ensure that the resources that can be provided are used to maximum effect to achieve the best possible outcome for pupils.

Deputy Shane Ross: I thank the Minister of State for his reply. I am sure he will understand when I say that sympathy is not enough. It is easy to say that one is well aware of the problem but that everything has to be considered within the context of overall cuts in public expenditure.

These private schools, including those of a non-Protestant or minority ethos, which have a special case to make, are fed up with the increases in the pupil-teacher ratio and are seeking an assurance that their choices will not be subject to any further attacks. At this stage they have had enough, and they contest vigorously the assertion that somehow there is an awful lot of money in their kitties. The Minister of State referred in his reply to the availability of €81 million in discretionary funding. There is no question of this money being available on a discretionary basis because no such basis exists in the context of hard-pressed education, where the money is being spent on necessities for pupils that would otherwise be provided by the State. It may be that that money is being earmarked for capital projects, but that is a compelling reason for its being available. That schools have a hoard of cash that they can use for any purpose is not true.

I do not believe the Minister of State has given me the assurance that the minority community is seeking. As recently as last month, the parents' spokeswoman for Protestant schools, Ms Eleanor Petrie, said:

Some of our schools are on a knife edge now. If the pupil teacher ratio goes up one more point more of them will go into the free scheme and that will end up costing the Department more money.

It will also probably lead to the dilution of an ethos which they value very dearly.

Deputy Joe Costello: I thank the Deputy for his supplementary remarks. There is no question of the State discriminating or seeking to discriminate against Protestant schools. Private schools are not only Protestant or reformed church schools; there are also private Catholic schools.

The current pupil-teacher ratio, despite having been increased in recent years, is still 23:1, as compared to 19:1 in the free secondary education sector. The gap is not an enormous one when one considers that all the private schools charge fees and have available to them an income stream in that regard, as well as from the discretionary income source of €81 million, although it may not all be discretionary income. Some second level schools, such as Kilkenny

College and, previously, Wilson's Hospital School, have demonstrated that they can maintain and promote their Church of Ireland ethos through the free second level scheme. There are five Protestant comprehensive schools that do not charge fees at all. Therefore, the position is not absolutely black and white. Every school has the option of entering the free second level scheme at any point in time. Many fee-paying schools have done so over the years. This option will be available in the future. The Department is always available to speak to and advise any school that wants to transition to the scheme. At present, I am not in a position to give any assurances on what may happen in the forthcoming budget.

Credit Unions Services

Deputy Eamonn Maloney: We are very fortunate to have a very strong credit union tradition. Credit unions are located throughout the country, both in urban centres and elsewhere. The Irish have a very strong attachment to the movement and my constituency is no exception.

I recently met representatives of four local credit union branches, namely Kilnamanagh Credit Union, Firhouse Credit Union, Tallaght and District Credit Union and Tallaght West Credit Union. They are very dedicated people who provide an excellent service. The credit union is traditionally described as the bank of the working classes. The movement has gone from strength to strength over the years and it has been very beneficial and sympathetic in the communities in which its branches operate. However, the credit union movement has not escaped the fallout of the collapse of the Celtic tiger. Recent legislation on credit unions has obviously resulted in changes. The movement and local branches argue that they are not happy with some of the restrictions placed on them. The credit union officers I met recently are perplexed and, in some cases, angry, especially consequent to recent comments by the Minister for Finance to the effect that they should start lending. This is exactly what the credit union movement and its local branches want to do. I am informed they would be only too happy to lend to their members but are precluded from doing so due to the restrictions imposed by the Central Bank under recent legislation.

The Central Bank has imposed lending restrictions on a large number of credit unions. In some cases, this is for a very good reason. I am not here to argue about that. Restrictions include a maximum loan to which a member is entitled and a maximum in loans that can be issued in a month, for example, €100,000. In many cases, there is a complete ban on commercial business loans. The latter does not apply to all but applies in most cases. This is a real issue for branches.

When one considers that the credit unions in this jurisdiction have in excess of €7 billion in funds, one can understand the desire of local branches to provide funding to local SMEs. Given the current climate, in which the economy is growing, albeit not fast enough for all of us, there is a desire to lend. Credit unions are prepared to step into this area, albeit with certain restrictions. The movement and I are asking the Minister to examine this matter and allow SMEs to avail of credit union loans.

Deputy Joe Costello: I thank the Deputy for raising this important issue. I would like to confirm the Minister's view that credit unions have an important role to play in providing credit in local communities around the country. The Minister is supportive of safe and responsible lending by credit unions.

The Government established the Commission on Credit Unions in May 2011. The commission was asked to make recommendations in relation to the most effective regulatory structure for credit unions, taking into account their not-for-profit mandate, volunteer ethos and community focus while paying due regard to the need to protect fully members' savings and financial stability. Membership of the commission included members of the credit union representative bodies.

The commission published its final report in March 2012 and it was agreed by all members. The Government has accepted fully the commission's recommendations, over 60 of which are currently being rolled out under the Credit Union and Co-operation with Overseas Regulators Act 2012.

One recommendation by the commission is the introduction of a tiered approach to regulation for credit unions. This tiered regulatory approach will see some credit unions taking on a more sophisticated business model. Such credit unions will be subject to increased regulatory requirements. This will offer a flexible approach to the regulation of credit unions and will assist credit unions in determining the business model they wish to adopt. This approach could include some credit unions lending to SMEs, as referred to in the Deputy's question. It is not by any means ruled out.

A proposed tiered regulatory approach was outlined by the Central Bank in its recent initial consultation paper. The deadline for submissions was extended on request by the sector. The consultation process provided an opportunity for stakeholders to set out their views across a range of issues. Interest in this topic was demonstrated by the number of submissions received by the Central Bank, which exceeded 160. An analysis of all submissions is being undertaken, and the Central Bank will communicate with credit unions and other stakeholders in regard to the proposed next steps.

In line with the introduction of the tiered regulatory approach and on foot of recommendations from the Commission on Credit Unions, section 11 of the Credit Union and Co-operation with Overseas Regulators Act 2012 amends current lending provisions. These amendments provide for new Central Bank regulations to deal with a range of lending issues including the classes of lending that a credit union may engage in, for example, business lending; the duration of loans; large exposures; and concentration limits.

Section 11 will be commenced in tandem with new Central Bank regulations on lending, which are to be introduced as part of the tiered regulatory approach. This tiered approach will address a range of areas, including lending, investments, savings, borrowings, additional services, reserves and liquidity. These changes will help bring about developments in the credit union sector, which will see an expansion in the range of services and products being offered.

It must be acknowledged that credit unions have faced a huge amount of change in recent times and continue to face more change. It is a testament to the sector that it has embraced these changes and faced up to its challenges. While some of these changes will support a number of credit unions in taking on a more sophisticated business model, which could include business lending, lending to SMEs is a specialised form of lending. This type of lending is risky and clearly requires specific skills and expertise.

The Government recognises that the credit union sector nationally plays an important role in providing financial services. However, the Registrar of Credit Unions in its recently pub-

lished, Credit Union PRISM Risk Assessments: Supervisory Commentary, highlighted that the majority of credit unions visited have been required to implement actions to remediate risk and substantially improve their lending and credit risk. Indeed, even the banking sector, which has a high level of expertise, continues to seek an appropriate mechanism for safe SME lending.

Deputy Eamonn Maloney: I thank the Minister of State. I am sure the credit union movement welcomes any steps towards resolving the difficulty I outlined at the beginning, that is, the potential for credit unions to engage with SMEs in terms of loans. I accept that not every credit union branch will want to engage in that practice or may not aspire to it, and we have no difficulty with that. However, there are credit union branches which have the wherewithal financially to engage in lending to SMEs, which is healthy and should be welcomed by all.

I want to raise a parallel issue in regard to credit union lending. The Minister of State will be aware that lending requirements as set out in section 35 of the Credit Union Act also impose a significant obstacle for credit unions hoping to get back to lending. The requirements reduce credit union ability to lend by restricting credit unions from offering further credit to members where the loan has been rescheduled. This is a real problem for many credit union members.

I do not believe any legislation should be written in stone and should not be the subject of reviews. In particular, I strongly urge the Minister of State to urge the Minister for Finance to review the section 35 restrictions. Put simply, they hamper the ability of credit unions to lend and are preventing members from taking advantage of improvements in their own economic fortunes. For example, fortunately, people are going back to work, if not in the numbers we would wish for. While they may have had difficulties in terms of being unemployed while being a member of a credit union, we need to take into consideration that if they now have a job and an income, the situation of such people should be reviewed. That is all I ask.

Deputy Joe Costello: The Government will, of course, continue to support the credit union sector, which is an essential and important sector for the entire economy, particularly for communities throughout the country. It is very much the people's bank in that respect. The Government will continue to engage with the movement to ensure there is a stable credit union sector into the future.

I will bring to the Minister's attention the Deputy's remarks in regard to the section 35 restrictions on the rescheduling of loans. I will ask him to report back to the Deputy directly.

The new regulations from the Central Bank arising out of the recommendations from the commission on the credit unions allow certain business lending to take place to SMEs, so that is a movement in the direction the Deputy has been seeking. However, the Government is also looking very closely at the whole financing landscape for SMEs and has indicated that it would be seeking reorientation in regard to the National Pensions Reserve Fund and the Ireland Strategic Investment Fund in order to support economic activity and employment, in addition to the traditional banking sector. It is an area that is of very much concern at present.

I welcome the Deputy's remarks in regard to how we might maximise and optimise the €7 billion that is available within the credit union sector in order to promote small and medium businesses.

The Dáil adjourned at 3.55 p.m. until 2 p.m. on Tuesday, 1 July 2014.