



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 5 Feabhra 2015*

*Thursday, 5 February 2015*

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

*Paidir.  
Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Poverty Data

1. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Social Protection her plans to address the increasing deprivation rate here; and if she will make a statement on the matter. [5029/15]

**Deputy Willie O’Dea:** My question asks the Minister to respond to the recent CSO report that showed levels of poverty at the end of 2013 had risen appreciably over the previous period.

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The CSO recently published its release on the survey of income and living conditions for 2013, known as SILC. This survey found that the basic deprivation rate was 30.5%, an increase of 3.6% on the 2012 figure. The two most commonly experienced indicators of deprivation were stated as “unable to afford to replace any worn out furniture” and “unable to afford a morning, afternoon or evening out in the past fortnight”. These indicators were experienced by one in four of the individuals surveyed. The rise in basic deprivation has affected all income groups and reflects the legacy on households of the economic crisis since 2008.

Since 2012 to 2013, the period referred to in this survey, there have been significant improvements in the economy. For instance, unemployment and long-term unemployment have fallen significantly. The January live register figures published yesterday show a reduction in the numbers of over 70,000 people unemployed since 2013. The unemployment rate fell yesterday again to 10.5%.

Poverty is strongly linked to unemployment and as employment increases, we can expect to see decreases in poverty and deprivation. The best way to reduce poverty is through getting a job. The Government has protected the incomes of the bottom income 20% - or quintile, as it is termed - by maintaining core welfare rates. While deprivation has increased, it should be noted that the at-risk-of-poverty rate has declined from 16.5% in 2012, to 15.2% in 2013. The at-risk-of-poverty rate for 2013 is, in fact, lower than that in 2005 at the height of the boom when it was 18.3%. A key reason for this fall is the effectiveness of social transfers in reducing income poverty. SILC 2013 shows that, excluding pensions, social welfare transfers lifted one third of the population out of poverty. In budget 2015, we further enhanced the poverty reduction effect of social transfers, such as increases in child benefit and the living alone allowance and the restoration of the Christmas bonus.

**Deputy Willie O’Dea:** The Minister seems to indicate that trends since the end of 2013 would show a different result if these figures were taken up now.

**Deputy Joan Burton:** Excuse me, it is difficult for us to hear the Deputy on this side of the House.

**Deputy Willie O’Dea:** My apologies. The Minister seems to indicate that the position has improved appreciably since the end of 2013 to which these figures relate. The Department of Social Protection in its assessment of the 2015 budget admits, more or less, that it is regressive, like all the four budgets that preceded it. I refer to the Minister’s own document which states that the distributive effect of budget 2015 is uneven, with higher than average gains for better-off quintiles - who make up 10% of the population - and that middle and lower quintiles gain less than the average, with the smallest gain in the bottom quintiles.

The statistics for the end of 2013 showed that over 30% - more than 1 million people in this country - were suffering some form of enforced deprivation. It also showed that almost one in eight children - 135,000 to be specific - had sunk into consistent poverty.

**An Ceann Comhairle:** Please put your question, Deputy, as we are over time.

**Deputy Willie O’Dea:** Is the Minister claiming that the situation has improved appreciably since the end of 2013? The Government’s target is to reduce consistent poverty to 4% by 2016. In view of the fact that consistent poverty increased from 7.7% to 8.2% between 2012 and 2013, does she think she will achieve that target?

**Deputy Joan Burton:** I refer to the survey published by my Department which states specifically that the particular models used are based on a model called Switch. It was not possible to take into account certain changes and this has been acknowledged. It is a comparison of social welfare and tax measures. Tax measures help people who are in work and who are liable to pay tax. Deputy O’Dea will have read the survey and he will know that it shows the impact of the USC reduction is significantly greater for everyone except the top quintile or the top 20% in the Department’s survey. We focused on lifting 80,000 people out of the USC and on lowering the two USC entry rates. People earning more than €70,000 a year and €100,000 a year, paid a higher rate of USC to compensate for the reductions for those on lower incomes. This is all set out and people are aware of those changes. Those who earn €10,000 a year had previously paid the USC but now they will not pay the USC until they earn over €12,000 a year.

**Deputy Willie O’Dea:** Surely the Minister will agree with me that the recent ESRI survey took into account USC changes and it also took into account projected increases in prices and

in living standards. It concluded that almost half the population were worse off as a result of budget 2015.

**Deputy Joan Burton:** That is wrong.

**Deputy Willie O’Dea:** The conclusion from the Department is startlingly obvious: the more one earns, the more one gains, while the less one earns, the less one gains. I suggest to the Minister that this is as a direct result of all of the regressive budgets introduced by the Government. Is she aware that in countries which also had to impose austerity such as Poland, the statistics show an entirely different result? It was possible to impose austerity but to make different choices in order that one in 12 children in this country would not be living in consistent poverty. Does the Minister agree with me?

**Deputy Joan Burton:** The Deputy cites Poland as an example, but our child benefit payment, which went up in the recent budget and which anyone who looks at the impact of a budget will agree is extremely progressive, is €135 per month. Is the Deputy seriously suggesting we move to the Polish system of child benefit, under which the payment is well below €30 or €40 per month?

**Deputy Willie O’Dea:** I am talking about child poverty, not child benefit.

**Deputy Joan Burton:** The Deputy is suggesting ---

**Deputy Willie O’Dea:** Different countries have different payments. The Tánaiste is misleading the House.

**Deputy Joan Burton:** The Deputy is implying that the Polish social welfare system is better than Ireland’s.

**Deputy Willie O’Dea:** It has a lower level of child poverty than Ireland.

**Deputy Joan Burton:** The Irish social welfare system provides an income which is many times that provided under the Polish system. The Deputy drew on the example of the Polish system.

**Deputy Willie O’Dea:** Has the Tánaiste read the UNICEF report?

**Deputy Joan Burton:** I am just pointing to the facts. The recent increase in child benefit brings the payment to €135 per child per month and it will be increased again in the next budget. I have already undertaken to do this. The child benefit payment in Ireland is going up, while the payment in Poland is relatively quite small.

**Deputy Willie O’Dea:** Yet we have more children living in poverty.

### **One-Parent Family Payment Eligibility**

2. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Social Protection her response to the Central Statistics Office SILC finding that the number of lone parent households suffering enforced deprivation has risen to 63%; if in consideration of the SILC findings and in the absence of affordable after-school care, she will abandon her plans to lower the cut-off age for the one-parent family payment to seven years to avoid the significant financial loss that will

be suffered by thousands of lone parent households as a consequence of the intended cut from 2 July 2015. [5031/15]

**Deputy Aengus Ó Snodaigh:** My question highlights the rocketing rates of deprivation among lone-parent households, as indicated in the recently published CSO survey of income and living conditions, SILC. The report highlights the fact that 63% of such households are now living without basic necessities. Considering the absence of affordable after-school care facilities, will the Minister abandon her plans from 2 July to lower the cut-off age for the one-parent family payment to seven years?

**Deputy Joan Burton:** The one-parent family payment scheme supports close to 70,000 recipient lone parents and their children, at an estimated cost of €607 million in 2015. Despite significant investment, lone parents continue to experience higher levels of consistent poverty than the population generally. The best route out of poverty is through employment. The one-parent family payment scheme age reforms aim to reduce long-term social welfare dependency and associated poverty among lone parents and improve outcomes for their children. On foot of the reforms, lone parents will have enhanced access to education, training and employment supports with the aim of assisting them into employment.

Some 30,200 one-parent family payment scheme recipients will transition from the scheme on 2 July when the maximum age limit of the youngest child will be reduced to seven years. This is the same as in Northern Ireland and the rest of the United Kingdom. The majority are expected to move to the jobseeker's allowance transitional arrangement. Under this arrangement - the money will stay exactly the same - lone parents whose youngest child is aged seven to 13 years are exempt from being available for and genuinely seeking full-time employment work, thereby reducing their child care requirements and giving them flexibility. However, it is proposed to encourage these lone parents to become involved in education and training. Then, when their children are more mature - over 13 years and in secondary school - they will have a better chance of being able to take up full-time or part-time employment as their family circumstances permit.

**Deputy Aengus Ó Snodaigh:** If this cut goes ahead, it will result in a further significant loss of income for thousands of lone parents and an increase in deprivation. Will the Minister to confirm that almost 12,000 lone parents will suffer a financial loss of up to €86 per week if she proceeds with the cut? Her response to a parliamentary question I tabled in January stated 6,400 lone parents would suffer a loss of up to €36.50, that a further 4,500 would lose up to €57 per week, while 800 lone parents who are also carers would suffer a loss up to a staggering €86 per week. Given the SILC statistics and her reply to my question, will she now consider abandoning her plan to lower the cut-off age to seven years in July, particularly given that she has not delivered on her promise to deliver a Scandinavian model of child care?

**Deputy Joan Burton:** First, we need more and better access to affordable child care services. Anyone who is a parent or who has family members, relatives or friends with child care needs will know that child care in Ireland is extremely expensive. We need to address this issue, particularly for low income families, whether they are headed by couples or lone parents. That is one of the priorities of the Government.

On the seven years age limit, that is the relevant age in most Scandinavian countries which the Deputy has argued have the best outcomes. It also applies in Britain and Northern Ireland, where the Deputy's party is in government. I must stress to him that the aim is to focus on op-

opportunities to engage in training and education because if one leaves employment, the opportunities to go back to either education or training until people reach their forties or fifties and their chances of securing employment are much reduced. The critical way to improve people's income and reduce their chances of living in poverty and to increase the chances of their children doing well at school and finding a job is to provide a mechanism through which they are encouraged to work.

Regarding lone parents who are carers, I want to be very clear that those in receipt of domiciliary care allowance will not be affected by these changes. If they wish to do so, however, they can become involved in all of the back-to-education initiatives.

**Deputy Aengus Ó Snodaigh:** The Tánaiste's logic is that if one drives lone parents further into poverty, they might come out at the other end. However, what the SILC statistics show is that driving them further into deprivation is making it even more difficult for them to get out of poverty. There is no Scandinavian model of child care available here and the Tánaiste has not addressed that issue. It was her promise, not mine. Is she aware that figures from the tenancy protection service which was set up to deal with families at risk of homelessness indicate that the majority of cases with which it is dealing involve lone parent families? Many of these lone parents used the additional funding they received through the one-parent family payment which is now to be cut to top-up their rent supplement payments. Is the Tánaiste aware that one of the effects of the cut will be to drive lone-parent families into homelessness and further into deprivation? In that context, I ask her again to reconsider the 2 July deadline and ensure no family will suffer deprivation because of the cuts.

**Deputy Joan Burton:** First, in the budget we introduced an additional payment for those with children who went back to work. That amounts to €30 per week per child. Neither the work done by the ESRI nor the other analysis includes that because it will come into effect this year. The Deputy has chosen to ignore the fact that if someone has three children, that is €90 a week additional to family income supplement-----

**Deputy Aengus Ó Snodaigh:** It is the Minister's answer to her parliamentary question.

**Deputy Joan Burton:** -----to assist them with regard to going back to work.

I know the Deputy has a difficulty with people going back to work, education and training.

**Deputy Aengus Ó Snodaigh:** I have no difficulty. These are the Minister's figures.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Joan Burton:** His party seems to want welfare rather than work. The evidence around the world is that if people go to work-----

**Deputy Aengus Ó Snodaigh:** The Minister continuously twists it.

**Deputy Joan Burton:** The Deputy has not taken into account the back to work family dividend-----

**Deputy Aengus Ó Snodaigh:** I have taken into account the Minister's answer.

**An Ceann Comhairle:** Please Deputy.

**Deputy Joan Burton:** -----which for a lone parent with two children is worth €60 a week.

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**Deputy Aengus Ó Snodaigh:** These are the Minister's figures, not mine.

**An Ceann Comhairle:** There are other Deputies who have questions.

**Deputy Joan Burton:** For a lone parent with three children who could be going into employment or self-employment-----

**Deputy Aengus Ó Snodaigh:** The Minister dreamt it up.

**Deputy Joan Burton:** -----that is €90 a week. The Deputy's figures do not take that into account-----

**Deputy Aengus Ó Snodaigh:** I refer to 21 January.

**Deputy Joan Burton:** -----because that scheme is coming in-----

**Deputy Aengus Ó Snodaigh:** Does the Minister remember the democratic programme?

**Deputy Joan Burton:** -----in advance of the changes the Deputy is talking about.

**An Ceann Comhairle:** We have to move on to Deputy Healy's question.

**Deputy Joan Burton:** I reiterate that what almost all lone parents want to do is get involved in education and training as soon as their family and household circumstances permit them to do that. For people who are full-time lone parents not involved in work or study outside of the home, there is no change to their payments, and that is the vast majority of people. The Deputy is very well aware of that.

**Deputy Aengus Ó Snodaigh:** Disgraceful.

### **Child Poverty**

3. **Deputy Seamus Healy** asked the Tánaiste and Minister for Social Protection in view of 400,000 children living in households experiencing multiple forms of deprivation and 135,000 children suffering daily material deprivation, according to the recent Central Statistics Office, SILC, report; the number of children living in consistent poverty, meaning they are living both at risk of poverty and experiencing deprivation, having doubled from 6% to just under 12% between 2008 and 2013; international comparisons that show how Poland and Chile have done a more effective job in protecting children during the recession than Ireland; and the cumulative reductions in child benefit per year from 2008 to 2015, including the reductions introduced by her (details supplied), if she will take immediate action in advance of the next budget to fully restore these child benefit reductions; and if she will make a statement on the matter. [5089/15]

**Deputy Seamus Healy:** There is a frightening scale of child poverty in this country, and professionals dealing with vulnerable families have known that for a number of years. We had further official confirmation of that recently with the Central Statistics Office SILC figures and the UNICEF report of last year. Surely that is a wake-up call for the Minister and her Department to address this issue. I ask that as a first step in doing so she would reverse the savage cuts to child benefit implemented in recent years.

**(Deputy Joan Burton):** Child benefit is a universal payment made to families with children.

It assists those families with the cost associated with raising children. It is paid to almost 1.2 million children in over 600,000 families. The estimated expenditure in 2014 was €1.9 billion.

In budget 2015, the Government committed a further €96 million for children, including an increase of €5 per month in child benefit. A total of €72 million extra will be spent on child benefit in 2015 with €22 million provided for expenditure on the new back to work family dividend, and an additional €2 million on the school meals programme. Altogether, the Department of Social Protection will spend €3 billion in providing income support for families through child benefit, qualified child increases for welfare recipients, that is €30 per week per child for somebody on a social welfare income, family income supplement and the back to school clothing and footwear allowance.

The CSO SILC release for 2013, which takes the data from 2012 and 2013, which was the height of the crisis we inherited, shows that 11.7% of children were in consistent poverty, a slight but not statistically significant increase on the 2012 rate. On the other hand, the at-risk-of-poverty rate for children decreased from 18.8% in 2012 to 17.9% in 2013. I have already commented in the House today on the importance of social transfers in Ireland in reducing poverty.

The figures for 2013 show that social transfers reduced the at-risk-of-poverty rate for children from 45.5% to 17.9%, thereby lifting a quarter of all children out of poverty. This equates to a poverty reduction effect of 60.7% in 2013, an increase on 2012 when the poverty reduction effect was 50.1%. Ireland is among the best performing member states in the EU in this regard.

The economic recovery this Government has delivered is not an end in itself; what is critical is that it enables us to secure a social recovery, starting with raising living standards. That process started this month, as tax reductions for all workers and the €5 increase in child benefit took effect for all families. Child benefit will remain as a universal payment because of its crucial importance to mothers in particular and to men parenting their children on their own, and I intend to increase it again in the budget later this year.

**Deputy Seamus Healy:** There are 135,000 children living in material poverty in this country, and approximately 400,000 households are suffering deprivation. That is 30% of the population according to the Central Statistics Office. Child poverty has doubled in the period of the recession, from approximately 6% initially to nearly 12% today. The UNICEF report shows that children here have fallen further and faster into poverty over and above any other developed country. Child benefit was cut over the period of the recession by various amounts. For example, a family with three children has lost €1,416 per annum or €118 per month. That has driven children and families into poverty.

Prior to the last election the Minister made child benefit a priority and told the public not to vote for Fine Gael because it was proposing to cut child benefit. I ask the Minister now to reverse the cuts she has imposed on children and families.

**Deputy Joan Burton:** The United Nations Human Development Index Report 2014, which measures people's well-being, including that of children, places Ireland No. 11 just after the Scandinavian countries. We are among the highest performers in the world in regard to the human development index because of our strong social transfer system. The Deputy refers to Poland and Chile. Poland is No. 35 on the index and Chile is No. 41. Those are the countries to which the Deputy wants Ireland to aspire.

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To go back to Deputy O’Dea’s earlier question, with regard to Poland, the lowest rate payable per child in child benefit per month is €18. In terms of that being an aspiration for Ireland, €135 per month per child, which we hope to increase this year again, is a significantly better performance than the two countries the Deputy quoted so admiringly. The highest amount payable in Poland for children in larger families is €28 a month compared to our €135 per child. With regard to Chile, is the Deputy aware that the family support payment, the *subsídio único familiar*, is US\$13 a month for a three year contract period? That is it.

The Deputy should consider what the reality is in Ireland. We have a huge amount of work to do to get more people back to work and, in particular, to help lone parents back to education, work and training because the Deputy is correct in saying that the greatest difficulties are being experienced by lone parents. However, as Professor John FitzGerald says, our system of social transfers is so strong it lifts 50% to 60% of children out of the risk of poverty.

**Deputy Seamus Healy:** The Minister is being deliberately misleading with regard to Chile and Poland. No one has suggested that Ireland should have levels of child benefit comparable to those countries.

*10 o’clock*

The Central Statistics Office and UNICEF have stated there are frightening levels of child poverty in this country, that they have increased substantially in recent years, that if they are not tackled, they will create significant problems in the future in respect of dependency and that young people and children will not be looked after properly as a result of austerity. The levels are frightening. The Minister believed previously that child benefit should be increased and protected. Will she do this and reverse the cuts she has imposed on families and children in the past few years?

**Deputy Joan Burton:** I am responding to what the Deputy asked in his question, in which he said Poland and Chile had done a more effective job in protecting children. If his idea of effectiveness, in economic terms, is that US\$13 a month for a family for a three-year period is better and more effective-----

**Deputy Seamus Healy:** The Minister is deliberately being misleading.

**Deputy Joan Burton:** Whoever researched the question for the Deputy included this in the question. If the Deputy thinks the payment in Poland of €18 to €28 per month is better than €135, I am not sure how he can make the economics better. He should acknowledge that in the human development index, HDI, Ireland is eleventh in the world after the Scandinavian countries and Switzerland, whereas, unfortunately, Poland and Chile are 30 to 40 points behind us.

With regard to child poverty levels in Ireland, a very important issue, in the Better Outcomes, Brighter Futures policy framework for children the target is to lift 70,000 children out of poverty by 2020. Much of this will depend on one or more of the parents of the children finding employment, the children receiving a good education and then being given an opportunity to secure employment.

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** I wish to provide clarification regarding questions that were asked on 10 December last, in respect of which I have written to Deputies Willie O’Dea, Aengus Ó Snodaigh and Richard Boyd Barrett. Further to Questions Nos. 2 and 7 on that date, I wish to provide updated clarification

regarding the housing assistance payment, HAP. Under the HAP scheme the renter will source his or her own accommodation in the private rented sector and the tenancy agreement is a matter between the tenant and the landlord. Unlike rent supplement, however, the local authority will make the housing assistance payment directly to the landlord and the householder will pay a rental contribution to the local authority based on the differential rent scheme. I hope this clarifies the questions raised regarding the housing assistance payment on the previous occasion.

**An Ceann Comhairle:** That will be noted.

### **National Internship Scheme Administration**

4. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Social Protection if she will review the operation of JobBridge in view of the use of this scheme to hire instructors for training schemes for jobseekers; and if she will make a statement on the matter. [5030/15]

**Deputy Willie O’Dea:** I wish to ascertain the Government’s response to the circumstances outlined in the question.

**Deputy Kevin Humphreys:** To respond to Question No. 4, I believe the Deputy is referring to a recent report on job clubs prepared by the internal audit unit of the Department. In preparing the report the Department’s internal auditor raised a query relating to the appropriateness or otherwise of one job club hosting a small number of interns in a role of job club instructor. It is important to note in this regard that the Department funds the operation of 50 job clubs located around the State. These job clubs are operated by 46 separate contractors - mainly local development-partnership companies, LDCs. The job club in question is a community based, not-for-profit, social enterprise. Departmental records show that it is one of two job clubs which have hosted JobBridge interns.

Department management has considered the query raised by the internal auditor and is satisfied that the use of interns did not give rise to any cause for concern in this instance. In this regard, JobBridge has been criticised on occasion on the basis that some of the opportunities offered are so-called “low level” jobs. In this instance, some reports have queried the appropriateness of the internships on the basis that the opportunities offered required “higher level” qualifications. In fact, what this case shows is that JobBridge offers a broad range of internships to respond to the needs and aspirations of the complete spectrum of jobseekers, including those targeting specific sectors but lacking critical real workplace experience in their chosen field. I am satisfied, therefore, that no question arises about JobBridge as a consequence of this case. It was our internal audit that raised issues, as it should have, and brought them to the attention of the Department. In this case, the issue was examined and it was deemed appropriate.

**Deputy Willie O’Dea:** I thank the Minister of State for his reply. However, I seek clarification. Those involved in the JobBridge scheme are unemployed persons who are looking for work, even though they might not be recorded statistically as being unemployed. In this case, I understand people who are unemployed and hoping to find a job after a period on the JobBridge scheme were providing coaching for other persons who were unemployed and looking for a job through the job clubs. Is the Minister of State saying the Department has concluded that this is perfectly in order? What about the issues raised by those who carried out the audit? They are worried about a lack of oversight which might result in a situation where this is replicated

elsewhere. Clearly, they did not think it was appropriate.

**Deputy Kevin Humphreys:** I thank the Deputy for giving me the opportunity to clarify the matter again. The advertisement for this post required a FETAC level 6 qualification, which is quite a high qualification. It was to enable people to gain experience. The job clubs are contracted to provide training, work with curricula vitae, CVs, and so forth for those who require it. The question raised in the audit was whether the job clubs were able to do this, as well as providing mentoring and training under JobBridge. Owing to the level at which the positions were advertised, FETAC level 6, the extra capabilities given within the job clubs allowed that mentoring and experience to take place. It is something we constantly monitor. There are 9,000 monitoring visits a year across the scheme and we carry out internal audit projects, as shown in this case. The job club is still engaging in CV preparation for jobseekers and the activation process. It was being enabled to provide an additional service. Mentoring had to be provided for the person participating under JobBridge. I am happy that the mentoring and training were taking place and that we did not decrease the capability of the particular job club programme involved. It was carrying out what it said on the tin, as it were.

**Deputy Willie O’Dea:** Perhaps my thought processes this morning are a little slow, but I am still confused. Is the Minister of State saying the job club in question was properly and fully staffed with the appropriate staff and that the interns were brought in to assist the existing staff? The newspaper reports on the audit report suggest the work of two senior staff in a job club was effectively being done by interns under the JobBridge scheme? Which is it?

**Deputy Kevin Humphreys:** I will endeavour to provide the Deputy with a full written response to that question. As I said, the positions were advertised at FETAC level 6. The aim was to give the JobBridge interns practical experience. Job clubs are local not-for-profit community enterprises. The one we are discussing is located in Kilkenny and has provided a very good service for the community in the area for some time. The audit was to make sure the organisation was providing the service it was contracted to provide under the Department of Social Protection. The auditor had a query but management was satisfied it was honouring the full contract. I am satisfied with the information, as given. On the points the Deputy asked me to clarify, I will revert to him and clarify them in full.

## Other Questions

### Job Initiatives

5. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Social Protection if she will provide an update on the roll-out of the Gateway scheme; if she will provide a breakdown of the numbers engaged in the different types of work covered by the scheme and the gender profile of participants; and her views on whether the scheme, by compelling vulnerable citizens in receipt of social welfare to work for local authorities, is in breach of both the European Convention on Human Rights and the ILO C029 Forced Labour Convention. [5032/15]

**Deputy Aengus Ó Snodaigh:** I wish to ask the Minister of State for an update on the Gateway scheme given that it was in breach of both the European Convention on Human Rights and the ILO C029 Forced Labour Convention as it compelled vulnerable citizens on social welfare

to work for local authorities. What changes have been made or are intended to be made in the rolling out of the scheme?

**Deputy Kevin Humphreys:** It is not in breach of any of the conventions the Deputy has outlined, and he knows that very well. The best way to assist people who are distant from the workforce is to bring them back into employment. Several schemes that have been run by the Department of Social Protection have helped people immensely in returning to employment.

More than €1 billion is available in 2015 for employment and education supports for jobseekers and other welfare recipients across a number of schemes. Funding of the order of €22.4 million is being provided in the Department's Vote in 2015 to cover placements under the Gateway scheme. At the end of January, 1,781 persons were employed by county and city councils. Of these, 85% are male and 15% are female. While a broad variety of work is provided by the councils, the majority of positions identified as being suitable for Gateway placements relate to services of an environmental or outdoor nature. A breakdown of the types of work being done illustrates this. Just under one third of participants are currently engaged in caretaking and the upkeep and repair of facilities, such as beaches, housing, and sports and community facilities. Roughly one quarter are employed in tourism and village and urban upkeep. More than one fifth of participants are employed on the development and maintenance of walks, leisure trails and heritage projects, including cemeteries and parks. Around 13% of participants are involved in supporting council administration and related services, and 5% are involved in the upkeep of roadways, with around 4% covering waste management. Gateway, Tús and other community schemes are designed to meet a range of objectives for the broader community and individual jobseekers.

It is unfortunate that the Deputy is not looking at the positives of the Gateway scheme. I have taken the time to meet Gateway participants and to listen to their stories, which are very enlightening and, to some degree, uplifting. The participants tell me about how long they have been out of the workforce, the opportunity and hope the scheme has given them, the network they have created and the friends they have made.

Already, participants are exiting the Gateway scheme into employment. The Deputy should take the time to talk to the participants. He may be very much surprised by their response. They are contributing to their communities and derive from this a sense of pride and fulfilment. Before being too negative about this, the Deputy should talk to some of the people involved in the scheme and working under it daily.

**Deputy Aengus Ó Snodaigh:** I have talked to them. If the Minister of State and Minister had listened to my criticism of the Gateway scheme, they would have learned there is no proper training or structure to it. I have always argued that a model similar to the community employment model should have been used. It would have allowed somebody to come out the other end with a qualification or achievement that can be put on a CV, rather than requiring him to say he spent two years pulling weeds, filling sandbags or cutting hedges. The scheme jobs are specifically set up to displace local authority staff.

I have come across two changes, which are welcome if they have been implemented. I saw a letter from an assistant principal officer in the Department to a council official that indicated a number of changes. It stated that, in the event that a jobseeker does not wish to participate in Gateway, the Department is committed to finding other suitable activation measures or identifying whether other supports are more appropriate. Will the Department confirm that this means

the threat of the reduction or withdrawal of payment for refusing to participate on Gateway has been lifted?

The second change is one that I had encouraged from the start, which confirms I have not been negative, as the Minister of State has alleged. The change involves the addition of a voluntary application process. If this applies, can it be extended to the Tús programme. I also have problems with this programme but I have not been totally negative because of its benefits, sometimes to the community. I have always argued there needs to be a training grant given in all of the schemes, as in the CE scheme.

**Deputy Kevin Humphreys:** Under Gateway, there is already self-referral. I can confirm this is happening, probably as a result of the number of parliamentary questions from Members of the House.

With regard to Tús, I will shortly be announcing self-referral, with the relevant proportion being approximately 10% in the first instance. Again, this is a result of demand.

On the question about Gateway, a sum of money is already provided by the Department of the Environment, Community and Local Government to local authorities. I do not have the exact figure to hand but it is approximately €600. If the Deputy wishes, I can clarify it. I am just speaking off the top of my head so do not want to be held to the exact figure.

I know from the local authorities I have visited and from reports that local authorities provide a range of training initiatives before employees come on site. They cover health and safety, HAP, first aid, etc. In the authority I visited in Swords, a variety of training options were given before the Gateway employees came on site.

It is important to realise the majority of local authorities that have bought into this and the local authorities I have visited, whose CEOs I have talked to about this matter, have opened up a wide range of internal training opportunities. They treat the Gateway workers as equals. The scheme has been operating well only where there has been full engagement with the trade union and assistance from the trade union movement to ensure there is no displacement of local authority workers.

Some of the most successful schemes across the country, from Mayo to Dublin and down to Limerick, and certainly the initiatives in Fingal are excellent. They have allowed many people to reconnect with the workforce. I acknowledge the Deputy is as committed to getting as many people back to work as any other.

**Deputy Aengus Ó Snodaigh:** I will be brief because my point follows on from what the Minister of State is saying. Is he aware that some senior council officials have said it is their intention to use Gateway participants instead of recruiting staff, even with the recruitment embargo lifted? Does he agree that the Gateway scheme should never be a scheme to displace council staff and other full-time employees, and that a message in this regard should go out to council officials who intend to use or abuse the Gateway scheme to replace staff to do certain work?

**Deputy Kevin Humphreys:** I am not aware of any senior council officials who have said that. I would very much welcome it if the Deputy drew my attention to the local authorities to which he is referring. He knows from his community, which is similar to mine, that the Gateway scheme provides an opportunity to the long-term unemployed to reconnect with the

workforce. If the Deputy has a specific allegation about a specific local authority that has made the alleged statements on the scheme, I would welcome it if he brought it to my attention.

### **Water Conservation Grant**

6. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Social Protection the cost to her Department of administering the water conservation grant; the number of staff who have been taken on or it is intended are to be taken on; the total supplementary funding sought in relation to administering the scheme; the anticipated transaction costs of handling the various methods by which the grant shall be awarded; and if she will make a statement on the matter. [4980/15]

**Deputy Catherine Murphy:** This relates to the conservation grant the Department of Social Protection will have responsibility for paying. What impact will it have on the Department's resources and will it affect other services relating to its core function?

**Deputy Joan Burton:** The Department of Social Protection will administer, on behalf of the Department of the Environment, Community and Local Government, a €100 water conservation grant for households that complete a valid response to Irish Water's customer registration process. The grant will be paid to registered householders annually in respect of their primary dwellings. The first payment is to be made in September and payments will be made in each of the following years up to and including 2018.

My Department is in consultation with the Departments of the Environment, Community and Local Government and Public Expenditure and Reform on the staffing and funding needed to administer the scheme. The administration and payment of the grant comprise a significant project for my Department, as it will require the development and implementation of IT systems and various customer support and communications services. The Department is carrying out a scoping exercise to explore the most effective and efficient approach to its implementation. This will include estimates of the resources required to undertake the initial work involved and the ongoing administration of the grant.

**Deputy Catherine Murphy:** It is clear that the announcement was made without that scoping exercise having been done. Not having an indication at this point of the staffing requirements is concerning. According to the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, last December, an estimated 1.3 million households of the 1.65 million eligible would apply for the water conservation grant. If this process is not completed properly, other services could easily be impacted on. The Tánaiste is shaking her head. I will not say there have not been improvements in some payments, as there have been, but transitioning from a domiciliary care allowance payment to a longer term payment or applying for carer's allowance can take nine months and there are high levels of refusal, although more than 50% of those refused have their applications granted on appeal. If the grant will impact on such persons, we should all be concerned. Given the fact that the announcement has been made, being unable to provide even an estimate of the number of staff required or the transaction costs involved is surprising.

**Deputy Joan Burton:** The Department has put a project team in place to engage in a scoping exercise in respect of the business development structures and so on that will be required to put in place the process that will ensure the efficient delivery of an application and payment sys-

tem for the grant, including associated consumer communications and support services. That work is ongoing. Assessing the resource requirements for new initiatives is a routine feature of what my Department does in its primary work. The Department makes approximately 85 million payments per year across a wide range of schemes and a large part of its job involves paying people efficiently and on time.

The Deputy will acknowledge that changes have been made. We have discussed them frequently, for example, changes to IT platforms and so on that have impacted on waiting times in the application processes for domiciliary care allowance, family income supplement, etc. Processing times are far faster than they used to be and the time taken to process appeals has been reduced. While we must still improve, the Deputy will acknowledge that the improvements made have been significant.

The water conservation grant will not impact on the wide range of other services and payments provided by the Department for its customers, but we must work out a detailed business plan for its implementation. We will be paying the grant on behalf of the Department of the Environment, Community and Local Government. However, given the fact that we already make 85 million payments per year, I am confident that we will be able to give people a good standard of service in this regard.

**Deputy Catherine Murphy:** There is nothing routine about this payment which has nothing to do with social protection or water conservation. It has everything to do with creative accounting and Irish Water being able to satisfy the EUROSTAT test by being able to issue bills, while rebates will be provided by another Department and, as such, will not be counted in the test. It is a disgrace that we will load additional requirements onto the Department of Social Protection which should only be concerned with social protection issues. Does the Tánaiste even have an indication of the number of staff that will be required or the cost involved? She would not have made a submission to the other two Departments had she not believed there would be costs involved. What was sought in that submission?

**Deputy Joan Burton:** When the Deputy referred to the fuel allowance and the ESB-----

**Deputy Catherine Murphy:** What?

**Deputy Joan Burton:** -----in a certain sense she answered her own question. The ESB is an independent company-----

**Deputy Catherine Murphy:** I never opened my mouth about the ESB.

**Deputy Joan Burton:** -----that borrows significantly on national and international markets to finance considerable capital projects around the country. The Department of Social Protection pays a fuel allowance to a large number of people on long-term social welfare incomes, but this is not factored into the ESB's accounts.

**Deputy Catherine Murphy:** What is the Tánaiste talking about?

**Deputy Joan Burton:** In the first part of her question the Deputy asked about the purpose of the conservation grant. Her comparison with the fuel allowance was good. It is exactly like the fuel allowance and will not be-----

**Deputy Catherine Murphy:** I did not make a comparison. To whom was the Tánaiste listening?

**An Ceann Comhairle:** Please, Deputy.

**Deputy Joan Burton:** The fuel allowance provides good assistance for persons on long-term social welfare incomes.

**Deputy Catherine Murphy:** The Tánaiste is unbelievable.

**Deputy Joan Burton:** Similarly, the water conservation grant which will be paid to qualifying households at the rate of €100 per year will be paid to households to assist them in conserving water and making minor repairs, for example, to fix leaking cisterns or dripping taps, which would push up their water consumption rates. That is what it is about.

**Deputy Catherine Murphy:** A first-fix policy.

**Deputy Joan Burton:** Originally, it was going to be done through a social welfare payment and tax arrangement-----

**An Ceann Comhairle:** I am sorry, but we must move on.

**Deputy Joan Burton:** -----but it is much better to do it on the basis of a universal payment to qualifying households. I am confident that we will be able to deliver the payment which will start in September. We must rely on the Department of the Environment, Community and Local Government, on behalf of which we are doing this. That is why we have had discussions with it.

**Deputy Catherine Murphy:** The Tánaiste did not answer the question, which is incredibly frustrating. I asked just one question, to which she did not even give an answer about the estimated amounts for which her Department had applied.

**Deputy Joan Burton:** We are involved in discussions on it. I gave the Deputy the honest answer.

### **Social Welfare Benefits**

7. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Social Protection if she will reverse the decision to transfer single parents who are carers from receipt of the full one-parent family payment and half carer's allowance to full carer's allowance once their youngest children reach the age of seven years. [4966/15]

**Deputy Ruth Coppinger:** Will the Tánaiste reverse the cuts for single parents whose children are over seven years of age or acknowledge that the promise she made in 2012 to introduce such measures only if Scandinavian-style child care services were available has been broken? Will she acknowledge that the cuts will increase poverty among lone parents, 63% of whom are living in deprivation? Does she believe that, unlike other children in the State, their children who are over seven years of age can look after themselves?

**Deputy Joan Burton:** We had a detailed discussion on this issue in dealing with a prior question. People are entering a transitional period in that, for a further six or seven years, they will move to jobseeker's transitional payments. However, the Deputy was not present for that discussion.

**Deputy Ruth Coppinger:** I watched it.

**Deputy Joan Burton:** The Deputy should bear in mind that the move to a transitional payment is in respect of children up to 13 years of age.

Some 69,884 lone parents are being supported under the one-parent family payment scheme, at an estimated cost to the Department of Social Protection and taxpayers of approximately €607 million in 2015. When introducing the one-parent family payment scheme age change reforms in 2012, a special provision was included for recipients who are claiming the domiciliary care allowance for a disabled child aged under 16 years. This special provision ensures that lone parents who care for a child with a disability qualifying for the domiciliary care allowance will continue to receive support until that child reaches the age of 16 years and can apply for the disability allowance in their own right. As a result of this provision 1,650 lone parents will not be affected by the next phase of the one-parent family payment age reforms, which is due to take effect in July.

It is expected that on foot of the final phase of one-parent family payment scheme age reforms, another cohort of recipients who are in receipt of the half-rate carer's allowance, as they are caring for another person, namely, an adult or a child aged 16 years or over, may be affected by the July changes. I am therefore working with my officials in examining the position of these lone parents and the potential impact of the July change. I expect those deliberations will conclude in the coming weeks. In this regard, Deputies will recall that before Christmas I reviewed the reduction to the income disregard for lone parents due to be introduced last January and in January 2016. In order to maintain the existing incentive for employment, I brought forward provisions to maintain the level of disregard at 2014 levels.

**Deputy Ruth Coppinger:** Does the Tánaiste agree that this cut is one of a list of many and that it is now part of a pattern of broken promises to women, in particular, who make up the majority of single parents? She has slashed child benefit, rent supplement and now she is forcing parents with children over seven onto jobseeker's allowance. It will mean cuts of €57 to €86 a week for people who do not have access to child care. In 2012, the Tánaiste said she would not bring this in unless we had child care provision similar to that in Scandinavia. I think she will agree that we do not have that. Single-parent families are the biggest group in poverty. According to the CSO survey, 63% are in deprivation. The organisation OPEN has said that they live in constant fear of an energy bill or homelessness. We might as well reopen the mother and baby homes and have done with it, because the Tánaiste is forcing people-----

**An Ceann Comhairle:** Will the Deputy please put her question? The time is up.

**Deputy Ruth Coppinger:** -----not to have any choice about being able to bring up children in lone parent situations.

**Deputy Joan Burton:** The majority of lone parents are not in work.

**Deputy Richard Boyd Barrett:** They were before the Tánaiste's cuts.

**Deputy Joan Burton:** There is absolutely no change in their payments. The reason the changes are being brought in is to give parents, when their child reaches seven years of age, a six-year transition period to enable them, in particular, to become involved in education or training with a view to being able get employment when their children are older and in second level education, because the best route out of poverty is for somebody to get employment. I

reiterate that there is no impact on the vast majority of lone parents who have family caring commitments to their children and are caring for their children on a full-time basis. Parents tell me all the time that they would like to be able to go back to work but to do that they need, in particular, to be able to get education and training and then get a better-paying job. That has the single biggest impact in terms of improving their family income situation and the situation for their children. That is the purpose of the changes, it is to make things better for people.

**Deputy Ruth Coppinger:** Does the Tánaiste ever wonder why she got the reception she did in Jobstown? Does she ever wonder why people sat in front of her car? The reason they did so is that it is one of the most deprived areas of the country and she is seen by people as the Marie Antoinette of this Government.

**An Ceann Comhairle:** Will the Deputy put her question?

**Deputy Ruth Coppinger:** The one difference between her and Marie Antoinette is that Marie Antoinette did not make any promises. She was not elected on a platform of not cutting child benefit and of being in favour of women's rights. The Tánaiste has broken every single promise to families in this country.

**An Ceann Comhairle:** This is Question Time. The Deputy should put her question.

**Deputy Ruth Coppinger:** In particular, she has stuck the knife into the backs of lone parents with this cut. Then she wonders why people around the country are angry and are not throwing red carpets under her feet. She has reduced people to going to soup kitchens. The biggest single group going to soup kitchens is single parents.

**An Ceann Comhairle:** This is Question Time. The Deputy should put her supplementary question.

**Deputy Ruth Coppinger:** Would the Tánaiste accept that all this is being done in the interest of making cuts to meet targets set by the troika - the EU, the IMF and the ECB - in aid of the bondholders? That is why she is getting the reception she is getting in communities. She can expect much more of it if she keeps this up.

**Deputy Joan Burton:** Deputy Coppinger's colleague was one of the principal organisers of the event in Jobstown.

**Deputy Ruth Coppinger:** He was not. People do not like the Tánaiste.

**Deputy Joan Burton:** The people who organised that event cast a slur on the very good people of Jobstown.

**Deputy Ruth Coppinger:** The Tánaiste slurred them.

**Deputy Joan Burton:** This was an event to celebrate-----

**An Ceann Comhairle:** We are dealing with Question Time here.

**Deputy Ruth Coppinger:** The Tánaiste slurred them.

**Deputy Joan Burton:** -----the success of people from the local community-----

**Deputy Ruth Coppinger:** They did not want the Tánaiste there in the first place.

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**An Ceann Comhairle:** Could the Tánaiste just reply to the supplementary question?

**Deputy Joan Burton:** -----including a number of lone parents, who were graduating with a degree. Graduating with a degree and going to college might mean nothing to the Deputy, but I come from a very strong working class background.

**An Ceann Comhairle:** The Tánaiste is way over time on this question.

**Deputy Ruth Coppinger:** Here we go. Listen to the violins. The Tánaiste does not come from a working class background. She should stop lecturing us.

**Deputy Joan Burton:** Actually, a lone parent-----

**An Ceann Comhairle:** Would Deputy Coppinger please resume her seat and stay quiet? There are other Deputies waiting to get their questions answered.

**Deputy Ruth Coppinger:** Yes. The Tánaiste should answer them.

**Deputy Joan Burton:** Deputy Coppinger can defend-----

**An Ceann Comhairle:** We are way over time. The Tánaiste is now two minutes over time on this question.

**Deputy Joan Burton:** I am convinced that helping lone parents into education and training and helping them get a job, and the Jobstown-----

**An Ceann Comhairle:** Would the Tánaiste please adhere to the Chair?

**Deputy Joan Burton:** The Jobstown graduation was to celebrate that, for people from the community. That is the right approach.

**An Ceann Comhairle:** There are other Deputies here, waiting for their questions.

### **Child Benefit Administration**

8. **Deputy Denis Naughten** asked the Tánaiste and Minister for Social Protection her plans to address the persistent control savings associated with child benefit; and if she will make a statement on the matter. [4716/15]

**Deputy Denis Naughten:** Every year, the Department of Social Protection staff in Carrick-on-Shannon very effectively identify between €70 million and €80 million in control savings under the child benefit scheme. Is there not something fundamentally wrong when 10% of the control savings on an annual basis are consistently identified as relating to large-scale fraud, overpayments or errors within the scheme?

**Deputy Joan Burton:** Child benefit is a payment to parents for the support of their children. It is paid to some 615,000 families in respect of 1.18 million children, with an expenditure of approximately €1.9 billion in 2014. This payment, I am happy to say, increased by €5, to €135 per month, with effect from January 2015. Child benefit will remain a universal payment because of its crucial importance to families, mothers in particular, but also fathers who are parenting their children alone, and I intend to increase it again in the budget later this year.

Safeguarding the child benefit budget is a priority and in this regard the Department has taken a very strong approach to ensuring that it is only paid to eligible families. A policy of issuing continuing eligibility certificates to parents commenced in 2008 and is still in operation. The control policy for the scheme is continually reviewed to ensure that the controls in place to prevent the kind of fraud and abuse the Deputy has referred to continue to be effective and relevant. As a result of these reviews, additional enhanced and updated control measures are devised and implemented.

Control savings represent the amount of money that would have to be spent in future if the control work was not undertaken. They do not include cases of departmental or clerical error or where a customer voluntarily informs the Department of changes to his or her means or circumstances which results in a change to the rate of payment.

The total savings from child benefit control activity was €74 million in 2013. The Department undertook approximately 400,000 continuing eligibility reviews of child benefit customers in 2014. This control activity generated some €70 million in savings in respect of expenditure that would otherwise have occurred. The level of savings from this exercise has fallen in recent years owing to the effectiveness of the controls in the child benefit scheme. While I am satisfied that the control system is good, the systems are continually reviewed and upgraded as information technology develops.

**Deputy Denis Naughten:** In each of the past five years, between €70 million and €80 million has been generated in control savings in the child benefit scheme. Individuals associated with the troika recently questioned the universal character of the child benefit payment. The payment should remain universal, although it could be paid in a much more effective manner. The Departments of Education and Skills and Social Protection have linked up in respect of enrolment data for pupils in schools. However, the Department of Social Protection continues to issue 600,000 letters per annum to child benefit recipients, creating a requirement for enough paper to wallpaper the pitch of Croke Park two and a half times, because it is not linked up with the National Educational Welfare Board. Will the Minister ensure such a link is established? One of the conditions for receiving child benefit is that the child for whom it is paid must be attending school. This condition is not regularly enforced.

**Deputy Joan Burton:** I am not sure the Deputy's final point is correct. On the issue of whether a child attends school or receives home schooling, the Constitution provides that parents have a significant role in decisions regarding their children. The legislation must reflect the constitutional rights of all citizens.

The good news I have for the Deputy is that the troika left town some time ago. I note a spokesperson for the International Monetary Fund, one of the members of the troika, commented recently on child benefit. There are differences of opinion on this payment. For instance, in the United Kingdom and Northern Ireland, child benefit is not paid to any family with an income in excess of £65,000 and, where it is paid, it may be clawed back in tax reductions. I believe in a universal child benefit payment. All of the studies on poverty and so forth show it is highly effective in ensuring that the money goes to the caring parent, which is of most benefit to the child.

**An Ceann Comhairle:** I must ask the Tánaiste to conclude because we are over time.

**Deputy Joan Burton:** Control checks are important and play a significant role in cases

where people are changing residence or moving to another country.

**Deputy Denis Naughten:** The problem is that if the Departments of Education and Skills and Social Protection and the National Educational Welfare Board were linked up, many more abuses in the system would be identified and much greater savings secured. This link should be established once for all to eliminate the annual control savings. The reason I raise this matter is that teachers tell me that some parents lack the motivation to ensure their children attend school. The National Educational Welfare Board has published details of cases involving parents who had to be dragged through the courts and fined to persuade them to ensure their children attended school. Surely it would make more sense to threaten such parents with the withdrawal of child benefit, rather than spending 12 months dragging them through the courts and having children lose out on a year's education to achieve the same objective.

**Deputy Joan Burton:** The Deputy is suggesting that the payment of child benefit should be entirely conditional on a child attending school.

**Deputy Denis Naughten:** That is the law.

**Deputy Joan Burton:** The law requires children to receive an appropriate education. For almost all children, this is provided in a school environment but, as the Deputy is aware, there are families who are dedicated to home schooling.

**Deputy Denis Naughten:** Naturally, there will be exceptions.

**Deputy Joan Burton:** We have to allow for parental choice.

**Deputy Denis Naughten:** The Minister is distracting from the issue.

**Deputy Joan Burton:** As Deputies will be aware from media reports, the Department of Education and Skills has undertaken to use personal public service numbers, PPSN, for children at primary level, as is already the case at second and third level. The Departments of Education and Skills and Social Protection are co-operating on mapping the location of children for the purpose of planning new schools. When the project is completed there may be scope for additional co-operation, subject to data protection controls.

## Social Welfare Code

9. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Social Protection in view of the International Monetary Fund's recent comments calling on the Government to consider taxing or means testing social protection payments such as child benefit, if she has discussed these matters with the IMF delegation; if she supports the recommendations; and if she will make a statement on the matter. [4968/15]

**An Ceann Comhairle:** As only one minute of Question Time remains, Deputy Creighton, who has tabled the next question, may wish to forego her introduction and allow the Minister to make a brief reply.

**Deputy Joan Burton:** As only a short time remains, I will not read out the reply. As I indicated in answer to the previous question, child benefit is a major payment that is made to more than 600,000 families in respect of 1.2 million children at an annual cost of €1.9 billion.

**Deputy Lucinda Creighton:** I am curious to ascertain whether the Minister had any specific engagement with the International Monetary Fund and whether any detailed discussions have taken place on the potential for taxing or means-testing child benefit.

**Deputy Joan Burton:** As I pointed out to Deputy Naughten, it is my view that child benefit should be universal payment. It is one of the few universal payments in our social welfare system. All of our research shows that the payment goes directly to the caring parent who is, for the most part, the mother, and is very well spent on children. I do not have any proposals to tax the payment.

I am aware of the discussions to which the Deputy refers. To assist families on social welfare, we are focused on helping parents, whether in one-parent or two-parent households, to engage in education and training and ultimately enter employment as the best route to supporting children out of poverty. At this time and, even more so, during the recession, the cashflow of child benefit on to the household kitchen table has been incredibly important in supporting families with children. The current system is the best way of giving a package of direct cash supports to families who have children.

*Written Answers follow Adjournment.*

### **Customs Bill 2014: Second Stage (Resumed)**

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

**Minister for Finance (Deputy Michael Noonan):** When we discussed this previously, I was going through the Bill section by section. I had completed section 10 and was about to comment on section 12, so I will recommence at that point.

Section 12 provides for the control by customs of persons entering or leaving the State and of their baggage. The section also provides for the operation of a red-green channel system, with which Deputies will be well familiar. The blue channel is, of course, for persons travelling within the EU and does not need to be legislated for here. The section also provides for an offence for contravention of the provisions of the section and for the penalty that applies.

Section 13 provides for the continuation of the existing control by customs of postal traffic into and out of the State. The section provides for an offence for contravention of the provisions of the section and for the penalty that applies.

Sections 14 to 24 deal with customs offences, penalties and court proceedings. Section 14 provides for offences relating to improper import or export of goods, that is to say, without payment of any duty or contrary to a prohibition or restriction on their import or export. The section reflects provisions in current legislation. The section also provides for the penalties that apply.

Section 15 provides for a number of other customs-related offences, primarily related to non-compliance with a requirement imposed by a customs officer performing his or her duties, or interference with customs property or equipment, or adapting conveyances for smuggling purposes. The section also provides for the penalties that apply.

Section 16 provides for determining whether a customs offence is to be tried summarily or

on indictment. The key to this determination is the value of the goods which are the subject of improper import or export.

Section 17 provides for forfeiture of goods which have been illegally imported or attempted to be illegally exported, that is to say, without payment of duty or contrary to a prohibition or restriction. Any conveyances or any goods which are packed with or used to conceal goods liable to forfeiture will themselves be liable to forfeiture.

Section 18 provides for a notice of seizure to be given to the owner of goods, where the goods are seized by a customs officer. The section is a restatement and modernisation of existing notice of seizure provisions.

Section 19 provides for a notice of claim to be made by a person who claims that something seized as liable to forfeiture was not so liable. The section is a restatement and modernisation of existing notice of claim provisions.

Section 20 provides for court proceedings for condemnation of seized goods as forfeited. The section specifies the appropriate court of jurisdiction for such proceedings and also provides for the course to be followed in such proceedings.

Section 21 provides for the rules for court proceedings in regard to customs offences.

Section 22 covers the question of damages and costs in civil or criminal cases where judgment is given against a Revenue official as the defendant on account of the seizing or detention of any thing. No change of substance is involved.

Section 23 provides for presumptions and onus of proof in proceedings under the Customs Acts, that is to say, where certain things may be presumed to be true until the contrary is proven. The section represents no change to the current law.

Section 24 provides that a person may be liable to other penalties in respect of the same offence under either customs legislation or other legislation.

Sections 25 to 35 deal with customs powers. Section 25 provides for powers to enter, inspect and patrol certain places for a customs officer, and any person assisting a customs officer, without a court warrant. The power to patrol in this way along the coast and the land frontier, and in customs ports and airports and other approved places, is an essential control mechanism to combat smuggling.

Section 26 provides for powers to stop vessels, aircraft, vehicles and other means of transport in different circumstances. The possibility of stopping conveyances in this way is an essential control requirement to ensure compliance with the customs Acts and to prevent smuggling.

Section 27 provides for powers to board and search conveyances that are entering or leaving the State, as well as away from ports and airports and the land frontier.

Section 28 provides for the power to examine goods under customs control. Examination of declared goods is a standard part of customs controls and a clear requirement under Community customs rules.

Section 29 provides powers to a customs officer, and any person assisting the officer, to enter and search a specified premises or land under a search warrant issued by a judge of the

District Court, and to seize and detain anything found in the course of the search which might be required as evidence in proceedings for an offence under the Customs Acts or any other enactment.

Section 30 provides for the search of persons in certain circumstances. This power is a necessary control provision in regard to smuggling. The section provides for several safeguards in regard to the search of the person.

Section 31 provides for the power to stop and question a person entering or leaving the State as regards their journey and their baggage and, if necessary, to search their baggage. Stopping and questioning persons entering or leaving the State, and examining their baggage where appropriate, are essential powers to prevent smuggling.

Section 32 provides for the power to arrest without warrant a person who a customs officer suspects is committing, or has committed, an offence under section 14 or section 15 of the Bill, or where the person has obstructed or assaulted a customs officer.

Section 33 provides for the power to detain goods and conveyances being imported or exported, pending the outcome of inquiries and investigations into whether the goods in question are in compliance with the Customs Acts.

Section 34 provides for the power to seize any goods and conveyances that are liable to forfeiture under the Customs Acts.

Section 35 provides for the power to deal with seizures, whether before or after the goods have been condemned by the courts.

Sections 36 to 39 of the Bill deal with general customs administrative matters. Most of the sections are standard provisions in legislation relating to the Revenue Commissioners. Section 36 provides that the duties of customs are under the care and management of the Revenue Commissioners. It also confirms that the Commissioners are the customs authority for the purpose of the Community Customs Code.

Section 37 provides that the Revenue Commissioners may authorise customs officers to carry out various functions deemed necessary by the Commissioners.

Section 38 provides for the delegation of certain powers, functions or duties by the Revenue Commissioners to an officer of the Commissioners.

Section 39 provides for the making of regulations by the Revenue Commissioners for the purposes of giving effect to the Customs Act and of giving full effect to the Community Customs Code. The section also provides that the Minister for Finance may make regulations specifying the customs controls to apply in regard to the import or export of any goods by land. The section makes it an offence to contravene any provision of any regulation made under the section and provides for the penalty that applies.

Sections 40 to 42 of the Bill deal with EU and international customs obligations. Section 40 provides for a system of penalties for contravention of certain customs rules and procedures. These penalties were first introduced in 2011 to ensure uniform application of the EU customs rules. The opportunity is now being taken to broaden the application of such penalties to all areas of customs legislation, as the existing regime of monetary penalties had become hopelessly outdated with the passing of time and had, as a result, fallen into disuse as an effective tool for

ensuring compliance with customs requirements.

Section 41 provides for the continuation of the force of law in respect of the Naples II Convention, which governs mutual assistance between EU customs authorities in regard to criminal matters. The Naples II Convention was originally given the force of law by the Customs and Excise (Mutual Assistance) Act 2001.

The section also provides for the application by Ireland of the 2009 EU Council decision on the use of information technology for customs purposes. This decision establishes a joint computerised information system for customs to assist in preventing, investigating and prosecuting serious contraventions of national laws by making information available more rapidly, thereby increasing the effectiveness of the co-operation and control procedures of the customs administrations of the member states. This EU decision replaces an earlier EU convention, which was originally given the force of law in the Customs and Excise (Mutual Assistance) Act 2001. The 2001 Act is among those being repealed by the Customs Bill.

*11 o'clock*

Section 42 provides for the ratification by Ireland of the EU Council convention of 10 May 2009 on centralised customs clearance, concerning the allocation of national collection costs when customs duties are made available to the EU budget. The convention covers the situation where the customs duty is collected in one member state but the goods are physically imported into another member state. This arrangement has only been introduced relatively recently, as a trade facilitation measure. In such circumstances, both member states incur costs but only one member state has collected the customs duty. The convention provides for the sharing by the two member states, on a 50:50 basis, of the collection fee. As it happens, Ireland is currently a net beneficiary under these sharing arrangements and Deputies might like to note that the benefit of centralised clearance to Ireland will be in the region of €20 million for the full year 2014.

Sections 43 to 48 of the Bill provide for the appeal procedures in regard to customs decisions and assessments of customs duty. As I stated earlier, these sections are a restatement of the existing legislation. Section 49 of the Bill deals with prohibited or restricted goods. The section is, in effect, a restatement and modernisation of existing legislation concerning the application of the Customs Acts to prohibited or restricted goods being imported into, or exported from, the State. At this stage, a number of matters are under consideration in the Bill that I may bring forward on Committee Stage. I will, of course, also give consideration to any constructive suggestions put forward by Deputies during our debate.

**Deputy Dara Calleary:** On behalf of my colleague, Deputy Michael McGrath, I welcome the introduction of this Bill. It is primarily a technical Bill, but it gives us a chance to discuss the issues and pay tribute to the work of the Customs and Excise service.

Any legislation dating back to 1876 is probably in need of review. However, what has been constant since then has been the dedication and courage of the members of the service around the country in doing their job, often in very difficult circumstances. These officers do not receive the attention other branches of the services do. We never see a drama series about customs or any fly on the wall documentaries. However, that is not to say the officers are not doing a fantastic job. We support this legislation.

Some of the challenges facing the service were never envisaged in 1876 or even in the most recent legislation, particularly in regard to what is covered by section 42 - customs duty collect-

ed in one state on goods imported into another. I expect we will see significant growth in this area in coming years. The Minister is aware there is a difficulty currently in regard to online purchases which are not subject to the sales tax or VAT a person buying goods in a shop must pay. This makes for an uneven playing pitch for retailers and we end with a situation where the traditional bricks and mortar retailers operate versus those online and those outside the jurisdiction. Is there some potential to level that playing pitch in section 42?

The issue of customs duties and fuel presents a particular challenge. I wish to pay tribute to Customs and Excise, the Garda, the relevant local authorities and the Minister's officials in regard to the progress made on the issue of diesel laundering in the past few months. However, the progress on diesel laundering puts into stark contrast the lack of progress, a kind of "do not know where to go" response, on the issue of petrol stretching. I wish to acknowledge the work the Minister of State, Deputy Simon Harris, has done on this. However, there is enormous frustration, particularly across my constituency where hundreds of people have been affected, that the response of the State on petrol stretching has not led anywhere and has not provided any answers.

I know this is a difficult issue to tackle, but the people affected are ordinary people who went about their business and filled their cars with petrol from legitimate retailers and as a result of that basic transaction, their engines were damaged. Sometimes two or three cars belonging to one family were affected. In most cases, insurance companies have paid out for repairs, but this has affected "no claims" bonuses and many bonuses were lost, leaving people hundreds of euro out of pocket. In the case of those with only third party insurance, the damage was not covered and people are thousands of euro out of pocket. When people report the issue to the Garda, gardaí say it is being investigated and Customs and Excise says the same. However, there is no sense that they are anywhere near getting to the bottom of the issue, which is a frustration for everybody.

I understand it is difficult to investigate this issue because the damage was done long before its effect was seen in cars. However, when consumers pay fuel duty - almost 60% on petrol - and pay a levy on their insurance policy towards Government protection, they expect that when something beyond their control happens, there will be some sort of compensation. While I acknowledge the significant work that has been done by the Minister of State, will the Minister ensure that the Department examines this issue? These people were innocent victims of something which I now believe was not criminal. Somebody messed up somewhere along the line and hundreds of families have been affected. Some families in rural areas have two cars off the road and public transport is not an option. I ask for particular attention to be given to this. In the context of diesel laundering, we have seen success can be achieved and in the past number of months have noticed an increase in the level of detection. In County Monaghan, a plant laundering 20 million litres a year was uncovered. This took years of work, surveillance activity, investigation work and other work we are not even aware of.

The Minister has stated previously that there are approximately 2,000 staff in Revenue involved in enforcement activities. We need to ensure they are up to date with all the technology available and that they have the capability and access to modern technology on a par with the people and organisations they are tracking. We must ensure Revenue and Customs and Excise are one step ahead of those involved in diesel or fuel laundering or in illegal cigarette sales for the purpose of illicit earnings.

When the issue of fines was discussed in the context of the Finance Bill, Deputy Michael

McGrath suggested we needed to increase the fines for laundering and smuggling of fuel considerably. This would send an important signal that we will not tolerate this type of activity within our country and that those caught will pay a heavy price. I understand it is now considerably more difficult - I cannot say it is impossible - to remove the dye from fuel. We need to look again at the issue of marked diesel for agricultural and industrial use and at replacing it with a rebate system. This would further reduce any incentive to buy this cheap fuel.

There is much consideration given to the issue of cigarette smuggling. EU estimates suggest that the illegal tobacco trade costs the Union €10 billion a year, at a time when national budgets are stretched beyond breaking point. A report by Northern Ireland's organised crime task force showed that paramilitaries work with international smugglers to import both counterfeit cigarettes and so-called "illicit whites". These are cigarettes made in legitimate factories overseas but then smuggled into the European Union without paying the appropriate duty. A report by Irish customs shows 76% of seized cigarettes in 2012 were "illicit whites", up from 46% in 2011. This gives us some indication of the size of the problem.

Counterfeit cigarettes are typically manufactured in China and other Asian countries and illegally shipped to Europe. Apart from the loss of revenue, there are other issues of concern, such as the content and the abnormally high levels of cancer-causing chemicals in them. I welcome the fact there has been increased co-operation between EU and Chinese customs to cut the scale of this trade. However, much more needs to be done in terms of building awareness of the content of the cigarettes and educating people on the fact that these cheap cigarettes are dangerous to their health.

More work needs to be done on educating consumers on their rights, particularly in regard to purchasing goods from overseas retailers and the excise duties they face. I said earlier we need to level the playing pitch. Many websites do not tell customers the full cost of the goods they are about to buy, particularly the cost when customs duty is added. As I understand it if the value of the purchase plus shipping from a website outside the EU is €22 or more, then Irish VAT must be paid. Someone buying goods valued at €150 or more is liable to pay import charges. That needs to be more widely publicised so that people are aware of the full cost when making purchasing decisions rather than having to hand over more money to the import agent when the gift arrives.

I welcome the Bill which gives us a chance to discuss the customs service and the very brave work the men and women of that service do every day across this island. They have been faced with huge challenges over the decades, particularly during the Troubles. Members of that service have put themselves at risk to serve the State for which they deserve the respect and support of the House. I welcome the legislation.

**Deputy Peadar Tóibín:** Fuel smuggling is obviously a great cost to the State in terms of tax that is not paid into Revenue. It is obviously a great cost to the people who are trying to function along the Border, maintaining the law and ensuring they are selling proper product. Let us imagine there was a way to stop fuel smuggling. Let us imagine if fuel taxes on both side of the Border were equal. Let us imagine if the cost of diesel, petrol or any fuel were the same in south Armagh as it is in north Monaghan. That would obviously take away the incentive to smuggle and reduce the cost to police smuggling, which would be a further win for the State.

Let us imagine we had a government with the political will to seek to bring the taxation powers governing excise on fuel to the North of Ireland so that on the island of Ireland we could

organise it for ourselves. That would be a sunny day. That opportunity is in the Government's gift. Our party has won getting corporation tax powers back to Ireland. There is no reason that other taxation powers and fiscal powers that are logical could not also be brought back to Ireland, North and South.

This is a mainly technical Bill which consolidates much existing legislation related to our customs system. I say "our" customs system but in reality our system is just a cog in a bigger EU customs machine. While the content of the Bill is described as consolidating and technical I would like to deal with a number of issues that jump out on reading it.

Section 6 deals with customs ports and airports. I am curious as to whether military aircraft using Shannon Airport, for example, are subject to the provisions of this section. Sections 10 and 11 also deal with the procedures to do with aircraft landing and leaving, and refer to all aircraft having to comply "unless otherwise authorised or exempted". How does an aircraft receive such an exemption? The same applies to foreign naval vessels that occasionally visit us. Under what grounds are they exempt from customs?

The Bill refers to Type I and Type II airports. Type II airports are subject to extra requirements. Is there a list of which airports are Type I and which are Type II? How many aircraft or vessels are known to have landed without the knowledge of Customs and Excise in 2014 and previous years?

The accompanying memorandum points to two new subsections. The first in section 17 allows for goods under official control to be forfeited if customs duty is not paid. The new subsection in section 33 allows for the detaining of goods which the Garda or other relevant authority believe may be required as evidence. The goods can be held "for such period of time as may be required to determine if they are so required as evidence". I am not convinced the wording here is sufficient to prevent a possible abuse of this section to detain goods for long periods of time under the pretence that they might one day be used as evidence.

Last year the Revenue Commissioners sold €213,385 worth of seized goods. That is not an insignificant amount. Is that money kept by Revenue or channelled to charitable organisations or some other worthy cause?

Section 22 is worthy of some scrutiny. It seems to give immunity from any sort of legal recourse to anybody hurt or who has property damaged by officers carrying out a seizure or detention. I ask the Minister to clarify the meaning of that section.

Sections 44 to 46, inclusive, suffer from what is a common flaw in some legislation. Appeals are effectively dealt with in-house through the appeals commissioner appointed by the Minister. I note the legislative programme has a Bill which will presumably bring about some change to this system. In the meantime this legislation only allows an appeal to the courts and only to the less accessible High Court on a point of law. This is a common mechanism used in consumer protection, for example, and I believe its purpose is sometimes to discourage or simply prohibit by means of cost a legal challenge to how the State operates. I ask the Minister to outline his thoughts on this issue.

The main purpose of this Bill is to reiterate the State's assent to EU-wide rules on customs through the Naples II convention and the CIS system. The Customs Information System deals with a huge amount of personal data and clearly it is important that proper data protection systems are in place. Have any breaches of data occurred since the system came into place?

While an EU-wide approach to customs has some practical advantages it can also have drawbacks. For example goods labelled as Israeli are given preferential treatment under EU-Israel agreements but they may, in fact, originate in the illegally occupied territories of Palestine. It seems the procedure in doubtful cases is to confirm the details with the country of origin. In other words, all Israel has to do is to confirm the goods are not from the illegally occupied territories and there is nothing that can be done. The State could ban goods from the settlements on human rights grounds, but it has not tried to do so. Obviously in recent weeks on the back of a Sinn Féin Private Members' motion, the Oireachtas gave a promise to recognise the State of Palestine, which is also important in this regard.

More broadly a customs union means setting trade rules at an EU level. The most topical example of this is the proposed transatlantic trade and investment partnership, TTIP. The TTIP is probably one of the most challenging and dangerous agreements being negotiated and discussed at EU level, most of it behind closed doors and most of it without any information seeping out. It cedes massive sovereignty from the Irish people to the dispute mechanism, which is completely out of our hands. It means to a certain extent that private companies can sue the Government regarding policy changes if those policy changes negatively impact on the profitability of those businesses.

The promises for job creation are very dubious. Those figures do not stand up to scrutiny. The most damaging element of TTIP is the investor state dispute settlement mechanism, ISDS. From what we know of this mechanism it is designed to cause damage to states that want to use policy in future to the betterment of its citizens. For example, the Government's plan to introduce non-branded cigarette packaging has come under scrutiny recently. The European Commission, the American Chamber of Commerce and a number of organisations have started to focus on this. It is very dangerous if governments cannot decide policy for fear that private corporations could sue them through the ISDS.

Other issues such as fracking and farming may be threatened with regard to this. Environmentalists, trade unionists, farmers and many civil society groups have raised huge concerns about what TTIP will actually mean for Ireland and the rest of Europe. It is important to understand in the context of the customs union. My party is happy to support the passage of the Bill to Committee Stage where we will examine it in detail and possibly propose some amendments based on the issues I spoke about today.

**Deputy Finian McGrath:** I thank the Acting Chairman for the opportunity to speak on the Customs Bill 2014. I welcome the debate and the legislation. It is important to examine reform and the legislation dealing with customs.

I thank the staff who work in customs and commend them on an excellent job, which is thankless at times. They are dedicated public servants who sometimes put their lives at risk to serve the public good. It is important to say that in the debate. Over 2,000 staff are engaged in activities dedicated to target and confront non-compliance. The front-line activities include anti-smuggling, anti-evasion, investigation, prosecution, audit, assurance checks, anti-avoidance, returns compliance and debt collection. At times this can be a thankless and a dangerous job but they should focus on these issues. It is important these people get out and deal with it on the front line. They should focus on the concerns and protection of the citizens of this State.

A number of colleagues referred to the issue of illegal cigarettes. It is a major industry in the country. As well as being illegal, we are missing out on a couple of hundred million euro in

taxes and revenue. We must focus on this. We must stop beating up smokers, which happens a lot. In recent days, we have started beating up e-smokers. While 150,000 of them are trying to give up cigarettes, Senators are prancing around trying to make life more difficult for those on e-cigarettes. This is the kind of nanny-state activity and distraction politics that must always be challenged. The real issue is illegal cigarettes and trying to get in a few extra bob. Every day, the Minister for Finance is looking for an extra few bob. Customs is a strong part of it and we should strongly support its activities. This is important.

We also have a drugs crisis in the State. Drugs are being smuggled in and, every now and again, we hear about the shipment being caught. However, most of them are getting through to many gangs in the city that are causing havoc, wrecking communities and intimidating whole streets. That is why we should be strong on this issue and vigilant about our coasts. We are an island nation and our coasts need to be protected and patrolled. The average customs man or woman on the front line would say that we do not have enough resources. These people play a major role in trying to protect the citizens of the State. I raise these issues in the broader context of the legislation.

The legislation is positive. It seeks to consolidate and modernise the national legislation relating to the administration of customs into a single item of legislation. That is common sense and part of the modernising process. It is also important to consider the European dimension to customs and, in particular, the EU's customs code. The current code and its implementing provisions set out the rules for importing and exporting goods and impose legal requirements and obligations on importers and exporters. In Ireland, customs controls are enforced by the Office of the Revenue Commissioners, administering the customs regime for the control of imports and exports and collection of duties and levies on behalf of the EU. Import duties collected by customs remain an important source of income for the EU. In 2012, they represented nearly 13% of the EU budget, which amounts to €16.3 billion. That is a very important figure yet most people have never heard of it. According to the Revenue Commissioners annual report for 2013, Ireland is fourth in Europe for efficiency of customs administration and fifth in the world. That is a high ranking, although not as high as the Acting Chairman, Deputy Bernard Durkan, who had the highest speaking time in the Dáil in 2014. I congratulate him on getting the number one slot. Many people are not aware of that and I hope the Minister appreciates the importance of us being up there in the premiership.

According to the Revenue Commissioners annual report for 2013, there were 1,170,989 customs declarations in 2013, an increase of 4% over 2012. With regard to drug seizures, the 2013 figures show 724 seizures of cannabis, amounting to a value of €11.31 million. There were 116 seizures of cocaine and heroin, amounting to €4.54 million, while there were 5,690 seizures of ecstasy and other drugs, amounting to a value of €4.96 million. The total number of seizures in 2013 was 6,530 and the value was €20.81 million. That is a lot of money. I warned the Minister for Justice and Equality and the Minister for Finance that this is the tip of the iceberg. Many drug shipments are getting through. The sad reality is that they are destroying our cities and towns. While we are modernising and making the legislation and the customs service more efficient, we should never take our eye off the ball. While we are at the top in terms of efficiency, we should be interested in upping our game.

Customs are in a unique position today to be able to facilitate trade and protect the interests of the EU and its citizens. I focus on our own State, which is very important. The custom systems can regulate and collect customs and excise duties, check commercial goods, and carry out security and safety checks, which are an important dimension, as well as monitoring to prevent

organised crime and terrorism. I mentioned the drugs issue but there are organised crime elements, particularly in Dublin city, that have moved away from drugs because of the hassle from the drugs squad and the Garda Síochána. They have moved into illegal cigarettes, where there is more money to be made than in cocaine, cannabis and heroin. Customs have an important part to play in this.

The powers of seizure and forfeiture of goods have been known to the law and have been used in varied areas of legislation including firearms, drugs, fishing, counterfeiting and the proceeds of crime. Under the Bill, in addition to fines and imprisonment, goods can be detained, seized and declared forfeit. Customs officers have powers under Part 4 of the Bill, sections 25 to 35, inclusive, to assist them in detection, including powers of stop, search, examination and arrest. This is dealt with in legislation but the important aspect is the safety of the staff.

Customs, at its most basic definition, means taxes on imports and exports. The Revenue Commissioners are responsible for regulation of the customs system in Ireland. It is important to focus on the issue. I welcome the legislation and I will support it because it consolidates all national customs provisions. It will also modernise the existing legislation. I am interested in hearing more about the amendments that will be proposed on Committee Stage but, overall, I welcome this Bill and I will be supporting it.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy Finian McGrath is holder of the record for the second highest level of speaking time in the Dáil in 2014.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on this Bill. When I studied the Bill and its digest this morning, I noted a number of references to EU legislation. Anything that consolidates legislation is to be welcomed. The Bill deals with issues under EU legislation, such as free trade and transferring goods with ease, but the reality is that we seem to pick and choose in respect of the EU. Some goods can be transferred from one country to another without bother but if, for example, one imports a car from the UK one must pay a serious amount of tax. In the context of Europe and free trade, we hold EU driving licences and speak about open markets across the EU but when we want to import a vehicle, there is a huge gap between the price in Ireland and that in other jurisdictions. Are we taking out the nice pieces of the dinner for ourselves while leaving behind the pieces we do not like?

I have been involved in efforts to deal with the issue of petrol stretching in recent months. Customs officials have a wide variety of duties, and I commend them on their efforts. However, there has been an awful silence in the last few months in regard to petrol stretching. Numerous families around this country have two cars lying at the side of the house because they cannot afford to fix them. We levied taxes on the petrol these families purchased from filling stations in various parts of Ireland but they were unlucky in not having comprehensive insurance. Even people who had comprehensive insurance found they were not covered by the small print of their policies. The insurance policy may have been cheap but it included clauses that ensured the customer did not get what he or she expected.

This issue is causing havoc. Deputies from both sides of the House have attended meetings on this issue. It is like finding a needle in a haystack. It is a sad reality that we cannot tell whether the fuel contained in a lorry coming from the docks in Dublin is good or bad. It does not require magic tricks to analysis a sample from each such lorry to identify where the problem lies. Everybody and nobody in this business is getting the blame. People are being blamed in the wrong, while others are left with ruined car engines because of petrol stretching. Revenue

has to step up to the mark. If it takes the money, it has to deliver. It has taken taxes from these people, who paid them in good faith. In their hour of need, however, there is silence when it comes to offering a solution. They are told to go to the filling stations, the suppliers in the docks in Dublin or the insurance companies. They have gone to everybody but the stark reality is that people are being left high and dry, especially where they have third party insurance. The Department of Finance should liaise with Customs and Excise to address the problem because it will not be resolved otherwise. I have had similar issues where kerosene was used in diesel machinery. The only thing we could do was add engine oil to ensure the pumps did not break for the similar reason that a blown engine would cost €5,000 or €6,000 to repair. People who are already struggling cannot afford such costs.

Last week I read a newspaper report that Ireland was seen as a friendly place to do business. I was contacted by an individual who had been in business for 30 years. He told me he was packing up because he got a letter from the bank which blamed an increase in the price it charged for writing cheques from 20 cent to 60 cent on the Government's new centralised system for getting rid of cheque books. I hope this Bill does not put further costs on business. Consolidating legislation should be aimed at making us more efficient.

**Deputy Joe O'Reilly:** I welcome the opportunity to speak on this Bill. This week, a cross-Border raid on properties connected to an organised tobacco smuggling outfit resulted in the seizure of millions of cigarettes and a large quantity of cash. Some 334,000 branded cigarettes were recovered, with a retail value of €167,000 and potential tax revenue of just over €100,000. This was a significant result for Customs and Excise, Revenue, the Garda and, ultimately, the Irish taxpayer. It would not have been possible without strong legislation to back these organisations up. This is why I welcome the Bill. Some of our existing legislative provisions date back to 1876 and this Bill will make some of the more outdated provisions redundant. It is important that we update and consolidate our legislation to reflect these changing times and I commend the Minister for bringing this reforming legislation to the House. It would be remiss not to commend him also for bringing us back from the point of economic Armageddon. If events had continued in the way they were looking at one stage, this would be a minor item on our agenda. We would be in the economic abyss but for the actions of the Minister and the Government.

While the Bill aims to streamline our existing customs legislation into a single entity, it also contains some additional provisions pertaining to forfeiture and the power to detain goods. These new additions are dealt with in sections 17 and 33, respectively. Section 17(3) deals with the issue of illegally imported goods and non-payment of duty. If an individual or business is found to have imported goods without paying the necessary duty, it is standard practice to impound the goods until duty is paid. There are instances where a liability for duty arises and, under this legislation, such goods will be liable to forfeiture. The Bill also reinforces the practice of the immediate forfeiture of goods which are deliberately concealed with a view to avoiding payment of duty or because they are prohibited. These are two welcome additions to existing legislation. They bring Ireland in line with our European counterparts and will harmonise the definition and the qualification of custom infringements and sanctions across all member states.

I understand that, in advance of the publication of the draft EU directive on the Union legal framework for customs infringements and sanctions, the European Union identified huge discrepancies between customs sanctioning systems amongst member states. One of the more startling differences was that the nature of sanctions for customs infringement varied widely from state to state. That is why it is so important to have this legislation in place to unify and

consolidate our customs laws with our European neighbours. I was heartened to hear from Deputy Finian McGrath that we are fourth in Europe for quality and competence of our customs services. That can be overlooked when we cite dramatic cases but there is always room for improvement.

Sections 25 to 35, inclusive, of Part 4 address the powers of customs officers and officials. My constituency of Cavan-Monaghan, which is a Border constituency, has seen a sharp increase in the practice of fuel laundering, petrol stretching and cigarette smuggling around the Border. Last year, Criminal Assets Bureau officers carried out a total of 25 fuel laundering and cigarette smuggling searches in the Border counties. They targeted 21 individuals and confiscated assets with a value of €1.7 million. In Monaghan, customs officials and the Garda located a large fuel laundering plant which had the capacity to launder dyes out of approximately 20 million litres of oil every year. The dyes found are commonly used to differentiate fuels sold at lower taxes for certain industries, as with green diesel for agriculture. The estimated cost to the Exchequer in terms of lost taxes was thought to be somewhere in the region of €10.5 million per year, which is a significant sum. Some of that money would be much better invested to strengthen services and employ the necessary personnel to prevent these offences.

The impact of this activity on legitimate traders - the ordinary decent retailers who provide local jobs - cannot be overstated. I met a number of them in more recessionary times and it was heartbreaking to hear their stories. They were beset with all the difficulties, including lack of demand, that went with the recession and the collapse of construction and were experiencing a double whammy in having to compete with illegal fuel. It is a very serious matter. I am pleased with the initiative between the Revenue Commissioners and Her Majesty's Revenue and Customs service on the new marker for rebated fuels in both countries. This is a new dye that will be used in diesel which cannot be laundered. The Minister for Finance, Deputy Michael Noonan, has welcomed this on a number of occasions and was very proactive on it. I remember being one of the facilitators of a meeting a couple of years ago with the Minister and the hauliers from this region. He heralded at that meeting the prospect of this dye and his commitment to working with the authorities to ensure it was introduced. I gather that its implementation is imminent and the Minister might comment further on that in responding to this debate. Its effect will be enormous and its introduction will represent great progress when supplemented by patrols. To get it done from a chemical and scientific point of view would be great.

The significant achievements of our customs officials and Garda must be commended. While they are all good, as is the initiative on the dye, there are still a number of plants working north of the Border which continue to have a negative impact on our economy and citizens. While there are people who think that purchasing illegal or laundered fuel will save them money, some are unaware of the potential damage they are doing to their vehicle engines. Some people are very foolhardy. The same cautions apply to illegal cigarettes, which are often made using inferior tobacco and can have even greater health implications for smokers than genuine brands. The issue also arises in respect of other illegal drugs crossing the Border.

Sections 25 and 26 are also very important elements of this legislation. They provide customs officers with the power to enter, inspect and patrol certain locations and to stop vehicles, aircraft and vessels which they suspect are involved in smuggling activity. The new provisions outlined in section 33 will mean that customs officials who have reasonable grounds to suspect that goods are being illegally exported or imported have the power to detain said goods pending the outcome of an official enquiry under the terms and conditions of the Customs Act. The 30-day detention limit, as outlined in section 18, is important and represents a modernisation

of the existing notice of claim provisions. If a customs officer is of the belief that such goods may also be used as evidence in criminal proceedings but fall outside the remit of the Customs Act, he or she will also have the power to detain these goods and hand them over to the Garda. These aspects can have operational importance in certain instances.

I welcome the inclusion of this provision in the Bill. Our customs officers do sterling work in the Border region and it is important to ensure they have the necessary legislative backing and are equipped to deal with issues. Section 41 in effect repeals the Customs and Excise Act 2001 and ensures that the Naples II Convention, which was designed to improve co-operation between customs officials in various members states, has effect in Ireland. As such, a central data bank, accessible by each member state, will now be accessible by Irish customs officials.

Fighting fuel laundering and illegal trading across the Border is one facet of normalising life between North and South. It is a huge, critical issue to normalise life for law abiding citizens, proper retailers and good employers in the area and to fight off the criminal elements who, as we recently discovered, are also polluting our natural environment with laundered fuel. These criminals are displacing jobs, revenue and services for our needy people. That is one crucial dimension to normalising the North-South situation and harmonising life on the two sides of the Border. The legislation is welcome in that context. While it is not germane to the legislation, it is important to note that as we deal with this issue we need to get an infrastructural balance between North and South, including proper connectivity of roads and byroads. Roads should be restored so that people can travel North or South with ease.

In referring to legitimate traders and the decent people who go about their business trying to earn an honest day's pay with a local filling station employing local people, it merits mention that the fall in the value of the euro against sterling represents a huge economic opportunity for retailers south of the Border to trade into Northern Ireland and the UK. There is great potential also for Internet trading and legitimate traders. It is seldom that this happens but it does occasionally. Now is one of those times, which is all the more reason the legislation is important. It is important for proper and legitimate trading to eliminate criminality, petrol stretching, diesel laundering, cigarette smuggling and other forms of illicit drug trading. If we eliminate those and build the infrastructure, we can establish a normal trading relationship North and South.

People talk in a misty or romantic way at late hours in taverns and inns about the possibility of a united Ireland. Perhaps they sing songs. However, one will only create the proper united Ireland to which we all aspire by getting the bricks in the wall in the initial stages. That means removing the criminality, establishing normal trade along the Border through legitimate businesses with proper employment and revenue accruing to the State, and building the right infrastructure and trading practices. It is by building those core bricks and putting economic foundations and the rule of law in place that one creates the potential to implement the more grandiose plans. The superstructures will come later but one must get the small things right first.

The legislation is important in getting the small things right. It gives our Revenue services and customs personnel the legislative framework to do their job in a modern and coherent way with other EU states. It is reforming in that respect and I commend the Minister on it. With the new and critical initiative on dye in diesel, it provides confidence and hope to the legitimate traders I met a few years ago who were heartbroken at having to lay people off and whose businesses were greatly at risk. It gives hope to the legitimate hauliers, whom I met and for whom I facilitated a meeting with the Minister some years ago, who could not run a normal haulage business because they were competing with people who used illegal diesel. Their jobs and

families were at risk. I have a very distinguished colleague and friend, an eminent person in local government and a leading member of the council of the Irish Road Haulage Association, Councillor Peter McVitty. I make no apology for naming him. He is a very good, fine community person. He often told me that his business was seriously challenged by those who did haulage runs at a much more competitive rate using illegal diesel, and who were not doing their patriotic duty.

I appeal to the Minister, as the economy frees up, to keep the maximum customs enforcement personnel on the Border. They will pay for themselves over and over again through the smuggling they stop. I look forward to his response on Second Stage. I also hope the dye initiative works and that, as the years progress, we can restore normal life on the Border and get back to a sane existence in which people go about their business in an ordinary way and fully take part in society.

**Deputy John O'Mahony:** I am glad to contribute to the debate. It is a good, common sense approach to consolidate the legislation, get rid of the overlapping and make it much clearer so we can all understand it. Given that the world of 2015 is very different from the world of the 1800s when some of the legislation was put on the Statute Book, it needs updating and clearing up and I welcome it. In addition, there was no EU in the 1800s, and it is a major consideration today. While it is valuable and helpful to have customs legislation consolidated so it can be clearly understood and implemented, there remain major challenges, which many Deputies have outlined. There is still major illegal criminal activity operating inside and outside the State that affects us and causes millions of euro of losses to the country.

I very much compliment the Customs and Excise and the Revenue on their detections and seizures in recent days. They seized 2 million cigarettes and 12 tonnes of tobacco and the North-South co-operation was very important. In early January, 7 million cigarettes were seized at Dublin Port. While these increased detections and seizures are welcome, the worry is that this might be the tip of the iceberg and that much more might be slipping through the net. The Minister has assured us that whatever resources are needed to take on the criminal gangs are put at the disposal of the Customs and Excise and the Revenue. People should receive realistic sentences. Fuel laundering gangs were making up to €15,000 on a tanker of laundered fuel. Although sentences and fines have increased in recent years, they should be constantly examined because criminals must be hit at every level. The Government has put new tools at the disposal of the Revenue regarding traceability, such as the monthly return of mineral oil, ROM1, system, which traces fuel back to its source. However, it does not apply to petrol. Given that people in the trade, distribution companies and service stations have reported that ROM1 had an impact on diesel laundering, why does it not apply to petrol?

During recent years, an increasing number of fuel laundering operations have been closed down and seizures made. Some 130 filling stations have been closed down. Deputies Fitzmaurice and Calleary, among others, raised the major issue of petrol stretching. The Customs and Excise have assured us that they have enough resources to address it. However, while it happened last June or July, it has not been nailed down yet. It is confined to certain areas, namely, my constituency, Mayo, as well as Galway, Roscommon, Meath and Westmeath. Recently, Insurance Ireland came before the Joint Committee on Transport and Communications and told us 600 cases had been settled with people who had comprehensive insurance. However, these people have lost their no-claims bonuses. There are people who have third party insurance and whose cars have been put out of service by this and who have no access to public transport. Some people have had to buy new cars and if they had already taxed their cars, without the

knowledge that they would be taken off the road, they lost the motor tax.

The issue needs to be resolved quickly. These people went into filling stations and paid for fuel, 57% of which went on taxes and customs duties, and got nothing but devastation, and they are still left hanging on. While it is not a major national issue, it is a serious issue for those affected. The other victims of petrol stretching have been the legitimate services stations. The Irish Petrol Retailers Association has formed a group which guarantees to the public that the fuel they sell is legitimate, and it should be supported. This week, it will launch in Claremorris, where there are more than 30 filling stations. A customer who goes into one of these stations will know that the fuel will be legal. Fuel contamination has put a question mark over every filling station and they must be protected. I urge the Minister to do whatever can be done to help the people devastated by it.

**Deputy Tony McLoughlin:** I am grateful for the opportunity to speak on the Bill, which will have a positive impact on efforts by Customs and Excise and the Revenue to tackle, among other issues, the smuggling of tobacco related products, narcotics and counterfeit goods into the State. The goal of the Bill is the consolidation of our existing but outdated customs legislation into a single, dedicated Customs Bill which will stand up to the tests of modern times. It will also strengthen the powers available to customs officers by applying customs laws to prohibited and restricted goods while also providing for specific EU and international customs obligations.

Debate adjourned.

*12 o'clock*

### **Topical Issue Matters**

**Acting Chairman (Deputy Bernard J. Durkan):** 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 Michael Fitzmaurice - cuts to the subsidy of group water schemes; (2) Deputy Terence Flanagan - the need for a fresh inquiry into the Stardust fire; (3) Deputy Eoghan Murphy - the possibility of an exemption from certain property-related taxes for over 65s who downsize their homes; (4) Deputy Peter Mathews - the need for additional classes for entry to primary schools in Dublin South to meet the increasing demand for school places; (5) Deputy Colm Keaveney - the need to ensure the new model for special educational needs provides for needs descriptors, pilot testing and an independent appeals mechanism; (6) Deputy Noel Harrington - the need for a compensation fund under the European Fisheries Fund for the mussel fishermen of west Cork and County Kerry; (7) Deputy Áine Collins - the need for the Irish Sports Council to recognise the Trout Anglers Federation of Ireland as a national governing body; (8) Deputy Seán Kyne - the need for a permanent extension at Scoil Mhuire, Moycullen, County Galway; (9) Deputy Sean Fleming - the powers the National Transport Authority has to accept, reject and amend applications by bus companies to curtail services on bus routes; (10) Deputy Seán Conlan - the importance of retaining Department of Social Protection offices in Ballybay, County Monaghan; (11) Deputy Michael P. Kitt - funding for public library services; (12) Deputy Barry Cowen - the support and funding available to assist Sligo County Council resolve its financial difficulties and conditions imposed on such support; (13) Deputy Alan Shatter - the circumstances of Ibrahim Halawa who has been held in gaol in Egypt since August 2013 and the securing of his release by the Egyptian authorities; (14) Deputy Martin Heydon - the implications of the loss of Newbridge Credit Union, locally and nationally; (15)

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Deputy Seán Crowe - the report from the Health Research Board on drug related deaths and plans to address the issue; (16) Deputy Mick Wallace - the escalating situation in HMP Maghaberry and the impact on Portlaoise Prison; (17) Deputy Clare Daly - the escalating situation in HMP Maghaberry and the impact on Portlaoise Prison; (18) Deputy Thomas Pringle - the escalating situation in HMP Maghaberry and the impact on Portlaoise Prison; (19) Deputy Maureen O'Sullivan - the escalating situation in HMP Maghaberry and the impact on Portlaoise Prison; (20) Deputy Éamon Ó Cuív - the escalating situation in HMP Maghaberry and the impact on Portlaoise Prison; (21) Deputy Eamonn Maloney - the need for investment in medical infrastructure; (22) Deputy Paul Murphy - the recent announcement by the European Central Bank that it would no longer accept Greek bonds as collateral for debt; (23) Deputy Robert Troy - the need to address the devastation of the retail sector in regional towns; and (24) Deputy Brian Stanley - funding of domestic abuse services in County Laois.

The matters raised by Deputies Michael P. Kitt, Eoghan Murphy, Eamonn Maloney and Seán Crowe have been selected for discussion.

### Leaders' Questions

**Deputy Charlie McConalogue:** The Health Service Executive outpatient waiting list initiative was introduced at the end of 2013 for patients who had been waiting more than 12 months who were referred from public to private hospitals for outpatient consultant appointments and treatment. What is the position on the treatment of these patients? It has come to my attention in recent weeks that many of these patients have been told they will no longer be able to continue their treatment under their current consultants and that their files have to be returned in order that they can rejoin the ever increasing outpatient waiting lists at their original hospitals. For example, a young mother, whom I will call Caroline, was referred by her general practitioner in January 2012 to Letterkenny General Hospital for an outpatient appointment with a consultant gynaecologist. Two years later, in January 2014, she was referred under the HSE outpatient waiting list initiative to a private hospital for that consultant appointment, which she attended in March last year. The consultant diagnosed her as requiring surgery. She has been waiting for follow-up treatment since. Last week she received a letter informing her that, unfortunately, the hospital had been instructed by Letterkenny General Hospital that her treatment could no longer continue there owing to financial constraints. The hospital returned her file for ongoing treatment to be carried out within the public sector. The hospital apologised and stated it was completely out of its control. It stated that if she would like to continue her treatment there, she could do so privately and that it would provide a costing for it. Three years after her initial referral she is being put back on the waiting list from which she was referred. There are 1,300 patients in the same situation in Letterkenny General Hospital alone who are unable to have their treatment completed as planned. They are being put back on an ever increasing waiting list from which they had been removed. How many patients are in this position nationally? Will the Government decide to provide the funding required to allow them to complete their treatment, rather than send them back and add them to ever increasing waiting lists in public hospitals?

**The Tánaiste:** I thank the Deputy for raising this issue. Obviously, I am not aware of the details of the case he has raised. In the case of Caroline – I think the Deputy said that was her name - he would want to make detailed representations on the specifics of the case to the Minister. I am not in a position to respond here and now.

The Government is committed to reducing numbers on waiting lists for scheduled care, concentrating particularly on those who are described as being a long time waiting, that is, over 18 months. The lady mentioned would fall into that category. The Minister for Health has asked the HSE to develop an action plan to deal with waiting lists, concentrating on those who have been waiting more than 18 months. The plan is to build on work under way and will be available in a few weeks time.

The HSE has also committed in the 2015 service plan to the publication of a waiting list of consultants and at specialist level and aims to reduce waiting lists by redesigning the processes and the way applications are treated. It has put in place specific measures to address waiting lists more efficiently in collaboration with acute hospitals, the special delivery unit and the National Treatment Purchase Fund. They include observation of the national waiting list protocol, adherence to clinical programme guidelines and prioritising day of surgery admissions where clinically appropriate.

In the case of elective surgery, the HSE will work on implementing the recommendations made in the Comptroller and Auditor General's report on day surgery in consultation with the national clinical programme for surgery, with specific reference to targeting increases in day surgery rates in line with best international practice. The waiting list performance will be assessed within the revised accountability framework for the HSE published as part of the service plan. New patient care pathways such as medical assessment, minor and local injury units and urgent care centres, as well as the provision of care in non-hospital settings, are increasingly being used to provide for a spectrum of care which supports the efficient use of hospital resources.

I am not in a position to comment on the details of the case of the lady mentioned-----

**Deputy Finian McGrath:** Where is the Minister for Health?

**The Tánaiste:** By way of a direct query, the Minister for Health would deal with the specific case mentioned.

**Deputy Finian McGrath:** He is asleep. There were 500 patients on trolleys again yesterday.

**Deputy Niall Collins:** He is sleepwalking around the place.

**The Tánaiste:** I am not happy that we are not meeting all of the targets set, but it does mean that three out of four are receiving treatment within the target times and that there is significant investment in the development of better practices in order that, in particular anyone, such as the lady referred to, who has been waiting over 18 months, will be dealt with.

**Deputy Charlie McConalogue:** The Tánaiste did not answer any of the questions I put to her.

**Deputy Finian McGrath:** Surprise, surprise.

**Deputy Charlie McConalogue:** I did not ask about the Government's plans, although they are important. I asked specifically about the HSE outpatient waiting list initiative, a previous plan of the Government, which was introduced at the end of December 2013 and through which I have no doubt thousands of people across the country were removed from hospital waiting lists to massage the figures to make them look good. They would have been referred to private hospitals with the intention, as they were told at the time, that their treatment would continue

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and be completed there. Caroline is but one example of 1,300 who are in the same position in one hospital. How many are in her position nationally? I have made representations about her and thousands of others.

I have taken up the matter with the Minister for Health. In a response to a parliamentary question last week which he had referred to the HSE the answer I received was that it was the HSE's intention that these patients would receive their treatment in a timely fashion in the hospital to which they had been referred. The funding required for it to proceed with this plan was not provided; therefore, it is now taking steps to add these patients back to the public waiting lists for ongoing management and treatment. It is in the process of communicating with these patients to provide for them accordingly. That is what I am asking the Tánaiste to explain. There are 1,300 cases in County Donegal. I have no doubt that on the street next to the Tánaiste's there is a patient and that there are many patients in her neighbourhood in the same position. Is she aware of this case?

**The Tánaiste:** I am not aware of it.

**Deputy Charlie McConalogue:** Will the Tánaiste tell us how many are in this position of having their files referred back? Will she commit to providing the funding these patients were told would be available to complete their treatment under the consultant who is currently treating them?

**The Tánaiste:** The Deputy is already in discussion with the Minister for Health of the details of the cases mentioned. I do not have the details of all the numbers which would be available to the Minister for Health. As I said, the Deputy should continue to discuss it with the Minister who has the details.

**Deputy Charlie McConalogue:** Will the Tánaiste take up the matter with him?

**Deputy Robert Troy:** It is the Tánaiste's initiative.

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

**The Tánaiste:** On waiting lists, the number of inpatient and day cases at the end of November 2014 was 61,000, of which 12,500 had exceeded the target waiting time of eight months for a procedure-----

**Deputy Charlie McConalogue:** That figure does not include the thousands about whom I am speaking who were removed from waiting lists.

**The Tánaiste:** -----while the cases of more than 2,000 children had exceeded the target paediatric waiting time of 20 weeks for a procedure. As I said, three out of four receive treatment within the target times. However, that is not satisfactory and it is the job of the Minister for Health to improve it.

**Deputy Charlie McConalogue:** There are thousands of people who are not receiving treatment.

**The Tánaiste:** In 2014 the number of patients waiting in excess of 12 months for an outpatient appointment was over 55,000. Again, while I am not satisfied with this, it does mean that approximately 85% of outpatients were waiting less than 12 months for an appointment.

**Deputy Charlie McConalogue:** The Tánaiste is massaging the figures. They are not accurate.

**The Tánaiste:** Up to the end of November, there had been a 3% increase in outpatient attendances, as compared with the figure for 2013. This means that 98,000 more patients were seen. The reality in the health service is that the vast majority of patients are being seen. I agree with the Deputy that for anybody who has been waiting a lengthy period to be seen, it is distressing and that changes to their care treatment plan may be very difficult for them. I will take up the matter with the Minister for Health on the Deputy's behalf.

**Deputy Mary Lou McDonald:** The homeless crisis continues to spiral out of control. Every day families with children and single people continue to present as homeless. Rising rents, increased repossessions and the lack of social housing are forcing scores of adults and hundreds of children out of their homes. Following the tragic death of Mr. Jonathan Corrie in December, the Government press office went into overdrive in announcing measures which it was stated would stem the crisis. Today we learn that despite the provision in Dublin of an additional 300 emergency beds, there is still no spare capacity. Some 1,692 adults were sleeping in emergency accommodation in Dublin on New Year's Eve, the highest number in years. The problem is now so bad that there is a waiting list for family emergency accommodation in Dublin. As many as 80 families, with hundreds of children, are waiting to be placed in emergency accommodation, some of whom have been waiting for accommodation for months. In some cases, they have been forced to squat in homes when their notice to quit expired. They are being forced to sleep in cars or split up for days, weeks or months, with children being separated from their parents. They are being forced into low threshold hostels or hotel rooms, which environments are totally unsuited to children.

Despite all of the Government's high profile announcements, it is failing to stem the flow of families into homelessness. What families at risk of homelessness want to know is when will rent controls be introduced. When will adequate emergency accommodation be provided, including family accommodation, for those who are homeless? When will the Government start to release the promised funding for local authorities to commence construction of the homes that communities so desperately need?

**The Tánaiste:** The Deputy will be aware that prior to Christmas, the Government launched an action plan to address homelessness. As discussed previously, not all of the beds provided were taken up before Christmas. However, once the new year arrived, there was a significant increase in the take-up of these beds. Under the action plan, an additional 271 beds were put in place. The number and availability of emergency beds continue to be closely monitored, particularly by Dublin City Council within the area of which the bulk of emergency beds are provided.

**Deputy Joan Collins:** There are no beds available from Friday to Tuesday.

**The Tánaiste:** As per the Minister's commitment, additional beds will be brought on stream should the need arise. The Government shares this commitment. The Minister recently updated the Cabinet on how the protocol had worked. I take the opportunity to pay tribute to all of the voluntary and advocacy organisations which worked on this issue with officials of the local authorities and the Department. I am sure the Deputy is aware that the teams dealing with the emergency housing and homelessness problems have been meeting on a regular basis to review what has been achieved under the pre-Christmas initiative. Initiatives such as the night

café and transport provision have been very successful. In recent weeks I have been engaged in discussions on the problems that have arisen in some hostels. I understand the Deputy who raised the issue has been in contact with the manager of the homeless services about the specific situation that arose.

The Government is determined, should additional capacity be required, to provide it.

**Deputy Joan Collins:** It is required.

**The Tánaiste:** As I said, once the new year arrived, the number seeking a bed increased. This was not the case before Christmas, at which time some people, including in the media, were talking about vacancies. Should additional capacity be required, it will be provided.

Deputy Mary Lou McDonald also asked about the provision of additional accommodation and the protocol in this regard. The needs of a significant number of people, particularly families but also including individuals, have been addressed under the protocol. As part of the budget, an ambitious €2.2 billion investment in housing was announced. Detailed regular meetings are ongoing between the Dublin local authorities and the Department of the Environment, Community and Local Government on the implementation of the social housing investment plan which is under way.

**Deputy Mary Lou McDonald:** Two of the Tánaiste's remarks were very revealing in terms of the Government's attitude and approach to the housing and homelessness crisis. First, she said the Government would commit to doing more "should" additional capacity be required. Lest she and her colleagues in government are unaware, there is an absolute and urgent need for additional capacity. As I set out, this is particularly the case in respect of families with children who find themselves homeless. I have spelled out - I hope the Tánaiste was listening and heard me - the circumstances in which many families find themselves. In some cases, parents sleep in their car, while their children stay on either side of Dublin city with relatives or friends. Some families have been in this situation for weeks and others for months. There is no "should" in this equation. It is an imperative and a must.

Second, there is the Tánaiste's reference to beds. Of course, there is a need for emergency beds and to address the phenomenon of rough sleeping, but what people need, particularly families, are homes. This is about houses, permanent accommodation to allow people the certainty and dignity of having a roof over their heads. Far from being blameless in this scenario, the current crisis is of the Government's own making. Let us look at its record. Despite all of the recent announcements, since taking office, the Government has cut funding for social housing by 25%.

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

**Deputy Mary Lou McDonald:** The Government introduced the Land and Conveyancing Law Reform Act in 2013 which has led to a tenfold increase in the numbers of repossession cases lodged with the courts. The Government has failed to get the banks to meet their mortgage lending targets. It has failed to control the spiralling costs of rent because it will not introduce rent controls. It has failed to invest in appropriate emergency accommodation, especially for families. That is the Government's record. No amount of activity or propaganda from the Government's press office can change that.

The families waiting for emergency accommodation, those on the homeless lists and those

not on the homeless list but who have to sleep in the box room of their mother's house with their three kids - I am sure we all meet them at our constituency clinics - want to know when the Government will take a hold of these matters and fulfil its responsibilities. They want to know when the Government will produce the funding for social housing. The local authorities still have no word as to what their housing budgets will be and will not know until March or April, an outrageous situation. What is the Government going to do in the here and now? I am not talking about press releases or propaganda but action.

**The Tánaiste:** The Deputy has asked three separate questions. First, she asked about homelessness and the pre-Christmas initiative for those who are homeless and using emergency hostel accommodation. In all fairness, I answered that question. I said that before Christmas not all of the beds were used but, once the new year arrived, they were. I also said should more beds be needed, they will be provided. I gave a commitment to the Deputy as did the Minister and the Government. That has nothing to do with public relations. Most of us know the people in question have difficulties in their personal lives, issues around substances and, in some cases, mental health issues. In all fairness, I answered the first part of the Deputy's question.

She then added two supplementary questions, one about families. Since the protocol in operation with organisations such as Threshold has been initiated, it has assisted 400 families in getting or retaining accommodation. To emphasise for anyone listening to this debate, if a family or an individual fear they are at risk of becoming homeless because, say, the landlord may have raised the rent, if they contact Threshold, their local authority or their community welfare service, they will be able to discuss what appropriate assistance can be given. I already said to the Deputy that I sat down last week with staff from my Department to assess how the protocol is working.

**Deputy Finian McGrath:** Will the assistance be given? I have three cases.

**Deputy John Halligan:** They go to the local authorities and they are out on the waiting list.

**The Tánaiste:** The Deputy asked questions and, in all fairness, I have given her the answers.

Her third question was on rent control. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, is reviewing it to see if it is possible to bring in rent certainty into how rents are structured, a move which I strongly support. This is detailed work which will require levels of regulation and possibly legislation. There are landlords who are arbitrarily seeking to raise rents by very large amounts, way in excess of market prices.

**Deputy Brian Stanley:** Yes, most of them.

**Deputy John Halligan:** We have been talking about that for years.

**The Tánaiste:** I have listened to people suggesting raising rents is the way to deal with the issue. The Government has launched the largest ever social housing investment programme in the budget.

**Deputy Finian McGrath:** We are talking about today.

**Deputy Brian Stanley:** That will only provide 1,400 units.

**The Tánaiste:** The Deputy asked from where the money will come? The money has been provided in the budget.

**Deputy Mary Lou McDonald:** No, the budgets need to be given to the local authorities.

**The Tánaiste:** The local authorities have to make detailed plans for social housing. Many Members were members of local authorities in the past and know the local authorities must identify the land on which social housing will be built. If that land is ready to go, then they have to bring those plans to the fore as quickly as possible and get building under way. That is what they have been tasked to do by the Government. I encourage Deputies from all parties to encourage their members on local authorities to support the construction of local authority social housing.

**Deputy Seán Ó Feargháil:** What have Labour councillors been doing for the past three years on those councils?

**Deputy John Lyons:** They have been doing more than Fianna Fáil councillors did for the past 20 years.

**Deputy Robert Troy:** Labour will not have many councillors the way it is going.

**The Tánaiste:** Recently in Fingal County Council, some councillors, apparently on the left, voted against the provision of social housing.

**Deputies:** Hear, hear.

*(Interruptions).*

**Deputy Ray Butler:** What about the developers who brought in a couple of hundred thousand euro to the local authority to help buy Deputy Finian McGrath out?

**Deputy Michael McCarthy:** What about Deputy Finian McGrath's deal with Bertie?

**A Deputy:** Finian bocht.

**Deputy Mick Wallace:** We have been told that Wexford will have an operational satellite dialysis unit in July 2016. Four years of delays in implementing this have led to significant disappointment in Wexford. As the Tánaiste may know, the Health Service Executive, HSE, intended to have such a service operational in Wexford by 2012. However, we were told this was not achievable due to a legal challenge by private dialysis providers to the tender award for the contracted satellite services in Dublin. A company called Fresenius Medical Care (Ireland) Limited, part of a €20 billion corporation, secured an injunction restraining the HSE from awarding the contract to another company, Beacon Medical Group. The dispute concerned the contract in Dublin but has impacted strongly on Wexford with a two and a half year legal battle and a four-year delay.

Meanwhile, 39 Wexford dialysis patients have to be taxied from Wexford to Waterford three times a week. When I queried the costs of this with the HSE, it informed me it costs €38,330 a month to taxi the 39 patients back and forth, €460,000 a year. Worse still is the incalculable cost to the well-being of the dialysis patients affected. The majority of these patients are in their 60s. I spoke to one of them recently, a man who is almost 80. He spends 400 hours a year, that is 50 eight-hour days, just travelling in a minibus from his home in Wexford to Waterford Regional Hospital for dialysis. His daughter Bernie told me her dad is collected at 10.30 in the morning, home usually at 7 p.m. with a five-hour dialysis session in between, Monday, Wednesday and Friday. This journey in a minibus in the cold and wet is tough for any individual. For many of

Wexford's elderly, it amounts to abuse.

As the promised Wexford service was private rather than public, it has been held up by this injunction. There is something seriously wrong with the idea that a private company's action in court can have such an impact on the provision of a vital health service in Wexford. Does the Tánaiste believe this is good enough?

**The Tánaiste:** The generally accepted best medical standard for dialysis treatment is to have it as close to the patient as possible either through their local hospital or other local health services. In some cases, it is now possible to do this at home or in a local community-based facility. My understanding from what the Deputy said is that due to a legal challenge arising from a dispute between private operators, the operation of such a service in Wexford appears to have been delayed. As it is subject to a legal challenge, and I do not have the background details of the dispute, I am not able to comment on it. The general principle is to develop the network of dialysis facilities around the country so as to be as close to the patient as possible. I agree with Deputy Wallace about the letter he received from the patient's daughter. For somebody requiring dialysis, it is very difficult to end up travelling a long distance over a long day to get essential treatment.

Regarding the provision of services in Wexford, my colleague, Deputy Howlin informs me that there has been an enormous focus on investment in services in Wexford. This is clearly a service which requires further development. Some years ago, when the service in Waterford was developed for much of the south east, it was considered very significant progress. I recognise that it would be much easier for people if that service was available locally in Wexford. As to the legal dispute which the Deputy suggested was material in this case, I am not party to that information. The Deputy may have to speak to the Minister for Health in some detail about it. I will also ask the Minister for Public Expenditure and Reform, Deputy Howlin, about it, because I know he has been involved for many years in all of the improvements to hospital services in Wexford which have happened and to which there has been a commitment.

**Deputy Mick Wallace:** The core of the problem is that we have a situation where a service to the public is delayed for four years because of a battle between private companies. The Tánaiste might clarify this for me as I do not know for certain, but it sounds to me like a version of a public private partnership, PPP. Sadly, we do too many things now through PPPs. When vital public health services are delayed for four years because we have chosen to go down the private route rather than the public, this is at the source of the problem. We should not be allowing these multi-million euro corporations delay much-needed services to public patients. It is ridiculous.

Regularly, the Government boasts that we can borrow money at 1.7%. Why have we not challenged EU rules so that we can borrow money at 1.7% and use it for infrastructure development, investment in health and other areas rather than being driven into the hands of the private sector in the form of PPPs?

**Deputy John Halligan:** Hear, hear.

**Deputy Mick Wallace:** The money ends up costing somewhere in the region of 15%, not 1.7%. The EU rules are forcing states to make private investors fat. That is what is happening, and we are not challenging those rules.

**Deputy John Halligan:** Exactly.

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**Deputy Mick Wallace:** Surely the Tánaiste must agree that it is a crazy situation. We cannot have a situation like that in Wexford, where people are being driven to hardship while the State is not dealing directly with the challenges that are offered because of EU rules. Can the Tánaiste please find out if this is a PPP arrangement or a version of one? I do not expect her to have that answer now. Can she tell me whether she agrees that we should be challenging the EU rule that stops us from borrowing money at less than 2% to invest in public services and infrastructure and that instead drives us into the hands of the private sector in the form of PPPs?

**The Tánaiste:** As regards Ireland borrowing, the Deputy probably knows that this week, Ireland was in a position to borrow €4 billion on a 30-year basis, a very long-term basis for raising debt, at just around 2%. That is what makes us so different from other countries that are still experiencing enormous difficulties.

**Deputy Mick Wallace:** The Tánaiste will bring in the Greeks now.

**Deputy Maureen O'Sullivan:** What about dialysis in Wexford?

**The Tánaiste:** The country is in a position to borrow and, although there are limitations on the totality of the borrowing, €4 billion at just above 2% over a 30-year period - a very long maturity period - is an excellent way of providing funding for all the different projects, ranging from social housing investment to investment in our health and education services.

I am not familiar with the details of this legal dispute, so I do not want to comment on it. Nor do I know whether or not it is a PPP - it may well be. I broadly agree with what Deputy Wallace is saying. If it is possible to borrow much more efficiently and cheaply on the international markets - as we have done this week - and also to roll over a €9 billion portion of our previous IMF debt and re-borrow it at a much cheaper price - as we did before Christmas - that is certainly the way to grow national capacity in order to have the money for all the capital investments we require.

There may, however, be a role for PPPs. The Deputy is probably aware that Ireland has developed a very good model of bundling school and third-level education projects together. An agency like the European Investment Bank would not give us the €8 million or €20 million required for a small or medium-sized school but if we take a whole bundle of schools together we can get very advantageous rates, although not quite as cheap as what we borrowed this week. The Government has been using that mechanism widely. There are a number of different mechanisms.

I agree with Deputy Wallace that it depends on the terms, rates and conditions, but I do not want to comment on the specific case. I will ask the Minister for Health to give me some information about the cases the Deputy has raised. I fully accept his proposition that it would be so much better for this man - I understand it is a man in this case - to be able to get the dialysis services he needs as close as possible to where he is living. As Wexford Hospital is a very fine hospital, I hope that in due course it will be available there for him.

### **Order of Business**

**The Tánaiste:** It is proposed to take No. 45, Garda Síochána (Amendment) (No. 3) Bill 2014, Report and Final Stages (resumed); and No. 46, Customs Bill 2014, Second Stage (re-

sumed). The Friday fortnightly business shall be No. 73, Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill 2013; and No. 74, Thirty-fourth Amendment of the Constitution (No. 2) Bill 2014.

**An Leas-Cheann Comhairle:** There are no proposals to be put to the House today. I call Deputy Charlie McConalogue.

**Deputy Charlie McConalogue:** I have a question regarding the forthcoming Retention of Certain Records Bill 2015 and the plans by the Department of Education for an ongoing development of an online database for primary schools. As the Tánaiste is aware, the database will require the collection of a lot of information about pupils, including information on their special needs, psychological reports, and cultural and ethnic backgrounds. Reference is also made to the fact that this information may be used for the purposes of allocating teachers and finances to schools. If parents refuse to provide certain information for this database, will the Department of Education reduce the number of teachers being allocated to a school or indeed funding to a school? Can the Tánaiste please clarify that?

**The Tánaiste:** The information on the characteristics, general needs and numbers of the pupils is being collected in order to allow for good long-term planning for the schools. It does not have any implications for resource allocation to schools other than the total number of children in a school and the features and attributes of those children. These aspects are taken into account at present for existing allocations. It does not propose any change in that regard. It is simply providing a more up-to-date information technology-based system for schools that will allow better and faster collection of data, subject, of course, to data privacy and protection controls, as set down by the Data Protection Commissioner.

**Deputy Mary Lou McDonald:** I have asked the Tánaiste before about outstanding matters arising from the Constitutional Convention. She has indicated, as has the Taoiseach, that the Government does not intend to bring forward legislation, much less hold a referendum, on proposals agreed to by the Constitutional Convention on the position of women in the Constitution and the reference to women within the home. The same applies to the proposal on the extension of the franchise in presidential elections to Irish citizens resident outside the State, including the North. Will the Tánaiste confirm if, in fact, that is the position of the Government? Will it bring forward legislation or hold a referendum on these matters? I would appreciate absolute clarity on this point.

I understand the Cabinet sub-committee on the centenary of the Easter Rising met for the first time on Tuesday evening. It is, of course, chaired by the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys. Will the Tánaiste explain why the first meeting of the sub-committee is only occurring now, a little over one year from the centenary in Easter 2016? It seems to be remarkably tardy. I know several people, not least because of the ongoing controversy about the Moore Street monument and the proposed development, are concerned that the Government appears to have been so slow in convening a meeting of the sub-committee.

**The Tánaiste:** On the contrary, a considerable amount of work has been ongoing during the past year on the significance and importance of the commemoration of the 1916 Rising and how it should be addressed. I imagine the Deputy is aware that there has been a great deal of consultation with a committee of Deputies, as well as wide consultation with all Departments, on this significant anniversary and the events that led to the foundation of the Republic. It is an important date in our history. The sub-committee to which the Deputy referred is under the

chairpersonship of the Taoiseach, not the Minister, Deputy Heather Humphreys. I attended the meeting of the Cabinet sub-committee and there was input by me and a significant number of other Ministers. Of course, detailed information was provided by the Department of Arts, Heritage and the Gaeltacht. It is our intention to ensure the widest possible participation by all citizens of the Republic to celebrate the 100th anniversary of the 1916 Rising. We intend to do so in a way that looks to and celebrates our past, as well as looking forward to the future, and in a way that will involve the men, women and, in particular, children of the country.

The Government has made its position clear on the question on referendums. The citizens of the State will have an opportunity to vote in two referendums this year, one on marriage equality and the other on the age of qualification to stand for election as President of Ireland. That is what the Government has proposed. It deals regularly with the reports of the Constitutional Convention, but our proposal is to hold these two referendums.

**Deputy Robert Troy:** The Government has committed to establishing a low pay commission. When will it be established and what sectors will be included? As we know, workers in the early childhood care sector have no security of employment and often are on low wages.

**An Leas-Cheann Comhairle:** Please do not go into too much detail.

**Deputy Robert Troy:** Some people with a degree are only earning a little above the minimum wage. Will this sector be included in the remit of the low-pay commission?

Before Christmas the Minister for Justice and Equality, Deputy Frances Fitzgerald, gave a commitment to bring forward legislation on asylum centres. As we know, 61 people, including 16 children, have died in asylum centres since they were founded. When will the Government bring forward comprehensive legislation to deal with this issue and to ensure a maximum time-frame will be put in place for those in asylum centres?

Legislation was brought to the Dáil before Christmas to require valid national car test certificates for all vehicles. This move is notable and only right. However, there is a four to five-month waiting list in many centres throughout the country. Motorists are unsure whether they are insured to drive their cars or whether they will be subject to penalty points. What is the Government doing to ensure what I imagine was an unforeseen implication will be addressed?

**The Tánaiste:** I expect the news on the low pay commission to be announced in the coming weeks. If people working in the child care sector have issues in respect of low pay, I imagine they can bring them to the attention of the commission or raise them through other industrial relations procedures.

**Deputy Robert Troy:** Will the sector be covered by the commission?

**The Tánaiste:** Its purpose is to look at the issue of low pay.

**Deputy Robert Troy:** Is the answer “Yes” or “No”?

**The Tánaiste:** I expect the commission to be established in the coming weeks. The Minister has made a commitment that the commission will produce an initial report sometime during the summer. I do not as yet have the detailed terms of reference, but, as the name suggests, the purpose of the commission is to look at the issue of low pay.

There is a group working on the matter of asylum centres under the leadership of the Minis-

ter of State, Deputy Aodhán Ó Ríordáin. It is looking at all issues related to asylum. I imagine any future legislation will reflect the work of the group. I do not have a completion date for its work, but I know that a great deal of work has been undertaken, including extensive visits to asylum centres throughout the country by the Minister of State and other individuals, parties and groups with a specific interest in asylum issues.

**An Leas-Cheann Comhairle:** Deputy Tommy P. Broughan is next. May we have brevity, please, in questions and answers, as there are many Members offering?

**Deputy Thomas P. Broughan:** When does the Tánaiste expect to set up the universal retirement savings group? When does she expect to bring forward legislation, in other words, will it happen before the Government's term ends? Was it not the case that a paper was prepared in the Department of Public Expenditure and Reform that called for a cap on or a cut in the State pension?

Will we have an opportunity to engage in a wide-ranging discussion in the House on Aer Lingus, given the interest of what Mr. Michael O'Leary of Ryanair calls mere backbenchers, particularly in the Tánaiste's party, in the future of the airline?

**The Tánaiste:** The Deputy has referred to what people might or might not have suggested in terms of reducing the retirement pension. It is a little like child benefit. There are many views and many people would like to see core social welfare payments reduced. Certainly, a lot of advice was proffered to me as Minister for Social Protection and all I can say is that I resisted all of it.

**Deputy Robert Troy:** The Tánaiste did not. She should ask all of the under 25 year olds who have been affected.

**An Leas-Cheann Comhairle:** Stop it, please.

**The Tánaiste:** In fact, as recently as last week, people from the IMF suggested we reconsider the universal payment of child benefit. People are entitled to their views and there is a range of them. For example, the same people advised Fianna Fáil to cut basic social welfare payments by €16.40 per week. Fianna Fáil accepted that advice. I did not. We maintained the core social welfare payments, the weekly rate.

**Deputy Robert Troy:** Except that the Tánaiste cut the allowance to under-25s by €50 a week and the lone parents' allowance was cut by €88 a week. Is the Tánaiste forgetting about that?

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

**Deputy Robert Troy:** The Tánaiste must have a selective memory.

**The Tánaiste:** The Deputy is in very bad humour. Cool it.

**Deputy Ray Butler:** Always.

**The Tánaiste:** On the universal savings plan-----

**Deputy Mary Lou McDonald:** Oh dear Jesus.

**The Tánaiste:** -----as Minister I commissioned the OECD to do a report to look at the situ-

ation of people who only have the State retirement pension. It is a relatively good retirement pension by comparison with most countries, but it is a tight income for those who retire only on that. The OECD recommended that we establish, as has been done in Australia and New Zealand, either a mandatory or a soft mandatory, opt-in or opt-out, universal pensions savings scheme. The group is going to look at the nuts and bolts of how we would do that. This has been done in Australia, New Zealand and, in recent years, in the UK. It has been the subject of successive reports, particularly to previous Ministers in my Department, in Green Papers and White Papers. I hope we will be able to undertake this. We could only undertake it as the economic recovery gets under way and people's income improves because essentially people would be saving additional money for their retirement and those structures must be established.

On Aer Lingus, it is a matter for the Whips if there is to be a debate on that. The Whips can arrange a discussion on that.

**Deputy Seán Ó Fearghail:** The Istanbul Convention aims to prevent and combat violence against women. We have a deplorable record in this country of addressing this issue over the generations. We are in a happy and positive situation at the moment where we have more women around the Cabinet table than ever before. I see that as a positive development. Yet, the Tánaiste's Government has not tackled this issue in a comprehensive and holistic manner to date. The Minister for Justice and Equality has made some positive sounds about the Istanbul Convention. Will it be signed shortly? Has it been discussed by Cabinet? Is it correct that the Taoiseach gave previous undertakings to have a Cabinet sub-committee investigate this and has it been examined at all by a Cabinet sub-committee?

My colleague, Deputy McConalogue, quite correctly raised the issue of the primary online database, POD, system in the Department of Education and Skills. As a parent, I was astonished to discover that one of the questions on that questionnaire is whether the child is of white Irish, black Irish or Asian origin. What in the name of God has that issue to do with the data that must be collected around educational disadvantage?

**The Tánaiste:** Violence against women is a very important issue. The most important step that has been taken this week in that regard, in my view, is the agreement by the Cabinet to have minimum pricing legislation for alcohol, because alcohol is cited in a significant number of domestic violence cases.

**Deputy Robert Troy:** Jesus, four years later.

**The Tánaiste:** In practical terms, reducing the below-cost selling of alcohol will assist in reducing consumption and encouraging sensible and moderate drinking. I will have to go back to the Minister on the Istanbul Convention, but she takes a very detailed interest in the issue of violence against women. I will ask her and come back to Deputy Ó Fearghail.

On the POD database, I think what happened there was that the descriptions were taken from the 2006 census rather than the 2011 census. I would not find the term acceptable either. I understand the term has been changed and I agree with the Deputy that such terminology reflects a much older time. Now that we have a much more diverse society, with people from many countries living here and becoming citizens, it is important that we update our language to reflect that we are an inclusive society.

**Deputy Regina Doherty:** Have we an exact date for the horse racing (amendment) Bill to come to the House? I have asked before and I was told we are under starter's orders and it is

out of the traps and all that great stuff, but can we have an exact date? The reason I am being nosy about it is that there is a position on the board that has been vacant for a year and a half and which directly affects the owners' representation, so it is unbalanced, and we are not going to make any appointments to the new board until the legislation is passed.

**Deputy Joe Carey:** Hear, hear.

**Deputy Pádraig Mac Lochlainn:** Hear, hear.

**The Tánaiste:** I understand the report from the pre-legislative process is awaited shortly and that legislation for the next stage will begin before Easter.

**Deputy Bernard J. Durkan:** Can the Tánaiste give some indication as to when the adoption (information and tracing) legislation that is promised is likely to come before the House? Will it be possible to have it passed by the Houses of the Oireachtas before the end of the current year?

The postal services Bill excites the Opposition in general when it is mentioned. Would it be possible to reassure the Opposition and bring that Bill before the House as a matter of urgency, in an effort to be helpful?

**The Tánaiste:** There has been a significant amount of work and extensive discussion on the adoption (information and tracing) Bill. I understand it will be published before the end of this year. The postal services legislation came before Cabinet on Tuesday and the heads have been published.

**Deputy Ray Butler:** When is the family law Bill expected, to consolidate with amendments all family legislation?

The alcohol control Bill is being introduced. When is publication of the gambling control Bill expected, to update and consolidate the law on betting and gambling? We have a serious problem with online betting and addiction. Serious restrictions have been introduced in Britain and we should look at it because everyone now has a mobile phone and an iPod and it is a serious problem.

**The Tánaiste:** I do not have a date for the family law Bill yet. The heads of the alcohol control legislation were brought to Government this week and have been published. The gambling control Bill is expected later this year.

**Deputy Joe Carey:** What is the current status of the criminal justice (legal aid) Bill? It is No. 51 on the Order Paper.

**The Tánaiste:** That Bill will be published later this year.

*1 o'clock*

### **Garda Síochána (Amendment) (No. 3) Bill 2014: Report Stage (Resumed) and Final Stage**

**Deputy Mick Wallace:** I move amendment No. 6:

5 February 2015

In page 3, to delete lines 21 to 23 and substitute the following:

**“Amendment of section 84 of Principal Act**

4. Section 84 of the Principal Act is amended by substituting the following for subsection (1):

“(1) Subject to subsection (1A), a complaint must be made within the period of 1 year beginning on the date of the conduct giving rise to the complaint or within any extension of that period allowed under subsection (2).

(1A) Where the conduct giving rise to the complaint would, if substantiated, constitute an offence by the member of the Garda Síochána, a complaint must be made within the period of 2 years beginning on the date of the said conduct or within any extension of that period allowed under subsection (2).”.

The amendment of section 84 of the Garda Síochána Act 2005 to extend the time in which a complaint must be made from six to 12 months is a welcome one, which brings this jurisdiction into line with Northern Ireland. This amendment proposes to allow this period to be extended to two years in circumstances where the conduct giving rise to the complaint would, if substantiated, constitute an offence. It is intended that this change will reflect the gravity and proportionality in respect of the relevant occurrence and provide access to justice for citizens in such circumstances. A statute of limitations does not apply to indictable offences committed by a citizen in the normal course and persons may be charged at any time if there are reasonable grounds to suspect they have committed an offence.

**Deputy Clare Daly:** While the decision to extend the period within which a complaint must be made from six months to one year is welcome, it is not sufficient. Even the period of two years prescribed in our amendment will not be adequate in some instances. Perhaps we should consider writing into the legislation a series of special circumstances for which the deadline could be extended beyond two years. The current proposal is to extend the deadline to two years for cases that involve the circumstances outlined by Deputy Wallace.

We have encountered many cases involving people who did not realise the role gardaí had played in events that impacted on their lives. The role of gardaí may only come to light more than two years after a tragedy, for example. In such circumstances, a person who takes a case to the Garda Síochána Ombudsman Commission will be told it is too late to have a complaint investigated.

We are discussing an oversight body or complaints board for the Garda Síochána. This week, I dealt with a case involving a couple of individuals in Galway who were involved in a property deal in Romania with two gardaí. According to the individuals in question, the gardaí in question embezzled funds of approximately €500,000. They reported the crime to the immediate superior of the gardaí, the then Chief Superintendent Ó Cualáin who has since been promoted to the position of acting Deputy Commissioner. In correspondence sent to the then chief superintendent they highlighted their allegation that gardaí had been involved in what was effectively a case of embezzlement, which is a very serious crime. They had information to show that Garda fax machines were used in certain transactions. The chief superintendent indicated the complaint would be investigated but was subsequently moved to another area. When another chief superintendent was appointed, the individuals in question chased up the case but did not get anywhere. Having given the Garda the option of investigating the matter internally,

the individuals found that their complaint was not listened to and they made a complaint to the Garda Síochána Ombudsman Commission. GSOC decided it could not deal with the case because it was four years old, which is not good enough.

Many of the cases that come to our attention are heartbreaking and involve people who are desperately seeking an acknowledgement of a wrong that has been done to them. Time limits should not apply in such scenarios. We must be flexible and show an understanding that some people are knocked back by an event to such an extent that they cannot take a complaint immediately and need more time. The one-year time limit is inadequate. Two years would be a preferable timeframe in the serious circumstances Deputy Wallace outlined.

**An Leas-Cheann Comhairle:** I draw the attention of Deputies to the fact that they should not name people who are not able to defend themselves.

**Deputy Pádraig Mac Lochlainn:** I support the amendment. As we discussed last night, a significant number of citizens do not have confidence that the Garda Síochána Ombudsman Commission has the capacity or power to fully investigate matters about which they are concerned. While certain aspects of the legislation are encouraging and welcome, the new powers conferred on GSOC are wholly inadequate. The amendment fits into the idea of a new beginning in that it would give people more time to submit a complaint to GSOC. It also has an element of natural justice built into it. Ultimately, complaints are either valid or invalid.

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputies noted, we are increasing the period within which a complaint may be made to the Garda Síochána Ombudsman Commission from six months to one year. I thank speakers who welcomed this change.

The purpose of the amendment is to extend the time limit from one year with a proviso that it can be set at two years for complaints about behaviour that would constitute an offence. I considered the six month limit to be too short and decided to double it to one year to give people who may wish to make a complaint a reasonable period to do so, rather than requiring them to do so immediately after an event occurs.

Section 4 is concerned with the general time limit for making a complaint to GSOC. A question arises as to what is a reasonable period within which someone must make a complaint. I decided that doubling the ordinary time limit for making a complaint from six to 12 months was the best approach at this point. It strikes a good balance in terms of addressing the issues I and the Garda Síochána Ombudsman Commission would have to take into account. If the period were to be extended by another year, it would give rise to another tier of complaints. I will explain what I mean by that comment in a moment.

It is important to note that in extending the time limit from six months to one year, I have not changed section 84(2) of the 2005 Act which permits the Garda Síochána Ombudsman Commission to extend the time limit in respect of any complaint when it considers there are good reasons for doing so. GSOC makes completely independent decisions. If a case is taken outside the time limit, it is not required to refuse to investigate it and may decide the case is sufficiently serious to warrant it taking a decision not to be restricted by the time limit, which is set at one year in the Bill. Section 84(2) will remain exactly as it is, which means GSOC has flexibility, irrespective of when an incident took place. The commission makes its decisions independently.

I will make available to Deputies information on the number of cases in which the time limit has been a factor. I will keep the position under review to ascertain whether the time limit continues to be a matter of concern and the main reason for ruling out cases. As matters stand, I am increasing the time limit from six months to one year and have left untouched section 84(2), which gives the Garda Síochána Ombudsman Commission full power to take a case at any point. In addition, the Minister may refer specific cases to GSOC for examination. The Bill provides for a workable framework within which complaints against members of the Garda Síochána can be addressed.

Deputies should not endlessly repeat the claim that members of the public do not have confidence in the Garda Síochána Ombudsman Commission. The evidence shows that the public is making complaints. I fully accept that Deputies have encountered cases in which people are not satisfied, have other points to make or believe their case may warrant further investigation. In many cases, however, the individuals concerned are unhappy with other aspects of the criminal justice system, for example, the outcome of a court case or their experience in respect of a decision made by the Director of Public Prosecutions.

I expect that it is the goal of every Deputy to ensure we have a truly independent system for investigating complaints, one which is supported in doing its work. It must also be understood by An Garda Síochána that this body must be able to do its work and the Garda must co-operate with it effectively in terms of timeframes and so forth. I would have thought the goal of everybody in this House is to ensure we have a system in which people have confidence. GSOC is the body that has to examine complaints and it is evolving all the time. I want to make it better and I know the Deputies do as well. Through the initiatives we are taking in this Bill, I believe we are strengthening GSOC and increasing the confidence the public can have in the fact it is an independent body.

**Deputy Mick Wallace:** With regard to extending it to two years, this looks as if another layer of bureaucracy is being created but the number of people who would not put in their complaint within one year, and who would do so between one year and two years, would be small. Our experience in talking to people, and having people come to us, has been that while section 84(2) allows GSOC to look at complaints that go outside the time period, those concerned have not had much success in this area. Part of the reason for this is that GSOC probably has too much on its plate. GSOC struggles to do as much as it would like with the resources available to it but it does not have enough staff to deal with all the challenges that face it. This would be an extra challenge. When someone makes a complaint that is 18 months old, there will continue to be tendency not to deal with it because of a lack of resources.

On the issue of public confidence, I can assure the Minister that despite all rumours to the contrary, we want to improve public confidence in GSOC and the Garda, not the other way around. However, if public confidence does not improve in time we will feel we have made a great effort in this regard but without a successful outcome. That is why we are so keen that the legislative changes that come in during the next 12 months are strong. We want to believe that our time was not wasted and that it was used effectively. If it turns out that in 12 months time we are still unhappy people might think that we like to give out simply because we get attention for it. However, if there is an improvement we will feel good that we made some input into it. It will not all be our doing but it would be good to think we had some input and that we did change things for the better. I assure the Minister we are working to a point where the public will be able to have greater confidence not just in An Garda Síochána but also in GSOC.

**Deputy Clare Daly:** I would be interested to see the figures on the timescale, which would help to inform us. I believe Deputy Wallace will be shown to be correct that the numbers are relatively small in terms of the difference between one and two years, and I believe it would bring a certain consistency to this. For example, where somebody was to initiate civil proceedings against An Garda Síochána, there is in many instances a two-year period when they can do so, therefore, I do not see why the GSOC issue would not be similar. Perhaps one of the positives out of all the recent controversies is the fact there is now a far greater awareness about GSOC. It is almost a household symbol or abbreviation whereas, even two years ago, no one, including probably half of this House, had heard of it.

While I accept the Minister's point that we should be careful about saying people are not happy about GSOC, I would qualify that by saying that clearly some people are unhappy with it. Those we have encountered who are involved with GSOC are very talented but it must be said that those who are most unhappy with it are working there. They feel it has been constituted in a manner which prevents them from carrying out their duty, which is to be an ombudsman commission for the Garda, because of the many problems that have been highlighted over the past two years.

The problem the members of the public have with GSOC concerns what happens after a complaint is made. We all know it is only in a minority of cases that GSOC would recommend criminal sanction against a garda, so it is proportionately a very small number that gets referred to the DPP. However, even of that small number, practically nothing is actually actioned by the DPP later on. That is the source of people's discontent. When the file in regard to the Kieran Boylan inquiry was sent from GSOC, there was a recommendation to the DPP that criminal prosecutions would take place against gardaí, and the DPP did nothing. That is why people are aggrieved.

The corollary is that, when we are looking at extending the time, it links in with the issue of retired gardaí being excluded from the legislation, because the longer the timescale, the greater the chances that some people might have retired. However, it must be borne in mind that they would have been at one stage members of the Garda. We need to look at that but unfortunately it is not covered by the legislation.

**Deputy Frances Fitzgerald:** If there are questions of criminal investigation concerning retired gardaí, clearly, that would continue in regard to those gardaí. When it comes to disciplinary procedures a different issue arises because if a person is retired that is not relevant. Clearly, however, if there are issues in regard to a criminal investigation that would be ongoing.

I will give the Deputies as much information as we have in regard to the breakdown of the number of complaints that are excluded because of time. The point is that those in GSOC are satisfied they can appropriately deal with complaints which go further back than 12 months within the scope of section 84(2). I would refer the Deputies again to that section, which states that GSOC has discretion in this regard, although the Deputies are asking how much it uses that discretion and whether cases are falling outside the remit of investigation by GSOC which should be included. Again, that is a critical decision-making area for GSOC. It has the discretion, if a case goes back more than 12 months, to undertake the investigation. It is very important to remember that. The key point might be to ask the question, and to put it in the public arena, as to what are the criteria with regard to the cases that come forward that are beyond the 12 months and which GSOC rejects or accepts. We will see if we can get more information in that regard as I believe it will inform the debate.

5 February 2015

In 2014 some 2,224 people used the services of GSOC, which looked at a whole range of allegations. For example, the Garda Commissioner, under section 102(1) of the Garda Síochána Act, referred 60 cases to GSOC. The number of fatalities that were investigated arising from referrals to GSOC under section 102 of the Garda Síochána Act was 14 because, of course, those cases are always investigated by GSOC. Twenty-five files went to the DPP from GSOC last year. From those statistics, we can see it is a very active body.

There is a 19% increase in GSOC's budget this year. However, I take the point that, given the demands of the situation and the work it does that is subject to ongoing review. The extra money was given because it was doing the work on the penalty points. If it is working on specific areas again, we will continue to examine its budget.

I have regular meetings with GSOC. It brings issues to my attention and I work on those issues. In terms of staff being dissatisfied, I would hope that we will try to address any concerns that arise in as satisfactory a manner as possible.

Amendment put:

<i>The Dáil divided: Tá, 39; Níl, 63.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Broughan, Thomas P.</i>	<i>Barry, Tom.</i>
<i>Calleary, Dara.</i>	<i>Butler, Ray.</i>
<i>Collins, Joan.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</i>	<i>Byrne, Catherine.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Eric.</i>
<i>Coppinger, Ruth.</i>	<i>Carey, Joe.</i>
<i>Cowen, Barry.</i>	<i>Collins, Áine.</i>
<i>Creighton, Lucinda.</i>	<i>Conaghan, Michael.</i>
<i>Crowe, Seán.</i>	<i>Conlan, Seán.</i>
<i>Daly, Clare.</i>	<i>Connaughton, Paul J.</i>
<i>Donnelly, Stephen S.</i>	<i>Conway, Ciara.</i>
<i>Ellis, Dessie.</i>	<i>Coonan, Noel.</i>
<i>Ferris, Martin.</i>	<i>Creed, Michael.</i>
<i>Fitzmaurice, Michael.</i>	<i>Daly, Jim.</i>
<i>Flanagan, Terence.</i>	<i>Deering, Pat.</i>
<i>Fleming, Tom.</i>	<i>Doherty, Regina.</i>
<i>Halligan, John.</i>	<i>Donohoe, Paschal.</i>
<i>Healy, Seamus.</i>	<i>Dowds, Robert.</i>
<i>Keaveney, Colm.</i>	<i>Doyle, Andrew.</i>
<i>Kelleher, Billy.</i>	<i>Durkan, Bernard J.</i>
<i>Kirk, Seamus.</i>	<i>Farrell, Alan.</i>
<i>Lowry, Michael.</i>	<i>Feighan, Frank.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Ferris, Anne.</i>
<i>McConalogue, Charlie.</i>	<i>Fitzgerald, Frances.</i>
<i>McDonald, Mary Lou.</i>	<i>Fitzpatrick, Peter.</i>
<i>McGrath, Finian.</i>	<i>Gilmore, Eamon.</i>

Dáil Éireann

<i>McLellan, Sandra.</i>	<i>Griffin, Brendan.</i>
<i>Mathews, Peter.</i>	<i>Harrington, Noel.</i>
<i>Murphy, Paul.</i>	<i>Harris, Simon.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Heydon, Martin.</i>
<i>Ó Feargháil, Seán.</i>	<i>Humphreys, Heather.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Humphreys, Kevin.</i>
<i>O'Brien, Jonathan.</i>	<i>Keating, Derek.</i>
<i>O'Sullivan, Maureen.</i>	<i>Kehoe, Paul.</i>
<i>Pringle, Thomas.</i>	<i>Kenny, Seán.</i>
<i>Ross, Shane.</i>	<i>Kyne, Seán.</i>
<i>Stanley, Brian.</i>	<i>Lawlor, Anthony.</i>
<i>Tóibín, Peadar.</i>	<i>Lynch, Kathleen.</i>
<i>Wallace, Mick.</i>	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McLoughlin, Tony.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Neville, Dan.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Twomey, Liam.</i>

Tellers: Tá, Deputies Mick Wallace and Clare Daly; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

Amendment No. 7 not moved.

**An Ceann Comhairle:** Amendments Nos. 8, 12 and 21 are related and will be discussed together.

**Deputy Niall Collins:** I move amendment No. 8:

In page 3, between lines 23 and 24, to insert the following:

“5. Section 96(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) For the purpose of an investigation under section 95, the Ombudsman Commission—

(a) may require a person who, in its opinion, possesses information or has a document or thing in his or her power or control that is relevant to the investigation, to provide that information, document or thing to the Commission, and

(b) where appropriate, may require that person to attend before the Commission for that purpose,

(c) may require the Garda Commissioner to provide the Commission with access to the Garda Síochána Police Using Leading Systems Effectively (PULSE) computer system, and the person and/or Garda Commissioner shall, subject to subsection (4), comply with the requirement.”.”.

As discussed on Committee Stage, the amendment relates to putting access to PULSE on a statutory basis to empower and bolster the independence of GSOC. As we have spoken about it on many occasions, I do not need to labour the point.

**Deputy Pádraig Mac Lochlainn:** This was one of the recommendations of the Oireachtas Joint Committee on Justice, Defence and Equality. I know that the Minister has put protocols in place. However, the amendment would put it on a statutory footing in order that there would be no doubt about GSOC’s access. It is a vital component of what it will require.

**Deputy Frances Fitzgerald:** I agree fully with the Deputies that the Garda should make everything on PULSE fully available to GSOC which believes it should have such access for the purpose of investigations. I assure them that at this stage it is an aspect of co-operation in An Garda Síochána that is being fully catered for operationally. That is the reality. There were problems in this area for a variety of reasons and protocols were put in place. There definitely were difficulties in the past. The commission has confirmed to my Department that it is satisfied with the level of access to PULSE now being provided. As part of the processes involved, Garda training has been provided for GSOC personnel. If they need further training, it will be made accessible by the Garda or elsewhere. It is better to provide for GSOC access to PULSE within the general framework of co-operation between the Garda and GSOC which is specifically provided for in the 2005 Act.

From a general principle point of view, there has to be co-operation. I understand the Deputies are suggesting it should occur lower down in the system and that we should name PULSE. I think they will understand the difficulties to which giving access to a named information system

would give rise. We are examining the ICT requirements of An Garda Síochána and PULSE needs to be developed having regard to crime management. Other technology is also needed, but PULSE will be changed and developed. If we were to name particular types of system within the ICT framework, each time it was changed we would need to change the legislation. I do not think that would be wise. The Deputies will understand naming a particular system such as this in legislation would give rise to many difficulties from a legislative point of view. The key point is that I have been assured by GSOC that it has full access to what it needs on PULSE. That is the operational position. Following the engagement that has taken place, the difficulties have been resolved.

**Deputy Pádraig Mac Lochlainn:** I hear the point the Minister is making about PULSE and that the system may change. However, when Bob Olson and his colleagues from the Garda Síochána Ombudsman Commission appeared before the Oireachtas Joint Committee on Justice, Defence and Equality, as part of their substantial report on the crime investigation carried out over three years, they spoke about the inadequacies of PULSE. They said that ideally they would like to see the replacement of PULSE, which, obviously, is a view that would be supported. We want to see the IT systems of An Garda Síochána being improved as we move forward. That would fit with an upgrade of how it did its business in crime investigation. The difficulty is that the Minister has not made any provision for this in the Estimates which we discussed yesterday. It could be quite some time before that system is replaced.

While I take on board the Minister's comment that GSOC states it now has access based on protocols, there is concern. It goes back to the debate last night. The ombudsman in the North of Ireland signs the Official Secrets Act in respect of security issues, has the same powers as the police force, is regarded as the same and has the same access as the police. I would like GSOC to have real teeth, the same powers, the same obligations and sign the same statutory declarations as An Garda Síochána. This amounts to full access all the way for it. The best way to do this would be to enshrine it in legislation, rather than providing for it in protocols. Protocols mean An Garda Síochána is still in control, even though there are agreements and understandings in place. If it was enshrined in legislation that GSOC and An Garda Síochána were on a level playing pitch, with the same powers and responsibilities to the State, it would be better for everyone.

**Deputy Mick Wallace:** I accept the point made by the Minister about the logistical nightmare of identifying PULSE in this instance. We address this issue in the amendment which seeks to insert a new section 103B in section 9. We propose that GSOC have access to any information it wants to have within a certain time period. This would cover the issue, rather than creating a logistical nightmare.

On the principle of access to information, we have tabled the amendment to the section because the big problem is there will be no co-operation where it does not suit. The Minister will say there is good co-operation for much of the time and I am sure there is, but in the Boylan case it took GSOC four years to get the information it wanted, which is mad. We need to have it enshrined in legislation that An Garda Síochána will be compelled to hand over the information GSOC needs. Perhaps this is not the section to deal with the issue.

**Deputy Clare Daly:** In an ideal world, where things work smoothly on the basis of mutual respect and co-operation, co-operation between GSOC and An Garda Síochána would be advisable. Mandatory co-operation, if this does not sound like a contradiction, would be better. While there have, undoubtedly, been some improvements, the problem remains that if it is not

specified, in cases in which tensions are high or where a serious matter is being investigated, there is a tendency to cover up. We need to ensure GSOC will not be hindered in its work. We cannot just specify PULSE, but often GSOC investigations are delayed by obstreperous and ridiculous objections to requests for information. In my case, it concerned a request for a list of staff on duty on the night in question. It took 11 or 12 letters to get the information, with replies being received querying the reason GSOC wanted to know the information.

There is a provision inserting, in section 103A, a legal obligation on the Garda Commissioner to hand over some information, but it only applies to investigations under section 102. It does not apply to more run-of-the-mill scenarios under sections 95 and 98 which cover the vast majority of GSOC investigations. Providing for GSOC to have the power to require someone to pass on information under these sections or to attend in person is important because there have been multiple examples of the GSOC process being delayed by someone not turning up or coming up with excuses. This is to seal the issue and give the provision more backbone. While noting the improvements made, it is worthwhile considering the amendment.

**Deputy Frances Fitzgerald:** Deputy Clare Daly has referred to section 9 which includes new provisions that underpin the requirement on An Garda Commissioner to provide information for GSOC. It inserts a new section, section 103A, into the Garda Síochána Act, placing a statutory obligation on the Commissioner to provide GSOC with information as soon as practicable. I took the advice of the Attorney General on the wording of the section. Without specifying a specific time which would not work effectively in the management of work to be done, this is as strong a provision as I can include. The statutory obligation to provide information GSOC requires in carrying out its functions is strong. The information must be given to it. There is statutory underpinning of the obligation to provide it. It applies to the PULSE system and nothing in the section excludes information from a particular place. It also operates in respect of alterations made to it. ICT systems will be developed by An Garda Síochána, to which this section will apply.

In response to Deputy Pádraig Mac Lochlainn's comments on the Estimates and ICT, at the time the Estimates were introduced I said that, given the serious concerns expressed by the Garda Inspectorate about the state of technology and the technology needs of an Garda Síochána, I had had discussions with the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, and at the Cabinet. There was a commitment to provide the moneys necessary to begin to develop the right ICT infrastructure. I set up a working group with representatives from the Department of Public Expenditure and Reform, the Department of Justice and Equality and An Garda Síochána. I am pleased to say the group has made good progress and I hope to have a final draft of its recommendations shortly. We will then consider them, depending on resources. We will have for the first time a map of ICT needs in An Garda Síochána. It will include security needs. If we do not have a clear map of what is needed, the *ad hoc* arrangements we have had will continue. There is a serious need to upgrade and I am confident that the Government will support the development needed over a period of time.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 9:

In page 3, between lines 23 and 24, to insert the following:

**“Amendment of section 96(4) of Principal Act**

5. Section 96(4) of the Principal Act is amended by the substitution of the following subsection for subsection (4):

“(4) A person may not be required under subsection (1)(a) or (3)(a) to provide any information, document or thing that is designated, or is of a class designated, under section 126 as relating to the security of the State, and where a dispute occurs the matter shall be referred to the independent adjudicator.”.”.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 10:

In page 3, between lines 23 and 24, to insert the following:

**“Amendment of section 96(5) of Principal Act**

5. Section 96(5) of the Principal Act is amended by the substitution of the following subsection for subsection (5):

“(5) If a person required under subsection (1)(a) or (3)(a) to provide any information, document or thing claims that subsection (4) applies in relation to the matter, the Ombudsman Commission shall refer the matter to the independent adjudicator.”.”.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 11:

In page 3, between lines 23 and 24, to insert the following:

**“Amendment of section 96(6) of Principal Act**

5. Section 96(6) of the Principal Act is amended by the substitution of the following subsection for subsection (6):

“(6) If the Independent Adjudicator determines that the disclosure of all or part of the information, document or thing specified in the requirement would not be prejudicial to the security of the State or that its disclosure is necessary for the proper investigation of a matter concerning the death of, or serious harm to, a person as a result of Garda operations or while in the care or custody of the Garda Síochána, the Independent Adjudicator may issue a direction—

(a) specifying that all or part, as the case may be, of the document, information or thing be disclosed, and

(b) imposing any conditions or restrictions relating to the security of the State that the Independent Adjudicator considers appropriate.”.”.

Amendment put and declared lost.

**Deputy Niall Collins:** I move amendment No. 12:

In page 3, between lines 23 and 24, to insert the following:

“5. Section 98(1) of the Principal Act is amended by the insertion of the following

paragraph

after paragraph (g):

“(h) the search of the Garda Síochána Police Using Leading Systems Effectively (PULSE) computer system for any purpose relevant to the investigation being conducted by the designated Officer of the Ombudsman Commission.”.”.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 13 to 18, inclusive, are related. Amendment No. 18 is a physical alternative to amendment No. 17. Amendments Nos. 13 to 18, inclusive, will be discussed together.

**Deputy Niall Collins:** I move amendment No. 13:

In page 4, line 18, to delete “and subject to the consent of the Minister.”.

This issue was discussed on Committee Stage and earlier in our debate on Report Stage. If the Garda Commissioner is not subject to the same degree of oversight as everybody else in the organisation, GSOC will be perceived to be at a disadvantage and its independence will be undermined. I acknowledge that amendment No. 14 allows the Minister to change the relationship with the approval of the Government but that means both the Minister and the Government have an input on whether the Garda Commissioner of the day should be subject to oversight. Such an approach would still infringe on the independence of GSOC and undermine its ability to do the job with which it is charged under the legislation. If the head of the Garda is not subject to the same oversight as other officers or has the ability to ask the Government to deflect scrutiny, it is not a good provision.

**Deputy Mick Wallace:** Section 7 of the Bill as drafted inserts section 102B into the Garda Síochána Act 2005. This provision only allows GSOC to investigate the Garda Commissioner where the Minister consents to such an investigation and only if an offence or serious misconduct is suspected. These circumstances will rarely, if ever, arise. There is no strength or independence in this function and it is clear that political protection of the Commissioner can continue under this structure. Amendment No. 13 would allow GSOC complete independence in that function by removing the need for ministerial consent. The amendment also extends the circumstances in which an investigation might include a third group. Section 102A of the 2005 Act provides that GSOC shall report its conclusions to the Minister but my amendments propose that GSOC shall report to the new Garda authority, which may at its discretion subsequently report the matter to the Minister. Furthermore, it is only through ongoing monitoring and oversight of the Garda Commissioner’s activities and policies by an independent Garda authority that a transformative impact will be made in terms of holding the Garda accountable to citizens. A once-off power for GSOC to investigate the Garda Commissioner with the consent of the Minister, and only on the grounds of a suspected criminal offence, is not sufficient.

The Minister is well aware of our feelings on this issue. The core of the issue for us is the ability of the Government of the day to retain control over policing by restricting GSOC in what it can investigate. I urge the Minister to rethink this provision. If one compares the different measures the Government has already introduced with our own policing Bill, there is a stark contrast in the area of real reform. In light of the strong public appetite for doing things differently, I believe the Minister would have the public’s support if she took a stronger position on

de-politicising policing. If we had tried to introduce the reforms proposed in our Bill several years ago, we would have been run out of the place. In fairness, we were nearly run out of the place when we introduced the Bill in 2013. We did not get much support, other than from Sinn Féin Members, who voted for it. It got more support in its second time in the House in July 2014 because the mood had shifted and the public were becoming aware that all was not well.

I am sure the Minister read Conor Brady's book in her spare time over Christmas. There is no doubt that the politicisation of policing has caused problems for successive Governments over the past 60 years. If she has not read the book, I suggest she do so. The two able officials sitting beside her should also read the book if they have not done so already. I am sure they make a serious impact on policy implementation. It is amazing how problematic the politicisation of policing has been over the years. I appeal to her to give GSOC the opportunity to hold the Garda Commissioner to account. That would be a serious reform and I would take my hat off to her if she took this step.

**An Ceann Comhairle:** I call Deputy Mac Lochlainn.

**Deputy Pádraig Mac Lochlainn:** I will wait until we have heard from the Minister.

**Deputy Clare Daly:** This is the easiest limitation to identify in the Bill. It probably reflects a decision by the Government to tinker around the edges of Garda reform in the teeth of a massive public outcry on foot of the heroic efforts by a number of Garda whistleblowers, followed by which members of the public began to speak about their own experiences. These interventions led to a change in mentality both inside and outside of this House.

The Bill as it stands will not deliver the reforms that are necessary to establish a modern police service rather than the old type of police force that was subject to much public discussion. From the days of the heavy gang, the Kerry babies investigation and the Sallins train robbery through to the Donegal cases and the blue wall of silence in investigations the tendency was to cover up for poor behaviour. This Bill is supposed to offer a new start in terms of accountability but we need a system which offers the public an effective mechanism for bringing complaints about the activities of members of An Garda Síochána. The idea that the Garda Commissioner would be excluded from such a situation is clearly laughable. However, while it is welcome that the Commissioner is now being included, the provision that it will be subject to the approval of the Minister takes the teeth from the entire process and undermines the strength and independence of GSOC. The political protection of the Commissioner remains.

*2 o'clock*

It is precisely as Deputy Wallace says. While GSOC can now investigate the Commissioner, it is only where the Minister consents and in the case of an offence or serious misconduct rather than by way of a facility to analyse ongoing behaviour and breach of duty. That is why amendment No. 15, which refers to repeated breach of duty, is also important. It should not only be in the case of a one-off incident and on an *ad hoc*, once-in-a-blue-moon, basis that GSOC can investigate. There should be a system to provide for effective monitoring and remedies on an ongoing basis where the Commissioner's behaviour is called to account.

The fact that GSOC has now replaced the confidential recipient adds a new dimension to this scenario. While members of the public may have complaints about individual gardaí or the practices, policies and procedures which can be complained about through the figurehead of the Garda Síochána, it will sometimes be the case that the personal actions of the Garda Commis-

sioner affect matters. That is more likely to happen in cases where the complainant is a member of An Garda Síochána. The likelihood of a private citizen having a complaint personally against the Garda Commissioner rather than in respect of Garda policies is limited. However, gardaí themselves are in a position where they are more likely to need that mechanism. That is why this needs to have more teeth.

Public utterances are being made by the new Commissioner welcoming whistleblowers and asking people to speak out against dissent, but within the ranks of An Garda Síochána the reality is very different. This is because there are a number of people who used the mechanisms internally and through GSOC to make very serious complaints of Garda misconduct against their peers and, in particular, against senior members of the force. These serving Garda whistleblowers are living in hell as we speak. One of them is out sick for a period of nearly ten months and his case is being investigated by GSOC. It is a very difficult situation for that man and his family. As he goes about his daily business, he has to face unmarked patrol cars coming to the place he lives where no random cars pass by. He has a feeling of complete vulnerability and susceptibility to pressure. The Garda Commissioner oversees appointments, promotions and senior staffing and in many cases these are the people involved in the activity the person is complaining about. We have to be very mindful of that fact.

Some of the matters which have been brought forward for investigation involve very serious matters, including for example, gardaí being involved in the drugs trade, which is of deep concern. Information on this may have been given to the Commissioner and not acted upon while members of the force are still in their jobs. These are very worrying matters. The fact that complaints can be made for a period of nine or ten months without anything being done or any feedback provided is very worrying. We must remove political protection. While we will not rehearse what we debated yesterday and over the past few years in terms of the relationship between the former Minister for Justice and Equality and the former Commissioner, it is the reason many of these issues have got public traction. There was a feeling that the police force was, as the former Commissioner said, his force and not a body that should be accountable to citizens.

We must be careful here as a great deal of the activity gardaí are being forced into at the moment is not helping, including the involvement of members of An Garda Síochána in the policing of anti-water charges protests or the installation of water meters. We have been contacted by very senior members of An Garda Síochána who feel they are being pressurised by those at the top of the force because of political interference at Government level. They are being told to send their officers out to act as a private security firm for Irish Water and to go to war against the citizens they are trying to work with in communities on a collective and ongoing basis. The result of that has been a knock-back of community relations which undermines some excellent work by community gardaí who have been trying to move things on. It is critically important that any political protection is removed. We must make a couple of amendments on that while including breach of duty.

**Deputy Ruth Coppinger:** With regard to amendments Nos. 13 and 18, the scandal around the Garda erupted because of the perceived relationship between the Government, the Minister for Justice and Equality and the Commissioner. Unfortunately, the Bill fails to deal with the central issue of the Commissioner and the independent power of GSOC to investigate him or her. Why would the Government impede GSOC from investigating the Commissioner when that was one of the key issues that erupted last year? Why is the Government providing that GSOC must seek the permission of the Minister to investigate the Commissioner? If that pro-

vision remains in place, the reform will be an artificial one. GSOC should be independent and autonomous and should have the power to decide what its own investigations will be while, of course, having to justify them in the public interest.

The reputation of the Garda has never been as low in the mind of the public as it is now due to the issues that arose last year as well as because of recent events and the way gardaí are now being used. The Commissioner herself made a statement last week that was quite political and pointed on the nature of protests.

**An Ceann Comhairle:** We should be careful about accusing the Commissioner of getting involved in political discussions.

**Deputy Ruth Coppinger:** The Commissioner made statements about protests.

**An Ceann Comhairle:** That is fine, but they are not political.

**Deputy Ruth Coppinger:** It was quite a political statement to make.

**An Ceann Comhairle:** However, the Deputy does not say it in the House.

**Deputy Ruth Coppinger:** It is at a time when gardaí are being used to protect private water metering companies and Irish Water. Communities see that resources are available at the drop of a hat for that but not to protect them when they are in danger from breaches of barring orders and so on.

I ask the Minister to tell the House why she is maintaining a barrier in the way of GSOC which prevents it investigating the Commissioner. It is a Third World situation. Surely, if one is establishing an independent investigative agency, it should be truly independent and autonomous.

I welcome some of the moves in the Bill. At least, the Commissioner will come under the remit of GSOC, which body is given some additional powers. However, the central issue on the Commissioner is a glaring one. Why does the Government refuse to break the stranglehold over GSOC?

**An Ceann Comhairle:** I remind the House that we are discussing amendments Nos. 13 to 18, inclusive.

**Deputy Frances Fitzgerald:** Section 7 of the Bill inserts a new section 102B into the 2005 Act which, for the first time, brings the Garda Commissioner within the scope of GSOC investigations. This is a significant and important development to which the Government attaches a great deal of importance. Far from the interpretation being given here, it is a significant provision which strengthens the powers of GSOC in regard to the Garda Commissioner. I will outline how we are providing for this and why the way we are doing it is appropriate and encompasses the proper protections. I reject absolutely some of the interpretation that has been given that this is about the ongoing politicisation of An Garda Síochána. It certainly is not. It is far from that. It is about the duties and responsibilities of the Government and the Garda Commissioner. That is why it has been drafted as it has been.

In carrying out her general policing functions, the Garda Commissioner is the head of the national security service. In this the Commissioner fulfils a vital role which is very closely linked to the obligations of the Government within the framework of the Constitution to protect

the security of the State. There are constitutional issues in regard to the obligations and responsibilities that a Government and the Minister for Justice and Equality have, and I refer the Deputy to them. After careful consideration and listening to what people had to say on Committee Stage, I said I would take account of the discussions that took place with many of the Deputies present here. Having reflected on the discussion and examined the provision, and given the importance of the decisions to be taken under the section and the key position of the Commissioner in security matters, I decided that the provisions of section 102B should be strengthened to provide a specific role for the Government rather than just for the Minister. While I note what Deputy Wallace said about this, he would expect it to be a rare occasion, as would I.

GSOC is an independent body and will have the authority, under this legislation, to investigate the Garda Commissioner. This is a very important power and did not exist previously. Rather than the decision remaining with one Minister, I deem the issue so serious that it would require a decision by the entire Government. This is why I have tabled amendments Nos. 14, 16 and 17, under which Government approval would be required before the Minister could consent to the investigation, request that GSOC commence such an investigation or refuse to consent to a proposed investigation by GSOC. It has been strengthened. Under amendment No. 17, the original proposal has been further strengthened to ensure that when the Government refuses a request by GSOC to undertake an investigation into the conduct of the Garda Commissioner, it must state reasons. The decision is not just for the Minister, who might have a relationship with the Garda Commissioner, but the Government, and it would have to be for stated reasons, which is important. The practical reality is that consent to a proposed investigation would be refused only in exceptional circumstances. In these circumstances, the Government would have to provide specific reasons. It is impossible to envisage any circumstances under which, on foot of a demonstrable concern that the Garda Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct, consent would be withheld.

The introduction of the requirement for Government approval of a ministerial decision under section 102B is intended to meet some concerns expressed on Committee Stage that there would be a ministerial veto on a GSOC investigation into the Garda Commissioner. I hope the Deputies will accept the Government amendments in this spirit and also because of the pivotal national security functions undertaken by the Commissioner. It would not be appropriate to accept the amendments, which would remove the requirements for ministerial consent.

Amendment No. 15, tabled by Deputies Wallace and Clare Daly, seeks to add an additional criterion for which GSOC could initiate an investigation into the Garda Commissioner. The proposal is that GSOC could investigate the Garda Commissioner if it considers the Commissioner had repeatedly breached his or her duties. Having examined the amendment, I am satisfied that, were the Commissioner found to have officially breached her duties, the case would be comprehended by proposed section 102B(1)(b), which allows for investigation in cases in which the Commissioner behaves in a manner that would “constitute serious misconduct”. This is a broad concept which extends not just to a specific set of actions but to a course of conduct. The proposed amendment is not necessary. In addition, I am concerned that the Deputies are focusing on a very particular set of circumstances and given the varied circumstances that could arise, it is not the approach that should be adopted. I regret that I cannot accept the amendment and I ask the Deputies not to press it. I have listened to the debate and discussion on Committee Stage and have brought in three amendments which give further protection regarding the points discussed on Committee Stage and which acknowledge the very serious situation outlined. If GSOC said there had to be an investigation into the Garda Commissioner, the Minister’s deci-

sion would have to be supported by a Government decision and if the Government refused, there would have to be stated reasons. This would involve the Cabinet taking its obligations and responsibilities under the Constitution as it should.

I do not accept some of the language that has been used, that we are tinkering around the edges of Garda reform. Very real reform is taking place. There will be further amendments relating to GSOC under the Garda Síochána (policing authority and miscellaneous provisions) Bill, which was intended to deal with a number of issues originally. The establishment of the Garda authority was one of the main points Deputy Wallace had in his original Bill. It is moving forward and will be done. No doubt we will have debates on a number of issues related to it.

Some of the points that are being made here on whistleblowing and the cases that have emerged in recent times are about a culture which is and has been changing over time. While legislation, clearly, has a role to play, so does good management and acceptance of the need for reform. Far from the way Deputy Coppinger has described it, gardaí, in their provision of a public service and what it has been necessary for them to do regarding protests, have been keeping the peace. Considerable resources have been involved. I ask Deputies to reflect on the amendments I have introduced in response to the Committee Stage debate and I hope they can accept them.

**Deputy Mick Wallace:** The Minister stated she could not conceive of a situation in which the Minister or Government would not give GSOC permission to investigate where it was perceived that the Garda Commissioner was behaving very poorly. Although she placed much emphasis on the fact that the Government rather than the Minister would have the power to make some of the decisions, there is little comfort in this, given that the Government of the day has a majority. While it is good that issues are debated in the House, the decisions do not necessarily change very often. Much the same can be said of the Minister's role in this regard. It is good to have a debate and for us to have our say, even if we do not change the final outcome. The definition of democracy is "you can say what you like but you do what you are told".

The Minister says she cannot conceive of such a situation but I recall for several months in here we challenged the former Minister for Justice and Equality on the issue of racial profiling in the Garda Síochána. We had some serious evidence of it but the Minister took the position, and said in here, the Garda Commissioner says there is no racial profiling and that is good enough for me. That is the reply we got. That is scary. The present Minister may say she cannot conceive of a situation arising where she would not do the right thing and give GSOC permission to investigate where it should but she will not always be the Minister for Justice and Equality. The person who comes after her might not behave as well as the Minister might like him or her to behave.

**Deputy Clare Daly:** Incidentally, the former Minister told us we were a disgrace when we raised the points that were subsequently vindicated. I too can think of many instances where an offence might be alleged against the Commissioner that needed to be investigated and a Minister would not consent. Picture the scene - a Garda whistleblower goes to the Minister, says that senior gardaí are involved in, for example, the drugs trade, entrapping people and supplying drugs in a particular area. The Minister goes to the Commissioner who gives an assurance that there is nothing to see and further wrongdoing is perpetrated afterwards. When the Commissioner is called to account for her actions she can legitimately say she discussed it with the Minister and the Minister agreed with her. Suddenly the Minister's interests and the Commissioner's interests are intrinsically linked and a proper independent scrutiny is prohibited

because of that ministerial block.

When the heads of this Bill were announced there was a huge welcome for the headline that GSOC would be given the power to investigate the Commissioner, that it would be independent and autonomous. The Irish Council for Civil Liberties and many of the other human rights organisations welcomed the move. Then we saw the caveat, “only on our terms”, which gave the matter a different flavour. This means the Commissioner can be seen as a creature of the Minister. The political appointment of the new Commissioner does not help that situation. The Minister has talked about a new regime inside An Garda Síochána and there is certainly a lot of talk about it but those at the top of An Garda Síochána are exactly the same as those who were there a year ago under Commissioner Callinan. There needs to be a more radical change. The Commissioner needs to be accountable to GSOC in a totally independent way.

Amendment put:

<i>The Dáil divided: Tá, 42; Níl, 62.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Barry, Tom.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</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>Creighton, Lucinda.</i>	<i>Collins, Áine.</i>
<i>Crowe, Seán.</i>	<i>Conaghan, Michael.</i>
<i>Daly, Clare.</i>	<i>Conlan, Seán.</i>
<i>Doherty, Pearse.</i>	<i>Connaughton, Paul J.</i>
<i>Dooley, Timmy.</i>	<i>Conway, Ciara.</i>
<i>Ellis, Dessie.</i>	<i>Costello, Joe.</i>
<i>Ferris, Martin.</i>	<i>Creed, Michael.</i>
<i>Fitzmaurice, Michael.</i>	<i>Daly, Jim.</i>
<i>Fleming, Sean.</i>	<i>Deering, Pat.</i>
<i>Fleming, Tom.</i>	<i>Doherty, Regina.</i>
<i>Halligan, John.</i>	<i>Donohoe, Paschal.</i>
<i>Healy, Seamus.</i>	<i>Dowds, Robert.</i>
<i>Higgins, Joe.</i>	<i>Doyle, Andrew.</i>
<i>Kelleher, Billy.</i>	<i>Durkan, Bernard J.</i>
<i>Kirk, Seamus.</i>	<i>Feighan, Frank.</i>
<i>Kitt, Michael P.</i>	<i>Ferris, Anne.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Fitzgerald, Frances.</i>
<i>McConalogue, Charlie.</i>	<i>Fitzpatrick, Peter.</i>
<i>McDonald, Mary Lou.</i>	<i>Gilmore, Eamon.</i>
<i>McGrath, Finian.</i>	<i>Griffin, Brendan.</i>
<i>McGrath, Michael.</i>	<i>Harrington, Noel.</i>

<i>McGuinness, John.</i>	<i>Harris, Simon.</i>
<i>McLellan, Sandra.</i>	<i>Heydon, Martin.</i>
<i>Mathews, Peter.</i>	<i>Humphreys, Heather.</i>
<i>Murphy, Paul.</i>	<i>Humphreys, Kevin.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Keating, Derek.</i>
<i>Ó Fearghail, Seán.</i>	<i>Kehoe, Paul.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Kenny, Seán.</i>
<i>O'Brien, Jonathan.</i>	<i>Kyne, Seán.</i>
<i>O'Sullivan, Maureen.</i>	<i>Lawlor, Anthony.</i>
<i>Ross, Shane.</i>	<i>Lyons, John.</i>
<i>Stanley, Brian.</i>	<i>McEntee, Helen.</i>
<i>Tóibín, Peadar.</i>	<i>McFadden, Gabrielle.</i>
<i>Troy, Robert.</i>	<i>McGinley, Dinny.</i>
<i>Wallace, Mick.</i>	<i>McLoughlin, Tony.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Neville, Dan.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Pat.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Twomey, Liam.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Niall Collins and Pádraig Mac Lochlainn; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared lost.

**Deputy Frances Fitzgerald:** I move amendment No. 14:

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In page 4, line 18, after “Minister” to insert “given with the approval of the Government”.

Amendment put and declared carried.

**Acting Chairman (Deputy Robert Troy):** Amendment No. 15 was discussed with amendment No. 13. Is the amendment being pressed?

**Deputy Clare Daly:** Yes.

**Deputy Mick Wallace:** I move amendment No. 15:

In page 4, between lines 22 and 23, to insert the following:

“(c) repeated breach of duty.”.

Amendment put and declared lost.

**Deputy Frances Fitzgerald:** I move amendment No. 16:

In page 4, to delete lines 23 to 27 and substitute the following:

“(2) The Minister may, with the approval of the Government and if he or she considers it desirable in the public interest to do so, request the Ombudsman Commission to investigate any matter that gives rise to a concern that the Garda Commissioner may have done anything referred to in subsection (1), and the Commission shall investigate that matter.”.

Amendment put and declared carried.

**Deputy Frances Fitzgerald:** I move amendment No. 17:

In page 4, to delete lines 28 to 30 and substitute the following:

“(3) The Minister may, with the approval of the Government, for stated reasons refuse to consent to an investigation by the Ombudsman Commission of any matter under subsection (2).”.

Amendment put and declared carried.

Amendment No. 18 not moved.

**Acting Chairman (Deputy Robert Troy):** Amendments Nos. 19, 20 and 24 to 31, inclusive, are related and will be discussed together.

**Deputy Mick Wallace:** I move amendment No. 19:

In page 5, line 9, to delete “Minister” and substitute “Garda Authority”.

This amendment goes back to the same chestnut of trying to garner as much independence as possible for the ombudsman commission with less influence from the Government of the day. If we manage eventually to put in place an independent Garda authority, it will have great potential to make matters better. It will certainly go a long way towards creating a buffer, about which we have spoken, to deal with an overly close relationship between a Minister and a Garda

Commissioner. At least there will be some light of day in that regard. Obviously, the structure of the new Garda authority will be paramount and it is important it has a strong element of independence. If that is achieved, it will go a long way towards addressing public confidence in how this authority is structured. It will also make serious inroads into how our police force operates, given it has lacked transparency in how it operated in the past.

Another issue is that the Garda code of conduct, a large document which will more or less outline how a garda should behave, has not been published yet. It would be helpful and important in the interests of transparency that it is published soon. An independent policing authority would have more of an opportunity of holding An Garda Síochána to account on a regular basis. That is what we want. It is not good enough that investigations roll on for some time. What we really need is constant monitoring of how the force works.

This would present a serious challenge to the blue wall of silence that is sadly still in place. It is unfortunate public confidence in the force has dipped so low. This is mainly due to the indiscipline of many members in the senior ranks of the force. It has been very unfortunate that rank-and-file gardaí have suffered dramatically due to indiscipline at senior management level. The Guerin report pointed out that it was striking that censure and discipline in the Bailieborough area only applied to the rank and file when in fact it was management and supervisors who were most at fault for much of the wrongdoings there. Obviously, we will learn more about this in time once the commission of investigation eventually reports. There is a feeling that censure and sanctions are confined to the rank and file when in fact the biggest challenges in the force are how the senior ranks operate and how senior members in different divisions seem to be unaccountable. We have yet to be convinced that the new Garda Commissioner is in control of some of the senior members in the different sections.

Another dimension in developing public confidence in the force will be resources. These are essential to improving how our police force operates. Over the past several years, we have concentrated mainly on the need to change dramatically the culture in the force. Resources are a big issue too. Last week, I received correspondence from one of the new recruits at Templemore Garda College. Although he was dying to get the job, he expressed serious unrest about the fact his starting salary after graduation will only be €23,171 before any tax is deducted. He pointed out that in 2010 there was a pay cut of 10% for gardaí with a further 10% cut for new employees. He stated:

To add to this strain, we are the first batch of recruits who will not be receiving the pensionable rent allowance of approximately €4,000 per annum, an allowance that has been in place since the inception of An Garda Síochána and one that all members of the service rely on and view as regular pay. Worth about €77 per week, the loss of this will really mean the difference between paying the rent and buying enough food for the week for new members. The loss of this allowance is the main issue which we are concerned about. Having met with the GRA, Garda Representative Association, and having highlighted the issue, we feel little is being done to fight for the restoration of this vital allowance.

The situation is simple. When we leave Templemore for our stations later this year, we will all feel that for our fair day's work, we will not be receiving a fair day's pay. A starting salary of €23,171 is literally not enough to survive on, especially for many of the recruits who will be sent to Dublin from their home counties and will be faced with higher rents and the need to own a car due to shift work. By the time food bills and fuel come into the equation, members will be in a very difficult place.

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I am concerned about this. The garda in question obviously will need a car and will be forced to move from home when he graduates. Only a small percentage of these new recruits will get to stay at home when they graduate. The challenge of running a car and paying rent on a salary of €23,171 is a bit scary. The Government needs to look at this.

Building the morale of the Garda Síochána by improving structures, discipline, transparency and accountability should be matched with good working conditions for all gardaí.

**Deputy Clare Daly:** The Minister alluded earlier to the fact that she will be tabling some other amendments to deal with GSOC in the context of the imminent Garda authority legislation. The UN Human Rights Committee, in its periodic review last summer, made the point that there is an urgent need for Ireland to deal with this issue and strengthen the independence of GSOC while ensuring that the Garda authority marries in with and complements the project. This batch of amendments seeks to insert the Garda authority into the role of overseeing the Garda Commissioner and the Garda Síochána. It is to remove the ministerial block on some of the investigations and analysis which could go to GSOC, and instead have that power transferred from the Minister to the Garda authority.

Under the forthcoming Garda Síochána (policing authority and miscellaneous provisions) Bill, the Minister will be proposing to make the Garda Commissioner accountable to the authority in a certain sense, but also to the Minister. It is unfair to make the Garda Commissioner accountable to the authority without giving the authority sufficient powers to be able to enforce this accountability. How can the Garda authority hold the Commissioner to account when the Commissioner's position is, in effect, protected by the Minister who appoints her or him? Although the ultimate sanction of removal exists, the Commissioner can only be removed by the Government.

The issue we touched on earlier concerning the unique position of the Garda Commissioner as head of policing and head of security is a problem when we look at investigations. Under the heads of the Garda Síochána (policing authority and miscellaneous provisions) Bill, the Minister is the final arbiter on many of these things including a discrepancy on whether an issue should be considered as a policing matter or a security matter. We believe the Minister would have an interest in these scenarios and it is not a fair way of dealing with it. A right wing Government such as this one could, for example, view the protest that took place around May Day, the water charges protests or the Shell to sea protests as national security issues rather than policing issues and therefore block investigations. If the Minister is really talking about transforming the Garda Síochána into a modern police service, the only way that is going to work is to have a very substantial Garda authority which has the power to call the shots. That Garda authority would have to be the vehicle to feed into GSOC, which would consider any complaints.

That is really what these amendments seek to provide. We will have to table a considerable number of amendments to the Garda Síochána (policing authority and miscellaneous provisions) Bill because based on the heads of Bill, what the Minister is proposing is far from what is necessary. We will be reverting back to many of the measures proposed by Deputy Wallace when he moved his Bill on the same subject previously.

**Deputy Frances Fitzgerald:** There is a very basic problem with the amendments tabled and it will become obvious when I explain it. I am unable to accept the amendments because the Deputies are trying to give certain responsibilities to the proposed policing authority, a body that has not yet been established. How could the House agree to assign responsibilities in ad-

vance of a body being set up? That clearly cannot be done; it is not possible from a legislative point of view.

The policing authority has not been set up. We have the heads of Bill and the Government is committed to setting up an independent policing authority, the obligations and responsibilities of which will be clearly outlined. The Government also has obligations and responsibilities in these areas. In establishing the policing authority, we will be defining very carefully the constitutional responsibilities that remain with the Minister for Justice and Equality. We have stated that we want a policing authority that will have supervisory responsibilities on policing. The Garda Commissioner will be going before that body and it will have the power to get information and will have to be furnished with various reports. That will all be in the Garda Síochána (policing authority and miscellaneous provisions) Bill, which is being prioritised at present and will be published, I expect, in the current Dáil term. The work is being done and we will have a discussion about the responsibilities and balances, and the transition that will have to take place in policing, when the Bill is published and the authority gets under way.

It is a major decision to have a policing authority. A number of countries have done it, as the Deputies know very well. There are various issues that we will have to tease out and deal with carefully when the time comes. I cannot anticipate that legislation by accepting the Deputies' amendments. We cannot assign legislative responsibilities to a body that is not yet established. I understand the point of principle the Deputies are making, but their timing makes it impossible for me to accept the amendments.

If the economic situation had not improved as it has - and I accept that it will take some time before everybody feels the benefits of that improvement - without the reduction in employment we have seen and the possibility of a budget with some investment in it, we would not have seen the increased resources that are now going to the Garda Síochána. There is a stark contrast between the resources that were given prior to the last budget and the current situation. There is a clear commitment to give the Garda the resources to begin recruitment.

The point about rent allowance was raised yesterday at the justice committee by Deputy Niall Collins. Those allowances go back to 1926. The Government made a decision, given the economic situation, and there was overall saving of approximately €450 million. We are talking about very substantial sums of money.

I was down at Templemore a few days ago and the recruits are very pleased to be there. There was a huge number of applications and, as the economic situation improves, the Government wants to make the kind of changes that will make a difference in people's pay packets. We want to make sure that work is worthwhile. This intention has been clearly laid out by the Taoiseach, the Minister for Public Expenditure and Reform, Deputy Howlin, the Minister for Finance, Deputy Noonan and other members of the Government. It is important to recognise change when it does take place. One can repeat endlessly that there is no confidence in the Garda Síochána but the reality is that people in many situations put their confidence in the Garda. From an administrative and management point of view, some of the shortcomings have been clearly articulated in the Garda Inspectorate report and they need to be addressed - nobody is denying that. There are clearly cultural issues which the management has accepted need to change. We now have the Protected Disclosures Bill 2013, for example, in respect of whistleblowing, which was brought in by this Government. We have changes in the management of whistleblowers being accepted by the Garda. Organisations do not change overnight.

*3 o'clock*

Many organisations have great difficulty in respect of working with whistleblowers, managing that issue and getting better at managing it. This is something that has to happen. Clearly there is a different history in this area but we are in different times now and organisations need to react and deal with the matter appropriately. The legislation is in place to underpin that.

People should not endlessly repeat the mantra that there is no confidence and that there has been no change when, in fact, there is change. Change takes time and it does not occur overnight but numerous initiatives have been put in place indicating a changed approach, including the protected disclosure issue, the changes to the Garda Síochána Ombudsman Commission, the further empowerment of GSOC and the Garda authority Bill. This is real change. It may not be as much as the Opposition seeks and Deputies may have points to make in that regard. However, there are constitutional issues as well as the obligations and responsibilities of Government and the Minister for Justice and Equality to take account of when framing the legislation. That is what we have done and continue to do. It remains a priority to bring the legislation to the House as quickly as possible.

It is important to acknowledge the ongoing work done on a daily basis by An Garda Síochána in preventing crime, protecting communities and upholding the security of the State. Deputies know the statistics from Limerick - I imagine Deputy Niall Collins, in particular, is familiar with them - relating to the series of murders and the nature of the Garda resources that had to be put in place there to deal with that situation. Opposition Deputies know the resources that have gone into upholding security and ensuring that the security of the State is upheld. Again, I emphasise the importance of acknowledging the work that is being done on an ongoing basis by An Garda Síochána as well as the need for change.

**Deputy Mick Wallace:** It is unfair for the Minister to try to suggest that we were saying everything was wrong. We are addressing the problems that exist. We acknowledge that some things are being done well. We also acknowledge that many gardaí do a great job and really care. We are seeking to address those who have misbehaved. We are simply reacting to and reflecting what we hear from the public. Of course many among the public have confidence in the Garda.

Some people have suffered due to malpractice by some members of the force. Sadly too many of these members are at a senior rank to be concerned about it. Bruce Springsteen's song "Atlantic City" often springs to my mind when people come to me with complaints. A line in the song is:

Down here it's just winners and losers and

Don't get caught on the wrong side of that line

There is no doubt many gardaí do a great job, much good work is being done and many people are happy with the force. However, we are addressing the problems being brought to our attention in respect of which things are not quite so rosy.

The amendments were not ruled out of order. Before the Minister came to the House yesterday, the Minister of State, Deputy Sherlock, was sitting in her place. At the time I expressed surprise that this Bill and the Garda authority Bill were not being considered together as part of a larger Bill. There will be overlap between the two and we will be undoing some of this when

we come to dealing with the new Garda authority Bill. I realise the new policing authority is probably running behind the anticipated schedule of last summer. I accept that there is a time-gap between the two tranches of legislation but it would have been better if the two had been done together.

**Deputy Clare Daly:** In some ways this is a reflection of the reactionary nature of the proposals rather than a proactive approach and engagement in substantial reform. In a sense, a piecemeal approach does not work and that is part of the problem. It is a little rich to suggest we cannot have an amendment referring to the Garda authority but someone can be politically appointed to chair the Garda authority, assume that position and be in place already. This exposes some of the problems. A comprehensive approach would not deal with it in this way. Rather, it would start by looking at what we need to have to ensure real policing by consent and real democratic accountability. That would mean a substantial authority with a large level of input from civil society.

The reason Deputy Wallace mentioned the appalling starting pay for new gardaí is precisely because we fully respect the job that gardaí do. The level of payment is wholly unacceptable for the people who do that job. If the Government values them, it should look at that as well.

While it is true to say that some things are beginning to be addressed, there will be a lead-in. It is not true to suggest everyone agrees the problems with Garda Inspectorate report are real and need to be addressed. The Commissioner did not agree with it. She was quick off the mark to say there is no evidence of massaging of the figures and so on. She promptly disagreed with the report and downplayed its findings. Likewise, this is the problem with the protected disclosures Bill. The need for this reform has been highlighted in the public domain precisely as a result of the heroic endeavours of members of An Garda Síochána who have spoken up about what has gone on and certain behaviour, in particular the behaviour of those at senior level.

Although there is a mechanism in place, what is the reality on the ground? One Garda whistleblower has been out of work for ten months at this stage. Before Christmas, he and his partner had to take an injunction against An Garda Síochána to stop it from holding an internal investigation into a spurious non-complaint, allegedly made by his partner against him. The man is living with this. He went to GSOC and the commission took his complaints seriously but he has been left isolated and vulnerable. He is not on his own. Others are in the same position in respect of investigations going on for months.

We are trying to improve the situation. We know certain measures have been put in place but the Government will not improve things if those at the top are the same as they were before. There needs to be a far more substantial shake-up. The creation of the Garda authority, and vesting power with it rather than the Minister is part of that process and is critical.

**Deputy Frances Fitzgerald:** I do not have any further comments to make, save to say it is not possible for me to accept in a legislative sense the assignment of responsibilities to a body that does not exist at this point.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 20:

In page 5, line 10, after “investigation.” to insert the following:

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“If the Garda Authority deems it necessary and in the public interest, the Authority may subsequently report the matter to the Minister.”.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 21:

In page 5, between lines 28 and 29, to insert the following:

“9. The Ombudsman Commission may, if the investigation so requires, access the PULSE system.”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 22 and 23 are alternatives and may be discussed together by agreement.

**Deputy Mick Wallace:** I move amendment No. 22:

In page 5, lines 34 and 35, to delete all words from and including “section” in line 34 down to and including line 35 and substitute the following:

“sections 95, 98, 102 or 106, is so provided within four weeks of the date of receipt of a formal request.

**103B.** An Assistant Garda Commissioner shall ensure that information is to be provided by the Garda Síochána to the Ombudsman Commission for the purposes of an investigation by the Commission of a complaint, or an investigation by the Commission of any matter under section 102B is so provided within four weeks of the date of receipt of a formal request.”.

The insertion of section 103A, as drafted, by the Government is encouraging. For the first time it establishes a statutory and legal obligation on the Garda Commissioner to provide information to GSOC. However, this only applies to section 102 investigations. This amendment broadens the scope to include the standard section 95 and section 98 investigations, which comprise the vast majority of GSOC investigations. Neither does this obligation apply to section 106 investigations into practice, policy and procedure. Given that the Commissioner may now be the subject of an investigation, the addition of the proposed section 103B requires that an assistant commissioner be responsible for the provision of information which might incriminate the Commissioner.

A more definite timetable than “as soon as practicable” is also necessary to provide clarity and strength, and the above amendment sets a timeframe of four weeks. The UN Human Rights Committee expressed concern in July 2014 at Ireland’s compliance with articles 7 and 10 of the ICCPR, stating that it was concerned about “the ability of [GSOC] to function independently and effectively”, referencing the time taken to complete investigations due to lack of co-operation by the police.

Until now, provision of information was done by way of mutual co-operation or, more recently, by protocol or soft law, which is unenforceable. As repeatedly recommended by the UN, most recently in the concluding comments by the Human Rights Committee in July 2014, section 106 has been amended in the Government draft to allow GSOC the independence to

initiate investigations into the practice, policies and procedures of the Garda. Prior to this, the Minister's consent was required before GSOC could initiate any such investigation. Indeed, the last three Ministers have refused permission to investigate the Corrib policing controversies for overtly political reasons. However, section 106 reports will be made to the Minister, who may or may not redact parts before laying them before the House. Once the policing authority is established, it would seem more appropriate that GSOC would present these reports to the authority. This amendment makes that change while allowing the Minister to retain the duty of laying those reports to the House, subject to national security. However, where there is a dispute between the Minister and the Garda authority over any exclusions from those reports on national security grounds, a right of appeal to the designated judge under section 100 of the 2005 Act is provided for.

Allowing GSOC to look at the practices, policies and procedures of the Garda is a move in the right direction, but it would be better if it was not in the hands of the Minister to redact as he or she sees fit. One can imagine if, by chance, in the case of this becoming law, GSOC decided to investigate Corrib. We have been down to Corrib and I do not understand why several governments have refused to investigate what went on there because it was a national disgrace. If GSOC should decide to investigate it, and if it is not allowed to publish its investigation results, but must go back to the Government of the day, I would not be very optimistic about the prospect of the Government revealing all that the GSOC investigation threw up. On that ground alone, the Government veto, for want of a better word, over the GSOC investigation through section 106 should be removed and any investigations that GSOC carries out into the practices, policies and procedures of An Garda Síochána should be published by GSOC.

**Deputy Clare Daly:** The Minister implied that we were saying nothing had changed. We have not said that, but this is a good, or poor, example of how things are half-changing or quarter-changing. That is the point we are trying to address. It is very good that, for the first time, section 103 inserts a statutory and legal obligation on the Commissioner to provide information to GSOC. That is good and we are very happy with it but as Deputy Wallace said, it is only being provided in regard to section 102 inquiries. It is not being provided in sections 95 and 98, and most of the queries and complaints that come before GSOC come under those criteria, involving the people with whom all the Deputies' paths have crossed. In such cases, in many instances information has not been passed over in a timely or accurate manner to GSOC and this has inhibited its ability to conduct proper investigations. That point is even more critical in regard to section 106, on investigations into practices, policies and procedures. This is a new departure, which was highlighted repeatedly over the years on multiple occasions by the UN human rights bodies and special rapporteurs. Giving the Government possession of those reports when they come back is not good enough. It is moving a quarter of the way in the direction we need to go. That means it is a piecemeal and non-comprehensive approach to what we need to be doing.

I do not think our amendment is in contradiction of Deputy Mac Lochlainn's. Thirty days versus four weeks is not the problem. The point we are both trying to get at is that it is very hard to define "as soon as practicable". If members of An Garda Síochána were being obstreperous or unhelpful in their dealings, relying on what Deputy Wallace called soft law or protocols, that is not enough. Defining the timescale in some way would be better. It might be something we have to return to later and monitor if the Minister is not going to accept the amendment now.

**Deputy Pádraig Mac Lochlainn:** The term "As soon as practicable" does not deliver what we want here. I was chairing the public oversight committee when the Garda Ombudsman

Commissioners came before us to speak to their seven- or eight-page summary of the report into the Kieran Boylan affair. I appreciate that protocols are in place and that levels of co-operation have improved, but what they revealed then was disturbing. Also disturbing was their decision to publish a seven- or eight-page summary of their findings in the media. They appeared on RTE's "Prime Time" and they appeared before our committee. According to whatever understandings were in place at that time, documents were to be given within 30 days. That was the understanding. In one case, after over four years, one document was never given to them. I believe that senior members of An Garda Síochána stymied their investigation. I know it went to the DPP and that there were no charges, but no member of the public can look at the evidence.

The allegations could not have been more serious to the effect that somebody who was charged with possession of €1.3 million worth of drugs and was visiting grief and misery on communities in this State had charges dropped. It was alleged that he was an informer on behalf of some within An Garda Síochána and was being handled off the books, and that other people were being set up. Some of the senior gardaí who were blocking that information and documentation being given to GSOC were under scrutiny. That was an example of why the requirement to hand over documentation within 30 days must be on a legislative, statutory footing, rather than some friendly protocol or something that was agreed.

I am aware that much has changed and I welcome many of the reforms that are on the way, and that more power is given to the independent policing authority here. My fear is that the system, even though it uses nice language, always tries to resist real change, real accountability and real equality in relationships. I would like to have one Garda Ombudsman, but we need a situation where the three Garda Ombudsman Commissioners are absolutely equal in the eyes of the law with the Garda Commissioner and are given the same powers and ability to hold the Garda to account. The Kieran Boylan affair was scandalous. Saying it was scandalous does not even do justice to the appalling lack of co-operation and procrastination, stalling and blockage by senior members of An Garda Síochána into a matter the Garda Ombudsman Commissioners themselves felt they needed to investigate. These actions held back justice. While I accept that protocols have been introduced in the meantime, we need more than protocols. We must send a clear message in legislation that the Garda Síochána Ombudsman Commission and the Garda Commissioner have equal status and must have the powers needed to do their jobs.

I hope the Minister, having declined to accept previous amendments, will accept this amendment and the timeframe of 30 days. Anyone following this debate, particularly those who have reflected on the Kieran Boylan affair, will agree that we need something more than protocols and language such as the phrase "as soon as is practicable". A clearly defined deadline is required and there must be serious repercussions when it is not met.

**Deputy Frances Fitzgerald:** We discussed certain elements of this amendment earlier. We are sending a strong message by imposing on the Garda Commissioner a statutory obligation to provide information. This is an important step. As Deputies Mick Wallace and Clare Daly acknowledged, it is right to underpin in law the obligation to make information available. The purpose of the new section 103A which is being inserted in the Act by section 9 is to place a statutory obligation on the Garda Commissioner to provide for the Garda Síochána Ombudsman Commission any information it needs for the purpose of the investigation of a complaint. In that regard and to respond to an earlier point, the obligation applies to all sections of the Bill and is not confined in scope. The statutory obligation to make available information applies to any investigation or matters comprehended by sections 102 and 102B.

A clear issue has been identified. I cannot comment on the particular case raised by Deputy Pádraig Mac Lochlainn, other than to state a decision was made by the Director of Public Prosecutions. Historically and even in recent years, there has been a problem with the time taken to provide information. The Garda Síochána Ombudsman Commission has made the point that information needs to be provided in as timely a manner as possible and the Garda Síochána has accepted this.

As I indicated, GSOC has informed me that the timeframe within which information is provided has changed considerably. I have undertaken to provide the Deputies opposite with all information available to me on this issue in order that they can see the changes that have taken place in the time the Garda takes to provide information. This is very important for complainants and others in ensuring investigations can proceed speedily.

The legislation requires information to be provided for the Garda Síochána Ombudsman Commission as soon as practicable, that is, as soon as it is feasible to do so. It is inevitable that circumstances will arise in which it may take longer to make information available. It would be very difficult to adhere to a specific deadline in some circumstances, for example, where a key witness is not available, a large body of documentation is required or a case is highly complex. However, we have introduced a statutory obligation which the Garda Commissioner must fulfil. This is an important step.

I am aware that the time taken to supply information and material to the Garda Síochána Ombudsman Commission was unacceptable in the past. The new provision gives the commission the power to be insistent, where necessary, and places an obligation on the Garda Síochána to supply the information sought. Clearly, each side needs to understand the role and obligations of the other side.

It is important that information required to conduct or complete an investigation is provided as quickly as possible. As I stated, this is a statutory obligation. We can monitor the position. We have introduced changes, including the introduction of protocols on the initiative of the Department as a means of dealing with problems in the information flow between An Garda Síochána and the Garda Síochána Ombudsman Commission.

I indicated on Committee Stage that I would further examine the provision of information for GSOC. Having done so and following consultation with the Office of the Attorney General, I consider the measure provided in the Bill to be appropriate to the circumstances that may arise in investigations. However, I will keep the matter under review. I hope the information I provide on the current position on the provision of information will reassure Deputies that timeframes are being adhered to, wherever possible. Where that is not the case, it is generally the result of the complexity of a case or a particular circumstance such as a key witness not being available.

**Deputy Mick Wallace:** I welcome the Minister's statement that the statutory obligation applies to all sections. If that is the case, it is good news. I will revisit the text to ascertain how we misinterpreted it.

While the Minister has made rational and reasonable points about what is and is not possible, it is not good practice to leave this matter open-ended. It is asking too much of any human being, not to speak of someone who is under pressure, to expect him or her to behave at his or her best at all times. If the Minister considers a period of 30 days to be too short in certain cir-

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cumstances, perhaps she might introduce a longer time limit. A six-month timeframe appears reasonable. Why should it take more than six months to produce information? We know that it took four years for certain material to be produced in the Boylan case. I ask the Minister to consider my suggestion.

**Deputy Frances Fitzgerald:** The best thing to do is to keep the matter under review. If I were to include in the section a time limit of six months or one year, that period would become the norm. I understand the average period for producing information is shorter than six months. I suggest we keep the position on timeframes under review.

**Deputy Mick Wallace:** Why not maintain the proposed period of 30 days and provide that, where it is not possible to meet this timeframe for certain specified reasons, a maximum period of six months applies? The time limit must not be open-ended.

**Deputy Frances Fitzgerald:** I will consider the Deputy's suggestion.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 23:

In page 5, line 35, to delete "as soon as practicable" and substitute "within thirty days".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 24:

In page 6, line 6, to delete "Minister" and substitute "Garda Authority".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 25:

In page 6, line 12, to delete "Minister" and substitute "Garda Authority".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 26:

In page 6, line 18, to delete "Minister" and substitute "Garda Authority".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 27:

In page 6, line 19, to delete "Minister" and substitute "Garda Authority".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 28:

In page 6, line 26, to delete "under subsection (3)" and substitute "from the Garda Authority".

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 29:

In page 6, to delete lines 28 to 33 and substitute the following:

“(5) (a) The Minister may exclude from the copies of reports which are to be laid before the Houses of the Oireachtas under subsection (4) any matter which, in his or her opinion would be prejudicial to the interests of national security.

(b) If the Minister takes any action under paragraph (a), reasons must be provided to the Garda Authority for any such exclusion, and the Garda Authority shall have a right of appeal in this regard to the designated Judge under section 100 of the Principal Act.”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 30:

In page 6, between lines 33 and 34, to insert the following:

“11. Section 117 of the Principal Act is amended by substituting “the Garda Authority” for “the Minister” wheresoever it appears.”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 31:

In page 6, line 38, to delete “Minister” and substitute “Garda Authority”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendment No. 32 is out of order.

Amendment No. 32 not moved.

Bill, as amended, received for final consideration.

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

<i>The Dáil divided: Tá, 63; Níl, 37.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Buttimer, Jerry.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Niall.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>
<i>Carey, Joe.</i>	<i>Cowen, Barry.</i>
<i>Coffey, Paudie.</i>	<i>Creighton, Lucinda.</i>
<i>Collins, Áine.</i>	<i>Crowe, Seán.</i>
<i>Conaghan, Michael.</i>	<i>Daly, Clare.</i>
<i>Conlan, Seán.</i>	<i>Doherty, Pearse.</i>
<i>Connaughton, Paul J.</i>	<i>Dooley, Timmy.</i>
<i>Conway, Ciara.</i>	<i>Ellis, Dessie.</i>

<i>Coonan, Noel.</i>	<i>Ferris, Martin.</i>
<i>Costello, Joe.</i>	<i>Fitzmaurice, Michael.</i>
<i>Creed, Michael.</i>	<i>Flanagan, Terence.</i>
<i>Daly, Jim.</i>	<i>Fleming, Tom.</i>
<i>Deering, Pat.</i>	<i>Halligan, John.</i>
<i>Doherty, Regina.</i>	<i>Higgins, Joe.</i>
<i>Donohoe, Paschal.</i>	<i>Kelleher, Billy.</i>
<i>Dowds, Robert.</i>	<i>Kirk, Seamus.</i>
<i>Doyle, Andrew.</i>	<i>Lowry, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Feighan, Frank.</i>	<i>McConalogue, Charlie.</i>
<i>Ferris, Anne.</i>	<i>McGrath, Finian.</i>
<i>Fitzgerald, Frances.</i>	<i>McGrath, Michael.</i>
<i>Fitzpatrick, Peter.</i>	<i>McLellan, Sandra.</i>
<i>Gilmore, Eamon.</i>	<i>Mathews, Peter.</i>
<i>Griffin, Brendan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Hannigan, Dominic.</i>	<i>Ó Feargháil, Seán.</i>
<i>Harrington, Noel.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Harris, Simon.</i>	<i>O'Brien, Jonathan.</i>
<i>Heydon, Martin.</i>	<i>O'Sullivan, Maureen.</i>
<i>Howlin, Brendan.</i>	<i>Ross, Shane.</i>
<i>Humphreys, Kevin.</i>	<i>Stanley, Brian.</i>
<i>Keating, Derek.</i>	<i>Tóibín, Peadar.</i>
<i>Kehoe, Paul.</i>	<i>Troy, Robert.</i>
<i>Kenny, Seán.</i>	<i>Wallace, Mick.</i>
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McLoughlin, Tony.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Neville, Dan.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Penrose, Willie.</i>	
<i>Phelan, Ann.</i>	

<i>Phelan, John Paul.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Mick Wallace and Pádraig Mac Lochlainn.

Question declared carried.

### **Customs Bill 2014: Second Stage (Resumed)**

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

**Deputy Tony McLoughlin:** The main benefit of this new Customs Bill will be, in theory at least, that it will strengthen the overall role of Customs and Excise, as it will give its officers more powers to stop, seize and prosecute criminals who openly choose to break our laws for their personal gain. For example, section 6 of the Bill, will be a welcome tool in the arsenal of customs officials, as it will provide for the appointment of any place in the State as a customs port or airport for the arrival and departure of vessels into and out of the State. This will ultimately mean greater scrutiny of cargo and personal belongings in areas other than the main airports and shipping ports of this country.

As the House is aware, in recent times there have been reports that obscure beaches and small airfields are open to serious abuse by drug and criminal gangs. For example, along the large coastline of County Sligo, there have been numerous reports of speedboat activity occurring in the middle of the night along some of the most obscure beaches. I dread to think what is occurring in these instances. As I have mentioned on previous occasions, smuggling and related activities are rampant and their effects are apparent in my constituency of Sligo–Leitrim. Hopefully, this new Customs Bill will lead to an increase in efforts by Customs and Excise, Revenue and An Garda Síochána to combat offences and ultimately result in more criminal convictions, more fines being issued and the removal of illegal and unsafe products from our streets.

I would like to mention briefly the effects the smuggling of tobacco is having on retailers, such as those I met recently from Sligo. They are calling on us as a Legislature to control the sale of tobacco in this country. Retailers are governed by our laws on the conditions of the sale of tobacco and therefore must charge €10 per packet for 20 cigarettes. This is a stark comparison to the fact that today the same quantity of cigarettes can be bought on the streets of Sligo, like many other towns, for just €3 per packet. I do not need to elaborate here how this activity is affecting their business trade, at a time when revenues are already dwindling. Three small retailers closed in Sligo town just last week.

Not one red cent of this €3 will make its way back to the Exchequer, and in fact, it will

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more than likely be used by criminal organisations to further their criminality and increase their profits in this country and beyond. Just this week we have seen the extent to which these criminal gangs will go in order to evade both the Irish customs officials and their counterparts in the United Kingdom. The massive seizure of over €2 million worth of raw tobacco in a joint raid by Customs and Excise, the PSNI and An Garda Síochána shows the smugglers' intent and capabilities.

Another area where the Customs Bill will be beneficial is in the State's attempts to tackle the rise in the online purchasing of counterfeit goods from which the State receives no VAT. This practice is on the rise internationally, and greater co-operation between Irish customs and our international partners is needed to combat this trend. A number of retailers in my constituency have informed me that this practice is having a damaging effect on local retailers.

While I strongly support the contents of the Bill, I believe that fine of just €5,000, listed in a number of sections of this Bill, for a person convicted of an offence under customs law is too lenient and should be examined again. This fine needs to be higher, as it will not deter people from taking the chance of smuggling illegal or prohibited goods, both into and out of the State at its current level.

Along with this welcome modernised customs legislation, I also strongly believe the State needs to invest more funding in the resources available to Customs and Excise, in order to help further combat the threat our country faces from smugglers and criminal gangs.

I have stated before that an agency similar to the Criminal Assets Bureau should be established within Customs and Excise and the Garda solely to tackle the importation and distribution of illegal tobacco products. There needs to be an intelligence-led strategy with officers seconded to this unit from the Garda and Customs and Excise who will target the importers and distributors throughout the country. It will cost money but this funding can be obtained through a levy or tax on cigarettes, rather than directly from the Exchequer. However, it would need a proper budget and mandate to tackle the crime of tobacco smuggling, which is estimated to cost the taxpayer €450 million per year.

It is clear from the facts that we are not winning the battle with these criminal gangs and smugglers at present. More financial resources for Customs and Excise and the Garda are needed along with this new legislation. However, I welcome the legislation and I hope it will be beneficial to their efforts.

I pay tribute to and commend the work the Irish Customs and Excise service does in protecting our State. It is often a thankless job and it is important that their hard work and effort is recognised and commended while discussing this new and welcome customs legislation.

**Deputy John Paul Phelan:** I pick up where Deputy McLoughlin left off. I thank the Customs and Excise service and An Garda Síochána for their efforts in protecting our borders commercially. The Deputy pointed out that they may need more resources. I know there is a constant demand on Ministers for more resources. I will make that point later in my contribution.

We are dealing with legislation in the customs area that goes back to 1876, which is a long time ago. The importation of articles and material into the country has changed considerably in that 140 year period. I welcome the measures in the legislation which take account of the changes that have taken place in the intervening period, not least the effect of European Union regulation and law in this area. I know that is part of the Bill we are discussing and the Minis-

ter referred to it in his opening comments. I welcome that the Bill carries forward the existing customs appeals procedures.

Further to Deputy McLoughlin's contribution, my major focus is on the importation of illegal or counterfeit goods and other materials, principally tobacco and fuel. I am a member of a committee of the British-Irish Parliamentary Assembly that is investigating mainly fuel laundering and counterfeit importation in general. We have been presented with pretty strong evidence of such illegal activities that continue in the country. I appeal to the Minister of State on the issue of counterfeit cigarettes. I speak as somebody who from time to time socially avails of tobacco. Some people might say I have a vested interest. I can assure the House that my vested interest is in protecting people's health and protecting the taxpayer.

Many of these counterfeit cigarettes are of a particularly dangerous quality and standard. That goes above and beyond the obvious negative health effects smoking has on individuals. That is one factor to be taken into consideration. The other is the loss to the Exchequer, which is hard to quantify for sure. In my part of the world there is considerable anecdotal evidence of significant sales of counterfeit tobacco products. Representatives of those involved in the legal sale of tobacco have supplied me with evidence of particular activities that go on in some of our port towns and the surrounding hinterland. They report significant reductions in the sales of tobacco products at times when significant ships come into that port town. I know it is anecdotal evidence and it is hard to quantify it exactly. However, all these retail representatives tell me the same story.

Kilkenny is an unusual area in that it is an inland county with two ports - the Port of New Ross and the Port of Waterford. The Port of New Ross, partly, and the Port of Waterford, wholly, are located in County Kilkenny. Significant evidence has been presented to me of activities that coincide with the arrival of certain vessels from certain areas into those port facilities and the resultant decline in the sale of legal tobacco products in outlets in the immediate hinterlands of those ports. It is also obvious that certain individuals, who have no other obvious source of wealth or income, manage to live lifestyles that are incompatible with what their legal income might be determined to be because they are allegedly, at least, involved in these activities.

I know there has been investment in recent years in additional scanning facilities at our ports. There is at least one mobile scanning unit and there may be others. I ask the Minister of State to clarify that in his concluding remarks. More investment is needed in this area because it will have a knock-on beneficial effect for the Exchequer in terms of ensuring that the tobacco products sold here are legal.

*4 o'clock*

In the area of fuel laundering, we are all familiar with people who have suffered as a result of using laundered fuel. This has happened across country, not least in my constituency. In the past five years, the proliferation of disused filling stations suddenly springing up and offering fuel at much lower prices than longer established fuel facilities rings alarm bells for most people. However, we cannot, nor should we, blame the public for shopping around and ensuring they get the best value for money when buying fuel. Some of the facilities sell illegal product. It is easy for a backbencher to seek extra resources but in this area it is self-financing. If extra expenditure is incurred in policing the activity within the economy, the knock-on benefits to the Exchequer in additional revenue from legally produced fuel will finance the venture. I encourage the Minister of State to ensure the funding is made available.

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I welcome the legislation. It seems appropriate that a such a consolidation measure comes before the House. I ask the Minister of State to consider additional resources sought by me and Deputy Tony McLoughlin.

**Minister of State at the Department of Finance (Deputy Simon Harris):** I am glad to have the opportunity to take part in the progressing of the Customs Bill through the House. As the Minister, Deputy Noonan, said in his opening remarks, most of the current national customs legislation is old and, in the main, consists of a body of pre-Independence legislation - the Customs Consolidation Act 1876 - which has been extensively adapted and amended on many occasions over almost 140 years. One consequence is that, while the provisions in the 1876 Act are still on the Statute Book, many of them are now either redundant or of doubtful validity. From a wider perspective, the complicated and overlapping structure of the resulting legislation can, at times, be difficult to follow and to understand.

The purpose of the new Customs Bill is to consolidate, revise and modernise Ireland's existing national customs legislation. The Bill will repeal the existing legislation and will provide a single, modern piece of national legislation in substitution. The new legislation is more in keeping with the developments in trade and in technology over the years and better reflects the current social and political mores.

This legislative approach is at the core of the wider Better Regulation initiative. It will provide greater clarity and transparency and, in so doing, it will make it much easier to access the national customs legislation. This, ultimately, has the potential to reduce the administrative burden and red tape often perceived to be involved in complying with customs legislation and requirements. The Minister, Deputy Noonan, referenced the scale and context of the customs operation in modern-day Ireland that necessitated the modernisation of the underlying national legislation. Approximately 1.1 million customs declarations are made per annum, made up of roughly 600,000 declarations in respect of imports and 550,000 in respect of exports. Some €270 million in customs duty was collected last year.

A number of Deputies raised the issue of fuel laundering and petrol stretching. The Revenue offences attaching to these practices and the powers of Revenue officials relating to detection and prosecution of those involved are dealt with in excise law, principally the Finance Acts. Having said this, significant additional powers have been made available to tackle these issues. A comprehensive strategy to tackle illegal diesel laundering has been put in place, including the licensing regime for auto fuel traders was strengthened with effect from September 2011 to limit the ability of criminals to get laundered fuel onto the market. It also includes a new licensing regime for marked fuel traders, introduced in October 2012, which is designed to limit the ability of criminals to source marked fuel for laundering, and new requirements on fuel traders' records of stock movements and fuel deliveries were introduced to ensure data are available to assist in supply chain analysis. Also, following a significant investment in the required IT systems, a new supply chain reporting regime was introduced from January 2013, which requires all fuel traders to make monthly electronic returns to Revenue of their fuel transactions. Revenue is using this data to identify suspicious or anomalous transactions and patterns of distribution for investigation. We have introduced intensified targeting, in co-operation with other law enforcement agencies on both sides of the Border, of enforcement action against suspected fuel laundering operations.

Deputy Joe O'Reilly and others mentioned the introduction of a new marker. In this regard, following a joint process with Her Majesty's Revenue and Customs in the United Kingdom, a

new, more effective fuel marker was identified and will be implemented in the two jurisdictions from the end of March. This will provide a significant boost in the ongoing fight against illegal laundering.

Deputy Calleary referred to the penalties for offences relating to fuel smuggling and laundering and the need to keep them under review. Such penalties are laid down in the Finance Act 2001 and were increased in the Finance Act 2010 to an amount significantly higher than that which had applied previously. For example, the fine on conviction for an indictable offence was increased from €12,695 to an amount not exceeding €126,970. Deputies can be assured that the Minister will keep under review.

A number of Deputies referred to petrol stretching, which involves the illegal addition of kerosene or some other low tax commodity to petrol to defraud the Exchequer and the motorist. The financial gain for criminals of stretching petrol by the addition of kerosene is quite low in comparison to diesel laundering. Revenue estimates that petrol stretching will yield a gain of about 5 cent per litre, whereas diesel laundering will yield a gain of about 50 cent a litre. Revenue is investigating the recent reports concerning petrol stretching and has been in contact with the motor and oil trades. It has taken samples from a number of filling stations that, it has been claimed, may have been sources of such suspicious fuel and will undertake any further inquiries required as a result of reports or information it receives. These inquiries will seek to establish if there is evidence that petrol stretching has occurred and whether there is evidence to support a prosecution.

Deputies, including Deputy John Paul Phelan, raised the issue of tobacco smuggling. Deputies can be assured that combating the illicit trade in tobacco products is, and will continue to be, a high priority for the Revenue Commissioners. This includes a range of measures to identify and target those engaged in the supply or sale of illicit products.

I take on board the comments of Deputies John Paul Phelan and Tony McLoughlin with regard to resources. I will relay their views directly to the Minister for Finance, Deputy Noonan.

I thank Deputies for their constructive and thoughtful contributions during the debate. As the Minister signalled previously, a number of matters are still under consideration for inclusion in the Bill that he may bring forward on Committee Stage and he is looking forward to debating them and some of the other issues raised by Deputies today during the debate on Committee Stage. The Minister will also give consideration to any constructive suggestions put forward by Deputies so far and during the debate on Committee Stage. This is an opportunity for Ireland, in modernising and consolidating our customs law, to get it right and we look forward to a constructive engagement with Deputies on all sides. I commend the Bill to the House.

Question put and agreed to.

### **Customs Bill 2014: Referral to Select Committee**

**Minister of State at the Department of Finance (Deputy Simon Harris):** I move:

That the Bill be referred to the Select Sub-Committee on Finance pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1).

Question put and agreed to.

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## **Estimates for Public Services 2015: Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Sub-Committee on Health has completed its consideration of Vote 38 for the year ending 31 December 2015.

### **Topical Issue Debate**

#### **Library Services Funding**

**Deputy Michael P. Kitt:** I wish to raise the issue of funding for public libraries. An article in one of my local newspapers, the *Tuam Herald*, reported that County Galway only spends 20 cent per person on library books. It spent very little on library books compared to other counties but it has a good track record in providing libraries, with 29 branch libraries in the county alongside a mobile service. Galway is the second largest county in the country and more than 500,000 people visited branch libraries there last year. There is great interest in the library service but in light of these disappointing figures, we should be spending more on books. Last year alone, Tuam library recorded close to 50,000 reader visits and figures obtained by the *Tuam Herald* indicate that more than 80,000 books were lent by the Tuam branch in 2014. Investment in our library services should be given priority, particularly in light of the importance the Government attaches to literacy and numeracy schemes. Libraries also play a social role in that people can use their computer and Internet facilities. Microfilm is also a popular library resource. I understand that approximately 39,000 members are availing of these services. I should use this opportunity to note that some people forget to return books. I am sure the Minister of State at the Department of the Environment, Community and Local Government, Deputy Coffey, would agree that people who borrow books should return them.

In the Seanad recently, my colleague, Senator MacSharry, raised the issue of funding cuts in Sligo County Council and the news that Ballymote library is due to close because of these cutbacks. I am sure similar issues arise in every county, although the Minister of State will be glad to know that Waterford is doing very well in terms of spending per person. Funding for Waterford is approximately €3.26 per person, compared to 20 cent in Galway. The average figure for the country is €1.48. It appears, therefore, that certain areas are not receiving adequate funding. Galway and Sligo are two such examples. The question arises of which will be the next library to close if the cutbacks continue.

The school library service, which is funded through the Department of Education and Skills, also needs more resources in order to purchase new books. If it cannot replace its stock of books every so often, younger students will not develop a strong interest in reading.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank Deputy Kitt for raising this issue, which I am taking on behalf of the Minister for the Environment, Community and Local Government, and for providing me with an opportunity to set out the position on funding for the public library services. I would like to state at the outset my own personal commitment to the library service and to library facilities, which make a real difference to communities across the country by offering them the opportunity to learn, read and enjoy a range of material.

The total local authority budget in respect of libraries in 2014 was €143.4 million and funding allocations in respect of libraries in 2015 will see funding of the same order provided to this valuable service. In addition to this funding, my own Department directly provided capital grant aid for libraries totalling €1 million and current expenditure of €1.2 million in 2014 to the service. The capital grant aid allocation for 2015 is €1.5 million, with an allocation of €900,000 for current expenditure.

My Department and the local authorities are committed to the implementation of an ambitious programme for the development of the public library service. This is demonstrated in the public library strategy, *Opportunities for All*, which sets out a five year strategy for the future of the public library service in Ireland and provides a framework for the development of the public library service in Ireland from 2013 to 2017. In line with national and local government policy, the strategy provides innovative measures to manage existing resources more efficiently in order to continue to develop and deliver a library service which meets the information, learning and cultural needs of individuals and communities and, in so doing, contributes to economic recovery and social and cultural improvement. It also contains a strong commitment to a programme for the development of services to individual users and communities in the public library service which will improve the already high quality of the service.

To further enhance the service, my Department has also requested local authorities to implement new library structures and other provisions recommended in the report, *Managing the Delivery of Effective Library Services*, in line with Government policy. The objective is to establish stronger, more effective and efficient public libraries and deliver better library services to local communities and citizens. A shared structure is essential to allow smaller library services to reach the capacity required to deliver the necessary improvements. We are continuing to build on the progress achieved in the library service in recent years with the opening of 145 new state-of-the-art libraries throughout the country and a substantial refurbishment programme for existing libraries. During 2014 seven new or extended libraries opened across a number of local authority areas, including counties Dublin, Limerick, Louth, Longford and Mayo. In 2015 the Lexicon Library in Dún Laoghaire has already opened and an additional six new or extended libraries are planned to open, including services in counties Galway, Wicklow, Waterford, Cork and Laois. It is clear from the ongoing investment that there is a continuing commitment to the public library service. I look forward to the opening of each of these libraries and the continued development of library services across Ireland in the coming years. They are of obvious benefit to young and old in communities across the country.

**Deputy Michael P. Kitt:** I thank the Minister of State for his reply. I am glad to hear the programme will continue and that Galway is included in the list of new and extended libraries. We have had some very good developments in the past. Students, in particular, use libraries, as do retired people and, without wishing to categorise anyone, those who are unemployed and people with disabilities. There are very good facilities in place. I repeat, however, the point about school libraries. It is a different and separately funded service, but it must be promoted in the context of the Government's proposal, with which we all agree, on literacy and numeracy.

The most famous public library of all is perhaps the National Library of Ireland, which magnificent facility and building successive Governments have failed adequately to fund. The acting director has said there was a cutback in 2014 of 42% on the figure for the previous year, while I note that there has been an increase in visitor numbers of 85% since 2009. The National Library of Ireland is very important in terms of tourism and for Irish residents and if we have continual cutbacks, the results will be very serious. Some of the €2 million provided by the

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Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, went to the National Library of Ireland, which was only right.

Let us ensure we do not cut back on libraries. Certainly, we should not cut back on staff numbers. We are a long way behind our neighbours in Scotland and Wales, in particular, on staffing and I would like to see the investment in libraries continue. We should look at counties with huge geographic areas that need mobile libraries and new investment. While there is, rightly, a great deal of funding in Dublin, given its huge population, we sometimes might forget about towns with huge rural hinterlands that do not have the same library facilities.

**Deputy Paudie Coffey:** I reiterate the commitment of my Department and its Ministers to local authorities and the public library service, including its future development. A sum similar to the €143.4 million allocated for libraries in 2014 will be allocated in 2015 to a very valuable service. It is important that the service has a strategy in Opportunities for All. The strategy recognises the continuing need for this community service and space to be available in as many centres of population as is feasible. My Department and the local authorities that deliver the service are committed to the implementation of the strategy.

The Deputy will agree that a comprehensive, varied, well maintained and up-to-date library collection is at the heart of what the service offers the public. It is instrumental in supporting literacy, developing life skills and social cohesion and enabling lifelong learning. Before 2008, many local authorities had achieved a level of spend on library stock of €3.77 *per capita* or were very close to achieving it. Owing the downturn in the economy and a lack of available funding, it was not possible for local authorities to maintain the book funds at the pre-existing level. In recognition of the importance of restoring these funding levels, Opportunities for All again sets out a *per capita* stock fund target of €3.77 for each local authority. Local authorities and my Department are working to achieve this figure.

I thank the Deputy for raising this very important issue. The library service is an essential and valuable one at the heart of rural and urban communities across the State. I reiterate the commitment to maintaining the sustainability and viability of the front-line library service and keeping the book stock up to date into the future.

## Tax Exemptions

**Deputy Eoghan Murphy:** I thank the Minister of State, Deputy Simon Harris, for being available to take this topic.

The proposal I am putting forward is related to the new Central Bank decision on mortgage rules. Clarity is welcome, although I am not sure why it took the bank so long to deliberate or why it went through the process at all. However, it is good that we now know what its proposals are. Of course, I am not entirely happy with the outcome, but perhaps I am not meant to be. It is incredibly unfair on people who are looking to move into their second home which may be their first family home. They are going to be penalised. While they may have thought that they had saved enough to buy a home, the figure has now doubled. The tiering is welcome in terms of the clear distinction between first-time buyers and those who are buying to let. Using the percentages to address it is a smart move, but the value at which people in Dublin will step from 10% to 20% in the loan-to-value ratio is too low. Nevertheless, we have a decision and must work with it. That is why I am putting the following proposal to the Minister of State.

The Central Bank has made its decision on loan-to-value ratios and it is up to us now to act on the supply side. If we do not, people who are renting in Dublin will find themselves as collateral damage in the moves by the Central Bank and the property market. We must see how we can help to free up supply. I appreciate that the Government is working on a number of strategies in relation to building and investment. Dublin City Council will begin this year the next phase of the Dublin city development plan in which it will be able to look at densities, height ratios and transport infrastructure. They will all play a part in increasing the supply of housing. We as legislators and those in the Department, where the skills set is, can also think of ways to use the taxation system to incentivise people to move home by changing their attitudes to the properties in which they live.

There is a great deal of underoccupied housing stock in Dublin. This issue is being considered in the United Kingdom where it is estimated that 47% of homes in England and Wales are underoccupied. We have a problem with underoccupation in Ireland also. The question is what we can do about it. One measure we could pursue is one that is being promoted by the Mayor of London, Mr. Boris Johnson. It is the introduction of a capital gains tax exemption or reduction for people over a certain age - perhaps 65 years - who downsize their properties. It has the potential to free up family homes, of which there is a shortage at suitable prices in Dublin. We have known about this problem for quite some time. Where one finds a lack of supply of suitable accommodation at the right price and an underoccupation of dwellings, this proposal has the potential to have a very positive impact.

In Dublin there is a great deal of potential housing stock that is not being used appropriately. I hear the same anecdotally about other towns. When one walks through the city and looks above the ground floors of buildings with a retail purpose, one sees boxes against windows. People are using for storage or other purposes accommodation which could be used much more appropriately for housing. This all builds into the idea of a cultural change in how we think about renting versus owning and about where we live and why we live there. I note that this is not for everyone and that it is not about forcing people to do anything. It is a way to incentivise a change of behaviour and attitude.

I will set out the benefits. If the seller is over 65 years, having raised his or her children who are living in their own homes, and wants to downsize, a capital gains tax exemption or reduction would have the potential to permit him or her to keep a further one third of the sale price. It would be a huge incentive to sell, as well as constituting extra protection for someone in his or her old age in addition to his or her pension. There would be a benefit for the housing stock where it was an underoccupied home. A person might be selling a four or five bedroom house near local schools and transport which would then be freed up for a family or other users to come in and use it in the best possible way. It would also have a positive impact on rents and prices in the area, given that it would increase supply.

A further benefit would be that the resulting increase in demand for apartment spaces would motivate us to examine how we are using the buildings in the city centre and urban villages that are not being used properly above the ground floor. This is how the benefit would have a wider impact on how we view property across society. While it might have to be paired with other incentives, such as redevelopment incentives for such properties, this simple tax incentive alone, without having to build anything new, could be a very efficient way of freeing up housing stock for families who need it and ensuring those who want to move are not penalised for doing so because our CGT tax of one third is so excessive.

**Minister of State at the Department of Finance(Deputy Simon Harris):** I thank the Deputy for raising this important matter. I note his comments on the Central Bank's decisions on mortgages. The Central Bank is independent and it, not the Government, has decided on these regulations. The Government accepts them. During the consultation period, the Central Bank took on the concerns of many people, including first-time buyers. The deposit required does not jump from 10% to 20% but increases on a sliding scale. A house priced at €440,000 requires a deposit of approximately 15% and a house must be priced at approximately €1 million to require a deposit of 18%.

The introduction of the Local Property Tax, LPT, is part of a broader approach to the taxation of property, which aims to replace some of the revenues from transaction based taxes, which have proved to be an unstable source of Government revenue, with an annual recurring property tax, which international experience has shown to be a stable source of funding. The Government decided that a liability to the LPT should apply to all owners of residential properties with a limited number of exemptions. This is consistent with the report of the inter-departmental group on the design of a local property tax, chaired by Dr. Don Thornhill, which concluded that a universal liability should apply to all owners of residential property with a limited number of exemptions. Even with the limited number of exemptions available under the legislation, I am advised by the Revenue Commissioners that, based on the most recent data available, exemptions have been claimed in respect of some 36,000 properties for the 2014 LPT. Reliefs and exemptions have costs which must be paid for and their introduction must be considered only where there is a clear economic and social policy need to be addressed.

While there is no specific exemption from LPT for those over 65, they may be exempt or eligible for relief from LPT for another reason, or may be entitled to avail of a deferral arrangement under the provisions contained in the legislation. Limiting the exemptions available allows the rate to be kept low for those liable persons who do not qualify for an exemption. When people downsize their residential properties, assuming they stay in a similar location to the properties they are selling, their LPT liability will, most likely, be less than the amount they were liable for on their original property.

Capital gains tax, CGT, and stamp duties might also be regarded as property related taxes. A CGT exemption is already available for the sale of a person's principal private residence. The exemption applies to any gains made on the disposal of an individual's dwelling house together with land occupied up to an area of one acre, excluding the site of the house. Full CGT relief applies when the period of occupation matches the period of ownership and partial relief applies where the house has not been occupied by the individual for the full period of ownership. The beneficiary of a gift or inheritance in the form of a residence or dwelling house is exempt from capital acquisitions tax, subject to certain conditions this might be of particular relevance to elderly parents who gift their residence to a child who does not own residence in his or her own right.

While there is no stamp duty exemption in place, a rate of 1% on the purchase of a property would not represent a serious disincentive to a property owner considering trading down. In the circumstances, the Minister for Finance, Deputy Noonan, has no plans to introduce an exemption along the lines suggested by the Deputy. However, I will relay the Deputy's views to the Minister and I might come back to him regarding how we can best deal with supply in the Dublin area.

**Deputy Eoghan Murphy:** Under-occupancy of homes in Dublin must be addressed. We

need to find ways to incentivise people who are living in large homes which they no longer need to trade down and free up the house for a family or a number of people to live in. Thus we could use the property we have in Dublin and our urban regions in the most efficient way. While I understand the Minister of State's points regarding LPT, I will not speak on them because I was not thinking of this area. The significance of a full CGT exemption for a person aged over 65 trading down a house in Dublin would be enormous, representing one third of the sale price. The money could be of real benefit to such a person in terms of his or her pension and securing a certain standard of living for the future, as well as the other benefits of downsizing, such as lower utility costs.

The Minister of State referred to acquisitions tax. Perhaps the Department of Finance could embark upon a bigger piece of work in examining some of our taxes and their thresholds and entry points. In view of the supply issues in Dublin and the spike in property prices, parents are passing away while living in a home and their children are having to sell the home because they cannot afford to pay the capital acquisitions tax on it. That is not right, given that they might be renting and want to move into the homes. It is an unnecessary and unfair pressure, given the time at which the tax is levied, which affects people in all parts of Dublin because of the threshold entry point. The last review of our taxation system was done in 2009. I have read parts of it and spoken to people who were involved in the process. It was written in order to come up with certain results and conclusions. Now that we are moving to a sustainable taxation model for the economy and we have broadened tax base, there is a good opportunity to reconsider what are appropriate taxes and entry points and, if there are exemptions, what they are and to whom they should apply.

**Deputy Simon Harris:** The Deputy's point on thresholds and entry points is valid and deserves significant consideration. The Minister, Deputy Noonan, and I debated it in this Chamber during the Finance Bill debate and the Minister is keeping the issue under review. I will relay the Deputy's views to the Minister. The Deputy pointed out that there is already an incentive in the form of lower LPT on a smaller property for a person who downsizes as well as reduced running costs and energy costs. The nub of the issue is supply. Recently, I saw startling figures regarding the four Dublin local authorities. They stated that sufficient planning permission has already been granted, with no insurmountable infrastructural deficit, to deliver more than 20,000 housing units in the four Dublin local authority areas while a further 25,000 new homes are considered permissible on existing land zoned for residential use if the landowners and developers wished to seek those permissions. The challenge for the Government and my colleagues at the Department of the Environment, Community and Local Government, is to unleash the potential. The Government's Construction 2020 strategy, along with the forthcoming Planning and Development (No. 1) Bill - which has been given priority and which will include revision of the Part 5 social housing obligations and the retrospective application of reduced development contributions - should, hopefully, result in an activation of the land that already has planning permission and is zoned and serviced. This could deliver up to 20,000 housing units in the four Dublin local authority areas.

Under the LPT legislation, the initial value of a property on 1 May 2013, assuming it was made in good faith, is valid until 31 October 2016. The next valuation date will be 1 November 2016. In advance of this, the Minister, Deputy Noonan has said a comprehensive review of the LPT and its impact on the liability due to increasing property prices will be undertaken. The review is under way, the Department is considering all pertinent matters and the Minister will report back to the Oireachtas well in advance of the next valuation date, 1 November 2016, to

try to give certainty on this issue. Given that it is causing people significant concern, we would like to provide details on it.

### **Hospital Services**

**Deputy Eamonn Maloney:** The issue relates specifically to the MRI scan service at our largest paediatric hospital, Our Lady's Children's Hospital, Crumlin. It has an impressive record of care for children and continues to have that reputation nationally and beyond. The issue is the delay in the scanning service. I have had representations from parents about the increase in the backlog and staff at the hospital have also highlighted this issue recently. We all share concern about the lack of out of hour MRI services for emergency cases. Waiting times for scans for children have continued to climb despite the fact that the hospital, to its credit, has moved to provide a Saturday morning MRI service, for which I praise it.

Out of every 74 requests the hospital receives for scans only 42 per week are carried out. We have to find a way to resolve this. I appreciate that, as staff have said, scans are time consuming. They can take up to 45 minutes and children under the age of two years require sedation while those under seven have a general anaesthetic. The service in Crumlin is used for 35 hours a week. The hospital management has discussed this with the HSE. Despite the difficult times we are in, improving the health services is not always a question of providing money. There are customs and practices that deserve to be considered. It is a matter of improving this service and trying to move away from a situation where some children wait as long as 27 months for a scan. I hope that, with the cooperation of the Department of Health, the HSE and hospital management, it might be possible to improve the service.

**Minister for Health (Deputy Leo Varadkar):** My understanding was that this debate was about medical infrastructure in general. I am happy, however, to stick to the issue of the MRI in Crumlin, which is the Deputy's major concern. By sheer coincidence I spent three hours in Crumlin today. I was there officially to turn the sod on the new hybrid cardiac catheterisation laboratory, Cath Lab, that is under construction but I took the opportunity to visit the intensive care unit, ICU, and the emergency department, to meet with the board, senior management and the senior medical and nursing staff and many others.

One of the issues we discussed was the delay for non-urgent MRIs. Urgent cases are prioritised. If an MRI is required in an emergency it is available 24 hours a day, seven days a week, in Temple Street Children's Hospital which is the neurology centre. As the hospitals will be merged and brought together on one site they work together very well and patients are taken to Temple Street if they need an urgent MRI out of hours. The number of MRI scans has gone up from approximately 1,600 a year or two ago to 2,000. This is not a case of cutbacks but of rising demand. That is a feature of our health service. The hospital does do a list every second Saturday to try to deal with the delay.

There are two rate limiting factors. One, which the Deputy identified, is that the MRI scanner is used for only 37 hours a week. We would like that to move to an 8 a.m. to 8 p.m. service on weekdays at the very least. That is provided for in the Haddington Road agreement. It would require staff, overtime and so on. The board is working with the hospital group on a solution to extend the hours so more work can be done.

The second rate limiting factor relates to the need for anaesthetists because young children

cannot stay still in the tunnel for long, they get very afraid because of the claustrophobic effect and the noise and need to be sedated or anaesthetised. There is a shortage of anaesthetists in Ireland as in most countries. It is difficult to recruit them. The hospital will be advertising for two additional anaesthesiologists very soon. I hope there will be applicants. Once those posts are in place the hospital can decide how best to use their time.

**Deputy Eamonn Maloney:** I thank the Minister for his interesting reply. Some argue that a simple solution to the problem would be to provide more equipment but of course that is extremely expensive. It costs, I think, over €1 million. In these times we will not see too many additional scanners. I am encouraged by what the Minister said about moving on to utilise the service and expanding it. I did not realise we had a shortage of anaesthetists. I would be curious to know why – I am sure the Minister has an answer.

I acknowledge the Minister's point because the staff say that emergency cases are facilitated and it has a good track record in that area. By good fortune the Minister had his own discussions this morning with these people. Developing the Saturday morning service would go a long way to solving the problem. The National Health Service, NHS, in Britain has many practices that have improved the service including Saturday service. Some hospitals in Scotland did the same. It would encourage parents and staff if the service could be used to its maximum. It is good to hear that it is going in that direction.

**Deputy Leo Varadkar:** I do not have much to add other than to answer the Deputy's question about the shortage of anaesthetists or anaesthesiologists. There are not enough of them around the world. There are shortages in many jurisdictions. If there are any unemployed ones I have never met them. They take a long time to train, six years in medical school and another five or six years of higher training. Health services around the world are competing for senior doctors. Last week, the HSE, the Department and the Irish Medical Organisation, concluded an agreement on revised salary scales for new entry consultants to make it more attractive for them to take up posts in Ireland, to make sure that the salaries are competitive with those in Australia and England. I hope that will result in more applications for the 200 or so vacant consultant posts in our health service. There are those who believe we should have income equality to the extreme, that nobody should be paid over €100,000 or should pay 60% or 70% tax on income over €100,000. The effect of that in Ireland would be to have virtually no hospital consultants, and patients would suffer and die.

**Deputy Eamonn Maloney:** There would be no anaesthetists.

### **Drugs-related Deaths**

**Deputy Seán Crowe:** According to the Health Research Board's national drug-related deaths index due to poisoning by alcohol and other drugs between 2004 and 2012, a total of 5,289 people died. That is the size of the population of a small town. Is the Minister shocked by these figures? Why is this issue not being discussed? It certainly is not being reported on in our newspapers. I do not know if it is being discussed at Cabinet level. The people affected are from communities similar to the one in which I live. Many of those active in drug prevention and rehabilitation, the Garda Síochána and other service users believe the number of drug-related deaths is much higher. The number of deaths in 2012 was 633, which is a slight decrease on the number for the previous year. Since 2004, there have been 84 drug-related deaths in Tallaght. The number for 2012 is 14, which is, again, an increase on the figure for

the previous year. Polysubstance abuse, including methadone and heroin, is responsible for the highest number of deaths.

At a conference on alcohol organised by the Tallaght drugs task force in Rua Red last year Dr. Joe Barry said that in Ireland alcohol is responsible for 88 deaths per month and 1,500 hospital beds being taken up each night. It is also responsible for 50% of drownings and fire fatalities, one in every ten psychiatric admissions, is the most common date rape drug, and is linked to 50% of suicides. A response to alcohol issues has been added to the workload of task forces. However, there have been multiple cuts in the core services of task forces over the past five years, including a 29% cut in the canals area; a 25% cut in Ballyfermot; a 37% cut in Dublin North East; a 30% cut in Finglas, a 23% cut in Tallaght; a 35% cut in Blanchardstown and a 24.7% cut in Walkinstown. Their workload has increased but they have no new additional resources to tackle emerging needs.

Does the Minister accept that the problem of drugs and their availability is getting worse? Does he accept it is more overt and is he aware of increased intimidation around drug debts? Addicts, dealers and runners are getting younger. Does the Minister accept that we need a dedicated Minister with responsibility for drugs and, if so, will he relay that to his Cabinet colleagues? CAB recovered and seized resources need to be redirected to the communities most affected. This has been proposed for many years. Perhaps the Minister will take it on board today.

We need more detox and residential beds. This is an issue highlighted by all task forces. Education and rehabilitation are key in terms of the response to the drugs epidemic. Does the Minister agree that it is unacceptable that the Department of Education and Skills does not tie into task force meetings? Is he aware of the multiple doctors prescribing drugs to addicts and can anything be done about this through the medical council or the Department of Health? Is the Minister aware of the sale of drugs outside schools and rehabilitation centres? Should dealers caught dealing outside these venues be given heavier sentences, as happens in other jurisdictions? Does the Minister believe new legislation in this area is needed?

**Deputy Leo Varadkar:** Drug-related deaths are a human tragedy for the families and friends of the people involved. They have a considerable impact on communities and society as a whole. It is extremely disturbing that many of those who have died as a result of taking drugs were 40 or younger and that a significant number had coexisting addiction and mental illness problems. While it is clear that there are no easy solutions to addressing what is a very complex problem, the Government is committed to stepping up the effort to reduce the number of drug-related deaths.

The latest annual figures from the national drug-related deaths index show a slight decrease in the number of drug-related deaths from 645 in 2011 to 633 in 2012. However, the overall trend since records began in 2004 shows an increase of 50% in drug-related deaths. I agree this is an issue of major concern for Irish society. In the region of 5,300 people have died during this period and each of those deaths was a tragedy in its own right.

While the number of deaths in which heroin or methadone was involved continues to decline, the number of such deaths remains at a high level. The fact that almost 90% of these deaths involved polydrug use, with over half not registered on the central treatment list at the time of death, suggests that we need to redouble our efforts to get people registered as people with a drug problem and help them achieve a sustained recovery. Government policy in relation

to tackling the drug problem is set out in the National Drugs Strategy 2009-2016. The strategy is a cross-cutting area of public policy and service delivery. It reflects the fact that problem drug users have complex needs which may require multiple interventions involving a range of different agencies, including law enforcement and education.

An additional €2.1 million was included in the HSE budget for 2015 for a series of measures aimed at encouraging those dependent on drugs to avail of treatment and other supports to reintegrate them into society. These measures include enhanced provision for residential detoxification, which is more detox beds, and rehabilitation facilities and the mainstreaming of needle exchange facilities outside of the Dublin area. The budget of local drugs task forces has not been cut in 2015. I am, unfortunately, not in a position to increase their budgets and acknowledge their increased workloads now that they have responsibility for alcohol too.

I am firmly of the view that many drug-related deaths are avoidable, in particular, those involving heroin or methadone overdoses. For this reason, I have given the HSE the go ahead to run a naloxone demonstration project, which will commence in the first quarter of 2015. The project will involve supplying 600 opioid users and their families with an antidote to drug overdoses to help stem the numbers of drug-related deaths. Naloxone reverses the effects of drugs like heroin, morphine and methadone if someone overdoses. This project will increase access to naloxone for non-medical staff, such as care workers, family and peers of opioid users.

As I mentioned earlier, the Health Research Board report also indicates that over half of those who died from traumatic causes in 2012 had a history of mental illness. Dealing with the current high levels of suicide and deliberate self-harm is a priority for this Government and my colleague, the Minister of State, Deputy Kathleen Lynch. My Department and the HSE national office for suicide prevention are close to completing a new strategic framework for suicide prevention for the period 2015-2019. The Deputy will be aware that under this Government the budget of that office has been doubled. The framework aims to ensure that pathways of care for persons at risk of suicide or in suicidal crisis can be accessible, acceptable and available. It will take account of all relevant policies such as A Vision for Change, Healthy Ireland and the National Substance Misuse Strategy, as well as the report on drug-related deaths.

My Department will shortly commence work on the development of a new national drugs strategy for the period after 2016. The process will involve a comprehensive consultation with key stakeholders and the public on the current national drugs policy and future priorities. It will also take account of evidence-based research, information and data sources on the extent and nature of problem drug use in Ireland, including drug-related deaths.

I want to assure the House and the Deputy that the Government takes the issue of drug-related deaths extremely seriously and is committed to tackling this problem through all the mechanisms available.

**Deputy Seán Crowe:** I raise this issue today not to score points but to highlight the scale and nature of the problem and possible ways to address it. The number of drug-related deaths is unacceptable. I have a personal interest in this issue in that I know of many people whose deaths were drug-related. In one week alone I attended church services for three people who died directly from drugs. I know that other people in that area had also died that week. That is the scale of the problem. Many of these deaths are probably not be recorded in the national drug-related deaths index. As such, there is also a problem in regard to how we identify drug-related deaths.

If we are to tackle this issue we first need to know the scale of the problem. We need to start the conversation in this House about the scale of the problem and how collectively we can address it. Many communities feel disempowered. They are certainly dissatisfied that the Government in its wisdom took the decision to do away with the portfolio of the Minister with responsibility for drugs and instead included it within the remit of the Department of Health. That is not a criticism of the Minister for Health, Deputy Varadkar. As I said earlier, address of alcohol-related issues now comes within the remit of the task forces. Earlier in the week I attended a meeting at which the issue of resources for alcohol-related issues was raised. I refer again to CAB as a potential cash-cow in this regard. We know that a huge envelope of money is being spent on drugs.

*5 o'clock*

That is one source of funding that needs to be directly put back into communities. If there is no funding available, there is certainly a significant amount of money going around from the Criminal Assets Bureau, CAB. This needs to be spent back in communities.

Will the Minister accept this is the start of a conversation? Will he accept just five minutes to discuss this issue is not suitable and that we should have a debate in this House on the drugs issue and associated deaths? We owe it to all those who have died from drugs, many of them personal friends, and ensure another generation will not go down the same road. The figures are going up rather than down, however, which is a concern for all of us. The scale of the problem is getting worse.

**Deputy Leo Varadkar:** I believe this is an important issue too and it is one that affects my constituency. I would very much welcome a more detailed debate in the House on this. That is a good idea. The Irish drugs-related deaths index is done to the highest standards. Such standards are not adhered to by many other countries. This is the major reason for the relatively high figures of drug-related deaths in Ireland. The index is calculated from four different sources, namely coroners' records, HIPE, the hospital inpatient inquiry system, the central treatment list and the general mortality register. It is compiled by the Health Research Board, a very well-respected agency and I would not question its numbers unless someone was able to show me better data.

I am very enthusiastic about the naloxone project which I believe will make a big difference. Access to it will mean overdoses can be reversed quickly which will make an enormous difference. I know the solution is not treating overdoses and that the solution starts much earlier than that. However, it would be a considerable achievement if we could significantly reduce the number of deaths as a result of overdoses this year.

The issue of a drugs Minister working across various Departments, such as health, education and justice, would be a matter for the Taoiseach. It would not be appropriate for me to assume his position on that. On alcohol, the Deputy will be aware that for the first time in the history of the State we are proceeding with a public health Bill on alcohol which includes a number of far-reaching measures which have been talked about for a long time but have not been implemented. I am keen to get that legislation through the House before the summer this year. I would appreciate the co-operation of the parties opposite in getting this legislation through. While some people claim it does not go far enough, I can assure the Deputy there are plenty of other interests which will try to delay the legislation and obstruct what we are trying to achieve in this area.

*Dáil Éireann*

**Message from Select Sub-Committee**

**Acting Chairman (Deputy Joanna Tuffy):** The Select Sub-Committee on Transport, Tourism and Sport has completed its consideration of the Roads Bill 2014, and has made amendments thereto.

The Dáil adjourned at 5.05 p.m. until 10 a.m. on Friday, 6 February 2015.