



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 17 Feabhra 2015*

*Tuesday, 17 February 2015*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Agriculture Schemes

129. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the estimated cost of the superlevy fine on Ireland for 2015; the steps taken by him to have this reduced; the success to date of his efforts; and if he will make a statement on the matter. [6829/15]

**Deputy Éamon Ó Cuív:** The Minister, Deputy Coveney, is welcome back to this side of the Atlantic. I take this opportunity to congratulate our colleague, Deputy Martin Ferris, on the victory that Ardfert had on the weekend.

We are told that the farmers of Ireland, on top of a land parcel identification system, LPIS, fine of €180 million, are now facing a superlevy fine of €100 million. What I need to know today is what has the Minister succeeded in doing to reduce or eliminate this totally unnecessary fine?

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I too pass on my congratulations to Deputy Martin Ferris.

It is not true to say we are going to have to pay an LPIS fine of €180 million. That is what the Commission has proposed but we are very much opposing it. It has gone to conciliation and is still in process. It is important to put that on the record.

The rules governing the imposition of a superlevy fine are set by regulations agreed at EU level. Under these regulations each member state is allocated a volume quota of milk, above which a superlevy fine, which is just over €0.20 per litre, has to be paid to the EU Commission

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by producers who contribute to the over-production. As the Deputy will know, we had a very strong growing season last year. We had strong prices for most of last year and an awful lot of farmers are planning for the abolition of quotas in the next couple of months. As a result of that, we have seen the production levels on Irish dairy farms higher than we would have liked. In autumn, we were looking at a very large superlevy fine. By the end of January the quota position looked at being 5.47% over quota, which would essentially mean a superlevy fine of about €88 million. It is a significant issue. I have been pushing for ways in which we can reduce the superlevy fine in the final year of milk quota as a way of soft landing, which was supposed to be the idea. A majority of EU member states, in many ways under the leadership of Ireland in terms of the position we had taken with three or four other countries, looked for what was called a butterfat adjustment which, effectively, would have given us an extra 2% in our quota. We also looked at reducing the super levy fine per litre in the last year to ease us out of quota management, but that has not been possible. What has been possible is talking to the Commission to ensure any superlevy fine incurred would be paid over a number of years. We are continuing to negotiate with the Commission on that issue. It has indicated that it is happy for farmers to be allowed to pay super levy fines they may have incurred to co-operatives over a number of years. We are still negotiating with it on whether co-operatives and Ireland should be able to pay it over a prolonged period of time also, which would certainly ease the blow.

**Deputy Éamon Ó Cuív:** The first question I asked was what was the current estimated cost of the superlevy fine and the steps being taken to have it reduced. As I did not get an answer to the first part of the question, the Minister might give me an answer on the current estimated-----

**Deputy Simon Coveney:** I answered the Deputy - it is €88 million.

**Deputy Éamon Ó Cuív:** The Minister said that was at Christmas.

**Deputy Simon Coveney:** I did not; I said it was at the end of January.

**Deputy Éamon Ó Cuív:** We are well into February. Is that still the position?

**Deputy Simon Coveney:** I will come back to the Deputy on that point.

**Deputy Éamon Ó Cuív:** That is fine. We are facing an €88 million fine and the best the Minister is offering us is that the liability will be attached immediately and one will have time to pay it. When representatives of ICOS and the Irish Dairy Board appeared before the committee, they were very adamant that the country should fight to have the superlevy fine reduced. Is the Minister saying he failed in regard to the butterfat adjustment? Is he saying he failed to get a reduction in the rate at which the superlevy was charged? Will he confirm that is the position and that he has literally made no progress in the negotiations, except possibly on the issue of deferment?

**Deputy Simon Coveney:** I am a little surprised that the Deputy has not informed himself on the issue. He is the main Opposition spokesperson on agriculture and I would have thought he would have been on top of the numbers. Last May the anticipated superlevy fine, based on trends at that stage, was 9%. In August the figure was approximately 7% but it then dropped to 6% and is now 5.5%. By the time we get to the end of the quota system in a number of weeks time, it will probably be well below 5.5%. However, it will still be a significant superlevy fine. One is talking about a significant amount of money.

**Deputy Éamon Ó Cuív:** That is not the question I asked.

**Deputy Simon Coveney:** We have had debates on this issue on many occasions and the Deputy knows only too well what is possible and what is not. It would require agreement across 28 EU member states to secure a change in the approach to a soft landing. Ireland led an effort to introduce a butterfat adjustment which was supported in increasing numbers by many other countries, but it was not possible to get over the line because a number of very large countries blocked it. What we are doing instead is looking at making what is a significant fine affordable over a prolonged period of time and we are trying to get across the line with the Commission. All of the farming organisations, as well as ICOS, know exactly what is going on and we are all working together to try to solve this problem, as opposed to trying to play politics on it.

**Deputy Éamon Ó Cuív:** I am not playing politics; the Minister is the master at playing politics. He promises a lot but delivers very little. The question was the estimated cost of the superlevy fine in 2015. The Minister said it was €88 million at the end of January. We know that farmers are using milk to feed calves and so on to reduce the superlevy.

**Deputy Tom Hayes:** They always did that.

**Deputy Éamon Ó Cuív:** In working with the farm organisations and farmers by how much does the Minister think he can reduce the superlevy fine by the time we get to the end game? That is what I wanted him to tell me.

**Deputy Simon Coveney:** That is a fair question.

**Deputy Éamon Ó Cuív:** My next question is whether it will be possible for farmers to deliver milk to milk companies and to retain ownership of the milk until after the due date. In that way, they will not have provided the milk to the companies within the due time and paid for the storage of the milk. This is on a one-off basis and it comes to an end. Therefore, if one can put the milk sale into next year, my understanding is that it does not count for the superlevy. What has been done domestically, now that the Government has failed in Europe, to work with farming organisations and look at all possibilities so that the sales of milk decrease between now and the first of April? This could be done by retention of ownership of the milk, even if it is in somebody else's storage. Has the Minister looked at that possibility?

**Deputy Simon Coveney:** We have not failed in Europe. If we can get agreement from the Commission on a schedule of payments over a number of years, that will make an enormous difference to cashflow demands on farmers and on co-ops. We already have an agreement in principle from the Commission that the relationship between farmers and their co-ops could be such that it would allow for a schedule of payments that would significantly ease the burden for farmers. We are currently talking to the Commission, along with other countries, about trying to do the same in terms of Ireland's obligation to the Commission over a period of time. That would be massive progress. If we had, for example, got the butterfat adjustment, which would have been very welcome, we would still have a superlevy problem, because at the moment we are 5.5% over. Butterfat would have been an adjustment of about 1.8%. We would still have had a significant problem.

It is fair for the Deputy to ask about what we are doing between now and the closing date to help farmers reduce their superlevy burden. We are doing that through Teagasc, working with farming organisations and working with farmers. The Deputy asked whether it was possible for farmer to produce milk, have it collected by their co-op and then retain ownership of it through the deadline period, until we move to an absence of quota, and then effectively count it as milk

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produced outside of quota. I do not think that is possible, but we are looking at all those options. Several people have asked me to explore different possibilities in that regard, and we are exploring those possibilities at the moment, but I would not like to raise people's hopes too much on that. I do not think there is any easy way-----

**An Leas-Cheann Comhairle:** We are way over time.

### **GLAS Payments**

130. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he will accept that a quarter payment to farmers in the green low-carbon agri-environmental scheme, as is proposed for October, is inadequate. [6900/15]

**Deputy Martin Ferris:** The Minister announced at the committee a few weeks ago that he was accepting applications for GLAS from February and that the first payments would be in October, a quarter payment. Does he accept that a quarter payment in the GLAS, as is proposed for October, is inadequate, given the time they have been without payment?

**Deputy Simon Coveney:** This schedule has been the topic of discussion for about a year now. I sat down with all the farming organisations and asked them what their priority was for the new agri-environment scheme, namely, GLAS, which is replacing REPS and AEOS for many farmers. I told them we could allow a small number of farmers in for the first phase, go through the application process quickly because numbers would be relatively low, get approvals in early and get payments out early or we could get many more farmers in, but that would take more time. Every single one of the farming organisations told me the priority was to get as many farmers into GLAS in the first phase as possible. Everybody asked me to do that. That is why we are looking to accept somewhere between 25,000 and 30,000 farmers into GLAS in the first tranche. If 30,000 farmers are accepted to a scheme, there could be 35,000 or 40,000 applicants. Outside of Teagasc, we only have 400 planners in the country. This process will take time. Some 30,000 or 40,000 GLAS plans must be put in place and assessed by us, because nobody can get a payment until their plan has been assessed and approved and they have been accepted into the scheme. The plan was that for the first five months of the year or so, we would have farmers applying for GLAS in huge numbers. We would assess all those applications over the summer and make decisions so that people would be accepted into the scheme in September and we assigned approximately €20 million in the Estimates, so that we could pay out in the last three months of the year. While the application process for GLAS is starting approximately two months later than we had hoped, we will try to stick to the schedule. Farmers have been primed and we hope applications will be submitted as quickly as possible. We will try to have the application process completed by the end of May in order that assessments can be made over the summer and farmers can join the scheme in September. We cannot have it every which way, however, because it is not possible to have an application process for only a couple of weeks for a scheme that will apply to 30,000 farmers.

**Deputy Martin Ferris:** The scheme opened for applications in February. As we approach the third week of the month, how many applications have been received? Does the Minister accept that an applicant who receives the full payment of €5,000 will receive a payment of only €1,250 in October provided all the criteria have been met? Most of the payment will be needed to pay the planner, which means that farmers will not have any income in the months leading up to Christmas? Does the Minister accept that that is the case? Could the payment be increased?

For example, could a double payment or a payment for six months be made to ensure farmers would have some money in their pockets? Many farmers who previously received payments under the rural environment protection scheme, REPS, have not received any payment for the past 12 months. As the Minister will be aware, small and marginal farmers are dependent on these schemes.

**Deputy Simon Coveney:** Farmers apply for and receive payments under many schemes, although it is correct that in respect of environmental schemes, they have been waiting for some time for a major scheme to replace the rural environment protection scheme. The agri-environment options scheme, AEOS, was introduced as a stop-gap measure by the previous Government and maintained by this Government. While the scheme was successful, the small numbers involved meant that we needed a major environmental scheme. When GLAS is up and running, it will be worth €260 million per annum to approximately 50,000 farmers. While the scheme is not yet open, the first 30,000 participants will be accepted soon. I am moving as fast as possible to secure approval from the European Commission and we are close to reaching a verbal agreement with it on the details of the scheme. Once it opens, we will not waste time and I will encourage farmers to submit applications.

I have always made it clear that farmers should not view GLAS from the perspective of the size of grant they receive in 2015 but on the basis that they will secure access to a five-year scheme. Regardless of whether applications are accepted in August, September or October, farmers will participate in the scheme for five years and receive their first staged payment at the end of this year, with further payments for the next five years. This is a cashflow issue.

### **Agriculture Scheme Eligibility**

131. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he will prioritise the old-young farmers category for the 60% grant in the new targeted agricultural measures; and if he will make a statement on the matter. [6828/15]

**Deputy Tom Fleming:** I join previous speakers in congratulating Deputy Martin Ferris and the Ardfert team on winning their third all-Ireland title at the weekend. I am not forgetting the neighbouring club of Brosna which also won an all-Ireland title. Deputy Martin Ferris and I are delighted at the great double secured by teams from County Kerry at the weekend.

I ask the Minister to prioritise the category known as old-young farmers for the 60% grant in the new targeted agricultural measures. These farmers are being deprived of vital payments under the measures because they were actively engaged in farming before 1 January 2010. I ask the Minister to address the issue.

**Deputy Simon Coveney:** A number of questions have been tabled on young farmers, old-young farmers and so forth which I will answer as we reach them. We worked hard during the negotiations on the Common Agricultural Policy to ensure young farmers would be given preferential treatment. As a result, they will receive a top-up on the single farm payment and priority in the national reserve which will increase their single farm payment. In addition, under Pillar 2 grant aid programmes, young farmers will receive 60% grant aid under the targeted agricultural modernisation scheme, TAMS, while everybody else will receive grant aid of 40%. We will hopefully announce in approximately one month the first of the TAM schemes and we will roll them out thereafter.

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All farmers, regardless of their age or whether they are legally identified as young farmers under the CAP regulations, will get grant aid if they are successful under the TAM scheme process. However, one of the things we had to agree to have mandatory preferential treatment for young farmers in the CAP was a strict definition of who would be in and who would not. Young farmers have to have entered farming within the past five years and have to be under the age of 40. Those are the two criteria. Some people will miss out because they took up farming prior to 2010 but even though they are under the age of 40, they are not categorised as young farmers and, therefore, they will get 40% rather than 60% grant aid. We recognise there is a group that missed out on installation aid when it was abolished in 2008. Some farmers who took up farming between 2008 and 2010 missed out on installation aid and are not categorised as young farmers. They are getting preferential treatment in the national reserve, which I will deal with in a later question.

**An Leas-Cheann Comhairle:** I ask Members to watch the clock because every Member is entitled to ask questions later.

**Deputy Tom Fleming:** I compliment and congratulate the Minister on what he has achieved for young farmers but the question relates to a category of farmers who are vital to the future of the agriculture industry. Up to 3% of farmers are in this age group. Most of them are totally dependent on farm income. Mr. Rea from County Kerry stated in the *Irish Farmers' Journal*, "I am a reasonably productive beef and tillage farmer and I suppose I am the classic old young farmer". He did the green certification in 2008 but he missed out on installation aid because he was farming since before 2010. He will not have access to the national reserve either. He will miss out through no fault of his own. Surely, as he states, there has to be some leeway. Will the Minister increase the 40% grant aid to 60% under the national reserve for this category of "young old farmer"?

**Deputy Simon Coveney:** The TAM scheme does not come out of the national reserve, as the reserve cannot be used for grant aid. The reserve comes under pillar 1 payments, which are direct payments entirely funded by the EU. The priority phase 1 payments from the national reserve will be to young farmers and new entrants. We will top young farmers' entitlements up to the national average and we will also pay new entrants to farming who might have naked land - that is, land without entitlements. We will put entitlements in place for them. In addition, there is a young farmer's top-up, which is 25% of the national average payment on top of the single farm payment. The Deputy is correct that the category of farmers to whom he refers has been hard done by. They missed out on installation aid and they are not categorised as young farmers. We made the case to the Commission that they were a disadvantaged group and, as a result, they can get preferential treatment through the national reserve. Their single farm payment will be topped up to bring them up to the national average, which will be welcome, because the payments to many of them are well below the national average. We worked hard to get this across the line and the Commission accepted that we could make an exception for that group and that we could accept that they were disadvantaged.

However, the TAM scheme is different. It comes out of rural development programme money, which is 54% co-funded by the EU. Extra grant aid - the figure of 60% - can only go to young farmers who are categorised as such under the definition. We are doing something for other farmers through the national reserve, but it took us a long time to find a way to do this. Under the rural development programme, if someone is not a young farmer, he or she cannot receive 60% grant aid.

**Deputy Tom Fleming:** The farmer to whom I refer has stated he is now at the stage where he needs to upgrade, but he is excluded from accessing 60% grant aid under the TAM scheme. He says it is not a level playing field, but based on the Minister's statements, I hope he will act positively. We cannot leave these farmers behind; we must provide them with every assistance and support possible to ensure they will be included in finding the way forward for the agriculture industry. I ask the Department to prioritise them at all times in all schemes.

**Deputy Simon Coveney:** The farmer concerned is going to receive grant aid. He is not excluded from the TAM scheme, but, like most farmers, will receive 40% grant aid, which is significant. Few schemes have been introduced in any Department under which more than 40% grant aid is given in terms of capital investment. The farmer concerned can avail of this, but he will not be in the same category as a young farmer who started farming in the past five years. Some people aged 41 years who started farming in the past three years believe they should be in this category, as do some under the age of 40 who started farming six or seven years ago. Whenever we have a defined category, there are always people on the margins who are left out. I have a lot of sympathy for them, particularly young farmers under the age of 40 who have been farming for six or seven years. That is the reason we are now helping them through the national reserve. Grant aid of 40% under the TAM scheme gives farmers an opportunity to invest in expansion and growth programmes on their farms and I encourage them to do so. However, not everybody can receive grant aid of 60%.

### **Rural Development Plan**

132. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when the new rural development plan is due to be agreed; the dates the various schemes will open under the plan in 2015; and if he will make a statement on the matter. [6830/15]

**Deputy Éamon Ó Cuív:** As the Minister knows, we are way behind target in obtaining approval for the rural development plan. Will he confirm when he expects to receive the letters of comfort? I am not asking about agreement on the full plan because we understand he is going to obtain approval for letters of comfort. Has he obtained this approval or when is he likely to obtain it? Will the letters cover all schemes? In other words, will they cover genomics, GLAS, TAMS, discussion groups, health schemes and the Leader programme, etc. or will they be scheme specific? When does the Minister expect to be able to announce the opening of the various schemes?

**Deputy Simon Coveney:** First, I see in the media today that the Deputy is seeking to change the structure of Pillar 1 payments. If we try to do this, we will still be here next year trying to obtain letters of comfort. We are close to reaching agreement with the Commission. The intention of trying to get letters of comfort by the middle of next month is still on track and that is when we anticipate we will be able to get them. Intense negotiations are taking place today, as they did yesterday and last week. We are negotiating not only with the Commissioner for Agriculture and Rural Development but also with the Commissioner for the Environment and the Commissioner for Climate Action and so on.

I hope to have agreement finalised in principle on the detail of GLAS in the next few days, if possible, in order that we can open the scheme in advance of receiving a letter of comfort next month. We then hope to receive a letter of comfort next month for all of the rural development programme, not just individual schemes. That is our intention, but if something goes wrong in

the meantime, I will be up-front about it. We are working night and day to try to get this done, but we have a big partner, the Commission, which needs to be satisfied.

There are 118 rural development programmes before the Commission at the moment but only nine of them have been approved. Most of those involve much smaller and simpler schemes than ours. In that context, one can understand why we are pushing as hard as we can. I thank the Commission for its help on this because it is swamped at the moment, with many countries pushing to get their rural development programmes across the line. We will continue to work with the Commission to reassure it on both the big and small schemes. We are very close to doing that and I am hopeful that we will be able to get our letter of comfort by the middle of March. That will allow us to start opening the schemes in a staggered way after that.

**Deputy Éamon Ó Cuív:** I ask the Minister to confirm the report on *agriland.ie* that a further 18 rural development programmes were approved in recent days, bringing the total to 27. Is the Minister saying that between now and the end of this month he hopes to have a letter of comfort for GLAS specifically and to open that scheme, with the rest of the schemes opening some time in mid-March or is he saying that GLAS will not open in February but in March? In the event of the scheme not opening until March it is unlikely, under the system the Minister is pursuing, that any payment will be made to any farmer under GLAS in 2015.

**Deputy Simon Coveney:** Let me be clear on this. We are going to open GLAS in February. We are not seeking, nor will we get, a separate letter of comfort for GLAS, rather we will have an understanding with the Commission on the detail of GLAS, following an exchange of e-mails and so forth. We have had a lot of face-to-face meetings with the officials in the Commission in order to get across the line the detail of what GLAS will look like and we are very close to achieving that. Once that is done we can then formally open GLAS so that farmers will be able to take on planners, put their plans in place and understand the detail of the application process in terms of what they have to do. While that process is going on, we will continue to work with the Commission to get our letter of comfort - which will cover GLAS and everything else - hopefully by the middle of next month. We will then start to open other schemes on the back of that letter of comfort. I have made the decision to open GLAS for applications in advance of that letter of comfort but only if we can get the agreement with the Commission on the details of the scheme, so that we can anticipate the letter of comfort and allow farmers to get the application process under way. As the Deputy has outlined, we need to get applications in, planners working and farmers planning for their GLAS applications so that we can complete the application process by the summer and open the scheme in the autumn.

**Deputy Éamon Ó Cuív:** I thank the Minister for that clarification. I ask him to confirm that he expects to announce GLAS next Friday or Saturday in Castlebar. Will the Minister consider allowing farmers in tier 1 and tier 2 to access GLAS early, on a first come, first served basis? That would allow them to get going and to receive a significant payment this year. I propose this because it is highly unlikely that the number of tier 1 and tier 2 farmers will exceed the Minister's threshold of 30,000 farmers to be let into GLAS this year. I would prefer a first come, first served basis for everyone this year because the scheme is so late but failing that, will he consider it on a limited basis for tier 1 and tier 2 farmers? In other words, farmers should submit plans and if they are in tier 1 or tier 2, they will be allowed to go ahead immediately so that payments can be made. If the Minister does not do so, he will not spend the €20 million he has set aside in this year's budget for the GLAS scheme.

**Deputy Simon Coveney:** Let us think about the practicalities of this for a moment. If I was

to announce today-----

**Deputy Éamon Ó Cuív:** On Friday.

**Deputy Simon Coveney:** -----that 30,000 farmers would be accepted into GLAS on a first come, first served basis, the application process would be chaotic. There would be massive pressure on planners to be the first in and it would be totally unmanageable. Deputy Ó Cuív knows that as a former Minister who has managed schemes like this before. I can never remember 30,000 farmers coming into a scheme in one go, even in REPs. We must leave a sufficient window to allow planners to make plans for their clients in an orderly manner and make sure the application process is properly managed. Otherwise, we will have flawed and rushed plans, people will be disqualified when they should not be and this will lead to appeals. We are trying to have an orderly opening of a five-year scheme, getting as many farmers as we can in tiers 1, 2 and 3. The only way to do so is to be very clear on the opening and closing dates to give people space to get in applications. Then, we will assess them fairly and equally and we will announce who is in and who is out in that process.

**Deputy Éamon Ó Cuív:** The Minister could do a hybrid. I will discuss it with the Minister again because there is a way of getting people in and getting the money out.

**Deputy Simon Coveney:** I want to get the money out. It is provided for in the Estimate.

**An Leas-Cheann Comhairle:** Please, we want to make some progress.

### **Installation Aid Scheme Eligibility**

133. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine the measures being taken to resolve the situation of those farmers under 40 years of age, who have been farming full-time for five years, but who are unable to get access to the national reserve. [6901/15]

**Deputy Martin Ferris:** The Minister dealt with some of the subject of this question when dealing with Deputy Tom Fleming. It concerns measures taken to resolve the situation of farmers under the age of 40 years, who have been farming full-time for five years but are unable to get access to the national reserve. Can the Minister outline his proposals? The Minister has already answered much of this.

**Deputy Simon Coveney:** I thank multiple Deputies for raising this issue, which has been an issue for me for quite a while. I thank Macra na Feirme, which has been engaged in the issue long before it became a campaigning issue for some people, over the past number of weeks. Other farming organisations have been involved.

In 2008, the decision was made to shut down installation aid. Farmers were planning to get installation aid as part of their business plans. All of a sudden, the scheme was shut down and they found themselves without the assistance to get started that many of their peers had a few months earlier. In the new CAP, where we pushed hard to get positive discrimination in favour of young farmers to get more young people into farming, the definition of young farmer was someone who came into farming within the past five years under the age of 40. This means many young farmers under the age of 40, who started farming between 2008 and 2010, missed out on installation aid and are now missing out on getting special treatment and top-up pay-

ments as young farmers. This group of farmers numbers in the hundreds, not in the thousands. I have been trying to find a way to get them into the category of young farmer but this has been ruled out by the Commission over and over again. There is a clear definition in the regulation.

We have looked at how we can use the national reserve to do it. In order to give someone preferential treatment under the national reserve, they must be in a category referred to as disadvantaged. There must be a reason to pay them extra and so we have been trying to convince the Commission, successfully, that this group of people who missed out on installation aid and are now missing out on being in the category of young farmer, are disadvantaged because they missed out on both supports. As a result, we can help them with the national reserve. That is how it will work.

If a farmer is in that category and his or her payment is below the national average, he or she can apply under phase 2 of the national reserve allocations and we should be able to increase the entitlements to the national average, which will make a big difference for many young farmers.

**Deputy Martin Ferris:** I concur with the Minister that disbanding installation aid was a huge hit to young farmers in that category. In conjunction with the early retirement scheme, it offered a great incentive for elderly farmers to step back and let young people take over. An answer to a written parliamentary question says there must be a specific disadvantage category group. The application for use of the reserve for non-priority categories will depend on the availability of funds in the national reserve once funding to the two priority categories have been allocated. Will the priority areas have to be funded before funding is allocated to special disadvantaged areas?

**Deputy Simon Coveney:** That is a fair question. The priority categories will be new entrants and young farmers who will receive top-ups on their entitlements up to the average figure before they then receive the 25% additional top-up under a separate scheme for young farmers. People will be entering farming for the first time without entitlements or payments. They will be buying or taking out long-term leases on land without entitlements. They will have to be able to apply to receive some entitlement. Once the priority categories are funded through the national reserve, we will examine the old-young farmer category as the next priority. There should be enough money in the national reserve to do this. They will be paid on the basis of up to 90 entitlements, that is, 90 hectares, a decent sized farm by any standard. We do not want people with huge holdings to have a significant bump in their entitlements, but eligible farmers will be receiving payments to push up their entitlements to the national average. It is possible that the national reserve could run out of money, but we have made our calculations on the basis that it will not. If we do run out of money, we will have to consider how we might change the allocation process to use the money we have available to best effect, whether by reducing the area involved or changing the qualifying criteria. We will negotiate with the farming organisations and other stakeholders should that happen. I hope, however, that we will have enough money in the national reserve to deal with it.

**Deputy Martin Ferris:** It will be very comforting to old-young farmers if there is enough money available to meet that requirement and every effort should be made to ensure that will be the case. Unfortunately, they happen to fall between two stools. What is the Scottish derogation? I previously received a reply which described it as involving the allocation of entitlements to persons who never had held entitlements. The Department informed me that it was considering this issue.

**Deputy Simon Coveney:** I will revert to the Deputy with an explanation of the Scottish derogation. I am pretty sure I know what it is, but I do not want to outline it without being absolutely sure.

## **Other Questions**

### **Harbours and Piers Development**

134. **Deputy Terence Flanagan** asked the Minister for Agriculture, Food and the Marine his plans for Howth Harbour; and if he will make a statement on the matter. [6676/15]

**Deputy Terence Flanagan:** My question concerns the Minister's plans for Howth Harbour which is a fishery harbour, as well as containing marine, leisure and tourism facilities.

**Deputy Simon Coveney:** I thank the Deputy for this question. I know that he is interested in Howth Harbour. Howth fishery harbour centre is one of the six designated fishery harbour centres owned, managed and maintained by my Department. All six fishery centres are, first and foremost, working fishery harbours. However, each centre has unique features, facilitating a broad range of other diverse activities which are important from both an economic and social perspective. This is particularly the case in Howth Harbour which offers multiple uses. My Department is conscious of the importance of both fishing and non-fishing activities at the harbours and endeavours to facilitate and develop both. This involves day-to-day operational support by harbour staff and management and the development and repair of infrastructure, subject to available financial resources.

Howth fishery harbour centre is no exception to this diversity. While, first and foremost, a working fishery harbour, my Department is conscious that it is also a very important tourist destination and a major venue for leisure activities. A wide range of recreational users rely on the harbour, including the yacht club, sport fishermen, walkers, tourists and other social users. A significant number of businesses, particularly restaurants, also operate in the harbour. With this in mind, the Department is anxious to increase the profile of the harbour for the betterment of the wider community.

Notwithstanding the prevailing economic environment in which we operate, I am happy to advise the House that in excess of €3.2 million has been invested in maintenance, development and upgrading works at Howth Harbour as part of my Department's fishery harbour and coastal infrastructure development programme for 2011 to 2013. This investment has resulted in a significant improvement in the electrical infrastructure available, the traffic management system and the access available to persons of reduced mobility. It has also served as a catalyst for the enhancement of facilities available to the marine leisure and tourism sector, boat repair facilities and indeed business generally in the harbour. In March 2014, I approved funding of €1.18 million for the maintenance and development of Howth Harbour.

#### *Additional information not given on the floor of the House*

Major works for 2014 included the continued upgrading of the electrical system.

The fishery harbour and coastal infrastructure development programme for 2015 is cur-

rently under consideration. Decisions on the projects for inclusion under this programme will be based on an evaluation of the priorities across the six fishery harbour centres taking due account of the overall funds available. Balancing the needs of the fishing industry with those of the wider range of harbour users while delivering on a public service remit will be foremost when considering future developments in the harbour. Of course, any new developments will be done on the basis of available Exchequer funding and competing national priorities.

**Deputy Terence Flanagan:** I thank the Minister for his reply. He is no stranger to Howth and is very aware of the natural beauty of this scenic location and of its connectivity with the city as a DART terminus. The harbour is very much under-utilised and there are long-standing issues regarding leases on vacant properties while the frontage of some shops and other units could be very much improved. Can the Minister set out the vision he has for the Howth and the other fishery harbours? Howth is particularly under-utilised in respect of marine leisure and tourism where there is huge potential. I acknowledge that one needs a stream of income but if the vacant properties were properly leased there would be more income. There is also dredging to be done in the harbour and other jobs. Ship and boat repairs are not carried out in Howth. Sadly, that work takes place in Kilkeel in County Down due to an under-investment in Howth. Can the Minister set out the actions he is in a position to take?

**Deputy Simon Coveney:** I will give the Deputy an idea of the approved funding and expenditure in 2014. We approved the design and planning of pontoons between the middle and west piers at a cost of €100,000, almost €60,000 of which has been spent. There was an assignment of €80,000 for a syncrolift platform for painting and repairs, of which €45,000 has been spent. A sum of €20,000 was approved for the upgrade of navigational lights and markers but more than that has been spent. A sum of €150,000 was approved for east pier repairs, of which €111,000 has been spent. A sum of €500,000 was allocated to upgrade the electrical system which was causing major problems for businesses and harbour users and most of that money has been spent. A sum of €20,000 has been spent to provide disability access while €310,000 was allocated for safety and maintenance, most of which has been spent. In total €1.18 million was allocated and more than €1 million has been spent.

There is no lack of commitment to the harbour in the Department but we share the facility with other users. Howth has extraordinary potential as a leisure harbour as well as a fisheries harbour. I know Howth Yacht Club very well and have been there many times. There is significant potential for leisure, tourism and passenger ferries perhaps on a small scale to take people around Dublin Bay. There was a project proposal to connect Dún Laoghaire with Howth last year and we spoke to the Department of Transport, Tourism and Sport about putting a kiosk in place in Howth to facilitate that. We will continue to work with our partners to try to build broad commercial activity in the harbour but we must also maintain a functioning fishing harbour in the context of developing those other activities.

**Deputy Terence Flanagan:** I appreciate the Minister's response but while there has been a sizeable amount of investment, repair work to boats is taking place in County Down rather than here. The State is losing money in that regard. There is also the issue of leases on empty properties where the State should be collecting money. Hopefully, that is something that could be looked at further. There is concern in Howth about the length of time it can take for decisions to be made. Decisions are made in Clonakilty, and the length of time it takes is an ongoing criticism. I hope the Minister will be able to follow through and ensure the harbour is used more for boat repairs.

**Deputy Simon Coveney:** I assure the Deputy that the fact that decisions are made in Clonakilty does not delay anything. Much of the marine side of my Department is based in Clonakilty and it is an efficient operation. BIM, which is also involved in many of the fisheries development programmes in Howth and elsewhere, has its headquarters in Dún Laoghaire, although it has a seafood development programme in Clonakilty. There are issues around leasing arrangements in all our fishing harbours. Some people owe money and are not paying up, and we need to pursue them because we are trying to run commercial harbours as well as facilitate business growth and employment creation. There is always an element of friction between landlords and tenants in some of these industrial units and it is the same in some of our other fisheries harbours. There are some individual examples, about which we have spoken, in which we are trying to make progress with the tenant and the business operating there. Sometimes it is difficult and sometimes there are court cases ongoing which prevent me from being able to speak about them. I take the point that if there are vacant properties in places such as Howth, which is potentially a very attractive destination for businesses such as seafood processing, restaurants, food development and tourism development, we should be examining the opportunities when we can. I will follow up on it.

### **Animal Welfare**

135. **Deputy Maureen O’Sullivan** asked the Minister for Agriculture, Food and the Marine in view of a recent hunting report (details supplied), which reveals that a fox was hunted by 37 hounds for over 13 miles, if he will acknowledge the cruelty involved and remove the exemption for fox hunting from the Animal Health and Welfare Act 2013; and if he will make a statement on the matter. [6665/15]

**Deputy Maureen O’Sullivan:** My question relates to a report on a fox hunt which I sent to the Minister and which acknowledges that a fox was chased by 37 hounds for over 13 miles. It is time we decided that this is extremely cruel, that it is not sport and that we remove the exemption for fox hunting from the Animal Health and Welfare Act.

**Deputy Simon Coveney:** I will answer the Deputy directly rather than reading out a long answer. I read the report the Deputy sent me, which described a hunt that took place in which a fox was chased by a pack of hounds and a hunt club across 13.6 miles. The fox went to ground and that was the end of the hunt, as far as I know. We have discussed these issues many times and I know and respect the Deputy’s views on fox hunting. However, I made the decision, with others, when we discussed the Animal Health and Welfare Act, that instead of banning what is termed “field sports” we would consider regulation and put codes of conduct in place. My Department is making contact with hunt clubs to ensure the voluntary codes of conduct are put into a formal code that the Department would be involved in putting together and negotiating. This is part of what we are required to do under the Animal Health and Welfare Act.

I am not going to get into a debate on whether or not we should have fox hunting in Ireland. We have made our decision in the Animal Health and Welfare Act, which includes specific exemptions for fishing and hunting in the clear statement that lawful hunting of an animal may take place unless the animal is released in an injured, mutilated or exhausted condition. There are tighter regulations and rules on hunting than ever because of this legislation. We are going to add to them by putting in place codes of conduct. While the Deputy seeks an outright ban, it will reassure many of those who are comfortable with hunting as long as there are certain

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parameters within which people must operate and this will be the basis for the new codes of conduct which we are putting in place.

**Deputy Maureen O’Sullivan:** Let us consider what is involved in fox hunting. First, in the marking to ground, the pack of hounds will chase the fox into the drain or earth. Then, the terrier man sends a terrier down the hole to attack or corner the fox.

After that people start to dig away the clay and the fox is exposed. We know that this is an extremely cruel practice, but there are people who are so dedicated to hunting that they will find a way around all of the regulations in the world. It is cruel; it is not a sport. This does not concern only the isolated incident about which I wrote to the Minister. We have other examples. I came across this advertisement:

What can be better than a day’s fox hunting in Ireland? The cry of the hounds, the sound of the hunting horn, the thrill of jumping over natural fences, and the sheer style of this equestrian sport is available to everyone at ... Why not join us for the fox hunting holiday of a lifetime? ... There are over 80 hunting clubs in Ireland and we will be delighted to arrange your fox hunting vacation in Ireland ... and join in the craic ... in the pub afterwards.

We are facilitating people to come to this country for fox hunting, a practice which is banned in many other countries and we call it sport.

**Deputy Simon Coveney:** I do not want to get into the debate we had on the legislation about which we talked earlier. I do not know whether there was any digging out involved in the hunt the Deputy described to me. There is no mention of it one way or the other. We have made it very clear during the debate on these issues that we will also consider making sure there will be certain conditions required to be met when an animal is dug out. I recall having many meetings on this issue with representative bodies of working terrier groups, as well as non-governmental organisations. We tried to strike the best balance we could in the legislation.

In response to the advertisement the Deputy read, many people enjoy hunting. They enjoy riding across the countryside on horseback. There are many successful drag hunts in Ireland, as well as full fox hunts. My obligation as Minister and a legislator is to put rules and regulations in place to make sure this is done in as acceptable a way as possible from an animal welfare point of view. That is what we are trying to do.

**Deputy Maureen O’Sullivan:** There was a time when we were hunters and gatherers and had to hunt animals for food, but we do not have to do this anymore. It is a shame on us as a nation that we tolerate barbarity and cruelty to animals in the name of what is supposed to be a sport. It is hard to believe we continue barbaric practices. Everybody acknowledges how far the Bill went, but it did not go far enough. The Minister and I know that the hunting clubs are finding loopholes. We saw this happen recently during a stag hunt in County Meath, when a loophole allowed the hunt to continue because it had caught the scent of the stag. Why can we not actively support drag hunting and leave the pursuit of live animals that usually end up being pulled apart by whatever animal is chasing them to bygone days where it belongs?

**Deputy Simon Coveney:** I am not sure it is true to say an animal is usually pulled apart. In my experience of hunting, the fox normally escapes, not that I have huge experience of it, but when I have hunted, I have never seen a fox being pulled apart. I am sure, however, that it happens and I am not saying it does not. Our policy decisions try to strike a balance for those who derive great enjoyment from hunting and farmers who want foxes to be hunted off their land.

If the Deputy were to see a field of lambs being killed by a fox, she would see a gruesome sight of an animal being pulled apart where the fox was the predator.

**Deputy Maureen O’Sullivan:** That is a different point.

**Deputy Simon Coveney:** Foxes are wild animals and can be vicious at times and do significant damage to farm animals, poultry and so on, although I know that is not the point the Deputy is raising. I am not willing to go as far as she would like, but we are doing what we can to ensure we put parameters, rules and codes of conduct in place to make sure fox hunting will be as acceptable as possible from an animal welfare perspective.

*3 o’clock*

### **Beef Exports**

136. **Deputy Paul Murphy** asked the Minister for Agriculture, Food and the Marine his views regarding the possible future effects on the reputation of Irish beef, arising from the involvement of a company (details supplied), as the first major distributor of Irish beef in America. [6680/15]

**Deputy Paul Murphy:** Do the Minister and his Department have concerns about possible future effects on the reputation of Irish beef arising from the involvement of Larry Goodman’s company, ABP Food Group, as the first major distributor of Irish beef in America?

**Deputy Simon Coveney:** While obviously I welcome all questions here, the Deputy is trying to infer something I do not think is relevant or exists. First, we were in the United States last week and visited New York, Washington and Boston over three days. Practically the entire beef industry was out there and it was not just ABP Foods but also Kepak, Dawn Meats, Slaney Meats, Foyle Food Group and multiple others. They all were doing deals, which is what they were there for, namely, to meet potential customers. For the first time in 16 years, Ireland is able to sell a high-quality premium product into the largest beef market in the world. In total, 11 million tonnes of beef are consumed in the United States each year. The average American eats twice the volume of beef eaten by the average European each year. ABP Food Group is the largest beef processor in Ireland and Britain and from my experience, it runs a pretty good show. It has modern plants, kills a lot of cattle and it is not a surprise that the largest beef processor in Ireland was putting together a partnership with the largest food distributor in the United States, Sysco Corporation. Incidentally, that is a fantastic company which, a number of years ago, partnered and acquired Pallas Foods and there are great people involved in that company, many of whom are Irish. This partnership should be worth approximately €15 million per year in terms of purchasing Irish beef and is a highly positive news story. I will not allow and have not allowed personalities or history with regard to names, companies or anything to get in the way of what is a positive story for the food industry. ABP Food Group did a great job last week and Paul Finnerty was out there. The other big companies also did a great job last week. It was a universally positive three days in both of those big Irish cities in the United States. In my view, it will help to put positive momentum into beef prices in Ireland as one moves into the rest of the year and what has been raised here is something of a distraction.

**Deputy Paul Murphy:** No, I share in the view that it is welcome that Irish beef exporters can export to the United States. However, the question is whether it is in no way problematic that at present, regardless of whether one likes it, the face of those exports is a man who was in charge of a company that previously was found by a tribunal to have been repackaging meat, meat by-products and offal from all over the world as Irish. Is this not problematic? I draw no inferences that are not there. It is the case that as Minister, Deputy Coveney welcomed the deal, which is the biggest of all the deals that were done. One can think back to 1987, when a previous major deal concluded by this man and his company was welcomed by the Government. Obviously, that turned out to be a disaster in respect of export credit insurance taken on by the taxpayer and the cost of that then landing on the taxpayer.

**Deputy Simon Coveney:** Let me reassure people on this issue. I can only speak for myself as Minister over nearly four years. My Department keeps tight regulatory responsibility with all the beef companies in Ireland. No animal is killed in Ireland without being supervised by someone from my Department, most of them being veterinarians, and this goes for ABP Food Group, as well as all the others. Ireland exports beef to 45 different countries and all the big players are involved in that export story. Were one to refer to the distant past on a regular basis and make inferences from that-----

**Deputy Tom Hayes:** We would do nothing.

**Deputy Simon Coveney:** -----I am unsure what purpose that would serve. Personally, I have little or no relationship with the individual to whom the Deputy has referred and I certainly am not going to start speaking about any individual in this House. My job is to ensure companies processing beef in Ireland do it properly and safely to a high standard. That has been my experience of all the companies with us last week in the United States. We have only approved two plants to export beef to United States. Very soon there will be a third and, over the next several months, many other plants will go through the approval process. I am comfortable and confident that all the companies exporting beef to the United States will be able to maintain the hard-earned reputation of the beef business of high quality.

**Deputy Paul Murphy:** The Minister used the phrase the distant past but one does not have to go back to 1987 to find questionable practices happening in a plant owned by this company. Two years ago, it was implicated in the horsemeat scandal. It should be recognised that the man in question was previously at the centre of a nexus relationship between agribusiness and politicians. If one reads the beef tribunal report, it pops up again and again about this man meeting Charlie Haughey in his home. Do these people have influence? The beef industry, as detailed by Deputy Pat Rabbitte in this House several years ago, made significant donations to the major establishment parties such as Fianna Fáil-----

**An Leas-Cheann Comhairle:** Will the Deputy be careful with what he is saying? I have no issue about him naming the person as it is in the public domain. However, any suggestions or allegations of wrongdoing against a person outside of the House are not in order.

**Deputy Paul Murphy:** I am not making any new allegations about anybody. These are known facts. It is also a known fact that this man is now the biggest beef exporter to the US but the Minister does not have a problem with this. He does not believe this could cause damage to other beef exporters who do not have murky questions over their previous business practices, not just in the distant past but more recently.

**Deputy Tom Hayes:** The Deputy should look in the mirror.

**Deputy Paul Murphy:** Why? I do not export beef or horsemeat for that matter.

**Deputy Simon Coveney:** I am not going to get into making judgments on issues that were subjects of tribunals in the past as I do not believe it is helpful. As I said, I am very comfortable that we have regulatory systems that allow us to produce the safest and highest quality beef on the planet. It is not just me saying that. We are the only European country allowed to export beef to the United States because of those standards. It is also because of the results of inspection visits by United States authorities last summer of several ABP plants, which were excellent.

My job is to ensure when we are exporting beef all over the world that we are doing it in a way that is safe and that I can stand over its transparency, traceability, sustainability, quality and safety. All the companies with us last week in the United States comply with the regulations in full. In many ways, they are offering leadership with new projects, particularly around sustainability and animal welfare. Deputy Maureen O'Sullivan might be interested on that last point. For that reason, companies like Sysco are happy to develop partnerships with large Irish beef companies. This will allow us build business that will ensure farmers get a better price for their produce and build increased employment in the beef industry based on export markets like the United States.

### **Aquaculture Licences**

137. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the number of applications received each year by his Department for fin-fish farming licences since he became Minister; the number of these that have been decided; granted; refused; and broken down between renewal of licences and new licences; and if he will make a statement on the matter. [6623/15]

**Deputy Éamon Ó Cuív:** Several fin-fish farming licence applications have been with the Department for a long time. It is reasonable for objectors and applicants that they get some certainty regarding the timelines for which decisions will be made on these licences. It was recently reported that the Minister said in the case of one application that a decision will be made soon. Will he clarify what "soon" means?

**Deputy Simon Coveney:** It is a fair concern to outline that there have been some challenges with aquaculture licensing. Before I came into office, no aquaculture licence had been granted for five years. The European Commission took Ireland to court because its licensing system was not fit for purpose. As a result, we have put a licensing system in place that would be required as gold standard, which involves having to assess all the bays around the country that are categorised as special areas of conservation, which is practically every bay with the exception of one or two. That takes time. The decision-making process does not just involve me and my Department. It involves the National Parks and Wildlife Service, the Marine Institute in terms of scientific advice and - obviously - it involves a process that allows stakeholders and objectors to be able to make known their views. It involves a public consultation process as well, and all of that takes time.

It is worth noting that in 2014 I made positive determinations in respect of two renewal ap-

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plications for fin fish farming for trout farms. By comparison, since taking office I have made 278 determinations in respect of shellfish aquaculture. When we get a system working, which we now have for shellfish, I will make decisions as soon as I have a scientific, sound basis to do so. Fin fish farming has proved to be more complex than that, particularly around salmon and the location of salmon farms, salmon cages and so on. For the record, because people seem to think I am a Minister who just wants to drive through salmon farm applications all over the place, I have not granted one salmon farm licence application since coming into office and I will not until I get recommendations on my desk, from the Marine Institute primarily backed up by my own Department officials, to the effect that it is appropriate to grant the licence. I would like to see the salmon industry grow in Ireland but I will only do it in a way that guarantees the sustainability and environmental protection of the bays and marine environment for which the applications are being proposed.

**Deputy Éamon Ó Cuív:** I asked a number of very specific questions which the Minister has not addressed. The first part was to ask him for the number of fin fish farming licences that have been applied for each year since he came into office, the number that have been decided and the number refused, broken down between renewals and new licences. Can he tell me how many applications he has received, how many decisions he has made, how many were grants, how many were refusals, and what is the breakdown between renewals and applications?

The Minister always talks about processes. Would it be possible for him to ask his officials in the next week to give me a briefing note on the actual processes followed by him in assessing an application? The Minister says he gets advice from Foras na Mara and so on. Can he get somebody to detail to me what those processes are and whether there are any timelines to them? Is it possible to find out how far down the process each application has gone? That would be a help in terms of openness, transparency, accountability and better government.

**Deputy Simon Coveney:** On the first question, in 2011 two applications were received; in 2012 two applications were received; and in 2013 and 2014 no applications were received for new licences for fin fish farms. On renewal of licences, eight applications were received in 2011; nine applications in 2012; two applications in 2013; and two applications in 2014. It is important to say that in the case of renewals, there is a statutory guarantee to allow operators to continue operating while the renewal is being considered. We obviously would not want to shut down businesses while there is a consideration of a renewal. We do have a statutory guarantee that the companies can continue to operate while their renewals are being considered. We are not talking about huge numbers of applications here.

There is not a timeline on the process. I have looked at introducing one but that does pose problems because sometimes if we have to put scientific-based assessments in place, that does take time. Sometimes we have to take on extra contractors to do it. We are looking all the time at ways we can increase the pace of the consideration of these applications but when there is a detailed application - some of them are controversial and the Deputy is very familiar with a few of them - they take time. Deputy Ó Cuív is familiar with that.

**Deputy Éamon Ó Cuív:** The Minister seemed to indicate there - I was making quick notes - that there are more than 20 applications for renewal. How many of those have actually been renewed and how many are operating on the basis that they can continue doing what they are doing without a formal renewal?

Many people around Galway are very concerned about the proposal for the fin fish farm in

Galway Bay. It is fair to say that the uncertainty is causing deep upset among the public. It was reported that the Minister said a decision would be made on that soon. That was reported in the newspaper even though I can never get any indication from him here. Can he tell me within what timescale - two months, three months or whatever - he expects to make a decision on the application for the Bord Iascaigh Mhara, BIM, fish farm in Galway Bay?

**Deputy Simon Coveney:** Just to be clear, as I said earlier, we made positive determinations in respect of two renewal applications and both of those were trout farms, nothing to do with salmon at all. I am not going to give a timescale for the Galway Bay application because I have to wait to get recommendations on my desk. I have put those who are considering this application under some pressure to try to get those recommendations onto my desk but I am far more concerned about getting the decision right than I am about getting a decision made quickly on an application of that size and scale. I think people would expect that from me.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Michael McCarthy - the future of Cork Airport; (2) Deputy James Bannon - the need to recruit additional nursing staff in the Midlands Regional Hospital, Mullingar; (3) Deputy Ciarán Cannon - the need to ensure that the allocation system for local area, rural hackney licences is operating as originally intended; (4) Deputy Noel Harrington - the need for a compensation fund under the European Fisheries Fund for the mussel fishermen of west Cork and Kerry; (5) Deputies Éamon Ó Cuív and Aengus Ó Snodaigh - the concern at the roll-out of the new social inclusion and community activation programme; (6) Deputy Brian Stanley - hospice services in the midlands; (7) Deputy Brian Walsh - the need to reconsider route proposals for the N6 Galway city transport project; (8) Deputy Michael Moynihan - the fines imposed on farmers for being over quota and the discussions held with milk processors; (9) Deputy Terence Flanagan - the need for a cap to be placed on rental prices in Dublin; (10) Deputy Michael McNamara - coastal defence studies; (11) Deputy Timmy Dooley - the impact on rural medical practices where the rural practice allowance has been removed; (12) Deputy Seán Kyne - the need for a permanent extension at Scoil Mhuire, Moycullen, County Galway; (13) Deputy Mattie McGrath - the investigation into alleged fraudulent activity in the Tipperary hostel project; (14) Deputy Martin Heydon - the implications of the loss of Newbridge Credit Union, locally and nationally; (15) Deputy Thomas Pringle - the crisis in Letterkenny General Hospital; (16) Deputy Denis Naughten - the need to implement the HIQA recommendation on ambulance by-pass protocols; (17) Deputies Clare Daly and Mick Wallace - the impact of the ending of the Mare Nostrum coastguard rescue off the coast of Italy and the need for EU involvement; (18) Deputy Niall Collins - the need to address the rise in gun crime here; (19) Deputy Seán Ó Feargháil - the preparedness of the Air Corps to deal with incursions into airspace here by unauthorised craft; (20) Deputy Dara Calleary - the future of the fair deal scheme; (21) Deputy Eamonn Maloney - the need to address the instability of the rental sector; (22) Deputy Joan Collins - the need to address the homelessness crisis, both nationally and in Dublin; (23) Deputy Colm Keaveney - the HSE service plan target to reduce the number of young people with mental health problems admitted to adult psychiatric units; (24) Deputy Brendan Smith - developments in the Ukraine and the EU's engagement on the matter; and (25) Deputy Helen McEntee - the need for funding a nationwide scheme for children with special needs to the early childhood care and education scheme.

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The matters raised by Deputies Ciarán Cannon, Michael McNamara, Éamon Ó Cuív and Aengus Ó Snodaigh and Clare Daly and Mick Wallace have been selected for discussion.

### Leaders' Questions

**Deputy Micheál Martin:** Last week in the *Irish Examiner*, it was reported that approximately 400 homes have been listed for repossession since 1 January. Across Munster, the figure is just under 700 since the beginning of the year. I was looking at Kilkenny, for example, where there are 93, and Carlow, where there are 65 repossessions before the Circuit Court. That is just a typical list of any one day. There are 93 on this particular list on 11 February last. It looks like 2015 is going to be the year of repossession, given the scale and volume of repossession cases now coming before our courts. The Taoiseach will know that the finance committee of the House was given information that up to 30,000 families were given letters threatening repossession from the banks. We know there are more than 38,000 in arrears over 30 days and two thirds of those in arrears, interestingly, are in employment. It seems that many of those in arrears are actually in a position to do sustainable deals with banks, but deals are not being done. Two thirds are in employment - that is a very striking figure.

I had a case during the week of a young couple with young children, both in State employment with reasonable incomes. They had formerly been with IBRC. The Taoiseach sold all those people down the river when he sold those loan books to vulture funds. The result is there is absolutely no protection for them and no proper engagement, despite their very best efforts to engage.

A number of years ago when all of this was going through, the Taoiseach refused our proposition for an independent debt resolution settlement office. He recently met personal insolvency practitioners because we know the personal solvency system has not worked.

**An Ceann Comhairle:** A question, please.

**Deputy Micheál Martin:** There have only been approximately 1,000 cases versus 15,000 cases, which the then Minister said would happen in year one. We do not even know the proportion of those 1,000 cases which were mortgage cases. Essentially, the Taoiseach has given the banks a free rein. What is happening is that property prices are rising. The banks are going after the cases where there is no longer negative equity, knowing they can get their money back but leaving families in limbo without a home, a roof over their heads and shelter. It is having a devastating impact on many families across the country.

As late as last September, we proposed the Family Home Mortgage Settlement Arrangement Bill 2014, which went through Second Stage. It would provide a mechanism to deal with family home repossessions and to protect families. It is a realistic mechanism, using the personal insolvency practitioner service. We are trying to be constructive and reasonable but all along the way with the Land and Conveyancing Law Reform Act 2013 and so on, the Taoiseach has ignored any suggestion from this side of the House to protect families and he has given the banks a completely free rein. Will the Taoiseach consider that Bill?

**The Taoiseach:** I disagree with the allegations made by Deputy Martin. When he mentioned selling people down the river, I assume he is referring to his own selling of our country down the river a number of years ago.

**Deputy Michael Healy-Rae:** Look forward.

**The Taoiseach:** A consequence of that was a complete collapse of the construction sector, the loss of 100,000 jobs directly in the construction sector and negative equity inflicted on the vast majority of people in the country. The consequences of that crisis are still with us.

**Deputy Michael Healy-Rae:** The Taoiseach said they were not spending nearly half enough at the time.

**The Taoiseach:** The Government put together a whole suite of opportunities for borrowers to engage with lenders, to cut deals and come to a conclusion, so that they would not lose their primary home. It is fair to say that significant numbers of letters have issued to people all over the country.

**Deputy Micheál Martin:** Some 30,000.

**The Taoiseach:** That is true. In quite a number of those cases, there has been no engagement whatsoever between the person who borrowed and the lender, which will never resolve the situation. In cases where the borrowers responded to the lenders, I am not happy with the situation where some banks appear to ignore the recommendations made by personal insolvency practitioners in the interests of cutting a deal and coming to a sustainable agreement for many house borrowers. A number of personal solvency people were before a Cabinet sub-committee recently and they gave some clear evidence of this. It is our intention to call in the banks very shortly to discuss the nature of the arrangements they make with people.

Nobody wants to see a primary dwelling go or to see a family out on the road in that sense. However, this will not be solved by leaving things untouched, by not negotiating or by not engaging. Banks and others are making money. We cannot have a situation where with confidence returning to the economy, borrowers are afraid to read letters, dump them and do not engage at all with the lender. That is not a solution. We have MABS, personal insolvency practitioners and others who negotiate with banks on behalf of borrowers for solutions which mean they can retain their family homes in the first instance. Nobody wants to see them lose their family homes. However, it takes the borrowers to engage, either directly or through any of the agencies that operate on their behalf, with the banks to come to a sustainable conclusion so they can hold onto their homes and at least have clarity about the future arrangements they will make, whether one of the whole range of options now available or otherwise.

**Deputy Micheál Martin:** I do not know what land the Taoiseach is living in at times.

**The Taoiseach:** Ireland.

**Deputy Micheál Martin:** Even his response suggested that it is the borrower's fault. His whole mind-set is through the prism of what the banks are telling him. Most Deputies and I are raising cases where there has been constant engagement by the borrower with the banks but the banks have worn them down and have not engaged in many cases. That is the point I am making.

When I talk about selling people down the river, I am talking about the IBRC liquidation in those cases. When the mortgage books were sold - we raised this in the House - absolutely no protection was provided, in any shape or form, for the borrowers and families in those situations.

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The family I mentioned has engaged, chapter and verse, for three years with the IBRC and it has all been initiated by the borrower. The Taoiseach should please stop the patronising claptrap he is going on with that somehow it is the borrowers who are at fault, that they are not engaging or that they are ignoring letters. They are not. What is now happening is that the property prices are rising and the banks know they can get the full amount back and they are going after families in those situations and are not engaging in meaningful deals with them.

The Taoiseach is saying he is not happy and that he called in the personal insolvency practitioners. Why did he call them in? I warned the Taoiseach in July 2013 that this would happen. In an exchange on Leaders' Questions, he denied that there would be wholesale repossessions of family homes. It is now happening before his very eyes and in a public relations exercise last week, he brought in the personal solvency practitioners to find out what is going on on the ground. Everybody knows what is going on on the ground and it is time the Taoiseach intervened.

We have been constructive and have put forward legislation which would allow the utilisation of existing mechanisms to ensure there would be restructuring of family mortgages, in particular for families who own their homes, on a reasonable and a sustainable basis. That is not too much to ask for. It is too late for the Taoiseach to say he is calling in the banks yet again to have a chat with them about this. It is time for action and for mechanisms to be put in place.

**The Taoiseach:** I live in the same country as Deputy Martin which he destroyed economically and left no protection to any person in this country. It cost €64 billion.

*(Interruptions).*

**The Taoiseach:** It is beyond me how he can come into the House week after week with his patronising claptrap when he sold this country down the Swanee and took no responsibility for it.

*(Interruptions).*

**The Taoiseach:** Deputy Martin is wrong when he said that I blame the borrower. I said that in many cases, there is no engagement at all while in other cases, there has been. I made the point that the reason we called in the personal insolvency practitioners was to get from them first-hand evidence of where the banks are failing to cut deals after the personal insolvency practitioner has put forward a sustainable solution. I am not happy about that and that is why we will call in the banks to address that very matter. That is why it took a long time to put in place all of the options now on the table so that those hard-pressed borrowers and those distressed mortgagees can negotiate with lenders and arrive at one of a number of sustainable solutions. That is what the personal insolvency practitioners are for and where MABS and a number of other organisations have helped out.

It is true to say that thousands of letters have been sent out and that banks are back making money but it is not a case of waiting until property prices rise. Many of these mortgages have been restructured already but not enough and not quickly enough. I hope that following our engagement with the banks, we can come to a far more-----

**Deputy Joan Collins:** Compel the banks.

**The Taoiseach:** -----realistic appraisal. When personal insolvency practitioners make an

arrangement, I do not want to hear banks telephone the client to say they will not accept that deal but will accept it if the client gets rid of the personal insolvency practitioner in the first place and waives his or her fee. That is not good enough and I do not, nor will I, accept that from banks in the borrowers' interest.

**Deputy Gerry Adams:** Once again, hundreds of our citizens are languishing on hospital trolleys. There were 551 people on trolleys this morning, some 32 of these in Our Lady of Lourdes Hospital in Drogheda, which consistently has among the highest number of patients on trolleys. In 2011, when the Taoiseach's Government took office, there were 10,000 patients waiting longer than six months for elective care. Last month there were 24,369. My constituency, and I am sure it is the same for all Deputies, is inundated with people who are waiting for unacceptable periods for procedures. One man from Drogheda, Peter McDonnell, has been waiting for two years for surgery. Lily McDonnell is waiting for an urgent surgical appointment for the removal of a growth on her face. Apart from the 24,369 who cannot get surgical appointments within a reasonable time, there are those citizens who cannot be discharged because the Taoiseach's Government will not provide the level of care in the home that they deserve. The health Minister, Deputy Leo Varadkar, has said the Government's response has not been enough. The Minister is a master of understatement - the Taoiseach has taught him well - but the issues remain; we have patients on trolleys, citizens without home care packages and elective surgeries cancelled. Meanwhile, the Government paid €7.5 billion in debt interest, including private banking debt. Will the Taoiseach accept that there is a clear link between the hospital crisis and the pursuit of such wasteful and unjust austerity policies by Fine Gael and Labour?

**The Taoiseach:** As I have often said to the Deputy before, if money could have sorted this out, it would have been done ages ago. He mentioned the trolley count. The trolley count numbers for today, 17 February, at 8 a.m. show 464 patients waiting on trolleys nationally, with 222 of those waiting for longer than nine hours. Yesterday's figure was 445 on trolleys at 8 a.m., with 248 waiting over nine hours. Yesterday's evening figure showed that the number of patients waiting had reduced to 235 by 8 p.m. and 103 of those were waiting over nine hours. Yesterday morning in Drogheda there were 44. By 2 p.m. that had reduced to 22 and by 8 p.m. it had reduced to 18. The 8 a.m. figure for this morning shows 22 people on trolleys, half yesterday's figure. The Minister for Health has pointed out quite clearly that the trolley waits are unacceptable and he acknowledges the difficulties the overcrowding in emergency departments causes for patients-----

**Deputy Michael Healy-Rae:** What is he doing about it?

**The Taoiseach:** -----their families and the staff who do their utmost to provide safe and quality care in very challenging circumstances.

The Deputy mentioned the hospital in his own constituency. Drogheda has had particular difficulties over the past weekend, up to and including yesterday, as I have pointed out. The hospital has treated three patients who tested positive for influenza and there has been a sporadic outbreak of norovirus, which has been contained and isolated and has not had an impact on bed capacity. I am informed that the hospital is confident there is no need to activate any ambulance diversion at this time. At the Labour Relations Commission last week, 22 agency nurse conversions, 66 nursing posts and an additional health care assistant post were agreed for Drogheda hospital, with industrial action suspended until October, pending the putting in place of these staff. I am quite sure that they, along with existing staff, will do their utmost to see that

this is regulated in the best way possible.

The Deputy is also aware that the Minister for Health appointed and convened the emergency department task force last December, to provide focus and momentum in dealing with the challenges presented by the current trolley waits. At its meeting on 2 February, that task force considered a draft action plan to specifically address emergency department issues with a view to reducing trolley waits in 2015. The Minister is determined that the action plan be completed as soon as possible, that the views of the task force are taken into account and are implemented without delay. Other measures are being taken. The HSE is accessing all suitable non-acute accommodation to the maximum extent possible to allow those who have been clinically discharged to leave acute hospitals. The allocation of €25 million made a big impact here in terms of the delayed discharges in the national service plan. That was utilised, as was planned, to provide additional funding for 50 transitional care beds in the greater Dublin area, 65 extra beds in Mount Carmel to come on stream on a phased basis from April, and a range of additional home care packages. It is never easy, believe me, but it is a case of a Minister making the most effective decisions possible to regulate it in such a way that those who need care and attention get the very best, delivered by front-line staff, who are very challenged in some cases.

**Deputy Gerry Adams:** I asked the Taoiseach whether he would agree that there is a connection between his brutal austerity policies and the crisis in our health services. He did not answer that. He hit me with a blizzard of statistics, almost like a commentator at a horse race. There is a connection. The Taoiseach knows that and he will not acknowledge it. That is the price people are paying for his policies. Could I have the Taoiseach's attention? I thank the Minister. Last month I raised with him twice a letter from HIQA, which said that if recommendations made in 2012 had been implemented, the risks to patients would have been significantly reduced. He promised to write to me and he did not do it. I asked him again at last week's Leaders' Questions and he promised again to write to me but still has not done it.

**Deputy Finian McGrath:** Drop him a note.

**Deputy Gerry Adams:** I did receive a letter from the Minister for understatement in answer to an Order of Business query. It only arrived into my office this afternoon, so I have not been able to give it the type of consideration it requires. However, what did HIQA say in 2012 about this issue of what the Taoiseach calls "trolley waits"? It recommended that "[e]very hospital should cease the use of any inappropriate space (for example, a hospital corridor or a parking area for trolleys) to accommodate patients receiving clinical care".

What is the Minister's response in his letter today? The Ceann Comhairle must listen very intently to this.

**An Ceann Comhairle:** We are over time.

**Deputy Gerry Adams:** "The special delivery unit has developed a standardised definition of an inappropriate space, and accommodation of patients in inappropriate spaces is monitored by both the HSE and the IMNO."

**An Ceann Comhairle:** A question, please.

**Deputy Gerry Adams:** This is *Alice in Wonderland*, or Leo in Enda-land, where words mean what the Government wants them to mean. Is it the truth that the situation in our hospitals, the crisis that our people are experiencing every single day, is the price the Government

expects them to pay for the Taoiseach's brutal austerity policies?

**The Taoiseach:** The trampoline must be having an effect on Deputy Adams. He was asked yesterday or the day before how he proposed to fund water services.

**Deputy Gerry Adams:** I will not let the people pay for them twice.

**The Taoiseach:** The clear implication of his response is to increase commercial rates and income tax.

**Deputy Gerry Adams:** No. The Taoiseach was not listening to me.

**Deputy Sandra McLellan:** False.

**Deputy Brian Stanley:** He is misleading the House.

**The Taoiseach:** His deputy leader says it is "all forms of formulae", that is what is going to happen.

**Deputy Gerry Adams:** The Taoiseach should answer the question.

**The Taoiseach:** In respect of Deputy Adams's link between the challenges the country faces-----

**Deputy Gerry Adams:** Challenges which the Government has imposed on citizens.

**The Taoiseach:** -----and austerity, as he put it, he is the person who has said in here time and again that he does not want the moneys that were put into AIB returned to the taxpayer. He wants it retained in public ownership.

**Deputy Gerry Adams:** I did not. The Taoiseach is misleading the Dáil.

**The Taoiseach:** He has said that in here on more than one occasion.

**Deputy Gerry Adams:** He is misleading the Dáil again.

**The Taoiseach:** That money should and will be returned to the taxpayer because of the mess these people left behind them when they vacated office in ignominy just a number of years ago.

**Deputy John Lyons:** That includes Deputy McGrath.

**The Taoiseach:** The Minister for Health did respond to Deputy Adams at length today. I have his letter here and it is a long and detailed letter, answering all the points the Deputy raised.

**Deputy Gerry Adams:** What about the specific question?

**The Taoiseach:** The Minister says in part of his letter that the Deputy chose not to read out, that "the HSE disseminated copies of the HIQA Tallaght report to all relevant care providers and requested local assessment of service provisions against these". He went on to say, in focusing on the emergency care recommendations, the HSE wrote to all sites providing emergency care in relation to care provision in those appropriate areas.

**Deputy Gerry Adams:** Yet the Taoiseach cannot write to me.

**The Taoiseach:** "Where care was provided in sites other than designated beds, it directed

that risks be managed appropriately.”

**Deputy Gerry Adams:** What about HIQA recommendations?

**The Taoiseach:** It is all there for Deputy Adams. He requested last week that he get a response. He got a response, but he does not want to read it.

**Deputy Gerry Adams:** I did not get an adequate response.

**The Taoiseach:** It is a detailed response and it answers all the points he raised last week.

**Deputy Finian McGrath:** The people on the trolleys are the real story.

**The Taoiseach:** He may increase commercial rates if he wants, and income tax. If that is his view, he should say it out straight.

**Deputy Gerry Adams:** The Taoiseach should send the reply to the people on trolleys.

**An Ceann Comhairle:** I call Deputy Ruth Coppinger.

**Deputy Ray Butler:** Perhaps Deputy Gerry Adams would like to do the same at the Royal Victoria Hospital in Belfast.

**An Ceann Comhairle:** Deputy Ray Butler should stay quiet. I have called Deputy Ruth Coppinger. Is his name Coppinger?

**Deputy Ruth Coppinger:** In reacting to the arrests last week, arising from the protest in Jobstown, the Taoiseach stated the matter was entirely one for the Garda, which is completely independent of the Government. Will he expand on this view in the light of the arrests over seven days of residents of Tallaght? The Government is not totally separate from the Garda or, for that matter, the Judiciary. It hires and can effectively fire the Garda Commissioner, for example. Would it not be amazing if the Garda was making independent decisions to devote such a high level of resources to dealing with one protest and the water charges generally? Is it not worrying that the Garda has such powers of decision making without any democratic control by elected representatives?

The Anti-Austerity Alliance does not believe there is a paper trail somewhere linking the Government with the current actions being taken by the Garda. That is a highly unlikely scenario. The point of political policing, however, is that the Garda is operating in a political fashion that benefits the Government. For example, the Taoiseach and the Garda Commissioner hold similar views on protests. Last November the Taoiseach stated in the House that protesters in Jobstown had acted “like hounds after a fox,” thereby depicting them as wild savages rather than people who were livid following six years of austerity. The Garda Commissioner, Ms Nóirín O’Sullivan, described some of the protests against water charges as unacceptable in “tone and sentiment.”

I received a letter from a garda following my contribution last week.

**An Ceann Comhairle:** The Deputy’s time has concluded.

**Deputy Ruth Coppinger:** I will read a short segment which describes how he feels about being asked to intervene in the water charges issue. He states:

What is really bringing the Gardaí into disrepute is not the water charge protesters, but the government that is using us against them. As a Garda, I am to prevent protesting the installation of water meters, but as a worker, I am not paying when the bills drop in April. An Garda Síochána is paying a heavy price for their role in the introduction of the water tax. We are losing credibility with the ordinary man and woman. Successive governments have long since willed the Gardaí of our country to be protectors of corporate Ireland and their vested interests at the expense of workers.

Is this garda not right? Are the Garda and the courts not being used to defend corporate interests and the establishment, as we see in the anti-water charge protests and have seen in the cases of the Greyhound and Thomas Cook workers, Rosspport and many other circumstances? How else could one describe the current policing of communities which are protesting against the installation of water meters that do not benefit them, that only benefit companies, including some which are owned by the richest man in Ireland, Mr. Denis O'Brien?

**The Taoiseach:** I reject the Deputy's charge that the Garda is operating on the basis of political direction. That is outrageous. Gardaí operate on the directions of the Garda Commissioner who runs the day-to-day operations of the Garda. In that context, they do not operate to any mandate from any Government and cannot do so.

The Deputy referred to water charge protests and the Anti-Austerity Alliance. I am not sure whether she believes it is appropriate that somebody should not be allowed to get out of a car for more than two hours and be prevented from moving. She has referred to protests that have been taking place for many years in Ross Dumhach. I do not know if she was ever there, but most of those who were protesting were not from the locality or region and, in many cases, not from this country. To say the Garda is operating in a political fashion is completely without basis, false and untrue and the Deputy knows better.

I do not know to which gardaí the Deputy has been speaking or which garda has written to her. If she wishes to publish the letter of the garda in question, we will be happy to see what he has to say. I find it strange, however, that workers who go about the legitimate business of installing water meters which are a measure in reducing water consumption and, therefore, for beating the cap are being told within 30 minutes of their arrival by some of the Anti-Austerity Alliance people who they are, where they live and that they should be very careful. I find that quite sinister.

**Deputy Paul Murphy:** That is not true.

**Deputy Ruth Coppinger:** I completely reject the Taoiseach's comments. Not all of the approximately 350 groups protesting against the water charges come under the auspices of the Anti-Austerity Alliance. Ongoing commentary in the media and sections of the establishment suggests the protest in Jobstown went beyond the Pale, perhaps because the Tánaiste is female or because she was delayed for two hours.

**Deputy Regina Doherty:** Perhaps it is because what happened was wrong.

**Deputy Ruth Coppinger:** Is it not understandable the protests have taken on a different character from previous ones, given what people have endured for six long years?

**Deputy Regina Doherty:** That does not make it all right.

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**Deputy Ruth Coppinger:** I refer, in particular, to what has been done in communities such as west Tallaght where I worked as a teacher for 11 years.

**An Ceann Comhairle:** This is Question Time and the Deputy must put a question.

**Deputy Ruth Coppinger:** The cuts made by the Tánaiste and Minister for Social Protection hit child benefit, the lone parent allowance, rent supplement and a whole host of other areas.

**Deputy John Lyons:** Does that make it okay to abuse people?

**Deputy Ruth Coppinger:** It may explain the reason people are so angry.

**Deputy John Lyons:** Does it make it okay to abuse people?

**An Ceann Comhairle:** I ask the Deputy to put a question. She is over time.

**Deputy Joe Higgins:** Deputy Ruth Coppinger is being interrupted by Deputy John Lyons.

**An Ceann Comhairle:** The Deputy should mind his own business for one moment and allow Deputy Ruth Coppinger to conclude.

**Deputy Ruth Coppinger:** The Taoiseach may wish to consider the deployment of Garda resources in parts of County Mayo.

**An Ceann Comhairle:** The Deputy is over time.

**Deputy Ruth Coppinger:** I did not get a chance to speak.

**An Ceann Comhairle:** The Deputy should not give me that stuff.

**Deputy John Lyons:** She is making the same speech she made last Thursday.

**An Ceann Comhairle:** I will handle this matter. Deputy Ruth Coppinger should ask a supplementary question.

**Deputy Ruth Coppinger:** Several months ago 1 million people watched an RTE programme which showed women being assaulted in the Áras Attracta nursing home, yet no arrests have been made.

**An Ceann Comhairle:** I will switch off the Deputy's microphone if she does not ask a supplementary question.

**Deputy Ruth Coppinger:** That is a supplementary question.

**An Ceann Comhairle:** What was the question?

**Deputy Ruth Coppinger:** Why have no arrests been made in the Áras Attracta case?

**An Ceann Comhairle:** The Deputy should ask a supplementary question. I will not ask a third time.

**Deputy Ruth Coppinger:** I am being continually interrupted.

**An Ceann Comhairle:** The Deputy is over time.

**Deputy Ruth Coppinger:** I am explaining my question.

**Deputy John Halligan:** The Deputy is being interrupted.

**An Ceann Comhairle:** I am trying to maintain order.

**Deputy Ruth Coppinger:** If the Ceann Comhairle stops interrupting me, I will ask my question.

**An Ceann Comhairle:** I will interrupt Deputies when they go over time. The Deputy should ask a supplementary question.

**Deputy Ruth Coppinger:** I can pass on to the Taoiseach the letter I received from a garda. The reason he wrote to me-----

**An Ceann Comhairle:** That is not a question.

**Deputy Ruth Coppinger:** The Taoiseach asked if I knew the garda and the reason he had written to me.

**An Ceann Comhairle:** I do not care what the Taoiseach asked. The Deputy has one minute in which to ask a supplementary question and she has been speaking for exactly two minutes and 40 seconds.

**Deputy Ruth Coppinger:** I have repeatedly been interrupted.

**An Ceann Comhairle:** Please ask a supplementary question.

**Deputy Ruth Coppinger:** Am I allowed to ask a question about policing and what the Taoiseach said?

**An Ceann Comhairle:** Ask the question.

**Deputy Ruth Coppinger:** That is what I am doing. This is unbelievable.

**An Ceann Comhairle:** The Deputy will have to learn to obey the rules like everybody else in the House. She cannot go on and on.

**Deputy Joe Higgins:** This is ridiculous. The previous contributions should have been timed.

**Deputy Ruth Coppinger:** The point the garda makes in his letter is that gardaí are being asked to go to civil protests in the heart of communities to act on behalf of the Government in the implementation of water charges and on behalf of companies in the installation of water meters. Many gardaí are not happy in doing this. Far from defending the Garda last week, the Taoiseach was defending Government policy and the Government's use of the Garda. Is that not the case?

*(Interruptions).*

**The Taoiseach:** The Deputy made a series of comments, as opposed to asking a question. On her remark about women being assaulted in Áras Attracta and the use of Garda resources in County Mayo, that is a serious case that is being investigated.

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**Deputy Ruth Coppinger:** Why has no one been arrested?

**The Taoiseach:** The Deputy seems to know that nobody has been arrested. I cannot comment on that matter, as it is one for the Garda and investigations are taking place in the Health Service Executive. It should never have happened. I attended the opening of a geriatric unit in Dublin. Those who were involved in the protest about water charges had no interest in the people in the geriatric unit. Their intention seemed to be to knock gardaí and kick them on the ground. That seemed to be the intention of those who were protesting-----

**Deputy Ruth Coppinger:** What protests is the Taoiseach talking about?

**The Taoiseach:** I am sure the Deputy does not support that.

**Deputy Paul Murphy:** What protests is the Taoiseach on about?

**The Taoiseach:** For that reason, I reject what she said about the gardaí operating in a political fashion here. They have a job to do that is very difficult and it is not being helped by some of the clients that I see on the streets. It might be far more in their interest if they looked around the country to see the many places that have inferior water and that have no facilities in terms of being able to do business in the way one would expect.

**Deputy Finian McGrath:** The Taoiseach is talking about fixing leaks for four years. They have not been fixed yet.

**The Taoiseach:** We cannot deal with those challenges unless we have a system of investing to fix and investing for the future. All those people could help in their own small way. A man approached me with two pints in his hands complaining about the charge. I reminded him that one pint would pay for his water as a single person for a couple of weeks.

**Deputy Joan Collins:** Many rural areas do not have a Garda station.

**Deputy Finian McGrath:** The Taoiseach is talking about fixing leaks for four years.

## **Ceisteanna - Questions (Resumed)**

### **Northern Ireland Issues**

1. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of his statement on 17 October 2014 regarding the commencement of political talks in Northern Ireland. [41669/14]

2. **Deputy Micheál Martin** asked the Taoiseach his views on his close contact with the British Prime Minister, David Cameron, on the political talks in Northern Ireland; and if he will make a statement on the matter. [41670/14]

3. **Deputy Micheál Martin** asked the Taoiseach the discussions he has had with the British Prime Minister, David Cameron, regarding the Northern Ireland talks; and if he will make a statement on the matter. [41691/14]

4. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the British Prime Min-

ister, David Cameron, regarding the next stage of the talks in Northern Ireland; and if he will make a statement on the matter. [43795/14]

5. **Deputy Gerry Adams** asked the Taoiseach if he will provide details of his statement on 7 October 2014 regarding the commencement of political talks in the North of Ireland. [43810/14]

6. **Deputy Gerry Adams** asked the Taoiseach if he will report on discussions he has had with the British Prime Minister, David Cameron, regarding the political talks in the north of Ireland; and if he will make a statement on the matter. [43811/14]

7. **Deputy Joe Higgins** asked the Taoiseach if he will report on discussions with the Prime Minister of the United Kingdom regarding Northern Ireland. [43820/14]

8. **Deputy Joe Higgins** asked the Taoiseach if he will report on discussions with the First Minister and Deputy First Minister and other political leaders in Northern Ireland. [43821/14]

9. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the best way to deal with the legacy of the past in Northern Ireland with the British Prime Minister, David Cameron; and if he will make a statement on the matter. [44782/14]

10. **Deputy Micheál Martin** asked the Taoiseach if he has been provided with a report by the Department of Foreign Affairs and Trade on progress after seven weeks of political talks in the north of Ireland; and if he will make a statement on the matter. [46810/14]

11. **Deputy Micheál Martin** asked the Taoiseach when his Government expects an agreement on the all-party talks in Northern Ireland; and if he will make a statement on the matter. [46811/14]

12. **Deputy Gerry Adams** asked the Taoiseach if the prospect for success of political talks, involving all parties in the North of Ireland, and both Governments, was discussed at the recent meeting of the British-Irish Council on the Isle of Man; and if he will make a statement on the matter. [46819/14]

13. **Deputy Gerry Adams** asked the Taoiseach if he met the British Prime Minister, David Cameron, while attending the European Union Council meeting; if efforts to reach agreement between the North's Executive parties was discussed; and if he will make a statement on the matter. [2136/15]

14. **Deputy Gerry Adams** asked the Taoiseach if he will report on his discussions with the British Prime Minister, David Cameron, in Belfast in December 2014; and if he will make a statement on the matter. [2142/15]

15. **Deputy Gerry Adams** asked the Taoiseach if he will report on subsequent discussions with the British Prime Minister, David Cameron, following their departure from Belfast on 12 December 2014; and if he will make a statement on the matter. [2144/15]

16. **Deputy Gerry Adams** asked the Taoiseach if he will report on the Government's commitments to the Stormont House Agreement of December 2014; and if he will make a statement on the matter. [2145/15]

17. **Deputy Micheál Martin** asked the Taoiseach the position regarding the meeting with

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the British Prime Minister, David Cameron, on 11 and 12 December 2014 in Belfast; and if he will make a statement on the matter. [2160/15]

18. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the British Prime Minister, David Cameron, regarding the recent deal in the North of Ireland; and if he will make a statement on the matter. [2177/15]

19. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the British Prime Minister, David Cameron, regarding the lack of agreement between the parties in Northern Ireland regarding flags and parades; and if he will make a statement on the matter. [2178/15]

20. **Deputy Micheál Martin** asked the Taoiseach his views on the 23 December 2014 Stormont House Agreement; and if he will make a statement on the matter. [3268/15]

21. **Deputy Micheál Martin** asked the Taoiseach the position regarding the joint paper that the Irish and British Governments agreed before talks took place on 11 December 2014; and if he will make a statement on the matter. [3276/15]

22. **Deputy Micheál Martin** asked the Taoiseach the position regarding his telephone conversation with Prime Minister Cameron; and if he will make a statement on the matter. [3277/15]

23. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his discussions with the Prime Minister of the United Kingdom around the political talks leading up to the Stormont House Agreement; and if he will make a statement on the matter. [4358/15]

**The Taoiseach:** I propose to take Questions Nos. 1 to 23, inclusive, together, as they relate to the Stormont House Agreement, and the remaining questions are different.

I recall that when I answered questions on Northern Ireland in October last, the British and Irish Governments had just confirmed their intention to convene all-party talks. Since then the political landscape in Northern Ireland has changed significantly and for the better.

The successful conclusion of the Stormont House Agreement on 23 December 2014 represented the culmination of many months of negotiation and behind the scenes diplomacy, but also a prolonged period of close relationship building. I am pleased that the Government and I, working closely with our British counterparts, and, of course, with the Northern Ireland parties, have played an important role in helping to broker this agreement. The negotiations involved a huge commitment from both Governments, the First and Deputy First Minister and all the parties concerned. The Prime Minister and I maintained close contact regarding Northern Ireland over this time, including in particular our joint visit to Stormont on 11 and 12 December in an effort to finalise the talks process. I believe that our direct involvement in the talks at that time helped to move them forward and laid a firm platform for the agreement ultimately reached on 23 December. I met Prime Minister Cameron most recently at the EU Council meetings in December and last week but I did not have an opportunity to discuss Northern Ireland issues in detail with him on those occasions.

I outlined in January's Dáil debate on Northern Ireland the detailed provisions of the Stormont House Agreement. Briefly, the agreement covers a broad range of political, social and economic issues. It sets out a plan for financial and budgetary reform. It proposes a way forward on flags, identity, culture and tradition through the establishment of a commission, envisages the devolution of responsibility for parades to the Northern Ireland Assembly, establishes a

programme of institutional reform at Stormont and progresses a number of outstanding aspects from the Good Friday and St. Andrews Agreements. Significantly, it establishes a new comprehensive framework for dealing with the legacy of the past.

In the context of the agreement, the Government undertook a number of commitments which will be an important focus of our work in the period ahead. These include the drafting of legislation where necessary in relation to the establishment of new institutions for dealing with the legacy of the past. In particular, legislation will be required to establish an independent commission on information retrieval, which will enable victims and survivors to seek and receive information about the death of their loved ones. The Government committed to a number of measures that will contribute to economic renewal in Northern Ireland as well as being beneficial to the all-island economy. These include Stg£50 million in financial support to complete the A5 road project in the north west and a commitment to further progress the north west gateway initiative.

In the period ahead, we will continue to advance political progress and to play our part in the implementation of the Stormont House Agreement. To this end, the Minister for Foreign Affairs and Trade and the Minister of State at the Department of Foreign Affairs and Trade, Deputy Sherlock, attended the first quarterly review meeting on 30 January which agreed a comprehensive implementation plan for all provisions of the agreement. As part of the ongoing contacts between the two Governments regarding the implementation of the agreement, the Secretary of State for Northern Ireland, Ms Theresa Villiers MP, met the Minister in Dublin last week, which was an opportunity for both Governments to review progress on the implementation of the agreement. The meeting also gave the Minister the opportunity to discuss a broader range of issues with the Secretary of State, including the justice and security situation in Northern Ireland and a number of specific legacy cases.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. It is four months since Northern Ireland-related topics have arisen during Questions to the Taoiseach. That is an example of the impact of cancelling questions on Wednesdays, which the Taoiseach did some years ago, and of failing to re-schedule Tuesday sessions when he is away on other business. It is also a good illustration of how Northern Ireland matters have been marginalised in the House.

The budget Sinn Féin and the DUP have been moving through the Assembly contains a raft of what could be termed “deep austerity measures”. Despite all we have heard about them, it is fair to say that those who are allegedly radically against austerity are busily implementing these cuts. The trade unions in the North have started a campaign on these cuts calling them “a savage attack on public services in Northern Ireland”. All that has been achieved in the two years of posturing by Sinn Féin and others is a moving around of cuts between Departments and more borrowing to try to deal with the situation.

The Irish National Teachers Organisation, INTO, for example, estimates that schools, which all of us will agree are key to the future of Northern Ireland, will experience a 4% cut in real terms and the loss of 500 teachers, which is a worry given the fact that in parts of east Belfast and west Belfast, there are significant early school leaving figures that bode ill in terms of the future. We need more investment in education in the North, not less; we need more school completions in the North, not less; and we need proper linkages between education and a bridge to third level and a bridge to employment, not less. I do not believe, therefore, that this aspect of the deal is good for Northern Ireland. There are exceptional issues relating to Northern Ireland that need financial underpinning. Will the Taoiseach comment on that? Does he believe that

this is the case?

I was in Northern Ireland last week speaking to analysts and academics and I was shocked at the poor school completion rates in many state schools. Up to 40% of pupils do not complete second level. In many of the socio-economically disadvantaged areas in the North such as west Belfast, east Belfast and Lurgan, school completion figures are shocking. If we want a proper dividend from the Good Friday Agreement, I would have thought that both Governments and the Executive would have made one major effort to deal with educational achievement and attainment, in particular focusing on school completion rates. We did this in the Republic. The school completion rate was 78% in 1997-98 whereas now it is 91%. That was because of focused policies dealing with disadvantage, which have achieved significant results. If there was a similar singular focus on such issues, better school completion rates could be achieved in many socio-economically disadvantaged areas in Northern Ireland. That would contribute in the long term to a more sustainable peace than we currently have because the interface walls are as high as ever and they have increased in number.

*4 o'clock*

This is a huge issue in terms of whether or how they will ever come down and in terms of integration.

I do not understand how Sinn Féin or the DUP can stand over the cuts on teachers and investment in education, because this is the main issue at the core of social and education policy in the North. The health indices are also very poor in some communities, in terms of life outcomes, quality of life and so on. Does the Taoiseach think this aspect of the Stormont House Agreement is a good deal?

I accept and agree it is imperative that a significant effort must be made to implement the agreement. Many of these agreements are made, but significant numbers of items on the agenda tend to be delayed in implementation. As far as I can see, all that has been implemented so far is the austerity budget.

Cross-Border co-operation is a weak dimension to the agreement. It has been withering on the vine over the past years, there is a lack of momentum in terms of the institutions that have been established and morale is low in a number of cross-Border institutions. Has the Government any agenda in terms of significantly enhancing cross-Border co-operation, in particular between the existing institutions, and are there any ideas for new cross-Border institutions? I believe, for example, that there should be just one Enterprise Ireland on the island, supporting all small to medium sized enterprises. I see no reason for two such institutions as one would suffice. However, these issues are not even being put on the table for these talks.

On the issue of parades, does the Taoiseach believe that the issue of devolving the management and decision making in regard to parades should go to the Assembly? Politics is all around these issues and the political system and the politicians have not been capable of resolving the parades issue. The Parades Commission was undermined - and by the British Government in recent times - in a number of ways. If we stack it up against what has been proposed, a strong independent and objective parades commission is a better option than leaving the issue to the Assembly. Three or four years ago, the political parties promised they would resolve the parades issue, but they did not do so. Many of the issues raised in the Stormont House Agreement have been kicked down the line, but the danger in kicking the can down the road is that

matters only get worse in terms of how they are managed. The parades issue in particular has always been a catalyst for potential difficulties and I do not believe devolving it to the Assembly is a great idea. That decision should be revisited.

In terms of the past, I welcome some elements of the agreement. However, I was in south Armagh last week and met the parents of Paul Quinn. I had almost to pinch myself to accept the reality that they have got no satisfaction in any shape or form in terms of anyone owning up to his murder or giving information to the police. This man was murdered in an unspeakable manner, with every bone in his body broken. There seems to be a vow of *omerta* in place across the entire community. Sinn Féin personnel have undermined the individual murdered, releasing unfounded rumours about him. I met the support group and the parents. Paul Quinn's parents would be cynical and sceptical about any look at the legacy of the past, but this murder happened in the more recent past, just a number of years ago, yet there has been no response from anybody in the IRA. It seems a different law applies and nobody can provide any resolution or sense to the family in regard to what happened.

**The Taoiseach:** I have heard many comments from Sinn Féin spokespersons saying they blocked austerity in Northern Ireland, but clearly the budget and its implementation is a matter for the parties in the Northern Ireland Executive. The role and responsibility of this Government and the British Government in regard to the matters that are the subject of the Stormont House Agreement is to work with the parties. The implications of the budget and the allocation of resources or moneys from the British Government are matters that were discussed between the Prime Minister and the First and Deputy First Ministers. Despite all of the difficulties over the past years, it was not a case of reducing numbers of teachers and other essential services and they are now in a position of being able to continue to recruit teachers.

I agree with Deputy Martin on the truth of some of the issues he raised following his visit to Northern Ireland. The level and degree of co-operation between the Government and Ministers of State is very strong and visits take place regularly. The next North-South Ministerial Council will take place in early summer 2015 and I understand a great deal of cross-Border work goes on at that. The peace dividend arising from the European Presidency we held continues and we want to see it continue further. We have been supportive of the decision made by the British Government to allow our corporation tax rate to become the subject of examination and decision by the Northern Ireland Assembly. I have often made the point that this is a small island and clearly, it is a matter for Northern Ireland as to how it wants to make up the money it may lose in the context of reducing the overall corporate tax rate and of how we present the island of Ireland as an attractive location for industry and investment.

As happened in Deputy Martin's time in government, we continue the process of engaging with Northern Ireland Executive Members. They participated in the flow of information, through our Presidency of the European Union, and we have co-operated with representatives from Northern Ireland on trade missions abroad. Some of these visits took place at the same time as our Presidency and included personnel who represented the Northern Ireland Executive, in most cases the First and Deputy First Ministers.

On the question of parades, it must be borne in mind that the parties themselves invited Dr. Haass to Northern Ireland originally to attempt to breach some of the gaps that had arisen and that the parties wish to agree on a number of matters where they feel there is agreement. The Stormont House Agreement states that powers to take responsibility for parades and for related protests should be devolved to the Northern Ireland Assembly and that the remaining issues in

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that regard, including a code of conduct, criteria and accountability must be addressed in legislation. The Assembly is one where legislation can be drafted and put through. This legislation will focus on the rights and responsibilities of those involved in or affected by parades and related protests, with proper regard for fundamental rights protected by the European Court of Human Rights.

I understand from the agreement that the Offices of the First and Deputy First Ministers will bring forward proposals to the Northern Ireland Executive by June of this year and there will be full public consultation in regard to any legislation proposed. It is by agreement of the parties themselves that responsibility for the issue should be devolved to the Assembly. Clearly, they know the ground very well.

In regard to issues of the past, this issue resulted in agreement after 11 weeks of intensive discussion. The issues in this regard included finance; welfare; flags; identity; culture; transition; parades; the past; institutional reforms; and outstanding commitments. The processes dealing with the past are to be victim centred. The United Kingdom and Irish Governments recognise there are outstanding investigations and allegations into Troubles related incidents, including a number of cross-Border incidents. They are committed to full co-operation with all the bodies involved to ensure their effective operation, to recognising their particular and distinctive functions and to bringing forward legislation where that might be necessary. The Executive will, by 2016, establish an oral history archive to provide a central place for people from all backgrounds and from throughout Ireland and the United Kingdom to share experiences and narratives related to the Troubles. That archive will be independent and free of all political interference. A comprehensive mental trauma service will be implemented. It will operate within the NHS and will work closely with the victims' and survivors' service, which is important. The Deputies will also be aware that there will be a new independent body called the historical investigations unit which will take forward the investigations into deaths related to the period of the Troubles, including outstanding cases from the PSNI's historical inquiries team and the legacy work of the Police Ombudsman for Northern Ireland. The Department of Justice and Equality here and the Northern Ireland Office will work with senior members of the Judiciary to bring forward proposals for consultation to reform the way the legacy inquest function is conducted to better comply with the European Court of Human Rights Article 2 requirements. Such requirements include that it be reasonably expeditious, independent, effective, transparent and capable of securing accountability. That unit will be overseen by the Northern Ireland Policing Board and should be able to complete its work within five years of its establishment.

The agreement also provides for an independent commission on information retrieval to be established by the UK and Irish Governments. Its objective will be to enable victims and survivors privately to seek out and receive information about Troubles-related deaths. The commission's remit will cover both jurisdictions and will be entirely separate from the justice system. Once established, it will run for no more than five years. It will be led by four members - an independent chairperson, together with one member each nominated by the Executive and the Irish and British Governments. I assume that the information relevant to whatever case is in question will be made available to the persons who seek it. I hope that will be the case, even in some cases that are not part of the Stormont House Agreement.

The implementation and reconciliation group will be established to oversee themes, archives and information recovery. It will have 11 members and publicly elected representatives will not be eligible for appointment to that body. The chair, who will be independent and of

international standing, will be nominated by the First and Deputy First Ministers. After five years, the group will report on those themes that are emerging. These are important issues which involve a lot of work and this Government will continue to work closely and effectively with the Executive and the members.

**Deputy Gerry Adams:** Tá seacht gceist agam, but before I deal with the substance of what are very important questions, caithfidh mé a rá go dtarlaíonn sé uaireanta sa Teach seo go mbíonn muid ag caint faoi rudaí i rith Ceisteanna chun an Taoisigh a tharla cúpla mí níos luaithe. Inniu, mar shampla, baineann cuid de na ceisteanna le rudaí a tharla i mí Dheireadh Fómhair. We are now talking about matters which happened before the Stormont House Agreement was signed. Once again, there is a problem in terms of trying to resolve that.

I also wish to take the opportunity to congratulate my friend and comrade, Mr. Mitchel McLaughlin and his wife, Mary Lou, on Mitchel's appointment as Speaker of the Assembly. Mitchel was one of those who marched in the 1960s for civil rights. He was in Derry on Bloody Sunday. He has been an outstanding servant to people of all political persuasions and none and I am sure the Taoiseach will enjoy working with him. I also want to extend my best wishes to Mr. Willie Hay, who was an outstanding Speaker; he was very fair and a decent man.

I always try to figure out the best way to come at certain issues but Jonathan Powell, who was Tony Blair's chief of staff for much of the peace process recently acknowledged the contribution that British Government inattention made to the failure of politics and the emergence of conflict in the North. He said: "In the 1960s and for decades before, the British Government paid absolutely no attention to what was happening in Northern Ireland". He said that Catholic complainants were referred back to the Protestant authorities in Stormont and were pushed to one side. Powell argues that if the British had been sensible they would have insisted on fair access to housing, "which was what caused the civil rights movement", on fair employment laws, on power sharing and on an end to Unionist gerrymandering. The same things could be written about an Irish Government, including Fianna Fáil-led Governments, and I believe that we are still at that danger point.

I listened to the Fianna Fáil leader previously. I do not want to say anything that is offensive but a man was killed in this city the other evening. I do not know the man. God help him and his family; he was shot to death in his home. There is no talk about a vow of *omerta* across the entire community in the place where that man was killed, but it is okay to say that about people in south Armagh - that the entire community has taken a vow of *omerta*. The Fianna Fáil leader talks about the killing of Paul Quinn---

**Deputy Micheál Martin:** I was referring to Deputy Adams's community.

**Deputy Gerry Adams:** My community is Ireland.

**An Ceann Comhairle:** Sorry, Deputy Martin, please.

**Deputy Micheál Martin:** Deputy Adams should look at what his people said at the time of Paul Quinn's death. It was deeply offensive to his parents - deeply offensive.

**An Ceann Comhairle:** Please, this is question time. Thank you Deputy.

**Deputy Micheál Martin:** They were undermining the man.

**Deputy Gerry Adams:** I never interrupted the Deputy.

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**An Ceann Comhairle:** Please proceed.

**Deputy Micheál Martin:** That is what happened.

**Deputy Gerry Adams:** I spoke just a fortnight ago about the killing of Paul Quinn. He was killed by criminals who should be subject to due process. I appealed to anyone who has any information whatsoever to bring it forward. I also said that if anyone wanted to give information to me, I would pass it on to An Garda Síochána or the PSNI. I bring this up as an illustration of my point.

I also want to remind the House that while there is a different political jurisdiction in the North, there is no bar on Fianna Fáil, Fine Gael or the Labour Party organising there. I listened to the crocodile tears about the people in west and east Belfast. The fact is that there is an election on 7 May and if Micheál Martin wants to put his name forward in Newry and Armagh or in west Belfast, that would be very good and very useful. If that is too soon, there is an Assembly election in 2016. It would be great to have Fianna Fáil people on the Executive, negotiating with the British and Irish Governments on various issues.

Regarding the Stormont House Agreement, myself, Martin McGuinness and others spent two years privately trying to get the Irish and British Governments to focus on the ongoing peace process. We did it privately and quietly; we picked up old contacts and talked to a range of people here and in the USA. While the Stormont House Agreement is not a comprehensive agreement, it was a positive outcome. However, for me, it is a defensive agreement. We were defending what had been gained for people and stopping the erosion of those gains. That is what our focus had to be.

On the issue of cuts, the British Government has cut £1.5 billion from the block grant, aside from what happened at Stormont and the recent discussions. Has the Irish Government or Fianna Fáil raised this? I understand that the Fianna Fáil leader met the British Secretary of State recently. Has he railed against the British Government's block grant cut? Has he put forward suggestions as to how these issues could be ameliorated for those citizens living in that part of the country? It is important to remember that the Taoiseach, the Tánaiste and the Minister for Foreign Affairs and Trade are all broadly in support of austerity. When the talks commenced, the British Government only came in for one day. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Minister of State, Deputy Sean Sherlock, did their work over a long period. The total of what we negotiated with the British Government amounted to almost £2 billion, double what had been offered at the beginning of talks. We did not get it for 11 long days. It includes £650 million of new and additional funding, including £500 million over ten years to support shared and integrated education. There will be no reductions in welfare payments under the control of the Northern Ireland Executive. The new welfare protections are unique to the North and in sharp contrast to what happened in this State and in Britain. Anti-poverty measures will be retained in the North. In the previous budget, £64 million additional funding was provided for schools, early years provision and youth services. Perhaps Deputy Micheál Martin did not know this.

On the other issue, dealing with the past, parades and identity, the proposal is broadly in line with what was proposed by Richard Haass and Meghan O'Sullivan. It took us a year to get the other parties to agree. I welcome the publication of proposals for Acht na Gaeilge, which have been published recently by an tAire cultúir, Carál Ní Chuilín.

I did not mean to say all of that but I had to respond to the false accusations, which are not new to this Chamber. The Government needs to keep focused and needs to be working with the British Government. We should be working with the parties in the North. When Deputy Micheál Martin was Minister, and when Bertie Ahern or John Bruton was Taoiseach, I said that Ministers should be seen across the North as naturally as breathing. They will be welcomed in loyalist and Unionist and other communities. That is not being done enough. I welcome the periodic excursions of the leader of Fianna Fáil into that region but the task of this Government is to hold the British Government to account. The Government is not good at doing that. The Good Friday Agreement was voted on by citizens across the island and the Government is a co-equal guarantor. The mobile phone causing interference is not mine.

It is not just when it is a crisis, or when it comes to hothouse or crunch talks but it is a matter of diligently making good relationships with those who are in power in the Civil Service and who have responsibility for these issues. In the most fraternal way possible, I appeal to the Taoiseach to do that. The Stormont House agreement was agreed despite the Irish Government and despite the British Government. It was a result of the diligent work done by all the parties represented during those talks. When does the Taoiseach plan to meet the First Minister and the Deputy First Minister? The delivery of the agreement will be the proof of it. When can the Taoiseach give us an example of the British Government being held to account by this Government in delivering its responsibilities and obligations under the agreement?

**The Taoiseach:** I wish Mitchel McLaughlin well in his appointment as Speaker, which is an important position in the Assembly. I am sure he will do a very good job. The Ceann Comhairle had considerable association with Speaker Hay and they are responsible for the British-Irish Parliamentary Assembly. I hope this body will gain in influence, authority and respect. This is an important legacy that Deputy Sean Barrett and Mr. Hay, as Ceann Comhairle and as Speaker respectively, will leave behind.

It is always interesting to read the comments years later by those centrally involved in many of the issues. Time seems to have a way of bringing them around to reflecting on what they did or did not do when they were central to these issues. The former Prime Minister, Tony Blair, showed great diligence in office in attending Northern Ireland on a regular basis. He seemed to have a passionate belief that he could make serious progress. Out of this came the Good Friday Agreement.

The role of the British Government and the Irish Government in this matter was to respond to the calls of the Northern Ireland Executive and the parties in Northern Ireland to assist in the process of getting agreement on a range of areas where agreement did not appear possible. Dr. Richard Haass and Meghan O'Sullivan did their utmost in making a genuine attempt but it did not succeed in the way that might have been envisaged. That is why, if we did not have the involvement and engagement of the two Governments, we could have had a collapse of the Northern Ireland Assembly and the Northern Ireland Executive, which nobody wanted. Principally, this was a case of the parties elected in Northern Ireland setting out to do their duty and fulfil their responsibilities. They were given support and encouragement by both Governments in that regard. It was not a case of the Stormont agreement being implemented despite the Governments here and in Britain. We engaged directly with the parties and sat around a table with them. The parties said that there were certain areas where they could make progress and have an agreement. Obviously, the implications of the budget and the block grant were discussed directly between the Prime Minister, the First Minister and the Deputy First Minister as was, to a lesser extent, the original offer made at the plenary session, which was not accepted and was

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the subject of further discussion. That is what politicians do, engage and eventually come to an agreement.

Acht na Gaeilge is a case for further discussion and it will not be easy. It does not seem to have attracted the attention or support one might have expected. The position here for a number of years was predominantly taken up by the catastrophic economic consequences and putting together a plan, a strategy and negotiating position to move the country out of that economic swamp. It took up practically all the time of the Government. It is a situation where one would like to travel to Northern Ireland on a far more regular basis. I intend to go there in the near future. This will be welcomed by Deputy Adams, which he said before, no more than he said to Deputy Martin.

I have attended three years in a row at the remembrance ceremonies in Enniskillen. After going to a place on a number of occasions, one gets to know people and there is a deeper understanding of the job we have to do. The people who feel offended and are still hurt as a consequence of what happened in Enniskillen, to name one location, is one reason there is an agreement in respect of the past and the legacy issues, information retrieval and these areas. It was not a case of the agreement going through despite the attention of Government but, with the full support of the Government, the politicians accepted their responsibility and put together the agreement. Our job is to monitor it and the Ministers are engaged with one another. The North-South Ministerial Council will take place in early summer and I expect to meet the UK Prime Minister, David Cameron, in the near future. There is an electoral process in Britain and he is rather rushed in the time he can spend. We will do everything we can on these benches to see to it that the agreements are implemented. Everybody wants to see this. The points at issue are ones that are fragile and clearly demand attention from the political process. They will get it. I hope to visit Northern Ireland again shortly and will help in any way I can to encourage people to proceed with implementation of the agreement. At the end of the day it is all about peace, prosperity and opportunity and the branding of the island. That is an issue on which no one would disagree.

Deputy Micheál Martin spoke about the possibility of having a single enterprise unit for the country. We share a brand when I have the opportunity to work abroad with the First Minister and the Deputy First Minister. One area that is clearly without rancour is the tourism and hospitality sector and it seems to have worked reasonably well. I am not sure about getting into business because there may be different elements, although it is still a matter of exporting from the island. These matters can be examined in the future.

Deputy Gerry Adams raised a number of relevant issues which we will continue to address in the best way we can. I hope implementation of the Stormont House Agreement will make life a little better for those who feel the past has passed them by and are hurt. The institutions now being put in place will, I hope, bring some sense of relief to them. Let us see how the retrieval of information works. When somebody, be they a member of the Finucane family or whoever else, goes to seek information, under the terms of the agreement, all of the information will be provided. That might be important in a number of these cases and I hope the words mean what they say. We will have to monitor it, test it and see that it works properly.

**Deputy Joe Higgins:** Is it not the truth, when one strips away the make-up applied by the parties, the Irish Government and the British Government, that the so-called Stormont House Agreement is a savage austerity attack on the public sector in Northern Ireland, a state which traditionally suffered from high unemployment and low wages? Is it not also the truth that the

Taoiseach went to Belfast and supported Prime Minister Cameron in insisting on the Tory cuts agenda for the working class people of Northern Ireland, an approach that would have received the approval of Mrs. Margaret Thatcher herself? Does the Taoiseach acknowledge that 20,000 public sector jobs will be closed down in the North in the next few years as a result of this agreement and that the biggest single amount of money mentioned is for the purpose of paying for the redundancies of public sector workers? The North has relied on public sector jobs because of the ongoing failure of private capitalism to deliver significant jobs and investment.

Is it not extraordinary that there was united support for one of the centrepieces of the agreement, namely, cuts in corporation tax? Scandalously, these cuts which may be implemented by 2017 are linked with so-called welfare reforms which attack the poorest in the North. How could the Taoiseach connive in misleading the people of Northern Ireland that the same over-reliance on multinational investment in which successive Irish Governments indulged will solve the problems of unemployment and low pay? The main story we have heard regarding the multinationals for several months is about their scandalous involvement in tax scams. They robbed tens of billions of euro that should have been spent on social services and job creation measures from the tax budgets of many countries. Luxembourg, Switzerland and the Irish Republic were outed as tax havens, yet this is put forward as a major advance and a promise of massive job creation. That is a cruel hoax.

Is the Taoiseach aware that the official trade union movement is deeply angry about this? It believes thousands of jobs and millions of pounds will be taken from the public, never to be returned, and that thousands of sacked public servants will face the lowest wages in the United Kingdom or else the everyday humiliation built into the cruel Tory vision of welfare. The inefficient private sector cannot provide enough decent jobs for school leavers and graduates. The North cannot afford to waste the talents of teachers, tourism and transport workers through these redundancies. The trade union movement regards this as a bad deal fit only for a land of pound shops and food shops, rather than the society for which people voted at the last election. Is it any wonder a major public sector strike is being called for 13 March? Private sector workers will also strike and they will be joined by students and community organisations.

The Deputy First Minister rounded on critics of the agreement to accuse them of living in fantasy land, but does the Taoiseach agree that anybody who sells this as anything other than a major austerity attack with serious downsides for working class people, whether Protestant or Catholic, is actually the one living in fantasy land? Working class people need to unite across the existing divide, shake off the sectarian parties on both sides which sell this type of false agreement and fight for real measures to protect the public sector and provide for major public sector investment that can lead to the creation of tens of thousands of jobs, as well as homes and public services. As has happened here under the Taoiseach, these areas have been under attack for several years.

**The Taoiseach:** The Deputy asked about a savage austerity attack in Northern Ireland, an area of high unemployment. Since the Troubles, the public sector has pumped money into Northern Ireland because of the high rates of unemployment arising from the Troubles. The best answer to that problem is the creation of jobs, which means investing to make the place attractive to foreign direct investment and give business the opportunity to thrive. Exports can add value, create jobs and promote prosperity in Northern Ireland. That is why a number of personnel from Northern Ireland were based in Brussels during the Irish Presidency in order to become fully acquainted with the issues being discussed and bring them to the attention of officials and the Executive in Northern Ireland. The reason the Irish and British Governments

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were asked to assist in Northern Ireland was the parties were having difficulties in agreeing a range of measures to deal with the past, including flags, parades and other legacy issues.

The budgetary situation, on the other hand, was one for the Executive and the parties elected to the Assembly to make decisions on. In accepting the budgetary allocation from the British Government, difficult choices sometimes had to be made as to how it should be spent. For our part, we continued to say we would provide Stg£50 million in two tranches for the A5 to the north west. I understand there are some legal challenges in that context, but the money is in place from our point of view. We also made provision for radiotherapy facilities at Altnagelvin and a range of other cross-Border activities in the areas of tourism, education, business and so on.

Our State has had a corporation tax rate of 12.5% for many years and it is not changing. It will not go up and it will not go down. Corporation tax and taxes in general are matters of national competence under the treaties of the European Union and any country is entitled to change its tax rates. An issue was raised by political representatives in Northern Ireland who said they should be allowed to decide to reduce the level of corporate tax applying there. The Chancellor of the Exchequer agreed and a commitment was given by the British Government which is being implemented. If it applies from 2017, there will be a loss to the Northern Ireland economy depending on the rate that is struck and a question will arise as to how it will be made up. That is a matter for the elected representatives in Northern Ireland. I have said on many occasions that I would welcome whatever decision they make. If it approaches closer to the 12.5% tax rate we have here, it will make it easier to promote the country as being a lower tax area from a corporate tax point of view for foreign direct investment. I hope that we can continue to promote the island of Ireland in that sense. Deputy Joe Higgins links that to welfare reform. The answer has to be that when one makes the structural changes, one makes one's economy and country more attractive to business and investment from outside. One also makes it easier to set up businesses, create added value and export it where possible and create jobs and opportunities. That is beginning to happen, which is why I like to see the strong promotion of Northern Ireland that is taking place.

Many of these issues cross all political divides. I was able to attend with the First Minister and Deputy First Minister at the Royal School in Armagh to make the island of Ireland bid to host the 2023 Rugby World Cup, which I believe we will win. There will be a very strong national response to it. The First and Deputy First Ministers and people from across the divides were very amenable to that in terms of what it can bring and in terms of the reputation of the country. The Gaelic Athletic Association here made the decision in less than two minutes to provide appropriate stadia around the country if Ireland succeeds in its bid. With the world's No. 1 golfer being from Northern Ireland, the Irish Open this year in County Down will attract enormous worldwide attention. We will be very strong in promoting the country as a place to visit and invest in.

The Deputy mentioned Switzerland, Luxembourg and tax positions. We are very clear where we stand on this. We defend our position very strongly. The European Commission is examining all countries at the moment. I hope that its analysis and decisions are arrived at expeditiously. We have a very clear view that there has been no State aid involvement or special deals done for any company. We will defend that record very strongly going back over many Governments and years. Switzerland's central bank made a decision to revalue by 20%, which had an immediate impact in terms of business and attractiveness for continued investment. That is a matter for the Government in Switzerland to deal with. Clearly, the situation is one

in which we participate. We got rid of the stateless concept and the double Irish concept. We are very supportive of the OECD in the BEPS analysis that is ongoing. We want to be able to stand out in front and say that we are introducing our information box and a competitive rate. We will be very fair and hard and play to win for our country because jobs are the opportunity to get away from welfare dependency. Jobs allow people to have the benefits of an economy that is thriving in which prosperity can happen.

**Deputy Richard Boyd Barrett:** In a peculiar way, we are going to achieve the unity of this island that we have long strived for. It will not be a unity achieved in prosperity; it will be a unity achieved by making ordinary working people North and South the victims of the austerity agenda. Is it not the case that the Stormont House Agreement which the Taoiseach, the Tory Government and now, sadly, Sinn Féin are championing is the Northern Ireland version of the troika's austerity programme inflicted on working people and the poor down here over the last six years?

Anyone, including the Taoiseach and Deputy Gerry Adams, who looks at the language of the agreement must be struck by the incredible similarity to that of the troika programme inflicted on the people of this country. It is full of all the same euphemisms such as this: "Public Sector Reform and Restructuring which will encompass a wide range of strategies, including measures to address structural differences in relation to the cost of managing a divided society, reduce pay bill costs, such as a reduction in the size of the NICS and the wider public sector". Those are lovely euphemisms and the same sort of language we had in the troika programme. They translate in reality and on the ground into pay cuts, jobs losses, fewer job opportunities for young graduates in the North and a massive hit for the domestic Northern Ireland economy which, contrary to what Deputy Adams said, is directly comparable proportionately with the axe that was taken to the public sector down here. Does the Taoiseach agree? In a region with a population of 2 million, 20,000 jobs are to go whereas with a population of just a bit over 4 million, we lost 45,000 jobs from the public sector. Does the Taoiseach acknowledge that the same level of axing is going to be unleashed in the Northern Ireland Civil Service and public sector as we saw down here with the same devastating consequences in terms of a lack of job opportunities and negative knock-on effects in the Northern Ireland domestic economy?

The following phrase is in the agreement: "Executive Departments should also consider how to best realise the value of their capital assets through reform or restructuring to realise income and longer term savings". Is not that just another euphemism for the sale of state assets, be it Ulsterbus, Northern Ireland Railways, the Belfast Harbour estate, forests, office buildings or the Northern Ireland Housing Executive's 80,000 housing units? All of these assets are potentially going to come under the hammer of privatisation in the same way we saw them come under the hammer of the troika agreement. The defence that all of this is not so bad because redundancies under the Stormont House Agreement will be voluntary is ridiculous. All of the redundancies in the public sector down here were described as "voluntary". There were no compulsory redundancies in the South, yet the public sector was slashed to the point that in many cases public services are falling apart. The same axe is now to be taken to the public service in the North. The only upside to all this is that there is the possibility that the Border may be overcome in an unexpected way. On 13 March, we will have a massive mobilisation of the Northern Ireland trade union, labour and working class movement against the austerity programme and a week later we will have a massive demonstration in Dublin against water charges and austerity. Are we not achieving unity? It is the unity of the political establishment, North and South, to impose vicious austerity and the unity from below of working people North and

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South standing together against a political establishment that wishes to sacrifice them and their livelihoods, jobs and public services for a failed and cruel austerity agenda.

**Deputy Bernard J. Durkan:** That is very impressive. Surely Deputy Gerry Adams has something to say about it.

**Deputy Micheál Martin:** It is proposed in the Stormont House Agreement that the number of Members in the Northern Assembly be reduced at some stage. To what degree was the Northern Ireland budget considered in the talks? I do not know whether the Taoiseach saw BBC's "Spotlight" programme on the very significant number of fictitious front organisations which were receiving publicly funded rent payments from Sinn Féin and drawing down millions of pounds in expenses over recent years. It could be argued that if fewer fictitious front organisations were receiving publicly funded rents from Sinn Féin, there might be fewer teachers cut in the Stormont House Agreement. Would the Taoiseach accept that it is essential that both Governments be involved in the ongoing implementation of this? Deputy Adams said the agreement was achieved despite the Governments. It is typical of Sinn Féin's approach, begging the Governments to get involved for 12 to 15 months and, when they do, Sinn Féin says it did it all itself and did not need them. In some instances, Sinn Féin almost wants a crisis to happen on occasion so that it can gain the resulting profile to advance its electoral ambitions. I regret to say it. It will have a negative impact on future engagements. The lesson of the past two years is that both Governments must stay involved, given that one will not get agreements, progress or implementation otherwise.

**Deputy Gerry Adams:** I do not want a crisis to emerge. My family home is there. I was there yesterday. I spend most Mondays at Stormont trying to work these issues out with our friends in the Unionist section. In his remarks earlier, the Taoiseach acknowledged that the first offer was not accepted. Deputy Martin said this is how negotiations happen and what politicians do. If the Deputy compares the first and final drafts of the Stormont House Agreement, he will see why I made the remark I made. Our focus was not on helping the parties in the North but getting the Irish Government to focus on the British Government and to fulfil its responsibilities in that regard. On a lighter note, we should applaud the emergence of the united popular front against Sinn Féin led by Deputies Micheál Martin, Joe Higgins and Richard Boyd Barrett.

**Deputy Barry Cowen:** We are not against Deputy Gerry Adams.

**Deputy Richard Boyd Barrett:** We are not against Deputy Gerry Adams but against the agreement.

**The Taoiseach:** Deputy Richard Boyd Barrett mentioned peculiar ways of reaching unity. The seven and a half minute rant he had was about promoting marches around the country, one following the other a week later.

**Deputy Richard Boyd Barrett:** It was about Roman Catholics and Protestants marching together against austerity.

**The Taoiseach:** When he talks about ordinary working people, here in the South unemployment has fallen from 15.2% to 10.5% and continues to drop. Some 80,000 new jobs have been created and 40,000 more will be created this year.

**Deputy Michael Healy-Rae:** Send some to Kerry, please.

**The Taoiseach:** It is an opportunity to get out of social welfare dependency and deals with ordinary working people. The difference between the Stormont House Agreement and the troika was that we were under the diktat of the troika, given the economic circumstances. The Northern Ireland Assembly is elected freely by the people and makes its decisions in terms of its legislative programme. The public service in the South has had its difficulties regarding pay cuts. The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, will begin the process of engaging with the public sector unions on a successor to the Haddington Road agreement and continued reform and has published a series of reform documents in order that the sector here can be more effective and professional and deliver a better service at a leaner cost. Everybody has accepted this.

**Deputy Richard Boyd Barrett:** The Government is not delivering better services.

**The Taoiseach:** Interest rates have fallen from 15% to less than 2% and the country was recently able to borrow 30-year money at 2% and raise more than €4 billion, which puts us in a very different position. If the situation reported in the programme Deputy Martin mentioned was true, if his party, my party or the Labour Party did the same, we would never hear the end of it from one end of the month to the other. I do not know whether it is true.

**Deputy Micheál Martin:** It has not been denied. There was radio silence on it in the North.

**The Taoiseach:** Perhaps the president of Sinn Féin would say whether it is true and whether he has taken any action to deny it.

I take both Deputies' points, that the Government should stay focused on the implementation of the agreement, and I give my word that I will do so. On the tangling over the first offer, I recall the Minister for Finance, Deputy Michael Noonan, talking about being present at the fair in Glynn. One makes an offer and all kinds of hagglers come together before an agreement is put in place. A first offer is always a first offer and it takes a political process and negotiations to come to a final agreement. I am glad agreement was reached. We will work with the British Government, within our responsibilities, to see that the agreement is monitored and implemented in the interest of the peoples of Northern Ireland.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 38, Redress for Women Resident in Certain Institutions Bill 2014 - Report and Final Stages (resumed). It is proposed, notwithstanding anything in Standing Orders, that in the event that a division is in progress at the time fixed for taking Private Members' business, which shall be No. 68, Road Traffic (Amendment) Bill 2015 - Second Stage, Standing Order 121(3) shall not apply and Private Members' business shall adjourn after 90 minutes and shall, if not previously concluded, be brought to a conclusion after 90 minutes on Wednesday, 18 February 2015. Tomorrow's business after Oral Questions shall be No. 38, Redress for Women Resident in Certain Institutions Bill 2014 - Report and Final Stages (resumed) and No. 6, Environment (Miscellaneous Provisions) Bill 2014 - Order for Second Stage and Second Stage.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for

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dealing with Private Members' business agreed to? Agreed.

**Deputy Micheál Martin:** We have spoken for a number of weeks about the ongoing accident and emergency crisis in hospitals. The situation has been getting worse. There have been days on which more than 600 patients have not had proper accommodation in our hospitals. The Minister for Health, Deputy Leo Varadkar, does a regular soundbite in which he says he must redouble his efforts and people must move on. Today, there are 55 patients on trolleys in Limerick Regional Hospital, which has cancelled all elective admissions. The same applies to the Mercy Hospital, Drogheda and others. There are 416 patients on trolleys and 135 patients in extra beds on the wards, a total of 551 sick people in unsuitable accommodation. The Health Information Bill is very relevant to this, as is the patient safety (licensing) Bill, which is to provide a mandatory system of licensing for public and private health care facilities. These hospitals are clinically unsafe. It is an urgent issue on which we need action.

The apprenticeship Bill is to provide for the protections and responsibilities that apply to employers and apprenticeships in light of the introduction of new apprenticeships and to provide for new governance arrangements in the apprenticeship, which is a key issue in opening up opportunities for young people. When will the legislation be published?

**The Taoiseach:** We have decided on priorities for 41 pieces of legislation for this session.

*5 o'clock*

I do not have dates for the Health Information Bill 2014 or the Patient Safety (Licensing) Bill 2015, but I will advise Deputy Micheál Martin on the progress made in developing the heads of these Bills.

The Minister of State at the Department of Education and Skills, Deputy Damien English, is dealing with the apprenticeship Bill. He is waiting for proposals to be submitted by the end of March and will develop the Bill from there. A new apprenticeship council has been set up and SOLAS is in operation. The Minister of State is very engaged with a different form of flexibility for training modules for trainees and apprentices. I assume there will be a discussion on this issue in the House at an appropriate time.

**Deputy Gerry Adams:** I wish to refer to the fair deal system, the Child Care (Amendment) Bill 2014 and the Gender Recognition Bill 2014. There is a commitment to a review of the fair deal system and the provision of additional funding each year for the care of older people. According to the Minister of State at the Department of Health, Deputy Kathleen Lynch, there is an annual €30 million funding gap. When will the review which was promised four years ago be published and how will this cost be borne? Will it be borne by families or the State?

I commend the child care professionals who were protesting outside Leinster House today. There is a crisis of low pay and insecurity among workers across the sector. Many receive little more than the minimum wage. When will the Child Care (Amendment) Bill 2014 be published?

On Saturday I was at a rally outside Leinster House which had been organised by LGBT Noise and Transgender Equality Network Ireland, TENI, and citizens deeply concerned at the Government's proposals included in the Gender Recognition Bill 2014, which Bill is entirely out of line with international good practice. It is at odds with our human rights commitments. It is disrespectful and breaches the human rights of transgender people. When will Second Stage of the Bill be taken in the House? Does the Taoiseach envisage the Bill completing all Stages

and becoming law before the general election? Does he accept that the clause that requires married transgender people to divorce as a precondition of recognition is not only insulting but is also at odds with the marriage equality referendum and proposed change to the Constitution?

**The Taoiseach:** It is a complex Bill. It is before the Seanad and the Government approved several technical amendments to it a fortnight ago. It will be brought here from the Seanad and I expect it to be implemented in law well before the next general election.

The Child Care (Amendment) Bill 2014 is due to be published this session. The review of the fair deal scheme was promised to be provided within a couple of months. Its implementation may require legislation in terms of a review of the Nursing Home Support Scheme Act 2009 because the scheme is statutorily based.

**Deputy Michael Healy-Rae:** Deputy Gerry Adams touched on it, but I would like to be stronger on the issue. Thousands of private and community child care workers came from all over the country today to protest about their low pay and conditions. I am very conscious that the Taoiseach is a very busy man, but I appreciate and I am fully sure he knew that they were out there. They came at great expense and disturbance to themselves in taking a day off work.

**An Ceann Comhairle:** About what legislation is the Deputy asking?

**Deputy Michael Healy-Rae:** I was waiting for the Ceann Comhairle to ask that question. I am speaking about the Child Care (Amendment) Bill 2014 and the Government's commitment in the programme for Government to deal with child care workers, be they private or community. They perform a very important function and I want to know what the Taoiseach has to say about these great people who took a day out of their schedule to come here to protest.

**An Ceann Comhairle:** The Deputy should find out about the legislation first.

**Deputy Michael Healy-Rae:** I would like the Taoiseach to comment also on what he thinks of the people concerned-----

**An Ceann Comhairle:** He would be out of order in doing so.

**Deputy Michael Healy-Rae:** -----and their input to society.

**An Ceann Comhairle:** The Deputy is out of order.

**Deputy Michael Healy-Rae:** I would like to hear what the Taoiseach has to say about the protest today. The issue is very important.

**An Ceann Comhairle:** Not on the Order of Business.

**The Taoiseach:** The Child Care (Amendment) Bill 2014 is due to be published this session. This morning the Cabinet approved the membership of the low pay commission and its first meeting is to take place by the end of February. It will report to the Government, probably before the summer, on all aspects of low pay, including the issue of child care workers.

**Deputy Mattie McGrath:** The Criminal Procedure Bill 2014 is supposed to provide for reform of pre-trial procedures. When will we see some reform of pre-trial procedures? Since the Government set up the new Court of Appeal, there has been total chaos in the courts, with people going from one court to the other, with new forms to be filled. It is all about form filling. It is confusing, rather than reducing the load on the Supreme Court. I have very practical

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personal experience of families dealing with it.

**Deputy Micheál Martin:** It is the Courts Bill 2013.

**An Ceann Comhairle:** We can find out when the Bill is being brought forward and then have a Second Stage debate.

**Deputy Mattie McGrath:** Yes, it is the Courts Bill 2013.

**The Taoiseach:** The heads of the Criminal Procedure Bill 2014 have been cleared. It will be the back half of the year before the Bill is produced and cleared.

**Deputy John McGuinness:** I have a question about the Health (General Practitioner Service) Bill 2014 and one about the implementation of Bills relative to care workers already passed by the House, as well as on the report in the newspapers over the weekend on the alleged sexual abuse that had taken place on the borders of Kilkenny and Waterford over a 20 year period. The matter was reported to the Health Service Executive, but no action was taken. What action can the Government or the Minister now take under the whistleblowers' legislation when that type of accusation is made, where it is shown that procurement practices have been breached and substantial sums of taxpayers' money have been paid for reports and, in some cases, to assist in the cover-up of sexual abuse to ensure all of this is brought to a head?

Will the Taoiseach comment on the protest outside Leinster House today-----

**An Ceann Comhairle:** The Deputy cannot have a comment.

**Deputy John McGuinness:** -----by a Kilkenny family whom he has met about the provision of "Jake's law"? The case was made to him on the basis of the death of the child in a housing estate and the introduction of speed limits. I am told the Taoiseach may consider the introduction of legislation on this issue. Is that the case? Would he support legislation to bring forward that speed limit to deal with the concerns raised by the family?

**The Taoiseach:** I do not have the details of the abuse case mentioned by the Deputy, but I may have read some of them. I will have him advised on the options that are now open, either in respect of the whistleblowers' legislation or the implementation of Bills already put through. It is a serious matter on which I will advise the Deputy.

I commiserate with and again tender my sympathy to Roseann Brennan on the death of her little son, Jake, who was knocked down by a car and ran to his mother but subsequently died. I met Mrs. Brennan, while the Minister for Transport, Tourism and Sport has met her on, I think, five occasions to discuss this matter. The Government does not intend to oppose the Private Members' Bill this evening. Deputy John McGuinness is aware that several agencies are involved in determining speed limits - the local authority, the Road Transport Authority, the Garda and the Department of the Environment, Community and Local Government and residents. I hope that, where appropriate, very careful reflection will be given to what the Bill is about arising from the sad case Mrs. Brennan has brought to national attention. I was happy to meet her, as was the Minister for Transport, Tourism and Sport. The Government is not opposing the Bill.

**Deputy Bernard J. Durkan:** What are the current intentions for the proceeds of crime Bill and the Road Traffic Bill 2013 which refers to driving under the influence of drugs? I could not let the occasion pass without mentioning my old favourite, the Bail Bill 2013, which has long

been awaited and which I understand is about to make its appearance.

**The Taoiseach:** We approved the heads of the second Bill last week at the Cabinet. It is to allow roadside testing where drugs are involved. Negotiations are still going on with the Criminal Assets Bureau in respect of some elements of the criminal Bill to which the Deputy referred.

**Deputy Bernard J. Durkan:** The proceeds of crime Bill.

**The Taoiseach:** Yes.

**Deputy Bernard J. Durkan:** What of the bail Bill?

**The Taoiseach:** It is still locked up at present.

**Deputy Bernard J. Durkan:** I presume it is in the embryonic stages.

**The Taoiseach:** I must come back to the Deputy on it.

**Deputy Frank Feighan:** I understand a merger of Ordnance Survey Ireland, the Valuation Office and the Property Registration Authority is envisaged. When will the Tailte Éireann Bill come before the House to ensure this will happen?

**The Taoiseach:** Clearance was given by the Government a few weeks ago for the heads of the Bill to be developed and that work now is ongoing. I assume it will go for pre-legislative discussions at the committee, but I will advise Deputy Frank Feighan of the current state of play.

**Deputy Seán Ó Feargháil:** I wish to raise with the Taoiseach the issue of the four outstanding reports from the Constitutional Convention. I was privileged to be a delegate to that convention and while one could not but be impressed by the superb nature of the organisation of all of it, one was particularly impressed by the commitment of the 66 citizens. Everyone who participated did so on the basis of a timescale the Taoiseach and the Government had outlined. The Government devised and offered that timescale but sadly, none of the deadlines set by the Government in respect of that Constitutional Convention has been met and four reports remain outstanding. This is particularly problematic, not least for the citizen members. I understand the Taoiseach would wish that something be done about that. It has been discussed repeatedly at Whips' meetings and while the Government Whip is anxious to see it moving on, it appears that the Taoiseach's colleagues in government do not share his personal enthusiasm for the reports of the convention.

**The Taoiseach:** I do not think that is accurate. There were some what I will call reflections on elements of the reports that had to be considered by some Departments. My understanding is that as these matters have been finalised, there should not be any restriction on naming a date for the discussions in this Chamber about the four outstanding reports. I acknowledge the Government missed the deadlines but some of the reasons were that some issues raised by the Constitutional Convention required detailed discussion within Departments. I agree with the Deputy that the people who served on the convention were absolutely committed to their job and felt privileged to be chosen under the particular system, which allowed ordinary citizens for the first time ever to involve themselves in discussions about the Constitution and about recommending changes to it. Some of these will be decided on by the people at large when the referendums take place.

**Deputy Anthony Lawlor:** I wish to ask the Taoiseach whether regulations will be brought forward shortly on wind turbines. Many rural communities are in turmoil at present because companies have made planning applications. These regulations have been promised since before Christmas but January has passed, people still are waiting and there is some angst with regard to applications before the planning authorities and An Bord Pleanála. The regulations in existence come from 2006, when turbines were 50 m high but they now are being regulated on at approximately 160 m. Will the Taoiseach indicate when those regulations will be brought forward?

**The Taoiseach:** I will, but I cannot do so today. This involves two Departments, namely, the Departments of Communications, Energy and Natural Resources and the Environment, Community and Local Government. I am aware that they are engaged with each other and I will advise Deputy Lawlor as to what is the current state of play. While there was a commitment to having these regulations published by now, it has not happened because of those negotiations. I will let the Deputy know.

**Deputy Robert Troy:** I wish to raise two items of legislation, the first being the Education for Persons with Special Educational Needs, EPSEN, Act 2004. This Act has not been fully enacted and its primary objective was to ensure that children with special educational needs shall be educated in an inclusive environment with children who do not have such needs as long as this is in the best interests of the child. I understand the Minister for Education and Skills has initiated a report into how best to allocate resource hours and special needs assistants because at present, such allocation is highly inconsistent and unfair across the country. Last night, I met a delegation from Down Syndrome Ireland, which is extremely worried about the implementation of this Act. The delegates were extremely worried about a report the Taoiseach's colleague in government was meant to bring forward this week. When will parents of children with special educational needs and when will parents of children with Down's syndrome know how the Government will ensure they will get the required resource hours and special needs assistants? They absolutely need to know this in advance of next September.

The second item of legislation is the health (miscellaneous provisions) Bill. The nurses in the Midland Regional Hospital, Mullingar, which services counties Longford and Westmeath, have voted on industrial action because 60 nurses are needed to bring the hospital to an appropriate level of safety.

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

**Deputy Robert Troy:** When will Members have an opportunity to debate the disastrous consequences of cuts to the health service in the future?

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

**Deputy Robert Troy:** The health (miscellaneous provisions) Bill.

**The Taoiseach:** While I do not have a date for the health (miscellaneous provisions) Bill, I can inform the Deputy that approvals have been given for additional staff in Drogheda and Limerick, as well as for paramedics in various locations nationwide and where they are needed.

**Deputy Robert Troy:** What about Mullingar?

**The Taoiseach:** I cannot give the Deputy an accurate figure on Mullingar but it should be

treated no differently from other hospitals.

In respect of the EPSEN Act, it was necessary to conduct a considerable amount of research on those sections. There has been no cutback in resource teachers or special needs teachers and the opposite has been the case. I understand the reason for the delay in this regard was the research it was necessary to carry out into some of those sections of the Act on the part of the Minister for Education and Skills. Obviously, she will make a public statement when she is ready to move on that.

**Deputy Robert Troy:** Has the Taoiseach any indication as to when that may be?

**The Taoiseach:** I do not, but I will find out for the Deputy.

**Deputy Peter Mathews:** Within the ambit of the programme for Government and, in particular, the acute crisis facing the new Greek Government, perhaps Members should have a debate in this House about the solidarity they must show in terms of debt sustainability for debtor nations. I do not refer simply to national debt in countries as in Ireland, we have particular problems with non-financial corporate debt and household debt which, when combined in aggregate with national debt, puts us even above Greece which is declared by anybody who knows anything about political economy to be unsustainable.

Members will have seen Cormac Lucey's recent analysis of the up-to-date debt position of this country.

**An Ceann Comhairle:** I am sorry, but we cannot debate it now.

**Deputy Peter Mathews:** A Cheann Comhairle, I brought this matter to the attention of the Minister for Finance, Deputy Michael Noonan, in September 2011.

**An Ceann Comhairle:** I know, but this is the Order of Business.

**Deputy Peter Mathews:** Does the Ceann Comhairle recall the paper by Cecchetti, Mohanty and Zampolli on the real effects of debt, the unsustainability of debt and what happens to a political economy when it is overburdened?

**An Ceann Comhairle:** I suggest the Deputy table a Topical Issue.

**Deputy Olivia Mitchell:** Is there a question?

**Deputy Peter Mathews:** Inequality now presents itself-----

**An Ceann Comhairle:** We cannot debate the issue in the House.

**Deputy Olivia Mitchell:** Is the Deputy asking a question?

**Deputy Peter Mathews:** The Taoiseach will remember the book I gave him before Christmas 2012, *The Price of Inequality*, which was worthy of a read.

**An Ceann Comhairle:** Will the Deputy, please, recognise the Chair?

**Deputy Peter Mathews:** It outlines Stiglitz's view about what happens to an economy when education and health come under pressure and the middle economy of ordinary households-----

**Deputy Joe Carey:** The Deputy is out of order.

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**An Ceann Comhairle:** I am sorry, but the Deputy is out of order.

**Deputy Peter Mathews:** It is just a gentle reminder.

**An Ceann Comhairle:** The Deputy has had a good run, but he cannot go on forever.

**Deputy Peter Mathews:** I acknowledge the Ceann Comhairle has great forbearance as the Chair.

**An Ceann Comhairle:** I know. I have been obliged to listen.

**Deputy Peter Mathews:** I am appealing to his forbearance to allow me to remind the Taoiseach of these hugely important matters.

**An Ceann Comhairle:** Yes, but we cannot do this on the Order of Business. Table a Topical Issue and I certainly will consider it for the Deputy.

**Deputy Peter Mathews:** It has gone forward as a Topical Issue, but it has not been drawn.

**An Ceann Comhairle:** Just keep it there and it will come eventually.

**Deputy Peter Mathews:** I understand the pressure.

**An Ceann Comhairle:** I will look at it tomorrow for the Deputy.

**Deputy Peter Mathews:** We should show solidarity with Greece. Mr. Tsipras and Mr. Varoufakis are worthy people.

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

**Deputy Peter Mathews:** Are we going to show solidarity and will Members have a debate?

**The Taoiseach:** I met the Greek Prime Minister the other day and we had a discussion.

**An Ceann Comhairle:** I am sorry, but we must deal with that issue in some other way.

### **Finance (Local Property Tax) (Amendment) Bill 2015: First Stage**

**Deputy Barry Cowen:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Finance (Local Property Tax) Act 2012 to make provision whereby the current level of local property tax shall not be increased and the valuation date in relation to a relevant residential property shall not be changed unless otherwise determined by both Houses of the Oireachtas.

This Bill is necessary and should be supported to avoid an expected property tax time bomb. Under existing legislation, homeowners will be required to revalue their properties in May 2016. By then, as many Members know, some house prices in Dublin may have risen by up to 50%. This Bill would remove that strict evaluation date. At the time it was introduced Fianna Fáil stated it was extremely unfair and anti-urban. In the meantime, what many predicted has happened, namely, there has been a rise in property prices. The increase in an individual property band is up to €90. If this were applied to a 50% increase in the price of a house, it would

mean an increase of €360 on some properties in Dublin and other larger cities.

In response, the Government will claim that it did not expect the coffers to swell by anything near these figures in three years, despite the fact that much of what it had expected to derive from the water tax will not now materialise owing to the backlash against it. Will it consider the merits of this Bill and respond to its contents? Will it respond, sooner if necessary or if possible, to my contention that the Department's expected revenue accruing to the State from this source will be far in excess of what was initially predicted? With the best of intentions and goodwill, it was certainly not expected by the Government that it would see such increases in property prices. The reasons behind this are for discussion on another day in another debate. Despite the efforts of the Government with its homelessness strategy, spending €3 billion on housing provision and many other schemes which it announced with great fanfare, when one drills down into them, the meat on the bone is far from the reality painted at the time of their launch.

The Government should take account of what is contained in this short and concise Bill to arrest the concerns people have even at this stage. Having survived the onslaught of the water charges debacle and the funds expected to be expended by households in that regard, many in urban centres, especially Dublin, face increases of up to €360 next year as a result of the property bands in the current legislation. Before responding publicly, will the Government consider the Bill's contents, respond to it accordingly and agree with them?

**An Ceann Comhairle:** Is the Bill opposed?

**The Taoiseach:** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Barry Coven:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Estimates for Public Services 2015: Messages from Select Committees**

**An Ceann Comhairle:** The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the following Revised Estimate for public services for the year ending 31 December 2015: Vote 32 - Department of Jobs, Enterprise and Innovation.

## **Topical Issue Debate**

### **Rural Transport Services**

**Deputy Ciarán Cannon:** I thank the Minister of State, Deputy Michael Ring, for coming into the Chamber to discuss this issue.

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In December 2013 the then Minister of State with responsibility for public transport, Deputy Alan Kelly, a representative of the predominantly rural constituency of Tipperary North, introduced an innovative and far-sighted scheme to allow rural communities with a dearth of public transport services to secure new hackney licences. Individuals in such areas who might be willing to provide a taxi service could be offered a hackney licence at a reasonable cost through a reasonably straightforward licensing process. Following this announcement, the then Minister of State devolved responsibility for the administration of the scheme to the National Transport Authority, NTA.

It has been my experience in the past year that the good and positive intent of the scheme has somehow been lost in the devolution process. The NTA seems to have erected many obstacles in the way of communities and individuals within them in securing the new rural hackney licences. An important element of the decision-making process for the licences was for the NTA and the applicant to seek the expert opinion of the local authority on whether a rural area was adequately serviced by public transport. So far, I have worked with three individuals in east Galway to secure rural hackney licences for three communities which are badly served by public transport. All three have failed and been told by the NTA that not now or at any point in the future will they be allowed to secure a rural hackney licence because, in the opinion of the authority, their areas are already adequately served by public transport or other taxi or hackney services.

If one puts in place a process to seek the expert opinion of a local authority and then ignores it, what is the NTA's intention? Does it intend to fully support the provision of rural hackney licences? Does it intend to keep to the spirit of the scheme when first introduced by the then Minister of State? My experience to date is that this is not the case and that the NTA is not at all supportive of communities or individuals who wish to seek to establish new rural hackney services.

Will the Minister of State, Deputy Michael Ring, and his colleague, the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, make it clear to the NTA that it is not administering the scheme in the way originally intended? Many communities across rural east Galway, as well as in other rural areas, are badly in need of such services, but they are not being allowed to avail of them.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The regulation of the small public service vehicles, SPSV, sector is a matter for the National Transport Authority, NTA, pursuant to the Taxi Regulation Act 2013. This includes responsibility for the rural hackney licence. As such, I have no function in this matter. I can, however, set out some background and some information on the operation of the scheme, which has been provided to me by the NTA.

The recommendation for the provision of a local area hackney licence category arose from the taxi regulation review report published by the Government in 2012. The background to the recommendation was the recognition that in many rural areas there is a low level of access to a taxi or hackney service, with many areas having no access at all to these services. The report also stated that the reason for the poor level of access to taxis and hackneys in these rural areas almost certainly relates to the economics of providing a taxi or hackney service in these areas. Given the level of taxis available nationally, it is likely to be the case that if the service was commercially viable, it would be provided by the market at present. However, the limited nature of transport hiring activity in these areas means that sufficient volume of business to justify

the placement of conventional hackney and taxi services does not exist in many locations.

Provision for the granting of rural hackney licences was originally adopted in the Taxi Regulation Act 2003 (Local Area Hackney) Regulations 2013. The provision has since been re-stated in the Taxi Regulation (Small Public Service Vehicles) Regulation 2015. Both of these regulations were made by the NTA. The regulations reflect the recommendations of the taxi regulation review board, which anticipated the following features. First, the area of operation is limited. The focus of local area hackney licensing is intended to serve a local community. While the size of the operation area will vary from place to place, it would be expected that many areas would be represented by a five to seven km radius from a defined central point such as a village. Second, the need for a local area hackney licence must be validated by a local community or business organisation. The applicant has to provide the following: confirmation of a need from an established organisation representing local businesses or from a community group with charitable tax status; a need analysis study carried out by or on behalf of the relevant local authority; a letter confirming this signed by the manager or director of service of the local authority. Third, drivers must be resident in the local area.

The requirement to sit the skills development programme in respect of area and industry knowledge which applies for the general SPSV driver licence is waived. Licence fees are also low and the vehicle standards are less than those required for general SPSV licences. Like all hackneys, the driver is not permitted to trade on public roads or at a taxi rank, however, the establishment of an approved hackney stand in an off-street area is permissible, where the hackney vehicle can accept customers. It should be noted that the licensing of a local area hackney service is intended to address transport defects that would not otherwise be addressed in certain rural areas. It is not intended to replace or displace conventional taxi or hackney services. Under the current legislation, the NTA is permitted to grant a licence if it is satisfied that the public transport needs of the area can only be met through the granting of a local area licence.

I am advised by the NTA that to date, 42 applications for rural hackney licences have been received. Two of these applications have lapsed. Of the remaining 40, seven have been granted, a further seven have been offered on a conditional basis or approved in principle, 17 have been refused and nine are pending. The rural hackney licence is still at an early stage of roll out. The NTA is satisfied that it is a necessary scheme to tackle transport defects in rural areas where the most general SPSV services are not being provided. The NTA has assured me that the regulatory arrangements that have been implemented are fully in accordance with the recommendations of the taxi regulation review group report approved by Government.

**Deputy Ciarán Cannon:** I can only speak from my experience of working with three distinct communities and three individuals wishing to serve those communities. They satisfied all of these criteria. Their application was accompanied by a letter from a community group that advocates on behalf of the community and works to address the needs of the rural community. They were also accompanied by a forensic analysis of the public transport needs carried out by the local authority and signed by a very senior figure within the local authority management. The individual concerned also had a suitable vehicle and made a very significant commitment not to operate outside a distinct radius of, as the Minister of State pointed out, five to seven km. They also committed not to undermine to any extent existing hackney services in adjoining towns or villages. They satisfied all of those criteria, yet were refused. I can only speak from the experience of working with these individuals. They were exceptionally disappointed. The communities they were willing to serve were equally disappointed.

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When this rural hackney opportunity was first proposed back in December 2013, it was welcomed by a number of groups advocating on behalf of rural Ireland - Irish Rural Link, the Irish Farmers Association and the Vintners Federation of Ireland all welcomed the opportunity at long last to be able to serve the needs of rural communities that were badly served by public transport. It has been my experience that the spirit and intent of the regulations and legislation, and of the review of taxi services nationally that produced this recommendation, have not been honoured by the NTA. It seems to be an exceptionally difficult entity to deal with in terms of securing these rural hackney licences. I urge the Minister of State to engage directly with it and to question it on whether it is implementing the scheme as it was intended. It is my experience that the opposite is happening.

**Deputy Michael Ring:** I thank the Deputy for raising this issue. It is an important issue. To be fair to the Minister, Deputy Alan Kelly, when he brought in this scheme he did so to deal with the defects. The Deputy is correct in that there are many rural areas that do not have a taxi service. If it was commercially viable people would provide the service. There has to be a balance. I am going to ask my officials and will also myself engage with the NTA. I will also ask that the points raised by the Deputy be brought to the attention of the NTA. There have been 42 applications yet only seven licences been offered. The scheme is at an early stage and there are teething problems, nevertheless I will ask the NTA to have a look at it again. The Minister, Deputy Donohoe, and I will also negotiate to see if we can try and support and make sure that the areas that need licences get them.

What we do not want - the Deputy can understand this - is to displace people who are there. It is difficult enough for taxi people, particularly in rural Ireland. They are finding it hard enough to make a living. There are many people finding it difficult to make a living. What we need is balance. I will ask the NTA to look at this again and to take the Deputy's concerns into account. I will send on this report from the Dáil today to the NTA and will ask it to have a look at this again. The scheme was intended to serve areas that were not getting the required service. What we do not want is an over-regulation of the scheme, but we also do not want to make it easy and put other people out of business. There has to be a balance and we are trying to strike the balance. It is important that this scheme be looked at again and I will ask it to do that.

### **Coastal Protection**

**Acting Chairman (Deputy Olivia Mitchell):** The next matter for Topical Issues debate is in the name of Deputy Michael McNamara to the Minister for Public Expenditure and Reform, on coastal defence studies. The Minister of State, Deputy Harris, will take that matter. May I first offer Deputy Michael McNamara my good wishes on his recent engagement?

**Deputy Michael McNamara:** I thank the Acting Chairman. I do not know where to begin after that.

**Acting Chairman (Deputy Olivia Mitchell):** I am sorry.

**Deputy Michael McNamara:** It has been a little over a year now since west Clare and many parts of the west were very damaged by unprecedented storms. It seems like a lot longer but time flies when one is having fun and the reverse is also true. For the people who live there, the intervening period has not been entirely satisfactory. They have seen considerable delays in repairing a lot of the damage that was done to public infrastructure. There were 43 impacted

sites identified by Clare County Council after the weather events, and of these, 15 have by now been fully restored and 28 require further work. Clare County Council estimated the cost of works required to address the damage from the storms at approximately €36 million, which included both the cost of repair and reinforcement works. To date, €17.6 million has been provided for the council for repair works only. Repair works have been carried out in a number of locations, including Liscannor, White Strand and Kilbaha. The Minister of State will be glad to hear repairs to essential tourism infrastructure have been carried out and there are works in progress in other areas, including works which recently began on the Kilkee seawall, all of which is funded by national Government.

However, the allocation from the Office of Public Works is for repairing infrastructure only and not for new or upgraded storm defences. I have been quite critical of Clare County Council over the past 12 months for its failure to advance the repair works given the damage caused, the impact this has on communities which must relive the damage caused by those events and the impact there could be on tourism. Clare County Council has explained to me that, in some instances, the reason it has not spent that money is that it wants to see upgraded storm defences and it does not want to spend money on repairs on something which could be swept away again in the next spring tide. This may well have been a one in a hundred year storm, although it may not have been.

Clare County Council has applied for feasibility studies for seven of ten locations which have been identified as needing storm defence work. We had a meeting in a room on the ministerial corridor with residents of Clohanhinchy who described the harrowing events of that night. Funding has been granted for a feasibility study there. Clare County Council has also applied for feasibility studies for seven other sites to date. Applications have been made in respect of Kilbaha, Clahane and Flaggy Shore, which were sent to the OPW on 5 January 2015 while applications for Lahinch, White Strand, Miltown Malbay and Ross Bay were sent in on 12 January 2015 but there has been no reply to date. The council is currently preparing applications for money for feasibility studies in respect of Spanish Point, Quilty and Liscannor. Will the Minister expedite the applications for moneys?

While I was critical of Clare County Council for not doing more work, there is a compelling logic to what it says that there is no point spending scarce resources on repairing something which could require repair again in a mere season's or two seasons' time. On that basis, I would like an assurance that it will be expedited.

There is also the matter of a minor works application for damage to embankments along the Shannon Estuary and at Clohanhinchy. The IFA has been involved in compiling and putting forward that application. There is considerable confusion in regard to it and a public meeting was called quite recently. The Minister of State's office offered me certain assurances but again, I would like an assurance that the application will be dealt with expeditiously and, I hope, with a positive outcome.

**Minister of State at the Department of Finance (Deputy Simon Harris):** I echo the Acting Chairman's words of congratulations to Deputy Michael McNamara and his fiancée and wish them both the very best on their recent engagement.

I thank the Deputy for raising this important matter which, in fairness to him, he has consistently raised with me since my appointment to this role eight or nine months ago. Ireland is a maritime nation and so coastal flooding and erosion are understandable subjects of concern to

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communities living around our coast. As the Deputy said, the issues were particularly brought to the fore last winter, when substantial damage was caused to coastal infrastructure in a series of severe storms during the period December 2013 to February 2014.

The carrying out of appropriate studies is essential in addressing coastal protection issues. Coastal erosion is a natural and ongoing process which takes place around the entire coastline. Coastal erosion may threaten human life, infrastructure, such as roads, and may undermine and cause damage to properties. However, it should also be recognised that coastal erosion also has beneficial effects to the local environment, such as providing natural nourishment and supply of sediment to adjacent beaches.

Due to the considerable extent and nature of the Irish coastline impacted by erosion and the fact that it is an ongoing natural process, it would be uneconomical and impractical for the State to attempt to protect all of this coastline, which we all accept. We must be prepared to accept this reality and the implications it has in terms of policies to be adopted and decisions to be made on how we manage the future development of our coastal environments and the impact of this on the communities that reside therein.

On 11 February 2014, the Government allocated total funding of up to €69.5 million for clean-up, repair and restoration works in regard to public infrastructure damaged in the storms during the period 13 December 2013 to 6 January 2014. Of this sum of €69.5 million, up to €19.6 million was allocated through the Office of Public Works for repair of existing coastal protection and flood defences based on submissions and cost estimates made by the local authorities concerned to the Department of the Environment, Community and Local Government. In the case of County Clare, a sum of up to €8,276,433 was allocated to the county council. Based on this allocation, the council subsequently submitted a programme of storm damage repair works at 26 locations in the county for approval by the OPW. This was approved by the OPW on 13 May 2014.

To date, a total of €1,182,155 has been drawn down by the council. The council has indicated to my office that works are ongoing at other locations on its programme and that it expects to draw down the bulk of the balance of the funding allocated by the Government decision during this year. Provision has been made in the OPW's allocation for 2015 to enable local authorities to draw down this year any outstanding balance of the funding allocated to them.

Clare County Council has indicated that it proposes to undertake a programme of major coastal defence enhancement projects at a total of ten locations over the next three to four years, with an indicative estimate of cost of €15 million to €20 million. These projects are for new or significantly upgraded or strengthened coastal protection structures. As such they fall outside of the scope of the Government decision which related to repair works only.

It is a matter for each local authority in the first instance to identify and address priority areas of their respective coastlines considered to be under significant threat from flooding or erosion and Clare County Council may carry out flood mitigation and coastal protection works and studies using its own resources. In putting forward proposals to central government for funding of appropriate erosion management measures, it is a requirement that any such proposals and funding applications for structural measures to prevent or mitigate coastal erosion are put forward in conjunction with an appropriate coastal erosion risk management or feasibility study which fully investigates, substantiates and demonstrates the merits of any measures being proposed. Such measures usually require the investment of substantial amounts of public funds

and in order to ensure value for money, a study to assess the viability of any proposed measures must be carried out in advance.

To answer the Deputy's question directly, we have received a request from Clare County Council for funding to undertake studies to examine if there are viable measures that could be progressed at seven locations. The application in respect of Clohanhinchy was submitted in 2014 and I was pleased we were in a position to provide funding. The applications in respect of the other locations were received last month, they are currently being considered and a decision will be made shortly in this regard.

**Deputy Michael McNamara:** I thank the Minister of State for his congratulations, but he will excuse me if I press him for further details because my fiancée's family is from west Clare and she may seek specifics on the issue.

**Acting Chairman (Deputy Olivia Mitchell):** That is fiancées for you.

**Deputy Michael McNamara:** Unfortunately, this whole idea of coastal erosion is not new. The damage caused to many parts of Ireland - Clare was not unique but, I suppose, it suffered the worst of it - was unprecedented but not entirely unpredictable. A report, Coastal Management - A Case for Action, was published by EOLAS on behalf of the county and city managers in the 1990s. A whole raft of areas requiring immediate coastal protection were identified in County Clare as in all other coastal counties. A long and detailed list was provided in respect of County Clare, which was far more comprehensive than that for which the council is now seeking feasibility studies to examine works. The total cost of all of that protection work back then was a mere £14 million, which is approximately €19 million. While €19 million was a lot more money then than it might be now, nevertheless, we are now talking about almost €19 million to repair the damage alone, without ever providing any coastal protection into the future.

A raft of infrastructure was developed by the State, albeit the State which preceded this one, including culverts, embankments, etc. However, there is much doubt as to who owns them. I have been engaged in some correspondence, but I have received correspondence from Councillor Christy Curtin going back to the 1980s and beyond between people like Noel Treacy and Brendan Daly in county secretary positions that no longer exist. This is not to be critical of them personally, but rather of the approach taken by officialdom in denying responsibility. We do not need to know whose responsibility it is not, we need to know who owns these pieces of infrastructure and who is responsible for their upkeep because nobody can hope to do anything with them or apply for funding in respect of these essential flood protection mechanisms. They were built for a very good reason and the necessity for them continues today. Will the Minister of State also address that issue?

**Deputy Simon Harris:** I thank the Deputy for the specifics. It is very important to get this right. There is a time for studies and a time for action, but in relation to coastal erosion, it is very important that if the taxpayer is going to pump millions of euro, or more, into funding schemes related to coastal erosion, we get it right. To its credit, Clare County Council has submitted seven applications to my office. One application at Clonahinchy for a study has been sanctioned and that is ongoing, six were only submitted last month. My office is currently examining them. I will raise this with my officials and we expect decisions shortly.

The Deputy is right about coastal protection. The Irish coastal protection strategy study is a major examination to assess and identify the most significant areas of erosion risk for the entire

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national coastline. This major study is effectively complete and it will provide invaluable and essential information required to inform policy in this area. It is mapping for the first time the entire national coastline and the erosion hazard maps produced and published under the study will be available to local planners to inform and guide decisions on local coastal planning issues.

I am not trying to pass the buck, but planning plays a role. I have stood in far too many homes and on far too much commercial land where planning permission was granted, perhaps in the knowledge, or at the very least in the ignorance, of flood risk. That has brought misery to many people and one thing we must get right is planning decisions in this country. That is the responsibility of our local authorities.

I will move on to the issue of responsibility. The Deputy is dead right. Who is responsible for the Shannon? Everybody. When everybody is responsible, nobody is responsible. So many organisations are responsible that things fall between the stools. Part of the objective of CFRAM, the catchment flood risk assessment and management, is to look at 300 areas in this country at risk of flooding, not just to decide what needs to be done, but also to assign responsibility for doing it. Is it a matter for the OPW? Is it for a State agency? Is it for the local authority? That process will come to a conclusion this year and will be implemented next year.

Regarding the issue with the IFA and embankments, I hope to be in a position to meet with a delegation from the IFA and Oireachtas Members in Clare shortly. The crucial question is who is responsible. Is it the Department of Agriculture, Food and the Marine, is it the county council, or is it the OPW? We need to get people around the table and I am happy to facilitate getting people around a table in order to get to a conclusion.

### **Social Inclusion and Community Activation Programme**

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas leis an Aire as bheith anseo chun déileáil leis an gceist rí-thábhachtach seo. The whole process around the social inclusion and community activation programme, SICAP, or the public procurement process of community or social inclusion programmes is mired in confusion. As far as I know, the letters that were to be signed off on and sent out this week are now put on hold for a future date, adding to confusion among workers and those who are dependent on delivery of a service.

Will the Minister reinstate the €742,000 he has cut from the community programmes in Dublin and the €2 million cut in social inclusion programmes across the State? Regardless of the SICAP tendering process, that will lead to loss of jobs or at the very least, a loss of services in the most hard-hit communities. There is deep concern, for instance, in my own area, about the viability of the equine centre and other services in Bluebell, St. Michael's estate, Fatima, Rialto, and the south-west inner city, given that in future a single organisation will cover two partnership areas in some instances - double the geographical area and double the service delivery on a reduced budget. Will the Minister reduce that and can he commit to ensuring there will be no job losses and no loss to community services in this tendering process? I congratulate all those community workers who have been delivering services despite cuts, not just from the Minister's Department but from other Departments, over the years and manage to retain most of the services. That is a testament to them and to the communities that depend on them.

**Deputy Éamon Ó Cuív:** I am pleased that the Minister came in person to the House to deal

with this important issue. The SICAP tendering process was meant to be announced tomorrow. If that is put back, more uncertainty arises for the workers, who do not know what is going to happen after the end of March. As the Minister knows, there are about 2,000 workers in this sector who are waiting for a decision on SICAP. The SICAP process was totally unsatisfactory from beginning to end and is going to lead to some very bad outcomes on the ground.

This evening I would like to concentrate on the issue of what is going to happen to people who are employed in the partnerships after 31 March. As Deputy Aengus Ó Snodaigh has said, there is a cut in the money. Can the Minister confirm how many jobs the Department estimates will be lost? Will the companies be given money to put a proper redundancy package in place in order that a proper voluntary redundancy scheme will be put in place for the workers? The uncertainty is very unsatisfactory. It is also interesting to look at the Labour Court decision of 4 December 2014, where it rightly points out that even though the Government is not technically the employer, standing back from the process and pretending to have nothing to do with it is somewhat like Hamlet without the prince. There is an obligation on the State to engage not only with the employers but with the employees to clarify what is going to happen to their jobs and, if there is going to be downsizing, how that will be approached and whether the companies will get money to facilitate fair redundancy packages, as one would expect in a situation like this.

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** This is a very important issue. My Department's local community development programme, LCDP, is the largest social inclusion intervention of its kind in the State. The successor programme to the LCDP, the social inclusion and community activation programme, SICAP, to be rolled out on 1 April, will build on the LCDP aims and objectives. Its aim is to tackle poverty, social exclusion and long-term unemployment through local engagement and partnership between disadvantaged individuals, community organisations, public sector agencies and many other stakeholders.

Community development is an integral part of SICAP and underpins the entire programme. I am confident that supports for the most disadvantaged in our society will continue under SICAP and that the programme will continue to provide supports to those most distant from the labour market. In accordance with the public spending code, legal advice, good practice internationally and in order to ensure the optimum delivery of services to clients, which I am sure everyone agrees is critically important, SICAP is subject to a public procurement process, which is currently under way. The public procurement process is a competitive process that was open to local development companies, other not-for-profit community groups, commercial firms and national organisations that can provide the services to be tendered for to deliver the new programme. The outcome of the procurement process will be known later this month.

In the changing landscape for the community and local government sectors and having regard to my Department's response to differing priorities, the primary focus of my Department must be to ensure that the front-line services being supported, particularly those focused on the needs of the most socially deprived communities, are protected, given the need to ensure best value for the scarce resources available at this time.

*6 o'clock*

While business continuity remains a key concern for all stakeholders, it is not possible to predict what impact, if any, the outcome of the competitive process for the new programme will have with regard to the network of local development companies, LDCs, which are independent

limited companies, or their staff.

The outcome of the competitive process will be known later this month and I assume it is this announcement to which the Deputies are referring. At that stage, my Department will review the outcome, mindful of the need to observe procurement regulations and ensure front-line services delivered through the new programme are protected in so far as possible.

My Department does not have any role in the internal operations of LDCs and, therefore, does not have a role in staff or employment matters, which are for the board of each company, as the employer, to manage. Each funding Department is responsible for its funding and contractual arrangements with the local development companies.

In the meantime, all groups which received local community development programme funding in 2014 are being funded through LCDP interim arrangements until 31 March, pending the outcome of the competitive process, which is imminent.

**Deputy Aengus Ó Snodaigh:** The Minister did not address the key concern and instead washed his hands of the issue by claiming it was not his responsibility. If funding for local partnerships in the Dublin area is cut by €742,000, it will affect service delivery, irrespective of the outcome of the tendering process. It is incorrect to claim, therefore, that it is not possible to predict the impact of the competitive process. Both the Minister and I can predict what will be the impact of a cut of this magnitude. I ask him again if he will take more time, given that he has not yet issued the relevant letters, and reverse the cut. Will he also guarantee that there will be no job losses or loss of service in the most disadvantaged communities in the State?

One of the key points made to the Joint Committee on Public Service Oversight and Petitions by Ms Deirdre McCarthy and Siân Muldowney of the Dublin Inner City Partnership was that it did not have to be this way. According to Ms McCarthy and Ms Muldowney, the new EU directive which will come into effect when it is transposed into Irish law in the next 12 months provides that tendering is not necessary.

**Deputy Éamon Ó Cuív:** While he may have made the statement with a serious face, the Minister cannot honestly believe local partnership companies can make redundancy payments to staff without his Department providing them with the money to do so. All of the funding disbursed under the social inclusion and community activation programme, SICAP, is controlled by the Department and no disbursements may proceed without his approval. It is amazing that the Labour Court saw through the rubbish being spoken by the Minister. The court, in its recommendation on the matter, stated the issues raised by the unions were real and substantial and, like any group of workers, the workers in question were entitled to an opportunity to have the issues ventilated and addressed by those with responsibility for the decisions that had given rise to their concerns. This, according to the Labour Court, cannot be achieved through engagement between the parties to the referral alone, namely, the local development companies and unions. Having taken into account all of the circumstances of the case, the court recommended that a forum be established to deal with the employment related matters affecting the workers associated with the claim. This forum, it stated, should involve the unions and representatives of the employers in the first instance. However, the parties should seek the participation in the forum of the *de facto* decision makers in matters of policy and funding. The Minister is the *de facto* decision maker in this case because he provides all of the funding. Will he be up-front and inform the employers and workers about what will take place or will he leave them in the lurch, as he appears to be doing?

**Deputy Alan Kelly:** I, too, can read and have read the Labour Court's recommendation in the case. I am well aware of my responsibilities and will not shirk them. However, the fact remains that the local development companies are private entities.

The Deputies have probably raised this issue a little prematurely because a tendering process is under way and will soon conclude.

**Deputy Éamon Ó Cuív:** When will it conclude?

**Deputy Alan Kelly:** Imminently.

**Deputy Éamon Ó Cuív:** What does that mean?

**Deputy Alan Kelly:** It means very soon.

**Deputy Éamon Ó Cuív:** Will it conclude by the end of the month?

**Deputy Alan Kelly:** Yes, that is the timescale.

**Deputy Éamon Ó Cuív:** Is Fine Gael-----

**Deputy Alan Kelly:** May I make my contribution? As part of the tendering process, we will find out what will be the scale, range and geographical and sectorial spread of the impact of the process on local development companies. I intend to ensure those on the front line who receive the services provided by local development companies will be fully protected. The Department will do everything possible to ensure this will happen once the tendering process has concluded.

As the Minister with responsibility for this area, I will not prejudge a tendering process that is under way, as it would not be appropriate or responsible to do so. The outcome of this independent process will be known soon and I am confident that the Government will address any issues that arise in the area of service provision to ensure people will receive the services they need.

### **Mare Nostrum Project**

**Deputy Mick Wallace:** The Minister of State, Deputy Aodhán Ó Ríordáin, will no doubt agree that events on the Mediterranean are a terrible reflection on the European Union and the West in general. Aside from the destruction being caused in the countries from which people are fleeing, it is a mark of the terrible hardships they face that they are fleeing across the Mediterranean which is, by all accounts, an incredibly dangerous waterway. This year alone, more than 400 refugees have drowned making the crossing. The European Union, under pressure from countries such as Britain, stopped the Mare Nostrum project which rescued more than 100,000 people in the year before it was discontinued in October last. That this has been done in response to the argument that the project was encouraging immigrants to come to Europe is frightening. We have decided to allow a few refugees to drown to see if it will put people off making the journey in the future. Instead of spending €9 million per month in addressing the problem on the Mediterranean, the budget for the Mare Nostrum project has been cut by one third. The European Union has admitted that the main focus of the new Triton mission is border control as opposed to helping people at sea.

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This terrible tragedy did not fall out of the sky. Libya is the foremost country from which people are fleeing. More than three years ago, with other Deputies on this side, I argued against the madness of allowing NATO to bomb Libya. As a result of the NATO bombing raids, the death toll in the Libyan conflict increased from 2,000 to 30,000 within six months. The British Prime Minister, Mr. Cameron, who is partly responsible for the decision to stop the Mare Nostrum service was one of the leading lights in the group of countries angling to invade Libya at the time. He and the then French President, Mr. Sarkozy, did so to boost their popularity before abandoning the country once the damage had been done.

**Deputy Clare Daly:** There is no doubt that a massive humanitarian crisis is unfolding, with thousands of people who are being exploited by smugglers and fleeing in desperation from the appalling circumstances into which they have been thrown being left to die. It is not an overstatement to say the European Union, in its latest stance on this issue, is responsible for murder. As Deputy Mick Wallace said, more than 400 people have drowned in the Mediterranean Sea this year, which is frightening. This is as a result of the cancellation of the Mare Nostrum programme and its replacement with securing maritime borders. The issue is not about rescuing people; it is about putting up the shutters and ensuring they do not get in. It was a deliberate shift in policy. The Northern League spoke out stating people should be left on their boats, while the British Foreign Minister said this was an unintended pull factor and that if the refugees were getting into Europe and not drowning, it would encourage more of them to cross, which is ridiculous.

The reality is that the appalling circumstance from which people are fleeing will continue to give rise to their efforts to escape. One Syrian refugee living in Cairo who used to be a highly skilled and well paid worker says they have no other option. There is no hope and he cannot even find work as a labourer in Egypt. He had to flee his flat because he could not even pay the rent.

The European Union is responsible for this because of its response and because of the role it played in facilitating the US war machine in these regions which have become destabilised and given rise to the refugees in the first place. What attitude did Ireland take in the EU talks to encourage the axing of the Mare Nostrum programme and the reduction in funds to support the Italian Government in the rescue operation? Critically, what is the Minister of State's attitude to Ireland's continuing facilitation of the US war machine and the destabilisation of countries in the Middle East and Africa by allowing our airports to be used for the transit of US military aeroplanes and troops?

**Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin):** The Government shares the concerns of the Deputies about the ongoing human tragedy on the Mediterranean. At EU level, since the more than 300 migrants drowned off the Italian island of Lampedusa in October 2013, this issue has appeared on the agenda at almost every Justice and Home Affairs Council and was a major priority of the Italian Presidency. We should never forget that this is essentially an issue of enormous human tragedy.

Deputies will appreciate that notwithstanding the complexities of the issues, the human tragedy dimension must never be relegated to a less important issue. Huge numbers of people are willing or, in some cases, forced to take major life threatening risks to reach Europe. In many cases, this is driven by the desperate need to escape the situation in their own country, for example, Syria. Allied to this is the major financial incentive this traffic provides for ruthless criminal gangs to engage in smuggling and trafficking and for whom life is cheap and migrant

safety an irrelevant consideration. The vessels used to transport migrants are, in many cases, unseaworthy or otherwise ill-equipped to undertake a voyage in adverse weather. These factors are further compounded by the unstable situation in Libya, the main country of transit and embarkation point for the vessels.

The Mare Nostrum search and rescue operation which had rescued well in excess of 100,000 people was discontinued with effect from last November by the Italian authorities on the commencement of Operation Triton co-ordinated by Frontex, the European external borders agency, although the mandates and range are not the same. However, I understand that in recent days the vessels and aeroplanes involved in Operation Triton have helped to save more than 3,000 migrants who departed from Libya. The journey for other migrants has sadly ended in a different way. Even when people are rescued, issues arise as to how they are to be dealt with within member states' asylum systems and there are considerable pressures on member states in the Mediterranean region in whose territory the migrants land.

The focus of EU policy in this area has been multidimensional, reflecting the fact that a migrant's ultimate journey by sea to the European Union can be influenced by many factors. Therefore, the response highlighted actions, in co-operation with third countries, including regional protection; resettlement and reinforced legal avenues to Europe; the fight against trafficking, smuggling and organised crime; reinforced border surveillance contributing to the saving of lives of migrants on the Mediterranean and assistance to member states on the front line. Greater funding from Frontex is also important.

**Deputy Mick Wallace:** At this stage, a number of measures are needed and the Government should be pushing for them in the European Union. First, a better rescue service needs to be reinstated. The numbers crossing the sea from Libya and other countries have increased this year by more than 50%. The argument that cutting the rescue service would prevent refugees from travelling is not working and the European Union has a responsibility, given that western powers are largely responsible for the problems of the people concerned in the first place.

Second, a more coherent EU immigration policy is needed. It is challenging and not easy, but there must be a more coherent policy at EU level, for which the Government should push.

Third, we all argue in the House for greater accountability on the part of all Departments and officials. The bombing of Libya has been an unmitigated disaster. Ministers came into the House and told us that it was a good idea, that it was in the interests of democracy and that it would improve the situation in Libya. That was been proved to be 100% wrong. Will the same Ministers who supported the bombing of Libya come into the House and admit that they got it 100% wrong?

**Deputy Clare Daly:** Our starting point has to be the fact that these tragic deaths are avoidable and that the proof of this was in the activities of Mare Nostrum when it was in operation, as it had succeeded in saving the lives of more than 100,000 people. While people have been rescued since the programme was terminated, funding has been cut back and the terms of the replacement operation have changed, with the result that record numbers have died in the Mediterranean Sea so far this year.

We still do not have answers. The Minister of State concluded his reply by saying, "Greater funding from Frontex is also important." What role did the Government play in the negotiations and the funding arrangements that led to the move away from a rescue operation to a bor-

der control operation? Were we silent? Did we side with the refugees or with those who were trying to keep them out?

The other critical issue is the destabilising fact that this is the largest movement of refugees since the Second World War, which is linked with the crises in the Middle East and Africa, stirred up by imperialist intervention. We cannot change the world, but we can make a start in our own backyard. Will we say “No” to this and stop the use of Shannon Airport and our role in that regard?

**Deputy Aodhán Ó Ríordáin:** I thank the Deputies. There are no easy answers. Nobody can guarantee that there will be no further deaths. As long as people set out on these hazardous voyages, that will be inevitable, in spite of the best efforts of everybody involved in maritime missions. It is a case of working together within the European Union on both cause and effect. The contribution Ireland can make, apart from its support for EU initiatives in the area generally, is primarily humanitarian, with particular reference to Syria. We are one of the highest contributors to the humanitarian response on a *per capita* basis. Since 2011 Ireland has provided almost €29 million in humanitarian support delivered through UN partners, the Red Cross and Irish NGOs. Ireland’s support has been focused on supporting people displaced within Syria and across the wider region. This includes the regional development and protection programme, under which Ireland is committed to providing €2.5 million through an initiative being co-led by the European Commission and Denmark to support refugees and host communities affected by the ongoing Syrian crisis. Ireland is also one of the countries that provide for the resettlement of refugees, with a commitment to resettle 220 in the next two years. I have met many of them, particularly in Baleskin. A further 114 will be taken in under the Syrian humanitarian assistance programme, SHAP.

### **Redress for Women Resident in Certain Institutions Bill 2014: Report Stage (Resumed)**

Debate resumed on amendment No. 1:

In page 3, to delete lines 26 and 27 and substitute the following:

“(a) a general practitioner medical and surgical service,”.

-(Minister for Justice and Equality).

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As I stated on the last occasion, the services provided for in section 2 of the Bill are precisely those recommended by Mr. Justice Quirke on page 35 of his report - GP services; prescribed drugs; medicines; aids and appliances; dental services; ophthalmic services; aural services; home support; home nursing; counselling services; chiropody; podiatry and physiotherapy. All of these services are specified in section 2 and will be made available free of charge to the women who were in Magdalen laundries.

It is incorrect to say, as has been said by some Deputies, that the Health (Amendment) Act 1996, HAA, provides for alternative therapies such as massage, aromatherapy, reflexology or acupuncture, counselling services for immediate family members of persons with hepatitis C, and that persons should not have to wait for more than two weeks for an appointment with a specialist, liaison officers or the personal advocacy service. There are no such provisions in the

Act. However, some additional services were made available to HAA card holders - persons infected with hepatitis C - on an administrative basis, additional to those provided in the Act. These included drug treatments for hepatitis not on the approved medicines list, counselling for immediate family members in regard to the effects of hepatitis C and open access to hospital treatment in respect of hepatitis C. As I have said, these provisions are not contained in the Act and it would not make sense to include these specific provisions in the Bill as they are illness related.

On the question of alternative therapies, I have stated I am considering options for the provision of such services, on an administrative basis, outside legislation. As I indicated previously, the Minister for Health has serious reservations about such therapies being provided and funded through the health service. For that reason, they were not included in the Bill, just as they are not included in the Health (Amendment) Act or Mr. Justice Quirke's recommendations.

**Deputy Niall Collins:** In our debate last week the Minister said none of the Deputies present in the House had been present on Committee Stage. I would like to correct her in that regard, as I was present in the committee room.

I sought clarification last week and now seek it again. If a holder of the medical card being granted to Magdalen women is referred for hospital treatment, will she receive a hospital appointment within two weeks? That is the entitlement of a person with the HAA card.

**Deputy Joan Collins:** The Minister has not answered many of the questions asked. She has said she is considering providing these services outside legislation, but she has not said she will provide them for the women in question. She referred to the Health (Amendment) Act 1996, of which section 2(f) refers specifically to counselling services in respect of hepatitis C and section 2(g) to such other services as may be prescribed. Mr. Justice Quirke referred specifically to section 2(g) and the need to include services for the family, but that provision is not included in this legislation. Women want to see this provision made for their families. The HAA card covers counselling for the card holder and family members.

On the issue of hospital treatment, will Magdalen women receive an appointment within two weeks? This is within the remit of the HAA card and pertinent to Magdalen women.

Massage, reflexology, acupuncture, aromatherapy and hydrotherapy are not "angel" therapies. The Minister seems to be trying to imply that this area needs to be examined. The HAA card makes specific provision for complementary therapies and currently covers reflexology, aromatherapy, massage, acupuncture and hydrotherapy. The Minister seems to be implying that some of these are therapies specific to hepatitis C sufferers. Will she specify which is specific? No reference is made to angel card readings or anything like them. This service was offered by the hepatitis C organisation to its clients or members as an extra from the HSE funding it received, but it was not part of what was covered by the HAA card. I cannot understand the reluctance to clarify these issues for the Magdalen women. They expected, having signed away their right to challenge the State, that they would receive the services included in the provisions made for them.

To return to the issue of counselling, the HAA card covers counselling services provided without charge for all HAA cardholders and their immediate relatives. The 1996 legislation refers to counselling services in respect of hepatitis C, while paragraph (g) refers to such other services as may be prescribed. This allowed the then Minister to look at other services that

could be covered by the HAA card.

I cannot understand the reluctance also to say liaison officers will be allocated to the Magdalen women. On page 35 of his report Mr. Justice Quirke referred to the importance of liaison officers and said they fulfilled an important role and were responsible for co-ordinating and assisting cardholders to access primary care services. He said liaison officers were provided to ensure cardholders received the services to which they were entitled and to provide advice and assistance in accessing these services. This provision is specific to HAA cardholders. Why can we not have the same provision for the Magdalen women? If the Minister cannot include this in the legislation, will she clarify that they will be provided with liaison officers. The provision of this service should not present an extra cost. The liaison officers working with HAA card patients could easily take on the few Magdalen women who need to access such officers.

**Deputy Maureen O’Sullivan:** I apologise for being unable to attend the debate last week.

We must take into consideration the age of some of the Magdalen women and the urgency attached to dealing with issues related to them. They must be dealt with as promptly as possible because the women concerned have been waiting a long time.

The Minister has said she is considering the issue of alternative therapies and I am anxious that she tease out the issue. We have highly qualified personnel working to provide reflexology, aromatherapy and acupuncture services, in particular, and the provision of these therapies needs to be considered. For example, the Minister of State at the Department of Health, Deputy Kathleen Lynch, will next week launch Acupuncture Awareness Week, the theme of which will be the benefits of acupuncture in the treatment and management of stress. When we look at the ladies who were in the Magdalen laundries, we see examples of people who have been under stress for much of their lives. I would like to tease out that issue a little more with the Minister who has said she is considering the alternatives.

On liaison officers and advocacy services, there is no doubt that there were women who went into the institutions with mental health issues. There are also women who developed mental health issues because they had been institutionalised all of their lives. Therefore, there are women who lack the capacity to make decisions and need representation to ensure their best interests are served.

I ask the Minister to clarify the position for those women who are resident outside Ireland and the provisions related to their health care.

**Deputy Mary Lou McDonald:** When we addressed these issues last week, I raised my concerns about the Minister’s amendment and the fact that the formulation and form of the legislation strayed from that envisaged by Mr. Justice Quirke. That is most regrettable and also unnecessary. It has caused unnecessary confusion, unless, of course, it is deliberate in limiting the number of services and treatments to which the women concerned might be entitled. I draw the Minister’s attention to the fact that amendments Nos. 2 to 5, inclusive, tabled by Deputies Joan Collins and Maureen O’Sullivan have been disallowed, but ironically, each of them fully and faithfully echoes the wording provided by Mr. Justice Quirke in Appendix E. We would have been better served if the Minister had stuck to that wording.

I share the concerns of other speakers about the range of therapies, including the alternative therapies, available to the women concerned. I asked the Minister during our exchange the other day to clarify whether she had been in contact since Second and Committee Stages

with the women concerned and their advocacy groups. Even on Second Stage, the Minister conceded that there had been a level of confusion generated. I am wondering, in that context, what, if anything, the Minister or her officials have done to dispel that confusion.

**Deputy Frances Fitzgerald:** There is some confusion about the HAA card and the recommendation of Mr. Justice Quirke on the provisions he said should be applied. In that context, Deputy Niall Collins made reference to Appendix G of Mr. Justice Quirke's report. I also note the point made by Deputy Joan Collins, but the reference she made was to documentation relating to the HAA card, rather than to Mr. Justice Quirke's report. I also apologise to the Deputy about the committee.

The Health (Amendment) Act 1996 was the Act to which Mr. Justice Quirke made reference. What we are providing for and what I have clarified is that services can be private or public. I explained last week that both private and public services were to be included and that I was bringing forward an amendment to make this very clear. The Magdalen women and those who contracted hepatitis C are not identical and face different circumstances, as Mr. Justice Quirke recognised. He said the scheme needed to be adapted. When I spoke earlier, I highlighted the fact that particular services were made available to women with hepatitis C appropriate to that condition.

On the health status of the Magdalen women, Mr. Justice Quirke found that the main concerns were cancer, heart complaints, high blood pressure and diabetes, mental health illnesses, mobility problems, dementia, arthritic complaints, arterial difficulties and visual and hearing deficits. As Deputy Maureen O'Sullivan pointed out, many of these concerns are typically associated with the aging population cohort, all of whom are over 50 years and many of whom are over 60. The services being provided, following on from Mr. Justice Quirke's recommendations, address the health circumstances typical of that age cohort. The women concerned will have access to all of the health services, nursing home services, GP services and prescribed drugs required. Anything they need is provided as part the services covered by the Bill. The only substantive services not included are alternative therapies. Deputies will be aware of recent difficulties related to HSE funding for alternative therapies. There was considerable public debate about the use of public money in that way. That is not to say, however, that some alternative therapies would not be helpful to some of the women concerned, as the Deputies argued. In that context, I will examine how we might go about including such therapies, but I will not do so under the legislation. It would be an administrative scheme and I need to examine the details of how we might provide for it. In principle, I am committed to finding a way to respond and set up a scheme under which we would provide some funding, albeit limited, to provide such therapies, but I am saying it cannot be done under the medical card scheme. That is the reality. I have said the same about advocacy services, an issue which will be discussed later.

In every other area that Mr. Justice Quirke recommended the women concerned receive medical services equivalent to those provided for holders of the HAA card such services are being provided. Deputies should note that he advised that not all of the services described in the guide to the HAA card would be directly relevant to the Magdalen women; therefore, any comparable guide for the Magdalen women would require suitable adaptation.

In terms of the health issues Mr. Justice Quirke identified, we are being very inclusive in the services being made available, free of charge, to the Magdalen women. By introducing this amendment, I am making it clear that all of these services are free, whether public or private. That deals with the issues raised by the Deputies.

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The reference to a period of “two weeks” relates to urgent treatment for hepatitis C patients and does not apply in the same way to the women we are discussing who were in Magdalen homes.

Amendment put and declared carried.

Bill reported with amendment.

**An Leas-Cheann Comhairle:** Amendments Nos. 2 to 11, inclusive, have been ruled out of order.

Amendments Nos. 2 to 11, inclusive, not moved.

**Deputy Ruth Coppinger:** I move amendment No. 12:

In page 4, to delete lines 16 and 17.

During the debate on the Bill last week we had an argument over the amendments that had been ruled out of order. The Acting Chairman at the time said that when we reached those amendments, we could raise the issue, but now we discover that we cannot do so. I will not waste any more time on this issue, but I wish to register the point that it is very difficult to table amendments to row back on something the Government does that would not involve a cost to the State. How are we meant to do this?

Amendment No.12 is based on the idea that the Magdalen women are entitled, according to the United Nations, to a full independent inquiry and full redress. This scheme, however, obligates them to sign a waiver and commit to not taking further action against the State in the future in order to avail of the limited compensation available. That is wrong. A lot of the women involved, either through desperation or because they have limited time left owing to illnesses such as cancer, felt compelled to sign away their rights. They should not have had to sign away their rights. The State owes them whatever they can claim in court. The obligation on them to sign waivers that they would not take legal action was not right.

A question about waivers was raised by advocacy groups for the women concerned in the light of what many saw as the scheme being less than that recommended by Mr. Justice Quirke. It has been argued that the waivers could be challenged by the women concerned or others on their behalf because the scheme falls short of what was recommended and of their understanding that they were getting everything recommended by Mr. Justice Quirke. I do not know if the Minister has a comment to make on it, but it is an issue. I have heard it being raised by the Justice for Magdalenes group and other women’s groups. It is unjust from this point of view. Is the Minister satisfied that the women concerned are getting what they initially signed up to receive when they signed the waivers? We have had a debate about the limitations of the HAA card and what is not provided under the scheme. We have also debated the issue of pension entitlements. I am not sure if that issue has been ruled out.

Will the Minister clarify the following point? Mr. Justice Quirke recommended that the women be paid their full pension entitlements as if they had been paying into a pensions scheme, rather than incarcerated in the laundries. There were to receive backdated payments, which is not recommended under the current scheme. It seems that the waiver scheme might be in jeopardy.

**Deputy Mary Lou McDonald:** I strongly support the amendment. When we look at the

approach taken by the State in its totality, in so far as it concerns the Magdalen women, it has been limited, piecemeal and expressly and deliberately designed to achieve damage limitation, particularly in the payment of damages and financial compensation that might be awarded to the women concerned. The McAleese report remains fundamentally flawed, as I have said consistently. I say this not to impugn former Senator Martin McAleese but to recognise that the terms of reference and his task were deliberately limited in scope. The United Nations has been critical of the process and does not believe the women concerned had access to a full and proper inquiry, much less an adequate remedy. There is deep unease among many survivors and their advocates about the legislation and, as Deputy Ruth Coppinger said, about pension entitlements. This amounts to a massive question mark over the legitimacy of any waiver signed. In any case, there is a broader issue about asking a citizen, particularly women and girls who were placed in detention against their will, in unpaid labour and subjected to physical assaults and sexual abuse in these institutions, to sign away the right to pursue the State. That is wrong in and of itself, but it is doubly wrong because the procedures, process and remedy afforded by the State, or the lack thereof, are so grossly inadequate.

**Deputy Joan Collins:** I am deeply disappointed by this, as are many of the ladies concerned and the Justice for Magdalenes group. When the Minister is dealing with certain aspects of the Bill and will consider other aspects outside it, it leaves a lot open to question. In 2012 I heard a Minister say legislation would not be enacted if proper child care facilities were not wrapped around one-parent families. Now, the Minister is asking us to put our faith in her that she will consider other aspects. The Magdalen ladies are disappointed. I will, therefore, support the amendment. They must be given the opportunity to challenge if they are unhappy that they have met the standards required or if they do not see all of the recommendations made by Mr. Justice Quirke in Appendix G included. The Minister is quoting the bullet points on page 35 of the report. In Appendix G, Mr. Justice Quirke specifically makes the point that counselling services should be extended to the family and that liaison officers should be included. He also refers to the capacity of personal advocates and mentions that massage, reflexology and acupuncture services should all be provided. I support the amendment and will vote in favour of it.

**Deputy Frances Fitzgerald:** To date, €18 million has been paid out. The amounts range from €11,000 to someone who spent a weekend in a Magdalen home to €100,000 to other women. The women concerned are in daily contact with the Department and I have already said in the House that the advocates representing them have talked positively about the service they have received. I reject the characterisation of Deputy Mary Lou McDonald of it as damage limitation and a piecemeal exercise. That is not an accurate description of the approach of the Government in developing the scheme, dealing with the medical needs of the women concerned or its day-to-day contact with them. A significant apology was given by the Government which very quickly made a commitment to set up the scheme and ensure the women concerned had access to these services.

Deputy Maureen O'Sullivan asked about services overseas. I commented on this issue in the debate on Second Stage, saying the HSE had agreed to provide equivalent services and make provision for them wherever the women in question were living. The services are available here and it is matter of the women in question being in contact and recognised and this fact being made known to the HSE.

The problem with the amendment is that the Quirke report recommends the introduction of this provision. A number of Deputies have been critical of this point, but it arises from the recommendations of Mr. Justice Quirke. He recommends, in section 2.12, that eligibility for

*ex gratia* payments and other benefits must be conditional on applicants accepting the offer of benefits and services. That is the essence of the approach taken. Deputies are correct to make the point that, if anyone in this position has assigned a waiver, there is always the possibility a person can go to the High Court or back to court. It is the right of an individual to do so, irrespective of whether they hold certain beliefs.

The health services and benefits set out in the Bill can only be provided for a person who has accepted a formal offer under the scheme. For example, the provisions in section 4 of the Bill provide that the *ex gratia* payments are exempt from any assessment of means under the nursing home support scheme. That is very important for the women concerned, particularly the older age cohort. For the section to have effect, it can only apply to those who have received such *ex gratia* payments. The amendment would be in conflict with the central approach recommended by Mr. Justice Quirke and the objective of the Bill, which is to provide a range of services as detailed in the earlier amendment for the women concerned. The effect of the amendment would be to remove the requirement which restricts eligibility for benefits under the Bill to persons who accepted a formal offer made under the scheme. That is the essence of the approach recommended by Mr. Justice Quirke to address the needs of the women concerned. The response of many of the women in daily contact with the Department about the scheme has been very positive. The staff in the dedicated unit in the Department are dealing with all queries they receive on a daily basis. There was extensive contact at the beginning of the process, but it has lessened as issues were addressed satisfactorily.

**Deputy Ruth Coppinger:** The women who are the Survivors of Symphysiotomy do not agree with the element of the Government's scheme which compels them to enter into a similar type of *ex gratia* arrangement. It could also be argued by the women who signed up to the Magdalen redress scheme that they are not getting what they expected. If they go to the courts, however, the judgment may go against them. By signing this waiver, they may get less than they thought they would. When the rich and powerful go to court to sue the State, no boundaries are imposed on them, but the same does not apply when the poor, the exploited and victims seek redress. Nobody wants to see the State pay the entire bill, but the women concerned should not lose out because of penny pinching. The church should have been asked to cough up because none of the orders has given enough. People should not be forced to sign waivers before they join schemes, only to find that they are not getting what they expected after signing away their rights. I do not regard this as proper redress or restorative justice for victims of the Magdalen laundries.

**Deputy Frances Fitzgerald:** What was recommended by Mr. Justice Quirke is what the women concerned are getting. I do not think Deputy Ruth Coppinger is correct when she claims they are not getting what they expected. Many of the women who have been in contact with us believe the scheme has been extremely helpful to them. For many women, it is preferable for the Government to put in place a scheme of this nature compared to the alternative of going to court and facing a lengthy and stressful legal process. That is one of the reasons Mr. Justice Quirke recommended this approach. It is important that we do not cast doubt on a scheme which is working well for many women. I acknowledge that the Deputies are making their points about providing better services for the women concerned in good faith, but it is also important not to mislead people. The scheme is based on the Health (Amendment) Act 1996 and the same range of services are available, the only exceptions being those services included specifically in the earlier legislation for those with hepatitis C or family members who were at risk of contracting it. I have explained in detail why I cannot put the provision of alternative

remedies on a statutory footing as part of the medical card provisions.

Amendment put:

<i>The Dáil divided: Tá, 31; Níl, 66.</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>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>Cannon, Ciarán.</i>
<i>Doherty, Pearse.</i>	<i>Carey, Joe.</i>
<i>Dooley, Timmy.</i>	<i>Conaghan, Michael.</i>
<i>Ferris, Martin.</i>	<i>Connaughton, Paul J.</i>
<i>Fleming, Tom.</i>	<i>Conway, Ciara.</i>
<i>Halligan, John.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Healy, Seamus.</i>	<i>Costello, Joe.</i>
<i>Healy-Rae, Michael.</i>	<i>Daly, Jim.</i>
<i>Kelleher, Billy.</i>	<i>Deasy, John.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Deenihan, Jimmy.</i>
<i>McDonald, Mary Lou.</i>	<i>Deering, Pat.</i>
<i>McGrath, Finian.</i>	<i>Doherty, Regina.</i>
<i>McGrath, Mattie.</i>	<i>Dowds, Robert.</i>
<i>McGrath, Michael.</i>	<i>Doyle, Andrew.</i>
<i>McGuinness, John.</i>	<i>Durkan, Bernard J.</i>
<i>McLellan, Sandra.</i>	<i>English, Damien.</i>
<i>Mathews, Peter.</i>	<i>Feighan, Frank.</i>
<i>Murphy, Catherine.</i>	<i>Fitzgerald, Frances.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Fitzpatrick, Peter.</i>
<i>Ó Fearghail, Seán.</i>	<i>Gilmore, Eamon.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Hannigan, Dominic.</i>
<i>O'Brien, Jonathan.</i>	<i>Harrington, Noel.</i>
<i>Pringle, Thomas.</i>	<i>Harris, Simon.</i>
<i>Smith, Brendan.</i>	<i>Hayes, Tom.</i>
<i>Stanley, Brian.</i>	<i>Howlin, Brendan.</i>
	<i>Keating, Derek.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>

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	<i>McFadden, Gabrielle.</i>
	<i>McGinley, Dinny.</i>
	<i>McNamara, Michael.</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>Noonan, Michael.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Shatter, Alan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>

Tellers: Tá, Deputies Joan Collins and Ruth Coppinger; Níl, Deputies Emmet Stagg and Joe Carey.

Amendment declared lost.

*7 o'clock*

**An Leas-Cheann Comhairle:** Amendments Nos. 13 and 14 are out of order.

Amendments Nos. 13 and 14 not moved.

**Deputy Maureen O'Sullivan:** I move amendment No. 15:

In page 5, between lines 7 and 8, to insert the following:

**“Provision of qualified personal advocates to relevant participants**

5. The Minister shall lay a report before each House of the Oireachtas, within 1 month following the enactment of this legislation, setting out the options for the provi-

sion of qualified personal advocates to relevant participants.”.

The principle behind the amendment is the need for ongoing monitoring and checking to ensure the Bill is getting it right for the women affected by time spent in the laundries. Amendment No. 15 seeks to provide that one month after the enactment of the legislation there will be options for the provision of qualified personal advocates to relevant participants.

As I mentioned, we know particular ladies who went into the Magdalen laundries with mental health issues or, because of being there, developed mental health issues during their time there. I have met some of the ladies who were in the laundry on Sean MacDermott Street and there were mental health issues that were due to the institutionalisation as well as pre-existing issues. While there is much better living accommodation now, they need to be adequately and properly represented by qualified people. We have advocacy services for people with mental health issues and this is the purpose behind the amendment, that it would happen within a month.

**Deputy Joan Collins:** I support the amendment. The Deputy put the case very succinctly. It specifies that those who do not have the capacity would have qualified advocates to speak on their behalf. In many areas, people with disabilities need advocates to explain their situations. It should be part of the services provided to the ladies of the Magdalen laundries. I ask the Minister to support it.

**Deputy Frances Fitzgerald:** As I have already said, the provision of an advocacy service does not require legislation and is not part of the Bill. While I understand what the Deputy is doing, Judge Quirke’s specific recommendation, on page 45 of the report, was that the State would fund, establish and accommodate a small, dedicated unit to provide a range of supports to the Magdalen women. We have established such a unit, which is focused on providing all assistance and obtaining the monetary benefits for the Magdalen women. Once the Bill has been enacted, the HSE will also make suitable arrangements with the women to provide the health service entitlements in the Bill. All the recommendations on the dedicated unit will be met, just as all Judge Quirke’s 12 recommendations are being met.

Regarding Deputy Joan Collins’s points, I refer back to the points I made about the Assisted Decision-making (Capacity) Bill and the advocates the women will have under it. When Judge Quirke made his report, the provisions in the Bill were not available and he suggested the best available. The Assisted Decision-making (Capacity) Bill 2013 covers a range of options including decision making assistance, co-decision makers, decision making representatives and the public guardian measures which are well suited to looking after the best interests of the Magdalen women who have capacity issues. The Bill will be very helpful for the women who fall under this category because they will have the benefits of what is outlined in it. Therefore, I cannot accept the amendment.

**Deputy Maureen O’Sullivan:** Is the Minister satisfied that none of the women, particularly those who lack capacity, can be taken advantage of by anybody? Many of the women are living in the same orders that ran the laundries. While there is a different atmosphere, personnel and relationships today, it is ironic that the same orders which institutionalised them in the first place may end up advocating for them, and we must be 100% satisfied and content that the women cannot be taken advantage of.

**Deputy Frances Fitzgerald:** I appreciate the Deputy’s point and it is critical in terms of

residential care. HIQA would have a role to play and the Assisted Decision-making (Capacity) Bill will be very helpful. One or two issues were reported to us and they were fully investigated and if anybody has any information on the care and protection of these women, they will be fully investigated and the relevant authorities made aware of the issues.

Amendment put and declared lost.

Amendment No. 16 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 17 to 19, inclusive, are related and will be discussed together.

**Deputy Ruth Coppinger:** I move amendment No. 17:

In page 5, between lines 7 and 8, to insert the following:

**“Establishment of a Restorative Justice Scheme**

**5.** The Restorative Justice Scheme proposed by the Magdalen Commission Report on the establishment of an *ex-gratia* Scheme and related matters for the benefit of those women who were admitted to and worked in Magdalen Laundries, authored by Mr Justice John Quirke and published in May 2013, shall be enacted.”.

The UN Human Rights Committee report on Ireland expressed grave concern at the lack of prompt, independent, thorough and effective investigations into all allegations of abuse, mistreatment and neglect of women and children in the Magdalen laundries and other institutions. We have not had it yet. The McAleese report was a deficient investigation and nobody argues that it was independent, unbiased and thorough. It is very important that it happens. If we take the UN’s definition of a restorative justice scheme, the State and the church should be liable for this and we would “ensure that all victims obtain an effective remedy including appropriate compensation, restitution, rehabilitation and measures of satisfaction”. What is on offer to the women is not doing this fully. Amendment No. 14 on the provision of the State pension contributions to all relevant participants, which specified that the women would be treated as if they had been working, was ruled out of order. Others proposed similar amendments and it was one of Mr. Justice Quirke’s recommendations. Is it contained in the scheme? If so, why were our amendments ruled out, given that they would not have imposed a cost on the State? We do not have a restorative justice scheme for the victims of the Magdalen laundries and other institutions. Amendment No. 18 asks that the Minister review this in six months’ time here in the Dáil so Members can scrutinise it and monitor the progress of what is paid out to the participants in order to verify that they get what they were promised.

**Deputy Mary Lou McDonald:** I support amendments Nos. 17 and 18. Amendment No. 19 addresses the concerns expressed by Magdalen laundry survivors and their advocates, which are shared by Sinn Féin and other Deputies, that despite the Minister’s insistence to the contrary, the legislation will not give full effect to Judge Quirke’s recommendations. Despite the deficiencies in the legislation and discrepancies between the Quirke recommendations and the Minister’s provisions, the Minister has not addressed them by way of amendment. We knew and said from the outset that Opposition amendments to give effect to the recommendations would be ruled out of order on Committee Stage because they would, by necessity, impose a charge on the State. That is precisely how it happened, and ten of the 11 proposed for Committee Stage debate were ruled out of order on this basis. They could not have been debated by

the Deputies present, which rendered the debate on the Bill, to some extent, tokenism. For this reason, I urged the Minister to propose the amendments, as she had the power to do so. She did not take me up on it.

In light of this, and because I do not accept that the Minister's characterisation of her legislation is accurate, we should test those assertions by submitting the legislation to the independent scrutiny of the Irish Human Rights and Equality Commission, which has the power to advise on the human rights impact of legislative proposals in order to evaluate or, if possible, verify whether the legislation complies fully with Judge Quirke's recommendations. My amendment proposes that a report to this effect should be laid before the Houses of the Oireachtas within one month of the enactment of this Bill. I accept it is not ideal but I was advised that had I attempted to table an amendment to block enactment pending the commission's verification, as I had originally planned to do, that amendment would also have been ruled out of order. This is very much a compromise amendment. If it is the case that, as she claims, the legislation is completely *ad idem* with the recommendations of the Quirke report I would imagine that the Minister, like the rest of us, would welcome the process I am proposing and the report and verification, and accept the amendment.

**Deputy Maureen O'Sullivan:** We need to reconsider the limitations of the McAleese report. The remit was very narrow. We know there are criticisms of that. When we talk about what happened in the laundries it is important to hear the stories. It is important for the women that their stories are heard and believed. There was a great deal of disappointment because they felt the McAleese report did not give a true account of their experiences in the laundries. There is a debt owed on that aspect.

The mother and baby home inquiry is coming up. It will not be comprehensive enough because we know the crossover, the connections between mother and baby homes, industrial schools and Magdalen laundries and I hope that after the next commission of inquiry there will be a really comprehensive narrative but I am afraid there will be gaps again as there were in the McAleese report.

When this legislation comes in there will be a need for a comprehensive guide in simple language in order that all the survivors of the laundries can understand exactly what they are entitled to and there is no ambiguity for them.

**Deputy Joan Collins:** We are not the only ones asking these questions but Justice for Magdalenes is also raising these concerns. I asked the Minister last week if she had contacted that organisation to give it a full picture of what the State is putting in place, including the legislation and what she says she is considering outside it. That would have been a better approach and given the Justice for Magdalenes group more clarification.

I received an e-mail from Justice for Magdalenes stating that it agrees women need to receive a comprehensive guide to the card as soon as possible, the equivalent of appendix G of the Quirke report, before they can be satisfied they are receiving what was promised. If such a guide is not available now who knows when the Health Service Executive, HSE, will get around to designing it and making the card available? The Minister is referring to a simplistic list of services given as bullet points on page 35 of the Quirke report instead of appendix G, which he explicitly points to in his first recommendation as containing the full set of services the women should get. The Minister claims the women will receive dental, ophthalmic and aural services, counselling etc. and says therefore the Quirke report has been complied with. There is, how-

ever, a massive difference between the medical card standard and health amendment Act, HAA, card standards for these services. The Bill still limits women to medical card standard dental, ophthalmic and aural services based on the 1970 Act, drugs and appliances, counselling for the women only, not their relatives, and covers no complementary therapies, massage, acupuncture, aromatherapy and no liaison officers. These are the issues Justice for Magdalenes has raised. The Minister should consider amendments Nos. 17, 18 and 19 to address this issue.

**Deputy Frances Fitzgerald:** Deputy Joan Collins asked about the top-up pension payments. Judge Quirke's recommendation on top-up pension type payments is being fully implemented. I have more detail on that if the Deputy would like me to give it to her.

Many of these amendments fall outside the scope of the Bill because the Bill deals specifically with the provision of health services. Many of the recommendations are being implemented outside legislation. The restorative justice *ex gratia* payment scheme recommended in section 5.06 of the Quirke report already has been, and continues to be, implemented. It is not part of the Bill and it is not possible to provide that it shall be enacted by the Bill as amendment No. 17 suggests.

The recommendations on the State pension are already being implemented in full and are not part of this Bill. I addressed this issue on Second Stage and said that many of the issues being dealt with, and services being put in place, are being done outside legislation because that is the nature of the scheme. That is one of the benefits, that the scheme got up and running very quickly. Here, we are dealing with the health aspects which I hope can be enacted quickly so that the women can access these health services.

In response to Deputy Joan Collins' point about the services available under the HAA card that are not available to the Magdalen women, those services arose because the women had hepatitis C. Judge Quirke, when he analysed this, said it would not be appropriate for many of them because the Magdalen women are not in the same category. The services were adapted under the HAA card for the women with hepatitis C. He said that in this scheme the services need to be adapted appropriately for the kind of health issues relevant to the Magdalens. I believe that is precisely what is being done by the range of health services we are covering.

I and the Department have given very full responses to any questions Members had on the detail of the payments being made or issues that have arisen. The Department and the unit dealing with the issues have been available to speak. That information can be given any time by way of parliamentary question or simply by requesting the information and I do not believe it is necessary to ask anybody else to report separately on these facts. They are already in the Official Report and will continue to be.

**Deputy Mary Lou McDonald:** The difficulty is that not only Deputies here but people outside this Chamber have raised concerns about the robustness of this legislation and whether it fully captures the Quirke report. The best way to adjudicate on that is to ask the relevant and competent body to examine those matters and to report on them.

I am very disappointed that the Minister is not accepting my amendment or the others in the group. It is unwise and puts some of us in a position of considering whether to support this legislation, which is a very great pity. I do not see why the Minister could not support an amendment that envisages an analysis of the legislation and a verification of its implementation of Judge Quirke's recommendations. It would not prove a very costly or time-consuming

exercise but it would have the merit of giving assurance, finality and peace of mind. I ask the Minister to reconsider her position on amendment No. 19.

Debate adjourned.

### **Road Traffic (Amendment) Bill 2015: Second Stage [Private Members]**

**Deputy Mary Lou McDonald:** I move: “That the Bill be now read a Second Time.”

I wish to introduce the Road Traffic (Amendment) Bill 2015. This Bill has come to be known as Jake’s law in memory of six year old Jake Brennan, who was knocked down and lost his life at 6.25 p.m. on 12 June 2014. Jake died in his mother’s arms on the street where he lived and played for his all too short young life. In truth, this Bill would not be before the Dáil today but for the determination, persistence and powerful love of Jake’s family, that is, his father Christopher and his mother Roseann. I extend Members’ welcome and thanks to Rosie, Chris and all the families and supporters of Jake’s Legacy who join Members this evening in the Gallery. Jake is not the only child to lose his life in tragic circumstances and is not the only child to be injured or killed on the roads. Between 1997 and 2012, 262 children aged 14 and under lost their lives and a further 1,115 were seriously injured on the roads. While 60% of child fatalities occurred outside built-up residential areas or in other words, in areas with a speed limit of 60 km/h or more, 57% of child injuries occurred in built-up residential areas. These are some of the statistics but as Members are aware, none of these precious children is a statistic. Jake is not a statistic.

I first met Rosie when she knocked on my front door at home in Cabra. We drank tea and talked and she told me about her Jakey, her firstborn child. She told me how she held him as he slipped away from this life. She told me that her life, as well as those of Chris, Kaelem and baby Savannah would never be the same again. She then told me she would not and could not bear for any other mother to suffer as she and her family now are suffering. She was campaigning for change in the form of a simple, straightforward, necessary and proportionate change in the law. Jake’s law amounts to an amendment to the Road Traffic Acts to provide for a mandatory speed limit in housing estates, public or private, across the State.

The current position, in which speed limits in housing estates may be introduced as a matter of local authority discretion in a piecemeal fashion, is not satisfactory. It is not working and is not sufficient to protect the safety of residents and of children in particular. It is appropriate and necessary for the Oireachtas to set a mandatory speed limit for housing estates to guarantee the health, safety and welfare of all residents are protected equally. Jake’s law creates a standardised statutory speed limit of 20 km/h to apply in housing estates as defined in the legislation. The objective is to introduce a level of safety to those housing estates in which children live, play chasing, kick footballs, hurl and ride their bicycles. Some will and have argued that 20 km/h is a very low limit. It is and is intended to be just that. It has been set in the knowledge that the greater the speed, the greater the chance of serious injury or death and that conversely, the lower the speed, the greater the chance of someone, and a child in particular, surviving an accident or a collision on the roads. This is the simple logic and that logic is sound.

The Taoiseach and other members of the Government, including the Minister, Deputy Donohoe, as well as his colleague, the Minister for the Environment, Community and Local Government, Deputy Kelly, in the past have pledged support for Jake’s Legacy and the cam-

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paign to achieve safety for children living in housing estates. In that regard, I welcome that the Government will not oppose this legislation tomorrow evening. However, I must tell the Minister that a passive stance on his part is not sufficient. This Bill requires and deserves the active support of the Government. That is what it pledged to Roseann and her family. That is what the Government signed up for when it pledged its support for Jake's Legacy. I have no doubt but that when the Minister, Deputy Donohoe, speaks, he will give an account of the actions he has taken in recent months including his interactions with local authorities and the circular issued to them requiring a review of speed limits in residential areas and housing estates. I have no doubt that the Minister will refer to the report issued pursuant to this review, which set out a number of recommendations on future estate design and traffic calming measures in existing estates, all of which are useful recommendations in their own right but none of which deal with the inconsistent, *ad hoc* approach to speed limits in housing estates. Jake's law, the Road Traffic (Amendment) Bill 2015, remedies that gap in the law and provides a mandatory statutory speed limit applicable to all housing estates. That is the way to resolve this matter of speed limits.

The Government will not oppose the Bill's passage to Committee Stage. When the Minister responds, I ask him to set out when he envisages the Committee Stage debate will take place. I ask him to set out when he envisages that Jake's law will become the law of the land. I ask him to set out and to guarantee that this legislation will be afforded the level of urgency it deserves. It would be most disingenuous and unacceptable of the Government to act as it has with other legislative items, that is, to allow it to proceed to Committee Stage only to be left there to gather dust. The Minister should be clear that he will not get away with that tactic when it comes to Jake's law as his family and his mammy in particular will not let him away with it. If the Minister seeks a measure of their determination and in particular that of Roseann, he should look to the vigil they have mounted at the gates of Leinster House in recent days. Jake's family has been there since lunchtime on Sunday and will sleep out there again tonight. They have told me they would sooner sleep outside the Dáil from now until next Christmas than let this matter go. I believe them and the Minister should believe them as well.

On Sunday, when the vigil gathered, another woman named Rita Malone from County Clare came to support Jake's law and the Brennan family at the gates of Leinster House. Rita told her story in which her boy Oran, aged eight, was hit and badly injured in the housing estate in which his childminder lived. Rita recalled hearing Rosie on the radio talking about Jake some months earlier and told me that when she heard Rosie tell her story, she had been obliged to pull into the side of the road to compose herself because she was so upset to hear of what happened to that six year old child. She told me that when she listened to Roseann on that occasion, she could never have imagined that she, a few months later, would find herself in a similar situation in that her own child would be hit and injured in an accident almost identical to Jake's. Yet, that is exactly what happened. The most heart-breaking similarity between the two stories is that Rita Malone told me that, as Oran lay on the ground, injured, waiting for attention, he asked his mammy would he die. She tells of the fear she saw in the child's face. Roseann tells exactly the same story.

The Minister, Deputy Paschal Donohoe, and I share a constituency, living no more than a stone's throw from each other. Both of us represent a constituency where we know the consequences and the fallout of children being injured or dying in road traffic accidents. He will recall in 2007 we lost young Pádraig McGillivray in Cabra and in 2011 young Conor Hickey. Being a family man himself, the Minister knows the consequences for the families affected and for the community at large.

This law asks us as public representatives to simply remedy an obvious gap in the law. The legislation is straightforward, setting a new 20 km/h speed limit, making it binding and mandatory to ensure there is no opting in or opting out. It gives that level of universality, sureness and cover across all housing estates. The Minister, as a reasonable person, cannot turn down such a proposition. He knows leaving this matter to the discretion of local authorities has simply not cut the mustard. Above all, I know he appreciates the real suffering and hardship that Jake's family has been through, as have many other families across the State.

We have an opportunity in this simple and straightforward legislation to resolve a dilemma and a problem. That does not always happen in political life. Very often dilemmas and problems are profoundly complex, requiring endless consideration, weighing and balancing, as well as deliberation. This is not one of those cases. This is a straightforward request to create clarity, uniformity and safety through a 20 km/h speed limit in housing estates. It means slow traffic into and out of public and private housing estates. It will require more than the €2 million earmarked by the Minister. However, the safety of our children deserves and requires nothing less.

The family of Jake Brennan is sitting behind the Minister in the Public Gallery. He cannot see them but they are looking down at him now. There is an expectation among that family, on behalf of all of the children injured or who lost their lives in circumstances similar to those of Jake's, that the Government will take the honourable, sensible and competent action on this matter. The honourable action is not to oppose this legislation in the hope it might go away but to actively support it, setting out when it will go to Committee Stage and a timeline for its passage.

May I suggest 12 June next as the date to have this law on the Statute Book, marking the first anniversary of Jake's death. It would be a symbol for all those children injured and for all those families who have lost children in road traffic accidents. That would be an appropriate timeline to set for this legislation. In a spirit of co-operation, decency and concern for the safety of children, so many of whom live in housing estates, I hope the Minister will embrace this legislation and keep the commitment and pledge he made to Roseann Brennan and to Jake's Legacy. I hope he will not alone allow the passage of this legislation but that he becomes its champion. I hope he, along with the rest of us, does justice to the legacy and the memory of young Jake Brennan and the reality of his family's life, as well as every child injured on our roads. In passing this legislation, we must resolve collectively that we will do everything in our power to ensure these incidents do not occur again.

**Deputy Brian Stanley:** I express my admiration for Roseann and Chris Brennan, their family and supporters whom I met for the first time today. I was very impressed by their determination when I recently saw them on television. They have been protesting outside Leinster House since Sunday, only eight short months after Jake's unfortunate death. That alone indicates their determination. When I spoke to them this morning, I was impressed again by their determination to ensure steps are taken to address the issue of speed limits in housing estates and to lessen the possibility of similar tragedies occurring in the future. I acknowledge that the Minister for Transport, Tourism and Sport, the Minister for Children and Youth Affairs, the Minister for the Environment, Community and Local Government and the Taoiseach have met with the Brennan family. Hopefully, this will be followed up by allowing this Bill not just to go forward to Committee Stage but to be actually passed by the Dáil and Seanad and enacted.

Ramps and other traffic-calming measures such as build-outs, in use in many housing estates, are effective but only part of the solution. Build-outs have been installed in many estates

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such as Ard Erin in Mountrath, County Laois, and in Cois Na hAbhainn, Portlaoise, County Laois. While they assist traffic calming, some drivers just wait for the opportunity to put the foot down again and speed off when they get past them.

The number of deaths of young children in housing estates as a result of road accidents is unacceptable. In Portlaoise alone, in the past several years, two children have been killed as a result of traffic accidents in housing estates. While people must drive through housing estates, it must be remembered they are also play areas for children. While we cannot make these 100% safe, there is more we can do. Most of all, we must develop and foster a culture of driver responsibility and road safety with particular emphasis on driving safely in housing estates.

Roseann and Christopher Brennan told me today that they are anxious to change people's attitudes towards speeding, particularly in residential areas. It must be made totally unacceptable for people to speed in housing estates. Several decades ago drink-driving was socially acceptable. It is not now. The same must happen with speeding in residential areas and everywhere. This Bill will put further responsibility on drivers, helping create and foster a change of attitudes about which Roseann and Christopher Brennan spoke to me.

I, along with local Sinn Féin representatives in Laoighis-Offaly, have been demanding the introduction of 20 km/h speed limits in residential areas for a long time but the local authorities oppose this with claims the lowest limit one can go to is 30 km/h. We must change that. We must enable councils and councillors to have that as a reserve function, particularly where children are playing because that is not sufficient. The whole issue of blanket speed limits is not logical. At the moment, there is a review coming up, of which the Minister is aware, across the local authorities where the blanket 80 km/h speed limits were put on all rural roads. They are all now being reviewed and changed, because they can be seen on very good roads and on boreens that are only about 3 m wide. If we can change it on those roads, we can change it for housing estates.

We must have the speed limit to fit the road. The speed limit has to reflect the roads in the area, but also other factors such as housing density and the proximity and location of play areas. There is a situation in Kilberry, near Athy in County Kildare, where Bord na Móna lorries go up and down right by the play area in the housing estates near the local Bord na Móna factory. People do not want to stop the lorries going up and down, but they do want to reduce the speed limit. The local councillors in that area need to have the law on their side and need to have the power to do this.

We need to be able to get away from the situation where we can just have blanket 50 km/h speed limits across the board in urban areas. The designation of residential areas for 20 km/h speed limits needs to be decided locally. As a former councillor, I stress - I know councillors have some say - that to change the speed limit locally, which I have tried many times, is a very hard battle to get through. The best-placed people to do it are local councillors. Our Bill would provide for that.

There are guidelines issued by the Minister's Department, which set out some of what needs to be done, but the Department must go further. Along with some of the physical measures I mentioned, such as build-outs and ramps, there must also be allowance for speed limits to be put in place to facilitate situations like this. The designation of housing estates - of what constitutes a residential area - needs to be done by local councillors and our Bill provides for that. It sets out that it is a reserve function under by-laws.

I ask all sides of the House to support the Bill. Like the previous speaker, Deputy Mary Lou McDonald, I ask that the Government gets behind this and does not just let it run into the sand and go to the committee and nothing else happens. It should do this and do it before June. It would be a very good legacy for this Dáil to have, to say that we brought in this Bill.

**Deputy Michael Colreavy:** Go raibh maith agat. Those of us who are parents and grandparents will recall when we heard of young Jake's death. Although I do not know the Brennan family - I have not met them although I hope I will - I must say that our hearts went out and we understood in some way the pain and anguish that family went through and is going through. That understanding of the pain and anguish, with me certainly, turned to a very strong admiration, because here was a family who, in the midst of their grief, stood back and tried to find something good that would come out of such a tragedy. I think the interviews with the Brennan family were far more persuasive than anything I can say here as to why our legislation should be passed through this Dáil after the debate tonight and tomorrow night.

Taking up a point to which Deputy McDonald referred earlier, there are different kinds of debate in this Chamber. Sometimes legislation is put forward that is hugely complex. There might be a question over whether it is in conflict with EU legislation or policy. There might be conflict over whether it impacts on other Irish legislation. There might indeed be conflict over whether the legislation is desirable and there are many ideological debates as to whether legislation might be advantageous or desirable. There might be debates over legislation which all sides agree is desirable, but which cannot be afforded by the State. We have all that range of debate in legislation, but I think this is one piece of legislation that everybody here will agree is good, necessary and doable. It is doable now.

For some legislation, there might be question marks over whether the perceived benefits of implementing it are as great as presented by its proponents. There is no such conflict here. The evidence is clear. Reducing speed in housing estates will save the lives of children, adults and elderly and infirm people. The evidence is there and is clear. There are two issues here. First, will the Government take this as a serious piece of legislation? Will it ensure that it gets a fast passage through the Houses and, most importantly, will it ensure it is enforced? Legislation that is not enforced will not save lives. Enforcement is essential.

We all hear talk now regarding children and obesity, that it is important that children can play outside, can play their games of football, cross the road to the park, or enjoy the God-given air of this land or ours. Oftentimes, particularly in the larger housing estates, parents are fearful of letting their children out and one of the fears is of traffic driving through the estates. Very few people set out to kill or badly injure somebody with a car. That very seldom happens. However, there are drivers who, unless there are consequences to their actions, will drive dangerously and recklessly. A child can be killed by someone driving within the law on the streets of our housing estates at present. That is bad. It is possible to drive within the permitted regulation and still pose a very real risk to the lives of children and other vulnerable people on the streets of our estates.

I was discussing the fact that we were putting forward this legislation tonight with a person over the weekend. He was a young chap and likes fast cars. I did not think anyone would have a view like this, but he said to me, "Micheál, it is nearly impossible to drive for any distance at 20 km/h." That is the mindset that has to be changed. We are not talking about Mondello Park - we are talking about housing estates where people drive a couple of hundred metres, slow down, turn left and gradually pick up speed again. It is not a race track or a highway. That is

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the kind of change of mind we have to bring around in society, probably starting with our young drivers. One thing is sure - unless the legislation is changed to make it an offence to travel greater than 20 km/h in our housing estates, those young people will continue to drive too fast.

*8 o'clock*

Those young people regard speed limits as minimum, not maximum, speed limits. We can say that is wrong and that they should not do that, but that is the way it is.

The Brennan family have made a totally persuasive case and we, as legislators, have a responsibility to bring about this change. The Minister will have our full support in ensuring this legislation has a speedy passage through the House. He will also have our full support in ensuring it is implemented properly. Society will thank the Minister for that and it will watch to see the difference it will make in our housing estates.

I do not want to hear of any more cases like Jake Brennan's. In particular, I do not want to hear of any more Jake Brennan cases where the finger can be pointed at me, at the Minister and at Members of this House in that if we had done something about this, perhaps the young life may not have taken.

I understand the legislation we are putting forward will not be opposed by the Government but it must be actively supported by it. It must be brought through the Houses of the Oireachtas quickly and implemented. I repeat the Minister will have our full support in doing that.

**Deputy Pearse Doherty:** Gabhaim mo bhuíochas agus mo chomhghairdeas mór le Roseann Brennan agus a fear chéile. Tá obair díograiseach déanta acu ó thaobh sábháilteacht bóthair i mbailte móra agus go háirithe in eastáit tithíochta a ardú. Spreag an tragóid a tharla dá ngasúr beag, Jake, an feachtas seo. Mar a dúirt an Teachta Dála McDonald, chaill Jake a shaol níos lú ná bliain ó shin i gCill Chainnigh. Ón am sin ar aghaidh, níl dabht ar bith ann ach gur chuir a mháthair cuid mór leis an bhfeachtas chun teorainn luais de 20 km/h a chur i bhfeidhm in eastáit tithíochta. Tá sé soiléir go bhfuil an reachtaíocht seo de dhíth, ach tá oideachas de dhíth fosta ó thaobh tiománaithe agus an dáinséar atá ann agus iad ag tiomáint le hardluas i gceantair dá leithéid. Is ceantair iad seo ina féidir páistí a bheith ag súgradh agus ag caitheamh a gcuid ama.

As has been done, it is appropriate that Roseann Brennan and her husband are commended on the work they have done in regard to road safety since the tragic death of their little boy, Jake, a death which occurred less than a year ago in Kilkenny. I am sure it rips the heart out of any parent to see their child snatched from them at such a very young age. We are all familiar with cases in our constituencies where children have lost their lives at an early age and as a result of road fatalities and fatalities in housing estates. Some of those cannot be averted, some have happened because people have reversed out of their driveways and, unbeknownst to them, a toddler is behind the car and some are complete accidents. We cannot prevent all accidents.

What this legislation is trying to do, however, is to change behaviour, to educate and to make it a law that one cannot travel at inappropriate speeds where children are playing. I hear the news bulletins, as we all do, that a young person has lost his or her life in a tragic collision in a housing estate and one feels for the family. Even today when I was leaving for the House, my own children ran out to wave me off. My youngest is just two years of age and as I was reversing out, I wondered if he was behind the car as I could not see him in the side mirror. It is a fear every parent will have and, unfortunately, it is a fear visited on far too many parents, which possibly could be averted.

This is sensible legislation and is a call for action. In response to the campaign by Roseann Brennan, the Minister called on local authorities to review speed limits in residential areas and housing estates and to improve road safety for cyclists and pedestrians alike, but what was missing was the legislation and the fact no law was enacted. If we are to be a progressive Legislature, we must believe we enact laws for the betterment of society and that we see that good laws change behaviour and attitudes, which is a good result.

There have been many examples of this in the past. I refer to the laws in regard to drink driving. We all remember when people drove after consuming alcohol. It was the norm in Irish society for far too many people. However, when the limit was reduced, the law was changed and penalties were increased, behaviour was modified but, more importantly, attitudes to drink driving changed and it is now socially unacceptable to drink and drive. We must do the same with speed. We must make it unacceptable to drive fast where children are playing or anywhere it is unsafe to do so.

The most important aim of this Bill is simple, it is to save lives. Figures from Britain and Australia show that the odds against dying on the roads increase dramatically the slower the speed of the vehicle. At 20 km/h, there will be injury if a person collides with the car or if a car collides with a person, but death is unlikely. This is without doubt a very low speed limit but we must remember that it will be only in areas where there is housing. Most drivers do not exceed 20 km/h in an area that is built up or in a housing estate because they are aware of the dangers of small children playing beside roads. A child might run out onto the road to try to get a ball and the next thing it is too late.

I know the Minister is not opposing the legislation but we have seen this too often. It is the way the Government can say is not opposing the legislation, but it parks it in committee. Deputy McDonald made the call to mark Jake's anniversary in June by making it the day this law is enacted. That would be a commendable thing for the Minister to do.

**Deputy Thomas P. Broughan:** I thank Sinn Féin for permitting me to speak on this hugely important Bill. I strongly support Deputies McDonald and Ellis in bringing forward this legislation and salute them for so doing. For somewhat similar reasons, approximately 17 or 18 years ago when I was chair of the general purpose committee of Dublin City Council, I tried to move forward the concept of home zones, which I had heard about in Holland, where residential estates would have a much lower speed limit than the speed limit even on local roads – perhaps of 25 km/h. I also tried to amend the 2010 Act when it was going through to try to get an additional lower speed limit.

This is a hugely important development and I welcome the fact the Minister is not opposing the Bill. I understand it will amend the Road Traffic Act 2004 by inserting a new subsection calling for the new residential speed limit to be set at 20 km/h for mechanically propelled vehicles. It also calls for the deletion of section 9(2) of the 2004 Act so, effectively, it is adding a seventh speed limit of 20 km/h in residential areas or in housing estates.

I was honoured earlier today to meet Ms Roseann Brennan and to hear from her family and friends of her strong campaign to create some memorial following the horrendous tragedy which has befallen her family with the death of six year old Jake in Lintown Grove in Kilkenny last year by asking this House to finally take decisive action in this matter and bring in this new speed limit. As our Sinn Féin colleagues have said, it is poignant to remember the shock, grief and pain that Roseann, her partner and family have suffered, including the impact on the child's

brother in the period of time since the tragedy.

Unfortunately, Jake has not been the only young child to lose his life on roads. Residential areas and housing estates should be safe places where children can play, cycle, chase each other, play hurling, play football or whatever, as lively active children. They are taught about road safety in schools and we, as drivers as well as pedestrians, have an important duty to protect them. Like other Deputies, yesterday I received the RSA 2014 report and updates. I am appalled to see that there has been a 24% increase in the number of casualties involving vulnerable road users. Among the 197 lives lost last year are 42 pedestrians, 13 cyclists and 14 children under the age of 15. Three times as many children under 15 died in 2014 as in 2013. This is happening on the Minister's watch. He is the person on the bridge right now and he has the opportunity to do something decisive to address this.

During parliamentary questions relating to transport I asked the Minister to look at Vision Zero, the Swedish road safety plan, which has been operating for nearly two and a half decades and which has, through some of its initiatives, especially regarding speed limits in housing estates, decisively reduced the number of casualties, particularly among children. Vision Zero works on the principle that cars should not interact with pedestrians when they are moving at more than 18 mph. It is not feasible, as is the case in a residential estate, for a car to be doing more than 18 mph, it is a little more in kilometres. That has been their conclusion after an intensive campaign. The Dutch have also had their "home zone" proposal.

We need to see the Minister utilise the legislation in a proactive way, as Deputy Mary Lou McDonald has said, process it quickly through this House, progress it and get the city and county councils around the country to implement it in an urgent, systematic way, so that when we leave a local main road we know we are going into a housing estate, we are in with households and with children and we behave differently. That is now the Minister's responsibility. I commend our Sinn Féin colleagues and Roseann Brennan for her incredible, indefatigable campaign to make this the law.

**Acting Chairman (Deputy Frank Feighan):** I call on the Minister, Deputy Paschal Donohoe. I understand he is sharing his time with Deputies John Paul Phelan, Kieran O'Donnell, and Eamonn Maloney. Is that correct?

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** That is correct. I begin my contribution by doing what many other Deputies have done this evening, acknowledging everything the Jake's Legacy campaign has done, the amazing energy, commitment and bravery it has brought to bear on a very important issue. I have met Roseann and her family on five separate occasions. It was one of the first groups I met after my appointment as Minister and I am in awe of the fact that the tragedy that family went through has been a catalyst for a campaign, as opposed to just a cause for deep sorrow and reflection. It has been an honour for me to meet them. In my efforts as Minister, I have done my best to respond to the campaign and to see how best we can respond to the challenge it has carefully laid down to this Chamber, both within the law that is available to me and through possible changes to the law.

One feature of road safety debate and policy to date has been the desire of all Deputies to maintain this as a policy area that is above party politics, an area on which we can unite. While this does not in any way preclude difference and should never preclude debate, to date this policy area has been characterised by recognition that all politicians, of any party and of none, are doing their best to make our roads and our communities safer. While there may well

be disagreement on this Bill and its consequences, we are all united by a desire to make our roads safer. As a legislator, as Minister for Transport, Tourism and Sport, and as someone with a young family, I am keenly aware of the need to make all our roads safe and I am very much aware of the challenge that exists within residential communities, within housing estates and on residential roads.

This debate takes place against the backdrop of a reduction in the last ten years of the number of fatalities on our roads, a drop from 376 lives lost on our roads to 162. That is still far too many lives. A variety of factors have contributed to this improvement, including new and more realistic speed limits, the implementation of better maintenance standards through NCTs, and tougher laws on drink-driving and mandatory alcohol-testing. Since 2002, we have also seen the introduction of a new penalty points system, which, despite difficulties, has made a difference, has been a deterrent and has played an educational role in making our roads safer. The creation of the Road Safety Authority has also made a big difference. It is an independent body that delivers joined-up thinking across a range of areas, from vehicle standards to driver training and testing to road safety legislation.

As Deputy Colreavy outlined, road safety is fundamentally a matter of attitude and awareness of the responsibility people take when behind the wheel of a car. It is something that can never be achieved fully through legislation or enforcement alone. It is delivered via shared responsibility. In order for safety to increase, it is essential that drivers accept and act on the need to behave in a safe manner. We have seen change in that area, for example, in regard to drink-driving, as was touched on by other Deputies.

As Deputy Broughan has outlined, in 2013 the number of road deaths increased to 189 and last year they increased to 197. While there are a variety of factors behind this increase, there are many areas of behaviour and of change that we must address. We must remain vigilant in order to get back to the decreases we have seen in previous years. Deputy Mary Lou McDonald made the point that there is no mere statistic here. There are families, there are absences around the dinner table, absences when homework is being done and meals are being had. For every digit, there is a family and a community that have had the wrecking ball of either serious injury or loss of life pass through their lives and homes. The Brennan family and all their supporters whom I have met have used this in an extraordinary way as the cornerstone of a campaign to make our roads, particularly those in residential communities, safer. Along with everybody else, I wish to recognise that in my contribution.

I have met the Jake's Legacy family and campaign on five occasions and had the opportunity to engage with them this morning when walking into the Dáil. I have made changes and introduced initiatives in response to dealing with them. All Deputies have acknowledged this, while expressing genuine concerns regarding their effect or adequacy, which is their prerogative. On foot of some of the meetings I had with the family, I announced on 4 February the allocation of an additional €2 million to support local authorities in delivering lower speed limits in residential communities. One consequence of this has been the design of a new sign, which will be funded by the Department as a means of raising awareness among drivers of their responsibilities in highly populated residential communities. I took this initiative in direct response to the manner in which Roseann Brennan and her family campaigned and led on this issue.

Furthermore, in October 2014, in other words, before I announced the funding of €2 million, I issued to local authorities a circular on the control of vehicle speeds in housing estates. The purpose of the circular was to advise local authorities of the results of a recent survey which

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was done on foot of a meeting I held with members of the Jake's Legacy campaign last summer. The circular also reiterated existing policy on traffic calming procedures and requested local authorities to undertake a review process of speed limits in housing estates. All local authorities have since responded and I am collating their responses as I deliberate on how best to spend the €2 million I have provided for making residential estates safer.

Guidance documents issued by my Department provide a policy framework for public roads under the responsibility of local authorities in respect of the design of new estates and revamping of existing estates. The 2010 guidelines give particular guidance on 30 km/h speed limits. The purpose of this approach is to create a framework to guide local authorities in assessing what actions can best deliver safer communities and improvements in residential areas. The overriding objective is to reduce vehicle speeds on all roads, with a particular focus on housing estates, so as to improve safety for all.

Deputy McDonald and her Sinn Féin colleagues briefed the House on the Bill, which builds on the Road Traffic Act 2004. Sections 4 to 10, inclusive, of the 2004 Act define particular types of speed limit. The Bill proposes the insertion of a new subsection (1A) in section 7 of the 2004 Act. This would define a new kind of speed limit, to be known as a "residential road speed limit", which would be 20 km/h for all mechanically propelled vehicles. The proposed amendment would add the option of a special speed limit of 20 km/h, under section 9(2), which would be applied only on roads within areas defined in by-laws as residential areas or housing estates but not covered by the provisions of the new section 7(1A).

Deputy Broughan referred to the policy on what are known as home zones. I acknowledge the work the Deputy has done on road safety. A review of speed limits produced detailed proposals on the introduction of home zones. It provided for an option of introducing a 20 km/h speed limit in home zone areas. It should be noted, however, that the home zone concept is different from the proposal made in the Bill, which provides for the introduction of a mandatory 20 km/h speed limit in housing estates and residential zones. I will not do the House a disservice by claiming that home zones, which I would like to progress, are the same as the speed limits proposed in the Sinn Féin Bill. Having considered the proposals in the Bill, I do not disagree in principle with the creation of a 20 km/h limit for residential areas. However, the proposal to make the speed limit mandatory and have it imposed centrally creates a challenge. I will engage with the Joint Committee on Transport and Communications on this matter.

Deputy Stanley noted some of the challenges presented by the Bill when he referred to the problems created by blanket speed limits. He stated, for example, that speed limits must fit the road and argued that local authorities and councillors are best placed to define what are residential areas. This is the challenge I would face were I to choose to implement a mandatory 20 km/h speed limit. I will give an example of the difficulty that arises in designating a residential road. Many roads in this city and other cities which have homes located on them are also main routes for traffic, including at, but not limited to, rush hour commuting times. Examples with which I am familiar include James's Street and Church Street in Dublin, both of which are major thoroughfares that traverse residential communities. The challenge I and my officials face in responding to the proposal to roll out a mandatory lower speed limit of 20 km/h is to recognise and define the wide variety of road types, including many which traverse housing estates and residential areas. My officials and I wrestled with this issue until late this evening as we sought to understand the challenge of creating a definition of a residential road and a road in a housing estate. For these reasons, I am inclined to the view that it would be more appropriate to allow local authorities to make decisions in this matter, rather than rolling out a mandatory

new speed limit. A pilot scheme for the 20 km/h speed limit, based on the home zone concept, should be carried out this year.

I was challenged to respond quickly to this issue. I emphasise that I have great sympathy for the thrust of the Bill and have engaged repeatedly with the Brennan family and its supporters on how to respond to the issue. The heads of a new road traffic Bill have been circulated to the Joint Oireachtas Committee on Transport and Communications. I will provide for an option of a lower speed limit of 20 km/h in the Bill, which is a clear mechanism for acting in a prompt fashion.

I represent an area with many residential communities. I have observed the Brennan family's response to an unimaginable tragedy, which has been to mount a campaign characterised by great honour and effort. I have given a commitment to introduce a 20 km/h speed limit in the manner I have described. It will be done through legislation or more promptly if possible. I also intend to recognise the role of local authorities in this matter. This is the best response we can make to the need to make all roads, specifically those in residential areas, as safe as possible. I assure the House that I will give this matter my full attention in the joint committee. I have spoken in detail about the challenges presented by the need to produce definitions and the possibility of mandating the roll-out of the Sinn Féin proposal to all roads in residential communities, regardless of their different features. I again acknowledge the work done by the Jake's Legacy campaign and Roseann Brennan.

**Deputy John Paul Phelan:** Like previous speakers, I commend Deputy Ellis and other members of his party who have brought forward this legislation for discussion. Many Members have had the opportunity over the past few days to meet members of the late Jake Brennan's family, his neighbours and friends. Being from Kilkenny, I can attest to the fact that many people are involved in the Jake's Legacy campaign. In the depths of what was a dreadful tragedy for them, I commend them on mounting such a campaign to highlight this issue and to have brought it to the point in the House where the Minister has indicated that the law will be amended to accommodate what is proposed in the Bill. That is a tribute to them. They would prefer not to have been in Dublin on a vigil over the past two or three nights and to have been at home but, unfortunately, the tragedy visited on them a little less than 12 months ago meant they took up this challenge to remember their little boy who lost his life in such tragic circumstances.

I have been present for most of the previous contributions but Deputy Colreavy's was the most striking. He referred to the necessity for a change in mindset. Many aspects of Irish life have changed beyond recognition even over the past ten to 12 years because the way people view them has changed. Whether it was the smoking ban or the ban on plastic bags, which are relatively minor issues in comparison to this, people changed the way they lived their lives and the way they acted. Driving a car is probably one of the most dangerous activities we engage in on a daily basis and it is right and proper that we should think from time to time about the potential consequences of a failure to do so properly. The Minister outlined the reductions in serious injury and fatalities over the past few years but a further change in mindset is needed.

I would like to address a number of issues in the context of this legislation. When I was a member of the local authority in Kilkenny, I found that the method of changing speed limits was cumbersome. I left the local authority in 2003 following the abolition of the dual mandate. During my four years on the local authority between 1999 and 2003, I found that necessary changes that local representatives and communities wanted were enacted with great difficulty, although I acknowledge the method changed in the 2004 legislation.

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There is an overlap in responsibility for the issue of planning between the Minister and his colleague, the Minister for the Environment, Community and Local Government. However, speed limits and speed ramps should be installed as a matter of routine as part of the planning conditions for new housing estates from now on. There is also the issue of retrofitting existing estates and the Minister has gone some of the way towards addressing this. I recall the first time I canvassed the Lintown area of Kilkenny city. It is on the Johnswell Road which has expanded the most in population terms over the past 15 years in the city. There were many new housing developments in the area and many similar developments were built around the country. More funding is required to ensure estates that have sprung up over the past 15 years are subject to speed limits and have speed ramps installed on them. I accept the Minister's point that not all residential areas are the same. Some residential thoroughfares carry more traffic than others, some are broad and wide while others are narrow and some have parking while others do not. They cannot be treated the same way but there is a compelling argument to treat housing developments differently.

As Deputy Colreavy said, this legislation is about changing people's attitudes to road safety, speeding and the dangers of driving a car. Anything that does that should be greatly welcomed. I commend the legislation and I particularly commend Jake Brennan's family.

**Deputy Kieran O'Donnell:** I am glad to contribute to the debate and I commend Deputy Ellis for introducing the legislation. I met Roseann Brennan for the first time earlier. I commend the fantastic work she has done and, like everyone else, I would like to express my sympathy on the loss of Jake. As a parent, I can think of nothing worse. I have spoken at length to the Minister about this issue previously in the context of my constituency of Limerick city. Traffic calming on estates is one of the top issues among parents, particularly those who have young children. I welcome the fact that the Minister has committed to introducing the 20 km/h speed limit in the upcoming road traffic Bill but I would like to outline a number of practical measures that should accompany that.

The guidelines that were published in 2010 need to be updated. There needs to be absolute consistency among local authorities. Deputy John Paul Phelan proposed that new planning permissions for estates should include traffic calming speed ramps. Many local authorities provide for them now but there may be differences between planners. There has to be absolute consistency and traffic calming measures should be provided when granting planning permission for all new estates. The reduction in the speed limit to 20 km/h must be accompanied by other measures. Speed ramps are a crude device but they are effective. The Minister made reference to signs, which are also important. In addition, there must be enforcement. If reduced speed limits are adopted, the Garda must enforce them. Its role needs to be examined to ensure this speed limit is observed.

We are seeking something positive to emerge from a tragedy. These changes should be part of an ongoing programme and funding should be embedded in the Department's budget such that every year, funding will be allocated to local authorities to adopt traffic calming measures on older and legacy estates. Over time, all estates should have appropriate traffic calming measures. I have spoken to engineers and other local authority staff in Limerick. Many of them would like to provide these measures on estates but, in many cases, lack of funding prevents them from doing so. That needs to be addressed.

I welcome the Minister's reference to a pilot scheme. The devil is often in the detail and perhaps the scheme could be run in Kilkenny where Jake was from, following discussions with

Roseann, her family and others involved in the campaign. Practical experience is important but, as a Deputy and as a parent, I believe she has highlighted one of the top issues in the constituency I represent, particularly for parents. I echo the sentiments of other Members. Many people come to my clinics seeking traffic calming measures such as ramps on their estates but the funding is not available. A sum of €2 million will be set aside but it should be an ongoing allocation embedded in the transport budget on an annual basis. I welcome the fact the Minister is looking at the traffic Bill due to be published shortly in regard to putting a 20 km limit in place and call for the guidelines for local authorities to be updated so that we will have consistency in regard to how each local authority applies them. I ask for the pilot scheme to be up and running as quickly as possible. In the circumstances, Kilkenny is the ideal location for the pilot as a legacy for Roseann and Jake. It would be a good place to see how the scheme would operate and to learn from it.

I would like to see practical measures taken. Ramps and signs are effective in estates, but we must also have enforcement of the regulations. Speed limits must be reduced to 20 km, physical structures - speed ramps and signs - must be provided in estates to slow people down and there must be enforcement. These three measures go hand in hand. We must also embed a provision in the transport budget each year for traffic calming measures for residential estates. Over time, all existing estates should put these measures in place to make estates safer for children. We need a change in mindset, but we must also have physical measures in place to ensure change happens.

I commend this Bill and commend Roseann and her family on the progress made on this issue.

**Acting Chairman (Deputy Frank Feighan):** I understand Deputy Timmy Dooley is sharing his time with Deputy John McGuinness. Is that agreed? Agreed.

**Deputy Timmy Dooley:** I am sharing my time with Deputy McGuinness who is from Kilkenny and knows Roseann and her family.

I welcome the opportunity to contribute on this Bill and compliment Deputy Ellis on providing this opportunity in the House. Fianna Fáil supports the Bill and I am pleased the House is in agreement on this important proposal on road safety. Debate earlier today and on most days features rancour between parties on issues on which we have significant differences. I expect the fact we are all in agreement on this issue will reduce the level of publicity the issue might otherwise get, but it is appropriate we maintain this level of coherence when trying to find a resolution to death and injury on our roads. Road safety is an issue that has bedevilled society for decades, but significant progress has been made in the past ten to 15 years in terms of policies advanced, laws put in place and the results achieved. This is welcome.

A huge debt of gratitude is owed to the family of Jake Brennan, to Roseann, her wider family and the support group around her. As others have said, the pain and suffering associated with the loss of any close family member, particularly a child, in such tragic circumstances is beyond imagination. The selfless approach taken by Roseann and her family in response to their grief by attempting to put in place a legacy attaching to Jake will undoubtedly have a positive impact on the lives of countless families for generations to come. We owe it to her and her family and to the support group around her to find whatever solution we can to resolve this difficult issue.

This issue is multifaceted. It is not just about the reduction of the speed limit, the publicity

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around today or just about educating drivers. It is all of that and more. It is about investing in detection, surveillance and in ensuring that people are reminded on a continual basis of the impact of inappropriate speed, particularly in densely populated areas where children are at play. Like Deputy O'Donnell and others, I represent a constituency that is populated with many new estates. These estates have a mixture of residents, from those who are renting to those who own and occupy their own homes. Often side by side with these are young people who are living away from home for the first time. They have access to vehicles, and may be somewhat careless as they are not conscious of the fact that they are living in an environment where young children are going out to play. Dealing with this issue involves education and highlighting of the dangers associated with driving a little above the normal speed in these built up areas.

Notwithstanding the setting of speed limits to a lower level and the putting in place of appropriate enforcement, I have always believed that because of the huge number of such estates in densely populated areas, it is extremely difficult to enforce the regulations to the greatest extent possible. Therefore, more should be done in terms of planning laws. I am aware there are some good guidelines and that some of our newer estates have meandering roads aimed at reducing travelling speed on those roads. I was impressed by something I saw recently in the United Kingdom. There, in addition to speed bumps, they build up kerbs and create pinch points in densely populated areas where children play. This provides an effective way to reduce travelling speed. The higher kerb and the narrowing of the road are effective because if the driver does not slow down or moves off course, he will do significant damage to the side of his car. I believe that knowing this is as effective as having a speed limit and the potential threat of being caught for speeding.

We must consider a cumulative approach to this issue. We could create pinch points like this at the entrance to and at various points in estates, particularly large estates, so that we force people to face this pinch point or hazard and so that the penalty for failing to reduce speed is immediate, namely damage to people's cars. This may seem obvious, but it was something I had not observed previously and think is a good idea. This is a fantastic and helpful Bill and we must find a way to enact it. At the same time, we need to continue to do more. In doing more, we will be honouring Jake and creating a legacy for him. As a Legislature, we will be providing the appropriate response to his family.

The Minister spoke about the importance of interaction with local authorities. Perhaps all parties are guilty of running down good ideas. If somebody comes up with a good idea at local level, other parties go against it because it did not come from them. I hope this attitude is put to one side on this issue and that we come up with an appropriate and co-operative response to find the way to achieve results at local level. This will cost money, but that money should be provided. It should be a requirement of all new developments - something that should be easy now that few new developments are being built - to have in place effective traffic calming measures. We cannot be satisfied with just a winding road that some traffic planners say reduces effective speed. I have seen people test those roads, which gives me little confidence that they force drivers to drive at a safe limit or that they ensure a safe environment for children to play in.

I am delighted the Minister is taking a balanced approach and accepting the views of all sides of the House in an attempt to reduce the number of deaths on our roads. I also commend the involvement of Rita Malone, from Clonlara in my constituency, whose son Oran, aged eight, was seriously injured last September in an accident, but who thankfully survived. Many other families are affected by this issue and a number of them have come together as we have seen. Fair play to the Brennans for highlighting this issue and for sleeping outside Dáil Éireann

in the cold weather. It is that kind of tenacity and courage that gives us the impetus to do what is right and hopefully we can pass this Bill.

**Deputy John McGuinness:** I thank Deputies Ellis and McDonald for bringing forward this Bill and for the help and support they have given the Brennan family since this became an issue and in particular, over the last few days as they highlighted the issue outside Leinster House. That shows the lengths people must go to in order to highlight an issue that has arisen in different housing estates in this country which has led to death and injury but to which we have failed to generate a proactive response. I appreciate the cross-party support for this Bill.

The estate in question is in my own parish and is within yards of my constituency office. I attended Jake's funeral and again I extend my sympathy to the Brennan family. I must say it was the greatest outpouring of grief and sadness that I have ever witnessed. To lose a child of that age in such circumstances was both shocking and traumatic for that family. Great credit is due to Roseann Brennan and all of those who support her. The way in which she has gathered the strength and courage to go out and highlight this issue, not just for herself and the Lintown estate, but for all of the other housing estates throughout the country, is remarkable. I have stood back in admiration as I watched her make her case. There were no boundaries; she went directly to the Minister, the Taoiseach, councillors and Deputies. She has given radio interviews that a professional would not give. She has done it all out of passion for a resolution to the issue that saw her son killed. I know that Jake will never be forgotten and I hope that any Bill that comes forward will be described as Jake's law, given the fact that Jake's mother has campaigned so hard for this legislation. The work she has done must be recognised.

Lintown is an estate that is replicated all over the country. It is one of those sprawling estates that was built over a number of years during the boom. If the planning regulations had been adhered to, it would have had traffic ramps. If issues like that were addressed at the time of planning, speed ramps would have been in place. It is extraordinary to think that Jake's death and other similar deaths and injuries in housing estates could have been prevented, if speed ramps were in place and funding was provided to local authorities to make that happen. While we are preparing legislation here, there is nothing to stop local authorities from agreeing to provide speed ramps.

I respect the Minister's interest in this and believe he is sincere about it and I am pleased that the Government has agreed to accept this Bill. However, there is an urgency about this because the Lintown estate does not have speed ramps or other traffic calming measures and the same is true of many other estates. In that context, councils need funding and they also need the process involved in reaching an agreement on speed limits to be simplified. There is too much bureaucracy involved in that process. There is no body better than a local authority to decide on the appropriate speed limits in its own area. However, the process that has to be gone through to achieve that is lengthy. In most cases, the demand to achieve it is urgent and is deemed to be thus by those living in these housing estates. People in these communities know what they want.

My own son, Andrew McGuinness, is a member of Kilkenny County Council and has brought forward his plans for the Lintown and other estates. He has cross-party support for those plans. The next question is, "Where is the funding?". It is not just Lintown, but many other estates. As I said, Lintown is similar to many other estates throughout the country and they all have the same problem. All are agreed that speed ramps will help but there is no money available. I do not see enough speed by the local authorities in the process of providing these

ramps. They should be encouraged, if not forced, to do it far quicker.

The question is, “Was Jake’s life not enough?”. We have constantly to ask ourselves that question. As we deal with this legislation and whatever else is needed - through local authorities, Government funding, An Garda Síochána and so forth - we must ensure that it goes beyond this debate and that there is constant engagement in terms of developing ideas that will prevent young lives from being taken. I know that Roseann will say that the child did not just run out on the road. The child was actually being cared for and the parents were being very careful. It happened in a split second and the child was killed. He died in his mother’s arms, with tyre marks across his body. That may be graphic but we need to understand that it goes beyond this debate this evening. This must be highlighted this evening and thereafter, we must demand action on it.

I urge the Minister to write to every county council chairman and every mayor and point out to them that this Bill is going through this House and in the meantime, they could do the various things that need to be done. He should not just inform the executive, but also the mayors or chairmen. Roseann Brennan, her family and her supporters have done this State a great service out of trauma and sadness at the death of their child. Jake’s death should be the end. We should give a really positive response, including the provision of funding to empower the councils to deliver for the Brennans in particular, who were brave enough to see this through and for other families all over the country.

**Deputy Joan Collins:** I wish to acknowledge the tenacity of Jake’s family and their commitment to their son and to the sons and daughters of other families throughout the country. The Brennans have fought to have a law introduced which will impose a mandatory speed limit of 20 km/h in housing estates and residential areas, which I support. The Minister has asked questions around the introduction of such a limit. At present the limit is 30 km/h and we could change that tonight but the issue is more complex. It is about local authorities, the way people think, driver attitudes and so forth.

I know of a number of examples of residents in particular areas seeking ‘Children at Play’ signs and speed ramps. An advisory group visited the area, measured the number of cars passing through at certain times and their speeds and so forth and then the requests were turned down. In some instances, residents have tried to raise funds themselves to put up ‘Children at Play’ signs. If we are serious about this legislation, we will have to provide money to the local authorities. That is crucial.

*9 o’clock*

Everybody knows what needs to be done but the question is how we keep it going forward. In the four or five months leading up to the anniversary of Jake’s death the Minister should discuss with his family and those who proposed the legislation how it can be implemented in the initial stages. There can be a constant review in the transport committee if the family deem it necessary. They are anxious that it is introduced if it is agreed tonight.

The estate of Meakstown, Finglas, has a very good design as it cuts out road rage from speeding cars. People are conscious of turning corners and that helps to reduce speed. This is important item of legislation and it can be effective. Many parts of Dublin are designated 30 km/h speed limits. In areas of Dublin city, such as Marino, Phibsborough, Ballsbridge, Abbey Street, and the city centre are designated as 30 km/m speed limits. We can do it if local authori-

ties are willing. We did it in 2009 along the quays in Dublin city and that is what we must move towards.

**Deputy Maureen O’Sullivan:** Is mór an trua é go bhfuil gá leis an díospóireacht seo atá ar siúl againn anocht agus a bheidh ar siúl oíche amárach. Gabhann sé le hócáid bhrónach. Chaill buachaill beag, Jake, a shaol.

It is a very sad occasion that we have a little boy, Jake, who lost his life. He is gone from his loved ones, his family, his school, his friends and his community. He and his family are deprived of all they should have been looking forward to. I acknowledge the work of Deputies McDonald and Ellis and the role of the Minister in not opposing the legislation. It is a small consolation but the real consolation will be to other parents who do not have to suffer a similar loss and are spared the sadness and grief.

What is proposed is sensible and practical. Part of it is about standardised speed limits for vehicles in housing estates where children are likely to be playing. It highlights the need for marked speed limits on housing estates to reduce the speed at which drivers drive in residential areas. It is also about parents being confident enough to allow their children to play on the streets. Those of us above a certain age know what it was like to play in the streets when it was safe to do so. It was a time when there were fewer cars but there are health benefits when children go out to play safely as opposed to sitting inside playing on various technological gadgets.

Speed ramps are effective in slowing down cars so I was surprised to see a departmental survey that only 14% of the 8,000 housing estates surveyed had speed ramps. This is a point for future developers. We know there will be more housing built and this must be part of the brief. Where I live in East Wall, it was a rat run and there is no doubt the speed ramps have been somewhat successful in slowing down drivers. Visual signage is important, as are speed signs and signs referring to children at play. It is all about raising awareness and local safety education in schools. Some second level schools include it as part of the transition year module. Driving lessons should be about more than passing the driving test and should be about safety, safer driving and awareness of pedestrians, particularly children.

The Minister referred to certain roads that may prove problematic when it comes to definitions because they are main arteries. We can think of many more examples but a start can be made on housing estates. All the signs, rules and regulations are not worth anything unless they are enforced and there is a change in driving culture. The key phrase for all of us is “Slow down”.

Debate adjourned.

### **Message from Select Committee**

**Acting Chairman (Deputy Frank Feighan):** The Select Sub-Committee on Health has concluded its consideration of the Public Health (Standardised Packaging of Tobacco) Bill 2014 and has made no amendments thereto.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Wednesday, 18 February 2015.