



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 1 Deireadh Fómhair 2015

Thursday, 1 October 2015

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Budget Targets

1. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the way in which European Union and national expenditure rules will impact on budget 2016, and the public finances generally; if he expects any amendment to how these rules will be applied in practice; if he will confirm that Ireland will stay within budgetary provisions in 2015 and in 2016; and if he will make a statement on the matter. [33645/15]

Deputy Sean Fleming: I wish to ask the Minister for Public Expenditure and Reform the way in which European Union and national expenditure rules will impact on budget 2016 and the public finances generally, if he expects any amendment to how these rules will be applied in practice and if he will confirm that Ireland will stay within budgetary provisions in 2015 and 2016.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Wide-ranging reforms to the budgetary architecture have been implemented by this Government with a view to supporting the efficient use of public funds to deliver effective services for our people. The medium-term expenditure framework and periodic comprehensive reviews of expenditure have provided the opportunity to move discussions about expenditure decisions away from consideration of short-term issues to a broader strategic debate about key challenges facing public expenditure and public services.

The reforms introduced at national level operate within the broader context of the EU level reforms to the Stability and Growth Pact, SGP. For 2015, with Ireland in the corrective arm of the SGP, the key budgetary fiscal target is to bring the general Government deficit below 3% of GDP as required under the excessive deficit procedure. As outlined in the spring economic statement, Ireland is on track to exit the corrective arm at the end of 2015 with a general Government deficit of 2.3%. This is well below the 2.9% that we set as our target. Thereafter, Ireland will become subject to the preventive arm of the SGP with budget 2016 being framed within that context. The new fiscal rules under the preventive arm will serve as a tool to help us responsibly manage our recovery. With future increases in public expenditure linked to potential economic growth, all areas of current and capital expenditure need to be managed to ensure that public expenditure is sustainable and delivers the maximum benefit.

Ireland's entry into the preventive arm of the SGP in 2016 afforded the opportunity for the spring economic statement to set out the parameters of next year's budget. Fiscal space of the order of €1.2 billion to €1.5 billion is available for budget 2016, with this amount split evenly between expenditure and tax measures. In this context, the material published at budget time will reflect an estimated expenditure outturn for this year, taking account of any additional expenditure planned for the year.

Deputy Sean Fleming: I thank the Minister for his reply. I just want to ask one or two specific questions. We understand what the Minister is saying about the move from the corrective arm to the preventive arm. With regard to the target, we are expected to be at 2.3% this year. The Minister did not tell us what level of reduction will be required for 2016. I think we have to make a reduction of the order of 0.6%. The Minister mentioned that the increase in public expenditure will be linked to the potential growth in the economy. I do not think that is the full picture. I suggest it would be more accurate to say that expenditure will be linked to the average potential growth in the economy over a ten-year horizon. This ten-year horizon was mentioned in replies to previous parliamentary questions, but the Minister studiously avoided any reference to it in the reply to this question. Was that an oversight or has there been a change in policy? Is the Minister trying to unlink himself from the previous ten-year horizon? I think people would be concerned if there was a move away from it. The Minister might tell us whether the costs of the Lansdowne Road agreement will be included in those figures.

Deputy Brendan Howlin: I think I need to explain this because the new rules are quite complex. The two measures that will underpin whether we meet the rules - the judgment criteria - next year are the expenditure benchmark and the annual structured adjustment. Under the expenditure benchmark, public expenditure can only grow at rates determined by the potential growth of the economy, less a convergence margin if the member state is not at its medium-term objective. We have set our medium-term objective of a structurally balanced budget and we expect to reach it by about 2018. In the interim, we have to make progress towards that at a rate greater than 0.5% of GDP. The ten-year horizon referred to by the Deputy has been renegotiated. It is now a three-year horizon, which suits Ireland better. Obviously, we did not want to be trapped within a horizon that covered the depression years. A horizon of growth potential for the economy that looks at what happened last year and this year will be much more favourable to us in terms of giving us fiscal space.

Deputy Sean Fleming: The Minister might tell the House when the ten-year rule was changed to become a three-year rule. This change has fundamental implications for the forthcoming budget because a ten-year horizon would cover many years in which negative growth figures were recorded.

Deputy Brendan Howlin: That is the point.

Deputy Sean Fleming: We have had significant and strong growth from a relatively low base in the past couple of years. This percentage increase based on a three-year horizon is phenomenal. One would hope that the Government does not intend to use that short-term figure excessively to increase expenditure at an enormous rate and thereby add fuel to an economy that is growing. The Minister might tell us when this change was completed. Can he give some indication of the percentage increase in expenditure that the Government will facilitate in the budget that is to be announced in this House less than two weeks from now?

Deputy Brendan Howlin: We sought a three-year horizon in our negotiations because an annualised horizon would not have been very helpful to us. A three-year horizon was negotiated by my colleague, the Minister for Finance, at ECOFIN and agreed there. I will have to check the exact date for the Deputy. We set out the space we will have for next year in the spring economic statement and we are sticking to that. The space will be of the order of €1.5 billion, which is at the upper end of what we set out in April. The adjustment will be divided equally between expenditure and taxation. Expenditure over the outturn figure for 2015 will be of the order of €750 million.

Capital Expenditure Programme

2. **Deputy Michael Colreavy** asked the Minister for Public Expenditure and Reform when the capital review will be published, given that it was announced in the spring statement that it would be published in June 2015; and if he will make a statement on the matter. [33643/15]

Deputy Michael Colreavy: I am deputising for Deputy McDonald, who is attending today's meeting of the Committee of Public Accounts. I will try to fill her shoes. Our first priority question, which asks when the capital plan will be published, has been overtaken somewhat by events. It is not surprising that Deputy McDonald tabled this question because it had been expected that the plan would be published in June, but the Government kept moving the date back. The Deputy hoped that by tabling this question, the publication of the plan might be accelerated. I would like to ask the Minister a couple of questions about the plan. We welcome some parts of it, especially some of the projects mentioned in it. I would like to be parochial and mention the Cloonamahon Road, which is a death trap. It is great that this project is included in the plan because the work on that road will save lives. To what extent are the commitments or promises made in this plan predicated on economic well-being and EU instructions?

Deputy Brendan Howlin: I suppose the Deputy could claim that the question tabled by his colleague was the catalyst for making sure all of this was done. If he makes such a claim, I will not deny it publicly. As he is aware, I launched the public capital investment programme, Building on Recovery, earlier this week. It sets out the Government's commitment to a €27 billion six-year capital plan. This investment will increase the State's infrastructure, support economic recovery and jobs and support sustainable communities throughout the country. When we include investment from the wider semi-State sector and from public private partnerships, as outlined in the plan, it is clear that total State-led investment will amount to €42 billion over the period covered by the plan. The capital investment plan has been carefully designed to meet the needs of a growing economy, to improve the delivery of services to communities and to maximise the benefit of support by providing Exchequer investment throughout the country. It builds on the recovery and addresses emerging pressures, especially on transport networks. It

supports the regions, provides social infrastructure to enhance quality of life and is responsive to environmental challenges.

The provision of jobs has been the Government's top priority from day one. This €27 billion plan will sustain 45,000 jobs. I will give a rough outline of the distribution of the money. Some €4 billion will be spent in education, €4 billion will be spent in the area of the environment, €3 billion will be spent in health, €3 billion will be spent in promoting enterprise and jobs, €1.25 billion will be spent in agriculture and €1 billion will be spent in justice. In order to grow businesses, we are also allocating a special envelope to support transport, amounting to €10 billion over seven years to fund public transport and roads. My colleague, the Minister for Transport, Tourism and Sport, Deputy Donohoe, has outlined the flagship project, which is the new metro scheme for Dublin. However, I emphasise that this is a national scheme. I know the Deputy will be particularly interested in rural broadband, the rural development programme, the new village renewal programme and all the other supports that are laid out. I will be very happy to go through them in detail if he wishes.

Deputy Michael Colreavy: I would certainly welcome many of the projects that are listed in the plan. I have worked out that over the six-year period covered by this plan, Ireland will continue to have one of the lowest levels of capital spending of any country in Europe. This overall figure includes public private partnerships. I would argue that such partnerships are a very inefficient way of doing business because it costs more to borrow the money and investors and shareholders have to be paid out of it. I think it is far better to provide for public investment in public services because a return can be got from it. The Minister has not answered my question about the extent to which this is predicated on the economy doing well. Could this Government or any future Government decide not to proceed with certain projects in this plan if the economy is not doing as well as expected? Is it anticipated or possible that the EU could direct us to have less ambitious capital plans - if one wants to use the word "ambitious" in this context - that differ from those announced in the report?

Deputy Brendan Howlin: The total sum involved in the plan is €42 billion, of which €27 billion will be directly allocated by the State from Exchequer funding. Semi-States such as the ESB will spend money on energy development. Ervia and Irish Water will spend €4 billion. Just €500 million of the €42 billion in question will involve additional public private partnerships. I am mindful of what the Deputy has said about such partnerships. I agree that we must get value for money and I have set up a new regime to ensure that we do get it. We are vigorous in ensuring that is the case. When we had no money at all following the collapse of the economy, we were seeking any resources we could get. For example, we sought funding from the European Investment Bank. Public private partnerships were an option at that time, but they will be less of an option into the future. It is clear in the plan that I have set an annual cap of 10% on the total capital expenditure to be used to pay back all public private partnerships. I refer to the unitary payments we have agreed, including the site preparation payments, etc. There is a cap on what we will use for these purposes. I will answer the Deputy's final question when I come back in.

Deputy Michael Colreavy: I still have not received an answer to my question about what the Government's plan is predicated on. A friend of mine from Sligo rang me the night the plan was published. He stated it was an awful pity that an election is not held every year because the economy seems to improve in the run-in to elections. In any case, it may be that he was being slightly cynical.

Deputy Brendan Howlin: The Fianna Fáil Party may not agree.

Deputy Michael Colreavy: May I assume, given the link made between the proposed capital projects and the creation of 45,000 jobs, that contracts valued at more than €1 million will include a social clause, meaning the Government will seek to have people who are unemployed taken off the live register to work on them? From where does the figure of 45,000 jobs come? Will these jobs be in Ireland for Irish people paying Irish taxes and will the companies involved pay taxes here?

Deputy Brendan Howlin: Since all the projects will be in Ireland, the workers must be physically in this country to do the work. On the figure of 45,000 jobs, there is a rule of thumb for determining the number of jobs to be created per €1 million investment. The 45,000 figure refers only to the direct investment of €27 billion by the State rather than total investment which will be a much larger figure.

The Deputy asked whether the plan could be threatened in future. If a different Government were in place and it did not have the level of stability and focus on jobs that this Government had in recent years, if it failed to deliver the growth rates we have delivered or if that growth were threatened, we could be faced with what we had to deal with in 2011 when the capital plan was eviscerated because the income of the State and its capacity to fund the plan collapsed. I hope that will not happen.

Government Expenditure

3. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will provide a projection of the Supplementary Estimates in respect of overall Government expenditure that will be required in 2015, notwithstanding that the final confirmation of supplementary expenditure is not yet available; if these details will be provided in advance of budget 2016; the way in which the supplementary estimates will affect the baseline of expenditure for 2016; and if he will make a statement on the matter. [33646/15]

Deputy Sean Fleming: I ask the Minister to provide a projection of the Supplementary Estimates in respect of the overall Government expenditure that will be required this year. While I accept that the full details are not available at this stage, I ask him to provide an estimate given that indicative figures are already available in some Departments. If he does not have figures available today, will he have figures in advance of the 2016 Budget Statement in two weeks' time indicating the effect the Supplementary Estimates will have on expenditure requirements in 2016? Will he provide an assurance that he will give an indicative figure for the Supplementary Estimates before budget day?

Deputy Brendan Howlin: Under the reformed budgetary timetable, the Estimates for expenditure by Departments are outlined every October in the budget and set out in detail in the Revised Estimates Volume published before the end of the year. Under the new budgetary cycle, the Estimates are voted on by the Dáil in the first few months of the year and Departments are expected to live within the voted expenditure. On occasion, however, as the Deputy will be aware, the Estimate for a Department needs to be increased or changed during the course of the year. This occurs for a number of reasons, including policy reasons, for example, when the Government decides it is appropriate to allocate additional funding to certain areas. A second reason could be an overrun in expenditure, which occurs occasionally, for example, in

a demand-led area where Estimates are not always exactly accurate. Timing events may also occur, which change the timing of certain receipts or payments, particularly payments from the European Union or appropriations-in-aid that may come later or earlier than expected. Such changes in timing may also alter the voted moneys. Technical adjustments also occur when Departments move money within their Estimates for technical reasons. Such changes must be voted on by the Dáil. As the Deputy will be aware, sometimes the House votes to shift rather than increase money provided for in an Estimate. These are the reasons Supplementary Estimates are introduced.

As outlined in the spring economic statement, Ireland is on course to exit the excessive deficit procedure this year. In this context, the Government is prepared to allocate an appropriate level of additional expenditure in 2015 to enhance delivery of key public services. More details of the 2015 outturn position will be issued at budget time, as requested by the Deputy. Under the Government's fiscal strategy and compliant with the fiscal rules, the budget on 13 October will set out the 2016 level of expenditure, which will be €750 million above the outturn figure.

Deputy Sean Fleming: To summarise the Minister's response, the House will be given a close estimate of the final outturn of expenditure on budget day. This will include possible Supplementary Estimates, although the figure will not be precise.

Deputy Brendan Howlin: That is correct.

Deputy Sean Fleming: If the budget for 2016 is based on the outturn for 2015, the Minister must have a reasonable indication of the 2015 outturn figure. It is possible that no Supplementary Estimates will be introduced. Does this mean the budget will be based on figures in respect of the outturn of expenditure in 2015? If so, will this figure be held back from the Dáil or will this information be shared with members of the public whose money the Government is spending?

The Minister referred to the possibility of €750 million being made available for additional expenditure in the coming year and indicated he wants to live within that figure. However, given that the Supplementary Estimates for 2014 amounted to €1.2 billion, the public is entitled to conclude that the additional expenditure provided for on budget day is only small change when compared to the additional expenditure that will be announced by the end of the year. The Government is diminishing the role of the budget by introducing Supplementary Estimates that are larger than the expenditure increases provided for in the budget.

Deputy Brendan Howlin: The Deputy asked two questions and I will answer them separately. I will provide the figure we have already allocated to indicate the shape of the additional expenditure I have sanctioned to date. As he will be aware, an additional provision has been made for health in respect of delayed discharges, the fair deal scheme and the winter and waiting lists initiatives. These were set out in the spring economic statement and amounted in total to an additional allocation of €100 million. I also allocated an additional €50 million, also set out in the spring economic statement, to cover a summer capital works programme in the Department of Education and Skills. Supplementary Estimates will be required for that allocation and for the Department of Transport, Tourism and Sport, to which I allocated an additional €100 million before the summer to deliver additional rolling stock for Irish Rail, replace and expand the bus fleet and carry out maintenance work on non-national roads. A number of technical adjustments will also be required. The additional allocation in these three areas alone will amount to €250 million.

The reason we are providing for additional expenditure is that we have the capacity to do so. If the economy was not growing at such a rate and income to the State was not robust, we would not be able to allocate these additional sums. I do not believe the Deputy would decry the additional expenditure I have allocated. Certainly his party would not do so given the Private Members' motions and so forth it has introduced. We have increased spending because we are able to do so.

Deputy Sean Fleming: If the expenditure is for good purposes, this side of the House will not argue against it. However, as my party's spokesperson on public expenditure, my objective today is to discuss the budgetary process with the Minister. He confirmed that a minimum of €250 million in Supplementary Estimates will be required for the three items of expenditure to which he referred. Further Supplementary Estimates will be required because the Department of Health has exceeded its expenditure allocation. The Minister also stated that he will spend additional money if economic circumstances allow because he will have it. In the budget, the Government will provide an expenditure plan on paper in the full knowledge that if it has more money next year, it will spend it. A full assessment of the forthcoming budget would, therefore, require finding out how much additional revenue the Government expects to receive next year. I presume Supplementary Estimates will be introduced this year and next year. If the Government has more revenue next year, it will spend it and it does not propose to announce this expenditure on budget day.

Deputy Brendan Howlin: No, that is not the case. The Deputy is fully aware of the new rules under the Stability and Growth Pact. We are exiting the corrective arm of the pact. Our legal objective this year was to have a deficit below 3% of gross domestic product. As long as we maintain a deficit below 3% of GDP under the corrective arm, we could adjust expenditure within that context. However, that will change next year when we enter the preventative arm, where we will have to work in legally agreed steps towards achieving our medium-term objective, MTR. As such, there will not be scope for Supplementary Estimates next year. We have the capacity to address issues in the course of this year. In many ways, the budgetary analysis will have to be robust to ensure everybody lives within their budgetary allocation for next year.

Public Sector Staff Recruitment

4. **Deputy Michael Colreavy** asked the Minister for Public Expenditure and Reform his views on the recruitment process and competitions conducted by the Public Appointments Service; and if he will make a statement on the matter. [33644/15]

Deputy Michael Colreavy: This question relates to the Public Appointments Service. Specifically, I propose to ask questions about a recent recruitment competition for assistant principal officers in the Department.

10 o'clock

My understanding is that a competition was held for the assistant principal officer grade and there was a change in the recruitment process. While change is not necessarily a bad thing, part of the process involved candidates sitting an online test. I imagine this was part of an assessment prior to short-listing those candidates.

Deputy Brendan Howlin: The remit of the Public Appointments Service, PAS, includes conducting a wide range of campaigns for key roles across the Civil Service and broader public service. Its recruitment mandate encompasses a large volume of entry level competitions, including clerical officer and Garda Síochána trainee recruitment as well as administrative, professional and specialist posts at all levels, including hospital consultant and senior management positions across the Civil Service, public service, regulatory bodies and some State agencies. PAS, therefore, plays a pivotal role in ensuring that the human resource and workforce needs of the public service are met by qualified, high calibre and committed candidates. PAS operates within a strict legal and regulatory framework to safeguard the core principles of Civil Service employment which have played such an important role since the foundation of the State.

The easing of the moratorium on recruitment to the public service in late 2014 has resulted in a significant increase in activity for PAS, particularly in the large volume competitions. To the end of August this year, PAS has completed 313 recruitment campaigns, handled over 45,000 applications and assigned over 3,640 people to positions in the public service. In terms of the scale of individual competitions that PAS have successfully run, it is worth acknowledging that the Garda Síochána campaign in December 2013 attracted nearly 25,000 applications while 28,000 people applied to the clerical officer competition in 2014. In order to effectively manage the significantly increased workload of recent years, PAS has implemented significant changes and process improvements in its methods of operation while continuing to adhere to its strong values of independence, fairness, transparency and the making of appointments on merit. In operational terms, all applications for positions in the public service are handled online via the bespoke website *www.publicjobs.ie*. The initial testing stages of recruitment processes are also completed online allowing candidates the benefit of competing for positions from wherever they are in the world. Many interview processes are now conducted in a paperless fashion.

Finally, I ask the Deputy to note that PAS also took on responsibility for the new State boards assessment process following the reforms introduced by Government in 2014.

Deputy Michael Colreavy: I understand two British companies were recruited - Saville Consulting for the verbal and numerical analysis tests and CEB for the situational judgment questionnaire. Are there not Irish companies which could have done this? My second question relates to the fact that it is a little bit like “phone a friend”. I could be sitting in a room anywhere with my laptop and have a friend do the test for me. I would not even have to phone that friend. The third issue is that when some of those who did the electronic questionnaire sought a response as to where they performed well and where they did not perform quite so well, no information was forthcoming. Anybody who is anxious to get a job and goes through this process will be keen to know where he or she can improve whether it is an interview or electronic assessment. People have good grounds for complaints as to the lack of feedback regarding their participation in the process.

Deputy Brendan Howlin: PAS is one of the success stories of Irish public administration. It is very well regarded not only by the Irish public but by international comparisons. It has robust online procedures which meet the best international practices. If the Deputy has any individual concerns about them, I would be happy to hear from him. PAS itself would also be delighted, I am sure, to meet with the Deputy to go through its processes. In terms of the volume of work, where one has 28,000 applications for a clerical officer position or 25,000 for a Garda Síochána recruitment campaign, one must have an initial sifting procedure in place. As is now normal, that is done online. The Deputy is correct that it must be done in a very robust way and I am assured and am confident that it is.

Deputy Michael Colreavy: Can the Minister refer to the lack of feedback from the company? It is unfair on a person who does an interview or fills in a questionnaire that there is no response or indication as to which areas they have done well in and which areas they have not. An interview should be a two-way conversation. It is one thing asking people who are desperate for work to give information but it is unfair that there is no feedback. As caring potential employers, we have a responsibility to let people know where they have performed well and where they have not. Will the Minister take that on board?

Deputy Brendan Howlin: I will. I will also ask the chief executive of PAS to contact the Deputy directly to go through that, see what concerns he has and how they may be addressed.

Other Questions

Flood Relief Schemes Status

5. **Deputy Billy Timmins** asked the Minister for Public Expenditure and Reform when approval will be granted for the flood relief scheme for Arklow in County Wicklow; and if he will make a statement on the matter. [32880/15]

Deputy Billy Timmins: My question refers specifically to a flood relief scheme for Arklow in County Wicklow. This project has been in the ether for a couple of decades and lay on the shelf during the lifetime of the last Government. In fairness, however, the current Government has resurrected it. I am conscious that €400 million has been allocated for flood protection works in the capital programme announced in the last few days. What is the prognosis for the scheme in Arklow? Can we have an update?

Minister of State at the Department of Public Expenditure and Reform (Deputy Simon Harris): I thank Deputy Timmins for raising the matter and providing me with an opportunity to update the House on the status of plans for the Arklow flood relief scheme.

A flood relief scheme for the town of Arklow is being advanced by Wicklow County Council in partnership with the Office of Public Works, OPW, which is providing the funding. The project is being overseen by a steering group which comprises representatives of Wicklow County Council, the council's engineering consultants, environmental consultants and the OPW. The scheme is moving through the required stages of design and development and has progressed to a stage where a feasibility report is nearing finalisation following detailed consultations between Wicklow County Council, the consultants involved and the OPW. There is an absolute commitment on all sides to progress and complete a flood relief scheme for Arklow to ensure that the people and businesses of the town are protected from the flooding that devastated the town in previous years. I confirm that on the basis that a viable, cost beneficial and environmentally acceptable scheme is proposed to the OPW, funding will be made available as required. The Arklow scheme is provided for in the OPW's multi-annual capital expenditure profiles. In fact, the Arklow scheme is specifically listed in the capital plan published by my colleague, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, this week.

I understand the frustration of communities over how long it takes to bring major flood relief schemes such as that for Arklow to the point of commencement of construction. However, it is

in the nature of flood defence schemes which involve complex civil engineering works within a river environment in an urban setting that the amount of planning and preparation required is necessarily very detailed. I note in this context, however, that my office provided funding to Wicklow County Council in 2012 under the minor flood mitigation works scheme to carry out interim flood relief works in Arklow. These works comprised the construction of a new flood protection wall and have now been completed to offer protection to properties and businesses in the river walk and town centre area of the town.

As I mentioned earlier, a feasibility study to identify possible flood mitigation measures for Arklow Town is nearing completion. The study was commissioned initially by Arklow Town Council and is being progressed by Wicklow County Council with funding provided by the Office of Public Works. In addition, environmental consultants were appointed by the OPW to carry out an environmental impact statement and to work in tandem with the engineering consultants to identify environmentally acceptable measures. It was also necessary to commission separate surveys of the quay walls and an assessment report on Arklow Bridge when it became evident that a number of potential flood alleviation measures might impact on the bridge. All of these assessments will be brought together in a draft final feasibility report which I expect to receive shortly.

Additional information not given on the floor of the House

The purpose of the report is to identify and assess using technical, environmental and economic criteria the viability of a range of possible flood relief measures for Arklow. Based on this assessment, the report is to identify and recommend a preferred flood relief scheme and set out an outline design of the recommended scheme.

The OPW has been engaged in extensive consultation and discussions with Wicklow County Council and its consultants in relation to technical aspects of the proposals for the scheme and also on the methodology employed in early drafts of the feasibility report with regard to cost-benefit assessment. To enable additional flood relief options to be considered, further hydraulic modelling was also carried out this year and a workshop involving the relevant personnel will be held in the next month to consider the various options from a multi-criteria perspective in terms of the study objectives - technical, economic, social and environmental. I am confident that any remaining issues can be resolved without undue delay and that Wicklow County Council will be in a position to provide the final draft feasibility report for the scheme shortly. When the final draft is produced and provided that the preferred scheme is economically and environmentally viable, it is proposed to hold a second public information day, PID, in Arklow to afford the public an opportunity to view the proposed scheme works and to invite their comments and feedback in relation to these proposals. The comments received at the PID will inform the progress of the scheme. It is envisaged that this PID will be held early in 2016.

It has been agreed that once an environmentally and economically viable scheme has been identified, the works will be carried out under Wicklow County Council's legislative powers with funding provided by the OPW. This will involve the council acting as the contracting authority to progress the project through the next stages of planning and statutory consents, detailed design and procurement of a works contractor. Pending this, it is not possible to give a definite timescale for the implementation of the scheme. However, I assure the Deputy that the OPW will work constructively with the local authority to ensure that the scheme is progressed as quickly as possible.

Deputy Billy Timmins: I thank the Minister for his reply. Can he give me any indication of a timeframe for when the project will go on public display? What is his guesstimate for when the job will go out to contract?

Deputy Simon Harris: I would be delighted to indicate that. It is my hope and belief that we will be able to hold a public information day in Arklow in early 2016 at the latest. If all goes well following that consultation and there is an acceptance of the scheme by local residents and business owners, I expect the county council to lodge a planning permission application with An Bord Pleanála in mid-2016. A scheme which has been discussed for a long time but which was left on the shelf to gather dust is nearing the point of being put on public display for the input of local people, if not by the end of this year, which would be my main hope, then by early 2016 with a view to having the planning permission application lodged in mid-2016. When completed, the scheme will protect approximately 600 properties that are at risk, of which 450 are residential, and prevent road closures and traffic and economic disruption in the town.

I am pleased to confirm that funding is in place for the scheme. We must await the finalisation of the feasibility study, but the likely works involved include channel and bank maintenance, tidal and fluvial flood containment walls, non-return valves at pumping stations, a debris trap in the river channel, the removal of built-up river sediments, modifications to and underpinning of the existing bridge and the removal of a pinch point downstream of Arklow Bridge.

Drainage Schemes Status

6. **Deputy Seán Kyne** asked the Minister for Public Expenditure and Reform, in light of the provision of funding in his departmental budget, if the River Clare drainage scheme will be proceeding, given the necessity of the works for this region; and if he will make a statement on the matter. [33328/15]

Deputy Seán Kyne: I raised this issue on 9 October 2014 and I believe that we are all sitting in the same seats. According to the Minister of State at the time, “The Claregalway scheme is the first flood relief scheme submitted for confirmation following the coming into effect of the 2012 regulations”, which “require my colleague, the Minister for Public Expenditure and Reform, to carry out an environmental impact assessment of drainage or flood relief schemes prior to confirmation or approval of the proposed schemes”. This has not happened. There has certainly been no confirmation. What is the delay?

Deputy Simon Harris: I thank Deputy Kyne for raising this question and for his persistence on what is an important matter. I confirm that the River Clare drainage scheme will be proceeding. The Office of Public Works, OPW, in association with Galway County Council, has developed a flood relief scheme under the Arterial Drainage Acts for the River Clare in the environs of Claregalway. In recognition of the significant flooding problems in the area, it was agreed to proceed with interim measures to reduce flood risk. In 2012, the following remedial works were carried out in advance of the main scheme works: construction of a flood eye at Claregalway bridge; and construction of new bridge at Crusheeny. These advance works have been successfully completed at a cost of €2.5 million. While they have significantly reduced flood risk in the area, they do not provide the OPW standard level of protection that the overall scheme will provide, which is to protect against the one-in-100 year flood event.

As the Deputy will be aware, a public exhibition of the River Clare scheme was held in late

2012 and stakeholders were afforded an opportunity to submit their observations on the proposals. A number of responses were received, including a detailed submission by the Department of Arts, Heritage and the Gaeltacht on nature conservation and the underwater archaeological aspects of the proposed works. Where necessary, the issues raised were considered fully by the OPW with in-depth technical input from the environmental consultants and were addressed where appropriate. The proposed scheme was subsequently approved by the OPW and submitted to the Minister for Public Expenditure and Reform in late 2013 for confirmation, that is, statutory approval.

Regulations were introduced across a number of Departments in 2012 in order to ensure that Ireland was fully compliant with EU environmental impact assessment, EIA, laws. These regulations introduced necessary changes to Departments' EIA consent systems. In the case of flood relief schemes carried out under the Arterial Drainage Acts, the regulations require that the Minister for Public Expenditure and Reform, as the "consent authority" for such schemes, undertake an independent assessment of the environmental impact statement, EIS, submitted with the scheme documents by the OPW under the confirmation process. The Minister is also required to publish his decision to confirm or not to confirm a scheme and to provide for a process of appeal of his decision. The Claregalway scheme was the first scheme to be submitted under this process. I will respond further and with more detail in a moment.

Deputy Seán Kyne: I thank the Minister of State for his reply, but this information is the same as that provided last year. The Claregalway scheme was the first that needed to be approved under the new regulations and the EU directive. Presumably, this means that no flood relief scheme has proceeded in the interim. They are all waiting.

People are exasperated by this situation. We are told that the money is available under the capital plan, but it was available this time last year. The scheme has been announced repeatedly, including by the Minister of State's predecessor. People are wondering about the reason for the delay and when these schemes will be approved. Will this be the process for all future relief schemes? Will there be a couple of years of a delay or is the Minister of State still trying to fine-tune a template for approvals? Must the existing environmental impact statement, EIS, be approved or must the Department conduct an assessment of its own? There was some confusion in that regard last year, so I am wondering whether it has been decided.

Deputy Simon Harris: The Deputy is correct. As a result of the Claregalway scheme being the first, it is fair to say that it has taken longer than one would wish. We have consulted the Office of the Attorney General on putting in place an adequate, streamlined and efficient system to deal with schemes. However, there is news for the Deputy that differs from that provided last year, namely, the process in my Department will be completed in October and we are moving towards finalising the evaluation. Being the first, not only was it important to evaluate the Claregalway scheme, but also to put in place a template for further schemes. Lessons should be learned.

Following completion of the confirmation process by the Minister - assuming that it is a positive decision - and allowing the necessary time for the Department to inform the public of that decision, the OPW will be in a position to commence works on the scheme in a matter of weeks subject to their being carried out within environmental windows and satisfying any precondition that may be attached to the confirmation process. When VAT and future cost fluctuations are taken into account, the total budget for the scheme is €7.1 million, including the approximately €2.5 million that has already been expended.

Deputy Seán Kyne: I thank the Minister of State for the positive statement to the effect that the process will be completed in October. Following completion, when is it likely that a decision will be made? The major capital investments that were announced in the capital plan this week are welcome, but I would not like such delays to ensue in other projects. In that regard, it is important that schemes under the catchment flood risk assessment and management, CFRAM, programme be expedited within the environmental requirements and legislation. Sometimes, a good news story that provides relief and assurance to people can be negated by delays.

Deputy Simon Harris: I largely agree. It is important that we have systems in place to deal speedily with schemes. It is also important that the State carry out this work in accordance with the law, including our European commitments under environmental law.

I am pleased to be able to update Deputy Kyne on the significant progress that has been made with the Claregalway scheme. Under the capital plan announced by my colleague, the Minister, Deputy Howlin, this week, the Government has pledged to spend more on flood relief in the next five years than was spent in the past 20 years combined. This shows the Government's commitment.

Maintenance works have been carried out on the River Clare. The OPW employed two long-reach machines to remove a build-up of silt from bends on both banks of the river from Lough Corrib upstream to Crusheeny Bridge. I am informed that this work has been substantially completed. The Minister has assured me that, as soon as the process is completed in the Department, there will be no delay on his end and there will be none on mine. We are eager for the scheme to progress as quickly as possible. I reiterate that the funding is in place.

Rural Development Policy

7. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform if the long-term capital spending plan will have a strong focus on rural regeneration, including active targeting of geographical barriers to economic growth, for counties such as Donegal; and if he will make a statement on the matter. [33420/15]

Deputy Thomas Pringle: This question relates to the capital plan that was announced this week and how it will focus on rural areas and assist them in trying to address regional imbalances across the country.

Deputy Brendan Howlin: I thank the Deputy for his question. I published the plan, *Building on Recovery: Infrastructure and Capital Investment 2016-2021*, this week. It sets out the Government's €27 billion Exchequer capital plan for the next six years. It includes a new third phase in the Government's public private partnership, PPP, programme and is in addition to other State-led investments, bringing the total to €42 billion.

In terms of transport, the plan outlines an investment of €6 billion on roads across the country over the next seven years, including roads projects targeted at removing critical bottlenecks, some of which will be known to the Deputy, and upgrading inadequate sections. Additional investment will be provided for the continued development and improvement of sports facilities at regional and local levels and for further enhancement of the tourism offering through further investment in the Wild Atlantic Way, Ireland's Ancient East and other innovative tourism products. As well as building schools across the country, which will be focused on demographic

need, we will fund the installation of wireless networks and ICT hardware in all schools.

With regard to supporting regional development and sustaining communities, there are substantial investment commitments to support the roll out of broadband. The rural economy will benefit from the critical investment set out in the investment framework by a provision of €235 million for Leader. A new village renewal scheme has been set out to support the revitalisation of towns and villages.

As my colleague, the Minister of State, Deputy Harris, said, we are providing an investment of €430 million in flood risk mitigation across the country in areas where there is the greatest risk. We have provided extra funding also for the peatlands restoration programme to restore peatlands to their natural state.

The Government is committed to rural Ireland. We are committed to creating jobs on a sustainable basis across the country. The roll out of local enterprise offices provides an opportunity to increase engagement with the wider enterprise community to provide micro and small enterprises, which are the main employers in rural Ireland, with the funding and the supports they need. Over the lifetime of the plan, Exchequer investment will support 45,000 jobs in every part of the country.

Deputy Thomas Pringle: With Dublin making up 42% of Ireland's GDP, there is a need to restructure and rebalance regional development and ensure that other rural parts of Ireland can compete with Dublin, never mind internationally.

I will focus on two aspects the Minister mentioned. On the village renewal scheme in rural Ireland, the plan provides for Exchequer funding of €5 million in the budget but that amounts to about €200,000 per local authority. That level of funding for each local authority is hardly what one would class as a significant investment that would help to regenerate rural areas.

On the broadband plan, it is vitally important that the roll out of the broadband plan targets the most disadvantaged areas, the regions and the most distant areas first to try to give them some chance to play catch-up over the coming years. I ask the Minister to focus on that when he is talking to the Department of Communications, Energy and Natural Resources about it.

Deputy Brendan Howlin: I totally agree with the Deputy that we need to have regional balance. That has been the focus of the Government from the outset. If we consider job creation across the country, the national figure is a 3% increase in the past 12 months. The regional figures are much better than that. In my own area, for example, the south east, it is better. The focus of the Government has been on ensuring that every region is supported by this measure. The strategy to ensure fast-track broadband is available across the country to everybody is very important in that context.

Although the Deputy mentioned the €30 million for the new rural programme, that is a small subset of the moneys that are available. As he will know, I have agreed a multi-billion euro investment for rural Ireland, co-funded by the European Union with my colleague, the Minister for Agriculture, Food and the Marine, which will impact on every village and area of the country. The schools, roads and primary health care systems we are building will support and enhance every region of the country.

Deputy Thomas Pringle: On schools, there is a commitment in the plan to do away with temporary accommodation within schools but arising from a question to the Department of

Education and Skills, and I accept that is not the Minister's Department, it did not even have a list of all the schools in Donegal that are in temporary accommodation so how can we expect that it will deal with the problem?

That leads me to the question of whether the funding projections are correct. What role does the Minister's Department play in terms of dealing with other Departments to make sure they have the right figures?

Deputy Brendan Howlin: The Department of Education and Skills has direct Exchequer funding over the horizon of this programme of €3.8 billion and another €200 million in public private partnerships, PPPs, aimed at the IT sector, which again can assist the regions.

In terms of prefabs, the first objective of this Government was to eliminate hired-in prefabs in all schools. That has been achieved. The next objective is to eliminate the temporary buildings the Deputy spoke about, namely, bought prefabs, and I am assured by my colleague, the Minister for Education and Skills, that the resources she has asked for and that I provided will achieve that objective in the lifetime of this programme.

Departmental Expenditure

8. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the cost of the operation of the national procurement office in 2014; the estimated cost in 2015 and for 2016, his views on its operation; and if he will make a statement on the matter. [33417/15]

Deputy Sean Fleming: I ask the Minister to give us an indication of the cost of the operation of the national procurement office in 2014, 2015 and 2016, and his views on how that office is operating.

(Deputy Brendan Howlin): The Office of Government Procurement, OGP, is the office responsible for public procurement.

The OGP Vote for 2014 was €12.4 million, of which €6.7 million was transferred from the Office of Public Works, OPW, for the national procurement service and the Department of Public Expenditure and Reform's, DPER's, national public procurement policy unit.

Actual spend in 2014 was €6.1 million; we allocated €12.4 million but actually spent €6.1 million. A total of €6.3 million returned to the Exchequer, which was mainly due to the delays in recruitment of staff to the OGP, which impacted the pay bill. The total allocated for 2015 is €18.9 million. Expenditure for next year will be a matter for the Estimates process.

The OGP is still at an early stage of operation, having recruited the majority of its resources through 2015. Setting up the OGP will develop capacity to enable better value for taxpayers, better management of risk for the State and better management of suppliers. The OGP sourcing teams have completed 68 projects this year to date capturing an estimated annual spend of €1.3 billion. They are currently working on 187 active projects across all eight categories with an estimated value of €720 million.

In July, the OGP published an updated target schedule of contracts and frameworks giving public sector bodies and the markets a nine month horizon of planned OGP sourcing activity from the third quarter this year to quarter 1 next year. This enables the markets to plan their bid-

ding in a much more structured way. Savings enabled this year by the OGP and sector sourcing organisations are estimated at €66 million, with a balance of €58 million savings being enabled next year.

In March 2015, I launched a report entitled “Public Service Spend and Tendering Analysis for 2013”, which provided, for the first time, an examination of detailed non-pay expenditure for a large portion of the public service. This has brought much needed data to policymakers and to the markets. It is planned to issue a similar report for 2014 before the end of this year.

Deputy Sean Fleming: They all seem to be very busy but I do not get the impression they are achieving very much. I was a supporter of this office but I am disappointed not just with what the Minister said but, specifically, what he did not say in his response. I refer to the Revised Estimates for the Public Services 2015, and Vote 39, which is the Vote we discussed in committee. The Minister came into the committee earlier this year and said that these were the 2015 output targets for this new office to complete the recruitment of all staff. He has said now that has not happened. The Minister said he would secure Cabinet agreement to put the office on a legislative basis, but there was no mention of that.

In terms of how the office is operating, the Aer Arann fiasco in which it had an involvement clearly shows it is out of touch. Sometimes centralisation can be a good move and achieve efficiencies. I will not go into describing how it is excluding many small businesses from being involved in the procurement process but the way it handled the Aer Arann air service is an example of how much it is out of touch.

The Minister might give us an update on the service level agreements between the Office of Government Procurement and the various public bodies, in terms of the number that have been completed, and between the office and the various designated lead buyers.

Deputy Brendan Howlin: I am disappointed in the attitude of the Deputy to the modernisation of procurement. The Deputy is quite content to have a dysfunctional procurement operation that was the hallmark of his own time in Government when nobody knew the price of goods and services and every State agency was buying the same products from the same suppliers at different prices. We professionalised that system but it cannot be professionalised in an instant. The recruitment process has been slower than we expected but I can tell the House now that as of 11 September there were some 178 of the expected 231 people recruited. There are some vacancies still in the process. Obviously, appointments have been made and people are waiting to take up those appointments. When we have recruited the full cohort of people, we will have a professional procurement system for the public service for the first time in our history. It will give transparency to the way we buy goods and services that will be analogous to best commercial practices that we would expect of very large companies. The State and taxpayer deserve and expect nothing less.

Deputy Sean Fleming: When this office was set up I supported it, but I am disappointed at the rate of implementation. I said they seemed very busy. I said I supported the principle of centralisation, but I want it to be in touch. The Minister has said he is still waiting to recruit 60 staff into that organisation. It has been in operation for two years and the full complement of staff still has not been recruited. It was one thing last year to claim we had a plan of expenditure of €12.5 million and we spent less than half of it. I hope that was a lesson to the people involved to get on with the job. This House of the Oireachtas voted substantial funding for it this year, €18.9 million.

How many public bodies does it deal with? How many service level agreements are expected to be in place ultimately? How many are already in place especially for the organisations that are the lead buyers? How many service level agreements are in place for bodies such as Kerry County Council for local authority purchasing, the HSE which is still the lead buyer for other services, and the Department of Defence which still does its own work?

Deputy Brendan Howlin: Reformed procurement activities have saved approximately €100 million over the past two years. In the embryonic stage of the OGP we have saved €100 million in direct savings and an additional €16.5 million in utility savings. This is before we really get operational to invigilate a proper professional procurement regime.

The Deputy asked about service level agreements. I do not have those data before me, but I will ask the OGP to forward them directly to him.

Every agency of State and every Department is transforming how they do their business in a professional way. It takes a while to recruit the professionals we need. We want to get the right people in place and we have largely done that. There are still a few more we need to recruit, but largely all the key people are in place. It will have a transformative impact on how the State operates in the right way so that all goods and services can be bought in a transparent way. There are no side deals or local deals that, unfortunately, used to be a feature of how the State operated in the past.

Question No. 9 replied to with Written Answers.

Government Expenditure

10. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform his views on the data from the International Monetary Fund's fiscal monitor, which reported that Ireland has one of the lowest Government expenditures in the European Union; his plans to consider this in his preparations for the upcoming budget; and if he will make a statement on the matter. [33311/15]

Deputy Mick Wallace: According to NERI's Quarterly Economic Observer, which uses the data from the IMF's fiscal monitor, Ireland currently has the third lowest government expenditure in the EU. It stated that if the current trend of low taxes, leading to lower public service provision, leading to higher costs of living and consequently to calls for tax cuts continues, Ireland could end up with the lowest public expenditure in the EU. In the upcoming budget the Government is proposing a 50:50 split between the two. Does he not believe we should lean more heavily on investments rather than tax cuts given that so many people are in a difficult place?

Deputy Brendan Howlin: The economic crisis obviously had a profound impact on the public finances. Nobody in this House would deny that. The fiscal adjustment implemented in order that Ireland could successfully exit the troika programme and return sustainability to our public finances required expenditure reductions. Gross voted expenditure was reduced from its peak of just over €63 billion in 2009, when infamously we were told we were awash with money, to €54 billion last year. Consequently any international comparison of Government expenditure needs to be viewed in that context.

In implementing expenditure reductions, the Government's priority was to ensure that a targeted approach was adopted in order to protect key public services and social supports to the greatest extent possible. The key sectors of health, education and social protection were prioritised throughout this period, and this year these three areas of health, education and social protection account for some 80% of the Government's gross voted spending on the current side.

The fiscal forecasts in April's stability programme update outline that in 2016 general Government expenditure, excluding debt interest, is projected to be just 32% of GDP or 37.5% of GNP. As a proportion of the overall economy, this would leave Government spending next year at roughly the same size it was in 2001.

Budget 2015 marked a turning point in our fiscal and economic recovery, as expenditure reductions were no longer required to meet our fiscal targets. The Government was in a position to hold overall spending steady and to make some targeted increases in selected areas. The capital plan which I published this week involves an additional €27 billion of capital spending over the period 2016 to 2021.

In setting out expenditure measures for next year's budget, Government will seek to enhance further key public services while building on the progress we have made in returning our economy to stability.

Deputy Mick Wallace: In 2015 public investment made up 1.8% of GDP. The €27 billion package over six years the Minister mentioned represents 1.9% of GDP. So between this year and 2021, the annual average increase in public investment will be less than €250 million, compared with the Government's intention to provide €750 million in tax cuts. Rather than a 50:50 split, I believe the Minister would have preferred to lean more towards investment in the services rather than tax cuts. As the Minister knows, indirect taxation in Ireland is pretty draconian and obviously impacts most on those with least money. Would the Minister not admit that he would rather see a better balance in favour of service investment?

Deputy Brendan Howlin: The proportion of expenditure versus tax reduction will be debated in the course of the general election campaign next year.

Deputy Mick Wallace: Does the Minister mean this year?

Deputy Brendan Howlin: In terms of the public sector spend, I frequently read different takes on what we actually spend and very peculiar analyses and comparisons being made. A very interesting article published by Seamus Coffey, the UCC economist, indicates that across all countries, health, education and social protection for families and working-age population represent the biggest chunk of expenditure normally. In 2013 the average expenditure across those three areas in the 28 countries of the EU was the equivalent of 19.7% of GDP. In Ireland we spent 22.8% of GDP, which ranked Ireland as the seventh highest spending EU country on health, education and social protection.

Deputy Mick Wallace: The different take we can get on figures is amazing.

Deputy Brendan Howlin: That is what I am saying.

Deputy Mick Wallace: To counteract the Minister's argument, Michael Taft has stated:

The Government proposes investment levels not seen since the stagnation years of the early 1980s. Indeed, the Government six-year programme will be the lowest of any

six-year tranche at any time since 1970.

The long-term annual average level of public investment is 3.5 percent of GDP with peaks in the 1970s and in the run-up to the crash. To reach our long-term average by 2021 would mean an investment package of €41 billion, or a 50 percent increase on the Government's package.

Let neither of us get lost in the figures and in what the economists say. I return to my question: I will ask the Minister once more. Would he agree that, given that, we should lean more on the investment side rather than tax cuts? As a Labour Party man I would like to think that he would definitely think that. I ask him to answer that question.

Deputy Brendan Howlin: The problem about quoting statistics and facts is that we all have facts to support our argument. However, there is objective fact: there must be some objective truth in all of this. In truth, I am reading from a UCC economist who has analysed the figures. He indicated that measuring as a percentage of GDP is problematic for Ireland because of the operation of multinational companies. Deputy Wallace is aware that GNP is often a much more accurate assessment of Ireland. If one takes a hybrid of the two, Ireland ranks third in expenditure on the social areas. Only Denmark and Finland spend more of their income on those critical areas. We need to know the facts before we draw conclusions. This is taxpayers' money and we need to know what we are spending and what we are getting for it. We need to have a system based on the truth before we all, if one likes, arm ourselves with economic facts to bolster a theory we have.

To return to the Deputy's question, I will set out my view and that of the Labour Party on the division of tax and spend when the election campaign starts next year. In terms of this year, we have an agreement with our partners in government. In view of the very significant increase in taxes over the crisis period, including universal charge, all trade unions are campaigning very actively on it, as they consider it a punitive tax, in particular for low and medium income earners and they say we need to rebalance that this year. We will probably have a different view, as the Deputy might envisage, beyond this year.

Flood Risk Assessments

11. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the status of the catchment flood risk assessment and management studies; when they will be implemented; and if he will make a statement on the matter. [33416/15]

Deputy Sean Fleming: I wish to ask the Minister the status of the catchment flood risk assessment and management studies, when the plans will be implemented and if he will make a statement on the matter.

(Deputy Simon Harris): Deputy Fleming's question is timely in the light of the capital plan. Good progress is being made on the national catchment flood risk assessment and management, CFRAM, programme which is the principal vehicle for implementing the EU floods directive and forms the strategic focus of national flood policy for some years, since approximately 2006. Engineering consultants have been appointed by the Office of Public Works, OPW, to implement the programme, through six regional studies. Local authorities and other stakeholders are involved, in partnership with the OPW, on steering groups and progress groups across the six

study areas. I am sure Deputy Fleming and all Deputies in this House are aware of and have been involved in the consultation days in their own areas. This programme is focusing on 300 mainly urban, areas for further assessment, AFAs, including 90 coastal areas. It involves the production of predictive flood hazard and risk mapping for each location, the development of preliminary flood risk management options and the production of flood risk management plans.

The flood risk management plans will include a prioritised list of measures, both structural and non-structural, to address flood risk in an environmentally sustainable and cost effective manner. Structural measures in the plans will be taken to outline design stage. The plans will be used to determine national priorities for State investment in flood defences, on a systematic and objective basis that takes into account social and environmental factors as well as economic criteria.

Under the programme, draft predictive flood maps have been produced. They are currently available to view on the website. They were the subject of a series of local public consultation days which concluded in April 2015. The flood maps will be finalised following a statutory national consultation scheduled for late 2015. A series of local public consultation days on the preliminary flood risk management options is under way in the west and Shannon CFRAM study areas. The flood risk management plans, namely, the solutions, are scheduled to be completed in late 2016. Further information is available on www.cfram.ie but ultimately, as the Deputy is aware, this is a major plan which has been undertaken over a significant period of years by the Office of Public Works. We are getting very close to the point whereby this time next year we will have the emergence of not just maps but potential solutions for many of the 300 communities. It will require significant investment. It is a matter for Government but the plan could take ten years to roll out at an ultimate cost of approximately €1 billion.

Deputy Sean Fleming: I appreciate what the Minister of State said about the three areas for further assessment in the 300 locations but perhaps he could give me an overall picture. A few years ago we had river basin catchment plans for the rivers Lee and Shannon and in the south east, among other areas. Perhaps they are the six regional study plans to which the Minister of State referred. I do not recall whether there were six or eight.

Deputy Simon Harris: There are six.

Deputy Sean Fleming: I heard that Europe has indicated it does not want six bitty plans for Ireland but one national plan. Will much work be involved in joining up the six plans into one national plan? One could say that all that is required is for them to be added together. However, it should not be as simple as that. We are a single island. Could the Minister of State refer to the transition from that method of operating to following the EU advice that we should have one national plan? The view was that the island is too small for so many individual plans.

Could the Minister of State also elaborate on the statutory national consultation process, which he said would take place in late 2015? A reply to a previous parliamentary question indicated it would be held later “this summer”. We have missed the boat somewhat in that regard. Could the Minister of State clarify the position?

Deputy Simon Harris: I accept the point made by Deputy Fleming. I expect the consultation to take place very shortly, in the coming weeks. We have carried out more consultation in this country than we ever had to do on CFRAM. That was the appropriate thing to do. We put in new layers of consultation, which exceeded our obligations under the EU floods directive.

We must now physically publish the maps.

The various CFRAM areas will come together to offer Ireland's national flood plan, which will be the CFRAM solution. The programme has involved the capture of approximately 10,000 sq. km. of detailed aerial survey data, which is approximately 13% of the total land area, 6,673 km of channel survey data and the development of models of all the major river systems in the country.

I am especially proud that we took the decision to factor in climate change to the CFRAM process. We did not have to factor that in under the current EU directives but it is likely it will be required in future. Both the flood maps and the identification and outline design of flood risk management measures will consider two potential future scenarios, including the potential impact of climate change. That will ensure our flood risk management strategies and the measures set out in the plan are robust in the face of an uncertain future. An incredible body of work that has been done by officials in the Office of Public Works in consultation with local authorities is coming to fruition. We need to ensure the political will to fund the plan is available. The Minister, Deputy Howlin, has clearly shown that is the Government's position. We must get on with delivering the process. I expect the solutions for communities to be delivered around this time next year.

Deputy Sean Fleming: I wish to raise two particular issues with the Minister of State. The first is the draft flood maps that are currently available. They are very important. I ask that the Minister of State would give a little guidance to local authorities in respect of their county development plans. I said previously to the Minister of State that some local authorities included the draft plans in their county development plans, as a result of which financial institutions refused to give loans in areas that were considered to be a possible flood risk within a 100-year period. The situation caused significant damage. I accept the Minister of State said one should not use the plans until they are finalised, but what are local authorities to use in the meantime given that they should take some account of the plans? Local authorities are in a limbo situation.

The second issue I wish to raise relates to Irish Water. Much of our drinking water comes from rivers and the adverse impact of flooding can affect water quality. Could the Minister of State explain the involvement of Irish Water in the process from a water quality point of view, given that some of the areas in question which are prone to flooding are the source of drinking water?

Deputy Simon Harris: I am pleased the Deputy raised the issue of planning. I visited far too many homes where people have been flooded in houses that should never have been built but were, due to irresponsible planning by local authorities throughout the country. The publication of the CFRAM maps does not create risk. The maps tell people about the risk that exists. There is often a misconception that the maps are creating new risk. It is better to know. There are people who will be surprised at the information presented in the maps. Although they have lived in a home all their lives they are only now learning from the maps that their home is potentially at risk of flooding due to climate change and other factors.

The Department of the Environment, Community and Local Government, in conjunction with the Office of Public Works, has developed guidelines for flood risk and the planning system. The guidelines on the planning system and flood risk management 2009 have introduced a comprehensive and transparent framework for the incorporation of flood risk identification,

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assessment and management into the planning process. The guidelines were issued in 2009 by the then Minister for the Environment, Heritage and Local Government under section 28 of the Planning and Development Act 2000. Planning authorities and An Bord Pleanála are required to have regard to the guidelines in carrying out their functions under the Planning Acts. Taken together with the flood maps, they should improve decision making on building in areas at risk from flooding. That should happen from now on. When analysing schemes, we will not factor into the cost-benefit analysis where councils decide to pursue irresponsible planning decisions and grant development.

I will seek an answer to the Deputy on the specific question on Irish Water and revert to him.

Written Answers follow Adjournment.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice, Defence and Equality has completed its consideration of the Marriage Bill 2015 and has made no amendments thereto.

EU Council Decisions on Measures in the Area of International Protection: Motions

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, a copy of which was laid before Dáil Éireann on 24 September, 2015.

I thank Members for making time today to discuss these motions concerning Ireland opting in to two EU Council decisions that provide for the relocation from Italy and Greece of persons in clear need of international protection. As Deputies will be aware, Ireland is not automatically bound by EU measures in the area of freedom, justice and security under the Treaty on the Functioning of the European Union, which includes the asylum area, but may opt in to any measure where it wishes to do so. It is clearly apparent that Europe is facing an unprecedented migration crisis. This is a humanitarian crisis which has continued to escalate and to which there are no simple answers. Both Italy and Greece have experienced unprecedented flows of migrants over the past 18 months in particular, placing significant pressure on their migration and asylum systems. Since the beginning of the year, approximately 116,000 migrants have arrived in Italy in an irregular manner and more than 211,000 have arrived in Greece.

As Members are aware, to date, the Government has been working proactively with its colleagues in Europe to ensure that Ireland and the European Union respond comprehensively to this critical humanitarian crisis facing Europe. Ireland has played its part and many months ago sent some of our naval vessels, including the *LE Eithne* and subsequently the *LE Niamh* and the

LE Samuel Beckett, to the Mediterranean to carry out vital rescue missions to ensure the safety of many people. These vessels have rescued people in truly horrific conditions, with examples of individuals sitting in tiny dinghies that are completely unseaworthy with petrol spilling into them and people being burnt and unable to move, of young children being on board them, of numbers on vessels far exceeding their carrying capacity and of people being kept in situations in which they could not move and had no chance of surviving when the vessels got into trouble. People have been found in truly horrific positions and I must condemn unequivocally the smugglers who are involved in this regard. Ireland has sent its naval vessels and through Irish Aid, the Government's development co-operation programme, it has been supporting efforts to assist the Syrian people. This measure will see the provision of €41 million in support by Ireland. Deputies will also have noted the decision made by the Council meeting of all the EU Prime Ministers to allocate €1 billion in aid to the refugees and, in particular, to help ameliorate the position within the refugee camps, which had deteriorated. This substantial funding was agreed after the meeting to which I refer and is important in dealing with the many different aspects of the humanitarian crisis.

The decisions being discussed today form part of a package of measures introduced by the European Commission in response to this crisis. The first decision, which was adopted by the Justice and Home Affairs Council of 14 September 2015, provides for the relocation of 40,000 people in clear need of international protection over a two-year period, that is, 24,000 from Italy and 16,000 from Greece. The distribution of these persons was agreed by consensus by member states in July and, under that proposal, Ireland agreed to accept 600 people in the first instance. Since the July meeting, the influx of refugees through the western Balkans in particular has increased dramatically. While there has been a stabilisation in the numbers of people crossing the Mediterranean, there have been huge increases of those coming via the Balkan routes and, consequently, it has become clear that significant further measures were needed. Accordingly, at a further emergency Justice and Home Affairs meeting on 22 September, a second decision which provides for the relocation of a further 120,000 people in clear need of international protection was adopted. In this decision, 66,000 of the 120,000 people will be relocated from Italy and Greece initially. As for the balance of 54,000 people, these will either be relocated from other member states coming under pressure in the future, if necessary, or, alternatively, they could be relocated from Italy and Greece. That number came about because Hungary decided in latter weeks that it did not wish to be a country from which refugees would be relocated and that redistribution of 54,000 people is to be decided. The distribution of the persons to be relocated across member states is set out in the annex to the decision. Ireland has not been included in the annex because we did not opt in to the proposal before it was adopted. It is estimated that Ireland's allocation under this decision would be in the region of 1,850 people.

Three weeks ago, the Government agreed, in response to the crisis situation, to establish an Irish refugee protection programme and to accept up to 4,000 persons overall under the EU resettlement and relocation programmes. Resettlement is when refugees who are already in the camps come to us and relocation pertains to those people who have arrived across the borders in Italy and Greece in particular. Included in the 4,000 people the Government has agreed to accept are 520 people it has agreed to resettle in Ireland from the refugee camps, 600 people to be relocated under the Council's decision of 14 September and 1,850 people who are expected to be relocated under the Council's decision of 22 September. The make-up of the balance is yet to be decided. It is important to note that persons accepted here under these programmes also have an entitlement, once their protection claims are processed, to apply for family reunification if they wish to so do, thereby further increasing the numbers accepted by Ireland. The

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4,000 agreed to is in addition to those who reach our shores directly to claim protection. Again, Members will be aware that numbers of people arrive here and claim asylum. Those numbers, in line with the rest of Europe, have increased substantially from the beginning of this year, admittedly from a low base. Ireland has seen probably an increase of 50% in those claiming asylum and that is a separate tract to the subject under discussion this morning.

A task force has been established to co-ordinate and implement the logistical and operational aspects associated with this programme. I chaired the first meeting on 16 September, which was a large meeting attended by all the main Departments that will be involved in providing supports, as well as the agencies, the Red Cross, the Office of the United Nations High Commissioner for Refugees, UNHCR, and others. The Irish people also have also shown great generosity in offering support and assistance of all types including accommodation, support to families and children and clothing. There have been thousands of offers of accommodation and the Red Cross has been given the task of drawing together these offers of assistance in a cohesive manner. On Monday last, the Red Cross launched its website to enable members of the public to formally register their pledges. I suggest to Deputies that people who offer help or support should be advised to give their pledge to the Red Cross - which can assess those offers of help - because obviously one must consider the appropriateness and sustainability of all such offers and how they might be taken up, probably more in the medium to long term rather than immediately. I thank the Red Cross for taking on this role.

At its meeting, the Government also approved the establishment of a network of emergency reception and orientation centres for the initial acceptance and processing of those in need of international protection who are accepted into Ireland under the EU programmes. I note the Joint Committee on Justice, Defence and Equality heard a presentation yesterday from the two agencies involved and I understand there was much discussion of and detail provided on preparedness at that meeting. The Office of the Refugee Applications Commissioner, which also was present, has put in place various initiatives to ensure it is ready to deal with the situation. In view of the profile of the relocation applicants, I expect they will have their applications for protection processed in a matter of weeks and that many will be granted status. This is a new programme by the European Commission. It is not like relocation, where refugee status has been granted previously nor does it pertain to asylum seekers arriving directly in one's country. It is about people coming to Ireland, who had arrived in another country, with the expectation that the vast majority are refugees and will be assessed as such.

We have all been shocked and upset at the scenes witnessed in southern and central Europe and the distressing scenes during rescues in the Mediterranean.

11 o'clock

Ireland has always lived up to its international humanitarian obligations as is evidenced by our resettlement programmes which has seen almost 500 people resettled here since 2009, our sending of naval vessels to assist in search and rescue operations in the Mediterranean, unlike other countries, and the introduction of a Syrian humanitarian admission programme, SHAP, last year which involved 114 persons being granted permission to come to Ireland.

By opting-in to these decisions we will not only provide a safe haven for families and children who are forced to leave their homes due to war and conflict but also show solidarity with other EU member states whose protection systems are under enormous pressure due to the large influx of migrants. I commend the motions to the House.

Deputy Niall Collins: The current political and economic crisis being witnessed in neighbouring states close to the European Union has resulted in a new immigration crisis on our borders. At least 350,000 migrants crossed the EU's borders in January-August 2015, compared with just 280,000 during 2014.

This is an EU level crisis which requires an EU level solution. Thus far, Europe has failed the test of providing a comprehensive response to the crisis. Ireland, having now agreed to accept 4,000 applicants, is in the top three countries of the EU as a proportion of our population for receiving immigrants from this crisis. We welcome the Government's decision in this regard, although it was slow to react to events initially. However, we have yet to see a detailed, fully funded plan from the Department of Justice and Equality as to where and how exactly the people seeking refuge in Europe will be accommodated here. I would appreciate if the Minister could outline what is planned at present at the soonest opportunity. It is important that a proper plan is in place to ensure full integration of refugees into Irish communities across the country once regular status is given to those seeking asylum.

It is obvious that the distribution of refugees must be shared proportionately within the EU to ensure that those seeking asylum are properly catered for. Some of the approaches taken by other member states have been shameful to say the least. Hungary, in particular, has not acted in the spirit required to help in this crisis. Its Government has called for European forces to take control of Greece's borders, for example. We believe many of our neighbours within the Union could do more in accepting an increased number of applications. All member states need to step up and show compassion faced by the largest humanitarian crisis since World War II. Ultimately, it is important that the EU works on an international level to address the wars and instability driving the crisis. Ending the civil war in Syria must be an international priority. As a neutral country, it is beyond us to take an active approach in a military or defensive sphere. That is our tradition and one which has served us well in the past. We must, however, be active at institutional levels within the EU and the UN to encourage a resolution to the current crisis in Syria and the Middle East in general.

The last EU leaders' summit in September appeared to act as a fudge and failed to come up with common policies to solve one of the greatest humanitarian crisis we have witnessed on this Continent in decades. It was clear that our heads of government have continuously failed to contain and manage the migration emergency. I understand that the emergency summit in Brussels decided to allocate €1 billion to aid agencies and transit countries hosting millions of Syrian refugees. Some have accused the EU of seeking to pay off Turkey to deal with the immigration crisis. This is not a long-term policy of which anyone within the EU can be proud. It still appears as though many in the Union are sticking their heads in the sand and hoping the problems will go away. The challenges will not be dealt with until the core reasons for the mass migration of people who are in great desperation are addressed. The crisis in Syria and across much of northern Africa and the Middle East has been ongoing for almost five years now. The failure of the international community to address the instability, war and destruction in the region is lamentable. Today, hundreds of thousands of people are dead and millions of people are displaced due to this failure.

The EU must have a comprehensive set of policies in place in order that countries receiving migrants are able to deal with this in a timely and humanitarian fashion. This is imperative to ensure the principles of freedom, security and justice are realised for those seeking a safe haven, but also for countries receiving immigrants. With regard to the motions, it is important that member states recognise the great difficulties currently facing southern Mediterranean coun-

tries in trying to cope with the refugee crisis. As stated in the Council decision, to which the motions relates, Article 78(3) of the Treaty on the Functioning of the European Union, TFEU, allows for the EU to deal with emergency situations characterised by a sudden inflow of nationals of third countries into member states. This is an important provision and one which reflects the principle of solidarity, which is central to the EU's success. We will support this motion in that spirit of solidarity.

Deputy Pádraig Mac Lochlainn: Sinn Féin, of course, will support the motion. However, I would like to make a number of comments and outline our ten-point plan, which we offer to the Minister and her senior officials for consideration as part of their deliberations, towards the end of my contribution.

This crisis is not a new one. A few years ago, I visited Palestinian refugee camps in Lebanon, which have been there for decades. They were taking in Palestinians from Syria. In other words, refugees were housing other refugees in appalling conditions. One of the buildings we visited had been bombed out by Israeli forces but refugees were living in it. Our delegation of parliamentarians from Ireland and Britain met officials from the UNHCR and UNRWA to discuss our concerns, which we also raised with EU representatives. This crisis has been going on, therefore, for quite a while. Lebanon, Jordan and Turkey have taken in a huge number of refugees and they have taken on a massive burden in the context of this crisis. The Minister gave assurances that Ireland would ensure the international community would give those states as much support as it can to deal with the crisis. When we talk about stepping up to the plate, it is remarkable what those three states have done. However, other states in the region have not stepped up to the plate, including the wealthy gulf states. We need to confront them morally about their failure in this regard and challenge them. It cannot just be commerce and business as usual with these states. We need to say we are part of a global community and everybody has to step up and do what is right as part of their international obligations.

Yesterday, INIS officials and the Refugee Applications Commissioner appeared before the Joint Committee on Justice, Defence and Equality, to which the Minister made reference. They are good people doing their best but it is clear that there is not a definitive plan. They are working their way through what needs to happen, which presents an opportunity. Obviously, we would like full costings and a detailed plan but that will take time over the next number of months. Sinn Féin will submit its own suggestions, which I will address shortly.

President Juncker in his state of the Union address referred to a contribution of €6,000 per refugee to states and €500 per refugee for travel and so on. The Minister for Public Expenditure and Reform rightly said the Government would say to the Union that whatever expenditure is undertaken in this crisis will not be factored into normal budgetary considerations, which would mean it would not have an impact on other decisions the Government makes. I note both these important points. A considerable number of our citizens are wondering about our own housing and unemployment crises and our economic recovery and asking whether they should be addressed first. I strongly believe that we can address both domestic and international obligations but we need to lay out clearly how and why the State can do both. That is absent from the debate currently. I ask the Minister and her senior officials to ensure there is a clearly communicated plan and a clearly communicated message that the Government will deal with these domestic issues but can meet our international obligations and to reassure people before this is turned into a silent resentment or, possibly even worse, racism.

It is very important that we co-operate with the non-governmental organisations. There are

superb people in those organisations who have tremendous expertise in terms of integration and location at various places throughout the State. We need to involve communities in advance. We need to tell them that there will be X number of refugees and their families moving to their areas and involve them in the process. There are good models. For example, Southill in Limerick was brought to my attention yesterday. I understand there was a relocation of Congolese or African citizens there that worked really well. That is a good model, which I would ask the Minister to examine. That can be done but we need to plan it out and involve non-governmental organisations and thereby have an inclusive process.

This State has not opted in to two directives that would have allowed those seeking asylum to work after nine months. That is a reasonable expectation. I think we would all accept that our system has been way too cumbersome and that it has taken too much time to make decisions. I welcome the fact that legislation relating to this matter will be brought forward in the near future, and the sooner the better. We have had people stuck in these direct provision centres for far too long, in some cases for more than ten years. We need to make decisions about people who have been there for that length of time. We should allow them to stay, that is my firm view. As the Minister will be aware, the Joint Committee on Public Service Oversight and Petitions did a good deal of work on this - its members visited the centres and it published a report. We are not happy at all with the direct provision system. It fails our people and does not reflect their values. It needs to go. I do not want the new numbers of refugees who will come here to face similar experiences. We have a bad track record on this, which is out of kilter with the history of the State.

As I have said in this Chamber on numerous occasions, ours is the only country in the world that has a smaller population than was the case in the early 1800s. That reflects our history of mass emigration, which has continued right up to recent years. I am a Donegal man. Our history in Donegal has been one of emigration. My father and grandfather emigrated. I emigrated for a short period and was lucky to be able to come home. That has been the history of people from Donegal and the west. It is the history of our country. With that history in mind, surely we can do better on the issue of taking a reasonable and fair allocation of refugees and welcoming them to our country. However, we must do it in a way that deals with the fears - sometimes these are legitimate - of citizens. We can do all of that.

I want to outline some of my party's ten-point plan on this issue. Ireland should commit to taking one refugee per every 1,000 of our population. A proposal in this regard was made by the non-governmental organisations and that is one of the figures mentioned in it. In fairness, the 4,000 figure over the two years is in that ballpark. That would see us take in 4,500 to 5,000 people this year. The direction the Government has taken is a good step. We probably can do more but it is certainly very encouraging and it is a good signal. We need to continue this in the next number of years because this crisis is not going to go away any time soon.

We need to develop a national action plan. That plan should be both short-term and long-term focused. The Government should immediately set up a working group, made up of immigration experts. Some of what I am calling for may already be happening. I will set out the points, as we put them forward before these measures were taken. As stated, the Government should establish a working group, made up of immigration experts and civil society groups, to speedily identify the infrastructural requirements and other needs and the logistics necessary to make our response to the crisis as successful as possible. I understand from yesterday's meeting that a fair amount of that is happening. The Government should also engage with the Northern Executive - this is very important - and the British Government to work on a common

approach across the island. We call for the immediate implementation and enhancing the Syrian vulnerable persons relocation scheme from Britain into the Six Counties.

We fully support the use of the Irish Naval Service in search-and-rescue missions in the Mediterranean and the Government's call to ensure that these missions continue. We do not want Ireland to be involved in a EUNAVFOR Med mission or a military-style mission. However, all of our people are immensely proud of the work of our Naval Service and we should continue that work. I have already said that we need to end direction provision system.

We call for an emergency summit of member states to be convened immediately. Emergency meetings are ongoing and I ask the Minister to be at the forefront of that process. We call for others to play their part on setting up safe and legal access to Europe. This could be done through a UN Security Council resolution, as well as all European member states working together in a spirit of the Article 80 of the Treaty on the Functioning of the European Union, TFEU, to make this happen. This could also include the provision of the issuing of humanitarian visas for those travelling from conflict zones.

We must suspend the Dublin regulations to ensure effective access to asylum. The regulations usually mean that the responsible member state will be the state through which the asylum seeker first entered the EU. The Dublin regulations establish a hierarchy of criteria for identifying the member state responsible for the examination of an asylum claim in Europe. This is not practical under the current circumstances.

We call on the European Commission and member states to activate the temporary protection directive. Temporary protection is an exceptional measure to provide displaced persons from non-EU countries and unable to return to their country of origin with immediate and temporary protection. It applies in particular when there is a risk that the standard asylum system is struggling to cope with demand stemming from a mass influx that risks having a negative impact on the processing of claims. This directive and its concrete proposals must be immediately activated in light of the current situation. We call on the Commission and member states to stop co-operation with third countries which aim to prevent asylum seekers from reaching a safe place in Europe and we also call for an end of negotiations on any such agreements with third countries, such as Eritrea, Sudan, Somalia, Ethiopia and Egypt, that do not guarantee the protection of refugees and respect for fundamental rights.

Ireland should opt back in to the common European asylum system, CEAS. As I said, we should opt in to the directives. If we set a challenge that somebody has the right to work after nine months, it will mean that we will get our act together in terms of applications process. We cannot leave people languishing, for more than ten years in some cases, without the ability to work, living on €19 a week. I have visited these direct provision centres in my role as Chairman of the Joint Committee on Public Service Oversight and Petitions. They fail the standard of decency that we set as a State. We cannot allow this to continue and we need to address it. We need to opt in to directives, which will ensure that our State meets the standards that are expected of the European Union.

We need to address the root cause of the crisis. We need to strengthen long-term efforts to resolve the root causes of the refugee crisis by advancing political solutions to conflict and inclusive socioeconomic development across Africa and Middle East. Ireland has a proud track record in overseas development aid. We had the highest *per-capita* contribution to overseas development in the world a few years ago. It is a proud track record. We can do more. We can

position ourselves in terms of conflict resolution because of the recent history in this State; we can be human rights defenders and we can be honest brokers. We have a fantastic diplomatic service. I have had the pleasure of seeing those in that service many times over the years. We can play a key role here but I am happy with the response to date. I have been disappointed historically but recently we have started to show a new direction and I hope we continue on that path.

Deputy Mick Wallace: I too welcome the motion and, even though I speak only for myself, because I am an Independent Deputy, I will be supporting it. Unfortunately, our approach last winter was not quite so positive. We argued about the cancellation of the Mare Nostrum programme and protested to the Europeans that it was not a good idea. When programme was brought to an end, the refugees were never going to stop trying to come across the sea, they were just going to drown and that is what happened to many of them. People were also drowning when the Mare Nostrum programme was working but it was, at least, a big help at the time.

There is no doubt that this is an incredible crisis. On the issue of the refugees coming in, I support Deputy Mac Lochlainn's point about the importance of getting these people into a work situation as quickly as possible. Surely, it would be rational to do this. The manner in which we have dealt with that issue in the past has left too much to be desired.

I still worry about this situation. If we consider what has happened in the past 20 years, the statistics are frightening. The militarisation of the planet has continued to increase, especially since 2001. In the past five years, there has been a 16% increase in the proliferation of arms in comparison to the previous five years, a frightening development. Of the 60 million people currently displaced, it is estimated 33 million of them are displaced because of war.

What will we do about this? Ireland is a small country but I believe we can play a positive role in this regard. Several weeks ago, Annette Groth, a member of the German Parliament who had been in Hungary watching the plight of the refugees there, told the German Parliament:

Germany is the third biggest weapons exporter in Europe and has good relations with, for instance, Saudi Arabia and Qatar ... Our government is still delivering arms to Saudi Arabia which happens to be supporting ISIS, the jihadists.

We all realise the whole Middle East region has gone crazy but we cannot stay silent on the reason for it. The number of refugees will actually increase, not decrease, unless there is a serious examination of the root causes of it all. For example, Deputy Mac Lochlainn made the point some countries are prepared to help more than others. Two countries not prepared to take in refugees are Saudi Arabia and America, yet the part they are playing in the destruction of this region is unbelievable. Yemen is being destroyed, with refugees being created every hour there, but no one has said a word about it.

Shannonwatch, through freedom of information requests, got the statistics on the planes coming through Shannon Airport last year. There are planes going through the airport from America to Saudi Arabia with all kinds of arms and most likely cluster bombs, which are being used in Yemen. We are allowing Shannon Airport to be used by the American Government and the arms industry to bring arms to the Middle East region to cause havoc. Bombs are falling on innocent people's homes and they are being driven out of them but we are not stopping it. It is great we sent two boats to the Mediterranean and it is to be commended that we are prepared to take in refugees but how can we continue to allow Shannon to be used for as a US military

base? If the Minister for Justice and Equality did nothing else for the rest of her time in government before the election, it would be wonderful if she took a positive decision on this issue, as it would mean so much. We cannot possibly defend our facilitation with what is happening.

Those fleeing to Europe now are fleeing to countries which sold the arms that caused the havoc and displacement in the first place. The Russians have now started to bomb Syria, making them as culpable as the Americans. Bombs do not solve problems; they create them. The French and British cannot wait to get in there more. The region is a minefield now. They have been training rebel groups to fight Bashar al-Assad. While I would not defend Assad for one minute, the alternative is worse. The ISIS crowd are flourishing because of what is happening. It is crazy what they are like. Bad as Assad is, his is one of the last multicultural governments in the region. His biggest crime is that he is independent of America and Israel. I accept he is guilty of many crimes against his own people over the past five years. He should be tried for war crimes, the same as the likes of Blair, Bush and Obama for what they have been involved in.

I make no excuses for Assad or the Russians but Ireland has an opportunity to play a positive role. We are an island, a small country, but it does not stop us from having a real and strong neutral voice for peace. We cannot start talking about peace, however, while we continue to allow Shannon Airport to be used as a US military base. That is the height of hypocrisy. Up to 2.5 million US troops have gone through Shannon since 2001. The amount of arms that we allow through with permits on civilian planes is astronomical. We refuse to search military planes that land at the airport. When people are in opposition, they say we should search the military planes in Shannon. When they get into government, however, they say they have assurances from America that all is well. All is not well.

Deputy Clare Daly and I had three days in court in Ennis recently. Witnesses came forward who were working in Shannon to testify they saw arms on military planes which is illegal. Still our Government does not want to look into this. The judge accepted the *bona fides* of the testimonies of these individuals. He ended up fining us in the end, which was irrational given his own arguments but that is a different issue.

Will we look at the Shannon issue and stop helping one country bomb another? It would mean so much. Can one imagine visiting people in the Middle East region and watching bombs falling on the houses beside them, looking to kill someone involved military activity but wiping out women and children? Can one imagine sitting there knowing the bombs could have come through Shannon before they were dropped? What does it say about us that we can tolerate this?

The manner in which the world operates has never been as disappointing. The arms industry, along with the pharmaceutical industry, is one of the two largest industries in the world. One cannot get elected President of America without the support of the arms industry. It will cost Hillary Clinton \$2 billion just to run for president, which is a lot of money. One needs the arms industry's support to run for President of America in a serious manner. The end result is payback. Bombs have to be dropped on people to support the arms industry and keep it thriving. We are complicit because we choose to turn a blind eye to Shannon Airport being used as a US military base. We should be ashamed of ourselves.

Deputy Richard Boyd Barrett: I welcome the Government's decision to let 4,000 of those hundreds of thousands of desperate people, trying to flee the most horrific situations in Syria,

Kurdistan, Eritrea and elsewhere, to come to this country. Our only response to people fleeing from these desperate circumstances has to be support and compassion. We should not, for one minute, allow anybody to encourage the idea these people represent a threat. It dishonours our own history if we act with anything less than compassion and solidarity to refugees attempting to come to Europe or this country. The ships we see trying to cross the Mediterranean to escape war and horror are the 21st century equivalent of the coffin ships which left this country when people fled the horrors of the Famine to seek safety, security and a life elsewhere. If céad míle fáilte romhat is to mean anything, it has to be brought to bear on this situation. We must offer support and safety to people fleeing desperate circumstances. The people of this country have demonstrated their willingness in this regard. My office in Dún Laoghaire has acted as a collection point for materials to be sent to Calais. There was an amazing response. I have never seen anything like it. Our office was packed to the rafters with blankets, toiletries and clothes. All the indications are that the people of this country recognise the desperate plight of the refugees and want to help and support them.

The response of the European Union has been slow and in some cases outrageous. The attitude of the Hungarian Government is despicable but Europe as a whole has been slow to act. It is engaging in a numbers game and playing both sides of the fence in the debate on refugees. On the one hand, it speaks of the need for compassion but, on the other hand, it speaks of a need to strengthen border controls. We do not need to strengthen border controls, we need to open them to as many people as need assistance and support. To do less would be to dishonour our history. Would we have wanted border controls and restrictions on the millions of people fleeing this country during the Famine? Would we want them if, God forbid, anything like it were to happen to us again in the future? I subscribe to the view that we do not need borders on frontiers at all. There is one race, the human race, and our response should be to treat people as human beings and give them the support and backing they need.

It is also important to say there is no connection whatsoever between an increased population and adversity. If a small or reducing population was good, which is the other side of the argument, Ireland would have been the best place in the world in the 1950s and the 1980s when hundreds of thousands of people were leaving the country. Did things get better when we had mass emigration? Of course not, they got much worse. People are not a burden. It is people who generate wealth, provide services and make a society function. We are a very underpopulated country and Europe has an ageing population. Over the next 50 years or so, we need probably an extra 50 million people to sustain the European economy and its society. People are not a burden or a threat. If given the opportunity to thrive they become the world's greatest resource.

There are two things we must do beyond providing a humanitarian response. If some people are worried because they are victims of things such as the housing crisis, poverty and deprivation, we must recognise they are right to be angry about those things. They are wrong if they direct their anger at refugees but they are right to be angry about people living in tents and families stuck in homelessness, because none of it is necessary. We have more than enough resources to resolve the housing crisis and provide housing for all, including the refugees coming here and the people on the streets, but we have failed to do it. We have also failed to do it for the refugees who have arrived in this country to date. The direct provision system is a matter of shame for this country. This must be the catalyst for us to put resources into ensuring that everyone who needs a house, be they a refugee or an Irish citizen, gets it as a matter of right and that the shame of the direct provision system is ended.

As stated by Deputy Wallace, we have to address the reasons this is happening. To cut a very long story short, if we had not facilitated the United States and if the United States had not bombed Iraq, this would not be happening. If the western world did not continue to arm Saudi Arabia with its despicable manipulations in that region, this would not be happening. If we stop supporting dictators and despots across the Middle East and north Africa this would not happen. Yet we continue to do it. It must stop. Our complicity with those despicable manipulations by the big powers in north Africa and the Middle East must end.

Deputy Clare Daly: It is a mad world when there seems to be always enough wealth and money for war but never enough resources for peace. If we curtailed military expenditure and stopped boosting the arms industry, the type of programme necessary to alleviate this humanitarian crisis could be delivered. We need something akin to the Marshall Plan delivered after the Second World War, if not more. The reality is that we have a crisis the likes of which has not been seen since those times. I am delighted we provided the naval ships and very happy with the role they played. I am sorry they did not bring those people to Ireland sooner than now, given the role we played in rescuing them. I am happy for us to take in any number of refugees here. As Deputy Wallace said, we are culpable in this humanitarian disaster.

In the limited time we have, it is more beneficial to deal with the reason for this crisis. Like it or not, from the times of the colonial eras, Europeans sailed around the world, pillaging and conquering, and then came home to enjoy the spoils. When those whose lives have been destroyed seek a better life and have to leave their countries, barriers are imposed. The lucky ones are those who we have seen washed up on beaches or herded into trains in Hungary.

The people who end up in Europe are a tiny fraction of Europe's population and a tiny fraction of the refugee crisis worldwide. Almost 60 million have been displaced. If they were a nation, they would be the 24th largest country in the world. Where do these people go? They go to the misnamed developing countries. The poorest countries take 86% of the world's refugees. The poorest of the poor give asylum to 25% of the world's refugees. In relative terms, very small numbers of people end up on Europe's doorstep, yet we call it a European crisis. It is a migrant crisis which Europe has played a part in sponsoring, not least through our facilitation of the US military machine.

The countries from which the majority of these refugees come are countries which the West has gone into and destabilised. Of these countries - Iraq, Libya, Syria, Yemen - some of them were poor countries and some of them are now utterly decimated. Through the destruction of Libya, we see the growth of ISIS. Colonel Gaddafi was traditionally one of the EU's favourite border policemen, given the deal with former Italian Prime Minister Berlusconi to keep refugees out of Europe. Everyone was happy as we did not have to see them. Now with the disintegration of Libya, the issue is very much on Europe's doorstep. We have to deal with issues such as the US bolstering and facilitation of the Saudi regimes. Last year, weapons were transferred through this country on their way to Saudi Arabia. We had a proud record of championing against cluster bombs. Are we going to find out that some of those cluster bombs which recently ended up killing children in Yemen passed through Shannon? There is a good chance of it. According to reports published this year, the US is now the world's top exporter of munitions. Many of those munitions have been used against civilians. Last year, 200 tonnes of weaponry passed through Shannon on the way to Afghanistan. It is inevitable that some of this ended up in the hands of the Taliban and ISIS, as occurred in Iraq. That came through Shannon. This is a critical issue for us. We are complicit in this. Last year, there were 600 permissions for military aircraft, with 55,000 troops transiting through Shannon. Most of them were on

their way to the Middle East. We have heard the words of the Americans, who thank Ireland for its steadfast support in permitting US military transits which back-stop US actions in the gulf region. In other words, we are responsible too.

I do not like some of the media coverage that has occurred and some of the spin whingeing about the so-called cost and problem of refugees and migrants. Yes, it is a big problem, but we are partly responsible for creating it. While we must respond in humanitarian terms, the best thing we could do is to stop making them refugees in the first place and stop facilitating the biggest war machine on this planet on a twice daily basis by landing military aircraft and transiting thousands of troops. It is not good enough and is hypocrisy supreme.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Deputies for their support. I note the unanimous support for the decisions the Government has taken in respect of the Irish refugee protection programme. I also thank Deputies for their principled support for the relocation of 4,000 refugees to Ireland over the next two years in line with our opt-in at recent Justice and Home Affairs Council meetings.

There were some thoughtful contributions on the range of issues that arise when one considers this humanitarian crisis and how it must be addressed. I refer Members to the European action programme on migration, which is a comprehensive range of initiatives. We are focusing today on the relocation but examination of the action programme on migration, which has been agreed by all member states, shows that it recognises the points a number of Deputies have made regarding the need to deal with the root causes of the migration crisis, the need to work with the countries of origin, the need to work with Turkey and the African states and the broader global and international issues relevant to the conflict zones which have led to the 30 million refugees in the world, as mentioned by Deputy Wallace. Very serious national and international challenges must be dealt with. I agree that Ireland can play a leadership role both at European and world level. We have a very good track record of interventions and we have experience of ending conflict. We intend to take as much of a lead role as possible in the coming months to deal effectively with this humanitarian crisis.

Clearly, the conflict situation and the threat posed by ISIS, for example, are very real. I welcome the solidarity in Europe in response to that threat. Solidarity is necessary at world level to deal with the threat posed by ISIS, because it is so severe. Thousands of young people from Europe are travelling to become foreign fighters. When they return they pose real threats. The radicalisation we see online must also be dealt with. This is all part of the current picture and is worthy of a debate in its own right. In fact, I recently met with the Bulgarian Deputy Prime Minister to discuss both migration and the terrorism issue. It is a real threat. Bulgaria has 2 million people on its borders who could potentially enter the country. They are refugees because of the Middle East crisis and the other areas of conflict we have been discussing. These are challenging global issues, and the global response to date has not been good enough. There must be more discussion at global level, be it between the Americans and Russians or at UN level. Certainly, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Taoiseach will be working on that in the weeks and months ahead.

To return to the practical decisions regarding the refugees who will arrive here, we have set up the task force and there are a number of sub-committees dealing with the different areas that require action, such as identifying accommodation and examining the integration aspects for the children and families. Obviously, the Department of Education and Skills has a role in that regard. The Department of Health is involved in respect of the varying health needs, as

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the refugees will require a health assessment when they arrive and appropriate supports and help. I thank Deputy Mac Lochlainn for his suggestions on the various initiatives that should be undertaken. We are working on a comprehensive plan and will publish the detail as soon as possible. At this point, we have held the first meeting of the task force and everybody has been allocated their various jobs. We will meet again shortly to review progress and to prepare for the first groups of refugees to arrive.

We want the accommodation to be of the highest standard possible and we want the centres to be orientation centres for the Syrians. We will involve the Syrians who are already here, who have formed a support group. The big criticism of direct provision has been the length of time people have stayed in that system. That is the key criticism. I agree that improvements could have been made to the accommodation over the years, but the standard of accommodation, food and shelter should be seen in the context of the crisis of 10,000 asylum seekers arriving. Direct provision dealt with that crisis but, of course, the number of appeals and the delays are a big problem. That will be dealt with shortly. Legislation will be introduced this month to ensure that the process can be completed in a speedier way. That will make a key difference to the situation.

However, we are proceeding with the plans. Obviously, there will be a budget, and the budgets that are required will be part of the budgetary discussions. I accept the point that it is not a question of either-or. We must respond to the refugee crisis and we are doing that. The Government has taken a principled and humanitarian decision. I believe it was the right decision. Equally, however, there are challenges for our citizens which we must continue to meet. If the economy was not improving as it is at present, we would not have the money to invest in the range of services that are required both for our citizens and for the refugees who are arriving in this country.

I again thank the Deputies for their support for the motion.

Question put and agreed to.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece,

a copy of which was laid before Dáil Éireann on 24th September, 2015.

Question put and agreed to.

Topical Issue Matters

Acting Chairman (Deputy Jack Wall): 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 Robert Troy - the need to address the shortfall in funding for

an extension to Drumlish national school, Longford; (2) Deputy Bobby Aylward - the need to address the numbers waiting for inpatient-day case procedures at Waterford University Hospital; (3) Deputy Patrick O'Donovan - the need to establish a modern definition of public service broadcasting in the context of the distribution of the TV licence; (4) Deputy Peter Mathews - the need to protect the community projects based in the Dundrum town centre, recently given notice to vacate; (5) Deputy Eamonn Maloney - the need for emergency funding for Cuann Àlainn women's refuge, Tallaght, Dublin 24; (6) Deputy Regina Doherty - the need to progress the site purchase for St. Peter's Church of Ireland national school, Dunboyne, County Meath; (7) Deputy James Bannon - the need for funding for a new extension at St. Mary's national school, County Longford; (8) Deputy Noel Harrington - the need for funding to address flood damage caused in areas of west Cork in recent weeks; (9) Deputy Michael Lowry - the need to discuss aspects of the external review into the governance of the maternity department services at South Tipperary General Hospital, Clonmel, County Tipperary; (10) Deputy Dinny McGinley - the progress regarding a new school to replace St. Mary's national school, Stranorlar, County Donegal; (11) Deputy Clare Daly - the need to address the historical site on Moore Street in the context of NAMA's sale of Project Jewel; (12) Deputy Mick Wallace - the need to address the historical site on Moore Street in the context of NAMA's sale of Project Jewel; and (13) Deputy Lucinda Creighton - the need to address the crisis facing residents of Longboat Quay, Dublin 2, in relation to fire safety issues.

The matters raised by Deputies Patrick O'Donovan, Bobby Aylward, Lucinda Creighton and Peter Mathews have been selected for discussion.

Finance (Tax Appeals) Bill 2015: Order for Second Stage

Bill entitled an Act to revise the law concerning the making of appeals in matters of taxation (including in respect of stamp duties and of duties relating to customs and excise) and, for that purpose, to establish a body to be known as *An Coimisiún um Achomhairc Chánach* or, in the English language, the Tax Appeals Commission, and to define its functions, to amend the Taxes Consolidation Act 1997 and certain other enactments in respect of appeals of the foregoing kind and to provide for related matters.

Minister for Finance (Deputy Michael Noonan): I move: "That Second Stage be taken now."

Question put and agreed to.

Finance (Tax Appeals) Bill 2015: Second Stage

Minister for Finance (Deputy Michael Noonan): I move: "That the Bill be now read a Second Time."

The Bill will reform the role, functions and structure of the Office of the Appeal Commissioners and the tax appeals system, and will ensure an enhanced and cost effective appeal mechanism for tax cases, providing transparency and increased certainty for taxpayers. The Appeal Commissioners are responsible for carrying out the statutory duties assigned to them under the Taxes Consolidation Act 1997, TCA, and related legislation, principally the hearing

of appeals by taxpayers against decisions of the Revenue Commissioners concerning taxes and duties. The commissioners hear appeals relating not only to income tax but also to corporation tax, value added tax or VAT, capital gains tax, stamp duties, capital acquisitions tax, customs and excise duties, vehicle registration tax and local property tax. Most appeals relate to the amount of an appellant's tax liability.

The Appeal Commissioners are independent in carrying out their functions, and I wish to acknowledge the valuable role that the commissioners play in the operation of a fair and efficient taxation system, and in particular the contributions, since their respective appointments in 1992, of the current Appeal Commissioners, Mr. John O'Callaghan and Mr. Ronan Kelly. The Irish tax appeal system has been examined over the years and the following reports or tribunals have made recommendations about the appeal commissioners in that time: the steering group on the Revenue Commissioners (2000); the Dáil Committee of Public Accounts final report on the DIRT inquiry (2001); the Revenue powers group report (November 2003); the Law Reform Commission report on a fiscal prosecutor and a revenue court (2004); and the Commission on Taxation report (2009).

There have been proposals for changes to the appeals system from stakeholders, including the professional representative bodies, such as the Irish Tax Institute and the accountancy bodies. Accordingly, it is timely to proceed with this reform process, which will ensure the continued provision of a cost-effective appeal mechanism for tax cases, enhanced transparency and increased certainty for taxpayers.

I announced in budget 2014 my intention to instigate a reform of the appeal system for tax matters, including a reform of the role, functions and structure of the Office of the Appeal Commissioners, and the Bill I am introducing today is the culmination of a process which involved constructive dialogue with stakeholders on the oversight and operation of the tax appeals system towards a common objective of reform to enhance the system for all participants.

The reforms proposed will bring appeals through the initial stages in a more streamlined fashion, with enhanced case management procedures to facilitate a more efficient and structured flow of appeals. The proposed reforms will end the practice of appeals being made via the Revenue Commissioners and will involve a significant change to the process for appeals by way of the "case stated" procedure for the High Court, and the removal of the Circuit Court rehearing stage of the appeal process. Opportunities for redress also exist in certain circumstances by way of judicial review and appeal to the Court of Justice of the European Union.

In accordance with the agreed protocol for pre-legislative scrutiny by Oireachtas committees, the heads of Bill were sent to the Joint Committee on Finance, Public Expenditure and Reform, which issued its report on 16 April last. Following consideration of the report of the joint committee and concerns expressed by stakeholders prior to and during the pre-legislative scrutiny process, I decided to change the provisions in the heads of Bill regarding public hearings of tax appeal cases. The heads of the Bill envisaged that hearings before the appeal commissioners, heretofore held privately or *in camera*, would in future be held in public session following enactment of the legislation. While the default position will still be for public hearings, the Bill has been drafted to provide that where an appellant requests it, the hearing of his or her tax appeal will be held in private. I consider that this provision will meet the concerns of the committee and stakeholders. The committee considered that transparency, which had been one of the objectives of the original public hearings proposal, would be enhanced and clarity provided to taxpayers and the general public if all hearings were accompanied by written deter-

minations, as is proposed.

The key elements of the Bill are as follows: the establishment and structure of the commission; the appointment and removal process for appeal commissioners; the terms and conditions of appeal commissioners; the provisions for staffing and funding of the commission and its accountability; a new Part 40A of the Taxes Consolidation Act 1997, or TCA, providing for a wide range of amendments to the legislation governing appeals in regard to the various taxes under the care and management of the Revenue Commissioners; and a Schedule of consequential amendments to the various tax and duty Acts arising from reform measures and from the effect of the new Part 40A. The main thrust of the reform is to strengthen the independence, and the perceived independence, of the appeal commissioners. The measures to achieve this contained in the Bill include appropriate selection and appointment provisions involving the Public Appointments Service, fixed-term appointments, a clear statutory statement of independence, new funding and staffing arrangements and the making of appeals directly to the appeal commissioners, and not via Revenue, as currently happens.

The Bill is in five Parts and has two Schedules. I will outline the provisions of Part 2 in some detail. As the provisions of the subsequent sections are extensive and complex, I will give an overview of their essential components. I look forward to detailed consideration of them on Committee Stage and later Stages, if the House sees fit to pass this Stage of the Bill.

Part 1 is preliminary and general. It contains standard provisions comprising the Short Title and commencement provisions, together with interpretations and definitions for the Bill.

Part 2 deals with the tax appeals commission. It contains provisions relating to the establishment of the tax appeals commission, its membership and functions and the appointment, terms and conditions of the individual appeal commissioners and their staff. The more important of these provisions are described as follows.

Section 6 sets out the functions of the appeal commissioners in regard to the acceptance, refusal, adjudication and determination of appeals, the conduct of hearings, the provision and publication of determinations, the stating and signing of cases for the High Court and the establishment of efficient and effective systems and procedures for the processing of appeals. The commissioners are required to conduct appeal proceedings in a way that is accessible and fair and as expeditious as possible. The functions of the commissioners can be performed by any one of them acting individually, unless they have provided otherwise in their rules of procedure.

Section 8 deals with the appointment of appeal commissioners. The Minister is required to have the Public Appointments Service assess and select candidates for appointment as a commissioner and to recommend suitable candidates to the Minister. The Minister is given powers to specify requirements with which candidates must comply, such as practical experience or academic qualifications. The Minister is permitted to appoint a serving commissioner for a second term, without recourse to the Public Appointments Service, where the commissioner's first term of office has expired. A commissioner is precluded from serving for more than two consecutive seven-year terms.

Section 9 provides for temporary commissioners in cases where the full-time commissioners have recused themselves. In such cases, the Minister can appoint a Circuit Court judge as a temporary commissioner. The Minister can also appoint a person as a temporary commissioner in non-recusal situations where circumstances require such an appointment, for example, in a

situation where there has been a significant increase in appeals and a temporary commissioner is required to help deal with it.

Section 10 establishes the independence of the tax appeals commission and its appeal commissioners in the performance of their functions. Section 13 provides that the term of office of appeal commissioners will be seven years, with scope for the Minister for Finance to reappoint a commissioner for a second and final seven-year term. Section 17 provides for the Minister's powers to remove commissioners from office for stated reasons, subject to the Minister laying a statement before the Dáil giving the reasons for any such removal.

Section 18 provides for the cessation of a commissioner's tenure where she or he is adjudicated bankrupt, makes a composition or arrangement with creditors, is convicted of an offence or ceases to be ordinarily resident in the State. The section also provides for the cessation of a commissioner's tenure on his or her nomination or election to various public offices such as the Oireachtas, a local authority or the European Parliament. Section 19 provides for the funding of the commission to be as determined by the Minister for Public Expenditure and Reform. Section 20 provides that staff numbers of the tax appeals commission are to be determined by the Ministers for Finance and Public Expenditure and Reform.

Section 21 requires the appeal commissioners to submit annual reports to the Minister for Finance, who will lay them before the Houses of the Oireachtas. These reports are to contain specified statistical information in regard to appeals where this is required by the Minister or by any enactment. The commissioners will also be able to report to the Minister on other matters as they consider appropriate. The Minister may require the commissioners to report on various matters but this is subject to the commissioners not being required to include information on matters that would prejudice the performance of their functions.

Part 3 deals with transitional provisions. It provides for the treatment of existing appeals when the new appeal process comes into operation. It contains provisions relating to the arrangements for transitioning from the old appeal process to the new appeal process. On the commencement date for the new appeal process, appeals will already have been made and will be at various stages of the old appeals process.

Many of the steps in the old appeals process will continue under the new process. The general rule is that existing appeals will move on to the next analogous stage in the process. Thus, for example, appeals that have already been made to Revenue will be transferred across to the appeal commissioners and the revised "case stated" procedure for appeals to the High Court will apply to appeal commissioners' determinations made after the commencement date. However, there are exceptions to this general rule, for example, a taxpayer whose appeal has been heard but not determined will still be entitled to a rehearing before a Circuit Court judge, should he or she lose the appeal.

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There are also provisions to allow a different appeal commissioner to finalise an appeal in circumstances where the appeal commissioner who started the adjudication is unable, for example because of retirement, to finalise the appeal.

Part 4 concerns the insertion into the Taxes Consolidation Act 1997 of a new Part 40A which deals with appeals to the appeal commissioners. Part 40A contains provisions relating to the entire appeal process and to the appeal commissioner's conduct and management of that

process, commencing with the making of appeals and their acceptance or refusal, progressing to adjudication, hearing, determination and publication of determinations and finishing with appeals to the courts against determinations of appeal commissioners.

Debate adjourned.

Leaders' Questions

Deputy Billy Kelleher: Last July, serious allegations were made regarding fixer fees and other improprieties worth millions of euro in regard to aspects of the Project Eagle deal, the sale of the NAMA loans in Northern Ireland. Deputy Mick Wallace made serious allegations which the Taoiseach agreed were serious and should be taken seriously. However, there has been deafening silence in terms of our ability to investigate these allegations and other aspects of the concerns around the purchase of the loan book in Northern Ireland. This is a property portfolio valued at approximately €1.6 billion and the integrity of the State is coming into question as allegations are being made on a continual basis. There is no doubt there are huge competing interests in Northern Ireland, both at political level between political parties and between various property developers and others who have expressed interests in the local scene in Northern Ireland.

However, this goes beyond Northern Ireland. NAMA was established by the Houses of the Oireachtas and it is the credibility and integrity of this House that is being brought into dispute, because we are unable or unwilling to set up some form of investigation or to facilitate NAMA to co-operate with investigations in the North, in Belfast. The idea that we will continue to allow drip-feed allegations to be made and go unanswered or go without investigation is not credible or tenable. It does a disservice to NAMA, which acts as an agent of this State, and undermines that organisation's integrity.

Does the Tánaiste accept that the allegations are serious enough to warrant investigation? Second, should we not facilitate a proper, robust investigation? This would mean allowing NAMA to appear before the inquiry in the North. It has been said previously, and NAMA has said, that it is only answerable to the Houses of the Oireachtas, but that is not good enough. The issue goes beyond this State and is clearly important. Stormont has set up a committee of investigation and the US Securities and Exchange Commission and Department of Justice are also investigating the issue. However, this country is doing nothing other than having the Committee of Public Accounts have a look at the matter.

There is a lot at stake on this. There are competing interests politically and in terms of property developers in Northern Ireland. More importantly, the integrity of NAMA, which was established by this Parliament is being drawn into question. We are obligated to ensure we do everything we can to ensure all allegations are investigated and the truth discovered. We owe that to this Parliament.

The Tánaiste: I thank the Deputy for raising this matter. He has done so in a very helpful manner. I do not believe there is anybody in the House who is not interested in hearing some of the responses to allegations that have been thrown around.

I am conscious that the Deputy's colleague, Deputy John McGuinness, is leading an all-party Committee of Public Accounts inquiry committee in regard to the position and that both

Brendan McDonagh, CEO of NAMA, and Chairman Frank Daly, have been speaking very frankly for an extended period to the members of the committee. Those members are acting on behalf of the Oireachtas in pursuit of appropriate, straight and honest answers to questions that have been raised.

We need to be very clear about what happened and what the mood in the country was at the time when NAMA was established. The Labour Party did not support the establishment of NAMA. We saw flaws in the set-up and expressed our reservations at the time. Two underlining principles were put forward regarding the establishment of NAMA and as far as I am aware, all of the parties in the House at the time and the Independent Members agreed with them. The first principle cuts to the heart of some of the current soreness, including of complaints we hear in this House. This principle was that developers - this was the will of the people - would not be allowed to buy back their loans at heavily discounted prices through the back door. Some people in this House who were themselves successful developers unfortunately lost out. Everybody in the House was involved in the debate. Deputy Michael McGrath was heavily involved in the discussions as a backbench contributor to the debates and the late Deputy Brian Lenihan, as Minister for Finance, led at the time for the Government. Developers were not going to be offered a back door through which to buy back their loans.

The second principle, on which everybody in the House agreed, and I presume still agree, was that politicians would not be directly involved with NAMA. This was for all the reasons we know, which I will not go into, in the history of the bubble and its development, of overly close connections between some political parties, developers and banks. I am not going to go into that. We have all seen the different reports, such as the Nyberg report. Politicians were not going to be involved in the detailed line decisions on NAMA. When NAMA was established, the Committee of Public Accounts was given an overriding authority on behalf of everybody here to be the investigating body to which NAMA could be properly and fully accountable. I agree with the Deputy on this.

I have listed to Members in this House who are former developers. I have great sympathy for some of the misfortunes that befell them. I have heard them say, with great passion, that at the height of the bubble property values were, say, €6 billion or €7 billion and when the crash came, unfortunately those values often fell below a billion. In fact, when I watched him on television for a short while this morning, I heard Mr. Daly say that in many cases, loan values fell by 50%. In some cases, he said, the loan values fell to below 10%.

What we are getting is a terrible regret on the part of developers that they did not get to buy their loans by the back door and a wish that the bubble values, which they want to keep in front of our eyes as the amounts that should have been realised and magicked up by NAMA, would actually represent what business would pay for them. That, of course, has not happened. We have had Deputy Wallace raise this time after time, as a man who has worked hard in development and produced good developments all his working life. Of course he, like other developers, had a terrible fall in terms of his business. We all sympathise with this, across the House. However, the argument that people should be allowed to buy back their loans was a critical issue in the period around the establishment of NAMA and that is what is in the legislation. I think it was Fianna Fáil that sponsored this legislation. That is why there has to be an arm's-length process of selling.

Deputy Billy Kelleher: The Tánaiste's reply reminds me of the Light Brigade. It started out very well but ended very badly.

Deputy Ciara Conway: Like Fianna Fáil.

Deputy Eric Byrne: They do not like the history, do they?

Deputy Arthur Spring: They might have to live it soon enough.

Deputy Billy Kelleher: The core of the issue here is that the integrity of the sales process has been compromised. That is the core of the allegation. The legislation is clear. Developers cannot buy back their loans. That is in the primary legislation that was passed here. The Committee of Public Accounts is also able to investigate and hold NAMA to account.

Deputy Noel Harrington: Grand so.

Deputy Billy Kelleher: The broader issue is that allegations are being made that there was large bungs being paid to facilitate the purchase of properties in the Northern Ireland Project Eagle loan book from NAMA and that the sales process was compromised. Those allegations compromise the integrity of the organisation which was to oversee the sales. I am not saying that developers can buy back their property loans, or that politicians in the Republic are making representations to NAMA. The legislation does not allow it to happen.

The Tánaiste: Exactly.

Deputy Billy Kelleher: The point is that NAMA and the sales process are being questioned. We need to be able to facilitate NAMA appearing in Belfast before the relevant committee in Stormont so that it can defend its integrity and stand over the sales process. The integrity of the organisation should not be undermined. If the sales process has gone through with probity, why would NAMA officials fear appearing before the Stormont investigation?

There are many competing interests in the North that want to keep this going and keep undermining the process. There is a lot to be gained on either side politically, and also in the context of developers. We owe it to NAMA to facilitate its appearance before the committee so that it can vindicate and stand over the sales process. That is the core of the issue.

A lot of nonsense has been expressed about the historical problems but NAMA has been established in this State for one purpose and that is to clean up the bad banking system and dispose of assets. It is in all the primary legislation to which the Tánaiste referred. Purchasing loans back is illegal and cannot be done. It is wrong. The prohibitions on politicians making representations is also in the legislation. This has nothing to do with the core issue, which is that allegations were made by Deputies in this House and elsewhere that bungs were paid to facilitate the purchase of loan books from NAMA.

Deputy Eric Byrne: Would the Deputy like to tell us if he has faith in NAMA?

Deputy Barry Cowen: It happened on Deputy Byrne's watch.

The Tánaiste: Let me be very clear. Deputy Kelleher's colleague beside him will remember the long debates in this House that went through the night on several occasions, in which I represented the Labour Party.

Deputy Billy Kelleher: They were historical debates. Get the popcorn, this could take a while.

The Tánaiste: The Deputy should bear with me now. The point is that we made a decision

collectively, for good or for bad, as a Parliament. I think it was for the good - I supported the late Mr. Brian Lenihan in his position - that politicians should be removed from the process. Otherwise, every little developer and every big developer in the country could be involved. I was a member of the old Dublin County Council where the developers used to pull my sleeve as I was walking along saying, "Joan, would you like to come to breakfast, dinner or tea and could you have a look at a bit of land that I have a proposition on". When we had the debate on NAMA, we wanted to take that out of the picture.

Deputy Dara Calleary: The Tánaiste should answer the question.

Deputy Michael McGrath: That is done. That is not the issue.

The Tánaiste: I am glad that Fianna Fáil now supports that approach.

Deputy Billy Kelleher: We implemented that proposal.

The Tánaiste: I have no difficulty, nor has the Government, with NAMA going to any institution in the North of Ireland. We do not dictate to NAMA----

Deputy Timmy Dooley: There is a big difference between getting your sleeve pulled----

The Tánaiste: The Fianna Fáil Deputies are trying to have their cake and eat it.

Deputy Timmy Dooley: The Tánaiste is trying to pull the wool over everyone's eyes.

The Tánaiste: Their party caused the bank crash. That was bad enough. It established NAMA. I was a critic of it and am still-----

Deputy Dara Calleary: There is an allegation of bribery. The Tánaiste should deal with it, please.

The Tánaiste: The Deputies should hold on and listen. As far as I am concerned it is a decision for NAMA if it chooses to go to the North. I would be perfectly happy----

Deputy Billy Kelleher: It can go.

The Tánaiste: I cannot tell them----

Deputy Billy Kelleher: This Parliament can send them.

The Tánaiste: It is an agency which operates as far as possible with a remit which is free from the day-to-day pressures of politics-----

Deputy Billy Kelleher: This has nothing to do with politics, it has to do with the integrity of the State.

The Tánaiste: It was established in order to get the country out of a mega debt problem which unfortunately we inherited courtesy of Fianna Fáil, along with a mega crash.

Deputy Timmy Dooley: This is about whether the taxpayer gets an appropriate return.

The Tánaiste: I have no problem with NAMA going North but I want the NAMA board and executives to reach a business decision.

Deputy Timmy Dooley: A business decision on whether they should be called in to question their own business decisions?

Deputy Peadar Tóibín: It is not a business decision.

The Tánaiste: NAMA is currently before the public accounts committee chaired very ably by one of the Deputy's colleagues.

Deputy Michael McGrath: The Tánaiste is throwing out the compliments.

The Tánaiste: All of these issues are now being debated there. I do not have a difficulty as Tánaiste, nor am I aware that anyone else in Government has a difficulty with NAMA making a decision to go before the committee in the North. It is a decision for it to reach.

Deputy Billy Kelleher: It is a decision for this Parliament to reach.

Deputy Peadar Tóibín: The Tánaiste is not a bystander in this.

Deputy Noel Harrington: Deputy Tóibín is not either, apparently. Do not say anything about Deputy John McGuinness.

The Tánaiste: That is unfair, the Deputy is not jealous of John McGuinness. We know that.

Deputy Timmy Dooley: We know the state when people are jealous of Deputy Alan Kelly.

Deputy Aengus Ó Snodaigh: Go raibh maith agat. Yesterday, my party colleague, Deputy Mary Lou McDonald raised with the Taoiseach the appalling prospect that up to 600 people who are living in Longboat Quay will be forced out of their homes unless they come up with €4 million by today.

The Tánaiste: This is the other side of the NAMA story.

Deputy Aengus Ó Snodaigh: These are the latest innocent victims of reckless and unscrupulous property developers who, in their drive for profit, have and are playing Russian roulette with the lives of families. They have been building substandard and unsafe housing in a property frenzy, particularly during the boom years. Priory Hall, under McFeely, is the most infamous example.

The Tánaiste: One of the Deputy's.

Deputy Aengus Ó Snodaigh: It has nothing to do with me; I will tell the Tánaiste that much.

The Tánaiste: I was not talking about the Deputy personally.

Deputy Aengus Ó Snodaigh: The residents of Longboat Quay, the development with which we are dealing, must now suffer the consequences of bad planning regulations, or a lack of such regulations and enforcement. Residents of such complexes have been exploited by Fianna Fáil developers, like Bernard McNamara and others, in the past. These are the same individuals who collapsed regeneration projects right across the city. The individual in question slithered off to England to escape from bankruptcy in Ireland. He is now back building in the city. He is the rebuilder of the former Canada House in St. Stephen's Green, which he is building on behalf of Denis O'Brien. There is the golden circle. Once again, the Government is facilitating

that by not introducing proper legislation. It is interesting that Canada House may be the future headquarters of Irish Water.

Why has the Government not acted on the systematic failure of government and local authorities to follow up on reports that some of the complexes in this city and elsewhere throughout the country are too dangerous to live in? Why has no legislation been produced to address the problems with those buildings and help the victims? It is not just a question of Priory Hall as there are many similar buildings throughout the country. Another of which I am aware is Riverwalk Court in Ratoath. In Newbridge, six houses burnt down. The local authority identified that 90 houses had the same flaw, yet the onus is on the residents to fix it. In Gallery Quay, some of the residents have been forced out but, a year and a half later, there is still no move to do the remediation work required.

Does the Tánaiste agree the public, property owners, tenants and residents need a proper audit of all the properties built during the boom, particularly the docklands developments, but also others throughout the country, to ensure they are given a clean bill of health?

The Tánaiste: I express my sympathy to the people living in the development at Longboat Quay. I can imagine how worrying it is for people who have bought apartments there and who took out mortgages over a long period. Dublin Fire Brigade, in seeking to ensure there are proper fire regulations in respect of those apartments and every other set of apartments, is performing a very important public service on behalf of the citizens of Dublin, and particularly on behalf of the residents living in and paying mortgages on the apartments in question.

As this development was initially within the remit of the Dublin Docklands Development Authority, and as that authority is in the process of moving over to the local authority, which is Dublin City Council, there is plenty of scope to ensure the relevant work is done. I would like to see it done as quickly as possible. I know people living in the complex, as I am sure does the Deputy. Some people became residents through shared-ownership schemes while some bought on the open market. Therefore, we are talking about a huge investment by people in their own lives and the lives of their families in order to obtain good quality accommodation. I am familiar with the outside of the apartments. They are in a very nice location near the River Liffey. They appear to have serious issues concerning fire safety. There is enormous scope for Dublin City Council and the Dublin Docklands Development Authority, which is moving under the remit of Dublin City Council, to address the really important issue of fire safety with the fire brigade as quickly as possible.

There was a similar set of circumstances with Priory Hall, as mentioned by Deputy Aengus Ó Snodaigh. The developer's political movement affiliations were well known. That case was resolved through a process of mediation which was incredibly difficult for the residents and took far too long. I hope we have all learned from what happened there and that we can now have a resolution of a more attractive nature.

The fire brigade worked very closely with the Dublin City Council authorities to address what I understand must be enormous fears among families with children and individuals over the fundamentals of fire safety in the apartments in question. I have spoken to a number of residents and various politicians who represent those in the area and believe that with goodwill from Dublin City Council, which is taking over Dublin Docklands Development Authority, this issue can be resolved and the safety of the residents ensured. We can actually deal with the matter in the here and now.

Deputy Aengus Ó Snodaigh: I do not believe the Tánaiste has managed to persuade anybody that the matter will be resolved.

The Tánaiste: Why not?

Deputy Aengus Ó Snodaigh: She has just kicked it to touch until such time as Dublin City Council has full charge of Dublin Docklands Development Authority. Why does the Government not take the initiative? This case is but one in the media at present. There are several. I do not want to repeat the long drawn-out saga concerning Priory Hall or the many other developments, not all of which had fire safety problems but which were substandard in other ways. Does the Tánaiste agree that there is a need for legislation to ensure surveyors, architects, planners and, in particular, developers can be held to account over their failures? What is the role of HomeBond? Has the Tánaiste any intention of replacing it? Does she intend to underpin future builds with something similar? Can she ensure that every single build in the country, not just in this city, will comply fully with fire regulations? The Tánaiste mentioned Dublin City Council but this is not just a Dublin City Council problem. That is the council identified today by me but some of the affected units are in County Meath and in Newbridge. Will the Government commit to ensuring local authorities have the funding to employ additional planning enforcers and inspectors so they can go on-site at various stages during a build to ensure shortcuts are not taken?

Can the Tánaiste ensure money is set aside for residents, such as the woman who wrote to me who has bought an affordable home in the complex under discussion? She said she bought it in good faith in 2008 under the affordable housing schemes under the Dublin Docklands Development Authority. She claims she is caught up in a mess left by Bernard McNamara, who left the building an unsafe fire-trap. She now has to pay €10,000 for his mistakes. In fact, it may be more. According to the woman, she does not have the money and will not be paying it. She states the Department of the Environment, Community and Local Government failed to deliver a correctly specified building because of the failures of its building control legislation and monitoring. The key is to ensure this does not happen in the future. There is a need to deliver immediately for the people living in the building, so they will have peace of mind if they are to be forced to continue to live in a home that is unsuitable and dangerous.

The Tánaiste: The one thing I do regret reading about Dublin City Council in recent days was that it took a sprightly but elderly woman - I think she was 90 - to court over a satellite television debt. To be perfectly honest, I think Dublin City Council might have been better rewarded by dealing with the issue, albeit a planning infringement, by concentrating its resources on some of the issues that Deputy Ó Snodaigh has highlighted. That is a personal view but perhaps that is something Dublin City Council should actually address.

As regards what is happening to the families who have entered into a whole series of different mortgage arrangements, it is a beautiful development. I do not know if the Deputy has been down there but it is right on the fringes of the River Liffey and externally it certainly looks wonderful. Those families have invested their hopes and dreams in it, but it has been found to be a fire hazard by Dublin Fire Brigade. Let me be clear that the fire brigade has a wonderful record of service to this city and the surrounding county.

What is necessary in this case is for Dublin City Council to step up to the table and work with the fire authority to address the issues which are really serious. The docklands authority was the original developer and, by the way, has had many fine developments in that area. It

revived and recreated a whole area of Dublin with many offices, a lot of housing and much employment for Dubliners and others who have come to live and work in the capital. That is now in the process of transferral to Dublin City Council. These are the organisations that have the competency to deal with this matter.

If Deputy Ó Snodaigh would like to see further legislation, as he has suggested, the Government will examine any recommendations he may bring forward. However, the immediate issue is to take the fear away from the families living there with their small children. If there are serious fire risks, it is a matter for Dublin Fire Brigade which for many decades has been protecting all of those living in Dublin. I trust implicitly what the fire officers are saying and I think the solution is there, rather than long-fingering through Dáil legislation. We have to bring together the city council and the docklands authority, which is moving into the city council. This is in the hands of the city council, which should take action as a responsible city authority working with the fire brigade to solve this problem. Everybody living in Dublin admires the fire service so much. I have no objection to more legislation but I do not believe it is needed to address the problems that those families have now.

Deputy Aengus Ó Snodaigh: What about future problems?

The Tánaiste: The council can do it.

An Leas-Cheann Comhairle: Order please. I call on Deputy Fitzmaurice for the Technical Group.

Deputy Michael Fitzmaurice: Credit unions around this country are a shining light in the financial sector. Some 3 million people are members of credit unions which have €16 billion in assets. At the moment, they are willing to invest €9 billion if the Government is willing to listen to them. The banks have left most of the smaller towns around the country. They are either going to county towns or larger cities. Meanwhile, small businesses and working people are moving towards the credit union as their new bank because it is local.

As the Minister for Finance is sitting beside the Tánaiste, I wish to refer to regulation CP88. People involved in credit unions are afraid that if this regulation is signed into effect it will be the death knell for credit unions. The credit unions, that did not need to be bailed out to the tune of €65 billion and are not talked about in here every day like NAMA, seem currently to be getting a slap on the hand for being the best student in the class.

According to those running the credit unions, regulation CP88 is restricting the amount of money that people can have in them. Small and medium enterprises, as well as individuals, wish to become involved in credit unions rather than banks, but they are being restricted. Services such as debit cards and direct debits should be facilitated by the credit union sector due to the lack of banks in some areas.

I am asking the Taoiseach, the Tánaiste and the two other Ministers - the club of four who are allegedly running this country - to have a complete review of regulation CP88. They should work with the credit unions to ensure that this facility is given to people across the country. Credit unions deserve to have such a review undertaken.

The Tánaiste: First, I have to declare an interest as, like most people here, I am a credit union member and have been over a long period. I basically agree with the Deputy that credit unions are incredibly important to people across the length and breadth of this country. They

provide a mechanism for friendly financial services that people respect and enjoy. In addition, we have specialist credit unions for teachers and civil servants, which are part of a financial powerhouse in this country.

For my part as Tánaiste, I can say that the Government is absolutely committed to having credit union movements in place. There are a number of different umbrella organisations which offer people a safe and affordable way of saving money or borrowing when the necessity arises. I think there is cross-party agreement in the House on this matter.

The Deputy referred specifically to regulation CP88. My understanding is that it is about the level of deposits that credit unions can take from members. This issue has already been addressed and, in fact, it is in the process of being worked out and refined. The critical point is to allow members to have savings above a certain threshold and, in effect, to increase the threshold. That is actually in train at the moment.

The credit union movement provides a fantastic financial service to people, including families, up and down the country. My Government colleagues and I are absolutely committed to ensuring that it will continue to do so. In the context of the financial crash, however, we all know that unfortunately issues arose for some credit unions. Through the fund established by the Minister for Finance, those issues are well on the way to being resolved for credit unions that encountered difficulties. However, there has also been a learning process from that whereby we need robust, but not disempowering, legislation. Such legislation would protect the ordinary man's and woman's savings, as well as providing the basis for lines of credit that many people have to avail of at different times in their lives. I include myself in that and I am sure the Deputy is probably included as well. Small businesses have also availed of them from time to time. However, certain things went wrong for a small number of credit unions when the boom was at its height. Those issues are well on their way to being resolved by the regulation system, which helps everybody, including probably the majority of Members in this House and even the members of the press who are present, to have confidence and security when they bank with their local credit unions and use their financial services.

Deputy Michael Fitzmaurice: There was a guidance note with CP88 which stated that credit unions would not be allowed to pool resources. They have €9 billion, be it for investment social housing to help our country and its people or something else, and they are willing to talk to Government about releasing that money and getting interest on it to remain viable.

Clearing houses are robbing credit unions. AIB is owned by us. If credit unions want to use the clearing houses, the prices they are being quoted are astronomical. I have talked to representatives from the credit unions in Boyle, Roscommon, Ballinasloe and Tuam and I have looked at Glenamaddy. A total of €2 million has been put into a small community and this has created jobs. It is fine talking about it here and saying we all support them. Yes, everyone supports them but one must create an environment where direct debits can be facilitated, where one can have a debit card and where one can have more banking services. If we want to have a vision for areas outside the Pale - a vision for reviving rural parts of Ireland - the credit unions and the post offices will be the new banking sector there for the simple reason that once the banks got the €65 billion, they absconded from smaller towns. I emphasise that we need those facilities and I ask the Minister for Finance to consider that and drive it forward for whatever period the Government remains in office because it is crucial for the revival of rural areas. It is also crucial that credit unions are not left to stagnate because this is what will happen. At present, it appears that other than what they lend out, the remainder of their €16 billion in assets is left as

liquidity at the rotten price the banks give in interest. I ask the Tánaiste to give an undertaking to the effect that she will ensure this facility is given to the credit unions, not for their sake but for that of the people throughout this country who will be deprived of a banking sector if it is not given to them.

The Tánaiste: I am a very strong supporter of the credit union movement. It is the friendliness, approachability and quality of personal service that is available from credit unions that is extremely attractive to people who put their savings into credit unions and use their services, not just in rural areas but also in inner-city communities and new communities around cities. My Department has arrangements with credit unions in a number of instances, particularly through the Money Advice & Budgeting Service and the Citizens Information Board, by means of which we help people who may not have a particular credit record to work to become a customer of their local credit union and, ultimately, build up credit capacity, which can be very useful to them. All of the parties in this House have no difficulty in agreeing with that.

In respect of the proposal of the credit unions that they have access to a mechanism for using the funds of their members to invest directly with Government, I assure the Deputy that if the credit union movement - or any of the organisations involved with it - comes forward with a proposal, it will be very seriously examined by Government.

The Deputy referred to the banks. He is correct in stating that banks have moved away from having direct physical branch presences in inner cities, areas with local authority housing and rural areas because of the crash and the change in the way they work. I would be the first to acknowledge that the credit unions provide a vital personalised service relating to financial matters. It is an absolute priority for the Government that this should continue to be facilitated. If the credit unions have proposals they would like to see developed, particularly in respect of the issues raised by the Deputy - such as the size of deposits and the purpose for which credit union funds might be lent to Government - we would be very happy to receive them.

I am glad to say that the difficulties which beset a relatively small number of credit unions in the context of the overall banking crisis are well on their way to being resolved. We are at a point where we have a credit union movement which, even in international terms, is very well regulated so people who want to use it can be very confident that their savings will be very carefully guarded. If there are proposals for expansion, I can say on behalf of the Government that we will be very happy to hear about them from the credit union movement.

Order of Business

The Tánaiste: It is proposed to take No. 14, proposed approval by Dáil Éireann of the Exchange of Information Relating to Tax Matters (Argentine Republic) Order 2015 (back from committee); No. 15, proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income) (Federal Democratic Republic of Ethiopia) Order 2015 (back from committee); No. 16, proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income) (Pakistan) Order 2015 (back from committee); No. 17, proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Republic of Zambia) Order 2015 (back from committee); No. 18, proposed approval by Dáil Éireann of the Exchange of Information Relating to Tax Matters (Commonwealth of The Bahamas) Order 2015 (back from committee); No. 19, proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and on Capital) (Federal Republic of Germany) Order 2015 (back from committee);

No. 20, proposed approval by Dáil Éireann of the Exchange of Information Relating to Taxes and Tax Matters (Saint Christopher (Saint Kitts) and Nevis) Order 2015 (back from committee); No. 6, Finance (Tax Appeals) Bill 2015 - Order for Second Stage and Second Stage; and No. 7, Criminal Justice (Burglary of Dwellings) Bill 2015 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 14 to 20, inclusive, shall be decided without debate, and shall be moved together and decided by one Question which shall be put from the Chair.

An Leas-Cheann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Nos. 14 to 20, inclusive, proposed approval of the exchange of information relating to tax matters for Argentine Republic, Commonwealth of the Bahamas and Saint Christopher (Saint Kitts) and Nevis, double taxation relief re taxes on income for Ethiopia and Pakistan, double taxation relief re taxes on income and capital gains for Zambia and Germany, without debate agreed to? Agreed.

Deputy Billy Kelleher: We had quite a comical scene in recent days with Government Deputies from the two political parties fighting over microphones in radio studios throughout the country trying to take credit for the capital investment programme that was announced. It would be important to have a debate on that capital investment programme in the House. In that context we should have enough time to talk about the real issue that is at the heart of Irish society at present, which is homelessness and the housing crisis in general. It is always politicised as was seen this morning with more one-upmanship on dealing with an issue that is now at crisis point.

Let us be under no illusions; it is a legacy on the Government parties' behalf. They came into government claiming that there were too many houses in the country and they are leaving government with a shortage of houses. We are now putting people into emergency portakabins. By any stretch of the imagination the homelessness issue has been an unmitigated failure on the Government's behalf to address what was always going to be an issue. People do not stop growing up, having children, growing older or forming different house formations. All of that was politely ignored by the Government for the past four and a half years. We now find that we are running around trying to find emergency accommodation in portakabins for families.

An Leas-Cheann Comhairle: Is the Deputy calling for a debate?

Deputy Billy Kelleher: At the start of the Government's term, it claimed it would knock 10,000 or 11,000 houses because there were too many in the country. So it is a fair legacy to have after four and a half years. Could we have a debate on the capital investment programme to allow all parties to discuss the ambition or lack of it in that and the inherent difficulty in terms of homelessness and the need to deal with this particular crisis and maybe even in a non-partisan way at this stage? We do not have a functioning banking system that is lending properly to people who seek mortgages. We have problems with regulations and with planning.

An Leas-Cheann Comhairle: The Deputy is going into detail now. I want to call the Tánaiste to reply.

Deputy Billy Kelleher: I ask for us to have that debate as urgently as possible.

The Tánaiste: There will be a dedicated debate on the capital programme, which will put a significant amount of public investment into the capital programme over the next five years.

1 October 2015

In fact it will provide employment, particularly in the building trade for tens of thousands of people-----

Deputy Billy Kelleher: The Tánaiste is late on that one. People are sleeping on the streets and families are sleeping in cars.

The Tánaiste: -----working in that industry.

Deputy Billy Kelleher: The Government sat on its hands and did nothing for four and a half years.

The Tánaiste: We inherited from Fianna Fáil-----

Deputy Billy Kelleher: They claimed we already had too many houses in the country.

An Leas-Cheann Comhairle: Please, Deputy-----

The Tánaiste: ----- a country where unfortunately because of its misguided-----

Deputy Barry Cowen: The Government decided to use that and do nothing.

The Tánaiste: -----and failed actions on the building industry-----

Deputy Barry Cowen: It made a conscious decision.

The Tánaiste: -----we ended up with the receivers coming into Ireland from the IMF-----

Deputy Barry Cowen: Does the Tánaiste think that will wash with the public?

The Tánaiste: -----and the other institutions.

Deputy Dara Calleary: The Government parties were elected the last time on that.

The Tánaiste: We took on the rescue and we are now at a position-----

Deputy Billy Kelleher: The Tánaiste is between a one-trick pony and-----

The Tánaiste: We are now at a position where there has been an enormous improvement in the number of houses now being built. My constituency is a hive of development activity because it is on the outskirts of Dublin. I have not seen such levels of building activity. I know most of the people who are here would not be familiar with Blanchardstown and areas like that.

Deputy Dara Calleary: We are more familiar than the Tánaiste is.

Deputy Barry Cowen: We know there are plenty of empty houses there.

The Tánaiste: Across the constituency we now have a very significant recommencement of building homes for families which is welcome. That is happening particularly right across Dublin but it is also happening in all the other regions.

Deputy Barry Cowen: It is on the Tánaiste's own back door.

The Tánaiste: We are also developing a very ambitious social housing programme.

Deputy Dara Calleary: What about the rent cap?

The Tánaiste: We will be very happy and there will be a debate next week on the capital programme. That will certainly happen next week.

An Leas-Cheann Comhairle: I call Deputy Aengus Ó Snodaigh.

Deputy Barry Cowen: No debate on housing.

Deputy Aengus Ó Snodaigh: I have a number of issues.

Deputy Barry Cowen: There will be no debate on housing.

Deputy Aengus Ó Snodaigh: I have asked at Whips' meetings in particular given the crisis-----

Deputy Barry Cowen: After another five years and the Government might have staved off another crisis.

An Leas-Cheann Comhairle: Please, Deputy Ó Snodaigh has the floor.

Deputy Aengus Ó Snodaigh: Given the international crisis with refugees coming from the war-torn areas of Syria in particular and also from Kurdistan and places like that, can we have a debate quite quickly given the pronouncements made before the Dáil resumed to ensure that all the parties can lend support for Ireland to play its full part?

In her response to my question on Leaders' Questions, the Tánaiste mentioned the Dublin Docklands in particular. However, the legislation is stuck on Second Stage. If she believes that is the mechanism by which the Government will address the needs of those who are in Longboat Quay, will the Government accelerate that so that Dublin City Council, with hopefully the support of Government and legislation, can take charge and do what the Tánaiste is suggesting? It is not the full answer.

I ask about the Convention on the Constitution. On a number of occasions I have asked for debates on the outstanding reports from the convention which I have repeatedly praised as a having been a good experiment in participatory democracy. However, by the Oireachtas failing to have debates within the time it had set out, we are insulting the chair and those who took part. There was a commitment that those reports - there are three if not four left to be discussed - would be debated in the Chamber within three months of publication. At this stage it is almost two years since publication of some of those reports.

The Tánaiste: On the important issue of debating all the reports from the Convention on the Constitution, I would be happy to suggest to the Whips, including Deputy Aengus Ó Snodaigh, that they might provide for more Friday and Monday sittings so that if we have a backlog we can utilise the time to allow the Members to come in here and debate-----

Deputy Aengus Ó Snodaigh: The problem is that Departments are delaying it.

The Tánaiste: I am just trying to be helpful to the House. We have no difficulty in putting on additional time and particularly utilising Fridays and Mondays to address any of the outstanding recommendations that the Deputy feels would benefit from more detailed discussion and debate in here. We can provide a lot of time for that and I am sure many Deputies would be anxious to avail of the time to debate that in detail in here.

I understand the Dublin Docklands legislation will be in next week.

If, as a Whip, the Deputy discusses having a debate on refugees with his fellow Whips, the Government would certainly be happy to facilitate that. We have agreed in discussions with the European Union to accept a number of refugees under the European programme particularly from war-torn countries such as Syria. If there is agreement among the Whips on that issue, we would be happy to do it. As the Deputy knows, a number of people are already coming in and there is considerable co-ordination between the different agencies, including the Red Cross, which will provide services. The last time we had a significant number of programme refugees coming in, it was as a result of the conflict in Bosnia. So we have considerable experience collectively as a society of addressing these very important and significant humanitarian issues of rescuing people from what has been happening in the dreadful conflict in Syria.

An Leas-Cheann Comhairle: As seven Members wish to make a contribution, I ask for brevity.

Deputy Dara Calleary: Earlier, in one of her soliloquies that passes for a reply, the Tánaiste raised the emergency services, in particular the Dublin Fire Brigade.

1 o'clock

She praised its wonderful record and said she trusts what the fire officers say, and so say all of us for all of our emergency services. A number of years ago we tabled a Bill on the protection of emergency workers, which would have applied to An Garda Síochána and all other emergency workers. I raise the issue in light of the increased number of attacks on members of the Garda in recent weeks and months. The Bill was voted down by the Government pending legislation to be introduced by it. That was in 2012 and it is now 2015. Does the Government have any plans to introduce legislation to penalise people specifically for attacking or endangering the lives of anybody in the emergency services?

The Tánaiste: Any direct attack on anybody who is part of the emergency services, of the kind described by Deputy Calleary, would be considered a criminal attack and would be a matter for the Garda to prosecute in the normal course of events.

Deputy Dara Calleary: It would be an extra offence.

The Tánaiste: I will ask for a report and send it to the Deputy. Speaking for my Department, when I became Minister for Social Protection there were a number of urgent issues relating to the social welfare status of retained firefighters around the country. As Minister, I gave priority to addressing the issue. We addressed it as a government as speedily as we could. It had been an outstanding issue for a very long period. Once again, I express my thanks to all the people who work in the fire services around the country. I agree with Deputy Calleary. We have worked as a government, and I have worked as Minister for Social Protection, to ensure in particular that members of the retained services in areas outside of the big cities, whose issues were outstanding for a long time, were addressed by me.

Deputy Dessie Ellis: An apartment block of 68 units has been lying idle for almost a decade in Prospect Hill, Finglas. For the past two years; individuals and families were allocated to them from the housing lists, only to be stopped at the last minute due to fire safety concerns. NAMA and the receiver are in control of the apartments. The Tánaiste and other Ministers have indicated that NAMA will play a bigger role in the delivery of social housing. With that in mind, does the Government intend to bring forward legislation to transfer properties and land from NAMA to local authorities? There is no accountability with NAMA and if the Govern-

ment were to consider that angle it would deliver a real social dividend.

The Tánaiste: My understanding is that NAMA is working very hard on the matter and has already delivered more than 1,500 apartments and houses, which have been used to house families.

Deputy Dessie Ellis: The situation has been ongoing for ten years.

The Tánaiste: I understand that ongoing issues arise in certain local authorities in terms of whether certain accommodation is acceptable to them. I am not familiar with the detail of the development which the Deputy identified, but it is NAMA's objective, in particular where there are houses and apartments in urban areas where the level of demand is high but it is a bit more difficult in more remote rural areas. In urban areas where there is generally a demand, the intention is to address those issues as quickly as possible, subject sometimes to certain legal difficulties.

An Leas-Cheann Comhairle: I thank the Tánaiste and call Deputy Seán Crowe.

Deputy Dessie Ellis: The Tánaiste did not answer the question about the transfer of the land. Will the Government consider legislation for the transfer of land-----

An Leas-Cheann Comhairle: Deputy Ellis asked about legislation.

Deputy Dessie Ellis: -----to local authorities from NAMA? That is the big issue. People are becoming homeless following the sale of NAMA properties. That is what we should focus on.

An Leas-Cheann Comhairle: I am sorry but I must call Deputy Ellis's colleague now.

The Tánaiste: NAMA already allows for the transfer of property.

Deputy Dessie Ellis: No, it is not. It is only leasing properties.

The Tánaiste: I am sorry.

An Leas-Cheann Comhairle: We are not going to sort out the matter here.

The Tánaiste: It is allowing for transfers.

Deputy Seán Crowe: I take this opportunity to raise the case of Ibrahim Halawa who is facing a mass trial this Sunday. If convicted he will be sentenced to death. Will the Government agree to set time aside to discuss the case? Deputy Pat Breen, Chairman of the Joint Committee on Foreign Affairs and Trade, was recently in Egypt on a visit to Ibrahim Halawa, as was Lynn Boylan, MEP. The conditions in which he is being kept in prison are horrific. He is sleeping on a mat. He is supposed to get an hour for family visits but sometimes family members only get four to five minutes. He is an Irish citizen and comes from Firhouse. Aside from having a discussion in this House, could we agree at some stage to provide solidarity to Ibrahim and his family, in particular as they face this weekend?

The Tánaiste: I am aware that the trial is due to take place and that it should finally go ahead on 4 October. As Deputy Crowe is aware, the difficulty has been that there have been constant delays and adjournments of the court proceedings. The Government's objective in the case of Ibrahim Halawa is to see him released by the Egyptian authorities so that he can return

to his family and his studies in Ireland. We are very conscious of the fact that he is a young man who has spent a lot of time in the Egyptian legal system. Our ambassador in Egypt and our consular staff provide constant consular support for his welfare.

Deputy Seán Crowe: We do not have an ambassador in Egypt.

The Tánaiste: I am sorry, we have consular staff and they have been providing constant assistance to him in the context of him being held in custody. We would like to see Mr. Halawa returned home to Ireland and reunited with his family as soon as that is possible. I hope we will have a speedy conclusion and see him restored to his family.

Deputy Niall Collins: In 2012, I was made aware of allegations of improper payments of expenses at the University of Limerick. At the time I sent the information to the Committee of Public Accounts for review and for the committee to investigate the matter further. The Minister for Finance, Deputy Michael Noonan, who is sitting beside the Tánaiste will be aware that recently the *Limerick Leader* reported on similar allegations being made by other whistleblowers, former employees of the University of Limerick.

A number of issues arise. First, there appears to be a conflict between the protected disclosures legislation and confidentiality agreements which the University of Limerick has with some former employees who are now whistleblowers. The University of Limerick has now issued High Court proceedings against the *Limerick Leader* and also personally against the editor of the newspaper, Mr. Alan English. That is a very serious development because a State-funded university is using State funding to issue proceedings to gag the media, as I perceive it, on a serious issue of public interest.

I have spoken to a number of the whistleblowers and I am aware of the allegations. It is an issue which merits proper discussion, scrutiny and investigation in this House. A proposal has been made to introduce the university (amendment) Bill. There is now a conflict between the protected disclosures legislation and confidentiality agreements. We must find out in the public interest whether there is a serious issue at stake, as many allege. One could say that given that so many whistleblowers have come forward to the *Limerick Leader* they cannot all be wrong. The issue merits serious scrutiny either through the Higher Education Authority, the Garda or whatever other appropriate agency. I would welcome a comment on the matter.

An Leas-Cheann Comhairle: I do not know whether the matter is in order.

The Tánaiste: The University of Limerick is a very fine institution and it has provided first-class educational and development services to students, not only from Limerick but from the entire country. It is rightly recognised as one of our most outstanding third level institutions. It is important to say that about the university, which I have had the privilege of visiting on many occasions.

Deputy Niall Collins: I agree.

The Tánaiste: In my experience as a former member of the Committee of Public Accounts, the remit would properly lie with it. I am quite sure that were the Deputy to bring this matter to the Chairman of the Committee of Public Accounts, Deputy McGuinness, it should be possible, given the urgency the Deputy attaches to the statement he has just made, for the Chairman perhaps to schedule hearings of that committee on the matters raised by the Deputy. I do not wish to comment on any court proceedings as obviously they are a matter for the court. I

have been in the University of Limerick many times and know many people who work work and many people who have studied there. As a representative of Limerick and the region, it is important the Deputy acknowledges it is a fine university. If there are issues to be addressed of the kind mentioned by the Deputy, ultimately, it is for the Comptroller and Auditor General and the Committee of Public Accounts. Were the Deputy to approach the Chairman of that committee and explain the urgency of the matter he has raised, the Chairman might be able to facilitate him.

Deputy Ray Butler: I wish to raise two items of legislation with the Tánaiste, the first of which is the apprenticeship Bill to provide for protection and responsibilities applying to employers and apprenticeships in light of the introduction of a new apprenticeship. Many Members have done apprenticeships and have seen the exploitation of certain people. Consequently, I seek the Bill's publication. When is this expected? The second Bill is the proceeds of crime (amendment) Bill to strengthen the powers of the Criminal Assets Bureau, CAB, regarding the forfeiting of the proceeds of crime.

The Tánaiste: On the apprenticeship Bill, that should be published early next year. In respect of the Criminal Assets Bureau and the proceeds of crime, I understand the discussions with CAB are ongoing with a view to bringing forward legislation that will facilitate more proceeds of crime being made available, in particular, to be used ultimately for the public good.

Deputy Tony McLoughlin: I refer to the laws governing both the sale and consumption of alcohol in Ireland. When can Members expect the much anticipated sale of alcohol Bill to be brought before the House for debate? As I am sure the Tánaiste will agree, this Bill will simplify the current licensing laws and, ultimately, will reduce alcohol-related harm among young people, in particular.

The Tánaiste: The public health (alcohol) Bill will be introduced this session, while I understand the sale and consumption of alcohol Bill will be some time next year.

Deputy Ciara Conway: Members welcome the passage of the Marriage Bill through the Houses but prior to its introduction and the constitutional referendum on it, the Oireachtas passed the Children and Family Relationships Act, of which only one section has been commenced. When will the other sections be commenced? I understand it is between both the Department of Children and Youth Affairs and the Department of Justice and Equality but many families have outstanding issues in respect of inter-family adoption that cannot proceed because all the sections of this Act has not been commenced. I ask the Tánaiste to relay the urgency of this issue to her colleagues because many families are in limbo as these sections of this important Act have yet to be commenced.

The Tánaiste: I thank Deputy Conway for raising this important issue and will ask the Minister for Children and Youth Affairs when this will be forthcoming. I do not have an answer to hand for the Deputy but it is an important issue for the families and, in particular, for the children concerned.

An Bille um Fhorbairt Cheathrú 1916, 2015: An Chéad Chéim

Deputy Éamon Ó Cuív: Tairgim:

Go gceadófar go dtabharfar isteach Bille ar a bhféadfaidh 1916 Quarter Renewal Limited ceaduithe áirithe a dhéanamh i ndáil le foirgnimh agus áitribh láithreacha nó bheartaithe i Limistéar Cheathrú 1916, do dhéanamh socrú go mbeidh 1916 Quarter Properties Limited ina chuideachta forbartha do Limistéar Cheathrú 1916 agus maidir le fáil éigeantach talún sa limistéar sin aige, d'údarú don Aire Airgeadais airgead a gheobhaidh 1916 Quarter Properties Limited ar iasacht a ráthú, do dhéanamh tuilleadh socrúithe i ndáil le 1916 Quarter Renewal Limited agus le 1916 Quarter Properties Limited, agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Iarraimse cead an Bille seo a chur faoi bhráid an Tí. Tá súil agam go dtabharfaí an cead sin agus go bhfoilseofar an Bille. Seo an chéad chéim de phróiseas a thabharfadh caomhnú agus buaine do na séadchomharthaí agus na hiarsmaí a bhaineann le tréimhse 1916 agus a chinnteodh go mbeadh aon fhorbairt bhreise a dhéanfaí ar na ceantair seo agus ar na láithreacha seo i dtiúin leis agus tuisceanach don stair agus don tábhacht a bhaineann leis na séadchomharthaí seo go náisiúnta.

Cuireadh ceist céard iad na háitribh atá i gceist agus ar ndóigh is é an príomháltreabh a luaitear le hÉirí Amach na Cásca 1916 ná Ard-Oifig an Phoist i mBaile Átha Cliath agus an ceantar timpeall uirthi. Ansin tá Sráid an Mhúraigh agus bhí go leor phlé faoi chaomhnú an cheantair sin agus an bhagairt atá ann fós de bharr faillí an Rialtais don cheantar sin agus don cheantar timpeall air. Caithfidimid cuimhneamh go raibh a lán foirgnimh éagsúla ar fud na cathrach i seilbh ag na hÓglaigh agus ag Arm Cathartha na hÉireann. Smaoiním, mar shampla, ar an South Dublin Union, áit atá Ospidéal San Séamas anois; ar an monarcha a bhí ag Jacobs; ar Choláiste Ríoga na Máinleá in Éirinn thuas ar Fhaiche Stiabhna; ar Mhuilte Uí Bheoláin; agus ar láithreacha eile. Ba cheart go mbeadh córas againn, mar atá molta sa mBille seo, leis na háitribh seo ar fad a chaomhnú.

Tá súil agamsa go mbeidh tacaíocht thraspháirtí don Bille seo agus go nglacfar leis sa Teach seo gan mhoill. Bheadh súil agam go mbeadh an Rialtas sásta an Bille seo a thógáil in am an Rialtais.

Tá múnla stuama ag dul leis an mBille seo. Tá sé bunaithe ar an gcur chuige a d'oibrigh i gceantar Bharra an Teampaill i mBaile Átha Cliath. Nuair a bhreathnaímid, mar shampla, ar an gceathrú Titanic i mBéal Feirste, feicimid go n-oibríonn na ceathrúna seo. Sa gcás seo, ó tharla go raibh na háitribh a raibh na hÓglaigh agus an t-Arm Cathartha lonnaithe iontu scaipthe ar fud na cathrach, caithfidh an ceathrú seo a bheith in áiteanna éagsúla ar fud na cathrach le go mbeadh pictiúr iomlán againn ar an Éirí Amach. Cé go raibh Ard-Oifig an Phoist mar an cheanncheathrú bhí láithreacha fíorthábhachtacha eile ag baint leis an Éirí Amach.

Beimid ag ceiliúradh Éirí Amach na Cásca faoi cheann sé mhí. Tá sé ag druidim an-ghar dúinn anois. Ar ndóigh, tá go leor de na láithreacha a bhí ann in 1916 athraithe go mór ó shin ach sílim féin gur bhealach an-mhaith a bheadh anseo le cinntiú nuair a thioctas ceiliúradh an dá chéad ar Éirí Amach na Cásca, faoi cheann céad bliain eile, go mbeadh rian na láithreacha seo le feiceáil, go mbeadh gach atá fós ann sa mbliain 2015 ann faoi cheann céad bliain agus nach ndéanfar tuilleadh scriosta nó díobhála do na láithreacha tábhachtacha seo.

Níl aon cheist ach nach mbeadh Stát ceannasach saor Éireannach ann murach an íobairt a rinne laochra 1916 agus mura mbeadh daoine ann sásta a mbeatha a chur i mbaol ar son na saoirse. Mar is eol dúinn, bhásaigh go leor daoine ar son na saoirse. Sílim féin go bhfuil sé ag dul dóibh siúd anois agus dá gcuimhne go rithfeadh muid an Bille seo agus go ndéanfadh muid

cúimhniú ar chuid an-tábhachtach do stair na tíre. Ní hamháin go bhfuil sé tábhachtach do stair na tíre seo, ar ndóigh: ba é an t-Éirí Amach seo a spreag náisiúin ar fud an domhain saoirse a bhaint amach sa gcéad bhliain a lean ón Éirí Amach.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Finance (Deputy Michael Noonan): No.

Question put and agreed to.

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

Deputy Éamon Ó Cuív: I move: "That the Bill be taken in Private Members' time."

However, I still hope the Government will have the wisdom to see it should be taken in Government time.

Question put and agreed to.

Ramming of Garda Vehicles Bill 2015: First Stage

Deputy Brendan Griffin: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the imposition of terms of imprisonment on persons found guilty of ramming a Garda vehicle.

I appreciate the opportunity to seek leave to introduce the Bill, which is important. More needs to be done to protect members of An Garda Síochána in the line of duty. The statistics relating to the ramming of Garda vehicle are shocking. There were 244 such instances between 2010 and 2013, which equates to more than one a week. The problem is that ramming a Garda vehicle is not a criminal offence and the Bill aims to make ramming a vehicle deliberately a specific crime. I very much welcome the investment of €29 million in new Garda vehicles since 2012 and a further commitment to invest €46 million in same over the next five years. This will be a major step forward but the maximum protection the State can offer to gardaí in these vehicles would complement that investment. I also welcome the €1.75 million that was recently allocated for increased surveillance by the Garda air units, in particular. However, on the ground, many gardaí find that when they give chase to suspects, very often the suspects will not think twice about ramming their vehicle. Unfortunately, there have been cases in the past where gardaí have lost their lives or have been seriously injured in this manner. A deterrent is needed to prevent the ramming of their vehicles. My Bill proposes a custodial sentence of up to ten years for the deliberate ramming of a Garda car or a vehicle being operated by a garda in the course of his or her duties.

I hope the Bill will be taken seriously by the Minister for Justice and Equality and her Department. I hope it can be progressed or incorporated into future legislation in the interest of protecting members of the Garda. The figures for the ramming of Garda vehicles are shocking at more than one a week. That is not good enough and, as a society, we cannot tolerate this. The scumbags who perpetrate this on members of An Garda Síochána should be left in no doubt as to the seriousness of their actions and of the ramifications of such actions. The State needs to

respond to this problem.

In the context of rural crime, if we are to give the Garda the best opportunity to target criminals, we need to balance the scales and give the force more of an opportunity to carry out its work in a safer manner. There is an opportunity to make it safer for gardaí by introducing this deterrent. I hope the Bill will be progressed urgently.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Finance (Deputy Michael Noonan): No.

Question put and agreed to.

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

Deputy Brendan Griffin: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Double Taxation Relief Orders: Motions

Minister for Finance (Deputy Michael Noonan): I move:

That Dáil Éireann approves the following Order in draft:

Exchange of Information Relating to Tax Matters (Argentine Republic) Order 2015, a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income) (Federal Democratic Republic of Ethiopia) Order 2015,

a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income) (Pakistan) Order 2015, a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital Gains) (Republic of Zambia) Order 2015,

a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Exchange of Information Relating to Tax Matters (Commonwealth of The Bahamas) Order 2015,

a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and on Capital) (Federal Republic of Germany) Order 2015,

a copy of which was laid before Dáil Éireann on 15th September, 2015.

That Dáil Éireann approves the following Order in draft:

Exchange of Information Relating to Tax Matters (Saint Christopher (Saint Kitts) and Nevis) Order 2015,

a copy of which was laid before Dáil Éireann on 15th September, 2015.

Questions put and agreed to.

Finance (Tax Appeals) Bill 2015: Second Stage (Resumed)

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

Minister for Finance (Deputy Michael Noonan): Before the adjournment, I was dealing with the provisions of Part 40A. Among other things, it facilitates a more active case management approach by the Appeal Commissioners. In straightforward cases, they will not be required to hold a hearing but can adjudicate and determine the appeal based on paper submissions, subject to the agreement of the taxpayer to this approach. The Appeal Commissioners will be able to dismiss appeals where the taxpayer does not co-operate with them by, for example, providing information such as accounts requested by them. Responsibility for the preparation of a “case stated” for an appeal to the High Court, subject to a time limit, is being given to the Appeal Commissioners themselves instead of the parties to the appeal. Increased transparency and certainty will result from the requirement that all Appeal Commissioners’ determinations must be published.

Part 40A contains provisions relating to whether a hearing, or part of a hearing, is to be held in public or in private. The default position is that all hearings are to be held in public, subject to exceptions relating to, for example, issues involving public order or sensitive issues. However, the Appeal Commissioners must hold a private hearing, or a part-private hearing, where an appellant submits a request for this.

Part 5 deals with consequential amendments to the Act of 1997 and certain other enactments. The Part contains amendments to 137 separate sections and Schedules in the Taxes Consolidation Act 1997. A consequence of the changes being made to the appeal process is the need to make a large number of consequential amendments to provisions relating to appeals in the Taxes Consolidation Act 1997 and in various other taxation Acts contained in Schedule 2. While there are a large number of individual amendments, given they are being made in relation to several different types of taxes and affect a wide range of provisions, most of these are of a similar nature. For this reason, each individual amendment is not explained. The most common amendment is that necessitated by the fact that, under the reformed system, a taxpayer will have to appeal directly to the Appeal Commissioners and not via Revenue as currently happens.

Various cross-references that are no longer relevant are being removed - for example, references to Part 40 of the Taxes Consolidation Act 1997 which is being phased out and replaced with the new Part 40A.

Another type of amendment will clarify and make more explicit a right of appeal that is currently only implicitly stated in the various tax and duty Acts. A valid appeal under the revised appeal process will require a specific right of appeal to be given in the relevant tax and duty Act. The opportunity presented by the reform of the appeal process is being taken to rectify any anomalies and inconsistencies that currently exist and to standardise as far as possible the appeal provisions for the various taxes and duties. One example of such standardisation relates to the number of days allowed for the making of an appeal; 30 days is the usual time limit but this has not been standard across all of the taxes and duties. Another example is the alignment of the preconditions for the making of an appeal against different types of Revenue assessments - for example, the requirement to have submitted outstanding returns to Revenue and to have paid the part of the tax liability not in dispute before an appeal can be made.

The Appeal Commissioners are a body with a long lineage, predating the foundation of the State - in fact, dating back to the Act of Excise 1662. The Minister for Finance appoints Appeal Commissioners by virtue of section 850 of the Taxes Consolidation Act 1997. Effectively, the Minister has had discretion as to who was appointed and on what terms, subject only to laying details of the appointment before the Houses of the Oireachtas. The Bill proposes to change this by stipulating that appointments will be made by the Minister following an open competition run by the Public Appointments Service, PAS. A recruitment process for new Appeal Commissioners has been conducted by the PAS at my request as the current commissioners have reached retirement age. This competition was conducted in accordance with the provisions of the Bill and I expect to make appointments over the coming weeks.

The Appeal Commissioners role is to act as an independent administrative tribunal in adjudicating disputes between taxpayers and the Revenue Commissioners. The legislation will enhance the independence of the Appeal Commissioners, increase transparency and provide a more efficient appeal system in tax disputes to the benefit of compliant taxpayers and the Exchequer alike. I commend this Bill to the House.

Deputy Michael McGrath: I welcome the opportunity to contribute to the Second Stage debate on this important Bill. While I would take issue with some aspects of it, I welcome the fact that the system of tax appeals is to be reformed and modernised. There is no doubt that a comprehensive and fair tax appeals system is required. Figures released to me by the Minister for Finance earlier this year showed that 26% of tax appeals in 2012 and 2013 were decided in favour of the taxpayer, showing that the Revenue does get it wrong sometimes. The current system is beset by unforgivable delays. These are unacceptable from the perspective of individual taxpayers who seek an independent appeal of Revenue decisions but they also tie up hundreds of millions of euro of revenue for the State pending a determination by the appeal commissioners. The Department of Finance confirmed to the Joint Committee on Finance, Public Expenditure and Reform that, as of last January, Revenue estimated that €770 million was in question where assessments had been raised but collection could not proceed pending resolution of the disputed issues. At any time, the total amount of tax that is in dispute is in excess of €1 billion when account is taken of tax not yet assessed pending the outcome of some other case which is under appeal, as well as claims to repayment which are disputed by Revenue.

The level of delay is astonishing. In the case of almost 600 appeals, more than five years

have elapsed since the appeal was lodged, with almost 30 of these cases under appeal for more than ten years. The joint committee was told of one incredible case involving a transaction which took place in 1991. It is almost beyond belief that, under the current system, it took until 2011 before this case was resolved. The case in question was eventually concluded in the Supreme Court after 20 years of working its way through the various stages of the appeal process. While that may be an extreme example, it highlights the flaws in the existing system. Clarity in regard to tax law is essential in a modern economy.

The Deloitte European tax survey published in 2013 sought the opinions of the heads of taxation of 1,000 companies across Europe and respondents were asked what changes to tax legislation would have the greatest positive effect on their country's competitiveness. Simplification of the tax system was the preferred option of 36% of respondents. It is interesting, however, that the most popular measure, which attracted the support of 44% of respondents, was increasing certainty about the future of the tax system. In the context of competitiveness, certainty and simplification of the system were even more important to these respondents than a reduction in tax rates.

It is, therefore, very welcome that this legislation will require an appeal commissioner to publish on the Internet a written determination for each case within 90 days, rather than just announcing the decision in private to the parties concerned. This is essential in bringing certainty to the tax system, as businesses will no longer be obliged to speculate on how tax law is being applied once one appeal on a particular question has been determined by the appeal commissioners as a test case. This will also have the added benefit of potentially reducing both the workload of the appeal commissioners and ensuing backlogs. This is because the publication of a written determination in one test case might save dozens of other appellants from having to lodge appeals of their own to revisit issues that have already been decided by the appeal commissioners, unbeknownst to them and the public at large. Putting the principles involved in certain determinations on the public record will make the system far more efficient and prevent a number of appeals.

Publishing determinations also increases fairness in the appeals process. If determinations are given orally by an appeal commissioner, but no determination is made available to the public, the Revenue Commissioners have the considerable advantage of knowing about that case as a precedent but taxpayers in other cases have no way of knowing about precedents which might be detrimental to Revenue's side of their individual case.

One development which I greatly welcome is the decision of the Government to adapt the legislation to reflect the arguments I and many others raised at the joint committee in relation to the original proposal that tax appeals would be heard in public in all cases. While the facts of all cases should be set out in the written determinations of the appeal commissioners, identifying the individual taxpayers in question in all cases would have added nothing to the process. It is very positive that the version of the Bill that before us allows an appellant to have his or her case dealt with *in camera* if he or she so requests.

The initial proposal to allow the public and media attend tax appeals would have forced taxpayers to divulge their most sensitive and private tax and financial information in a public forum. This simply would have been a deterrent to many people submitting appeals. For a great number of taxpayers, it would have been too high a price to pay for making a tax appeal and many would have been forced to choose not to appeal a decision of the Revenue Commissioners in order to protect their privacy. This would be particularly unfair in circumstances

where over a quarter of cases are decided in favour of the taxpayer.

My main concern about the current version of the Bill is that appeals to the Circuit Court would no longer be available. I strongly favour an amendment to the Bill which would reintroduce the Circuit Court appeal route. As matters stand, a taxpayer may appeal a finding of the appeal commissioners to the Circuit Court. This takes place as a full rehearing of the appeal before a judge of the Circuit Court. As an alternative, an appeal on a point of law may be taken to the High Court. Instead of dealing with a full rehearsal of the facts of the case, an appeal on a point of law is a very specific form of appeal, limited just to consideration of a purely legal question. The Bill removes the appeal to the Circuit Court and only allows the second form of appeal, an appeal on a point of law to the expensive forum of the High Court, and, as we all know, taking a case to the High Court can often cost €100,000 or more. No rehearing would be available on factual issues and only a purely legal question could be dealt with.

It is not open to the Government to claim that a right of appeal still exists under the Bill in circumstances where only one subset of cases could be appealed. In reality, there is no appeal if the decision relates to factual or practical matters rather than to the interpretation of legislation. This gives an extraordinary level of power to the appeal commissioners, who will be able to decide any factual issues without an avenue of appeal being available to a dissatisfied taxpayer. In removing any appeal from many decisions of the appeal commissioners, the Oireachtas might place itself in difficult constitutional territory. Our constitution only permits justice to be administered by the courts, allowing only limited functions and powers of a judicial nature to be given by law to non-judicial bodies. I would have grave reservations as to whether the appeal commissioners could be regarded as having only limited powers of a judicial nature if they can decide on factual questions in a multi-million euro tax case, with no option to appeal to the courts available.

Two concerns that exist with the current provisions on appeals to the Circuit Court are the absence of specialist judges with expert tax knowledge and the considerable delays that exist in some Circuit Court areas. One suggestion that may resolve these issues would be that a small number of dedicated Circuit Court judges could take responsibility for hearing tax cases locally throughout the country, with the benefit of strong case management powers and separate tax appeal lists to eliminate delays. I remain to be convinced, however, that Circuit Court judges who deal with complex legal and factual issues on a daily basis are not eminently qualified to deal with appeals on taxation matters. While the appeal commissioners may constitute an expert tribunal on technical taxation matters, the Circuit Court is even more of an expert tribunal in determining factual disputes and deciding cases on the merits. Further, the evidence given to the joint committee during pre-legislative scrutiny was that Circuit Court judges have ample experience to deal with the sort of matters they would face in these appeals.

I am also uncomfortable with the attitude that has been taken to delays in the Circuit Court. Delays have been used as an excuse to get rid of the Circuit Court process altogether. However, the Government should have set itself the task of designing case management procedures and other structures to eliminate delays, rather than just scrapping Circuit Court appeals altogether.

The numbers of cases appealed to the Circuit Court is so small that there should be no reason such appeals could not be dealt with in a speedy manner. The joint committee was told that only 14 cases were appealed to the Circuit Court in 2013. Some of those cases were also settled between the taxpayer and the Revenue without a hearing being necessary. In the five years from 2010 to 2014, the number of cases actually adjudicated by the Circuit Court appears to be a total

of only 46. In such circumstances, there is simply no reason the Circuit Court process should not be capable of being dealt with efficiently and fairly in a short period. In the final analysis, such a small number of cases can hardly make a significant impact from the perspective of the enormous number of taxpayers dealt with by the Revenue every year. However, from the perspective of those individual appellants who have accessed an appeal in the Circuit Court, the importance of that route of appeal could be enormous. It could be the difference, for example, between a small business providing jobs locally either surviving or not. While many cases have been decided by the Circuit Court in favour of Revenue, some have been decided in favour of the taxpayer. It seems unjust to deny those taxpayers a full appeal on the merits to the Circuit Court. In any event, the argument the current Bill would reduce delays in court appeals does not stand up to scrutiny when we look at the evidence given by the Revenue Commissioners to the joint committee. That evidence was that a hearing in the High Court could take a minimum of two years to take place. It is difficult to imagine why the issue of court delays could be used to justify forcing appeals into the High Court if delays are so long in that forum.

It is also important to note the costs of dealing with a case in the High Court can be particularly high in comparison to costs in the Circuit Court. The Circuit Court also provides a local forum for the determination of a case, whereas cases in the High Court would require a taxpayer and his or her representatives to travel to Dublin, perhaps on several occasions. The cost of an appeal to the Appeal Commissioners itself may be beyond the reach of many taxpayers, but the considerable costs of the High Court would be many multiples of that amount.

If the Circuit Court appeal is reinstated, it should be on the current basis of an *in camera* appeal to remain in line with the decision to allow a taxpayer a right to have his or her appeal dealt with by the Appeal Commissioners on an *in camera* basis. By eliminating the Circuit Court appeal, the Bill forces a person dissatisfied with a decision of the Appeal Commissioners to challenge it in the public forum of the High Court rather than in a private hearing in the Circuit Court. For all of the reasons I have already outlined, it is not an appropriate position in which to place taxpayers. We should not ask taxpayers to choose between having access to appeal procedures and their privacy.

On balance, Fianna Fáil welcomes the idea of modernising the tax appeal system. There are many positive elements in the Bill, including measures to increase the efficiency of the tax appeal system, the proposal in section 949U to allow a more informal appeals process with the agreement of the parties and the retention of the *in camera* rule for tax appeals. This is an example of the pre-legislative scrutiny phase actually having an impact. We will, however, be urging the Minister on Committee Stage to consider an amendment to provide for an appeal to the Circuit Court for those who wish to appeal factual or practical aspects of their case, rather than the narrow and purely legal appeal on a point of law to the High Court currently envisaged in the Bill.

Deputy Pearse Doherty: Cuirim fáilte roimh an Bhille seo. Táimid ag fanacht air le tamall fada. Bhí sé fógraithe i 2014 go raibh sé ag teacht isteach. Caithfidh mé a rá go raibh plé agus scansáil iontach mhaith déanta ar an Bhille seo agus muid ag déileáil leis ag an choiste airgeadais. Níl mórán eolais ag an phobal mór amuigh ansin ar an Choimisinéir Achomhairc ach is oifig iontach tábhachtach í nuair atá daoine ag brath uirthi. Chuala muid ag an choiste agus chuala muid arís ón Teachta McGrath faoin mhoill a bhíonn ar an chóras sin scaití, go háirithe sa sampla a tugadh ag an choiste.

Chuala muid go mbíonn ar dhaoine fanacht ar feadh na mblianta fada le cinneadh a dhé-

anamh, go bhfuil moill ar an chóras, nach bhfuil sé ag obair mar is ceart, nach bhfuil sé ag obair go héifeachtúil agus nuair atá daoine ag lorg achomhairc go bhfuil siad ag baint a gcuid cásanna.

Tá cúpla cúis leis sin. B'fhéidir gur rinneadh an cinneadh contráilte sa chéad dul síos nó b'fhéidir go bhfuil eolas á thabhairt anois ag leibhéal an achomhairc nár tugadh roimhe sin. Tá an páirtí s'againne ag iarraidh go mbeadh trédhearcacht agus cothromacht ann sa chóras achomhairc do shaoránaí agus iad ag déileáil lena gcuid ghnóthaí cánach. Bhí na cainteanna miona a bhí againn ag an choiste airgeadais iontach tábhachtach. Bhí na Coimisinéirí Ioncaim againn, an Roinn Airgeadais, na páirtí leasmhara eile agus na Coimisinéirí Achomhairc iad féin. Ba chleachtadh iontach úsáideach a bhí ann agus bhí muid ábalta go leor a phlé. Tá cuid de na moltaí a tháinig as an choiste le feiceáil sa Bhille atá os comhair an Tí inniu.

Ní bhaineann an pointe seo leis an chóras seo amháin, baineann sé leis na córais eile agus na hoifigí eile atá ann freisin. Caithfear athbhreathnú rialta a dhéanamh orthu go léir. Cé go bhfuil sé seo á dhéanamh againn anois, ba chóir go mbeadh sé déanta againn cúpla bliain ó shin mar go bhfuil constaicí ansin agus gnó le hathbhreithniú agus athordú le déanamh ar an chóras sin. É sin ráite, cuirim fáilte roimh an Bhille.

On behalf of Sinn Féin, I welcome this legislation. The Appeal Commissioner is not a name on the lips of every citizen but it is an important office, particularly when it falls on one to appeal a decision of the Revenue Commissioners. My party's approach to this Bill is about seeking transparency and fairness in the appeals system and that it is open to citizens when dealing with their tax affairs. One of the most useful developments of political reform has been the pre-legislative scrutiny process. In this case, it was very beneficial to my understanding of the tax appeals system, as well as informing our views on the legislation, shaping it and allowing for some of the proposals that came out of the pre-legislative process to be taken on board. There was a long engagement between members of the Joint Committee on Finance, Public Expenditure and Reform and the Department of Finance officials, the Revenue Commissioners and other stakeholders, which was useful in trashing out ideas. As a starting point, it is important that we regularly review the systems and offices we have in place. We all recognise that this review of the tax appeals office is long overdue. It is good we have legislation to make the appeals system more robust, fair and transparent but it could have been done a long time ago.

The two most contentious aspects of the Bill are the removal of private hearings of appeals and the removal of the right to appeal to the Circuit Court. The Minister's Bill is a compromise on the first issue. As a rule now, hearings will be in public but can, on request of the appellant, be held in private. Many who work in the tax field were alarmed at the move towards a more public system. However, in a modern world, transparency should be a principle that is adhered to. I tend towards the view that all such hearings should be held in public but I accept this is a genuine compromise that has been arrived at after serious and proper consultation and debate on the issue. There are always reasons to delay the release of or redact information from the public. In most cases, the arguments are weak and are more about protecting certain people than protecting the public themselves. While there is a compromise that the appellant can request the appeal to be held in private, the reality is they will be held in private. I cannot see many people appearing before the Appeal Commissioner with the option of having the hearing held in private but deciding they want a full public hearing, particularly if it is a matter they want to hide. I am not convinced about this move and believe the original Bill had enough caveats in it to allow it to remain as is. At the committee hearings, I gave examples of political appointments made and tax rulings.

I cannot accept the refusal of the Minister to consider maintaining the right to appeal to the Circuit Court. This is a major flaw in this legislation. It is a pity because we seem to be moving in the right direction. Removing the right to appeal to the Circuit Court, however, is simply wrong. There is a policy pattern with the Government to remove the right of access to the Circuit Court for citizens. We saw this with recent customs legislation and changes to the Financial Services Ombudsman process. The idea people abuse the appeals system does not stand up to scrutiny. The removal of the appeal to the Circuit Court is unnecessary. Its removal will prohibit many people from appealing due to the costs involved and the different legal requirement associated with a High Court challenge. I believe this to be the intention behind the proposal and it is important to state that fact. This proposal was one of probably the two most contentious issues dealt with by the committee. The Department's explanation does not stand up to the points I have made about the additional cost and the different legal requirement associated with a High Court challenge. The response to the committee's suggestion to maintain the Circuit Court option does not mention the very obvious implications I have mentioned. The argument for not adopting the committee's suggestion is that retention of the Circuit Court stage would undermine the Tax Appeals Commission stage and that the Circuit Court stage allows for a complete rehearing of the case rather than being limited to appeals of issues addressed at the Tax Appeals Commission stage. There is no reason not to have a full rehearing. The Department also states that the reformed appeals process should render the appeal to the Circuit Court judge unnecessary, would make for a speedier resolution of appeals and that the retention of the Circuit Court stage would be anomalous in the context of the proposed reforms which, it says, will provide more flexibility, transparency and for the publication of all determinations. The legal requirement associated with a High Court challenge instead of a Circuit Court one is not addressed, nor is the fact that the costs involved will deter many people. This will have to be revisited on Committee Stage. I hope we can reach an agreement on it, but it is a fundamental point and one on which my party has a strong view.

There is much to welcome in this legislation. We will have a more transparent system with decisions recorded systematically for the first time. This is a positive move. That we are stating this fact re-emphasises my point that we should have done this a long time ago, but there is no point in looking backwards. It is clear a record of decisions which would provide guidance is sensible. The claim that this new process will help unlock significant funds for the Exchequer is doubtful. In any case, such an approach is not the way to reform the appeals process. The notion presented by the Department of Finance was credibly challenged by the Appeal Commissioners during the pre-legislative process and is probably something to which we will return.

Some of the moves in this legislation are cosmetic while others are more significant and enhance the independence of the commission. That is an important step forward. The use of the Public Appointments Service rather than the Minister in the appointment process is an important move forward which I welcome. This Bill is also a timely reminder of the important work Revenue does. In the comprehensive review of expenditure, Revenue identified how, with the proper resources, it could substantially increase the tax take through a small investment in staff and training. This is something my party has called for and I hope it will be put in place. My party will support this Bill on Second Stage but we will be examining whether we will table amendments to deal with some of the issues I have raised. I wish, however, to put down a marker with regard to the appeal process to the Circuit Court and hope we can meet somewhere on the issue.

I stated at the pre-legislative stage that Revenue is an agency of the State which people fear

but also respect. Many so-called pillars of society, whether financial institutions, wise economists, the Church, or politics itself, took a wild bashing over the past decade or so, but Revenue has been able to hold its head up high and has been very efficient in so doing. It is right that we are streamlining and enhancing the process and removing the blocks that exist with regard to the appeals office, but we need to ensure additional resources are provided to Revenue. I am conscious in that regard of the upcoming budget. It has proven itself, however, in terms of the resources it has obtained in the past and there is much Revenue could be doing to combat the black market.

Acting Chairman (Deputy Alan Farrell): The next speaker is Deputy Seamus Healy. The Technical Group has a 30 minute slot. I understand Deputy Healy is sharing time with Deputy Tom Fleming and Deputy Finian McGrath and I presume they will take ten minutes each.

Deputy Seamus Healy: I thank the Acting Chairman and welcome the opportunity to contribute to the Second Stage debate on the Finance (Tax Appeals) Bill 2015. The Irish tax system is grossly unfair. The poorest people are the most highly taxed in Ireland. It is not surprising, therefore, to find we are discussing a Bill today which confines legal recourse in tax disputes to the High Court and excludes the right of appeal to the Circuit Court. This means that only the wealthiest can challenge decisions of the appeal commissioners. Taxpayers on low and middle-incomes and small, self-employed, sole traders are effectively excluded from taking an appeal given the huge cost associated with a High Court case and the exclusion of the possibility of an appeal to the Circuit Court.

The Government, Ministers, journalists and some academics are involved in systematic deception in relation to the taxation system. Fairness or equity in taxation is based on the answer to the following question: what proportion of their own income, wealth or assets does each stratum of the population pay in tax? Research from the Nevin Economic Research Institute shows that poorer people are paying out more of their income in tax as a result of indirect taxation such as VAT and excise duties. The institute states that the poorest 10% of people pay a larger share of their income in tax than the richest 10%. In other words, poorer people pay a larger share of their income than the super-rich in our society. The poorest 10% are paying 29.93% in indirect taxation as against the figure of 5.7% paid by the richest 10% of people. Over the past 12 months, we have had Ministers and journalists attempting to deceive the public into believing the opposite is the case. The trick is to pretend that income tax is the only tax and to omit the huge portion of VAT and other indirect taxes paid by the poorest in our society. There is a line of people available to spin this one, the idea and hope being the more they spin it, the more people will believe it.

The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, tells us we have one of the most progressive tax systems in the world while the Minister of State at the Deputy of Justice and Equality, Deputy Ó Ríordáin, tells us that the top 6% are paying 44% of the entire tax take. The Taoiseach tells us we have one of the most progressive tax systems in the world while the Minister for Finance, Deputy Noonan, tells us we have the most progressive tax system in the OECD. It goes on and on. The fact of the matter is this is spin. Significantly wealthy, super-rich people are not paying their fair share of tax. The taxpayers on low and middle-incomes and the poor pay in tax a greater share of their income than the super-rich.

Income tax constitutes only approximately 41% of all taxation.

2 o'clock

I believe the exclusion, particularly by Labour Party Ministers, of the VAT on the poor which was increased by this Government makes that party's statements absolutely misleading and shows it is part of a Government that is governing for, and on behalf of, the wealthy.

The reason people on large incomes pay a high proportion of all income tax, but not of their incomes, is that they have a grossly unfair proportion of all income. In fact, in reply to a parliamentary question the Minister told me that the top 10,000 income earners had an average annual income of €595,000. That was in 2012, and it has increased since then. The Minister gave further figures which showed that the top 10% of income recipients, 216,500, had a gross income of approximately €30 billion, or an average of €136,700. Their effective rate of tax was 24%. To add insult to injury, in the last budget the Minister gave a total of €7 million in tax relief to the people on an average annual income of €595,000. He gave €150 million in tax relief to the top 10% of earners in the country. This was confirmed by the press officer of the Department of Finance in a letter to *The Irish Times* at the time.

This is all against a background where a recent report by the Central Statistics Office, the Survey on Incomes and Living Conditions, SILC, showing that there are 400,000 children living in households experiencing multiple forms of deprivation, with 135,000 children suffering daily deprivation. The number of children living in consistent poverty, meaning that they both are living at risk of poverty and experience deprivation, doubled from 6% to just under 12% between 2008 and 2013. What is this Government proposing to do? It is now proposing to give even more tax relief to very wealthy people in the forthcoming budget, while fuel and heating allowances are continuing at levels that were reduced by the Labour Party leader as we face into another winter.

Another issue is wealth tax. We have no wealth tax on wealthy people. Indeed, during a recent appearance on RTE, the Minister of State at the Department of Justice and Equality, Deputy Ó Ríordáin, made much of the introduction of the local property tax on domestic dwellings as a move towards tax fairness. This is another spin. Even those with negative wealth - mortgage debt, credit card debt and car loan debt - must pay the so-called property tax. The Central Statistics Office has shown that financial assets, which exclude homes, farms and buildings, have increased by €93 billion from 2008 to 2013 and are now at €165 billion. That is €25 billion above the boom level. Not a penny in wealth tax is due on these gains, while families in negative equity must pay the so-called property tax. Of course, the distribution of wealth is grossly unfair in this country. This has been shown again in a recent Central Bank report. The top 10% of households, or 165,820 households, own 53.8% of all net household wealth or a total of approximately €300 billion, which is almost €2 million each. The vast bulk of that wealth is free of wealth tax.

At this stage, there is no point in further appeals to the Labour Party to deal with this scandal. I appeal to the trade union movement, academics and journalists to expose the scandalous deception being visited on Irish people by the Government, and particularly by Labour Party Ministers, about taxation in the service of the super-rich. I commend Mr. Fintan O'Toole on a very good beginning in this regard in yesterday's *The Irish Times*. The fact is that the poorest 10% of people in this country pay a bigger proportion of their income in tax than the wealthiest, super-rich 10%. That must stop. It must change, and that should start now.

Deputy Tom Fleming: The objective of this legislation is to establish an independent ap-

peals process that will create an independent, efficient, clear and transparent system for appeals relating to decisions of the Revenue Commissioners, something which is not available at present. It is positive that this legislation is being brought forward to establish this independent agency. Such an agency should act primarily in the interests of the citizens while being fair to the tax gathering authorities of the State and tax legislation as enacted by the Oireachtas.

There are a number of positive aspects to the Bill, most notably the requirement for publication of reasoned determinations, new transparent procedures for appointment and tenure of the appeal commissioners, a better framework for progressing a case to the High Court and the proposal to publish an annual report on tax appeals. All of these changes will help ensure more effective operation of the appeals regime. However, there are important measures included in the Bill which I believe require further consideration, such as the ending of the *in camera* rule with proposals that all appeal hearings be held in public, the removal of the taxpayer's right to have the facts of their case re-heard at the Circuit Court, the need for clarity to be provided by the Revenue Commissioners at the time when the assessment is issued, and the importance of transitional arrangements.

The removal of the *in camera* rule will have a negative impact on the rights of Irish taxpayers and their access to the administration of justice. Taxpayer confidentiality is enshrined in Irish tax legislation, administration and legal practice. This has been at the heart of our tax regime for over 50 years. Taking a case to appeal is simply an extension of this process, whereby an independent arbiter, the appeal commissioner, is seeking to determine the facts of the matter before it enters the court process. The tax appeals system is not a court of law. It is a fact-finding tribunal and until the facts are determined and the case moves into the courts the taxpayer is entitled to have their affairs dealt with confidentially. In hearing an appeal the commissioners are exercising an administrative function. They are adjudicating on the quantum of tax due from the taxpayer. They are not addressing the interpretation of a point of law, which would have a wider application and public interest.

Confidentiality underpins our regime of voluntary compliance and has been a fundamental pillar of a successful Irish tax administration system. Tax compliance rates here are among the highest internationally, at up to 99% for large businesses and 83% for smaller taxpayers. While taxpayers might not always agree with the Revenue Commissioners' view on an issue, there is a widespread confidence within the tax paying community that their confidentiality will be respected when dealing with the Revenue Commissioners to resolve an issue. This understanding has been a significant contributory factor in achieving our high rates of voluntary compliance. We risk undoing a regime that has been working very effectively up to now by changing the rules on taxpayers' confidentiality. The principle is that our tax appeals regime should be open and transparent, which is to be lauded. However, transparency can be achieved by publishing details of determinations by the appeal commissioners, with the taxpayer names simply redacted. The taxpayer does not have to be personally identified either in a public hearing or in a written determination in order to achieve transparency.

In its submission to the consultation on appeals reform, Revenue sought the hearing of cases in public as being in line with best international practice. In particular, it cited the UK tribunal regime as a model. However, there is mixed experience internationally as to whether hearings should be held in public. New Zealand is a country with a similar size population to Ireland and its hearings are held privately. A small society such as Ireland is no bigger than a large city in the United Kingdom and the two countries cannot be compared on this issue. Therefore, it is very hard to draw a comparison between the Republic of Ireland and the whole mass of Great

Britain, given the context for holding hearings in public is totally different. In smaller societies, the prospect of being named in any proceedings with revenue authorities is a much greater deterrent for taxpayers. The issue here is not the number of taxpayers who actually end up taking an appeal and having their identities published; it is the number who will be deterred from doing so because of the potential impact on their business and personal reputation, particularly in a small, insular community.

When a taxpayer takes a case to appeal, he or she is exercising his or her legal right to disagree with an assessment that Revenue has raised and to have the facts determined by an independent appeal commissioner. If the taxpayer disagrees with the technical basis for Revenue's assessment, his or her only option is to go to appeal on the matter. While he or she has not done anything wrong, there is a public perception that having legitimate tax arguments with Revenue means he or she has done something wrong, perhaps verging on the criminal, when this is not the case. Perhaps this is our legacy of 20 years of reporting on the tax defaulters list or the public debate on tax avoidance versus tax evasion that is ongoing at the moment. Whatever the reason, there is huge scope for public misunderstanding of what a tax appeal is and what it is not. If tax appeals are held in a public forum, this will naturally attract media attention and such public analysis of the taxpayer's business affairs will undoubtedly and unfairly lead to difficulty for them.

Holding tax cases in public will mean that all aspects of a taxpayer's sensitive, commercial and financial affairs would be in the public domain at an appeal hearing and accessible to their competitors, suppliers, creditors and customers. This could have serious implications for a person's business and for their professional reputation and good character. A key supplier or creditor could withhold credit if they become aware that a customer has outstanding debts. The disclosure of commercially sensitive information may detrimentally impact the future prospects of the business or a person's livelihood.

Section 949Y of the heads of Bill allows the appeal commissioners to give direction that a hearing be held *in camera*. However, subsection (3) goes on to specifically exclude confidentiality of tax, financial and business affairs as grounds for a private hearing at the appeals commissioners' discretion. The proposed exception to the public hearing rule is, therefore, of very limited application in practice.

The Irish and international media seem not to be subject to any similar restriction from identifying either the taxpayer or the commercially sensitive information considered at the appeal. Therefore, the holding of hearings in public, with unlimited rights of reporting, renders meaningless the restrictions placed upon the appeal commissioners when making their own decisions in the public arena. Removing the *in camera* rule would be a very significant change to the appeals regime - in fact, it would be one of the most significant elements of any reform. Notwithstanding this fact, there was no mention of such a change in the public consultation document issued last October. The matter was, therefore, not brought to the public's attention as one of the measures being considered for reform, yet it has now been included in the heads of Bill. There is no doubt that the removal of the *in camera* rule will deter taxpayers from exercising their right to appeal Revenue assessments that are excessive. In particular, it could act to disenfranchise those taxpayers who use and need the appeals system most, for example, small to medium sized business taxpayers who are such an important part of our economy.

Section 949AM provides that either party to the appeal - the taxpayer or Revenue - can only appeal a determination of the appeal commissioners to the High Court. The existing right that

taxpayers have to a rehearing of the facts at the Circuit Court is thus being removed as part of this reform process. The removal of this right, combined with the prospect of hearings being played out in the public arena, compounds the deterrent for taxpayers of taking an appeal. The option of a rehearing at the Circuit Court should certainly be open to both the taxpayer and Revenue.

A tax appeal is a difficult and costly step for any taxpayer to take. In most cases, it takes time, resources and the payment of professional fees to engage in the appeals process, without any certainty of success. It is certainly not a route that is embarked on by taxpayers in a frivolous manner. One of the stated objectives of the appeals regime upon its establishment was to provide ease of accessibility for taxpayers. A taxpayer may represent himself or herself before the appeal commissioners without legal counsel or professional advice, and approximately 10% of taxpayers avail of this option. Removing the right of rehearing at the Circuit Court increases the pressure on all taxpayers to incur additional costs in engaging professional expertise, even in straightforward cases.

The only avenue open to a taxpayer dissatisfied with a decision of the appeal commissioners will now be an appeal to the High Court on a point of law. However, High Court costs are beyond the means of all but the wealthiest of taxpayers. It is estimated that the minimum costs a taxpayer must budget for in taking a case to the High Court is €100,000, which makes such an option inaccessible to most Irish businesses and individuals. Revenue's right to appeal a decision to the Circuit Court, while limited, will also be impacted by the changes proposed. This has the potential to increase the cost to the Exchequer of engaging in the appeals process.

A taxpayer will now have to weigh up a range of business risks, reputational risks and compliance costs in deciding even whether to enter the first stage of the appeals process. In many cases, taxpayers will determine that the risks or costs outweigh the benefits and will waive their right to appeal, even when they are certain Revenue's assessment is incorrect.

In the interests of improving the efficiency of the appeals regime, I believe there is merit in appointing several Circuit Court judges with specific expertise in tax matters whose remit would be solely tax cases. Proceedings could be centralised through the Dublin Circuit Court. This proposal would, of course, require discussion and negotiation with the Courts Service. This would facilitate an appropriate through-put of cases in a prompt and efficient manner.

Section 949Q deals with the provision of information in regard to the matter under appeal. However, I believe that the obligation to provide information on the matter under appeal rests with Revenue first at the outset of the appeals process, that is when it has issued the assessment. Under the current assessment and appeals regime, it is difficult for the taxpayer to make an informed decision about whether to appeal an assessment, because taxpayers generally have limited information on Revenue's grounds for making the assessment. This is a matter of fundamental importance that needs to be addressed as part of this reform of the tax appeals regime.

The Taxes Consolidation Act 1997 requires a taxpayer to outline each amount or matter in the assessment with which the taxpayer is aggrieved and to provide detailed grounds for the appeal on each matter or amount when lodging a notice to appeal. There is no corresponding obligation on Revenue to provide information as to why the assessment was raised in the first place and how the tax sought in the assessment was calculated. There has been a number of cases where taxpayers have not been informed of Revenue's legal grounds and reasoning for the issue of an assessment until Revenue served its legal submissions in the weeks leading up

to the hearing of the appeal itself. This places taxpayers in the impossible position of first deciding whether they should incur the time and expense of appealing a decision which has been made on an undisclosed basis and, second, or prepare for an appeal when they do not know precisely why and what they are appealing. It is critical that sufficient information is provided to the taxpayer at the beginning of the process to enable him or her to comment on the basis of the assessment and prepare a response. This is particularly important, as the onus of proof falls on the taxpayer to prove that the Revenue assessment is excessive. There are some outstanding test cases but I will not go into those matters as that would prolong this debate.

In the Irish regime, there is currently little clarity on the basis for many assessments that are issued. Not only does this mean that taxpayers are in the dark when considering whether to appeal an assessment, but it also creates inefficiencies in the system in terms of delays and in respect of the lodging of appeals that may be inappropriate and could be settled by agreement. The Taxes Consolidation Act should be amended so that Revenue is required to issue a full statement of reasons to accompany any assessment issued. This statement of reasons should clearly outline the basis for the assessment. For example, it should state the facts as Revenue understands them; the relevant statutory provisions and case law upon which Revenue relies; Revenue's application of the statutory provisions and case law to the facts; and the basis for its computed assessment. This clarity would clearly assist the taxpayer in making an informed decision about whether to appeal any assessment. I call on the Minister for these matters to be taken into consideration when the Bill is being finalised.

Deputy Eoghan Murphy: I am sharing time with Deputy John Paul Phelan.

I welcome the Minister to this debate and welcome this Bill. I want to use this opportunity to deal with matters relating to tax and Revenue services and the work done by Revenue. I particularly want to refer to the concept of tax transparency. The Minister might remember me introducing the idea of tax transparency in the Dáil in 2012 during Second Stage debate on a Bill on the Government's new reform proposals. We had a three-hour debate at which the Minister and Members from each party spoke and the Bill received all-party support to go to Committee Stage. Unfortunately, due to the backlog, it has not got to that Stage yet.

Two years ago, I put a tax transparency calculator on my website and last year I set up the website, *taxtransparency.ie*. Tax transparency as a concept and as an acting calculator or tool on a Government website has the support of Revenue, of the Department of Public Expenditure and Reform and of the Members of Dáil Éireann. It works quite simply and Members could see this today on *taxtransparency.ie*. A person can go to the website and calculator and fill out the appropriate fields in regard to salary and income, PAYE status, age and number of children, etc., and it will work out an approximation of the amount of tax the person pays. For example, if a person is earning €40,000 and is a PAYE worker and aged 28, he or she will pay approximately €9,500 in tax. The website then breaks this down into how the Government spends that person's money across each Department or even further, into simple euro and cent.

For example, a 28 year old man earning €40,000 and paying €9,500 in tax would see on the website that approximately €380 of that went to jobseeker's allowance. Is that too much or is it enough? He could then compare that to the €1,800 of his tax that is going to health and consider that in the light of the €1,200 he might already be spending on private health insurance. He would see that €186 of his tax is spent on the Garda and might think this is quite low. He would see how a similar amount, €148, is spent on road maintenance and might consider whether more should be spent on that. He would see that only €11 is spent on the costs of the

Oireachtas, that is all of the offices, all of the staff and all Members. Perhaps he would consider that a small amount to pay for the strong democracy we have. He would see that €66 is spent on international co-operation, including on Irish Aid. He might conclude that out of €9,500 in tax, €66 is a small price to pay to help the poorest people in the world. This person would also see that roughly €1,000 of that €9,500 goes to service the national debt. This indicates for us how important it is to close the deficit and reduce the debt burden as quickly as we can.

These figures are important, because they inform citizens in an understandable way how the Government is spending their money. They tell the people what choices the Government is making and that information is empowering. Good governance requires citizens to be informed and empowered. I believe the Government has a responsibility to let people know how it is spending their money. It is their right to know. It is then up to the people to decide and make a judgment as to whether that is right or not. The more informed and involved our citizens, the better the politicians we will have and the better Parliament and Government as a result.

Open government means good government. Therefore, transparency must be at the centre of everything we do. This ties in nicely with the proposals for an independent budgetary oversight office. This is something many of us have sought over a number of years and is something to which the Minister is now committed. This is about getting parliamentarians more involved in the detail of the figures and the choices facing us. In tandem with that, we can get individual citizens involved, informed and debating also. The United Kingdom and the United States do this. In the United States, the tax transparency site is hosted on the White House website. If I was a US citizen - I have tried this - I could enter a fictional amount of tax I might pay and the site would tell me, for example, how much of that money was going towards the nuclear deterrent. That is incredible stuff, and it is very easy to do. A simple tax transparency calculator could be put up on *merrionstreet.ie* for less than €1,000 and would take less than two days' work. That is a small amount considering the kind of information it would be giving back to citizens and how it would help us all address the choices that will face us into the future. We should be bringing the majority of people with us regardless of what party is in power. It is important that citizens are engaged, involved and supportive.

The figures are already up on the Department of Public Expenditure and Reform website. The Minister, Deputy Howlin, has put them up. It is very interesting to see, but very complicated, even for people who regularly look at these things, be it on the public accounts committee or elsewhere. We need to be proactive and provide this raw information in an intelligible and accessible form to citizens, very easily and very quickly.

The Minister of State, Deputy Harris, might convey my suggestion to the Minister, Deputy Noonan. We spoke again earlier today about how he might, in his budget day speech, make a simple commitment to tax transparency by Christmas. All it takes is the hosting of this simple calculator, which we already have online. Other people have also done it; *publicpolicy.ie* has a version. We should put it on *merrionstreet.ie* and give it to the citizens so they can see how the Government spends their money in euro and cents, allowing them to get involved in the debate themselves.

To clarify, it is a breakdown of income tax, USC and PRSI. The principles of the calculator can be extended to VAT or anything else. The income tax breakdown is a very simple thing to do which could have a big impact. It will not change the world but will empower our citizens and give transparency to what the Government is doing, including everyone in the project that is our democracy. It does not require any legislation. Revenue supports it, as does the Depart-

ment of Public Expenditure and Reform, which has already put the information online. The Dáil supported the Bill - although it is not necessary now - when it was up for Committee Stage debate.

I ask that the commitment be made to tax transparency in line with the budgetary oversight office. That office will take a few months and tax transparency will take a few days but we could have it up by Christmas. It would be a positive step.

Deputy John Paul Phelan: I support the measures included in the Bill. Pretty much all of the speakers who have addressed it have had positive things to say. In terms of the institutions of the State, the Revenue Commissioners do an important job very well. However, this Bill can ensure they have an enhanced appeals mechanism for tax cases. That is to be welcomed. There are other technical changes included in the Bill which outline how the new appeals mechanism will work in practice.

Like many previous speakers, I want to use the opportunity to say a few things in advance of the budget. I do not think I was here when Deputy Eoghan Murphy introduced his Bill on tax transparency. I have no difficulty supporting it. It is primarily about taxes earned on income. It would be more difficult for people to calculate how much indirect tax they pay in VAT at different rates for different products. It might be more correctly termed an income tax transparency Bill, as it includes USC and PRSI. It is a good idea that people would know where the money they contribute to the State from their incomes ends up.

When it comes to income tax, Ireland has the fairest system in the world. I heard Deputy Healy saying this was rubbish earlier. He quoted Fintan O'Toole and others. It is not the Government saying it; the OECD has been saying it for years. Ourselves and Israel, of all places, are up there consistently in terms of income tax as having the fairest systems in the world. That is an outside verified fact.

Unlike Deputy Healy, I come to the question of taxation with the view that everybody, lower, middle and higher paid, should pay less tax. I suppose he has profoundly held ideological views that certain sectors of the population, at least, should pay more tax. I do not want to rehash everything we have gone through as a country, but in the last few years, direct and indirect tax rates have increased substantially.

In last year's budget, changes were made to the top tax rate and to the universal social charge, which was welcome. In the upcoming budget, the Government should focus its resources on substantially reducing the universal social charge and devising a road map as to how this temporary measure introduced at the height of the recession can be phased out. In addition, the income threshold at which people go on to the top rate of tax is substantially lower here than for most of our neighbours in the European Union. I think it is something like €33,000 or €34,000 here that puts people into the top rate of income tax. In Britain, it is something like £60,000. People who are earning €33,000 or €34,000 are not well off and should not be paying tax at the top rate. Income tax bands and USC are the two areas on which the Government should primarily focus.

The reduction in VAT to 9% for the hospitality sector has been a resounding success. I suspect it has more than paid for itself in increased employment and economic activity. That sector is an important part of our economy and is spread right across the country. The Government should, if resources allow, look at our VAT rates in the future. We have quite high VAT

rates. One thing on which I do agree with Deputy Healy is that it stands to reason that people on lower incomes end up paying proportionately more in VAT and other indirect taxes than those on higher incomes. This is something which should ultimately be addressed.

We should look at capital tax rates, which have increased substantially in the last few years. It has been borne out by our own history; when capital gains tax was halved in the late 1980s or early 1990s, the actual amounts taken in under that tax heading increased substantially because it allowed for a lot more activity. People were prepared to sell things and move around a bit more of their capital. The Exchequer benefited greatly from that reduction.

Our levels of DIRT tax are very high and were increased substantially during the recession. This should be addressed in the coming budget if possible, or otherwise in the next one - whoever is in government: hopefully it will be the same Government. Perhaps it is again time to start encouraging people to save. I can understand that at the height of the recession the Government's desire, expressed in policy, was to take in more tax revenue through DIRT and encourage people to spend money to provide some sort of economic stimulus. We have probably reached a point where we need to at least have a discussion on encouraging people to save for the future.

I am struck by the fact that in the past month or so I have received a fair few items of correspondence from constituents in Carlow and Kilkenny on this matter. They are people who had modest enough incomes and who saved money for their retirement with a view to having some sort of income from those savings. They saw the rate of DIRT charged increase substantially to the point where the part of their income that would have derived from interest on their savings has been substantially reduced. We have probably reached a time in the recovery of the country at which we need to encourage people once more to consider the prospect of saving. One of the ways of doing that would be by reducing the rate of tax we currently charge on people's savings, which is really too high.

Minister of State at the Department of Finance (Deputy Simon Harris): The Minister for Finance and I sincerely thank the Members on all sides who contributed to this debate. As the Minister stated, the reform of the tax appeals system will positively reform the role, functions and structure of the Office of the Appeal Commissioners and the tax appeals system. The Minister and I appreciate the welcome of various Deputies for this reform process. It will serve a dual function, first in providing transparency and increased certainty for taxpayers and, second, bringing about an enhanced and cost-effective appeal mechanism for tax cases, taxpayers and the Exchequer. It is timely to proceed with this reform process, which will see appeals being brought through the initial stages in a more streamlined fashion, with enhanced case management procedures to facilitate a more efficient and structured flow of appeals.

I will now outline the main reforms that are being introduced. The first is the formal confirmation of the independence of the commission and its appeal commissioners in the performance of their functions. There will be a new focus on flexible and active case management by the appeal commissioners in order to facilitate more expeditious and efficient processing and disposal of appeals. The appeal commissioners will now be obliged to try to conduct proceedings in as informal and flexible a manner as possible to facilitate the settlement of appeals by agreement between the parties and to avoid undue delay in dealing with appeals, except where this would be at the expense of not giving proper consideration to a matter under appeal. The appeal commissioners will have the discretion to dispense with hearings and to make their determination based on written submissions in the case of straightforward matters, subject to the

agreement of the parties to the proceedings.

While public hearings will be the default arrangement, part or all of a hearing will be held in private on application by an appellant. I consider that this will meet the concerns of stakeholders, and particularly concerns voiced by Deputies on behalf of small business people. Concerns were expressed that small shopkeepers, for example, could find themselves involved in a public hearing, perhaps with customers in attendance, and with material from the hearing being reported locally. Such publicity could undermine their business, even if the appeal were upheld. The Minister appreciates Deputy Michael McGrath's comments in this regard but also notes Deputy Pearse Doherty's views on the need for transparency.

Currently, not all determinations are published by the appeal commissioners. Those that are published are available on the appeal commissioners' website. However, the Revenue Commissioners, as a party to each tax appeal, would have access to all appeal commissioners' determinations, which may give rise to a perception of advantage for Revenue. To promote transparency, a statutory obligation will now be imposed on the appeal commissioners to publish a report of their determinations in each appeal on the Internet within 90 days after notification of the parties. Published determinations will be suitably anonymised in cases where the hearing does not take place in public. I note Deputy Michael McGrath's support for this proposal.

Publication of determinations and of more information will provide taxpayers and tax practitioners with a valuable resource. This body of determinations will assist in interpreting tax statutes and be available for reference. The appeal commissioners will be able to dismiss an appeal where they consider it to be frivolous or where a taxpayer does not comply with directions given by the appeal commissioners in respect of the conduct of the proceedings.

Appeal commissioners will have a renewable fixed term of office of seven years. The Minister for Finance will have power to reappoint a commissioner for a second, and final, term of seven years. However, there will be a built-in mechanism to strengthen commissioners' independence providing that, where a commissioner is not so reappointed, the Minister must lay the reason for this before the Oireachtas. The Bill contains provisions for the removal of a commissioner from office for a variety of specified reasons.

A requirement will now lie with the appeal commissioners to submit annual reports to the Minister for Finance, who will lay them before the Houses of the Oireachtas. Importantly, this rectifies an accountability deficit and will enable assessment of the efficiency and effectiveness of the office in regard to the adjudication and determination of disputes and other matters. Importantly, decisions of the appeal commissioners will now be final and conclusive, with entitlement to appeal to the High Court where the appellant or Revenue considers that the appeal commissioners erred in their determinations on a point of law only and not in regard to the facts. Statutory responsibility for preparation of a case stated for the opinion of the High Court will now fall to the appeal commissioners on receipt of a notice from the party seeking to appeal.

With regard to the proposed removal of the Circuit Court stage from the appeals process, which was referred to by Deputies Michael McGrath and Pearse Doherty, it can be validly argued that a complete rehearing of an appeal, as if the appeal commissioners had never made their determination, has several important disadvantages. It results in additional delay, particularly in regard to appeals outside the Dublin circuit, where it is difficult to get a case listed for hearing. Second, it has the effect of undermining the appeal commissioners stage of the process where a taxpayer does not fully engage and uses the initial hearing as a dry run for the Circuit

Court. Moreover, the right to a rehearing can encourage taxpayers to make a second attempt at victory, even in circumstances where there are no real grounds for dissatisfaction with the appeal commissioners' determination. This runs counter to the principle that cases should be resolved as quickly and effectively as possible and have regard to the fact that court time is a scarce resource.

The reformed appeal system will be better resourced and more efficient with, for example, more flexible and active case management by the appeal commissioners, written and published determinations and a revised case stated procedure. There is little transparency in the current Circuit Court stage of the process in that hearings are held in private. Written determinations are rarely given and are not generally published. The process can also introduce delays into the overall appeal process.

There are a number of other tribunals or bodies from which there is only provision for further appeal, on a point of law, to the High Court, but not to the Circuit Court. These include An Bord Pleanála, the Financial Services Ombudsman, the Office of the Information Commissioner, the Social Welfare Appeals Office and the Workplace Relations Commission. Having heard and carefully considered all the views of stakeholders and of Oireachtas Members at the pre-legislative stage, the Minister and I remain of the view that retention of the Circuit Court stage could undermine the reform of the appeal process.

Provision is made for the giving of directions by the appeal commissioners to parties - for example, requiring a party to provide specified information, consolidating multiple appeals, holding preliminary hearings and adjourning proceedings. Time limits are streamlined and provisions are put in place, on request, for making persons other than the appellant party to the appeal, and for the dismissal of frivolous appeals.

It is fair to say many of Deputy Healy's comments related to tax issues rather than the appeals process itself. The Minister for Finance will, of course, bear these views in mind in the context of the budget. Perhaps it would be more appropriate for the Deputy to raise these matters during the budget debate and associated debates rather than in this debate. We would obviously disagree significantly with the ideology brought to the debate by Deputy Healy but we will, I am sure, have an opportunity to debate that during the budget process.

I welcome Deputy Eoghan Murphy's comments regarding *www.taxtransparency.ie*. I recall speaking on his Bill in this regard during a Friday sitting at a relatively early point in the lifetime of this Dáil. Second Stage was passed in the House. I will ensure that the Deputy's views on making this tool available to all taxpayers, as outlined in the House this afternoon, are brought to the attention of the Minister for Finance in advance of budget 2016.

I will ensure that the views expressed by my colleague, Deputy John Paul Phelan, on the forthcoming budget, on some important matters regarding taxation and on where taxation can play an important role, not only in the redistribution of income - which seems to be the obsession of most media debates on tax - but also as a tool to create more jobs, investment and economic growth, are also brought to the attention of the Minister for Finance. I am sure he will give consideration to them in the remaining days before the budget.

I commend the Bill to the House.

Question put and agreed to.

Finance (Tax Appeals) Bill 2015: Referral to Select Committee

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

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

Question put and agreed to.

Criminal Justice (Burglary of Dwellings) Bill 2015: Order for Second Stage

Bill entitled an Act to provide for certain matters to be taken into consideration by a court in deciding whether to refuse bail in certain circumstances; to provide for the imposition of consecutive sentences for certain offences committed in a dwelling; for those purposes to amend the Bail Act 1997 and the Criminal Justice (Theft and Fraud Offences) Act 2001; and to provide for related matters.

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That Second Stage be taken now.”

Question put and agreed to.

Criminal Justice (Burglary of Dwellings) Bill 2015: Second Stage

Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That the Bill be now read a Second Time.”

I am pleased to present the Criminal Justice (Burglary of Dwellings) Bill 2015 to this House. The Bill, on which I and the Department have been working for a number of months, is targeted at those repeat burglars who have previous convictions and are charged with multiple offences of residential burglary. It strengthens the provisions for refusal of bail and provides for tougher sentencing for repeat home burglars.

Burglary is a persistent and highly damaging crime, particularly in the very distressing situations where householders may be assaulted by the criminals involved. I am conscious of the serious impact of these offences on individuals, families and communities and I recognise the public concern at these crimes. The importance of the home is recognised by Article 40.5 of the Constitution which states: “The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law.” The courts have recognised that burglary of a person’s home is a heinous and traumatic crime. In its judgment in the 2006 case of DPP v. Barnes, the Court of Criminal Appeal stated: “The offence of burglary committed in a dwellinghouse is in every instance an act of aggression, an attack on the personal rights of the citizen as well as a public crime and is a violation of him or her.”

The background to this Bill is that earlier this year, in response to concern about a rise in domestic burglaries, I initiated an urgent and broad review of the criminal justice system’s response to the problem. The review included a focus on interagency measures in relation to the management of prolific offenders, visible policing, crime prevention support for communities,

and an examination of legislative issues. As part of the review, I convened and chaired a high-level meeting, which was attended by the Garda Commissioner, the Probation Service and the Irish Prison Service to look specifically at this issue and decide what legislative action we could best take.

An important fact which emerged during the review was the finding that a large proportion of domestic burglaries are committed by serial offenders. Figures from the Garda Síochána analysis service indicate that approximately 75% of property offences are committed by 25% of offenders. I have been consistent in my view that serious offenders and serial offenders must continue to be imprisoned. Public safety is of paramount importance and I am absolute about this. In this regard, I firmly believe that targeting the small, hardened cohort of repeat burglars has the very real potential to significantly reduce the number of burglaries being committed. With this in mind, the review I referred to identified two key problems which can be tackled by legislation. One relates to repeat offenders who are granted bail despite being charged with multiple burglaries and who often commit further burglaries while on bail. The other relates to the fact that relatively short sentences can be imposed by the courts when multiple burglary offences are taken into account.

There is evidence of a high rate of recidivism for burglary. Data from the 2013 Irish Prison Service recidivism study show a recidivism rate of over 79% among persons imprisoned for burglary and related offences. Data from the 2008-13 Probation Service recidivism study show a recidivism rate of 49% among persons engaging with the Probation Service for burglary and related offences. These recidivism rates are the highest rate for any offence group. They are considerably higher than the overall recidivism rates indicated by both studies.

Tackling crime and burglaries remains a top priority for the Government and for An Garda Síochána. I am in close contact with the Garda Commissioner to ensure that the policing response is effective and that Garda operations take account of evolving trends and patterns in burglary offences, both in rural and urban areas.

In recent times, Garda strategy to counter burglaries and related crimes has been co-ordinated under Operation Fiacla, which is a national operation targeting burglary by using an intelligence and analysis-led approach. In support of Operation Fiacla, there are burglary related operations in place in each Garda division. Special targeted patrols have been implemented with the assistance of Garda national support services against criminal groups. These arrangements have also targeted the use of motorways by criminal gangs and have contributed to the arrest of a number of high-priority suspects. The sustained Garda response under Operation Fiacla has produced many successes in disrupting those involved in this type of criminal activity. As of 31 August 2015, Operation Fiacla had led to 14,381 arrests, with 8,181 persons charged. I congratulate An Garda Síochána for this work in detecting and dealing with these crimes and bringing people to court.

Work is progressing on updating the Garda operational response to burglary. Recently, I authorised €700,000 for new specialised vehicles to support the Garda in responding to current and emerging crime threats, including burglaries committed by highly-mobile gangs. This is being supported by the allocation of €1.75 million to An Garda Síochána to upgrade surveillance equipment on Garda aircraft, including infra-red cameras for night-time use which will greatly enhance the capacity of gardaí to monitor and track mobile gangs and tackle night-time burglars. More generally, this Government has invested nearly €29 million in new Garda vehicles since 2012, with 370 new vehicles coming on stream since the start of this year. The

Government's investment in new Garda vehicles clearly supports the Garda in being mobile, responsive and visible in the community, both urban and rural, as well as being critical to supporting the work of the Traffic Corps and national units. More particularly, in terms of rural policing, our priority has been focused on delivering highly-mobile and responsive Garda patrols in rural communities which are being supported by this Government's ongoing level of investment in new vehicles.

I emphasise this investment is only the start. The Government's Capital Plan 2016-2021, published on Tuesday, includes an unprecedented allocation of €875 million in capital funding along with approval for further public-private partnership projects in the justice sector. I welcome particularly the total allocation of €46 million for Garda vehicles, which proves the Government's ongoing priority commitment to ensure that the Garda fleet is modern, effective and fit-for-purpose. Funding will be provided for both regular Garda patrol vehicles as well as specialist, high-power vehicles for targeted operations.

On Tuesday, I announced the substantial additional investment of €205 million in new technology and systems for An Garda Síochána, which delivers my commitment to progress important much needed reforms of An Garda Síochána on foot of last year's comprehensive report from the Garda Síochána Inspectorate. What will this ICT do? The allocation will deliver new systems which will ensure a more responsive deployment of gardaí in the community and improved Garda response times. Let me give some examples of the new integrated systems to be developed through this investment. Let us be clear we do not have these at this time because the investment has not been made previously to upgrade ICT within An Garda Síochána to ensure it has the kind of technology it needs to respond in the most effective way.

3 o'clock

This new investment will mean that we have a new computer-aided dispatch system to ensure more responsive and co-ordinated deployment of gardaí in the community and to improve Garda response times. This is very important to deal with changing crime trends.

As we know, the trends in criminal activity vary all of the time. Another example is mobile technology to give gardaí secure mobile access to critical information when and where they need it while another example relates to investigations management systems to ensure enhanced management of crime investigations. The latter was highlighted by the Garda Inspectorate report last year which highlighted the fact that the gardaí had the technology to record the initial reporting of a crime but did not have the appropriate technology to have an investigation management system that could be shared around the country. Given the mobility of criminals not just nationally but internationally, having an investigation management system that is up to date is essential to enable the gardaí to have data that can give up-to-date information on where an investigation is at a particular moment in time. Extending the roll-out of automated number plate recognition to enhance policing of road safety and compliance is very important and speaks for itself. These and other new technology solutions will start immediately and some will be in place before the end of the year. They will cut back on the amount of time involved in paperwork so that gardaí can spend more time engaged in visible front-line policing in communities. With this investment, we will consign outdated paper-based practices to the dustbin and equip our police service for the digital era. I think everybody is agreed that this is an essential part of the investment that is needed in An Garda Síochána over the next period of time.

In addition to the ongoing construction of three new divisional headquarters in Kevin

Street in Dublin, Galway city and Wexford town, I also announced on Tuesday that €18 million is being provided for the refurbishment of Garda stations throughout the country. In addition, a new public-private partnership project will be developed to provide new Garda stations at a number of locations throughout the State as well as providing new facilities such as modern property and exhibit management stores in a number of Garda stations throughout the country so where the gardaí have confiscated material of one sort or another, they will have the resources and facilities to store it appropriately. This can only help in court when they are producing evidence and ensure that there are more convictions. I will announce further details of all these projects in due course.

Of course, the fight against burglaries and crime generally will be aided greatly by the Government's decision to recruit new gardaí. In September 2014, the Government re-opened the Garda College in Templemore for new recruits for the first time since 2009. The fact that Templemore was not recruiting from 2009 until we opened its doors in 2014 had a detrimental impact on Garda resources around the country. I am very pleased that as a Government, we were in a position to begin steady recruitment of new gardaí once again. Since we opened Templemore, four intakes of new Garda trainees have entered the Garda College giving a total intake of just under 400 recruits. Of these, 290 have already attested and are now working in communities nationwide. New recruits who have emerged from Templemore have been assigned. In addition, 150 more recruits are due to enter the Garda College by the end of the year. This will bring to 550 the total number of Garda trainees recruited under this Government between September 2014 and 2015. It is my intention that there will be ongoing recruitment of Garda trainees throughout 2016. This ramped-up recruitment underscores the Government's determination to deliver an effective and responsive police service to protect our communities and respond to emerging crime trends.

The gardaí continue to pursue a range of measures to support elderly and more vulnerable people in the community working closely with Community Alert and other schemes and groups. Deputy Stanton, who is chairman of the Oireachtas Committee on Justice, Defence and Equality, told me earlier that Community Alert will celebrate its 30th anniversary very shortly. Great credit is due to those people who initiated Community Alert, Neighbourhood Watch and other community groups. They are essential. I believe many communities around the country are increasingly becoming involved in a variety of these schemes and this is also an essential part of communities feeling safer and helping the gardaí in their local areas. I have met many of the groups involved. Community partnership has been particularly evident in the success of the Garda Text Alert scheme. Since it was launched in September 2013, this initiative has developed as an important crime prevention mechanism. There are over 600 local groups involving in excess of 120,000 subscribers. This is a great example of voluntary effort, community responsibility and citizens supporting each other. An estimated 200,000 text messages are sent each month under the scheme. I am informed that every Garda division, rural and urban, now offers the Text Alert service and An Garda Síochána has published guidelines to assist in the establishment and operation of local groups. It is clear from meeting the groups involved in running this that it takes some time to begin to set it up, use it properly and develop the liaison with the local gardaí. The local gardaí are there to work with the community to make sure it is working effectively.

I am aware of the concerns that have been expressed regarding the risk that "cash for gold" and other outlets which purchase second-hand jewellery and precious metal from the public could be used by criminal elements to dispose of stolen goods, particularly from home

burglaries. I recently announced a public consultation on the possible regulation of “cash for gold” outlets and the second-hand sale of precious metals. A consultation document setting out a number of policy options for mitigating risks in this area is available on my Department’s website. The closing date for receipt of submissions is 30 October 2015.

I wish to comment on the reform of bail. Deputies will also be aware that I published the general scheme of a new bail Bill in July. This new Bill will seek to improve the operation of the bail system and make the law as effective as possible in protecting the public against crimes committed by persons on bail while also safeguarding the rights of the accused person. I have outlined a range of initiatives which are being taken to confront repeat offenders and protect households and businesses around the country. I am confident that these measures, including new legislation and targeted Garda operations, will strengthen my carefully considered approach to dealing with serial offenders and supporting improved community safety.

I will now outline the provisions of the Bill, dealing first with bail in burglary cases. Section 1 seeks to ensure that prolific burglars can be refused bail in appropriate cases. At the outset, it is necessary to recall that a decision to grant bail in a particular case is a matter for the court which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail because in the eyes of the law, a person is innocent until proven guilty. Prior to 1997, bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses or evidence. Section 2 of the Bail Act 1997, which gave effect to the Sixteenth amendment of the Constitution, permits the courts to refuse bail to a person charged with a serious offence where refusal of bail is reasonably considered necessary to prevent the commission of a serious offence by that person. Burglary offences are designated as serious offences for the purposes of the Bail Act. However, it is clear that prolific burglars with numerous previous convictions are repeatedly granted bail despite Garda objections even when charged with a series of burglaries. Section 1 of the Bill will deal with this issue. We outline in the Bill how bail is to be dealt with. We have many new sections relating to that.

We also deal with consecutive sentences for burglary. Section 2 deals with that and will insert a new section 54A into the Criminal Justice (Theft and Fraud Offences) Act 2001. The new section will require a court which decides to impose custodial sentences for multiple domestic burglary offences committed within a 12-month window to impose such sentences consecutively. The new section applies only to a “relevant offence”, which means a burglary or aggravated burglary. The provisions will apply only to adults previously convicted of a domestic burglary committed in the five years before the burglary offence for they are being sentenced. There are a number of new subsections which outline the various circumstances where it will apply.

Subsection (1) of the new section 54A will apply where an adult:

- (a) is being sentenced to imprisonment for a domestic burglary,
- (b) was convicted of another domestic burglary committed in the 5 years before the offence for which he or she is currently being sentenced, and
- (c) was sentenced to imprisonment for another domestic burglary committed in the period starting 6 months before and ending 6 months after the burglary offence for which he or she is now being sentenced.

In such a case, any sentence of imprisonment which the court chooses to impose for the

burglary for which the person is currently being sentenced must be consecutive to any sentence of imprisonment imposed for the prior domestic burglary offences.

Subsection (2) makes it clear that where a prior burglary offence would come within paragraphs (b) and (c) of subsection (1), that offence may be considered for the purpose of satisfying either paragraph (b) or (c) but not both.

Subsection (3) provides that subsection (1) will apply only where the burglary offence for which the person is being sentenced was committed after the Bill comes into operation, and will apply irrespective of whether the other offences were committed before or after that date.

Subsection (4) provides that the aggregate term of imprisonment for consecutive sentences imposed by the District Court under the new provisions can extend to but not exceed two years. No such restriction, of course, will apply to the Circuit Court.

Subsection (5) provides that a reference in subsection (1) to a conviction for a relevant offence includes a conviction that is currently under appeal.

Subsection (6) defines “dwelling” and “relevant offence” for the purposes of the new section.

The discretion of a court to impose or not impose a custodial sentence will not be restricted by the new provisions.

Section 3 is a standard provision providing for the Short Title and commencement of the Bill.

I wish to mention a newspaper opinion piece from *The Sunday Times* of 20 September, which reflected on the effects of burglaries in rural communities. It concluded that the new Bill would be a lever for change which would have the effect of:

obliging the criminal justice system to lock up violent, repeat criminals, while dealing more humanely with non-violent offenders - it should be welcomed as a progressive measure. And rural Ireland will be a safer place on winter nights.

I would also add urban Ireland.

The Bill targets repeat burglary offenders through bail measures and provisions concerning the imposition of consecutive sentencing for repeat offending. The key objective of the legislation is to target a cohort of persistent offenders who prey on law-abiding householders and clearly have no concern for the damage and distress they inflict on other people. The Bill is designed to keep these repeat burglars off the streets and to improve the safety of our communities.

I hope the Bill will be passed by the Dáil and Seanad as early as possible. I commend the Bill to the House.

Deputy Niall Collins: I welcome that the Minister has introduced the Bill, which will go some way towards addressing the appalling situation, with the CSO crime statistics showing that we are effectively losing the battle against crime on a number of fronts. I acknowledge that CSO statistics indicate some areas of improvement. The Government has been behind the curve for many reasons - not the fault of the Minister, I credit her with that - in coming to terms

with the issues that Deputies have been raising in the House and people throughout the country have been raising at public meetings.

I spent most of last Thursday at the National Ploughing Championships. One of the significant themes of discussion at the event was the issue of rural crime. People need reassurance and need to know that we get it. I know that I get it and that the Minister gets it. The question is whether everybody else gets it. Those in our communities, particularly elderly people, have been under siege. Unfortunately, there is more of a rural dominance of crime than an urban one. However, it is a significant problem across Dublin and our urban centres. The legislation will go a long way towards dealing with it. I believe the Minister could go further and I will outline that.

I wish to comment on what was reported in the news at 1 o'clock. I mentioned that the public and victims in particular need reassurance. The public will take considerable reassurance from the news that seven individuals involved in a case in County Tipperary were handed down sentences totalling 105 years, which is a very powerful statement by the courts, which are independent of us obviously, but which have to follow the legislation enacted here. I welcome that the courts have sent that powerful message.

The Minister will be aware of a tragedy in my constituency where a man died as a result of coming across two people burgling his house in Doon, County Limerick. There was to have been a public meeting in Doon on Tuesday evening, but it did not happen for a number of reasons. I know the village because it is in my constituency. The community there is no different from the communities in Littleton or other parts of the country that have experienced these incidents. They need reassurance and they will have got that from the courts today. This legislation will go some way towards reassuring them.

The Minister spoke about Garda recruitment. I have been on the record in welcoming that Garda recruitment has started. The shorter period of training, which is now the model in Templemore, will push people through that training facility more quickly and get them into our communities and on our streets, which is welcome.

On a number of occasions I have raised the issue of the Garda Reserve with the Minister. I mentioned it last week in the debate on the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill. The Garda Síochána Act 2005 placed a cap on the number of Garda reserves we can have as a complement to the total force. We need to look at that. I believe we have about 1,100 Garda reserves. I know many people who want to be Garda reserves and are willing to give of their time to serve their community through the Garda Reserve. I believe it is a great complement, addition and asset to the main force to have these people. We need to consider amending the 2005 Act. Perhaps the Minister can investigate doing that through the Bill before the House in order to give the Garda Commissioner the discretion and capacity to increase the number of Garda reserves.

I have previously told the Minister that the Garda reserves feel undervalued. Many of them are disappointed with the outturn of the recent recruitment campaign, as they did not make it through that process. However, they are still working as Garda reserves. Even though their powers are limited as Garda reserves, many of them partake in duties and functions beyond their specific remit. In other words they are doing the full job and doing it quite well. They can provide testimonies and presumably they could provide references from their superiors to vouch for that. We need a better structure for the Garda Reserve and use it as it is used in other

jurisdictions where the reserve force is used as a pool to feed into the main force when recruiting to fill vacancies in the main force. I would like the Minister to look at that again.

We have had hours of debates in this Chamber on Garda stations since before the Minister became Minister for Justice and Equality. We have left large parts of Ireland without the presence of members of An Garda Síochána as a result of closing Garda stations. We had a debate on the cost of keeping a station open. The figures available to me suggested it would be approximately €3,500 to €4,000 per annum. As Garda stations are owned by the OPW, the main costs concern upkeep and repair. The net point is that by closing Garda stations we deprive communities of the visible presence and service of the Garda Síochána. In many instances, that has been cited as a reason for a spike in crime in communities, including in Doon in my constituency. The Minister rightly referred to the investment in the provision of Garda vehicles but in Doon, the local garda had to use his own car. I accept the Minister is investing in the fleet but we must expedite the provision of Garda vehicles in communities. The timescale must be faster. The matter has been discussed at the Joint Committee on Justice, Defence and Equality. The turnaround period is very slow from the time the announcement is made to when it gets through the system, for the vehicles to be bought by those responsible in Garda headquarters in the Phoenix Park and for them to be marked up and deployed into communities. The process is very slow and it must move more quickly.

The Minister outlined the provisions of the Bill. We support and welcome the fact that bail is being significantly tightened up for those who have previous convictions, who appear likely to reoffend. The statistics available on recidivism are truly shocking. A total of 60% of convicted burglars reoffend within a three-year period. That sends a very powerful message.

I also welcome the provision in the Bill on consecutive sentencing. The Minister might be aware that I published a Private Members' Bill on behalf of my party on sentencing for burglary. Following a review of the legislation, that is something the Minister should consider. We will see how the situation pans out. We will support the changes. If the legislation could provide for a minimum mandatory sentence on first conviction, as outlined in my Bill, and a higher mandatory second on one's third conviction, it would send a message. The figures show that a small number of people carry out the vast majority of burglaries throughout the country. The argument is that my Bill, which provides for a mandatory sentence, would be unworkable because prisons would be full. However, the official figures indicate that prisons are at 90% or 95% capacity, so that argument just does not wash. We must consider an approach such as that which I have suggested.

I urge the Minister to take on board a policy suggestion we previously offered in respect of sentencing. We said that we need to examine the UK model in terms of the establishment of a sentencing council, the entire remit and focus of which would be to provide consistency and uniformity in the handing down of sentences. That is not to trample on the independence of the Judiciary. Such a council would work with the latter. The review of the sentencing council in the UK has been very positive. In the UK, there is not the same situation that arises here from time to time when there is outcry due to the perceived, or otherwise, inconsistency in sentencing. A sentencing council would include a majority of members of the Judiciary. It would not be a new quango but would fit neatly into the Courts Service. The members of the Judiciary would be supported by representatives of the HSE, the education sector, the Garda Síochána, the Prison Service and anybody else who could bring something positive to the table. That is something we could examine as part of the current overall review of the criminal justice system.

In the context of recruitment, I mentioned the Garda Reserve. Could the Minister indicate whether it is her intention to bring the force back up to the magic figure we had once upon a time of 14,000? That is an aspiration to which the Fianna Fáil Party subscribes. If we were to consider it; that is something for which the Minister would get great credit. The strength of the force is now well below 13,000. Capacity is an issue. Policing duties are a 24-7 business. The men and women working on the force must take holidays and when they get sick, they also require time off. Crime does not just happen on a Monday-to-Friday basis.

The Bill does not specifically mention protection of the elderly but, indirectly, it concerns their protection. We have all seen the most recent graphic image of a 92-year old lady from Bray, County Wicklow, who was assaulted in her home. An attack by young able-bodied people on an elderly person living alone must rank among the worst crimes that can be committed. The Bill we are discussing - like those I have published - will send a message and put a robust legislative response in place on the Statute Book. That is what I offer in the assaults on elderly persons Bill, whereby a person who assaults an elderly person, namely, a person over 65 years of age, would receive a minimum mandatory sentence of five years. We must have strong legislative deterrents in place. Two weeks after the assault on the elderly lady in Wicklow, which was graphically reported on the RTE news, she was still in hospital. She will never return home. That is a shocking state of affairs. It is ironic, perhaps that is the wrong word, that the crime occurred in an urban setting - a very densely-populated area - rather than in a rural area, particularly as much of the focus has been on the situation in such areas.

The Minister referred to the text alert system and the neighbourhood watch scheme. There has been a significant uptake in such schemes, which add considerably to combatting crime. I am a member of the text alert system in my community of Patrickswell. We regularly receive text messages on various issues and keep an eye out for issues of concern to the local Garda. We should consider how we could better co-ordinate such schemes, including neighbourhood watch, in conjunction with Muintir na Tíre. Muintir na Tíre is not a statutory body, it is a voluntary organisation that does great work. There are other such bodies that deserve great praise and support. A national directorate is required to provide assistance and oversight to all of those organisations and the text alert, neighbourhood watch and community alert schemes. It would work with the organisations and help them to help their communities and keep them safe. That is an issue that must be taken on board.

The Minister also referred to the investment in technology. Much of that concerns ICT systems within An Garda Síochána. On previous occasions, the Minister acknowledged that we must roll out more CCTV capability and capacity, in particular on motorways given that much of the crime and burglaries in rural areas is carried out by people who come from the capital city and use the motorways to get to isolated rural communities. That is evident from the report from Tipperary today.

The criminal justice system must also be restorative. That is a challenge for the Prison Service. It is key that we must send out a strong legislative message that people will be locked up for crimes such as burglary and assault on the elderly. However, because the criminal justice system must be restorative in nature, we must consider measures which will hopefully reconstruct the lives of those who have committed crimes. The fact that statistics show recidivism is so high points to a problem with the criminal justice system regarding the restorative nature of what happens within the prison system and this matter must also be considered.

I believe I have covered all the issues but in summary, naturally Fianna Fáil is supporting

the Bill. I welcome that the Minister has brought it further and ask her to take on board my comments on mandatory sentencing. I acknowledge that when mandatory sentencing was introduced previously for the trafficking, supply and provision of drugs, it was not found to be a success because effectively, those who were profiting and gaining from drug trafficking and drug dealing were not the people who eventually found themselves being curbed by mandatory sentencing. Certainly, however, in respect of the crimes of assaults committed on elderly persons or during burglaries, as well as the act of burglary itself, the provision of mandatory sentencing would send a strong message to such people and there would be a significant drop in such crimes. Nevertheless, I welcome the Bill in any event.

Deputy Pádraig Mac Lochlainn: Sinn Féin supports this Bill. Although my party will support the passage of this legislation, this does not take away from the rise in assaults, sexual offences this year, theft, fraud and burglaries under the current Administration. As the Garda Inspectorate report on crime investigation revealed, the number of such offences may be higher but has been under-represented in Central Statistics Office statistics due to errors in the categorisation of some offences. This is compounded by the Government's closure of so many Garda stations throughout the State, thereby increasing the uncertainty, fear and isolation felt by citizens it is tasked to protect. This results from an austerity agenda that places savings to the Exchequer over the security and safety of the citizens within this State. While the targeting of serial offenders within this Bill is to be welcomed, the structural causes that give rise to the problem of burglaries are a result of the direct decisions made by the Government. Recent CSO statistics illustrate several increases in crime rates when comparing the year ending June 2014 with the year ending June 2015. Assaults increased by 10% from 14,548 to 16,054. Burglaries increased by 8% from 26,589 to 28,830. Sexual offences increased by 3% from 2,006 to 2,072. Theft increased by 2% to 78,885, while fraud offences increased by 6% to 5,337. In the past year, the number of burglaries has risen by 2,241. In Dublin alone, burglaries have risen by 15%. Although these figures are startling as they stand, the true number of crimes may be much greater. An audit in June of Garda statistics from 2011 by the CSO located 75,000 crimes the Garda had not recorded, which included 5,100 burglaries. According to Cormac O'Keeffe of the *Irish Examiner*, the CSO still does not know whether there have been improvements to the Garda system since that audit.

What can be said is that under the current Government, the rates of certain criminal offences continue to rise while Garda stations continue to close. In response to my parliamentary question regarding the closure of Garda stations, the Minister has confirmed that the Government has closed 139 stations, which has resulted in a minuscule saving of €556,000 per annum, as an average of just €4,000 per annum has been saved on utilities and maintenance per station. Such a small saving has had a disproportionate negative effect within rural communities and Sinn Féin is not alone in identifying this problem. A number of interested parties have identified the effects of such poor decision making. For example, according to the Association of Garda Sergeants and Inspectors, the decisions made by the Government to close Garda stations in service to an austerity agenda has resulted in increased crime and that "We are now witnessing the human impact of...seven years of austerity". The AGSI further outlined that its office has been inundated with concerns regarding increased crime, particularly in rural areas. There is a palpable sense of fear in rural communities as the services of the State retreat to urban areas far from where they are needed. At the funeral of John O'Donoghue, who died after disturbing burglars in August of this year, Fr. Tony Ryan stated "Perhaps our politicians will see to increasing a Garda presence on the ground in rural Ireland again to reassure all who feel so alone". It is difficult to see how the continuing closure of Garda stations will alleviate Fr. Ryan's concerns.

In addition, according to a Garda source reported in *The Irish Times*, closure of rural Garda stations exacerbates the sense of fear and corresponding uncertainty. Indeed, one does not need a Garda source and I prefer to have quotations from official Garda representative associations such as the Garda Representative Association, or the AGSI rather than sources. In addition, one could refer to the Irish Farmers Association, the Irish Cattle and Sheep Farmers Association, or parish councils across the State all of which confirm that view. The closure of rural Garda stations severs this tie with the community with the added problem that existing crime is neither reported nor detected.

Similarly, Séamus Boland of Irish Rural Link has pointed out that the Government's only policy in place is the closure of court decisions. The high visibility of a local Garda station and the visible absence of such are advantageous only to those with criminal intent. Since the criminal fraternity knows which stations have closed, it means Garda presence is less and, presumably, the opportunity for evading gardaí is greater. Closing Garda stations directly undermines the confidence the community has in policing with reliability and speed of response being directly affected. As part of Sinn Féin's reform agenda, key principles which must inform any project of change for An Garda Síochána include policing with the community to develop maximum confidence in the policing service and to maximise co-operation between citizens and An Garda Síochána.

The impact of rural crime and the absence of Garda stations is particularly apparent in neglected Border regions. At present, the delivery of policing and justice is undermined by partition. Criminality and illegality do not recognise borders and cross-Border co-operation makes sense for Border communities where common working and protocols can tackle criminal behaviour and can promote community safety. The British-Irish Parliamentary Assembly carried out a detailed examination of cross-Border criminality over the course of a year and published its report earlier this year. Sinn Féin supports the 16 recommendations arising from its report and calls on the Government to act on those recommendations and in particular the call for a cross-Border and inter-agency police service joint task force to tackle these criminals head on.

I wish to repeat a statement I made previously in the Chamber today. Those responsible for criminality in the Border areas are criminals. I do not care if some of them may have been in the IRA or not; they are criminals. They are a threat to communities and are taking huge amounts of money that could be spent on the health services and education systems on this island. I wish to see the PSNI and An Garda Síochána and the Revenue Commissioners and HMRC on this island fully resourced in a joint task force to tackle these gangs head on and to remove their revenue from them. I read the Minister's interview with *The Sunday Times* and I wish to be clear: if hundreds of millions of euro are being made, it is in the hands of criminals and it must be taken from them. Not a single member, cumann, branch, comhairle ceantair, ard chomhairle or structure of our political party benefits from that or any other kind of criminality. Sinn Féin raises its money from church-gate collections, nights at the races, lottos and from frustrating our members at every branch meeting about the need to raise funds, as I am sure the Minister does at her branch meetings and as does every single community, policing, sporting and political organisation on this island. I am proud to be a member of Sinn Féin and I stand shoulder to shoulder with communities across this island that are confronting the scourge of criminality.

If the Minister's focus is on tackling the Border gangs and taking resources from them, she will have 110% support from Sinn Féin. If her objectives are to implement the 16 recommendations from the British Irish Parliamentary Assembly and the suggestions by Ronnie Flanagan, who has had meetings here in recent times, we will fully support them. The message from these

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Houses, therefore, has to be that there is no political party or elected representative in these Houses and there is no elected representative on councils anywhere on the island who gives succour to criminality in any way, shape or form. We need to tell the Garda and the PSNI that they have the full support of these Houses to tackle that head on and we need to resource them to do that.

I have met gardaí and PSNI officers in the North in my role as justice spokesperson and I have assured them that they have full support of our party. Whatever resources we can deploy collectively across the island, we need to do that. I would say to any journalist who has an agenda to cut out the nonsense. If journalists have evidence of criminality, they should produce it and cut out the nonsense and political agendas. They should take every single word I have said today as the justice spokesperson for Sinn Féin and print it in their newspaper next week rather than their utter nonsense and slurs of criminality against Irish republicans that they publish week in, week out. They should stop their nonsense and cop themselves on. Gardaí should be given the resources they need to do their job and the Minister will have 110% backing from my party if she needs it.

People should stop criminalising members of my party. Frank McCabe is an Irish republican in south Armagh. Criminals tried to kill him in recent times for the stand he has taken and they almost killed his son. They put a booby trap bomb on a poster. That is the price we pay for confronting criminality in the Border area. Martin McGuinness's home was paint bombed; the house of two Sinn Féin councillors were petrol-bombed his year; the car of another senior Sinn Féin member was

petrol-bombed; while three cars were petrol-bombed in Derry city. The lives of senior Sinn Féin people are threatened on a regular basis. I have had security advice from An Garda Síochána about my movements in the past. That is the price we pay for confronting criminality along the Border and, therefore, we will not take lessons from any journalist with a political agenda about our commitment to standing by democratic principles and confronting criminality. It is time for people to put up or shut up or end the slurs of criminality against our party. I am taking the opportunity to set the record straight and to make that clear. From now on, slurs of criminality against my party will be confronted head on.

This is why I wrote to the Garda Commissioner, Nóirín O'Sullivan. I read an article in the *Sunday Independent* by Jim Cusack, who makes a career out of slurs against our party. He always talks about Garda sources but, on this occasion, he made the mistake of attributing his views to An Garda Síochána. He said: "Gardaí believe that the Provisional IRA retain their military structures and are involved in diesel laundering and other criminal activities". I sought clarification from the Garda press office because I did not believe that An Garda Síochána held that view, whatever about his so-called Garda sources that I do not believe exist, certainly according to anyone with credibility to whom I have spoken in the Border area. After a number of weeks, I appreciated the fact that the Garda Commissioner clarified the position. There was nothing she said in her letter to me that differs from the assessment of other policing services on this island, yet she was castigated for having the temerity to give an honest assessment about criminality on the island. She was almost bullied into clarifying her position further.

We have a situation where a handful of journalists with a long established political agenda - thankfully, it is only a small number of journalists, as the vast majority in this State are people of integrity who hold all of us, rightly, to account - thought they could bully a Garda Commissioner into backing down on her intelligence-based view versus their nonsense. The Minister

also had to take some of this. I read the headlines attacking her for giving a balanced, reasoned view on matters that were developing. A tiny minority of journalists believe they can dictate to the Minister for justice and policing services of the day regarding the situation on the ground. I am sending a clear signal as the Sinn Féin justice spokesperson, on behalf of republicans across this island, that we will no longer take their slurs of criminality. If that is their agenda, they should put up the evidence, bring it to the appropriate authorities and let us see what happens. I have not seen evidence yet and I look forward to the day when it will be produced. Until then, I will let the people make their own assessment. I welcome the opportunity to set the record straight.

The president of the Garda Representative Association described the position well regarding this Bill when he stated: “Legislation is always welcome but legislation requires enforcement and enforcement requires gardaí. The only deterrent that can be out there is more gardaí”. Sinn Féin has repeatedly challenged the Government parties over their severe cuts to Garda numbers. While we welcome the renewed recruitment of recent times, the reality is that the additional numbers will merely counter-balance the loss of Garda personnel due to retirement. We need to get numbers back over the safe threshold of 14,000 and maintain that number through ongoing recruitment. Sinn Féin will continue to campaign on this.

The Government’s austerity agenda has unfortunately enabled the environment in which crime has increased. It is not the only contributory factor but it is not doing anything to help. A lack of resources is well known to increase cases of theft and burglary. Similarly, misguided decisions to close Garda stations to make small savings for the Exchequer have increased the opportunity for criminal activity and added to the uncertainty and fear citizens are experiencing following seven years of an austerity agenda. As always, the poor, isolated and vulnerable have suffered most because of austerity and the legislation, while welcome, does not address the root causes of the increase in criminal activity and the negative social consequences of austerity. Our citizens want a criminal justice system in which they can have confidence and which addresses serial offenders, in particular, who are clearly a threat to our communities. However, a more holistic approach is needed. We need to examine the resourcing of our policing services on the island and, as Deputy Collins said, we also need to examine enlightened approaches such as a sentencing council, similar to that in place in England and Wales, restorative measures in our communities, community courts, and community service orders rather than incarceration strategies. We need to identify when young people move towards criminality and devote resources to assist them. We, therefore, have to undertake a range of measures. While the Bill is welcome, I had to take the opportunity to reassert our criticism of austerity measures and I hope the Garda can be given the numbers it needs to do its job over the coming years.

Deputy Tom Fleming: Burglary is rampant and widespread, given what is occurring on a daily basis, and any initiative to combat this epidemic such as the upgrading of the Statute Book through this Bill is welcome. Almost 2,300 more burglaries have been committed following the closure of 139 Garda stations. Some 80 burglaries are committed every day with hundreds of communities left feeling neglected following the closure of these stations, particularly in remote areas far from urban stations. Recent statistics relating to County Kerry indicate a steady increase in thefts and related offences in a number of areas where stations have closed in recent years. For instance, in the greater Killarney-Kenmare area, following the closure of stations in Beaufort, Lauragh and Kilgarvan, the number of crimes steadily increased from 230 in 2011 to 273 in 2014. Likewise, in the Tralee area where the Abbeydorney, Camp and Fenit stations have been closed, the number of criminal incidents increased from 446 in 2011 to 542 in 2014.

It is reaching epidemic proportions. The trend nationally is that there has been a 9% increase in the incidence of burglaries while there has been a 12% spike in the incidence of thefts from shops. Incidents of rural crime, thefts and home invasion have rocked rural Ireland in the past year, with some 28,830 burglaries and related offences having occurred compared to 25,589 in the same period in 2014.

The surge in crime directed at rural communities requires a meaningful Garda presence and exemplary sentences will have to be imposed on those in the criminal community. The number of crimes is estimated to be even higher according to a document published by Central Statistics Office during the summer indicating that around 30% of offences are not reported. That was based on what was examined in a sample year. That level of offences goes unrecorded.

A major factor in this context has been the Government's plan to press ahead with shutting down vital rural Garda stations. From the start of that process, it has sent out a strong message and signal to the criminal community that it is open season in rural Ireland for marauding gangs to torment the people and create a stressful situation for them. They have enough stresses but this has made matters worse, particularly for people living in isolated areas especially those living alone. There have been many cases like that of the man in County Limerick who died in such an incident. There have also been cases of innocent people having been tortured, subjected to beatings and other punishment. We have also heard that burglary gangs are using high powered cars and night vision goggles to outrun, and foil attempts by, the Garda to intercept them. We heard this week that the surveillance equipment used by the Garda air support unit is 20 years out of date. That needs to be addressed as a matter of urgency. That is another example of how the force has been starved of vital resources in recent years.

The moratorium on Garda recruitment during the recession years has led to a disastrous reduction in Garda numbers, which has particularly impacted on the effectiveness of the force. The Association of Garda Sergeants and Inspectors issued a statement calling for Garda numbers to be increased from the current 12,800 to at least 17,000 over the next number of years. We could start bringing in recruits on a phased basis over the next three to four years to build the force up to the required number.

Law and order and peace of mind in the sense of safety and security in people's own homes is imperative and it is, if anything, as important as financial security. We should strive to ensure that we meet those goals and ensure our police force has the necessary resources. On the wider aspect of the issue, the stress, worry and the fear caused by break-ins, suffered by many household in recent years is greatly damaging people's health. In some cases it has led to fatalities. In many cases, families have suffered bereavements due to it. Also, due to the insecurity, people living alone or elderly couples have been driven prematurely into long-term nursing home residency.

An Leas-Cheann Comhairle: I understand the Deputy is sharing with three other Members. Is that right?

Deputy Tom Fleming: Yes.

An Leas-Cheann Comhairle: If that is the case the Deputy's time is up.

Deputy Finian McGrath: I thank the Leas-Chathaoirleach for the opportunity to speak on this new and important legislation, the Criminal Justice (Burglary of Dwellings) Bill 2015. I welcome the debate because we need to do something urgently to protect the rights of our

citizens in this State, in particular our senior citizens and vulnerable people. It is a complex problem, and we all must focus on a sensible response to burglaries and come up with sustainable and sensible solutions. Above all, we have to focus on the protection of human life, which must be the priority. We can deal then with the issues of loss of property, bail and sentencing. For me, the protection of life and the rights of our citizens must be the number one priority.

We must also ensure that this debate is not just a quick response to a particular issue that is popular now because of the current wave of burglaries. Prevention must be part of a proper community policing strategy. There is often too much talk following serious criminal events. We need to be more proactive in terms of prevention.

If all of us are serious about reducing the number of burglaries, we have to deal with the drugs crisis issue and the issue of dysfunctional people in our wider society, which is a more complex issue. One does not need to have a Master's degree in psychology to know that if a young five or six year old child grows up in a drugs fuelled and violent family that child will not have a normal, happy life enjoyed by other children. That is the reality we must face. Some will become very violent and dysfunctional and the remainder will go into themselves, suffer low self-esteem and end up in a very bad and sad place. We all know that from experience. We have all met those types of people in our local constituency clinics. We must examine the complexity of crime, burglaries, dysfunctional people and the drugs issue. Otherwise, we will not solve this problem. We have to be proactive, get involved and do so at an early stage, and help them before these young people end up in our jails or looking for bail, which we are dealing with in this legislation. That is all part of the broader debate on crime and it must be tackled head-on. Otherwise, we are going nowhere.

The purpose of this Bill is to address issues relating to bail and sentencing for prolific burglars of dwellings. That is a good and sensible issue. We must also look at the details, including the recidivism rate, and the data show there is a 79.5% recidivism rate among persons in prison for burglary and related offences, the highest rate for any offence group, and considerably above the overall recidivism rate of 62%. The Probation Service in its studies has stated there is a recidivism rate of 49% among persons engaging with the Probation Service for burglary and related offences. That is an issue we must deal with also.

Burglary of a person's home is a very serious offence and very traumatic for the families affected. While on a walkabout in my constituency the other day I met a lovely family who had been recently burgled. That had a major impact on that family. Nobody was injured or hurt but the personal impact was traumatic for those people. They are often the forgotten victims of this crime. The offence of burglary committed in a dwelling house is an act of aggression for many of us. It is also an attack on the personal rights of the citizen as well as a public crime and a violation of him or her.

We must ensure also that we deal with these issues in regard to the legislation.

4 o'clock

I hope policing by text is not seen as a long-term solution. Text messaging can be used by community groups but I hope we will not be relying on it for proper policing. We must have gardaí on the beat in the community on a regular basis.

There are certain crimes that cannot be prevented and will go out of control. We had the horrific murder the other day of a taxi driver, Martin Mulligan, who was just doing his job. I

am sure this involved a row about a fare or something trivial but with alcohol or drugs involved. His family are suffering immensely because of this. I have no mercy or pity for people involved in violent crime. Anybody with a knife or a gun or other kind of serious weapon should be nicked. There are too many violent assaults in our society. The carrying of such weapons should not be tolerated. When one digs deeper, one has horrific gangland murders across the State, with another one recently in Spain. However, no major impact has been made in solving these crimes. We have to face up to this reality. A downside of this is the widespread intimidation of communities where people are afraid to talk to the Garda.

When the Minister is addressing these issues, she must deal with the complex side of them, as well as what appears to be popular. It now seems modern policing does not need Garda stations. I strongly disagree. One needs Garda stations in the community. I challenge anyone to argue the €500,000 the Government allegedly saved on the closure of rural Garda stations was value for money, particularly after yesterday when the Comptroller and Auditor General highlighted how millions of euro of public moneys are squandered. The Government needs to wake up and deal with this issue of waste while dealing with policing in a proper and constructive way.

Has the Minister asked the new Garda Commissioner how many hours of a garda's eight-hour shift are spent on the beat in the community? When I was on the Oireachtas justice committee, we visited London to see community police there do six hours of their eight-hour shift in the community, walking around flats complexes, meeting people and pulling sick and dying drug addicts from stairwells, rescuing and saving lives. Are we getting value for money?

No leniency in granting bail should be shown to anyone involved in violent crime. However, some people are in jail but they have never appeared in court or been convicted. They must wait until 2017 or 2018 before their cases will be heard.

An Ceann Comhairle: I am afraid the Deputy is over his time and I must call Deputy Clare Daly.

Deputy Finian McGrath: Will the Minister take on board the issues around bail and the other complex aspects in crime?

Deputy Clare Daly: I was supposed to get 12 minutes in this slot. Deputy Finian McGrath's party colleague, Deputy Shane Ross, will lose out now. I will try to leave him a little bit of time.

That we are discussing this Bill indicates that a general election is in the air. It usually goes hand in hand with statements about being tough on crime and so on. This kind of Bill is about creating the illusion of dealing with crime issues rather than actually dealing with them. Slogans like "zero tolerance" jump to mind. It goes without saying that for victims of burglary, it can be a horrific crime, linked to violence. Even when it is not, the invasion of somebody's privacy and personal space is a horrible thing to happen. It is not the most horrible thing that can happen to anybody, however. There are substantially more serious crimes which we are not addressing in this legislation.

This Bill effectively deals with the issue of bail for people who are, in essence, prolific burglars. It allows for consecutive sentencing to address the short sentences already provided for but also allows for previous convictions to be taken as evidence in determining whether somebody will be granted bail. There is nothing too dramatic about either of those provisions.

Why, however, is it being done in this way? Obviously, the Government has stated it intends to reform the overall bail laws more generally. It submitted heads of Bill to deal with this in July this year. However, this legislation is only dealing with one aspect of that. Why are the general provisions around bail not included in this Bill? Why is this one being dealt with separately? This Bill has been moved quickly from publication to being tabled for debate, even though it was published after the overall Bill on bail.

The only answer I can give to that is that this is a stunt, a masquerade to cover up the impact of the closure of rural Garda stations and other cutbacks in policing resources. Even in my own area, chambers of commerce, along with other business and resident associations, are noticing a sharp increase in crime because of the lack of Garda coverage on the ground. The important point is that this legislation is only going to deal with one aspect of crime prevention, namely, burglary and bail while not dealing with the larger problems.

When the Minister published this Bill, one of the reasons given as to why the Government was pushing it was the importance of the home. In itself, that is a bit of an insult to those who do not have a home. They will find it a little bit alarming that the Government has a newfound interest in the home, considering thousands of people are without a home and many children are homeless. If we are serious about dealing with bail, then we should follow the advice of the Irish Penal Reform Trust which is:

The most effective way to improve compliance with bail conditions, particularly where the accused person has a chaotic life and complex personal challenges, lies in the provision of bail supports and services that allow the accused to remain within their community and address offending-related behaviour in a familiar environment.

If we really want to have an impact on criminal behaviour and deal with bail properly, then that is what we would be doing. Burglary is a bad crime and should be dealt with but is not the worst crime.

More than 100 people have been murdered or killed by offenders out on bail for other crimes over the past ten years. This bail Bill will not address that situation. There was the horrendous case of Sylvia Roche Kelly, which came into the public domain. She was murdered by a man out on bail for two other crimes at the time. Gerald Barry was out on bail when he murdered a young Swiss student out walking in Galway in 2007. He was then 29 years old and had been charged with assaulting his girlfriend, awaiting trial. Thomas Murray, a convicted murderer, was allowed back into the community, not by the courts but by the Prison Service. Despite the fact the Garda said this man should not be released into the community because he was a danger, he was released. The day he was released, he murdered his former schoolteacher, Nancy Nolan, who lived in Galway. There was the case of Daniel Martin, a troubled young man with a propensity to violence, who himself, while awaiting trial, asked for his bail to be revoked because he could not deal with anger issues. These are real challenges to our bail system that this Government had an opportunity to debate today but chose to ignore. Instead, it is looking for nice, juicy, sexy headline that it is somehow dealing with burglars when in reality it is cutting resources to deal with crime.

If we were serious about dealing with the victims of crime and criminal behaviour, why are we not dealing with the bail scenario that resulted in the horrific death in 2011 of Shane O'Farrell, a case with which the Minister is well familiar? Shane was killed by a Lithuanian national, Zigimantas Gridzuiska, a man who had 40 previous convictions in three different ju-

risdictions and was out on bail. He was supposed to be signing on in a Garda station daily but no one even noticed that he was not.

An Ceann Comhairle: I am afraid the Deputy must talk about what is in the Bill. That is not in the Bill.

Deputy Clare Daly: It is about bail.

An Ceann Comhairle: No, the Bill is about bail and burglaries. I appreciate the importance of what the Deputy is saying but we must stick to what is in the Bill.

Deputy Clare Daly: I would like the Minister to introduce an amendment to this Bill to include in it bail for cases involving dangerous drivers who, having taken heroin, are stopped by the Garda, who have no tax, insurance or NCT certificate and who end up mowing someone down on the road. In the case to which I refer, a man in the prime of his life was killed. Nothing in this, Bill as it stands, is going to address that situation. We need, therefore, to amend it.

The courts need accurate information when deciding whether to grant bail. In the case of Shane O'Farrell, we know that the court was not given evidence of the perpetrator's previous convictions. The Garda did not give that information to the court, so the court made the decision without it.

GSOC is carrying out a public investigation in respect of this area into 59 admissible complaints of a criminal character, yet one of the policemen who is under investigation has been promoted. One of the senior counsel who protected that person-----

An Ceann Comhairle: I call Deputy Shane Ross.

Deputy Clare Daly: -----was appointed by the Minister to review these crimes. We need a balanced approach when dealing with bail and we need consistency. We also need the Minister to deal with the conditions which are giving rise to crime, including drug abuse, lack of supports for people coming off drugs and difficult socio-economic circumstances which drive some people to commit burglary.

Deputy Shane Ross: I thank the Ceann Comhairle and Deputy Clare Daly-----

Deputy Clare Daly: I did not get all my time actually.

An Ceann Comhairle: There are only six of the 30 minutes allocated remaining. It is for the Deputies to decide how to share the time.

Deputy Shane Ross: That is okay. I would like to reiterate much of what my colleagues have been saying about this Bill. It is headline-grabbing legislation which is meant to send out a message to people who have been victims of burglary that the Government is somehow tough on crime and is going to lock up the burglars. I do not believe this will happen. This is not the way to tackle burglaries. It is the way to tackle headlines. It is easy for the Government to say it is going to introduce tougher sentences, bail laws and all sorts of legal penalties for burglars but they must be caught first. The headline figures released yesterday were all about homicide and murder, which are down, thank God, but the figures suggest that the number of burglaries is rocketing. My guess, and I think this has been proved by criminologists over the years, is that what deters criminals of all sorts, and not just burglars, is the likelihood of getting caught and not the severity of the sentence. Once again, the shortcut is taken by the Government. It will

appear as being a zero-tolerance Government in the face of what is an epidemic of burglaries in certain parts of the country. The Minister will correct me if I am wrong but, as of yesterday, the number of burglaries is up 9% per annum. That is not an acceptable figure and one which this Bill will not dent. This Bill will lock up people who are caught for a little longer but it will certainly not catch any more people.

Deputy Clare Daly and other Deputies who represent urban areas have already stated it but what we need is the reopening of Garda stations. The Government has made a massive mistake. More than 100 Garda stations were closed throughout the country, yet the Government says it is a surprise when the number of burglaries increases. It is extraordinary. The Government saved €500,000 in the process of closing those stations. This is backward thinking. The Government must now recognise the folly of that policy and reverse the decision. It is very difficult for a Government to reverse one of its decisions. However, this Government must know that its decision was wrong. It must know the number of burglaries has risen as a result, that the €500,000 in savings is a pittance and that to reinstate many Garda stations would be the answer.

Deputy Finian McGrath: What about Stepside?

Deputy Shane Ross: It would certainly reassure many people who are scared in their beds because they cannot get gardaí to come on time or prevent crime. I have had my own experience, as the Minister knows because I have brought this up many times in this House with her. In Stepside, the Garda station was closed and there has been an epidemic of burglaries since. The Minister will say that I cannot prove it and she is right because the Garda will not give us the figures. The figures are so damned embarrassing, the Garda will not give them to us. In the case of Stepside Garda station, which is the one I have experience of, it lumps all the figures in with Dundrum Garda station so we cannot tell by how much the figures have gone up in the area that was controlled by Stepside Garda station. I will quote the example of Dundrum to the Minister in any event. The figures are inflated and have spiked since the closure of the Garda station. The national figure for burglaries has increased by 9%. The figure is 34% for the eastern division of the country, which is about four times the national average. In the Dundrum division, the number of burglaries is rocketing. In 2014, there were 584 burglaries in the Dundrum area. This figure includes burglaries committed in Stepside. In the half year after that, there have been 427 burglaries. On an annualised basis, this means there has been an increase of more than 40%. This is what is happening, yet the response of the Government to those statistics is to introduce tougher bail laws.

It is all very well for the Minister to state that we are spending a lot more on motor cars. The capital programme shows an allocation of €46 million in this regard, with €29 million of that to be spent immediately. This is not a game of cops and robbers. Gardaí are fast coming to the scene of the crime. There are more faster Garda cars but they are not preventing any burglaries. Gardaí are being turned from community gardaí with intelligence on what is going on into gardaí who play cops and robbers and arrive on the scene of a crime to be comforters to the victims.

In view of what has been happening, the Minister should give serious consideration to the repeat offences committed at various shops in villages such as Stepside. The house of one particular widow, which is situated next to the Garda station, has been burgled four times. The Government's policy to close stations in rural areas and elsewhere should be reversed. It has been shown to have been an abysmal failure.

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An Ceann Comhairle: I call Deputy Kieran O'Donnell, who is sharing time with Deputies Fitzpatrick and McFadden. The Deputies have approximately six minutes each.

Deputy Kieran O'Donnell: I thought I had ten minutes.

An Ceann Comhairle: Three Deputies are sharing the time.

Deputy Kieran O'Donnell: I very much support the Bill. The Minister for Justice and Equality is well aware of my views. I have spoken previously in the House on this matter. We must be hard on crime. One issue affecting Limerick city and the east Limerick area is the increase in burglaries and that must be acknowledged. It is happening for a number of reasons. One of the reasons relates to the regulation of shops that pay cash for gold. I welcome the fact that the Minister has set up a public consultation process and I urge people to make submissions before 30 October. We must ensure that we put in place a mechanism to trace goods which have been stolen and sold on. In many cases, they cannot be traced. I know of two cases which occurred in close succession. One was in the rural end of my constituency in east Limerick and the other in the city or urban end. Both involved elderly people who have been left devastated and shocked at their properties being broken into and precious items, including engagement rings and gifts from their parents, being stolen. In all likelihood, it will be very difficult for the Garda to recover those goods. We must cut the gateway for disposing of these stolen goods effectively, particularly with regard to paying cash for gold. Many legitimate businesses do that as well, but they will have nothing to fear from proper regulation. That is one aspect.

It is a pity Deputy Ross has left the Chamber. The issue for the public is the presence of gardaí on the ground. The Minister has had the unenviable task of trying to redress the situation where Templemore was closed by the previous Administration and there was no recruitment of gardaí. However, 500 have been recruited over the last year, and they are now out among the public or are being trained. I have said previously that the Minister must be supported in expediting that process further. The single issue in both urban and rural areas is the need for extra gardaí on the beat. I feel strongly about that. When I speak to people in communities in both urban and rural areas they tell me they want to see gardaí both on foot and in patrol cars. I welcome the provision of €46 million to upgrade the fleet. Extra gardaí and extra patrol cars go hand-in-hand because obviously the patrol cars cannot be manned unless there are extra gardaí.

In places such as Cappamore, Doon, Pallasgreen, Murroe, Caherconlish and Oola in rural east Limerick, an area I represent, people are going through a difficult time. There was the terrible tragedy of John O'Donoghue's death when his house in Toomaline, Doon, was being burgled. People were appalled and shocked. That issue must be dealt with and it involves putting extra Garda resources on the ground. I have made representations already to the Minister in the Chamber about this. That area of east Limerick requires at least one or two extra gardaí. I hope that will be addressed quickly.

The second issue is the legislation the Minister is introducing. I welcome the fact that the bail laws are being changed with regard to people who have been repeat offenders. Perhaps on Report Stage it can be made even more flexible, within constitutional requirements, whereby when an individual appears before a judge on a first offence the judge would have the latitude not to grant bail. I believe we must be hard when it comes to breaking into a person's home. In fact, we cannot be hard enough. I have visited people's kitchens and living rooms and seen the devastation when their house is burgled. The victim must be put at the centre, not the criminal. I strongly believe that should be examined further on Report Stage.

The other issue is sentencing. I welcome the fact that consecutive sentences will now be available. Obviously that is an important point, but we must also examine the length of sentences. The message must be conveyed through this legislation that if somebody commits a burglary, they will be held to account, pay the price and be put in prison for their actions. This is something that goes to the core of our being, particularly with regard to the elderly and people living alone. There are people in my constituency who are afraid to go to bed at night. That is intolerable. People have rights, certainly in terms of legal representation, but I believe the victims have more rights. It is something we should examine.

The issue of cash for gold outlets is arising repeatedly. In the burglaries that take place the burglars are invariably seeking items of jewellery and cash. Many of the elderly, for whatever reason, keep cash in their homes. We must find a way to make them feel that they can put their money elsewhere and feel it is secure. It is a historical issue. Many of them were reared in very prudent times and they are anxious to ensure they have cash. That is why the burglars are targeting elderly people living alone. What is required is the patrolling of residential areas. In many cases at present burglars are scouting areas, both urban and rural, and sometimes marking the houses by various means so that when they return they know which houses to rob. What is required is a strategic way of being preventative as well as catching the criminals, and that is about Garda resources and gardaí being out and about on the beat and in patrol cars.

Deputy Ross referred to Garda stations. Garda stations are very important but if one gives somebody a choice between having a Garda station that is manned for one or two hours a day or gardaí patrolling in a patrol car, they will opt for the latter every time. That is what we must get. I hope the Minister will get support in the forthcoming budget and that there will be an allocation in respect of expediting the recruitment of extra gardaí. It is a huge issue for people. Criminals involved in burglaries feel that the sentences are light. The penalties do not match the crime. This legislation will redress that. I look forward to seeing the amendments and to participating in the Report Stage debate.

I commend this Bill to the House. The message must be loud and clear that if somebody breaks into a person's home and violates their privacy, they will be held to account in the most forceful fashion. Ours is the law and order party; it has been since the foundation of the State. This issue goes to the root of people's entitlement to live their lives without fear. There is nothing worse than knocking on a door at night and seeing that the person is afraid to come out. That is because their house, their neighbour's house or the local business has been burgled. This is one of the issues that have been galvanising people. They want it dealt with expediently and in a tough, hard fashion so the criminals will know that the emphasis is very much tilting towards the victim and away from the criminal.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak on this Bill. First, I wish to praise the Minister, Deputy Frances Fitzgerald, and her Department for bringing the Bill before the House and to record my full support for the Bill.

The Bill is designed to keep repeat burglars off our streets and to improve the safety of all our communities. I wholeheartedly agree with the Minister that the burglary of a person's home is a heinous and traumatic crime. A large number of domestic burglaries are carried out by serial offenders and this Bill targets those repeat burglars. I was shocked to learn that 75% of all burglaries are carried out by only 25% of burglars. This is unacceptable and cannot be tolerated. The Bill will target those repeat offenders and will reduce significantly the number of burglaries committed.

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The Bill contains two main provisions. First, it will require a court to impose custodial sentences consecutively where the offender has committed multiple burglary offences within a 12 month period. Second, it provides that in the case of bail applications, previous convictions for domestic burglaries, along with pending charges, shall be considered as evidence that the accused is likely to commit further domestic burglaries. In addition to the new legislation, I am pleased that the Minister has recently allocated an additional €700,000 to An Garda Síochána for the purchase of specialist vehicles which will support gardaí in tackling highly mobile criminal gangs, including those involved in burglaries.

It is right to put on record this Government's commitment to tackling crime. This commitment is being backed up with real investment in the services that need it most. We are recruiting more gardaí and, last September, we re-opened the Garda College to facilitate that. This college was closed in 2009 as a result of Fianna Fáil's catastrophic mismanagement of the economy. To date, 400 new gardaí have started their training, with the first 295 having already passed out and now working in communities nationwide. Some 150 more recruits will enter the Garda college next month, giving a total of 550 new recruits from September 2014 to September 2015. The Government is committed to recruiting at least 500 new gardaí each year and has pledged that the Garda college will not close again.

Some €29 million has been invested in new Garda vehicles since 2012 and a further €46 million has been committed for the next five years. Approximately 70 new Garda vehicles have come on stream since the start of this year alone. In the recently announced capital plan for 2016-21, the Minister confirmed an unprecedented allocation of €875 million in capital funding along with approval for further public private partnership projects in respect of the Garda Síochána and the Courts Service. While I welcome the new announcements in funding, we have to do more. More than ever, we need to provide more resources for our gardaí.

I met recently with gardaí from the Dundalk region. While they recognise the Government is providing more funding, they very strongly made the point that more resources are badly needed. In this regard, it is particularly pleasing that the Garda Commissioner recently estimated there are 61,000 more man-hours available for front-line Garda patrols following reforms to the delivery of rural policing.

In Dundalk this week we unfortunately witnessed a brutal murder that has left the local community in shock. Martin Mulligan, a 53 year old taxi driver, was murdered in a senseless act in the early hours of Monday morning while going about his work. Martin, who was married to Gráinne, had two daughters, Sharon and Shauna. He was a highly respected member of the Point Road community. I knew Martin through his involvement with his local GAA club, the Sean O'Mahoneys. He was an absolute gentleman. He was a hard working and honest person who was highly regarded by all who knew him. He will be sadly missed by his family and the community at large. This murder was a senseless act and we must do all we can to help the Garda bring the perpetrators to justice. Gardaí have requested that anyone with information contact them on 042 9388400 or on the Garda confidential line at 1800 666 111. I appeal to anyone with any information to contact the Garda as soon as possible. This senseless murder must not go unpunished and those responsible must be brought to justice and pay for this cowardly act.

To conclude, I want to put on record that I fully support the Bill before the House and the great work being done by the Minister, Deputy Fitzgerald, and her Department. However, I appeal that even more resources be made available to gardaí, particularly in the north-east region, to help them combat crime in this country and to make it a safer place for all our citizens.

Deputy Gabrielle McFadden: I am very pleased to have this opportunity to speak on an issue which is of huge concern to communities but also one which the Government and the Minister for Justice and Equality are taking a very proactive role in addressing.

The burglary of a person's home is a very serious offence and can be extremely traumatic for the victim. Last weekend, I bought my Sunday newspaper for the very last time in a shop in Athlone where five generations of my family have shopped. The shop's closure was brought forward by a burglary which had taken place some weeks before. Unfortunately, the incident involved the brutal assault of the shopkeeper. Gardaí are following a very definite line of inquiry in regard to this crime and, thankfully, the shopkeeper, while badly shaken, was not too seriously injured. However, this is a clear example of the horrendous effects this crime can have on people and families. While this legislation is about protecting the family home, the trauma felt by the shopkeeper and his family was the very same, as his home and shop are part of the same building.

It is hugely important that victims of crime are listened to and I am very pleased that the Minister, Deputy Fitzgerald, undertook a review of how the criminal justice system treats burglars. When the Minister published this Bill in September last, she made it very clear why it was being introduced, namely, to keep repeat burglars off our streets and to improve the safety of our communities. By introducing this legislation, Fine Gael, which I am very proud to say is the party always strong on law and order, is ensuring strong punitive measures are being put in place to tackle these criminals.

As has been outlined, the new Bill is targeted at those repeat burglars who have previous convictions and who are charged with multiple offences. It is clear that it is the same few who are causing trauma for many, and that the deterrents in place up until now were not enough.

Section 1 of the Bill seeks to ensure that prolific burglars can be refused bail in certain circumstances. This new law will allow the courts to refuse bail for offenders who have a previous conviction for domestic burglary, coupled with two or more pending charges.

Section 2 will insert a new section 54A. This new section will require a court which decides to impose custodial sentences for multiple domestic burglary offences committed within a 12 month window to impose such jail sentences consecutively. I am confident that this firm targeting of repeat offenders has the potential to reduce significantly the number of burglaries being committed across the country. If you do the crime, you must pay the time.

As the Minister has previously said, home is the place where we should all feel most safe and secure. I take this opportunity to commend the work of the members of the Garda Síochána, who are working day and night to tackle this problem. I am glad to say there have been decreases in the incidence of burglary in some areas of my constituency of Longford-Westmeath. However, the fight must continue in order to keep reducing the incidence of this type of crime. Where it is possible, the number of gardaí on the beat should be increased.

I am glad the Government has considerably strengthened the force in terms of providing more gardaí and more Garda vehicles including, as was mentioned, specialised vehicles to deal with highly mobile gangs. The previous Government closed Templemore, starving An Garda Síochána of new entrants. This Government has re-opened the training college, with 550 gardaí being recruited by the end of this year, and I look forward to future intakes in Templemore in the coming years. I am delighted that, in my constituency, 18 new Garda cars have been made

available while 16 new gardaí have been assigned to various stations across the constituency. There is always room for more.

Fine Gael in government is very determined to combat all types of crime in our communities and rightly so. Most importantly, we are putting the victim at the heart of the justice system and this legislation is one very important measure in helping to protect our communities from repeat offenders. I wholly support the Bill.

Deputy Bobby Aylward: I welcome the Minister to listen to our problems in rural Ireland, in places like Carlow-Kilkenny, where people are living in fear. The sense of fear among elderly and isolated members of rural communities, which is being caused by the significant rise in burglary offences, is a crucial issue facing rural Ireland. These people are being deliberately targeted, watched and attacked by a number of well-organised criminal gangs, which continue to terrorise rural townlands and villages. This is not a new issue as the number of burglary offences in the State has soared over the past three years, developing slowly while the outcry of victims has fallen on deaf ears.

Fianna Fáil supports this Bill, which aims to address the problem, and the Minister's work in commencing the review of the criminal justice system's response to the problem of burglaries is to be acknowledged. I support the provisions of the Bill which tackle repeat offenders who are granted bail, despite being charged with multiple burglaries, and who often commit further burglaries while out on bail. I also support the amendment to the Bail Act to provide that, for the purposes of bail applications, pending charges or recent convictions can be considered as evidence that an accused person is likely to commit further domestic burglaries.

I must be critical, however, of the length of time it has taken to bring this legislation to the House. This is a long-term problem which has developed insidiously in our rural communities over the last three, four and five years. I am also of the opinion that the Minister is underestimating the issue at hand. These are well-financed and well-organised criminal gangs which are expertly equipped with high-powered vehicles, weapons and even night-vision goggles to aid their escape at night.

Fianna Fáil has already published a Bill to introduce a mandatory three years in jail for criminals convicted of burglary and a minimum of seven years on the third burglary conviction within 12 months. I ask the Minister strongly to consider introducing such legislation as a matter of urgency because the deterrents are not currently strong enough to combat these criminal gangs from continuing their predatory pursuit of rural towns and villages.

A senior member of An Garda Síochána told me a number of years ago that the single greatest deterrent to crime is the garda on the beat. The closure of 139 Garda stations by the coalition Government and the reduction of Garda numbers from 14,000 to 12,772 has been publicised as the reason that both urban and rural communities have been left vulnerable to burglary. I am not going to shout and roar about this, but the point I want to make is that, if we have less of a Garda presence and fewer Garda vehicles on the streets, we must legislate for stronger minimum sentencing to act as a crucial deterrent between dangerous criminals and the innocent people within our urban and rural communities.

The protection of our citizens is paramount. I will finish with an example of how bad the threat has become. I was contacted by the chairman of the Myshall community alert group, Carlow, who explained to me that on Thursday, 20 August 2015, the housekeeper of the paro-

chial house in Myshall village answered the door to two males who entered the house and tied her up. This is the fourth time that this parochial house has been targeted in recent years and this outrage, along with numerous other incidents of burglary, robbery and vandalism in our community, resulted in an emergency meeting of the community alert group on 1 September 2015.

I am informed that it was a very heated meeting where residents spoke out giving vent to their anger and frustration. They made comments of the following nature: “We are living a nightmare and are afraid to answer the door at night. We block our gates with our cars. All our doors and windows are locked from the onset of darkness and there is total fear in the area”, or “These criminals know that they are less likely to be caught in rural areas because of the closure of rural Garda stations, low Garda resources and the lack of manpower”. These comments are just an example of the fear that exists among thousands of communities the Government must act to protect.

I compliment the Minister on bringing this much needed legislation to the Dáil. We on this side of the House will support it and will do anything we can to protect people in both rural and urban areas.

Debate adjourned.

Topical Issue Debate

Public Service Obligation Services

Deputy Patrick O’Donovan: I appreciate the selection of this issue for debate and acknowledge the presence of the Minister.

Over the past number of years, I have been a member of the Joint Committee on Transport and Communications and from time to time we have had the pleasure of discussing the future of broadcasting, its funding and structures and what constitutes a public service broadcast. In the past 20 years, the advent of commercial radio stations, particularly in provincial Ireland, has revolutionised broadcasting across the country. Until the advent of commercial radio stations, the local voice or the voice of somebody outside of the M50 was probably as rarely heard as the corncrake. In my part of the world, the advent of commercial radio stations has brought local news into the hearts of homes and into kitchens.

Over and above this, we have seen the creation of independent television stations, all of which I believe provide a public service broadcast remit. However, there is no acknowledgment of that. I am disappointed that at a stage when the Government is heading into an election, we have not considered reform of this area. We have not looked at defining what we regard as public service broadcasting or at supporting those people engaged in it. I will defend RTE when it needs to be defended and have no problem in doing that. It produces high calibre programmes. However, I will also criticise RTE when it needs criticism. The fact it is getting in excess of €180 million from the public every year means there should be some accountability for that money.

In the recent past there has not been the required accountability with regard to the TV licence

fees. We need a greater level of scrutiny and oversight. We also need a greater determination of what is considered public service broadcasting. Let me cite two examples. The Fr. Kevin Reynolds situation was a scandal because his reputation could have been absolutely destroyed. The other example concerns the debate broadcast in advance of our most recent presidential election. I was never going to give Seán Gallagher a vote and do not make any bones or apology for that. However, I believe the programme broadcast on that night played a major part in the determination of that election.

From the point of view of a person who pays €160 for a television licence for a public broadcasting service - there is no significant coverage given to the cost of the television licence in comparison with the coverage given to the cost of another commodity, namely water - I am interested in ensuring the service is properly funded and regulated. We need to examine the level of oversight and accountability in this regard. I do not believe that in 2015 it is acceptable that it is only three years after somebody takes up a position in a semi-State company, that the salary details on that position are released. Can the Minister imagine this happening in other companies that fall under his remit, whether Bord na Móna, the ESB or whatever? Can he imagine the outcry there would be if he, the Minister, appointed somebody as CEO of ESB and told the people he would only reveal that person's salary in three years time? That is not acceptable.

Minister for Communications, Energy and Natural Resources (Deputy Alex White): Government policy is to encourage and support a diverse media that serves all the people. Public service broadcasting is provided for by Part 7 of the Broadcasting Act 2009. The Act sets out the principal objects of the public service broadcasting corporations, RTE and TG4. These statutory objects and requirements encapsulate national policy in terms of public service broadcasting.

Licence fee funding for public service broadcasting provides an independent and reliable income, which allows the two public service broadcasters to meet their public service objectives with a high level of editorial independence. Under the dual funding model, RTE is statutorily obliged to use its commercial revenues to further subsidise its public service obligations. Commercial broadcasters, while bringing choice and competition to the market, are privately owned and funded companies that have entered the market on the basis of a commercial proposition.

All public, community and independent commercial broadcasters can access public funding from the broadcasting funding scheme, which encourages programming on Irish culture, heritage, adult literacy and global issues. Funded by 7% of net TV licence fee receipts, Sound & Vision II funded 477 projects, worth over €3.6 million, from commercial radio stations. This represented 40% of the total radio allocation. By contrast, allocations to public service broadcasting stations in the same period were worth less than €1.6 million, or 18% of the total allocated.

I fully recognise the contribution that the commercial sector makes to broadcasting in Ireland, but the question of further distribution of public funds to independent commercial broadcasters, beyond the supports that already exist, would constitute a major change to broadcasting policy, would have to be justified, and would of course require legislation. The net effect of such a move would be to reduce the amount of funding available to all other broadcasters, community and public.

It is my intention to put forward a number of proposals for amending the current regulatory framework for advertising. In regard to commercial radio advertising, I propose to give the

BAI oversight and control of the amount of advertising minutes allowed to such broadcasters. I will also bring forward amendments to ensure that the BAI's reviews of public service broadcasting funding will always take account of the impact of its recommendations on the broader advertising market. I believe that these proposed changes, along with others I intend bringing forward in respect of licence fee collection and the database, will lead to a more sustainable advertising regulatory framework for all broadcasters, which in the context of an improving economy should assist in delivering a viable future for everyone in the sector.

Deputy Patrick O'Donovan: I thank the Minister for his response. The Minister is correct that the sound and vision fund represents 7% of the total licence fee. However, half of that 7% went to RTE and TG4 last year, which increased the amount going into that area to well over €180 million, with less than half of it available to all broadcasters across the country, commercial, community and everybody else. The sound and vision fund is currently wholly inadequate in terms of the amount available to those who are not protected under the €179 million that RTE gets.

This is not an anti-RTE thing. What I want is fair play. I welcome the fact that the Minister is going to look at the amount of advertising minutes allowed because it is something which has been raised with us continuously in terms of fairness and the level of the playing field. Contrasting, for argument's sake, RTE's situation with that of the BBC, there is no advertising in the BBC. I know there is a smaller population base here and that the licence fee base is smaller, although the level of expectation in terms of the service is the same. That level of service is the same for every commercial radio station as well. The commercial stations are competing against RTE in a very competitive market, while RTE has a cushion of €180 million.

It is not beyond reason that we start a national conversation. I do not know what the great panacea for the future of broadcasting will be, but there is a discerning market. The joint national listenership research, JNLR, figures show that the public has moved away - across all age profiles and in the tens of thousands - from the traditional, established radio and television stations of RTE and towards a different market. Those who are paying their €160 a year have a right to know that what we regard as public service broadcasting is properly funded. Whether the news is on a commercial station or a publicly-owned station, it is still a public service. I am asking that we start a conversation, using the Oireachtas committee to lay out a definition for 2015 of what we expect our public service broadcasters to do in return for what is a substantial amount of money.

Deputy Alex White: I would be very much in favour of having that conversation. One of the difficulties with the notion of what constitutes public service broadcasting, in terms of a programme, is that when one analyses practically any programme or programme strand, there are very few that could not be defined as a public service programme. For example, sport, which attracts very high commercial interest and can very often bring in huge income to a broadcaster, is also essentially a public service. Would we be analysing each and every programme broadcast by every station and trying to define whether it is public service or commercial? How would we determine the threshold between the two? It would actually be extremely difficult, although the conversation is still worth having.

The traditional approach has been to fund the public service broadcaster rather than funding individual programmes that are regarded as public service. That has been the case right across Europe. I am quite happy for that to be opened up and for us to have a debate about what constitutes public service broadcasting. I think the independent broadcasters have a good

case, particularly those very strong, vibrant local radio stations outside the main cities which do struggle. There is a financial issue for many of those stations and they perform a huge function, particularly but not only in rural Ireland. Can we find ways to assist the independent sector?

The other question which I would ask the Deputy to consider, and which I am not going to answer, concerns the 20% requirement for news and current affairs that was introduced in the 1989 Act for the commercial sector. Is it desirable or necessary for that to continue? I remember being involved in the debate at the time. There was a concern that commercial radio stations would just be pure, wall-to-wall music. If there is a demand for music stations, why would there necessarily be a statutory requirement for them always to have 20% news and current affairs? That is an issue which we could debate.

Hospital Waiting Lists

Deputy Bobby Aylward: Back in June, I raised the issue of outpatient appointments at Waterford University Hospital, which is the closest hospital for many people in south Kilkenny. At that time, I was highlighting the fact that 10,000 were waiting more than a year for an appointment. During June - I must praise someone for this - that dropped by a remarkable 6,000 plus at a rate of around 300 per day. Whether that was due to people actually getting appointments, or simply resulted from a re-checking of the list, I do not know, but it was welcome. Maybe it was a case that I raised it here or maybe something happened and we got some work on it. However, there are still 855 waiting for more than 18 months and I hope progress is made on that.

Today I want to raise the inpatient-day case list in Waterford. As the Minister of State knows, Waterford University Hospital is part of the South/South West Hospitals Group. A lot of people were not happy with this, as the Minister of State also knows, but that is how it happened.

New figures published by the National Treatment Purchase Fund for August 2015 indicate that the number of people on the inpatient-day case waiting list now stands at 4,409 in Waterford University Hospital. This is the highest figure in the South/South West Hospitals Group. It represents almost half the numbers waiting in that group. This also represents an increase of more than 80% in Waterford since August 2013. For the group at large, there has been an increase of 20.17% over the past two years. The percentage increase in Waterford is around four times the rate for the group as a whole and about double the national average increase.

The increase in Waterford means that its share of the group total has risen from just 32% to 45% since August 2013, when the Waterford total stood at 2,433 out of 7,688 patients. By contrast, Cork University Hospital, which had a higher number of inpatient-day cases than Waterford in 2013 - 2,576 out of 7,688 - now stands at 1,447 out of a group total of 9,360, just over 15% of the total. Over the past two years, a situation has developed whereby Waterford, which previously had fewer people on its inpatient-day case waiting list, now has three times as many as Cork University Hospital. Why is this happening? Why is Waterford doing so much worse in the group?

As Waterford University Hospital represents the catchment areas of Counties Kilkenny, Wexford, Carlow, south Tipperary and Waterford, it is a very important regional hospital. Why have the numbers quadrupled? This is a serious situation and we need to do something about it. I ask that the Minister for Health investigates this immediately and puts in the man power

and resources we need in order to reduce the list. We want for Waterford what has happened at Cork University Hospital. I ask the Minister of State to give me some guarantees in his reply.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): May I belatedly congratulate Deputy Aylward on his re-election? I served with him on the agriculture committee under a previous mandate and warmly welcome him back.

I am taking this issue on behalf of the Minister for Health and I thank the Deputy for raising it. Improving waiting times for scheduled care for patients is, of course, a key priority for the Government. Under Future Health, significant structural changes are envisaged for the acute hospital sector, with the formation of the hospital groups and the reorganisation of services to improve both quality and access. These structural changes are under way, but will take some time to fully implement. In the meantime, operating pressures remain on acute hospitals. In January, taking into account current pressures on acute hospital services, the Minister for Health put in place maximum permissible waiting times for inpatient-day case treatment and outpatient appointments of 18 months by 30 June and 15 months by year end. The HSE was provided with additional funding of €51 million to ensure that these maximum waiting times would be achieved. In June, the HSE reported a performance against the 18 month maxima of 99.6% for inpatient day cases, IP-DC, and 92% for outpatients, OPD. In order to maintain progress and to make further improvements to achieve a 15 month maxima by the end of December, the HSE has directed that hospitals which breach the 18 month maximum waiting time in August are to be fined.

5 o'clock

The fines will be calculated on the basis of the activity-based funding cost of each procedure and are being imposed from 1 September. The HSE, in conjunction with hospital groups, is focused on delivering the improvements in waiting lists through maximising the use of internal capacity within and across hospital groups in the first instance. Hospitals have been requested to produce waiting list clearance plans in this regard. The HSE has already put in place specific measures to address waiting lists more efficiently in collaboration with acute hospitals, the special delivery unit and the National Treatment Purchase Fund. These include observation of the national waiting list protocol of 2014, adherence to relevant HSE national clinical programme guidelines and prioritising day-of-surgery admission where clinically appropriate. The latest published National Treatment Purchase Fund waiting list figures, from 27 August, indicate there were 306 patients waiting over 15 months for inpatient or day-case treatment in University Hospital Waterford. The hospital is working with all relevant parties as regards meeting the national targets. It has now developed and is implementing a plan to reduce the longest waiting times to 15 months by the end of December 2015. This will be achieved by the treatment of patients in routinely available hospital theatre sessions, the provision of additional weekend sessions and the possible outsourcing of the balance of patients.

The hospital is also in the process of reopening theatre sessions that were closed for cost-containment purposes previously. The Department of Health will continue to work with the HSE to ensure that all issues relating to hospital waiting lists are resolved.

Deputy Bobby Aylward: I will not need my two minutes to re-emphasise what I have already said. I do not like repeating myself. However, as I said, the catchment area of Waterford Regional Hospital is big. How come there was so much success in Cork? Why is the system not working in Waterford? Is the Minister of State blaming the administrative staff in Waterford

hospital for not being able to reduce the numbers? We are not talking about a small increase but about an increase of 80% since 2013, which is two years ago. It is a massive increase. Not being a health professional, I do not know why the inpatient number has risen so much. I complimented the Minister on the success with outpatient figures this year. The figures do not lie. I can give them to the Minister of State on the way out. Why, if there was success with outpatient numbers, was there no success with inpatient numbers? Was it a question of money? Did available resources reduce the outpatient number? Why is the trend for inpatients the opposite? Based on my having raised this matter today, can we find out the reason for the increase of 80% in Waterford? Can we do as was done for outpatients?

I will not go through all the figures again. There is no use blathering across the floor of the House. Can we take some action to reduce the number on the waiting list? There has been an increase of 80%. I referred to 4,400 inpatients on the list. This is too many and there is something seriously wrong somewhere along the line. I ask the Minister of State to investigate this or ask the Minister to do something about it.

Deputy Sean Sherlock: The Deputy mentioned a figure of 4,409. I just had a brief chance to analyse some of the figures. A figure of 3,066 is related to ophthalmology, for instance. This is a significant number. If one parses out ENT, one gets a figure of approximately 556, assuming that the figures I have are right up to date. With regard to gastroenterology, breast surgery and general surgery, the figures seem to be a bit more manageable. Further investigation is definitely needed into why the vast bulk of those on the list are associated with ophthalmology, for instance. We must determine where the lag is in this regard.

I assume the administrators in the HSE and hospital group are watching this debate. I do know that they tune into these debates. I would be very surprised if they were not in a position to provide the Deputy with an actual breakdown of the figures and where the time lags are being generated across the disciplines. Certainly, the matter has now been raised on the record of the House. I could tell the Deputy that I will raise it directly with the Minister, Deputy Varadkar, but the facility exists for Deputy Aylward to do it himself. The matter is on the record of the House.

Deputy Bobby Aylward: I believed he would be here today.

Deputy Sean Sherlock: I apologise for his absence. It is significant that a significant figure is attributable to one particular discipline. That needs to be interrogated closely.

Building Regulations

Deputy Lucinda Creighton: This is a matter of grave and urgent concern to the 900 residents who occupy 298 apartments in the Longboat Quay development. I am really annoyed and very disappointed that the Minister for the Environment, Community and Local Government is not here and has been glaringly absent over the past 48 hours since this story became prominent in the national media. There has been virtually no response from the Government, which is really disappointing. It is useful, at least, that we have social media to track the whereabouts of Ministers these days. I note the Minister has been busy hoisting flags and engaging in such activity this afternoon. This is inappropriate. The whole point of the Topical Issue debate was that Ministers would come to the House to be accountable to Deputies on all sides. I do not blame the Minister of State, Deputy Sean Sherlock, but believe the Minister himself should be

present to address this matter.

In the past hour, Dublin Docklands Development Authority has made what I regard not only as a derisory offer to the residents concerned but also one that involves a certain degree of funny accounting. Having met the residents and attended the public briefings on this, I am aware that the authority and the receiver involved in this case, which has taken over from developer Bernard McNamara, have both contributed in excess of €1 million already in this case. They have essentially tried to repackage that in an act that is, unfortunately, not unfamiliar on the Government benches. A contribution of €2.75 million towards the cost has now been announced. I assume that can only include the €1 million that has already been effectively paid out. Therefore, in reality, it is a sum of €1.75 million, not €2.75 million. This needs to be clarified. We know Dublin Docklands Development Authority has a history of dealing with funny money and strange forms of accounting but it must take us all for fools by trying to repackage the money in its announcement this afternoon.

A number of points are pertinent in this matter. First, the crisis in Longboat Quay is not unique, unfortunately, as there have been similar examples. We are all familiar with Priory Hall and many other cases. The cases point to a complete and utter absence of accountability in corporate Ireland. This is a trend that has been exposed beyond any doubt over the past seven or eight years. Mr. Bernard McNamara has been through a bankruptcy process and there is no legal recourse to him. That is the legal position. The project architect, the individual who certified the construction as being safe, left Ireland in 2011 and now operates in Ghana. It is highly likely that the issues identified at Longboat Quay will crop up in developments across the country again, and there will be an increasing number of victims of light-touch building regulations.

I have spoken about this in this Chamber and elsewhere before. On the day of the tragedy in Berkeley during the summer, when, because of shoddy development and irresponsible behaviour on the other side of the Atlantic, young Irish citizens sadly lost their lives and many of their friends were injured very seriously, our Minister for the Environment, Community and Local Government and his Minister of State were writing to Dublin City Council asking it to relax the building regulations in the city. This is scandalous. The matter I am raising shows just how scandalous it is.

The response of the Government to incidents such as that at Priory Hall was to introduce new building control regulations in 2014. These require assigned certifiers, namely, surveyors, architects, engineers etc. to approve all construction projects. However, this system is deeply flawed and does not address the problem the people of Longboat Quay are facing. The certifiers' independence is greatly undermined by the fact that they are frequently either the designer of the building project or an employee of the developer; they are not independent. We need to move to the system in the UK where there is independent certification which is controlled by the local authority. It is not left to dodgy and cowboy developers and their employees to certify, often falsify, this type of buildings. We will see further instances of this again and again.

Deputy Sean Sherlock: I thank the Deputy for raising this matter. It was raised during Leaders' Questions by Deputy Aengus Ó Snodaigh when the Tánaiste and Minister for Social Protection, Deputy Joan Burton, responded to his queries. I have been supplied with a response on behalf of the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, who is unavailable. I should say at the outset that it is not inconceivable that Ministers are unable to take these debates in the House from time to time. The Deputy, as a former Minister of State, should-----

An Ceann Comhairle: Sorry, may I interrupt the Minister of State? The Topical Issue debate was a very good introduction by the present Government. In recent months, I have had Ministers not being available, and we are losing slots. This Topical Issue matter must be taken seriously and it is irrelevant if it was raised on the Order of Business. The Department and the Minister were advised this morning, before the Order of Business, that this Topical Issue matter was granted. I would appreciate if the Minister of State would convey to the Department that we do not want any of those excuses.

I regard it as the right of a Deputy to raise a Topical Issue matter in this House. The Topical Issue debate has been very successful and with respect to this House, while we all have our jobs and our duties, the first duty of a Minister is to this House. The Topical Issue debate is one of the main ways for Deputies, backbenchers in particular, to raise matters of grave importance.

This should not be allowed to happen and, with respect, I ask the Minister of State to bring back to the Department that it is not doing us any favours by telling us that this was already raised on the Order of Business. This is the Topical Issue debate and everybody knows it takes place on a Thursday at this particular time, 4.42 p.m. to be exact.

Deputy Sean Sherlock: I mentioned the fact that this issue was raised on the Order of Business merely to make the point that it was a matter that was before the House already today not, a Cheann Comhairle, with all due respect, to make a political point. I am just saying it was raised by Dublin Deputies and was stating that for the record. If you will grant me some leniency on time, I agree absolutely that Ministers should be present, but a further charge was made by the Deputy in respect of the relaxing or control of building regulations. I cannot answer for that charge as it has been raised here as an Adjournment issue. Perhaps the Minister should answer that for himself but, nonetheless, the charge is made.

I understand that Dublin Fire Brigade has no plans to evacuate residents from their homes and intends, rather, to serve an enforcement notice requiring that a schedule of works be carried out to ensure an acceptable level of fire safety provision is achieved at the development. I preface my further remarks by saying this is the script I have been given to deliver. If some development has taken place in the past hour or so, a Cheann Comhairle, I am not aware of that.

An Ceann Comhairle: I appreciate the Minister of State's position.

Deputy Sean Sherlock: The issues which have emerged in Longboat Quay are a matter for the Dublin Docklands Development Authority, the receiver to the developer, residents of Longboat Quay and their management company as well as Dublin Fire Brigade to resolve collaboratively. I cannot answer for the charges that have been made by the Deputy in respect of the Dublin Docklands Development Authority. The Department of the Environment, Community and Local Government understands that all parties are actively engaging to find a resolution to the situation that has arisen. While Dublin Fire Brigade has been proactively engaging with all concerned for several months it cannot wait indefinitely for matters to be resolved and has, accordingly, this week signalled its intention to serve an enforcement notice. I do not know if events today have overtaken that.

Local authorities have extensive powers of inspection and enforcement under the Fire Safety Act 1981, the Building Control Act 1990 and the Planning and Development Acts, all of which may be relevant in relation to fire safety arrangements in residential developments. Compliance with the statutory requirements in regard to a building is, first and foremost, a matter for the

owners, designers and builders concerned. A charge has been made here against the architect and the designer. The Department of the Environment, Community and Local Government has no function in assessing or checking compliance, or otherwise, of specific works or developments, nor can the Department or the Minister, Deputy Alan Kelly, influence or interfere in the handling of specific cases by local authorities who are at all times independent in the use of their statutory powers.

The Minister has a role in ensuring that adequate arrangements are in place to avoid the recurrence of such problems elsewhere. In this regard a number of legislative reforms have been put in place since the Longboat Quay development was built which greatly strengthen the arrangements in place for the regulation and oversight of such developments. The statutory registration of key construction professionals under the Building Control Act 2007 means that such professionals may now be subjected to professional conduct proceedings where instances of professional misconduct or poor professional performance arise - ultimately this may lead to removal from the statutory register which would affect the professional's ability to earn their livelihood. Building control regulations were amended to require on and from 1 March 2014 greater accountability in regard to compliance with building regulations in the form of statutory certification of design and construction by registered construction professionals and the Multi-Unit Development Act 2011 further requires developers to supply a certificate of compliance with fire safety from a registered construction professional in each such development.

It is also worth noting that the Minister, Deputy Alan Kelly, in the interests of supporting owners and residents living in developments where concerns regarding compliance with fire safety arise, recently announced a review by an independent fire safety expert to develop a framework for general application in such situations. This review will outline general advice and guidance which can be used by owners-residents and their professional advisers, to ensure that an adequate level of safety is in place for persons in and about their development. This may include making provision for appropriate or enhanced fire detection and alarm measures; checking that appropriate escape routes from the premises are available, designed in accordance with current standards; and ensuring evacuation plans are rehearsed in each premises in the event of a fire incident.

The review is being overseen by a steering group comprised of the Department of the Environment, Community and Local Government and local authority representatives under the chair of Mr. Martin Riordan, former manager of Cork County Council. The steering group will prepare its report by 31 January 2016.

May I conclude by saying I do not want to give political platitudes to anybody. I do not know what it is like and I cannot imagine what it is like for the residents of Longboat Quay except to say that there is widespread sympathy for the plight in which they find themselves at this time.

Deputy Lucinda Creighton: The first thing to say is that sympathy will not address the fact that the outstanding €2 million amounts, on average, to €20,000 per apartment in that development. Nobody knows how that is going to be paid and nobody knows who is going to pay for it.

Deputy Sean Sherlock: Has the Deputy a suggestion?

Deputy Lucinda Creighton: My suggestion is very clear. The receiver and the Dublin Docklands Development Authority, which is a State entity, which the Government in its wis-

dom for populist reasons has chosen to disband - I oppose that completely but I suppose that is a discussion for next week - owns the common areas in this building. It was the partner in the PPP that developed this site. It is responsible in the absence of any legal responsibility falling on the developer because the developer went for one-year bankruptcy in the UK and is now hiding behind the legal personality of his former company. It is the responsibility of the Minister who is in charge of the Dublin Docklands Development Authority to ensure that the authority upholds its responsibility. It is about to be subsumed into Dublin City Council. We have the bizarre situation where the Dublin Fire Brigade, which is threatening the notice of enforcement, is another arm of Dublin City Council, and which the DDDA is about to become. The fact that it is absolving itself and washing its hands is farcical. Residents have been written to by the DDDA and told that it does not have responsibility for this development. This is untrue. The DDDA is responsible and, therefore, the Minister is responsible. I heard the Tánaiste washing her hands of this today and I have heard the Government say that essentially the matter has nothing to do with it. That is untrue and misleading and I guarantee that if enough of a political furore is kicked up about this, the Government will do something.

It is essential that the Government shows some leadership on this matter. The working group and the investigatory group to which the Minister of State referred will have no effect on the residents in the same way that the building regulations that were introduced by this Government in 2014 will have no effect, not only for the people at Longboat Quay but also in the context of any future developments. These regulations lack teeth and they cannot make a difference because there is no requirement for independent certification. Essentially, they allow developers to govern themselves.

Deputy Sean Sherlock: The points are made. If I interpret the Deputy correctly, there is a suggestion that the DDDA should act in respect of the common area-----

Deputy Lucinda Creighton: The entire development.

Deputy Sean Sherlock: -----the entire development - and that the €2 million outstanding should be obtained from the DDDA or, the Deputy is saying, vicariously from the Minister. In other words, effectively the Government should pay the €2 million. If I interpret the Deputy correctly, that is essentially what she is suggesting.

Deputy Lucinda Creighton: Through the DDDA and Dublin City Council.

Deputy Sean Sherlock: For clarity and in the interests of the record of the House, I am not fully across this issue but perhaps the Deputy could clarify if that is what she is seeking?

Deputy Lucinda Creighton: I have been very clear. I believe that the DDDA is responsible for this development. It engaged in a PPP with Bernard McNamara, who is not available to deal with this or pay for any of it, so the DDDA is responsible and ought to pay and the Minister ought to ensure that it does so.

An Ceann Comhairle: The Deputy is out of order.

Deputy Sean Sherlock: So that is the Deputy's position and that will be referred to the Minister in question.

Community Development Initiatives

Deputy Peter Mathews: I appreciate the selection of this issue for debate. I am sorry that the line Minister is not here on this occasion. I think anybody in this House knows Dundrum Town Centre. It is the most modern shopping centre and has the largest footfall in the country. It is the subject of a Project Jewel sale by NAMA. There are three entities on the fifth floor of Dundrum Town Centre that provide hugely valuable community services. The first is Dublin South 93.9FM Community Radio, which has been in operation for 30 years. It has a staff of 13, the majority of whom are community employment scheme employees. It broadcasts to a listenership of 12,000, has approximately 1,000 contributors and covers the gamut of life, including community life and services and political discussion. Dundrum Adult Training and Education is another occupant of the fifth floor. It provides 54 classes to approximately 600 learners aged 18 to 90 who have prepaid for the current session from the middle of September so there are financial commitments and commitments in terms of providing classes. Finally, Dundrum Citizens Information Centre answers in the region of 6,000 queries from citizens every year and has been in existence for almost 40 years. President Higgins visited Dundrum Adult Training and Education this year.

On 24 September 2015, letters were received by Dundrum Citizens Information Centre and Dublin South 93.9FM Community Radio telling them they had four weeks to quit. That is uncivil in any developed society, particularly when so many people are involved. If one adds them up, approximately 18,600 people - between listeners to the radio station, people taking classes and citizens coming for information, advice and advocacy services on a range of issues - will be directly affected by what is happening. A total of 25 local volunteers man that high-quality service.

Part of the planning permission for Dundrum Town Centre was that there would be 2,700 sq. m of facilities for a crèche, a performance arts area and areas for community groups. It is the fifth floor of the shopping centre that provides the facilities I am talking about here. It is just not right that in a modern civilised society, firms of solicitors can do this because of a unilateral decision of the town centre management acting on behalf of Crossridge Investments Limited. It is not on. When they asked me what I would do, I said that, first of all, I would not move and, second, I would be there to help them to stage a lock-in if it came to that.

An Ceann Comhairle: Thank you, Deputy.

Deputy Peter Mathews: I have five seconds left. I know I have been a bit naughty in other areas on the Order of Business. It behoves the Minister to put a brake on this and to insist that civil discussions are opened.

Deputy Sean Sherlock: On behalf of the Minister for Education and Skills, I thank the Deputy for raising this matter. By way of background, the Department Of Education and Skills funds further education and training provision through SOLAS. The latter provides funding to the education and training boards, ETBs, through an annual budgetary process for a wide range of further education and training services. The ETBs are autonomous bodies and are responsible for the organisation of provision in their functional areas.

Dundrum Adult Training and Education, DATE, is a voluntary group that was founded in 1984 and has been supported by Dublin and Dún Laoghaire ETB and, prior to the latter's establishment, County Dublin Vocational Education Committee for many years. DATE moved

to its current location in Dundrum Town Centre in 2006. The ETB took out the lease of the unit and DATE has operated its services from the centre since. The partnership between DATE and Dublin and Dún Laoghaire ETB, DDLETB, has seen the adult education programme available through DATE grow and develop to meet the needs of those who want to attend day-time adult education classes. In 2014, DATE enrolled 1,990 learners for a range of courses in areas including computers, arts, crafts and languages. Classes are held on a daily basis, mornings and afternoons. In addition to DATE, the Citizens Information Service and a community radio station are tenants in Unit 2, Floor 5, of Dundrum Town Centre. DDLETB leases the unit and the two tenants sublease from the ETB. The tenants do not pay rent for the lease of their accommodation, although they pay the service charges arising. The ETB meets the services charges arising for DATE.

The landlord has recently issued a notice to quit the unit by the end of October. It is understood that an issue has arisen in respect of the lease terms and conditions which the landlord has sought to have addressed. DDLETB has informed the Department that it is in discussions with the landlord to resolve the outstanding matters. The Minister is very anxious that these discussions are concluded quickly to the satisfaction of all parties so that the valuable service provided to learners and other service users continues to operate without interruption.

Deputy Peter Mathews: I acknowledge what the Minister of State says. The important thing here relates to a letter to me from Gerry Ashe, the chair of the board of directors of the Citizens Information Service which deals with 6,000 queries.

I think he summarises it well. His letter stated:

The CIC had previously held a sublease from the Education and Training board who also rent space in the Town Centre, but earlier this year, the Town Centre informed us that they would issue a lease directly to the CIC and its parent company the Dún Laoghaire Rathdown Citizens Information Service. However while we were in negotiation for this lease, the Town Centre decided unilaterally to withdraw the offer of a lease and has demanded immediate vacant possession. We also understand that the ETB has not secured a lease so they are not in a position to offer a sub-lease either.

As I said in my first intervention, we need to put a brake on it all and bang heads together in a civilised and civil way, and then let solicitors articulate in law or in contract what civilised discussion has achieved. Some 18,600 people are affected which is too many people to be affected in a very non-civil and very rude, abrupt and discourteous way. That is the point of the whole thing.

I again thank the Ceann Comhairle for taking the issue.

An Ceann Comhairle: That is the purpose of the Topical Issue debate.

Deputy Sean Sherlock: We are ahead of time, I think.

Deputy Peter Mathews: It is a record for me.

Deputy Sean Sherlock: I note the Deputy's closing comment and the quote from Mr. Ashe. I reiterate that what the Deputy has said is now on the record and I am hopeful that the powers that be in the Department of Education and Skills are listening. Dublin and Dún Laoghaire ETB has informed the Department that it is in discussions with the landlord to resolve the outstand-

ing matters. I hope that the Deputy's intervention today will add to that case.

Deputy Peter Mathews: The key is that one does not want the Project Jewel temptation to eliminate or obliterate courtesy in the conduct of life.

The Dáil adjourned at 5.35 p.m. until 2 p.m. on Tuesday, 6 October 2015.